

Breakout Room 1

Question 1: In your experience, what are the successes and challenges of an EA process within your Lands Office? Have you been able to meet the expectations of members, developers, Chief & Council, etc.?

- KR - Developmental First Nation – Southwestern Ontario, not a lot of resource development going on, the closest they would've had with an EA process would be Enbridge but, more the duty to consult.

Have any of the First Nations gone through the EA process within your lands office or your Nation?

- Involved in EA for hydroelectric development off-reserve, analyzing assessment reports
- Just passed Land Code. Received a parcel of land back in 2008, in the 1st phase of developing community. They did have an EA completed in 2016. Priority right now is to develop an EMP. Has a couple questions: **Do we require an EA when we start to build houses and roads? Funding being provided by ISC.**
- *JP (in response to above question):* Based on info provided and Land Code being passed, an EA might have already occurred as usually happens early in planning process, especially if receiving federal funding. Would have been done under IAA 2018. Could contact who you have been talking to at ISC, if you would like to see what they have done. EA would have been done as part of ISC releasing the funding, and should include details about the housing.
- CB (OCB): Operational FN and have an EMP that they are using. Successful program for the most part. Challenges that she sees are when the community departments want to get a capital project done, and they skip her process. **Worried about the implications, when/if proper process is not used and say someone is using the area for medicine area. What can happen if this happens?**
- *JP (in response to above question):* Can lose community support if things are going on that community members do not support. ON the other hand, from project/env. Perspective, if there is an environmentally sensitive species (i.e. SARA species, migratory bird) then you could see fines. Also difficult to build respect for your laws if administration is not following it.
- T(MLIB) – has seen similar issues but they are doing orientation to go through process step by step on what needs to be done and what the requirements are. They also send out briefing notes, remind them what the requirements are and what happen if they are not being followed. Remind them they have obligations to the environment and their members as well as detriments that could happen to the land. Good idea to have a yearly orientation.

Question 2: In your experience, what activities trigger an Environmental Assessment? Should you apply the same Environmental Assessment process to all activities?

- DR: Process in place. It's hard with covid though, hard to educate and find enforcement to get everyone up to speed.

- KR: Developed a matrix/assessment tool to evaluate impacts (for off reserve projects). Consider proximity, for example. They will invoke their consultation protocol. There was a bill that was passed to give municipalities veto power.... particularly land fill sites

Curious to know, do you have an EA law or operating under policy or interim EA process?

- A: Our Land Code was adopted just before Covid- its as though our community has forgotten what it means. We are now just starting to write laws and develop processes for implementation of projects. That said there is much resistance to red tape of EAs and other hoops that are in place slowing down development opportunities. We are working on an EA Law/ Development Procedures.
- T: communication strategy so everyone knows process, contact information. MLIB has pre-development meetings, to go thru steps with them beforehand.

Breakout Room 2

Question 1: What are some of the best strategies you have in mind for working with members to promote compliance with environmental and cultural resource standards?

- JG– biggest thing is transparency, first & foremost developing that trust and maintaining it – Membertou is very transparent, and this has majorly contributed to their success;
- SLR– agrees, but newly operational & COVID has kind of thrown a wrench into that – we haven’t gotten that far into things yet, but we need to; did best with our COVID law and did receive some pushback to the covid law; but before COVID had plans to instill justice models – have problems with illegal dumping and have made headway with Solid Waster Management (SWM) plans & dealing with issues there and reconciling issues, actions, with consequences to contribute to mitigation of choice and be proactive in SWM plan & with issues how members are dealing with waste – Sts’ailes has Cultural Heritage Policy that we mostly go by now and rights & title handles it EA, AIAs through that policy etc;
- The best strategy to promote compliance is about education and communication – transparency is important and if our people can’t find themselves in the law and see themselves in the issues) education is best bet for member compliance;
- Transparency and another key element is the employees of the department and who you have in there is also important to this area in providing guidance and ensuring compliance – kind of behind in getting the right information out – has been a struggle
- JG – transparency that leads to education and then lends to compliance and accountability; need to have support from Council for the work that that department is doing – needing to ensure consistency; sometimes biggest obstacle is chief & Council themselves – need to have that full circle;

Question 2: What kind of scenarios do you find local knowledge beneficial? (e.g., resource extraction, rights, protecting our interests, etc.)

- BA - pretty much every situation we are having conversations with our elders and our local knowledge is key for those areas;
- JG - add to what Bonnie said – everything you do need to include your elders and how often are you collecting this information from your elders – can be hard because this often tied to budgets and constraints so making

sure you have a contingency in place to deal with budget constraints and how you're going to be obtaining, holding, and sharing information;

How do you preserve your elders from being overused?

- JG – never paid elders for their knowledge, but recognize their time so we give them a small gift for their time, just never paid for their knowledge because it is collectively owned by all our people – break it in to historical and current – so different knowledge holders are included – our elders are getting burned out from multiple projects;
- SK (BON) - Information gathering part is so important in community and throughout these processes are developing a pool of elders and knowledge to draw from so protecting sources from burnout – now our department capabilities has grown to where we're doing things like making our maps in-house;
- BA – really highlights the need on how we collect, track, store, and use this information – losing elders every year and where are all those pieces stored and how do members access this information so that we don't have to burn elders out and recollect that same information every time;
- SRL – really this information is so important to everything you do and especially during freshet and rely on our local elders to read the waters and when to expect what – mostly we rely on our local knowledge keepers and they will do a site visit for cues when flooding events are going to occur – want to make more space in our lands department for this work;

How do you get governments or large organizations to ACTUALLY care about the traditional knowledge and incorporate it into the EAs, rather than it just being mandated as part of their duty to consult?

- JG – we are using it in consultation process to get the recognition – at end of day it's the government & proponent and community itself to decide how much they want to pushback - data Collection is the most important and another huge thing when mismanagement of data occurs and compromises everything – should be another whole session just on metadata;

Breakout Room 3

Question 1: How does your First Nation determine the cultural impacts of development projects?

- Variety of ways to identify. Engagement and consultation with communities (work with 7 within treaty 1). Keep all information inn house. Smallest numbered treaty territory, 7 Nations may be most impacted by colonization (Winnipeg). Have met with Winnipeg to begin discussing cultural artifacts from areas that we have been removed from for hundreds of years. Putting ourselves back into this place of responsibility.
- Our Nation is part of a growing community. Trying to create policy to protect items and artifacts. Previously was a “take your things and get it out of here so they don't have to see hear or smell our items”. Because of COVID we don't have a repository to send our artifacts. We have no tracking system currently. Some of our ancestral remains areas, cultural artifacts, etc. are with various people, consultants, individuals, etc.

Question 2: What are some of the mitigation measures used to protect and preserve cultural resources?

- We have to practice what we preach. Had been looking externally and pointing out what others are doing wrong, but we needed to look internally to make sure we were following our laws, policies, and good practices. Internal (member) contractors hired to do work within community, such as shingle removal then finding the waste dumped somewhere in the community. Never was an internal monitoring of what we were doing environmentally. A community he works with in the north really needed some developments, they got it going but there wasn't any involvement with the Lands Department. It left the projects kind of "unguarded" because we had the ability to leave the project alone to allow it to happen.
- we experience similar issues with holding themselves to separate standard than outsiders doing projects on reserve
- Agreed, we don't have the same practices on reserve that we hold external people to. We found 2 archaeological sites on reserve and didn't even consider them in projects we have going on. We actually ended up partially damaging part of one site. Trying to get lands department "foot in" to hold that space to start those good practices internally (as well as externally).
- we have one of the smallest land bases per capita (only 50 acres of livable land, 2000 members). Haven't been able to or had to set aside lands for SAR,
- treaty1.ca has the largest urban reserve. Trying to create a collective Land Code for all 7 Nations (Brokenhead and Long Plain already operational). 109 acres in heart of city of Winnipeg, 20 year battle. Check out the website to see what they are working on, a master plan as well.

Question 3: To what extent are your First Nation measures for protection measures of environmental and cultural resources mostly aimed at non-members? How do you promote this with non-members on your lands (e.g., education, authorities, process, etc.)?

- we've had to go through a serious of consultations. It's starting to feel like we are now consulting more with external local communities and need to get back more to our member engagements as well. The recent discoveries of the 215 children has hugely increased the people's interest in our Nations and our people, a lot more people interested than ever before.
- our master plan was unveiled this year where we consulted with our local communities in our planning just as much as our members.

Breakout Room 4

Question 1: What strategies does you community use to identify presence, distribution and management of species at risk on your reserve lands? Do CP holders have a role?

- Consultants are usually hired to conduct this type of work – First Nation followed mitigation that was recommended (invasive plant species removal) – CP holders agreed to work with consultants
- CP holders – Leary of EA process because of what has gone on – how long processes have taken

Question 2: Have local knowledge systems helped to indirectly benefit SAR and their habitats (site vs. systems perspective)?

- Certain areas designated as more conservation/protection areas that come from knowledge keepers in the community – has also been identified by consultants so there was some overlap

POLL RESULTS

Is it challenging to maintain confidentiality re: certain data such as species at risk in the context of development and LUP?

- Cory - certain species sold on black market (turtles) - protect area without giving too much information/specific locations
- Env. Canada wanted to make entire reserve critical habitat – First Nation not comfortable with that as they did not want to hinder the land development on reserve, however they also wanted to protect SAR to the best of their ability.

Has your community benefited from the development of partnerships with organizations, such as academia, conservation groups or other research institutions?

- Partnership w/ Parks Canada – located next to two National Parks. First Nation works with Parks Canada to build capacity with members to develop internal monitoring programs
- KCP – look at priorities & build capacity in a certain area(s)
- Great Blue Heron – First Nation spearheading restoration on site.