

Environment & Enforcement Team

Phase I Environmental Site Assessments under the Framework Agreement for First Nation Land Management

RC Presentation for Chief and Council 2021







What is an ESA?

Environmental Site Assessments

A process that looks at current and past land uses to identify and address areas of environmental concern (contamination)

Completed in Phases (I, II and III)

Phase I Environmental Site Assessments and the Framework Agreement on First Nation Land Management

Conducted to fulfil ISC's requirements under the Framework Agreement to provide the First Nation with all information in Canada's possession regarding the environmental condition of the reserve lands

Provides the First Nation and Canada with a snapshot of the existing environmental conditions of the First Nation's reserve lands at a particular point in time, prior to the change in land management jurisdiction.

Phase I ESAs also include recommendations for further study (Phase II ESA), and the results of the Phase I ESA form part of the First Nation's Individual Agreement with Canada Under the Framework
Agreement, Canada remains
responsible for any acts or
omissions in relation to First
Nation land that occurred
before the First Nation's land
code comes into force

ESA Phases







Phase I

Phase II

Phase III

Identifies Areas of Potential Environmental Concern (APECs)

Records Review

Site Visit

Community Meetings and Interviews

Confirms Areas of Environmental Concern (AECs)

Environmental Sampling & Analysis

Comparison to federal & provincial environmental standards and guidelines based on land and water use

Managing or Remediating Contamination

Contamination delineation

Exposure pathways, conceptual models & risk assessment

Containment or remediation works, as necessary

Phase I ESA

General Process Diagram

General Overview for the Preparation, Review and Approval Process for a Phase I Environmental Site Assessment (ESA)¹

 Request for Proposal (RFP) containing the Terms of Reference for the Phase I ESA is prepared by the Joint Management Committee (JMC)²

The RFP contains:

- General description of the reserve lands to be assessed
- FOR PROPOSALS
- A list of any past environmental reports completed on the reserve lands
- Any areas of concern identified by the JMC
- Description of the work to be completed
- Schedule for completion



 RFP is distributed to a list of Qualified Environmental Consultants as agreed upon by the JMC Consultant(s) prepare and submit proposals to the JMC for review







•JMC reviews proposals and selects a consultant to conduct the Phase I ESA

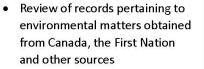
 JMC reviews Draft Phase I ESA and provides comments to the Consultant

•Consultant finalizes

Phase I ESA and
sends it to the JMC,
along with a cost estimate for
any recommended Phase II ESA
or other follow-up work³

 Consultant conducts the Phase I ESA which includes:



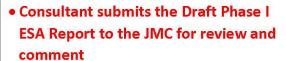




 Community meetings and interviews with knowledgeable First Nation staff, Elders and community members



- Site visit to areas of concern
 - Preparation of report describing Areas of Potential Environmental Concern (APECs), Areas of Environmental Concern (AECs), other general housekeeping issues, and recommendations for further study (if necessary)





Notes:

¹ Phase I ESAs are conducted to fulfil Canada's responsibility under Section 6.3(c) of the *Framework Agreement on First Nation Land Management* which requires Canada to provide the First Nation with "all existing information, in Canada's possession, respecting any actual or potential environmental problems with the proposed First Nation land".

² The Joint Management Committee consists of 1 representative from the First Nation and one representative from Indigenous Services Canada (ISC). At the request of the First Nation, the Resource Centre may attend all meetings and participate in the JMC as a non-voting member.

³ When required, Phase II ESAs are typically completed after the ratification and coming into force of a First Nation's Land Code.



Timing of ESA Phases

First Nation enters
Developmental Phase under
Framework Agreement

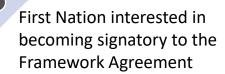
Land Code and Individual Agreement approved by Community



Phase II and III ESA (if necessary)



Executive Summary included in the Individual Agreement with Canada





- Phase I ESA occurs during the Developmental Phase
- Phase II ESA (if necessary), occurs during the Operational Phase, typically within one year of ratification, and depending on availability of funding (ISC)
- Phase III ESA (if necessary), occurs later, timing depending upon severity of contamination, potential impacts to human health and the environment, and availability of funding (FCSAP, other sources)



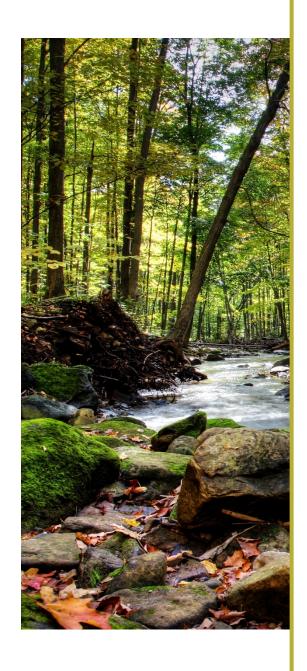
What happens if APECs are identified on reserve?

- Executive Summary of Phase I ESA identifying APECs is included in the First Nation's Individual Agreement with Canada
 - This is Canada's official acknowledgement of the existing environmental conditions of the reserve lands
- If necessary, and depending on available funding, a Phase II is conducted following Land Code ratification to determine if contamination is actually present at the identified APECs
- If contamination is confirmed, additional studies are completed to determine the extent, concentration, severity, and risk of exposure to contamination
 - Contaminated sites are scored and entered into the Federal Contaminated Sites Registry this registry includes all contaminated sites on federal lands (not just on reserve lands)
 - Sites are prioritized for action sites with highest risk for exposure and that contain contaminants most likely
 to cause adverse health and ecological effects are typically dealt with first
 - Funding for this work generally comes from Canada through the Federal Contaminated Sites Action Plan (FCSAP)
- If FCSAP funding is not available for a site, the RC has other funding sources that may be able to assist
 - Legacy Funding, Solid Waste Management Funding, Environmental Management Plan Development and



Questions?







THANK YOU!

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