

Environment

RC Training, Support & Resources Workshop

March 18, 2021



Introduction

A First Nations organization dedicated to serving and supporting First Nations communities who want to re-establish control over their lands, natural resources, and environment through the historic government-to-government *Framework Agreement on First Nation Land Management*.

RC was established by the LAB to undertake its technical responsibilities to FNs, through:



"Supporting First Nations to exercise their Inherent Right to govern their Lands, Environment and Resources."

Presenters



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Environment &
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ENVIRONMENT
& ENFORCEMENT



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Environment &
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Presentation Overview

1. Introduction and Overview
 - a) RC Environmental Support Tools
 - b) Definitions
2. Environmental Site Assessments (ESA)
3. Environmental Management Plans (EMP)
4. Environmental Laws
5. Environmental Protection (EP)
6. Environmental Assessment (EA)
7. 1 on 1 Individual Support
8. Questions & Discussion
9. Summary



RC Environmental Support

- Available to provide support and advice.
- Involved by request from the First Nation, can be contacted through your RC Support Services Technician.

Our level of involvement is up to the First Nation.



Overview

ESA

Environmental Site Assessment

- Identifies, tests and remediates areas of environmental concern on First Nation reserve lands.
- Completed in 3 phases.
- Results of the Phase I ESA contributes to Individual Agreement with Canada.

EMP

Environmental Management Plan

- Planning tool that identifies key environmental issues and priority areas on reserve lands.
- Proposes strategies to address the identified environmental issues and priority areas.
- Includes an implementation plan that forms the basic work plan for a First Nation's Lands & Environment Department.

EP

Environmental Protection

- Sets out the maximum acceptable levels of a particular substance in the environment before it is considered a contaminant (standards or criteria).
- First Nation EP laws meet or beat provincial standards.

EA

Environmental Assessment

- Predicts the potential environmental, social and cultural effects of a project before the project occurs.
- Proposes mitigations measures to reduce or eliminate the predicted effects.
- Includes public consultation.
- A tool used for decision making by the First Nation.



The Joint Management Committee (JMC)

- ESAs are overseen by a Joint Management Committee (JMC), which usually consists of one representative from the First Nation and one representative from Indigenous Services Canada (ISC). In instances when the parties may have differing number of participants to the JMC, there remains an equal voice in decision making between the First Nation and ISC.
- If requested by the First Nation, the Resource Centre may attend any or all meetings and participate in the JMC to provide technical support to the First Nation, as a non-voting member.



Environmental Site Assessment (ESA)



Phase I

Identifying Areas of Potential Environmental Concern (APEC):

- Records Review
- Interviews
- Site Visits



Phase II

Confirming Areas of Environmental Concern (AEC):

- Sample collection & analysis
- Comparisons to Federal/Provincial environmental standards & guidelines for land and water
- Recommendations for further action



Phase III

Remediating Areas of Environmental Concern:

- Delineating contamination & identifying exposure pathways
- Modelling & risk assessment
- Recommendations: design & implementation of remedial works

ESA Phase I Process



Request for Proposal (RFP)

Contains the terms of reference, area of interest, notable concerns, tasks, schedule of activities, and distributed to list of qualified consultants

Consultants Proposals

Consultant(s) prepare and submit proposals to JMC for review

Draft Phase I ESA Report

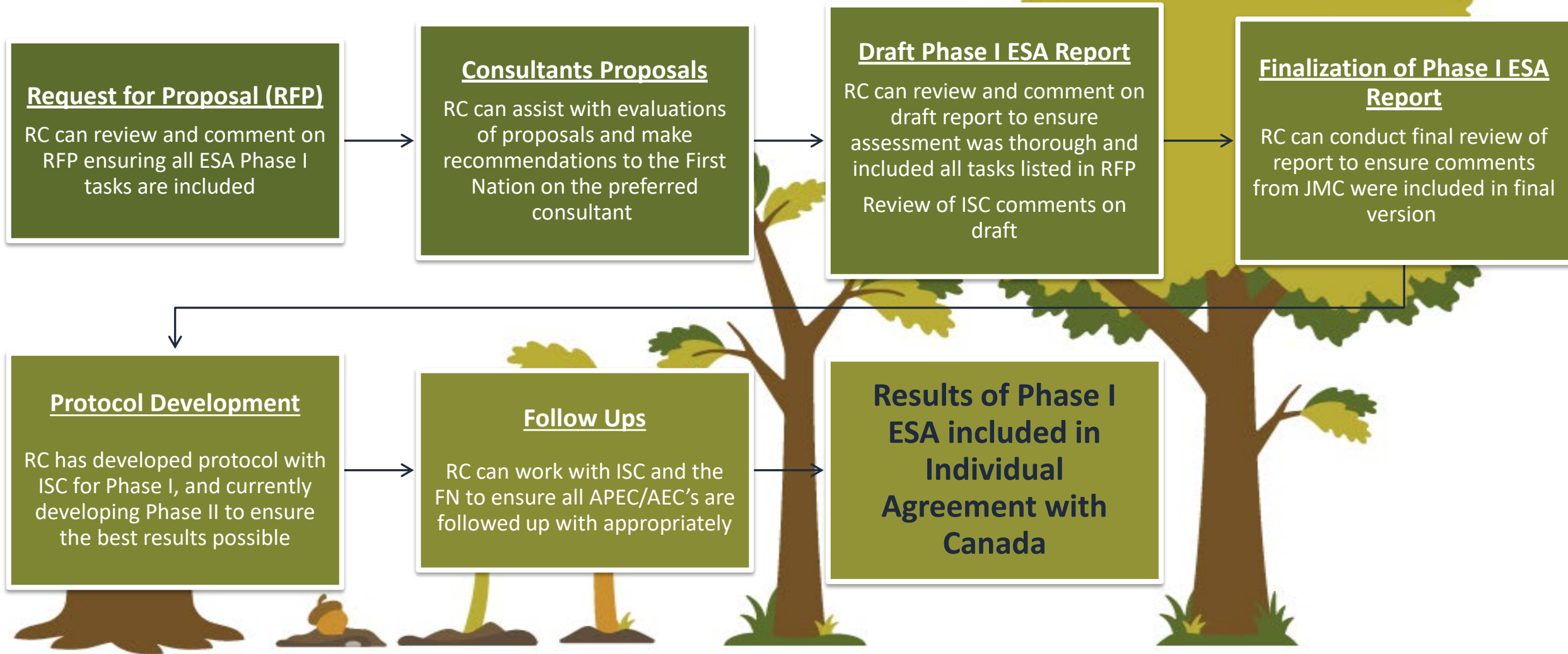
Consultant conducts assessment, prepares and submits report to JMC

Finalization of Phase I ESA Report

Consultant finalizes report and sends to JMC with any recommendations for Phase II or follow up work with attached cost estimates

**Results of Phase I ESA
included in Individual
Agreement with Canada**

ESA Phase I Process & Supports



Environmental Management Plan (EMP)



Environmental Management Plan (EMP)

- Identifies key environmental issues and priority areas on a First Nation's reserve lands.
 - Air, water, soil, cultural resources, etc.
- Proposes key strategies to manage or address the identified issues and priority areas.
 - Education, monitoring, policies, laws, etc.
- Includes extensive community consultation
- An EMP includes an implementation plan that forms the basic workplan for a First Nation; it tells you what you're going to do, when each task should occur, and assigns responsible parties to complete each task.



Environmental Management Plan (EMP) – RC Support Tools



Collaborative EMP Funding Program* provides:

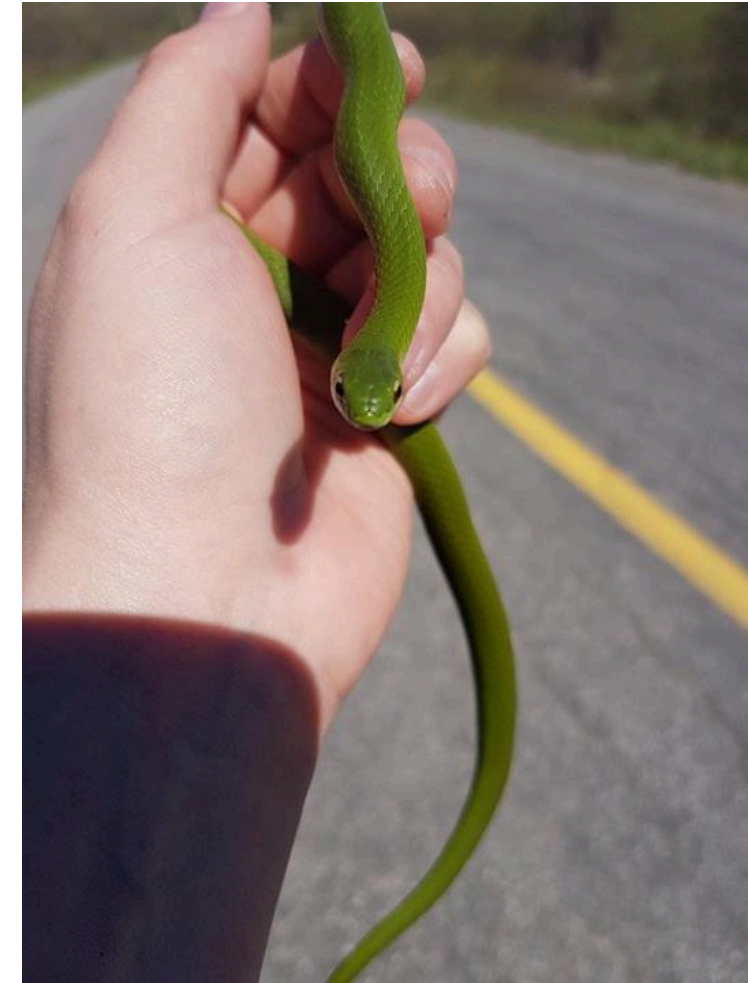
- Funding and technical support to limited groups of Operational First Nations to develop their individual EMP's.
- Administered through a milestone-based funding agreement.
- \$80,000 in funding provided directly to approved First Nations to develop their individual EMP's
- Additional support is also available to First Nations that have completed their EMP's under the Collaborative EMP Funding Program for the first year of EMP implementation (\$120,000 per First Nation to implement their EMP).

*The RC will be sending out letters regarding the Collaborative EMP Funding Program and application process to all Operational First Nations shortly.

*Funding is currently limited to 10 entrants for 2021-2022.

Other EMP Support Tools

- RC EMP webinars, online courses, and samples created by other First Nations.
- Reviewing and commenting on work plans, communications plans, and draft EMP's.
- 1 on 1 support for specific issues and questions.



Environmental Laws



Environmental Laws

- Under the Framework Agreement, the council of a First Nation with a Land Code in effect has the power and authority to make environmental laws relating to First Nation land.
- Under the Framework Agreement, a First Nation with a Land Code in effect will develop both an environmental protection and environmental assessment regime that will be implemented through First Nation laws.
- Other environmental laws a First Nation may consider developing include, but are not limited to:
 - Contaminants on First Nation Land.
 - Environmental protection requirements including requirements in respect of natural resources, soils, water and groundwater.
 - Environmental emergencies and natural disasters.
 - Conservation and heritage management requirements.
 - Implementation of any provisions of a First Nation environmental management plan.
 - Recycling, solid waste and garbage disposal.
 - Nuisances including noise, odors and vibrations.
 - Unsightly premises.
 - Sewage and effluent discharges.





Support for Environmental Laws

- The RC can assist in determining where environmental laws are required, and assist with their development:
 - Providing sample laws from other First Nations.
 - Reviewing and commenting on draft laws to ensure provisions, offences and enforcement measures are appropriate.
 - Working with federal and provincial agencies to promote recognition of Land Code First Nation environmental laws.

*RC support for environmental laws does not replace the need for a First Nation to retain independent legal advice but can help reduce legal costs for environmental law development and adjudication.



Environmental Protection (EP)



Environmental Protection (EP)

Defined as efforts to identify, prevent and remediate any contamination of soil, water and air, reducing health and safety risks to humans and the environment.

Sets standards or criteria of acceptable levels of a substance in the environment before it is considered a contaminant.

The Framework Agreement provides that a First Nation will establish environmental protection laws which meet or exceed provincial standards for the province in which the First Nation is located.

Common examples of potentially contaminating activities on Reserves:

- Hazardous substances (contaminated sites, spills)
- Solid wastes
- Fuel storage tank management
- Sewage treatment
- Environmental emergencies
- Deposit of fill from unknown sources





Environmental Assessment (EA)

- A Decision-making tool used by the First Nation.
- Predicts the potential environmental, social and cultural effects of a proposed project before it occurs.
- Proposes mitigation measures to reduce or eliminate those identified effects.
- Includes public consultation.





The RC can provide EA Support Tools that include:

- Development and implementation of EA policies and procedures under a First Nation's Interim EA Process.
- Development of a First Nation's EA Law.
 - Providing sample laws.
 - Reviewing drafts to ensure that provisions, offences and enforcement measures are appropriate.
 - Testing proposed EA processes in a First Nation's draft EA law.

*First Nations will still need to seek independent legal advice on their EA law.





The RC can provide 1 on 1 support to assist with community specific requests

Examples include:

- Unique environmental issues
- Incidents
- Emergencies
- Arising environmental issues
- Support for climate change.
 - Adaptation planning
 - Climate change monitoring
 - Community-based initiatives



In Summary



At the request of the First Nation, the RC is available to provide support and assistance with:

- The Environmental Site Assessment (ESA) process (Phase I, II & III)
- Development & Implementation of your EMP
- Environmental Laws
- Environmental Assessments (EA)
- Environmental Protection (EP)
- 1 on 1 support

Please contact your RC support services technician for environmental support, resources and assistance.



Questions & Discussion



SUMMARY - How to access support

First Nation Requests Support



**RC Support
Technicians
/ Managers**



Land Code Governance

GIS &
Traditional
Knowledge

Communication
& Public
Relations

Environment

Surveys &
Legacy Issues

Land
Registry

Land Use
Planning

Solid Waste
Management

Law
Development &
Enforcement

LGM &
Knowledge
Path Tools