



AROLAND FIRST NATION

Initial Input to Federal EA Regulatory Review Panel Hearings

Mark Bell

Band Councillor, Aroland First Nation
Indigenous Panel Hearing Session
November 15, 2016

Aroland First Nation

- Anishinaabe community located approximately 350 km northeast of Thunder Bay near Nakina, Ontario
- 741 Members, approximately 400 in the community
- Deep connection to the lands and waters of our Traditional Territory and strong reliance on traditional activities such as hunting, fishing, trapping and gathering
- Currently involved in the federal EA processes for Greenstone Gold Mines, TransCanada Energy East, and Noront's Eagle's Nest Mine.
- Signatory to the Ring of Fire Regional Framework Agreement
- Working towards sovereignty and jurisdiction through Land Use Planning and the Far North Act





Issues with the Current EA Process

- We want a meaningful, collaborative EA process with the Crown – instead, we get to “comment”
- Indigenous Jurisdiction and Rights not respected - Nation to Nation relationship is not happening
- We do not have the resources and capacity to conduct our own EAs
- As a First Nation government, we should be conducting our own EAs on the projects that impact our rights and interests
- Most projects have regional impacts – we ask for regional EAs – Greenstone Gold, Ring of Fire, TransCanada Energy East – but our requests are not accommodated by the Crown
- We ask for Regional Strategic EAs so that we can understand how past industrial activity – Waboose Dam, mining and mining contamination, mercury issues – add to the impacts of new proposed industrial activities



Issues with the Current EA Process

- Sustainability, environmental protection and conservation are not given the same weight as economic factors – a few jobs and contracts for a few years vs. a land base that has supported us for thousands of years
- Duty to Consult Has Been Delegated to the Proponent by the Crown
- Proponents lead EAs – WE need to lead EAs
- Lack of Funding to Indigenous Communities to Actively Participate
- Notification/ information sharing process is flawed
- Strict regulatory timelines are a barrier to us – our hunting, trapping, fishing and other traditional activities are way more important than the Crown's deadlines
- We need time to have discussions within our community, not rushed discussions to meet someone else's deadlines



Issues with the Current EA Process

- Our Indigenous Knowledge is not woven into EAs and EA decisions – our Indigenous Knowledge is usually a separate appendix at the back of a huge document
- We don't see our voices, our ideas, our recommendations included in these huge EA reports – our voices are absent
- No Accountability in Monitoring and Follow Up for making sure EA predictions were accurate and commitments are held
- Our community wants, but does not have, a meaningful role in final EA decision-making in our territory
- We don't have a say in what triggers an EA
- Sending comments to some bureaucrat in Toronto or Ottawa is not meaningful consultation on what triggers an EA

A vertical strip on the left side of the slide shows a close-up of autumn leaves in shades of red, orange, and yellow, with some leaves having small holes. The background is dark and out of focus.

Issues with the Current EA Process

- As a First Nation government, we're not at the table with the Crown as equals
- We know our lands and waters, we know when a project is likely to impact our rights and interests – we should be front and centre in saying what project requires an EA – not some list created by people in Ottawa
- There are no processes where an EA can be delegated to our First Nation to conduct the EA by substitution our EA processes
- There are no processes where an EA can be done through a collaboration agreement between us and the Crown
- There's no process to make sure we have a clear role consultation, assessment, and monitoring of Projects
- Cumulative Effects are not assessed on a regional or watershed basis



Recommendations

- Legal and capacity mechanisms for delegating EAs for US to do!
- EA collaboration agreements between the Crown and our First Nation – with adequate resources and capacity for us to do the work and hire experts who work for us
- We should be front and centre in determining which projects require an EA, and the scope of that EA – early involvement starts with these decisions
- Define clear roles for our First Nation government and community members in the EA Process
- Put the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and Free Prior and Informed Consent (FPIC), into the heart of the EA Act
- Make Regional EAs a reality – the historic industrial issues and impacts we face are real and huge – look at Waboose Dam!



Recommendations

- One Crown Agency for all EAs and the same rules for All EAs – National Energy Board and the Canadian Nuclear Safety Commission should not be conducting EAs – they are too friendly with the industries they regulate
- Monitoring programs that WE lead for baseline data and follow up data collection (wild meat monitoring program, fish health studies, wild berry monitoring program)
- Increase Transparency and Collaborative Decision-making with First Nation governments
- Flexibility with the time it takes for First Nation consultation - develop timeline with our First Nation
- Funding – whether from proponent or Crown – for our full involvement in EAs
- Crown must assess and discuss Indigenous title, Treaty rights and Indigenous governance rights, and the impact of any project on those rights
- Consultation on all key decision milestones by the Crown



Recommendations

- Make consideration of Indigenous knowledge **mandatory**, its collection and use appropriate, and ensure it is meaningfully integrated into all relevant aspects of the EA process
- Recognize that Indigenous knowledge is not just “traditional” – we are a modern, forward-looking First Nation – we currently use the land, and we have visions and plans for FUTURE uses of the land, and the rights to those future uses, that may be impacted by projects
- Effects assessment on Land Use (hunting, fishing, trapping, gathering) needs to include effects on Indigenous Food Security, Health, Culture, Economy – today and in the future
- Indigenous Led EAs so that OUR government can regulate projects on our territory
- Proponent pays for follow up/monitoring/advisory committee
- Full members on Government Review Teams, Joint Review Panels and Advisory Committees



Miigwetch!



Mark Bell – Band Councillor

Aroland First Nation

Phone: 807-329-5970

Email: arolandtourism@gmail.com