Expert Panel Indigenous Presentation Session

Review of Environmental Assessment Processes

November 4, 2016

Lexington Hotel & Conference Centre, Sudbury, ON

Expert Panel:

Johanne Gélinas, Chair;

Doug Horswill;

Rod Northey;

Renée Pelletier.

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Opening Remarks

Jill Adams: Good morning, everyone.

Welcome to the indigenous presentation session for the Expert Panel on the Review of Environmental Assessment Processes.

We have simultaneous translation for this event so the devices are available at the Welcome Desk just outside the door.

Yesterday I also found it useful that if the heating fan comes on and it is a little noisy and you can’t hear, you can put the earphones on and it helps even in English or whichever language you want to hear it in; it’s louder so it’s a good use of that as well, if you want to do that.

The French will be on Channel 2, I believe and English is on Channel 1.

Reminding the presenters to please keep the pace of your speech relatively slow so that if there is an interpretation required then the person has a chance to do that.

The emergency exits. There's the door that you came in and there's also a door here to my right.

Before we begin today — I would like to emphasize this because I forgot it yesterday — please make sure your cell phones and devices are set to vibrate or — anyway don't play music and whatnot, please.

There will be an audio recording of today's presentations. It's being created and written — a written transcript of that will be available on our website at a later date so the recording won't be available but it will be transcribed into writing, so if you want to refer back. Also there is going to be summaries of what we heard here in Sudbury. All the presentations that you provide to us will be posted on the website as well.

If you are presenting today, please be sure to check in with the Secretariat staff at the table near the entrance, so with Bradley.

My name is Jill, I'm also with the Secretariat and you also have Agnie and Jonathan to your left at the table over there. If you have any questions or need anything please let one of us know.

And now I would like to introduce our Chair of the Expert Panel, Madam Johanne Gélinas. She will oversee today's events.

Thank you.

Johanne Gélinas: Thank you, Jill.

Good morning, everyone. There are some familiar faces in the room so I'm happy that you are back for this morning's session.

My name is Johanne Gélinas, I chair this expert panel with my colleagues. On my right, Renee Pelletier and Doug Horswill and on my left, Rod Northey.

I would like to turn to Renee to say a few words.

Renee Pelletier: Thank you. Before we begin, we would like to acknowledge that we are in the traditional territory of the Anishinabek. Thank you very much for welcoming us to your territory, we are very grateful to be here.

Johanne Gélinas: So we are in the sixth week of our cross-Canada Indigenous and Public Engagement events.

I remind you what is the mandate that was given to us by the Minister of Environment, Catherine McKenna.

Three components: First, to consider the goals and purpose of modern day environmental assessment.

Second, to communicate and engage directly with a broad section of Indigenous People, interested groups, organizations and individuals.

Develop recommendations to the Minister sometime in early 2017.

Yesterday we had the public session, so we had a workshop in the evening and also presentations during the day, so today it is our Indigenous event day.

We have three presentations this morning, so we should end around 11:00 o'clock. And this afternoon at 3:30 p.m. we also have another presentation and that will conclude our session here in Sudbury.

So without further ado I would like to invite Mr. Clyde McNichol to join us.

CLYDE McNICHOL

Clyde McNichol: Good morning.

Johanne Gélinas: Good morning. I will invite you to open the mic.

Clyde McNichol: Is it already on?

Johanne Gélinas: No, you have to press the — okay.

Clyde McNichol: I'd like to thank you, as well, from the First Nation People for what you are doing here today trying to make this a better place for all of us to live.

My name is Clyde McNichol, I'm from Benny, and I'm traditional. I always carry my feather. This feather represents our people and the truth of our people. When we speak, we always speak with our feather, so that's why I usually bring my feather with me because I'm traditional and I've been learning my culture over the years.

I left home just after high school. My journey was to travel across the country and to visit my people and to learn my culture because where I grew up we did not have our culture; that was taken away.

So where I live, my family, my cousins and all them, they don't have what I took this journey upon for my people. Without understanding the culture of the Anishinaabe People — I never call us Indians; that is not the word for us. We are Anishinaabe People.   And even my family says they are Indians; we are not Indians, we are Anishinaabe People of the land.

Now I know I've got only so much time here, but that's the thing, time is — you know for something that's such important for the environment there shouldn't be really a time limit because when you are speaking from your heart and for anybody else to understand you have to go through this process.

So I am going to try and do the best with the time and what I've got to offer and talk about here.

My culture has been here a very, very long time and since the arrival our language, our teachings has been taken away from our people. Today you see our people sick, alcoholics, everything, because everything has been taken away here from us.

I have been struggling with this bush. I started — me and my wife started this camp, it's called Camp Eagle Nest, and it is to bring the culture to my people, to the young ones, to the youth, and to the elders that still don't understand.

This is why this camp is so important for my people and for me and where I live.

Now the disaster is happening right as we speak today, where that bush is going down.   In one of these areas we've got the oldest bush around.

My wife mentioned 300 or 300-plus forest there, undisturbed forest where you can walk in and the only thing that you would see in that forest is the animals that walk through it; no other footprints are going through that forest.

It has been a battle since — we're still battling this and the big thing is everybody thinks they own the land. No, we did not give this land away to anybody.

Now it's a lot of work to get this information and to understand. It cost my people along this land thousands and thousands of dollars to dig this information up, and it is there, but it cost us money to go and look for it and to do everything that we need to do.

Now finding people with good hearts along the trail with my feather, my wife, and others that believe in what we stand up for on this land — so with Camp Eagle Nest being there and the bush company cutting, it's not only the cutting they are doing, it's also that very dangerous chemicals they use to spray. And what that spray does, it kills everything, every plant, every flower, every insect that's around there dies within a matter of months by the time that chemical really starts to work. So that's designed to kill everything around so when after they finish cutting the bush they go in after they finish spraying, they probably wait another year and then they go in and they start planting trees. And the only thing they grow is the tree they make money off. Everything else they don't give one hoot about.

Me, I do, to everything that's on that land.

My family has been there for generations and generations since the — even before the treaty was even signed. That's how long my family — and I've still got to prove that to everybody today that that's my land.

I took a journey to learn my culture the right way so that I can understand and so when I come to places like this so that people can understand it's not an easy task of an Anishinaabe person trying to live on his own land again. Just trying to live on our land it's not right what we have to go through.

They say start a business. I started a business. Governments don't even give me funding because I'm against the woods, the water; that's not right either. We had a funding that should have been well on our way. They told me last January, "Funding will come in. You're accepted." Today, they turned me down. They gave me two pays out of there and they turned me down and saying my camp is not suitable — not suitable for people. Why? Because I don't have electricity. I don't have flushing toilets. Me, I rent that stuff out for the children. Instead of digging a hole and putting an outdoor toilet there, I rent portables for them.

So everything I want to teach my people is to live off the land the way our people did. And I would like to show the kids, the youth and the adults, the bush, how beautiful that is and how rare it is because they're going to go through other bushes and you're not going to see what you see up there.

Me, I would like to bring anybody from the governments to go and see that beauty that's there. I don't want to watch it get struck on account of money.

It's very hard for me because even my chief don't understand. Now that hurts. That hurts real bad when your chief can't understand his own culture. He should be there supporting me.

The land we're standing on today is mine, right where we sit. All around, this is my land, the reserve. It extends from here all the way up to the watershed to the great rivers on each side, and that's my Anishinaabe territory.

I'm Sturgeon on my clan. Now I've been going through the time looking through these documents and everything. They've got my people writing their names in X's.

Our people did not write with an X. We have a clan and we used our clan symbol on everything we done so that we could be recognized going through other territories.

When another territory seen you with your wampum belt on, and they will look at it and they will say, "Oh, there comes the Sturgeon." They know who you are, and they know where you come from. So we would go and ask them if we needed food or help; that's what that wampum belt represents. We did have a Nation, we did have our governancy; we did have our laws before this all come in.

Now our people has been here. You know they tell me, "Where is their graves?" Back in the day our people — what you do today for — like we burnt them, we wrapped them up in bearskin or stuff like that. We had our people there, and that's our ceremonies. So that's how we sent our people off.

And today everybody wants to find bones, everything — "You guys been here a long time?" "Yes, we have been here since the time the Creator has put us here."

The same with you, the four colours. Wherever the four colours the Creator put — He gave us all teachings, and very simple teachings, a very simple life. That's all He asked was a very simple life for the people that lived here. And that's why we survived to today, and today we see disaster all over: chemicals, mines, everything that's polluting the water, that beautiful lake right there what you see in that picture. One day you're not going to be able to jump into that water. Nothing is going to survive. We have to protect the water, the trees and this land.

For everybody to understand, the governments and that, we are the people that know how to take care of this land. We have the strength; we have the Creator with us. And to start rebuilding this you must have to start listening to our people because if things don't happen things might get nasty down the road and you aren't going to have none of this. That's what I don't want to see.

I would love to see us work together so that nothing is going to happen to anybody. I have been trying to keep this in good heart, in good faith, what I'm doing protecting my camp, protecting those woods. That's my duty in life not to come and run an office or anything; my duty in life is to protect this land and to help and teach anyone that likes to know about our people and the way our people do things.

So it's hard when you can't even have your own Chief and Council to understand who they are as Anishinaabe people and their clan system.

That's designed for the kids. If I lose those trees and those areas in Benny this camp is not going to happen. Who wants to come to a camp when you've got no trees? How am I going to learn people how to — these young ones how to trap — at least acknowledge what we've done as Anishinaabe people; how we lived off this land where we didn't need any of this.

Our teaching comes from our parents, our — our reserve or you know our village. It all came from us, our parents hand down by bringing us in the bush, bringing us to these lakes. As we walked, they would talk and tell us stories in Anishinaabe language. Everything what you hear in the stories of Anishinaabe it's a story that's telling you a journey to where they are going and what they have seen on the way. So it's not just all — it's all a journey; it's all there.

And it is so hard and you know people have really got to listen because like things — I don't want to see things happen. I would like to have this world as peaceful as the Creator has put us down here on the first day.

Now we've asked people to help us and just like we're asking you, we need that letter of support. There is one thing that you can do, is, that letter of support.

I have been going around talking and I have been finding more information, lots of information so when we go to courts I want to have that treaty there because in those treaties we did not do it that way. We did not put an X, we used our clan symbols. From 1763 to 1850-something there when we had the other treaty, as you will see in time if you follow us, those papers will come up with our clan symbols on there.

And that's so the rest of the Nation could see one of us — we talked about what's happening here today or what's happening in the future.

We started this camp designed for the kids and youth, and everybody to come and learn, to honour this land. And I really feel disappointed because my dad went to war for me and for you. Every year the 11th comes; I don't get that respect.

My dad fought for us and you, and we won that war. Everything was supposed to be free. Everything was supposed to be helping our people. Nothing. They promised my dad lots. Nothing. They were supposed to treat him for shock for what happened, what he seen in the war. They sent him home.

Do you know what that does to a man that doesn't get help like that after coming out of a war? My family had to go through some stuff which my dad couldn't handle; no help.

So the rest of my brothers, they had to put up with seeing my dad going through it and not understanding what has happened. Me, too, I did not like my dad because I seen him beat my mom. Flashbacks. You see that in them. That's not a sight you want to see when you're a kid because you're going to remember it for the rest of your life, and I have to carry that for the rest of my life. But I learned, as I've done learning my culture, and understanding my dad what he had to go through, and I forgave him for being my dad the way he became an alcoholic trying to cover all this. He went to war and fought for this land, for us, and today we are still fighting for this land where we shouldn't have to be fighting.

Now back in the Treaty Days the government said, "We'll help your people." Now I've been to so many reserves where you either have to fly in or boat in.

Now if you were to go up there and look at some of those reserves, it will break your heart to see the people live like that. And where they were supposed to be taking care of us, there's no help, no one.

We even have a hard time getting water to Grassy Narrows where their lakes are filled with mercury from the mines and the disaster of the bush up there, as well.

If you go up and look at those kids you see deformation, but that little girl, that little boy still smiles and greets you. And if you don't know what happened to them then it is not going to affect you. But when you know what happens to that family and you see them — that's on account of the environmental. Everybody can make mines, everybody can do this. Science can make anything in the world for destruction. Now science should be able to make something to undertake all this. If they want to do something great in this world, that's what they should have to do, and to listen to us.

I was here yesterday listening to some of these ladies and they talked. Yes, we should be there, and the way of that treaty you're supposed to come and ask us, all in a good way. We do work things out.

You've got to come and ask us; you don't go and take, because if we come and take what you guys have you know what's going to happen to us right away; we're going to jail. But it is all right for other people to come and do this — But it is not.

So what I'm asking is just for this very important letter for you and to be able to come more out and see our people and understand. We have great

elders out there which are not being recognized. If they do, it goes in one ear and out the other ear on the people.

It gets frustrating, yes, it does, because we've been in talks for the last 500 years and still we're on the bottom of the list.

Johanne Gélinas: Mr. McNichol, I am sure my colleague would like to ask you a few questions, if we may?

Clyde McNichol: Yeah. M'hmm.

Johanne Gélinas: Thank you very much.

Renee Pelletier: Miigwech, Mr. McNichol.

Clyde McNichol: M'hmm.

Renee Pelletier: I just wanted to take you back to your first — one of your first comments about funding. You said that it cost your people thousands of dollars to get that information. I think you were talking about information about the forestry that was going on around your camp.

Clyde McNichol: Yeah.

Renee Pelletier: Could you say a little bit more about that?

Clyde McNichol: Well, we tried to get more funding so that we can at least start repairing the land what they done, the damage they done already with the spraying that they done over the years.

We had some funding. Okay, we have been through the courts, we have been through MNR. MNR and everybody else says, "Okay you have to acknowledge, you have to tell us, you have to show us, so we end up getting our geological people."

Now, in that book with MNR and the federal government wrote for the MNR to — they handed it over to them to take care of that in the right way. Now in that right way it's gone because they think they own it. And I have asked them, "If you own this land, I want to see that paper stating that we gave this away to you."

Now when the treaties and stuff and that came in, that did not happen that way. So we got these fundings and that's what we used it for; we didn't go use it for nothing else. We went and hired these people because the MNR and that book of law states anything found in this book on the Anishinaabe land they have to open the books and come back and check this out again.

Now I don't know any other way. We hired professionals to come out and look and they stated, "Yes, you have the oldest forest trees, plants, animals, everything that this book describes you have it on your land." We brought that up in courts and the courts still walked over us and still leaving these people cut today.

Now, if that's the law, they are breaking this law. They are breaking their own law they made. We didn't make this law; they made this law.

Now when we have stuff to say, "Here, stop, this is what you asked for. You asked for proof. We gave you proof," Now how else are we going to get more proof?

The same archaeological people, different archaeological people are going to come; they're going to find the same thing as the ones that we found. Is that going to be thrown away again?

What I'm asking for in there is a 20 mile radius. Why I'm asking that? That's always been in our culture.

When we lived on this land, when my mom or my dad were finally able to get up and move on their own to go and move, we didn't have to ask anybody where we can go build our home. We knew our territory. So my family took them up that way to Benny, Blue Water Lake and all of that. That's where my dad and them had the trap line, my great-grandfather and them had that trap line ever since, and they lived in that area. They had a cabin at the camp and plus they had built a home in Benny, so we were at home and my dad went out and done this, the trapping to provide for his family. And that's the only thing that he had. And he done good until snow machines and that come in and the people there that had snow machines they went and stole my dad's traps, everything — the food that was in there. My dad come home crying, no food to feed his family.

That's why I'm fighting today to keep that. I never moved away. I went out and learned for 30-some years. Now I'm back home to bring that, and now I've got this big disaster.

Johanne Gélinas: My colleague has one or two more questions.

Clyde McNichol: M'hmm.

Unidentified male: Yes, Mr. McNichol, so one of the things that we've been asked in our mandate is to try and deal with the question of traditional knowledge, which is what you're talking about.

Clyde McNichol: Yes.

Unidentified Speaker: And there are two questions and they are related, and I just want to give both of them to you so you could try and figure out what you might think.

One is, how should people in our job, in the government or doing environmental assessment, how should they receive traditional knowledge? Is it an oral tradition? Is there a way of doing it? So, that's the first question.

Clyde McNichol: M'hmm.

Unidentified Speaker: And the second question is, you've talked about this already; on the receipt of traditional knowledge or providing traditional knowledge there's lots of concern about how is it protected so that it is not abused by people that receive it. So, it's a tricky point, how do you give the knowledge to people and how is it protected once you give it? Do you have anything to assist us with that?

Clyde McNichol: Well, by starters, when you come to the reserve or you come to say my land, where I am, in our ways we would bring gifts to those people. We would bring food. Food is very important. You bring them food. You bring them tobacco. Tobacco is very important. That has been used in our culture a very long time.

When you bring that tobacco to the traditional people like this, they will listen to what you have to say, or if you would like them to speak.

There are a lot of us out there that have this knowledge. There are lots of elders on the reserves. You don't go see the chief. You go see the people because we're the ones — listen to the chief to say do good things. When good things don't come it's not very good.

So you go to the people on the reserve. You find the elders; you talk to them and you ask them, "Show us. Bring us in the bush, show us." You've got to make the time for yourself to do this, to take the time to go in that bush, take the time to learn a bit. Sit down and have a cup of coffee, talk. Just talk normally, you don't need to talk big; just talk normal with our people.

When you talk normal to our people they hear; they listen. That's the same thing what the respect from you this way, it's both ways.

So when you do that you find people like me is where I can lead you to certain people that you want to talk to and learn from, from the older elders. You find someone that knows their culture in ways of what they're doing. That way when you go and see the people at least you have some knowledge of what and who we are as people and how this land should be protected and watched over because we just didn't live on the reserve back in the day. Our people were scattered here and there on this land. We didn't — I mean today you see it was like we got stuck on the reserve. It's not free to walk out and build a home.

Me, I'm going to do that because that's my land. I can go build wherever I want.

Today they've got a road going in there where they're going to cut. I think they built me a driveway because I'm going to go put my home there. They say, "No, no, you did not come and ask me." You have to ask the people. That's the way when that treaty was written, it stated from the government every time we will go see the Native people we'll go talk to the Native people.

Now, if we want to be able to go cut that bush, we'll go show you which bush to cut, because we'll go in and see what's in the bush, what's important life is in that bush. We'll go in and check it and say, "Okay, this mound of bush you could take, and that's it. Don't take no more than what we say, because you pass that, you're getting into important stuff then."

So in ways that's how that was supposed to be. Everything when — when that treaty and that, when we sat down to write that treaty, that's how we sat. And everything was explained that way, and people like that sat behind the desk and wrote and wrote, wrote and wrote. What that treaty came out that wasn't what was supposed to be on that treaty, so all in good ways it's to go to each area, each reserve and to be able to talk, because I could cross this land. Our people used to cross this land into other territories — other territories, because we had our own governments and laws without you going in there, without any knowledge or asking the people, even though if you're Anishinaabe you could get killed. They would shoot you or do what — they would kill you because they think you're coming in there to steal.

In our ways we always asked. We wore our belts, our clan belts so they would know, "Okay, Clyde, he's coming maybe 100 miles away." But when I walked through the territories I could walk through them because they would see the wampum peace belt. We worked with these people and we were entitled to go here and there but we always still had to ask the people. If we needed extra food, we still had to ask them their permission. Just because we had our belt that doesn't mean we walked in the bush and go kill the moose or whatever and walk back out. No, no, it didn't work that way; you still had to go and talk to the people. Not just the chief, but to the whole people because everybody would know what's on the land and what can be given. And if it is not, they would give you the right of way to go through to the next one.

Johanne Gélinas: Mr. McNichol, thank you very much for your explanation. Even though we would like to have more time, I have to be mindful of other people who would like to present.

Clyde McNichol: Yeah.

Johanne Gélinas: So I will invite you to stay in the room with us so that we can listen to the other individual who would like to present. And we thank you very much for your presentation.

Clyde McNichol: Yes, and I think you for listening, and you know that, like I said, the biggest thing is that support from you. I'm not asking you to change, I'm just asking for that support so I can save what's rightfully mine.

Johanne Gélinas: And we wish you good luck. Thank you very much.

Clyde McNichol: Today we have to — you know what we're going through up there to try and protect that. That's why it is so important that we need this help from — from everybody to understand what's going on, not just up here but all around. This bush cutting — there's so much bush in Canada, and they've been cutting up that way for many years and now it's right at home, too close to home.

Johanne Gélinas: We understand. Thank you very much.

Clyde McNichol: Like, if it wasn't that close I wouldn't — you know, we could have worked things out but now it's right on — right there, right next to our graveyards and — and that land, just because we've got a graveyard there, there's more graveyards in that bush. I seen them, as kids, when I done my walks through that bush. There are graves back there. There are places where people lived.

They asked me to find that. I found some, and they still have no respect of the people that lived there and I'm telling them, "That's a grave. There's here, and more in there." And yet that's where they want to go through.

So with your help and — your help in all ways it would be well appreciated with my people. And that's how you make a good start, a good connection. When you do that, things fall better for everybody. Everything works easier.

So, like I say, if there's any other knowledge and ways you know, that's my camp, it's called Camp Eagle Nest. We're on the internet. If you ever want to get hold of me and other elders, we'll be glad to sit down and talk with you wherever, your home, our home, come and visit so that we can all have an understanding where we're coming from. And that gives you a better understanding of our people.

So that's — you know, thank you for listening, and we will hear more stuff I guess down the road. You said everything is coming up on line and that later on, right?

Johanne Gélinas: Yeah, and you will have all the transcription of your own presentation available.

Clyde McNichol: Yeah. Sorry, I was going to have a slide show but you know that's just showing where the kids are in my camp, where the wood has been cut and stuff like that.

Johanne Gélinas: I think it was more valuable to listen to you.

Clyde McNichol: Yes.

Johanne Gélinas: Thank you.

Clyde McNichol: Thank you very much.

Johanne Gélinas: Thank you.

Clyde McNichol: Miigwech.

Johanne Gélinas: I would like to invite Mary Boyden.

MARY BOYDEN

Johanne Gélinas: Good morning.

Mary Boyden: Can you hear me okay?

Johanne Gélinas: No, you have to open up the button.

Mary Boyden: Oh, now I — can you hear me?

Johanne Gélinas: Yes

Mary Boyden: Good morning.

Johanne Gélinas: Good morning, Mary.

Mary Boyden: Thank you for being here in Sudbury. Thank you for acknowledging the Anishinaabe people of this area.

I also want to acknowledge the Anishinaabe people of this territory.

I have been living in Treaty 9 for the last 30 years.

I have Anishinaabe and Nipmuc background and I am learning just a little, so I want to say thank you to Mr. McNichol for starting this discussion in such as good way this morning.

What he talked about is — it's all there. And so thank you for hearing that.

Now personally I have just come out of an experience of working over six years in industry in Timmins, working in indigenous community relations with a major mining company there. And through that work we — I was very, very privileged to have the opportunity to further explore my own indigenous background, as Mr. McNichol described beautifully, and to work with a very specific and unprecedented group of traditional knowledge keepers related to mine reclamation.

And in that process of working in mine reclamation we were able to demonstrate a whole host of opportunities that are available throughout the whole mine life cycle and, in turn, throughout the whole resource development cycle.

When this group of elders and the company and its scientists had that opportunity to work together with no — I'm going to say no expectations, no rules that were attached, we were — we learned. All of us learned and we demonstrated and we are continuing to demonstrate how traditional knowledge can have a true impact throughout resource development processes.

And, as well, I think — I believe that we have been able to see what the capacity building requirements are going to be within the communities and between communities and Canadians — so between First Nations and Canadians and how we participate together in resource development.

So those are the two areas I'd like to talk about today specifically — is, how we can help to work towards that capacity building that needs to happen, as well as how we can start to bring traditional knowledges into resource development at the environmental assessment stage.

So to begin with capacity building, you know it's well understood that the First Nation communities themselves are overworked; they are bombarded, particularly in the region of Timmins where we come from. The resource development expectations there are incredible. The lands management people are just totally overwhelmed with the number of requests and the number of activities that are happening every day.

Consultation — as a person coming from industry, and as an Anishinaabe person, I can see that the consultation methods within the communities are poor to non-existent.

And, funding programs are insecure at the very best. They move, they change; it's very difficult to attract people to stay in these positions for very long.

As well, on a deeper level, I think we just have to acknowledge that proponents are very capable of capitalizing on that lack of capacity and on that chaotic seeming condition within the communities. That's a reality.

That lack of engagement that we see within the communities, it's very easy to call that apathy, but there is something much, much deeper beyond that that is connected to the need for healing, you know all the processes within the communities, the effects of poverty that people continue to walk through.

All Canadians need competencies to work together.

Indigenous People are well beyond now the stage of needing to be wards of the Crown. We need to start talking nation to nation and I believe that's the discussion that you are starting at this point.

Solutions towards that: There are two specific areas that I think would be worthwhile to consider. The environmental agency itself, the Canadian Environmental Agency requires an office for Indigenous engagement strategies. We're not talking about stakeholder management the way it is being done now. We are talking about setting up and encouraging strategies that, for example, in this area could come and understand and demonstrate how it needs to work here.

One solution for all of Canada is not going to work. Those solutions need to be just like every project, regional and local.

Last night again we talked about many, many important strategies related to that. And with that kind of office that actually focussed on doing work and demonstrating what can be done, we'd be taking huge strides towards decolonizing as well which is, you know — and these are huge subjects all on their own, but just to glide over them.

As well, when you're talking about resource development it creates — there is issues that are being created between First Nations within treaty areas that is also holding people back.

When one First Nation needs to fight against their neighbour next-door about whose territory this project is going to be in, and waste their resources, time and energy doing that work, when actually the treaty and regional discussions — and you know in our area it is treaty, but it could be a regional kind of discussion that needs to happen. Pitting people against each other is only taking away the energy that proponents are then capitalizing on.

The enormous pressure that was talked about yesterday — I had to quote that because that is very real. The enormous pressure, I think it was quoting related to the Ring of Fire, that is everywhere and proponents, government,

First Nations governments themselves are all culpable in that. And by looking at things in more of a regional perspective, perhaps more of a treaty area discussion it would, I think, start to work towards building people up rather than separating them.

The other area is dealing with traditional knowledge. Traditional ecological knowledge, indigenous knowledges. You know there are many, many definitions, I'm sure you've heard all the variety of them while you've been going across the country. Again, we can all accept that the land and the water is the connection between the Indigenous Peoples in Canada and resource development projects. That's the connection.

Indigenous People continue to be separated from the land, so that in itself is we are all responsible for that.

Indigenous knowledges are misunderstood and marginalized and just as Mr. McNichol just spoke about, even within communities themselves, between politics and — or politicians within communities, the chosen leaders don't always understand these things. There are Indigenous knowledge keepers who hold this knowledge.

Science is still being discovered and we could say that Indigenous knowledges are being rediscovered. They are consistent. They are current. They are not just in the past. It's not just something that used to be. This knowledge is — and we've started to demonstrate how it can be influential today, not just something in the past. It's today and tomorrow; this is where the Seven Generations Principles that I'm sure you've been talking about are real.

Even when traditional ecological knowledge is invited into resource development projects, it is not given authority.

I'm just going to briefly speak about an example that we live though in Timmins, and I won't get into any of the specifics, we don't have time for that, but through these Indigenous knowledge keepers we were invited to help answer some questions related — by the company, related to different kinds of impacts that were happening on an ongoing basis. So after the environmental assessment — you know in Timmins we're in a huge brown fields area; there's been over 100 years of mining, and many of the projects all sort of layer on top of each other, and so the cumulative impacts — you can't separate them, right. It's not one little project over another, over another.

In this particular situation there was — okay, there was a small lake that had been impacted by mining. It had been split in half. The Ministry — the provincial Ministry realized that the arsenic levels in the lake were starting to creep up and it caused a red flag. So the company knew this. They invited the Indigenous

people to — the knowledge keepers themselves, these elders, to help them figure out why.

The elders in one process found out exactly what the issue was and where it was coming from.

The environmental manager was there for the process, understood, saw the implications of it, but at the end of the day, that very next day actually, he explained to us that it doesn't matter really because the regulators will never let us get away with this. The regulators will make us go through the scientific studies, spend the million dollars, whatever it is we need to do to find out where that arsenic is coming from and what's causing it.

The process that we were able to include knew it like this, it was — it was you know — and you had to be there to really appreciate this, but it could not be accepted by the regulators and so they wouldn't even — so it's like, 'Oh, well, that was nice to know, but we also figured it out by doing eight months worth of studies.'

So, it's current. This knowledge is current and it needs to be — it needs to be given the teeth to be able to continue to be accepted.

The net environmental impact. You know in the financial terms we talk about net asset value. We talk about these things. Well, in environmental terms there is a net environmental impact that either can be positive or negative, and that depends on broader indicators than purely science.

That's where we started talking last night about socio-economic indicators. We talked about a whole variety of other things. Again, Mr. McNichol spoke about that very eloquently, that there's way more involved than just the scientific indicators.

Solutions. If we want to work towards a positive net environmental impact sometimes that's going to mean saying yes or no, not just how. That, as well, came up last night.

So including TEK, traditional knowledge as well as Indigenous knowledge is during the environmental and supplementary stages of project implementation must be given authority.

Primarily, though, we need to find ways for TEK, IK to — as well as local knowledge that people have, because it's not always only related to Indigenous knowledges; there is local knowledge that people have gained through generations of living on the land. They need to be there in all parts of the process.

Last night we were talking about monitoring projects and having authority towards the monitoring as time goes on throughout a project.

So in summary it's the value of diversity. We need to start celebrating who we are as Canada.

Not too long ago, a couple of years ago we had the very distinct pleasure of having Ovide Mercredi come to Timmins and he did a bit of a talk and he talked about Canada as being at a youth stage. We're like teenagers, we're trying to figure out what our identity is; we're trying to figure out who we are, right, and we're battling it out and we're trying to figure it out. So just like every process, there's a lifecycle. We've been children; now we're youth. If we're going to become good adults we need to go through this youth process well. We need to start implementing these things at all stages where the impact can be had.

We have been demonstrating in our own small, quiet way in Timmins some of the possibilities for these things. This current climate of reconciliation is our window to increased competencies for Canada as well as for Indigenous people. This is an opportunity. This is happening now for a reason, this process.

Again, changes to the way Canada assesses resource projects will lead to changes in the way Indigenous peoples participate in the economy. At the end of the day if our economy is based on the environment, it's based on our resources. That's the only way that we can actually change things because we're in the process of change.

And again, finally, the positive net environmental impact will be more possible through recognition of Indigenous knowledges and establishing new mechanisms for inclusion; they need to be modelled.

So I will leave it at that, and thank you very much for having this discussion because I can see that that's what has been happening and it is very valuable.

Johanne Gélinas: Thank you very much Ms Boyden. Have you given your presentation to our colleagues?

Mary Boyden: Yes, I believe — yes.

Johanne Gélinas: Okay. One thing I would like to get back to, when you were talking at the beginning of your presentation about the Indigenous engagement strategies.

Mary Boyden: M'hmm.

Johanne Gélinas: Have you thought through this a little bit more and have something maybe to present to us later on, on how it may look like?

Mary Boyden: Sure. Yeah, I think we could build on some things that we've seen actually work and why that — you're talking about an Indigenous engagement office kind of idea?

Johanne Gélinas: M'hmm. Yeah.

Mary Boyden: Yeah, I can definitely flush that out for you a bit because that's — we've been living that experience.

And just briefly, it's because you know the Mining Act in Ontario changed in 2010. All of a sudden after 100 years of mining the companies in Timmins, and there are many, many of them, all of a sudden realized that they needed a relationship with First Nations people so they just said, "Just do it. Make it happen." And in that process we went through the whole gamut of taking five years to develop of Resource Development Agreement politically with the communities, the four communities that were involved.

But on the other side through that process we were able to spend time, energy and resources in building real relationships with not just those four communities but Timmins has a massive — a very big urban Aboriginal community as well that are not the rights holders. But they are the employees at the mine; they are the ones who have been coming from the James Bay coast and you know are qualified and ready to work; there's Métis people; there's many non-status people like myself, you know it's a huge community. And so we were able to start investigating and studying what that would look like. And through that we were able to put together — these demonstrations naturally happened out of that.

So I'd be happy to fill that out for you a bit.

Johanne Gélinas: And I'm sure my colleagues have all kinds of questions. I will just ask you — make another request. You clearly talking about TEK, TK, IK. If you have any clear definition that you can share with us, it will be very much appreciated, too. I think we'll end up with a list of requests to you.

So thank you for your presentation and I will turn to Doug for the first question.

Mary Boyden: Sure.

Doug Horswill: Great, thank you. Thanks, Mary.

It's quite interesting and very encouraging to hear what you're talking about. I've sort of looked at it from the other side of work and it raises to me a few issues or questions I would like you to elaborate a bit on.

The first is the issue of capacity as a barrier. When you're talking about that, are you — what elements of capacity is it? Is it money? Is it education? Knowledge? What are you talking about there?

Mary Boyden: I think it is way beyond money. I think money is — yeah, you know, money is how we solve our issues traditionally, but it's about giving people a voice. It's the capacity to know that they have a voice and what that voice means.

So even last night when we were speaking at some of the — at the table, we were talking about how do people participate in the process? Why do they feel that they can't? Because right now people do not.

And I can see that and I can say that very honestly from a proponent's perspective where we were caught in a situation where — and I'll just be real brief about it — that the politics is — has a mission and a goal, a role to play but they are a very, very small group of people who don't necessarily understand who they are, you know, the same way Mr. McNichol was speaking about. There's something way deeper than that, that — so it's — it's having a voice, I think.

Doug Horswill: In terms of what can be done to build that, this sort of goes off the point a slight bit, but in the high school curriculum is there sufficient emphasis in First Nations on environmental issues? And would there be room?

Mary Boyden: There is definitely room there. It's not enough yet. I see that the changes are starting to happen.

You know one of the demonstrations that we've had, and this is just for our little local area, right, we have a site where we have — you know where the elders felt comfortable to come to work, because they didn't — they would never feel comfortable coming behind the gate, right. Otherwise we would never would have attracted them if we didn't figure out a way to make it — and so what started to happen is that the school boards are starting to bring their children there. They are — the high school students, the adults in the community, the women in the community, they start to come and they start experiencing. And it is through that experience that they are starting to build cross-cultural competencies.

So it's — and even the people in the mine. Like, the people in the company it's been incredible how people have been individually impacted from Vancouver all the way down to the Timmins office people get — because they get a chance to experience it with the people in the place, on the land. It's not you know just talking about it.

Doug Horswill: I think the education is a two-way street, as well.

Mary Boyden: Yeah.

Doug Horswill: Because I think there's a big part of it inside.

Mary Boyden: Yes.

Doug Horswill: In terms of the office, I was going to ask you about that, but the Chair already has, I think. Elaborating on all of that, because what you really get down to is a situation where some companies or for certain reasons are picking it up but others might not be, so then it becomes what can the assessment process do to encourage that kind of behaviour, right?

Mary Boyden: Yeah, exactly.

Doug Horswill: And you may be able to elaborate some ideas on that in your subsequent submission.

Mary Boyden: Definitely. Thank you, yeah.

Doug Horswill: Okay.

Johanne Gélinas: Because, if you have anything else to add, please do so.

Mary Boyden: Well, just because — if I may, just because when you talk about this two-way street, this is very real. You know we invited traditional elders to come to work with us to help us find some answers to things. In the process they came from across the country.

In the process they learned as well; ;they learned about what their place was; where their voice could be. They learned about mining from the very end of the process, which is what they are interested in. But they were able to — from that experience they were able to start applying it all the way to the very beginning of the process.

We ended up getting advice on how to design projects so that when you know the engineering stage is still happening that, you know, there needs to be perspectives within that process because then the engineers will do what they need to do, and they're very good at it, but they need to be given all the elements to work with. And so this was gift in this whole process was giving people both ways an opportunity to learn and to experience with no expectations that it would be anything else than what it was. You see what I mean?

Doug Horswill: Yeah.

Mary Boyden: Yeah. Yeah.

Doug Horswill: The last question that I'll touch on before I give up the talking stick here, the net environmental impact concept; is the issue that you're getting at there

the definition of environment, that it is more than biophysical, it's got the human dimension too; is that what we're after?

Mary Boyden: That's exactly. You know, as sustainability has become the word, right, in all these discussions. Sustainability is not just about the environment, you know. Where I was working sustainability includes the environment, it includes safety, it includes Indigenous relations, it includes community relations. Like it's a very — it is a growing field that is everything that isn't engineering and geology in mining, for example.

Doug Horswill: Thank you.

Renee Pelletier: Firstly, Miigwech for your presentation. That was very — lots of stuff for us to think about, for sure.

I wanted to touch on your comment about regional treaty participation in the EA process and how that would decrease competition amongst First Nations. I think I know what you mean, but I was wondering if you could flesh that out a little bit?

Mary Boyden: Sure. And I might as well speak just very generally about a specific issue.

In Timmins we are at close to the very bottom northeast corner of the watershed, and so everything that we do in Timmins flows towards the coast, and that's the water that is flowing as well as those migratory birds that they all land in Timmins. We have massive, beautiful looking tailings dams that are full of water that birds land on, on their way to the James Bay coast for other people up there to eat.

Should they be landing there? No, there's 50,000 acres of this land inside Timmins. So there's lots of area and it's very attractive, so as the geese are landing they're moving north. So when I saw that migratory birds are part of this EA — federal EA process it totally connects us provincially as well as federally. But then it's the water. So the water is flowing. So we have many James Bay communities on the way to the coast, as well as on the coast who are impacted by what is happening in Timmins.

When we talk about cumulative effects, when we talk about all these different elements, it all comes together.

What happens is the provincial ministry is giving us direction on who we are meant to talk to, and so we are told to talk to specific communities who we then, through our relationships, have learned that they do have the traditional territory in that area, so that's great.

However, there are many other communities that are not very far away, and they're just along the watershed. Like, they're just along the rivers. And then when they start coming forward after the agreement is made, after everything is done politically and saying, "What about us? You're impacting us," and so there's no mechanisms there. It creates — and then you know the proponent, the company turns to their current partners and says, "What were you going to do about this?" And the partner is, you know, "Well, we'll just hold them back for you." And all of a sudden you've got people within the same treaty area locking horns over an agreement. So that — or, you know whatever that might be. It might be — whatever that is, right, the business opportunities, the jobs, all those things that we tend to look at immediately on the short term are only a small shallow piece of what the long-term needs to be.

Renee Pelletier: So would the idea be that having communities involved in the EA process the way that that would alleviate this pitting communities against one another would be that the communities themselves would be identifying who is impacted, who needs —

Mary Boyden: Yes.

Renee Pelletier: **— w**ho needs an IBA, who needs to be consulted, etcetera?

Mary Boyden: Exactly. And what they're — because they might all have a role in it, but it might be this much, and these communities might have this much, but in the pie you know there's this much. Maybe the majority of it belongs here but there has to be room for every — because these are the issues that are simmering right now. They are simmering; they are coming to the surface, yeah.

Rod Northey: Yes, thank you. My colleagues have got a lot of the stuff off the table and that was interesting me, and the Chair has asked some questions. But so one example you moved through quickly but is nevertheless incredibly important to understand a bit better, I hope, and I hope you can help me. The idea there's an event, you bring the elders on, you have a process and in one day they figure it out. And eight months later something else happens.

Mary Boyden: Science proves it, yes.

Rod Northey: Well, whatever.

Mary Boyden: Yeah.

Rod Northey: And I don't mean to diminish the eight months, but what a waste of time!

Mary Boyden: Yeah.

Rod Northey: What on earth can one say if you could, how do we deal with that? And what I mean is, is there a way that you can think of that we could have said, or somebody could say in future to regulators that would make that event actually meaningful and not just among this discussion, but at the time of?

Mary Boyden: Yeah. You know we struggled because this — believe me, this is not me, this is —

Rod Northey: No, I know.

Mary Boyden: I'm only a voice for a huge collection of people on all sides of this scope that have contributed to all this learning that we've done. One of the possibilities with that is — and what we could come up with was perhaps to do a research project that we have the different players at the table so that they become part of the learning; so that they can see it; they can see it demonstrated. They're not going into it with any — because we have, we've had really good partnerships with University of Waterloo, we've had different partnerships with — because — and there's a lot that can be done at that level, right, just to open up discussions.

And that's because — you're right, when — because they start — science and traditional knowledge are two distinct ways of understanding. When we started this work I thought that they would become one new type of knowledge that would you know solve all the world's issues. It's not the case.

They are two distinct ways of knowing, and they need to find a way together. But it is the regulators who you're talking about and you know — and they — the proponents do what the regulators tell them, period. So if the regulators can be open to it and just trusting. And maybe we need to prove it a couple of times. Maybe we need to continue demonstrating it, but that's where the only concept we could come up with was doing research to show it.

Rod Northey: So let me just ask, just because I'll just — all the things that fly around in my head. So is it correct, or is it — again, correct is the wrong word. If you brought the regulator to the site the following day would the elders have talked to the regulator?

Mary Boyden: Possibly. Again, as Mr. McNichol very eloquently spoke about, there are protocols and there's ways that that knowledge is invited.

Rod Northey: Right.

Mary Boyden: And allowed to be.

Rod Northey: So it wouldn't have been a next day thing, But again —

Mary Boyden: Yeah, but within that — it wouldn't have taken eight months, that's for sure.

Rod Northey: Yes. And so if — if a regulator at the time had had a positive obligation under a Statute, which is what they respond to also —

Mary Boyden: Yes.

Rod Northey: -- to consider traditional knowledge.

Mary Boyden: Yeah.

Rod Northey: Because I don't think too many regulators in Ontario do have that obligation.

Mary Boyden: Not that I'm aware of.

Rod Northey: But those obligations and the obligations don't exist federally, but there are permissibility pieces, okay. So if there had been an obligation would that have only created another set of problems, or might that have assisted?

Mary Boyden: It might have assisted. The issue, I think that we're seeing is that we're not going to find one solution at any big level. The solutions are as unique as that land is, as unique as the spirits of that land are, and of the people who are continuing to use that land. And that's where — that's where it gets to be how do we bridge that, right.

Rod Northey: Okay. Again, I'm sorry, I just want to —

Mary Boyden: Yeah. Yeah, yeah, yeah.

Rod Northey: So one other mechanism — so I'm not going to abandon the mechanism of saying perhaps there should be something in the Statute. But another mechanism that we are certainly looking at is consultation is not merely a one-off event in a dialogue, but committees.

Mary Boyden: Yeah.

Rod Northey: And my question is this, if you had a committee that had itself an ongoing relationship, but the elders wouldn't necessarily be in the committee, would there be a way in your mind to be able to bring people? Would that committee be enough or at least a good starting point to merge these dialogues a little better than one day this and eight months that? Is that a positive step if Indigenous participation is on the committee and the relationship going?

Mary Boyden: Yeah, I think so, as long as it doesn't get stuck at politics, at the political level because it has — politics has a role and a responsibility, but it is not necessarily — so as long as it was multi-stakeholder within the group that there had to be some —

Rod Northey: In the group, by this you mean —

Mary Boyden: The Indigenous group themselves.

Rod Northey: Right. So not one person, for example?

Mary Boyden: That's right.

Rod Northey: Yeah. Okay, I really appreciate it and I know we're at the time but I — oh, you have more to say?

Mary Boyden: No. No, I appreciate that this is timely — this is time.

Unidentified male: You mentioned — the word that I found really interesting and I'll leave out the IK, there's lots of it — is the knowledge keepers.

Mary Boyden: Yes. Knowledge keepers — you know we need to understand what elders are, and that's only the elders can really teach you that. I can't.

Elders — when we talk about knowledge keepers they are-- they could be any age. They could be from you know different perspectives but they hold that original knowledge of the land. And there is, just as we heard already this morning, there is — it is unique to place so, yeah, the knowledge holders are the ones. Like, that's a whole different group.

Unidentified male: I really — keepers, holders, and I don't mean to silly. Is there a word that we should reflect or could usefully reflect that would get us deeper than just consultation, Aboriginal First Nation Indigenous consultation? Is that a word, a meaningful word you think that would assist this use of traditional knowledge better?

Mary Boyden: I think so because there are —- there are varying discussions about elder and there's varying discussions because of all the need for healing because of all — everything that's — you know all the disruptions that have happened of what — even you know the validity of traditional knowledge because of you know the implications of all our colonization, I guess I can say that.

Unidentified male: Well, that's what I'm worrying about. Can I just ask you a question?

Mary Boyden: Yeah.

Unidentified male: So I'm worried and I'd like your views. If even using a word like that is itself a colonization and too intrusive?

Mary Boyden: M'hmm.

Unidentified male: And too much into it. And if you want to think about it because the idea is certainly not to go further into this inappropriately.

Mary Boyden: Yeah. You know that's really valuable. That's one of the things I'd like to take back to this group.

Martin, who is going to speak, might also have some perspective on that, but that is something that I believe that there are ways that that discussion could happen amongst them, and then they would be able to offer you something. So the specific question is, is there a term that would be more palatable to amount to —

Unidentified male: Yeah. We have a term called Indigenous knowledge.

Mary Boyden: Yeah.

Unidentified male: And what I'm trying to figure out is in the practise of that should we specify or is it too intrusive to specify that it is not merely a thing, the knowledge, but the who and who you should be trying to talk to that should be part of it.

Mary Boyden: Yeah.

Unidentified male: Or, is that too intrusive?

Mary Boyden: Yeah, but let me — let me work with that, and that's something that I think we could probably talk about it, beyond me, and come back to you with something.

Unidentified male: Anyone in this room, we're interested. But thank you.

Mary Boyden: Cool.

Johanne Gélinas: I have one more question for you. As I was listening to you I was wondering if you have thought, especially when you were mentioning that the knowledge that you were bringing to the table was not somehow recognized by the regulator, what about when we get to the stage of a project being implemented and having to do the monitoring of that project, what will be — or how do you see the role of Indigenous communities or specialists of the land, let's call it that way, in the monitoring process that comes after?

Mary Boyden: Hmm. Again, I believe that that needs to be multi-stakeholder within the group. There are people who have an affinity for certain things. Like everybody has a speciality and that's where it's not — it's not a general bucket that you can pull from, so you know somebody who has this speciality won't help you with this.

But I think that number one it has to be multi-layered within the group itself. It's of prime importance that that monitoring continues and that it has — that it be given — because even within committees, within agreements for example there are you know — you've got — there are committees of people who are — their job is to represent their community in looking after the environment.

Again, these are the same people who are overworked, overstressed, under-funded and just overwhelmed, right, and so — but there are — and, again, that's very much a community decision. But there are the have's and the have not's within the communities as well. And that includes decision making. That includes political sway. That includes what family they come from. But, there is — when you work with people as individuals and not just part of a group, then that's where that kind of attraction will come, so people will want to be part of it because they know that place, or they want to be — you know, there's a skill that they have that they can bring.

So I think it's taking it out of — and I know that that brings up a whole bunch of other issues that have just — what I — because you know we can't take what — we can't unlayer the power that there is, but it's about putting power back, is what I think is what we're talking about is looking at people as the information, the power that they have in their own knowledge because just, unfortunately, what I'm personally saying, and this is just me personally, is that the more we focus just on that structure that's there, again, we're just recreating what Canadian government and the Indigenous relationship has already been, but now it's happening within First Nation. That's —

Johanne Gélinas: But when you talk about — you were talking about the resource development agreement among four communities.

Mary Boyden: M'hmm.

Johanne Gélinas: Do you have within that agreement a monitoring structure for projects?

Mary Boyden: Not a monitoring structure, no.

Johanne Gélinas: Okay.

Mary Boyden: It's very much a best practise that the company chose to start using.

There's no — there's nothing obligating them to continue that. They must meet with this group of people four times a year and they must give them certain updates, and they must get their buy-in before — the letters of support from them, before a permit is done. 30 permits a year in one operation. It's —

Johanne Gélinas: It's huge.

Mary Boyden: Yeah. So that there was nothing set in stone. But —

Johanne Gélinas: And just by curiosity do we know the end story of this scientific assessment that was done on arsenic which has been proven that the Indigenous group were right in the first place?

Mary Boyden: M'hmm. Yeah. Yeah.

Johanne Gélinas: So we have an example we can demonstrate that it's true?

Mary Boyden: You could, yeah. M'hmm.

Johanne Gélinas: Thank you very much Mary for your presentation.

Mary Boyden: Thank you, very much.

Johanne Gélinas: And we look forward to hear back from you.

Mary Boyden: I appreciate it. Thank you.

Johanne Gélinas: Thank you very much.

We will take a ten minute break, okay. I think you're not the only one who wants to go the washroom. So it's 10:30 a.m. Let's be back here at a quarter to eleven. And we have two more presentations to go, Mr. Martin Miller and Anthony Laforge.

Okay, thank you.

(BREAK)

Johanne Gélinas: I will invite our next presenter to join us. Where is he? Here is our man.

Good morning, Mr. Millen.

MARTIN MILLEN (THUNDER MAN) MATACHEWAN FIRST NATION

Martin Millen: Good morning.

Johanne Gélinas: So we have — as I mentioned we have two more presenters, yourself and someone after you. We have until noon, so it gives you half an hour.

Martin Millen: Awesome! Perfect.

Johanne Gélinas: It makes sense?

Martin Millen: Oh, yeah.

Johanne Gélinas: Okay, then. I'm happy that you're happy.

Martin Millen: I could do with probably seven or eight days but that's okay, I'll take what I can and I'll share —

Johanne Gélinas: We'll have to come back.

Martin Millen: And I'll share what I can. Okay, I guess a little bit of my background is —

Johanne Gélinas: Excuse me, Mr. Millen. Can you just bring the mic closer to you?

Martin Millen: Yes.

Johanne Gélinas: Thank you.

Martin Millen: First, I would like to introduce myself as my Anishinaabe name is Thunder Man, from the Turtle Clan.

My government name is Martin Millen, and I come from a small community of Matachewan First Nation, and I live — that's my home by treaty, by right. I'm recognized, I have my bank card that says I'm a Band member of the Matachewan First Nation even though I reside in both places: Timmins and the First Nation, is that for my own right that I guess politically, legislatively that my rights still exist on that First Nations community, because that's where my Band card is, is a physical address. It is a legitimate legal address. Although we are told once we come off the reserve we have no more — our rights are compromised by a bureaucratic system.

For myself as an individual what I would have been taught is that I have a human right, and that human right is to exist as a human being. And my relationship with that has taken me on a journey that's been very unique. I believe I've life of probably 50 people in my life experiences.

But that being said, I worked in the exploration field for years and then I worked in the — in mining, and then I worked in the exploration field of the oil fields in Alberta for a number of years and then I moved back to my community back in 1994 and that's when I began to work with my community as their Lands and Resource Research Coordinator for Forest Management Planning and that's where I got a lot of my experience with respect to a part of the discussion that we're having with respect to land use management, resource management and it goes on and on; there's all these labels. But that's where I got a lot of my experience with respect to understanding how mainstream and the original people at Turtle Island communicate.

And, again, that being said, what I learned over the years is if you would have asked me prior to 1992 who I was as a First Nations person, I wouldn't have been able to answer that because I didn't know. I grew up in a small town, in Matachewan. My mother was Ojibway. My father was Irish, Scottish and French, so I come from two worlds, and living in these two worlds has been very difficult in understanding who I am — my identity.

How I understand that now is that I'm a human being. They can put all kinds of labels on me but at the end of the day I'm a human being, I'm a man, and I have responsibilities that have been gifted to me.

In 1992 it's through our traditional ceremonies that I was able to get out of the addictions that I was stuck in, and it was through our ceremonies that even today that helped me to maintain and to manage my sobriety, my way of life, understanding my responsibilities as a functional human being. I could be a poster child with my story, but we don't have time to talk about my story; this is not what this is for; but only to share with you that my own experience with traditional ceremonies that are very — that are old, old — thousands of years old, that the elders that I sat with since 1992 have taught me many, many, many, many lessons.

You had asked a question a while ago about — about — your last question — and to me we had asked the elders about if there was a word to identify apprenticing with respect to connecting with original knowledge, and the elder said, "No, there is no apprentice; we don't even know what that is." And so he said, Oshkaabewis, a helper, a helper of the people, so that's who we all are, we're helpers of the people; that's our role; that's our responsibility as men and women.

I want to acknowledge this tobacco that was passed to me. This is the protocol. This is where it begins for me, personally, simply because I've been gifted the gifts to carry of original knowledge from wisdom keepers and original knowledge carriers. I put an image up on the — up on the screen there that represents a 2000 year old prophecy that talked about the changes that we're witnessing today and it's called the Seven Fire Prophecy and we're now coming into the Eighth Fire. Maybe we're still in the seventh, maybe we're in the eighth. I like to believe that we're in the Eighth Fire where we have to decide what it is that we're going to do for our future.

So it is each and every one of us in this room and in Canada, Turtle Island, that need to think about what is that we want for the future. A huge task, and it's taken me on a journey that is, like I said, I couldn't explain in the very short time that I have, other than to respect that the original knowledge, the anthropology identifies that the First Nations or Indigenous People never had a written language, and I just totally disagree with that. We had a written language and that written language is symbols. And if you look at the image that's on the screen you're going to see symbols. You're also going to see an image there with different images on it, and that is closely related to birch bark scrolls that were written by the Anishinaabe people.

Those birch bark scrolls were like blueprints to your responsibility to your gifts, to who you were. And those symbols, if you think about it, the oldest written language on the planet; it doesn't matter where you're going to go, what content, the oldest written language we call them symbols. And those symbols are representation of a communication if you know how to interpret them.

That knowledge has been kept very sacred and secret by our people for a very long time and for different reasons.

Not long ago we were told that it was time to being to share some of this knowledge so that humanity could understand where we're coming from, what we're talking about. And for myself learning this original knowledge and being very mindful about where I'm stepping is that it is a very sensitive knowledge and people's backs will go up against the wall sometimes when it comes with respect to original knowledge and what we understand.

We are continually told to listen to our elders, and I respect that, and I have been working with our elders and I have been listening to our elders. For myself there are elderly's and then there are elders and there are wisdom keepers. And so how I understand that and how I have begun to understand it was through my relationship of approaching various elders from across Turtle Island.

I have sat with many different tribes, the Malachi, the Micmac, the Algonquin, Blackfoot, Lakota, Nakata, Dakota, the Cree, the Ojibway's, some of the Hopi, the — some of the South American Tribes. And through that privilege of witnessing and listening to what it was that they had to share that there are many times I wish that humanity could take the time to listen to that — to sit down to listen. We need to listen. We're not listening very well right now because we're caught in this system.

When I think about all of the knowledge that these various tribes hold, there are — we have more in common than not. And that knowledge has been repressed and oppressed over 500 years. It has been repressed by being put on the reservations. It has been repressed by the Crown bringing in the — needing a

trapper's license or a hunting license, a fishing license, all of these regulations that are coming up now. We never had that.

Residential school had taken us off — putting us on the reservations, brainwashing our people. We're not talking one generation, we're talking a number of generations and that we still see that today, that knowledge, that original knowledge that we carried was outlawed.

We heard one of our elders back here talking about clans. The clans were very important to us because a clan — I'm Turtle Clan, and he's Sturgeon Clan. Both of us have responsibilities. And that knowledge was also repressed because the government or the people of the day at that time understood that they needed to take that away from us. That's nonsense.

But our belief systems came in and also began to dictate to us what we should believe. And they used fear, they used a lot of different processes in which to throw the fear of God into us. And it took me a long time to figure that out, I had to do my own research. I had to do my own studying. And I've done it very well, and that was through the advice of one of our well-respected elders that's no longer with us, the late Peter O'Chiese. He said to understand who you are, study your history. To study your history is to know then who you are and where you're going. And that's what I've done.

I have gone back to our original institutes, if I can put it like that, our sweat lodges, our long lodges, our sun dance lodges, our rain dance lodges and our other ceremonial lodges. Those were our original institutes of knowledge and understanding. And one of the — I'm just going to kind of flip up here; I think I can find it. I was going to jump over to — I'm from Treaty 9, and in Treaty 9 there are 50 First Nations communities within that shared territory.

When we talk about environmental laws we talk about regulations and all these other things. I think Mary had elaborated on that, I think, in a sense that you could understand from that — from that language. My great-grandfather, Harry Baptiste — great, great grandfather was one of the signatories for the Treaty of 1905, and at that time Duncan Campbell Scott was missing in action for three years before they came and signed a treaty with the First Nations that signed in 1905, and that's when they brought in the Mining Act, very interestingly.

So if you look at your history you actually look at what — that that was brought in and it's still affecting us today. So it's very interesting with respect to even the water regulation. Where did that first policy come from? It came from the mining, the mining sector, how to identify a — what's reasonable safe drinking water. And I go, "That was based on mining?" I almost fell on the floor when I was told that, I went, "That doesn't make any sense." But nonetheless it does. It has happened.

When you look at this image that's on the screen now and the resilience of original knowledge is that this is what we have been working towards, is to reconnect back to that, to re-understand that, and that's not for everybody. We still have people, and I respect people that have Christian views, religious — other religious views; I get it, I respect it. But that's a two-way street. It also requires our own leadership, our own organizations and our own people of Turtle Island to respect that. It's a constitutional right that we have an original knowledge base, we have an original system. And, yes, I get it that that's not for everybody.

My over 25 years of being in an education process has come from working with the elders, the wisdom keepers, the knowledge holders, the ones that hold that knowledge. And the only way that I was able to retain and retrieve that knowledge was by going to the ceremonies; by going to these places sitting with the elders, listening to the elders. And there's so much that I didn't get to even understand because I don't speak the language. That's another big — another big pitfall for us, is that our knowledge holders that can't speak the English language or the etiquette of communication; they don't have it. When they speak in English it sounds like — almost like a Grade Eight person talking or a Grade Five person talking. But if you were able to understand the language you would be on the floor and you would going, 'Wow, they really do know what they're talking about.' And they do.

The reason that I'm able to say that they do know what they are talking about is Mary had mentioned one of the projects that we worked on with respect to finding out that one of the waters were affected by contaminants and we did a ceremony to find out where that was from, where it was coming from. And Mary had a very valid point there, even though we were able to — the elder was able to identify where that source was coming from, we couldn't use the information because it is not recognized by the — by the legislative environmental laws and policies and regulations, whether it is federal or provincial.

Can you imagine if we used this kind of knowledge to actually help people to identify that if there's going to be a problem, especially in an urban setting, if you can identify that problem without having to do all of these studies and all of this — spend all this money, and you can find out in just one sitting where that problem is coming from, imagine how much money that we would save — a lot of money; a lot of money. And it would save the environment. It would save a lot of the life forms that also depend on it.

Timmins is 100 years of mining. When I got involved in the project that I did, the reason I got involved was because of my concern for traditional harvesting in an urban setting; what are the risks. There are different kinds of urban settings. Timmins is unique because you have 100 years of mining and so you've got these tailing sites that they call brown fields, laying all over the place and there's still the majority of them still leaching into the natural environments. And what do you do? I mean if you look at Kamiskotia, I think it was 12 million or 14 million that they said that it

would take to clean it up. $37 million later and counting and still monitoring, “We’ve got a problem, Houston, a huge problem.”

So even the engineering and the designing of tailings dams, we’re still learning. And I get it. I get it; I understand. But what I don’t get and what I don’t understand is why there’s such a resistance in utilizing original knowledge to help to bridge those concerns and find solutions, find answers.

There’s a picture in the hallway down here of an old car sitting in a bush. And when you look at today the stuff that we make, this isn’t going to last that long. But if we look at the technology that was used back in the day, during the late 18th century, during that industrial revolution process that things were made to last. Today they are not. They are made to break down. Look at your vehicles, how many vehicles do you buy in a very short time because they start rusting out and they start falling apart. So, in my own view that I always — I keep on repeating this over and over that our technology that’s available today is that we know that it is available but are we willing to invest in that better technology?

The influence that go back into the natural environments, is that technology sustainable? I have my reservations about that, no pun intended.

When I think about what the elders have taught us in the last six years about mine tailings, what are the concerns; we’re talking about how even though that these tailings dams that are developed they are still leaching and they are still going into our natural environments. Who is monitoring that? Who is assessing that?

The other is, is that looking at the birds. I had one — I’m not going to say where it was, but anyone one of the situations or one of the stories I can share with you is that one elder said, “Well, we talked to the mining company and we told them, well, we don’t use that area over there so I’m not worried about it; it’s okay.” And so I just kind of went off to the side and I went and asked her, I said, “What you just said…” and this was during an audit, I said, “What you just said doesn’t make any sense to me.” I said, “You’re supposed to be one of our elders and our advisor elders for this elder’s panel that they put together.” I said, “What about the birds? What about the insects? What about the fish? What about all those other living ones that use that area; what about them?” It’s not — we always look at us, just the human beings. It’s not just us, it’s all of the other living beings that we need to respect. They have a right to live, too. They have a right. They have a purpose; we know this, that if you affect that food chain it is going to fall down. We know this. I mean how much more science do we need to do? I don’t think we need to do any more science or any more papers on it; we know.

And those are the kinds of experiences I have had that can be very discouraging in the sense of trying my best to speak on behalf of the voices that

don't have a voice at tables like this, or opportunities like this, and I'm talking only to living beings, the winged, the finned, the four-legged's, the crawlies, the plants, the trees, the medicines, the air, the fire and the rock, all those elements. When we think about those elements there is a spiritual component to that and to understand that spiritual component is also resisted by science because science has nothing to do with spiritual conations or any of that. But I think that it's due time that science needs to sit down and needs to take a look at what is it that we're missing.

We had a conference and one of the — one of the scientists there when he came out for the first three days he wasn't sure why he was there, when we were doing these field — these field visits around Timmins. And on the fourth day when we had a breakout session he stood up and he spoke and he says, 'You know," he says, "I think I get what it is that the elders have said," he said, "especially to the one elder that talked about the soils and how that soil is a living being, and that when you alter that living being you're altering everything else around it because everything else depends on that one element called soil or sand or gravel or rock," and how we understand that, we look at it as a thing that can be turned into something else.

And the scientist says — you know, he says, "It really made me think," He said, "I thought I knew everything about the planet," he says, "but just by listening to this one elder bring that spiritual component to it," he says, "that's where I understood what I didn't know." Isn't that interesting!

So how people understand spiritual knowledge or spiritual connection I often always say, "Watch a child; that's spiritual." The child is very innocent, they don't know anything. They're just — they're happy, it doesn't matter whether they're black, red, yellow or white, a child is a child and a child, they make you laugh, they make you smile, and they are totally — they are amazing to watch. I can bring them in the smallest little bush and a little — just not even as big as this room; I can bring them in the corner in a little bush and they'd think that they're in a great big forest because their minds are just developing, and they think that everything is really neat; they think everything is really cool, and they laugh and they play. And that to me is something that for my own self when I think of water, how important water is, how important the soil is, I think about the woman who — these are the givers of life, and the women, all women all over the world have the responsibility to take care of that water because that's what brought you into the world. We all spend nine months in the mother's womb.

And when we think about that, you've got to sort of go back to your own humanity and you've got to go back to it and you look at it and you've got to really sit with it, and it's hard to sit with it because you have a new way of thinking and being, and when we go back to our own humanism, understanding our own connection it is something that is almost — it's hard to do it because it almost scares us because we're going, 'Holy crap.'

The only way to really understand what I'm talking about is exactly what this elder was talking about back over here; you've got to go out to the land. You've got to go and sit with the land. You've got to go sit with that fire. You've got to go sit with those elders, and you may — that's the only way.

Over the years that was the one thing that we had tried to figure out is, how do we get to this to the very square thinkers, whether they're working social, whether they're working in law enforcement, whether they're working in education, whether they're working for government, how do we help them to understand what it is that we're trying to share with them?

Intellectually, analytically it's very difficult, but by going out on the land and these images that you see up here is exactly how we did that. That's where people began to understand it. That's where people began to get it.

So here we had this site in the middle of the City of Timmins and we're utilizing original knowledge, and we've had academia out there. We've had government out there. We've had numerous people out there, and when they come out there they are totally amazed, they're going, 'Wow, this is really — this is really interesting, this is, you know…" Well, being interesting is one thing, but taking the time to sit down to listen to what the elders are trying to share, how do we actually put that into science?

Every time that our First Nations try to bring up an issue related to environmental concerns they go, "Where's your science? Where's your proof?" How can we prove that if we don't have the money to pay for the science, if we don't have the money to pay for these expertise? And even if we did, you're going to maybe have to go to court and then you're going to fight in court, and that's money, so that money is going up and up and up and up and up. So for myself I go, "Well, is that really the answer to our dilemma as a collective, as a people that share the planet?" But we only have one planet, we only have on Canada and what we do to it individually and collectively is also very interesting.

When we first had our first gathering the elders were very upset with the mining industry because they seen the damages that they were doing. Each day we would have debriefing because we knew that was going to be very intense so we made sure that we had a debriefing session after each day of going out to field visits, talking about the impacts of mining, what are tailing sites and on and on. By the third day people were pretty upset and some people even left. And one of the younger men that was there he says, you know, he says — he says, "I can really feel the tension in this room," he says. He says, "You know, for me as a medicine man, as a bundle carrier," he says, "I, too, have a responsibility," he says. He's from the Moose Factory area. He goes, "I get in my boat and go fishing. I have a four-wheeler, I get on my four-wheeler, I go hunting. I have a truck, it takes gas." He said, "I bought a few trucks." He says, "I have a refrigerator. I have a computer." He said, "I put things…" he said, "And I

go to Wal-Mart." And he says, "And we have a landfill." He goes, "Me, too," he says, "I've got to look at what I'm doing." And that's when it calmed everyone down is that when we've got to look at our selves first, how and what are we doing with respect to our part.

If you look at First Nations, a lot of First Nations don't have the money to do a lot of things so where do they buy their material? Walmart, Dollar Store. Those things don't last very long so that goes in the landfill and it just adds up and it adds up and it adds up and it adds up. It's kind of stuck between the bark and the tree; what do you do about t that?

Well, having conversations like this is a part of that. And being able to listen to one another. We were just told by an elder we're not listening. And he asked me as question, he says, "Martin," he says, "That word respect, we have seven principles that we use across Canada and INAC actually uses those seven principles of wisdom, love, kindness, bravery, humility, honesty, wisdom." So people have them in different combinations but the one that we do use is respect, and that word respect, he says, "What does that word respect mean to you, Martin?" He says, "Explain that to me?" And I said, "Well, you know, Harry," I said, "for me that word respect," I said, "how I understand it and how I have my relationship with it," I said, "I go out on the land, I stand on a hill or a mountain and I look around, whether it's morning, afternoon or night, and I look down and I look all around. I look up, I look at the stars, I look at the sky, I listen, I smell, I taste," I said, "that's where I understand my respect. That's my respect for the land, that's how I understand it." I see that the birch tree don't tell the poplar tree, "You get the hell out of here. They coexist together, they live together. It's only the two-legged's, us, the human beings, that haven't figured that one out yet because we're greedy. Greedy and jealous, or we live in fear; those are the three attributes.

The elders have also always said there are three things every human being needs, it doesn't matter how rich, how poor, what nationality you come from, what country or part of the world you come from; you need shelter, you need family and you need food. You take any one of those three things away from any human being and watch what happens. Well, I think we have enough experiences out there globally to see what that actually does. Globally, when I turn on the news, I don't even like watching the news anymore because that's all I see is destruction, violence. So I don't have a TV. I chose not to watch it anymore. I chose to go, "No, that's enough, I've been traumatized enough already; I want to live."

So that was a part of another reason why I got involved with this project in Timmins, was to be able to find the wisdom keepers, the ones that carry that knowledge, the ones that I know for a fact that carry that knowledge, who have earned that knowledge. And they have been kind enough to share that with us. They have been kind enough to trust us to be able to speak about it.

We took five years to put this together. Now the next five years what we're looking at is how to transfer this back to the community of Timmins; how to transfer it back to the communities; and, how to share it with the world. That's what we're working on right now is to be able to do that. These images that you see up here on the screen that long lodge that's over on the other side on the left-hand side, well, from where I'm sitting anyway, you can that back in the day that our people used that particular lodge for a reason, and I don't know if I can — can I come down here — this is called a talking lodge. And in this lodge is the oldest university of the Aboriginal People at Turtle Island. This is like a Queen's University, or a University of Waterloo. The knowledge that's learned in there is that there are four hoops on that lodge that go up, and we start from the eastern door and we go to the western door and then there are two other doors that represent the south and the north. And there are four levels in that lodge and that's the infant and child, the youth, the adult and the elder. Over the last five years we've only made it to the third level; we're at the adult and we're still questioning whether we're adults yet because we're still divided; we're still confused about what we're learning, what we're understanding, how we need to work together.

So looking at that lodge, that's original knowledge, that's the knowledge that even for my own self, I'm even repressed by my own people, "Martin, you can't do that. That — you will never do that. Industry will never accept that. Government will never accept that." And I'm going — and I just chuckle and I say, "You want to know what? We just did it." It's, "Wrong answer. We just did it." And we did it with the world's second-largest gold mine company in the world. Think about that. That is unprecedented.

So what can we learn from that? Do we have another entity or entities going, 'No, you can't do that. That's not right; they're not going to accept it. They're not," you know. It's a lot of what Mary had to share with you about what we need to consider.

And how we are going to do that is Mary has gone through a lot through — we see the knowledge that she's retained through the elders and myself, so we've been her teachers. We have been her professors; we've been her mentors in helping her to understand what it is that we're trying to say. She has the ability to communicate that in a way that I can't. And so that's the kind of relationships that we need to build; we need to find the allies, like the questions that you are asking are reasonable, reasonable questions, or reasonable — how do we do that together?

And I believe that this process that we're in right now, I debated whether I should come here or not, and I'm going, "Well, here I go again, I'm going to get — I'm going to get slammed for this. I'm going to get crap for this because I'm speaking up again."

Well, I'm not speaking up — I don't come here to represent any community, industry, government. I come here as a human being, as a man, as a simple man. That's how I come here today. And, again, to maybe chew that tobacco.

And I just want to put through these little images that are up on the screen there. This image that you see, if I was able to take this — I don't know how to run this computer, but if I took that image that's there right now, that's the oldest written language, and this is up in our area. That's a written language. They call them petroglyph pictographs. If I took that image — if you look on this side you can actually see a face and if I took and I turned it, standing up, you would actually see 10 faces in there.

There are other places like this across Canada. When we talk about spirit of the land; when we talk about our mother the earth, there are many, many formations out there that demonstrate that, that show us there's a spiritual connection. There are certain areas — in Detour Gold there's a perfect example over there where they went into an area and the elders told them, "Don't go over there. You can't go over there; that's where memengwesi is, the little people." And they went over there and do you want to know what happened, their equipment kept breaking down. So I forget what the heck they call it now; they call it 'that area.' They stayed away from it because everything kept breaking down. How do you explain that scientifically? You can't. Is it a whoo-oo? No. No.

(Laughter)

No, it's a place that we're not supposed to disturb. That's it, that's all. No, you didn't ask. Stay out. This is our home. So when we intrude on other people's homes, it's like somebody coming into your backyard and going, "Well, I'm going to take half of your property; don't worry about it, we'll take it from here." It's the same kind of thing. We go into people's homes on the land and we disturb things that shouldn't be disturbed.

Here, this is my backyard in my community. This is the old Stairs Mine. When you look at the red tailings there, that's lead. There was a major breach in the dam in 1990-91. It was considered one of the largest environmental — world environmental disasters. And when I looked at that there was — it totally boggled my mind that that literally pushed the highway out, it pushed everything. It was like incredible power that those tailings actually did.

That's the result of what's growing back on the right-hand side, that's all red now. If — that was just covered over just by the trees and that, if I went in there and if I didn't know any better, I'd think, 'Oh, yeah, there's some medicine in here,' and I'd go and pick it. What kind of heavy metals have gone up under those roots into those plants and into those trees? What's gone up into them? There is a human risk, huge.

We still don't understand that yet because the studies haven't been done. There is no money to do these kinds of studies. We need money to do better studies on understanding what is the risks of heavy metal uptake into plants, into roots of trees because we use the roots, we use bark, we use leaves, we use pretty well everything from those plants and those trees that are on the land.

Soils are very, very important. On the right-hand side this is actually on the Hollinger Tailing Site that they're reclamating right now, and you can see on the top, I know you can't really see the image that well from here but you can see the layers of soil and how that comes down. It's not very — it's not very thick. But what's already been — because on the bottom that's where they scraped out all the tailings. They moved all the tailings out of that, so that's the depth of how thick those tailings were. But those trees that are looking there, if you walked in there you'd think, 'Well, there's nothing wrong here, it looks like — it looks good, it smells good.' It's what you don't see that's the risk.

Here we work with the youth. We've worked with the youth on the site and understanding traditional harvesting, the use of medicinal properties, and we've worked with some of the schools in understanding what a sweat lodge is, why a sweat lodge is important to us, what it does for us in our self-maintenance and management. Like I said, for myself that's what helps to keep my sobriety and my sanity. It's like a detoxification process that we go through with using the water, using the medicines to help to do that.

This image here is from Opinaca operation up in Quebec with one of Goldcorp's operations, and this was a feast that was done for that little boy, and it's a Cree ceremony that they call at Walk-out Ceremony. And they prepared that little boy, that little boy's feet don't touch the ground for the first two years, and then they bring that little boy and they have a feast. So all that food, all those geese that you see sitting there, on the bottom those geese are at one of Goldcorp's tailings ponds, and so when you look at that, is that them there? I don't know — I'm only joking.

But it just — the images say a thousand words, and that's what I'm trying to share here, and that's why I'm presenting these images to demonstrate to you what it is. I mean I can say many things about this but again we don't have the time. They say a picture says a thousand words, well, there's a thousand — there's a million words right there with respect to that young boy being prepared from his mom to be a good hunter on the land. That's the way our people survived on the land. And that's what's being taken from our embrace. That's what's being impacted. That's what's impacting us, is our ability to use the land without having to always worry about being affected by something that we're going to put into our physical bodies, so call it food security, call it water security, call it traditional harvesting security; there's many names you can call it.

Where are we going? This is on a site in Timmins. On the bottom there you see where the water is flowing, and it's kind of hard to see the images but those are moose tracks that are wandering through that tailings, and it's a cow and a calf. And so you can actually see where, on the image on the left-hand side is an image of where that moose and that cow and that calf went into, and that bush that's there — there are blueberry bushes there and those blueberries look really tasty. Man, they look really good. But that's all tailings there that haven't been cleaned up. I don't even know what the heck is even in there.

That white moose represents a part of our prophecy that foretold that when the animals would start — the white animals would begin to show themselves we knew that we were at a breaking point. How do we know that — even for us we have laws, what we call natural law — is that we are breaking natural law. How do we know this? Scientists call it global warming. And I think that we're all quite familiar with global warming. And, that when we talk about natural law, we're breaking natural law.

There's man and woman written law, but there's natural law, and that supersedes any kind of law under the land. You can't resist it. You can't run away from it. Look at all the global changes and the weather patterns that are happening. We noticed the birds, the pattern of the — flight patterns, the birthing, the birthing patterns of the animals are changing. All the elders know this. Scientists and MNR and other ministries keep on coming to our elders and asking them, 'Well, what's wrong? What's wrong?' and they keep on telling them. We've been saying it for the last 50 years, but no one is listening. Nobody is listening.

Johanne Gélinas: Mr. Millen, I think my colleagues would like to ask you a question. I don't know if you have more pictures to show us?

Martin Millen: Just let me flip through here, and I think there's just a couple more here. I think — let me see — oh, this is the last one.

This image here demonstrates how alive and well that our traditional ceremonial knowledge is alive and well. So people that say that we don't have it, that we don't use it, "Nah, wrong answer!"

That, on the bottom picture, was the youth that walked from Whapmagoostui, Great Whale. They walked all the way from — that's the very last community on the Hudson's Bay on the Quebec side. They walked all the way, they followed the path that their ancestors walked and they went to Ottawa to let Canada know we want our land, we need our land, our land is important to us. That was the youth speaking up. That was youth that walked across.

The image on the right-hand side is one of the elders that we work with, Matthew Mukash. That's his granddaughter that walked. One of those

youths last year gave me a blanket that she carried with her through that walk because she believed in me. She says, “I like you, I like what you say, I like who you are. I want you to have this blanket.” To me that was — that was huge, because that means a lot. That’s our youth asking us, “Stand up. Speak up. Say something.”

And the image up on the left-hand side is what they call a round dance. Not the Idle No More round dance, that’s an original ceremonial round dance. When they had asked the family that carries that original ceremony from Saskatchewan they were asked to go on that — on that protest and they said no, that’s not what we do.

The ceremony that we do, what we call a round dance is a ceremony of healing; it’s a ceremony of kindness; it’s a ceremony of celebration of coming together; that’s what that ceremony is for. They used that ceremony in the wrong way, unfortunately.

And I know the family. We have their elder — one of their elders, the elder that actually his name is Kirby Little Tent, and in Saskatchewan they call him the round dance king because he works with youth that are stuck on the streets, in addictions. And it is true the round dance ceremony helps them to stand back up to remember who they are and to be proud of who they are.

On the left-hand side that’s called a sun dance. That ceremony is also what helps me to maintain my health and wellness, and so when I think about the regulations and the laws that are changing with respect to the federal environmental law, our people still — I still hear a lot of concerns out there. There’s too many to even talk, even today, or even for the time that you are going to do your — your tour, so my last comment here is that I’m willing to help. How can I help? I don’t have a university degree; I don’t have a college degree, but what I do have is that I have a degree of knowledge that has been gifted to me from the elders called original knowledge. That’s how I can help.

Miigwech.

Johanne Gélinas: Thank you very much, Mr. Millen.

Who would like to start?

Renee Pelletier: Miigwech, Mr. Millen for your presentation. You have given us lots to think about.

I wanted to ask you, I think you make a very important point about different world views, and I’m trying to think in the context of an environmental assessment when you have, say, the government that is reviewing a project and deciding whether or not it should be approved you know, assuming we get past the hurdles of whether traditional knowledge is considered to be equal to science and all of

that, how do we resolve this issue of the difference in world views of having people who are not necessarily Indigenous receiving knowledge and trying to make sense of it? Do you have any ideas of how we get past that hurdle? Does maybe the solution lie in having local representation in reviewing projects? I don't know if you have any thoughts on how we deal with that?

Martin Millen: I believe that what I've learned in working with the mining company in Timmins that I think just to sort of get some perspective on it, is that when I first started doing it I thought to myself, 'Holy crap, here I go, I'm going to have arrows, I'm going to have hatchets, I'm going to have daggers in my back because people are going to say, 'What are you doing? You're a corporate bought Indian.'" And I'm going, "No." But I already knew that. I knew that I was taking that risk.

I also knew that the elders that I would be asking to come to help us would also be taking a risk, and so we minimized our risk by letting Goldcorp know that, 'You want to know what, we don't want to be your poster child to say look this is what we're doing. We don't want to be poster children.' And I've been very adamant with them about that, that we don't want to be on big bulletin boards and this is what we're doing. But we've got to figure that one out, how to do that, in that way of getting it out, getting the information out there.

I believe that what we have done in the last five years in working with Goldcorp is that a lot of the staff, a lot of the people that came out, they got it, they understood it and they appreciated it, and they go, 'You want to know what, it's about time.'

We had people from the Chamber of Commerce that were going on tours for the City of Timmins to take a look at it, and we had the full support. But once that RDA was signed, that's when our trouble began. That's when the wall came up, the Resource Development Agreement, under the Tribal Council.

All of a sudden there were walls that went up for me. 'Well, you can't speak out about that,' and, 'You can't speak about that.' And I'm going, 'I didn't realize that we live in a dictatorship country. I have a right, I have a human right. I have my Band card that says I'm a Matachewan First Nations Band member. So now all of a sudden you tell me I can't speak, I can't talk, I can't do anything? Where is your legal — it doesn't register here. It doesn't register here.' And I go, 'No, I get it. I get — I understand that people are afraid of what it is I'm talking about here. I get it. But what I'm not getting is why? Why are people so determined to push it off to the side, to say that we don't need that?'

The problem today is that our elder back here just talked about that where people don't want to go to his camp because of policies and regulations that, well, if you don't have under the food, security — under the Food Administrative Act, if you don't have certain things in place and then you can't do this or

you can’t do that, what he was talking about was doing it the original way. We’ve lived for thousands of years that way before we had Health Canada telling us that we can’t do this, we can’t do this. We — I get it!

But I believe that we need an opportunity to demonstrate, and we have demonstrated without a — beyond a reasonable doubt that this can be done where we bring people out on the land and we need to have people like yourself to help us to do that. How do we do that without having to worry about being policy’d or regulated that we can’t do this, that, or the other? How can we do this in a respectful way that respects original knowledge; that respects that wisdom; that respects that? Yes, I understand that when — like whenever we would work with somebody we would make sure that the people that we had in the camp are — well, not really a camp, on the site. Like, we weren’t able to camp over there; there are insurance — I mean there are liability risks that we have to consider, yes, I get it. But I think that those liability risks sometimes are over done or they overshadow what’s attempting to be done with respect to sharing that knowledge and that experience. And, again, you can’t — you need at least four days to do that.

And the other is, is, that if you want that kind of experience is to make sure that you follow the protocols. The protocols, our elder back here shared that. The same on number one and it’s got to be like a pouch of tobacco. That tobacco is what does the talking for us. It’s not for us, the human being, it’s for the spirits. It’s to make that offering through the pipes, through our sacred pipes. It is to — those offerings are also to acknowledge that person’s helpers. It’s like for me this is for the Turtle, this is for the Thunder beings; this is for my existence; that’s what this tobacco is. And so how people understand that exchange that happens. People are going, ‘Well, that’s that whoo-oo stuff, and I’m going, “No, it’s about a way of life.” That’s what I’ve chosen. And I’m a physical, walking, talking experience of what our ceremonies can do to help our people to maintain life.

And so in your question it’s really about bringing the offerings forward; bringing those gifts forward and helping our leadership to support that, that, yeah, I get it, I know that there are people that are Christian or they are religious or they’re whatever denominator that they want to believe as a First Nations person or an Aboriginal or Indigenous person. Fine, that’s good. But also respect the ones that carry the ways. That’s what our youth are crying for. That’s what they’re crying out for. They want to know. But the older generation can’t tell them because they went to residential school. They were — they went to residential school. That knowledge was fragmented.

This is what we’ve been connecting back to, is bringing that knowledge back. I’m one of the ones that is bringing it back. I’m — and our elders in the back here are also the ones bringing it back. They are doing their best to do that but they’re having a hard time because they’re resisted because of the land and where they do it. So we need to find a way to also designate some of these places with

respect to where we're set up and get some parameters around that to protect you know that — that human right to honor the land, to teach our youth, to teach people; it doesn't matter where you're from; it doesn't matter what denominator. But we need places like that to help to begin that discussion that you're asking, and a discussion that's not happening that's resisted even by our own — some of our own leadership, so I don't know if that answers your question.

Renee Pelletier: It does.

Joanne Gélinas: You were asking how you can help. Also we have mentioned to Mary that we would like to understand better this Timmins model that you have worked on. So if you can do a little bit of work together to get back to us with something that we can bring forward into our report as a good example on how to do things differently, that will be very much appreciated.

So we thank you very much for your presentation before this panel today, and we wish you all the best. Thank you.

Martin Millen: Thank you. Miigwech.

Johanne Gélinas: And our last presenter for today is Mr. Anthony Laforge. So he will be invited to join us.

ANTHONY LAFORGE, NIPISSING FIRST NATION

Johanne Gélinas: So thank you, and welcome.

Anthony Laforge: Oh, thank you. Bonjour tout le monde. Good morning. My name is Anthony Laforge. I'm from Nipissing First Nation, but I work at Magnetawan First Nation just down the Highway 69 corridor here about an hour south of here.

Firstly, I'd like to maybe answer that last question that Renee asked to my good friend Martin about this learning curve that are involved in living through right now. My answer would be, "Let's switch jobs for a while." You'll have a good idea as to what situation we have. I'm in the First Nations trenches of governance, I work at the Band Office, I'm the Lands and Resources manager. I deal with this every day. So I just wanted to just start by that because that learning curve is — that he touched on is a living, learning thing that we do every day, especially behind my desk, okay. So I just thought I'd bring that up; the learning curve is insane, not just for this department but for almost every ministry and department that we deal with on a daily basis.

So, anyway, I'll talk on some of the issues that I've got and make just some requested changes, and that will be it, all right?

That will be it, but it's not the 18 pages which it should be, but I am going to cut it pretty short, all right. And, I thank you for the opportunity to be here.

Like I said, Magnetawan First Nations is a small Anishinaabe community located just on Highway 69, just on the shores of Georgian Bay just south of us here. We're located at the mouth of the Magnetawan River watershed, with a strong connection to the upstream health and the development of the watershed. The river is our homeland. So we have a lot of neighbours also up the river, a different association, different communities, different municipalities, so our concern is not at the end of the river, the mouth were our water treatment plant is, but it is also up the river all the way to Algonquin Park to the headwaters. There's a graphite mine up there that's trying to re-establish right now, so we have issues with that. So we understand.

Highway 69 bisects the reserve and is currently subject to a major highway widening project, EA, that's the Highway 69 four-lane project, 82 kilometers that are left — a major, major project. It will literally bisect the First Nation in half so we've been negotiating for a while on compensation, accommodation, and etcetera, etcetera.

So we're looking at mitigation for our species at risk. We're looking at mitigation for our human element. Like I said, this thing is going to bisect the First Nation. They're creating the Berlin Wall right through the First Nation, and Highway 69 and 529 will be Check Point Charlie to get across, so we're doing a lot of that mitigation.

We're working towards sovereignty and jurisdiction though our First Nation Land Management Act, and other processes. So this is something that this Hearing Board needs to — that's part of that learning curve, First Nations Land Management Act.

There's over 112 First Nations now across the country that have their own land code operating under their own land code, meaning we are the authority having jurisdiction. Nobody else anymore, okay. And at Mag we have just been operational for a year now, so right now, currently, I'm developing an environmental management plan and I'm looking at the old one of '92 and the new one and we're going to combine the species at risk and our own traditional knowledge so the environmental management plan we are going to create is going to be a combination of both our species at risk and our traditional ecological knowledge from our elders and our own people.

So in a few years we are going to have a document that will be over and above what you guys are providing, and we're not going to have to look at Transport Canada anymore because like I said under our land code we have 32 sections of the Indian Act no longer apply regarding our lands, resources and

management and administration of those lands, okay. So very shortly I won't even have to deal with CEA anymore, we're going to have our laws and they will be more stringent than what you provide because we're going to take into account traditional ecological knowledge, species at risk and everything else that has been ignored, okay.

So some of the major issues that we deal with, I had my environmental team put this together last night so I put it up, but they figured I was the best voice to bring this forward today so I'll take it a little slow.

Statutory time lines are contrary to a meaningful consultation process, obviously. And so the point there is the mandatory time lines for government in the Act are way too short and inflexible. Indigenous Peoples do not have a time to review and respond effectively to any EA reports. It does not allow for the clock to adjust to get through difficult issues. So, basically what I'm saying is, we get 30 days to respond to six documents that get piled up on the chief's desk and only if the chief gets that document and brings those to my desk immediately — immediately, that I'm under that 30 day window, immediately. And that does not include weekends, holidays, sick time, or nothing.

So as it turned out to me it was 11 days, four big documents. And I am not an environmental — I'm not an environmentalist, I'm not a — I'm not even a bicyclist. So how am I supposed to deal with these four big documents that are sitting at my desk, and really I have 11 days to look through, and I'm not an engineer, okay. So if we were to switch places like I mentioned, you'd be sitting there with these four big documents that got delivered, and only if the chief brings them down to my desk right away that I've got those 30 days. So, that doesn't really happen. That's in a perfect world but those 30 days come down to 11 or 12 days and if I even gave an attempt, I wouldn't get through one of those.

So the time lines are ridiculous. That's not including no funding to look through, and I have to look for cash, I have to look for extra money. I've got to go council which they have council meetings and time lines — the time lines are all messed up, so I literally have to out of my pocket hire somebody to do a peer review and get it back to me in a couple of days which never happens, which will never happen in any world, and then I'm supposed to provide that back to you guys, which is incredibly insane. But that's the process we're dealing with.

So the only option we have there is to letter them to death. We're going to write nasty letters and maybe we'll round dance out here and we'll get the press, but there's really nothing we can do. You know that. I'm not telling you anything you do not know, okay. So letter them to death and lettering them — 'Okay, we'll give you an extra seven days.' Whew, right on! Okay, that's a major issue and that's I don't know how many more times I can say it, but it never gets dealt with, they don't care. Seven days, too bad. And that's all part of the process too, is it's hurry up and get it over with and move on, okay.

The second list based and trigger based screening process undermines Indigenous interests and concerns. Speaking on this, in 2012 the process to decide whether an EA was required or not became based on a rigid and narrow list of project types. This does not allow Indigenous people to have an influence on whether the project is occurring in sensitive areas or with particular rights impacts are considered for an EA, meaning, in my mind, new legislation means zero to some forms of the government. So, that's just my comments there.

Consideration of Indigenous traditional knowledge is optional and in practice very shallow and absent. The Act only says that traditional knowledge may be considered but does not require it to be considered, so that's jus blowing smoke, and that's very typical.

The Agency has not established a detailed guidance for the treatment and use of traditional knowledge in EA's, so again it's just, "Well provide it. Maybe, yeah, we'll look at it. 100% we won't." but you know — but, hey, it's been a good — you know we're dialoguing, we're consulting, it's been great, but nothing gets done and I have a very specific situation that I can talk about as long as there's no one from MTO in the room.

Right where I am the CEAA has been dealt with because I have been raising a lot of stink and they're probably scared to give it to me. But just north of us they had a major EA completed and it's in Henvey Inlet First Nation reserve. And in preparing for this, we had a traditional man use study done, a few hundred thousand dollars. We did a video, we had interviews done from 150 elders; some are passed now, so we complied as much traditional ecological knowledge, land use knowledge as we could possibly do. We made a video. We videotaped all the elders and had their last say before they passed, and all the history of traditional land use in our area, because this is a major 80 kilometer project that's, like I said, bisecting the First Nation. It's a First Nation altering time, and we're just having a Tim Horton's and an ESSO just being built right now so it's very altering — things are happening.

And like I say it's — the example I got is we provided — I got that traditional knowledge completed. I'm sorry, I got that traditional knowledge completed; it cost us a lot of money. And then MTO said this will be definitely provided to Transport Canada or CEAA to review this document. I said, "Great, it's not directly in our territory, but all traditional knowledge is not on the little square of land that Indian Affairs gave us. We have traditional territories that expand way beyond our little zoo that we're given, right.

So traditional knowledge — so our traditional knowledge is outside the realm of the exact where we live, so it's over in the area that was being decided on, that CEAA, CEAA-3, I believe it was called.

So I said them I sent to MTO and I said, “Well, as long as this…” and Transport Canada. I said, “Thank you. Thank you for your document but I’ve read through the document and I just wanted to confirm that you utilized your traditional knowledge study that we have, we’ve completed.” And they said, “Yes, we absolutely did.” And I said, “Really, how could that be done? I never gave you a copy.”

So, like I said, it’s interesting behind my desk. So I caught them on a blatant lie, and MTO also was on that board of lying. And our council was not happy with that, but I kind of knew it was coming and I proved that it was coming, and I proved in 100% they do not look at traditional knowledge or even give a crap. And I guarantee you it’s not going to happen in the next one that’s coming across my desk.

And if that doesn’t work out then the highway is not going to happen because under the land code expropriation, as you know, is no longer on the table for the Crown, so there’s three First Nations on the Highway 69 corridor; they’re under their own land code. The Crown, MTO, is sitting there wondering what the hell do we do now; we’ve never dealt with a land code First Nation that expropriation is off the table.

They’re in a major conundrum, and what we’re doing in negotiating our three First Nations is going to provide implications directly across this country, and I hope — I hope somebody is listening because there will be more round dances on every territory coming for the next 10 years, and you won’t have any CEA approved, especially not in Indian country because we’re all going to — we’re all doing our own, so after in a few years there we’re not going to have to deal with the CEA process, just that learning curve again. First Nation Land Management Act, expropriation is not on the table, MTO came to us saying you know this is where we’re going to build a highway and this is — get out of our way.

Well, that doesn’t happen anymore, they cannot. First Nations lands under our land code cannot be delineated one inch, so whatever the 246 acres of land they need will need to go through an ATR policy which you guys — additions to reserve policy — which will take 1000 years or 20 generations.

Our First Nation will never, ever delineate, will never get smaller, and cannot be expropriated. To expropriate it would need a federal governing council, so that’s got to be war or something act, so MTO, we can — we have a veto on this, it’s up to the community whether this big four lane project that’s been approved by the Province of Ontario for 15 years after Rick Bartolucci pushed it from Sudbury. This is supposed to be coming through no matter what. The politicians want it, the bureaucrats do not.

This is the project coming out of North Bay, it’s the first major project they’ve ever had to deal with, $160 million. Well, the next one is 220. The next one after that is even more. These are major, major projects with major, major

concerns, and the First Nations interests are not even looked at one — 0%, and I proved it, "Oh, yes, we looked at your traditional land use Mr. Laforge." "Really? How did you? I haven't even gave it to you. I've been sitting on it, waiting for you to come and get it," for an example to our leadership saying watch, they're not going to ask for it. This letter is on the desk saying we're waiting for it. They never asked for it and it was never put in there. So the next one is coming in our territory.

We'll have a bit of a fight when that comes, I'm sure, because they didn't — I'm sure they just blew smoke and, "Yes, yes, Mr. Laforge," but it's not going to be just Mr. Laforge, it's going to be the — it's the new leadership coming, and they're going to bring my voice. And like I said, we're going to be doing our own CEA in like a few years once we get the CMP complete; we have two years to complete it. And there's three First Nations, they're all doing it, but we're leading the pack right now at Magnetawan.

Okay, another consideration of — I just did that, sorry, I think I hit that to death.

Indigenous communities do not have a meaningful role in the final decision making in their territories or within or around the reserve lands. I just gave you the perfect example of that, right across the highway — right across the bridge. Apparently we have no interest in that, you know. We live on these zoos they give us as our land, it's a reserve land. Something right adjacent apparently we have no concern; that doesn't affect our land.

And the sad thing is the learning curve. We're still talking about duty to consult. Are you kidding me? This is 10 years old. This is from the Haida decision, we're 10 years still talking about a duty to consult, still trying to like find a meaningful act, like. You know the definition of duty to consult is very simple to us Indigenous people: If you want to come in my yard, walk right past me, walk into my house, go into my fridge and take a bottle of water. It's only common sense to ask for permission first. That's your duty to consult. And the Haida decision was 10 years ago. We're still talking about duty to consult; that's 10 years old. In my desk we don't have 10 years to catch up, we've got to hit the ground running now — yesterday, and tomorrow.

The reason the legislation such as the Chilcotin decision, if anybody has heard of it, it is going to take about 20 years to work — 20 years to talk about duty to consent, implications on First Nations rights. The project happening up the river; what are the implications that happen to the First Nations? They're very real people. We're going to wait 10 more years for the duty to consent? Consent comes with an agreement and a dollar value, IBA, Impact Benefit Agreement, if you don't know. But these are some of the struggles we have and the tragedies of land management, all right.

So heads up! First Nations Land Management Act, we don't need you anymore, we're going to be — but the other First Nations are certainly going to need our voice here today for their future. Not everybody is under a land code, or will be under a land code, so we're — thank God, we're going to be out, we're going to get out of this and create our own, and then we'll have our own amount of time to discuss and put an Indigenous meaningful dialogue into the situation, or even be at the table, okay.

So the Chilcotin legislation means nothing to the Crown. A duty to consult, we're still talking about that, that's 10 years old. Like I'm so past that, dealing with proponents, mining proponents up the river, duty to consult. I don't care about duty to consult. Sit down, and the learning curve you should know what Chief and Council are expecting when you knock on their door. You know, it's a learning curve for us; it's a waste of time. I had to sit there and teach bureaucrats and proponents all about First Nation rights and Indigenous People and knowledge and Chilcotin and Haida and all this stuff before they even — they don't know, they just think we're you know — you guys don't care. We do. And a lot of us do protect our land more than the Crown wants us to protect our land, because we do listen to our elders and our youth.

The youth will tell us where we want to go and the elders will tell us where we've been. You don't want to make those same mistakes anymore. The graphite company, you know, it doesn't matter what we say, it's still going to happen. Closure of plants are going to happen and that water is going to come right down, that acid crappy water is going to come right down into our intake again — again and again. What are we going to do? Letter them to death. Letter them to death. Zero gets done. Another boil water advisory, just add it to the list.

There are no defined mechanisms by which an EA process can be delegated to a non-land claim based Indigenous authority or by substitution, let's say we're like a specific land claim branch, if we're in a land claim process. It's nothing like that. They'll identify jurisdictions, as the example of port authority. In the Act you know authorities made by the province only apply. So again we're totally out the realm. We're not even at the table. We're not even in the room. We can give you the traditional land use study that's not even looked at.

So it does not account for new development such as communities under the land code having their own EA laws, so it's the whole process. You're going to have to help with the Lands Advisory Board with our First Nations that are going to be out of the realm because eventually most First Nations will be out of — we will be creating our own and we won't even be looking at CEA, and there's going to be a major conundrum there, a bureaucratic legislative conundrum but we're going to keep pushing.

We have our laws now, the First Nations Land Management Act, our land code, that's a modern day treaty for our lands administration and control of our resources, enforcement. Administration, enforcement, we've got our own laws so — and that's happening.

Thirty-two sections of the Indian Act no longer apply. We're the landlord now. Bell, Hydro, they pay me — well, not me, my department; I'm the landlord. Indian Affairs just sit there and get wasted and just sit and do nothing. It comes right directly back, it's our own source of revenue now; we're the landlord 100% jurisdiction of our land. We should have much more say in what is happening all around our reserve, and our people.

Some of the requested changes, I guess, provide mechanisms for Indigenous communities to stop the clock on the EA process, to ensure meaningful consultation. If you refer to the Mining Act they just implemented something in there called Stop The Clock. If there's an issue and the time line is running, the clock is running, and if there's an issue, time is called. Stop. Just stop everything right now — a week, whatever the time is, if there's an issue. Whereas, here if there's an issue we have to letter them to death. We have to beg, 'I'm sorry we're — you know we're busy Indians, we don't have the time.' I don't have an engineer beside me, I'm by myself.

So there's nothing in there, you just railroad us, bang, here's your 30 days. I've got 14 days maybe to look at it and I haven't even got through the first binder. And if I can find someone that I can sell them to do it pro bono that would be great, but there's zero out there like that.

It would be nice to have legal counsel sitting beside me and someone to peer review these four documents for me, but I don't. That's a whole other career I don't have time to learn.

Bring back regulatory triggers to federal legislation as a means to ensuring Indigenous input on potential impacts can be incorporated in the screening decisions. There's no trigger for any of us as I say where our voice is not heard. It said the government wants to listen to us. They do not. And for my desk it's 100% and they're even lying to me.

When the list of what requires an environmental assessment is more flexible and the more situation specific decision is made, Indigenous communities have more chance to influence whether a project gets an EA. So if we actually knew more about it we may not be against it. It's this hiding thing that we're not even allowed input, so we — we stand with our backs against any project. We're not against development or moving this country forward, but we're getting really tired of things being done behind our backs, and we're sick of it.

Make consideration of Indigenous traditional knowledge mandatory. Right now it's like I said, it's just blowing smoke; it's a pipe dream, 'Oh, we want you to have it but we don't want to hear or read it.' It's a collection and use appropriate. And sure it's meaningfully integrated into all relevant aspects of the AE process; at the beginning, in the middle. What's the further implications of this?

The Chilcotin decision specifically says anything that may potentially impact your Aboriginal treaty rights triggers that, okay. So a mine up the river, if they potentially leak or cause — that's an impact, and it's not potential, it's real and live, and we have to drink that water. Our children have to swim in that water, drink it, eat it, and make coffee with it. And this is real life today.

Appropriate collection ensures that it is done in a respectful way. Appropriate use means there is informed consent for its use by the community.

Meaningful integration means that for example traditional ecological knowledge is integrated through an ecology chapter of an Effects Assessment, not just stuck into a stand alone chapter on Indigenous interests and just put there, 'Oh, they were consulted.' That's where it goes now. It just goes to some place that it just means nothing.

It means that it is incorporated into how affects are determined to be significant or not. And it is applied to follow-up monitoring requirements, what is very important to us First Nations. Right now — right now at Mag because this project is coming through the Highway 69, so what I did was I got funds from Environment Canada, I'm testing the water for three years, water characterization, who is leaching phosphorus into the water, where are the algae blooms coming? And as I found out, it's not from the First Nation because we're all under a water treatment plant, waste water, so we don't have septic systems, we're not leaching phosphorus into the river; it's everybody else. So I'm trying to get a snapshot of where we are.

We have very in depth species at risk program for the last five years at Magnetawan. We've tagged 471 rattlesnakes. We put radio beacons on over 150 of our Blanding's Turtles, so we're Ground Zero for species at risk. And for an EA to not consider how important — we're under an SARA program as well with the fed's, so for an EA to not have a specific area in there for our species at risk program which is one of the probably highest in Canada at the moment, for our secret endangered turtles, would be completely redundant and wrong.

Monitoring. Like I said, I'm getting a snapshot of where everything is now around the First Nation, and when this highway comes through we're going to get a snapshot of what effects it has done with our wetlands, our species at risk, human element, you know to have these highways go through so many Indigenous people have to die, have to get killed. In Garden River, there was like 10 family members before they put the highway around it.

We realize the importance of the highway, but we just don't want to give in and not have any — have it done in a way that is not good for the people that actually live there.

Ensuring significantly affected Indigenous communities, like we are, have a role in environmental assessment government review teams. The government review team is with reps of all the feds and in some cases the province, departments to review these EA on behalf of the government. Indigenous people are nowhere near the room. Zero. The only voice you hear is probably going to mirror my voice from here — I'm just kidding.

But there will be nobody else in the room. Nobody. It's a lot of smoke goes on when politicians are on TV and the radio, but we have no First Nation person in the room, 'Yeah, we're going to make decisions for you whether you like it or not.' I don't think you guys would like that, or the province or the government.

Ensure affected Indigenous communities have a role in deciding criteria to assess the significance and residual effects. Water goes downhill. And you know what else goes downhill, you know. Like I might as well just say, what I say to my staff, the roll call goes up and shit goes down.

Ensuring affected Indigenous communities have a role in deciding. Like I said, deciding whether effects are residual, still there after mitigation. And significant is a key part of making a final EA decision for the government. Affected Indigenous people should have a say in those criteria, but right now we have no say, zero.

Ensure affected Indigenous communities are specifically consulted by the Minister's Office or Governor-In-Council as applicable, before any EA approval decision is made. We've got an issue, right now we have nobody to talk to because we can write letters to death to everybody, just send them out to everybody; that's all our avenue is, to letter them to death. Get on the phone and act like angry people. We're getting bored of that.

Ensure affected First Nations and Indigenous communities are specifically consulted. Like I say, I've said that.

Provide — my last requested change would be to provide an mechanism for Indigenous organization or an operational community under the Land Management Act to undertake an EA by substitution, because I can tell you this is happening already, and you may just have first heard it from me, but you know in maybe a year or so you're going to be going, 'Where did all these First Nations get their own Environmental Management Plans? How come they're not using — how come Transport Canada doesn't rule them anymore? How come? How come?' This happened in '96, the Lands Management Act. It happened in '96. I'm from Nipissing, I

was from one of those first First Nations, so I've had a land code brain for 20 years now, so I'm kind of well aware of what — that's why I'm at Magnetawan, and we — they brought me in there to get the land code going. We managed to be invited. I pounded on Tony — I pounded on Tony Clement's door for I don't know about three years before we finally got in. But that's what I had to do.

If he's your MP, you've got to go to your MP. Who else am I supposed to go to? Do I start calling you guys, calling everybody? That don't work.

So we got into land code. So land code is coming, and it's in. In a few years we're not even going to have to deal with the CEA process. So but what I'm — my voice here today is to maybe help the First Nations that will not be under a land code and hopefully they can get a voice to the table that's actually affecting their land, water and air and people's health every day. But these are the issues that I deal with. My major one is the time lines, those are absolutely ridiculous. I never — I can't even — when I first found that I just couldn't even believe it was true. But you know the push for please give us your TEK, please give us your traditional land use knowledge has been a major pipe dream, and it's not even happening so I think the next voice you'll probably hear with regards to that will be a louder voice and there will be maybe a group, but anyway —

My last slide — is there one more slide, or is that me? I don't know.

Johanne Gélinas: We were able to follow with the one-pager that you gave us.

Anthony Laforge: Oh, okay. Very good.

Okay, my last page is there's a book come out — a book just came out with — we also support the Indigenous lawyer Phil Fontaine. He's a good friend, Phil Fontaine. He's a former National Chief of the Assembly of First Nations; he's had a few terms. He's a good friend of the family and of myself. And he's from Ishkonigan, and their approach calling for a collaborative consent with Indigenous peoples, is a very, very good book, I think you should read. To us, in essence, this approach means making land use and development decisions together at every step of the way with government, similar to the way it is done in the far north, co-management issues, in the areas. They do it up north. But we don't do it here.

Well, there's First Nations down here, too, that we really care about our water, land and our people, too. And that's Phil Fontaine's Collaborative Consent. It's a very good book, but it may provide some kind of framework or idea beginning to a collaborative approach for everybody right from the beginning and it's a very good book; you should read that.

And as you know, we may know Phil Fontaine was large in Prime Minister Justin Trudeau's effort there, his Aboriginal portfolio before he came into power.

I think I'm done. I think I've spoken enough.

Johanne Gélinas: Thank you very much.

Anthony Laforge: All right.

Johanne Gélinas: We may have some questions for you.

Anthony Laforge: Out of time — I'm just kidding.

Johanne Gélinas: You know you're joking but we unfortunately don't have that much time because we have to leave that room. But having said that, I will invite my colleagues to be precise with their questions to you and we can always contact you if we need further information. And thank you for that reference.

Doug?

Doug Horswill: Just one. Stop the clock. Tell me how it would be triggered; how it would work?

Anthony Laforge: Stop the Clock. In the Mining Act, because we're developing a quarry and the graphite mine, I've had to learn more about the Mining Act, and the Mining Act there's the time lines are very important. But when, if there's a decision made by one party and there's — it could be a death of a counsellor, a death — whatever, a new administration come in, whatever. If they needed time, if they need even a week or two weeks it will stop the clock mechanism where all time lines stop. And that's brand new. So that's what I'm referring to.

It's just you know stop everybody under the gun and things are going to get done. You know, take the time and get it done, whether it is a week or not. But there is a mechanism to stop the clock for at least a day, a week, or whatever the time frame may be.

Doug Horswill: Is it a specified list of things that would cause it to happen?

Anthony Laforge: Yeah, there's some criteria there, yes. Yeah.

Johanne Gélinas: You will not be surprised if I tell you that we have heard what you have presented to us quite a few times.

Anthony Laforge: Absolutely, I would hope so.

Johanne Gélinas: And I thank you very much to have it summarized so clearly in this two-pager. We would also like to have a copy of your presentation, this one.

Anthony Laforge: Yeah.

Johanne Gélinas: It's probably the same thing but organized differently.

Anthony Laforge: Yeah.

Johanne Gélinas: So thank you very much.

Doug Horswill: Can I just make one comment?

Johanne Gélinas: Yeah, and I was going just to ask a question. You were saying that you were in the process of coming with your own structure to deal with environmental assessments?

Anthony Laforge: Yeah.

Johanne Gélinas: Is there anything that you can share with us in writing that we can inspire ourselves, or a consultation process that is in the making, even if it is in the draft form that can be public?

Anthony Laforge: Yeah. Well, yeah, see the Lands Advisory Board, we were in Saskatoon two weeks at the General Assembly and a final guide of how to develop an environmental management plan came out, so I've got — I've hired a consultant and obviously he helped me with some of this. We've hired an environmental consultant to shed advice, solutions, bigger traditional land use study five years ago, so I hired them again to an AMP, and a new plan. So they're working on the AMP which is very awesome project for them to do because we're — well, we're going to look at this '92 and the 2012 and with our species at risk, and with our wetland problems and everything else, and we're going to create out own EA process that's over and above this.

But we're going to have input in on it, obviously. We're not going to be left out, and have everybody else decide what's happening on our own land. And that's what really paramount to every First Nation is to get out of this. You know, we don't want to deal with Transport Canada and you know everybody surrounding us and then who cares where it goes or what, so we are going to be the decision body.

I can probably send you I guess — I'll have Scott send you something. I believe we have till December to send you something?

Johanne Gélinas: Yeah. December 21st.

Anthony Laforge: What I can maybe send you is maybe — I could maybe send you the area in the framework agreement with Canada where it says that we have to do it; we have two years to do them, and we are doing it. Yeah, I can definitely send you something without spilling the beans to anybody or anything. Okay.

Johanne Gélinas: And if you can avoid the big binders because we are under the 30 day constraint ourselves, too, so we share with you what it means.

Anthony Laforge: Yeah, you can have the documents that I'll send you. I'm only going to give you three days to review them.

Johanne Gélinas: That's very kind of you, thank you very much.

Anthony Laforge: You're welcome, thank you.

Johanne Gélinas: So that ends our afternoon session. Thank you very much for you to — thank you very much for having — sharing your time with us. Everything that was said here will be first summarized and also you will have access to the transcripts. I don't know when the transcripts will be available — let's consider three weeks, kind of. The summary should be on the web within the next ten days or so.

So thank you again for your participation. And we wish you all the best.

(BREAK)

Johanne Gélinas: If you want to revisit your presentation, feel free to do so. You can send a formal — yeah, you can send us a final copy.

Okay, it's up to you. Just let us know that this is not the copy that should go on the web right now.

Unidentified Speaker: Yeah, we'll send you an electronic.

Johanne Gélinas: Okay, good.

So thank you very much for joining us.

This is our last presentation in Sudbury. And I know you have travelled quite a bit to come to talk to us, so we are very grateful for that. So my name is Joanne Gélinas, and I Chair this expert panel.

And with me today are my two colleagues, Renée Pelletier and Rod Northy.

We have another colleague, Doug Horswill who unfortunately had to leave to catch a flight to go back home in British Columbia. So he will be able — because we will have transcripts of this presentation, he will be able to catch up.

So just a few words to say that we are an independent panel. We are not CEAA; we are not the government.

We have a very clear mandate, which is first to hear from people all over the country to come with a kind of proposal for I would say 21st Century kind of Environmental Assessment Process. We’re not only looking at CEAA, but we are also looking at the NEB process and the CNSC process.

So NEB stands for National Energy Board and CNSC for the Canadian Nuclear Safety Commission.

So that's what I want to say. We should issue a report early next year to the Minister of Environment and Climate Change.

So now the floor is yours.

(BREAK)

Johanne Gélinas: Chief, we have an hour. Is that enough for you?

Chief Harry St. Denis: Sure. Yeah. It'll take me maybe 15 minutes just to re-group.

Yeah, and then we'll – for any questions, you know —

Johanne Gélinas: Okay. And just for the record —

Chief Harry St. Denis: -- and go for however long it takes.

Johanne Gélinas: -- would you mind to introduce who is accompanying you here today.

CHIEF HARRY ST. DENIS, WOLF LAKE FIRST NATION

Chief Harry St. Denis: Okay.

Yeah, I'm here with Rosanne Van Schie. She is the Economic Development Advisor and advisor for policy issues especially around, you know, environmental issues. Okay. We're all ready? The audience is ready?

(Laughter)

Chief Harry St. Denis: Okay, dear Madam Johanne and Commissioners. My name is Harry St. Denis.

I am Chief of the Wolf Lake First Nation known in Algonquin as Mahingan Sagaigan.

We are a member community of the Algonquin Nation. I am presenting here with Madam Van Schie.

We are grateful for the opportunity to present to you today. We commend you on the effort you have undertaken as an expert panel in reviewing the shortcomings of the Canadian Environmental Assessment Act.

While there's much to consider in reforming this legislation, we urge you to understand and recognize the full scope of Aboriginal rights, title and treaty rights as you make recommendations to the current provisions within CEAA 2012.

We will be communicating to the Government of Canada in detail with respect to the Fisheries and Navigation Protection Act. Implications for Aboriginal People with respect to environmental assessments due to changes in these two Acts are substantial.

Our presentation today is concerned, in particular, in addressing how CEAA 2012 threatens to undermine our integrity and effectiveness in addressing environmental impacts on our traditional territories to its current process.

The following presentation provides our community project, along with general comments on how we are currently affected by the Canadian environmental assessment process as well as particular changes we would like to see incorporated into your final recommendations and report to the minister.

Before starting and, for the record, I'd like to address some procedural concerns about the conduct of this consultation and the perfunctory 10 minutes suggested to present our reviews today.

Unfortunately, this process has been marred by short notice periods, insufficient funding and timing for Aboriginal communities like our own to prepare comments.

I conclude our introduction with no disrespect to your panel. However, the federal procedure today does not like CEAA 2012 and it has been designed by intentionally ineffectual for First Nations Peoples' participation, unduly limiting us to funding and arbitrary timing constraints that leave little sentiment for First Nations communities to prepare or participate.

As I am one of two presenters here today, I think my point is evident.

In order to safeguard the situation, I request that this presentation is recorded as a consultation under protest and if the federal government ultimately introduces a Bill to amend CEAA 2012, that the Bill is referred back to First Nations communities, like our own, to be consulted upon clause by clause with appropriate resources and review timeframes to account as meaningful consultations.

The Wolf Lake First Nations is one of 10 distinct First Nations that make up the Algonquin Nation. Nine are located in Quebec and one in Ontario. Wolf Lake is made up of 235 members living off reserve mostly in the areas of Lake Kipawa, Quebec and in the nearby communities of Timiskaming and also North Bay, Ontario.

Our members continue to occupy, manage, safeguard, intensively use our territory as we carry out our traditional and family activities of visiting relatives, hunting, fishing, trapping and gathering medicinal and edible plants. We also carry out contemporary, sustainable economic activities in the form of green energy initiatives, forest conservation and echo-tourism businesses throughout our territory.

All such initiatives are based on a model of self-determination and the history of Algonquin traditional knowledge and land governance. Since time immemorial, the Algonquin or Anishinaabe People have occupied a territory whose heartland is the Ottawa River watershed.

Over 400 years ago, we greeted Champlain when he reached the Ottawa Valley and our lives have never been the same since.

Traditionally, our social, political and economic organization was based on the watersheds, which served as transportation corridors and family land management units.

Today, families in the centre of seven generations of transferring the knowledge and experiences of three prior generations and planning for protecting resources for three generations into the future, regardless of the cumulative impacts of colonization. Wolf Lake members regard themselves as keepers of the land carrying the seven generations worth of responsibilities, regarding livelihood, security, cultural identity, territorial integrity and biodiversity protection.

We have accumulated local historic and current Aboriginal traditional knowledge, customary laws and wisdom that relate to the environmental management of these lands that we occupy.

On January 23rd of 2013, our First Nation, along with Kabanik First Nation, the Timiskaming First Nation jointly released a statement of

asserted rights which summarized the Aboriginal rights, including title which our three First Nations assert and provides detailed evidence to substantiate it. Copies of the statement of asserted rights maps and background documentation were transmitted to the governments of Canada, Quebec and Ontario in January of 2013. I've attached for your review a map of the Algonquin nation along with a map of our joint-SAR Territory as well as current and potential environmental assessment projects we are faced with on our traditional territory.

In summary, our First Nations have not relinquished Aboriginal rights and title over lands that straddle the Ottawa River basin on both sides of the Ontario/Quebec boundary.

The importance of consultation processes and the responsibilities of the crown are affirmed by existing case law.

In carrying out the review, we understand the panel shall consider matters raised in the federal environmental minister's Mandate letter and the mandate letter of the Federal Minister of Indigenous and Northern Affairs.

We understand the panel is to recognize the objectives of the United Nations Declaration on the Rights of Indigenous Peoples and that the panel shall reflect the principles of the Declaration and its recommendations as appropriate, especially with respect to the manner in which environmental assessment processes can be used to address potential impacts to potential or established Aboriginal and treaty rights.

We understand the federal government promised a renewed relationship with Canada's Indigenous communities.

During the 2015 campaign and [indiscernible] the Conservative Government for not adopting the United Nations Declarations on the Rights of Indigenous Peoples.

In May 2016, Indigenous Affairs Minister Carolyn Bennett announced that the UN — that Canada was officially removing its objector status to the Declaration, yet the same government later in July guided Justice Minister Jody Wilson-Raybould to contradict Canada's position at the UN to the Assembly of First Nations.

There she explained to us that the prospect of actually implementing UNDRIP into law was a simplistic approach that was unworkable and a political distraction. This is the difference between a government seriously committed to repairing past wrongdoings and improving the lives of Indigenous Peoples in this country and a government just pretending to do so.

It is for this reason we find this panel's instructions in limiting UNDRIP to situations deemed as appropriate — as inappropriate and unacceptable conduct by the federal government.

The UN declaration includes a number of articles that recognize the need for a dominant state to respect and promote the rights of its indigenous peoples as affirmed in treaties and agreements, including how Aboriginals participate in decision-making process that affect their traditional lands and livelihoods.

The concept of free prior and informed consent promoted by the United Nations is of paramount importance in terms of decision-making.

For example, Article 18 mentions that Indigenous People have the right to participate in decision-making matters which would affect their rights through representatives chosen by themselves in accordance with their own procedure as well as to maintain and develop their own indigenous decision-making institutions.

States shall consult and cooperate in good faith with the indigenous Peoples concern through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with development of lands utilization or exploitation of minerals, water and other resources, in terms of seriously improving environmental review practices and approaches within Canada and further linking these to international agreements.

We would like to bring your panel's attention to a landmark verdict in 2015 where Judges of the Hague District Court ruled that the Government of the Netherlands had a legal obligation to act in the best interest of current and future generations by lowering its CO2 emissions.

For the first time a court had established a duty of care towards future citizens and matters of climate policy. Also, a groundbreaking judgment in Seattle, USA last fall ruled that the State of Washington had a constitutional obligation and public trust duty to preserve, protect and enhance air quality for current and future generations.

The rise and success of these international environmental actions that support the Anisinaabe seven generation customary law have been exciting developments in the international legal landscape —such litigation challenges, short-term Canadian political thinking with legal action that focuses on the long-term consequences of poor policy and legislative decisions .

Today we are asking this panel to recommend policy changes to CEAA 2012 that definitely moved the legislative and policy barometer beyond what Canada has historically deemed as appropriate.

Changes to the Canadian Environmental Assessment Act 2012 clearly represented the Conservative Government's intentions to focus efforts on stimulating economic growth through more rapid resource exploitation at the expense of the environment.

Under CEAA 2012 only those projects designated by the regulations designating physical activities or designated by the Minister of Environment on a discretionary basis may be subject to an environmental assessment.

Assessments are based on determining significant environmental effects which in the past would have been grounds for rejecting it.

Now, project is referred to Cabinet to determine whether those effects are justified in the circumstances, politicizing approvals while severely cutting the number of projects screened.

Timeframe for environmental reviews tightened is standard. Environmental assessment must be completed within 365 days.

An environmental assessment by the NEB be completed within 18 months and an environmental assessment by a review panel be completed within 24 months.

Opportunities for public participation are reduced and provincial assessments are recognized as equivalent to federal reviews.

Before 2012 there were 2,970 projects on the CEAA registry for a screening. Under the new Act, 2,900 of these projects were dropped.

In response to your gathering information today that ensures that environmental assessment legislation is amended to enhance the consultation, engagement and participatory capacity of indigenous groups in reviewing and monitoring major resource development project — our recommendation is for your panel to look beyond the Act itself and take into account other pieces of policy that further weaken Aboriginal Peoples capacity to participate in the resource development review process such as the Comprehensive Claims Policy, Fisheries Act, Navigation Protection Act, and even the Indian Act.

These pieces of legislation combine as an assault on indigenous sovereignty and the protection of land, air and water. The cumulative policy effect has silenced our peoples as resource development proceeds as planned.

Specific to Aboriginal Peoples, the Canadian Environmental Assessment Act 2012 requires a proponent to take in account the potential effects of a post-development on health and socio-economic conditions, physical and cultural

heritage, current use of lands and resources for traditional purposes, any structure, site or thing of historical, archeological, paleontological or architectural significance.

And while it appears that CEAA 2012 sets out goals with respect to Aboriginal interest and engagement in the environmental assessment process, it is our experience that all is not what it seems to be.

Our first experience with CEAA 2012 was with the recent 20.9 million dollar Lake Timiskaming holding damn replacement project.

In 2012 under the new legislation the project lost its major project destination and was only subject to an environmental effects evaluation.

The project was managed by Public works and Government Services Canada who ignored our calls for consolation and insisted they only had a duty to inform our First Nation because the damn works were under water and they insisted we have no jurisdiction over the riverbed.

Public Works approached us in advance of the re-development plan wanting us to enter into a one-year lease for our Algonquin canoe company store located 200 meters from the proposed project and we refused the lease offer.

We then urged Public Works to put in place the consultation framework that allowed for our genuine input and involvement and the earliest stages of decision-making. They refused. And as a result we were not consulted but informed us that the location of the new damn would be in one of the most active Walleye and Sturgeon spawning beds on the Upper Ottawa River. The location is also in the historic migratory range of the listed endangered species that the Algonquin's call *Pimisi*, the American Eel.

Although we offered to engage our local experts in developing the best project options through research and coordination of our traditional knowledge, Public Works obstructed funding support for our participation and any design planning or environmental review exercises of the new structure.

The result was a new damn constructed downstream of the existing damn in an active spawning bed without our input or even a simple fish or eel later instilled.

The Department of Fisheries and Oceans cooperated with Public Works and granted the construction permit without consulting us whatsoever on our Aboriginal fishery at that site.

Furthermore an NEB Class B regulatory review took place without adequate time or effort for consultations with our community by either the gas

line, pipeline proponent or the NEB. The NEB issued a Class B authorization in a 56-day review period through a corporation champion pipeline to insert a natural gas pipeline in the Ottawa Riverbed rather than mount it on the dam as it was previously without any form of consultation with the aboriginal communities.

There is now a gas pipeline buried in one of the highest volume water release areas on the Ottawa River. Potential implications remain to be seen to both our fisheries and pipeline safety, if the pipeline becomes exposed or breaks in the turbulence of the river outflow, often increasing an intensity due to climate change related events.

We conclude that while both the NEB and the CEAA require an EA to discuss socio-economic and cultural conditions in this project, both agencies set the bar extremely low in terms of what information would satisfy the environmental assessment and barely manage to meet what is required by regulators and definitely failed to meet what is required by science or aboriginal communities.

However, it is our review that this level of performance is deemed acceptable by the federal government. The Canadian government needs to be and will be held accountable to our community in making decisions that affect our aboriginal title and rights and acting irresponsibly as trustees of our common environmental resources.

The current CEAA 2012 project designation does not respect the sensitivity of our long-term use of the site and we are yet to be meaningfully consulted. We will not go into details with our experience with the NRG's proposal in this sessions as the current approach involves significant legislative, constitutional and fiduciary gaps that we cannot accept but will address in our written submission to the CEAA expert panel as required.

In conclusion — in closing, we'd like to draw your attention to the International Association for Impact Assessment Best Practices Principles for Meaningful Participation. At a bare minimum adopting these guidelines and amending environmental assessment legislation would ensure enhanced consultation, engage a participatory capacity of indigenous groups like our own in reviewing and monitoring major resource development projects.

Early notice to those potentially affected by development about the prospects of a development proposal and opportunities for engagement, aspects to complete an accurate information about a proposed development, including information about projects designed, the location, known baseline conditions and impacts; early engagement prior to an environmental assessment submission, to develop a working relationship with potentially affected communities to identify potential problems and concerns and to work together on developing solutions; transparency whereby development plans, decisions, and decision-making process are publically and

easily accessible, ensuring that the affected communities have the necessary resources, financial, technical and human to engage in the environmental assessment process and remain engaged after the environmental assessment approval.

Affected communities are willing to engage for the purpose of improving project design and managing impacts and providing information of relevance to the regulatory decision-making process. There is an opportunity for formal legal challenge or intervention should community concerns not be adequately addressed or due process for engagement not followed. Proponents and the communities have a genuine interest in working together to understand the issues and concerns of both parties and to resolve them — an opportunity to influence the projects design and the outcomes of the regulatory decision-making process.

As mentioned earlier, our customary world view should not be overlooked. It is a world view that now has international legal tools for lawyers to increase pressure on climate litigation and policy makers to truly act and speak on behalf of the transition into a sustainable world. Miigwech, Madam Char and Co-Chairs.

I'd just like to point out that this was part of the Public Works and Government Services information that they provided to our community. This is one binder. There's another one like this just for Public Works. There's also another binder for the Department of Fisheries and Oceans. And there's another one for the Pipeline, the gas pipeline.

So what am I supposed to do, you know, with all of this? We don't have any marine biologists in our communities. We don't have any structural engineers, you know. So what use is this to me?

Johanne Gélinas: Thank you very much Chief St. Denis. And you missed the presentation this morning where Mr. Laforge was also talking about those great binders that you were receiving on a monthly basis, as I understand.

I will let my colleagues start asking you questions.

Renée Pelletier: Miigwech, Chief.

A number of questions. I'd like to start off, actually, first, by addressing some of your comments on the consultation and the short timelines in this process — and that's just to acknowledge that we hear you on that.

As you may know, the terns of reference set the timelines and we're bound them as well. We acknowledge they're extremely tight.

So we want to thank you for coming here today despite those timelines.

Also, to let you know that. as Madam Chair mentioned at the beginning, given that we are not — we're an independent panel; we're not government. Our understanding is that the minster will be capital C consulting, duty to consult consulting on either our report or the next steps.

So there will be other opportunities for communities. And we are what's considered pre-consultation, I guess.

Chief Harry St. Denis: Fact-finding type.

Renée Pelletier: That's right. That's 100 percent right.

So I'd like to pick up — my first question, just to pick up on your last comment about lack of resources — and you said in one of your recommendations that ensuring that affected communities have the necessary resources, financial, technical, human, to engage in the EA process and remain engaged post-EA.

Could you maybe say a little bit about what happens now? The project comes, hits your desk, you get one of those binders. What does your community do?

Chief Harry St. Denis: Well, there's not too much that we can do. Like, we've applied — and let's say, for example, the Public Works project at the Timiskaming Dam — we have applied to the Department of Indian Affairs, you know, for funding to assist us with that.

But what we found out was that — even at the time — this was a couple of years ago — that Public Works, they were interfering in our application to the Department of Indian Affairs Regional Office for support. So what can we do?

We've got letters, we've had different, you know, calls from people that work for the department wanting to come and visit us and to present us with some more information to ask our opinion on certain things. And we're never in any position to properly respond.

And, like, even the Department of Fisheries and Oceans had a big role to play in that particular project.

We have people that could have been involved. We have asked them for an agreement. For example, we have people, youth that are trained in our community through a project through our tribal council where we train our people in fish spawning, habitat, you know, rehabilitation. You know, we have people. We have people in our community, of course, that know how to set nets when they're doing their baseline study before the project starts where we could have been involved in that.

We're right there. But not once have they engaged us in any of that. And also the project is nearing completion now. It will be completed, I guess, before this fall.

We could play a monitoring role after because there's going to have to be some studies done, like, you know, with what the damage that they have done there. You know, there's going to have to be some follow-up for maybe five, 10 years to see, you know, if the fish are reproducing — are they still coming back there there to spawn. We could participate in all that but they just totally shut us out.

Johanne Gélinas: If I can just — continue. Go ahead.

Chief Harry St. Denis: And another thing is that at that particular site there's what they call the Ontario dam and then there's an island where, you know, we have a canoe company store and then there's another dam that leads to the Quebec side and starting next year they're planning on doing the same thing to the Quebec dam —and so is it going to be the same thing going to happen, where, you know, we don't have any benefits, even opportunities for employment, you know. I think we have some people in our neighboring communities where they could benefit from employment. They have some contractors that have heavy equipment.

You know, if we were to sit down and have an agreement with Public Works where we could, you know, identify these things — and maybe you need a general contractor, of course, but there could be other opportunities, you know, for our people if the contracts were broken down a little bit, you know.

Those type of things could be all negotiated. But they didn't want to hear anything. They just wanted to push right through. Go ahead.

Roseanne Van Schie: Just in addition to that, I think it would be important that this panel recommends that interim measures be applied to the current legislation.

As it stands right now, the law is the law because, like Chief St. Denis has mentioned, they're planning another dam retrofit on the Quebec side. And we definitely want to see a different level of consultation and engagement in this next phase of the project.

And so I think if you look at what the minister has recommended to the National Energy Board process in terms of interim measures should apply across the board to CEAA — to the CEAA piece of legislation because so many projects are left out of a certain level of consultation just to due to this designated project status.

So, unfortunately, that dam didn't qualify as a designated project. So we just saw this low level of engagement. However, the impacts were so serious.

So previously you wouldn't see under the Fisheries Act serious harm or death to fish being allowed. But yet they dug out the Ottawa River, right down to the riverbed the size of two football fields. Like, there's no more serious impact anywhere. I can't believe it happened — including the insertion of this pipeline underneath the riverbed. It's there now. Yeah.

Johanne Gélinas: So, as I understand, you faced both process, the Quebec one often and the federal one, or are you just talking about the federal EA process?

Chief Harry St. Denis: Just the federal EA.

Johanne Gélinas: Okay.

Chief Harry St. Denis: There is no Quebec. They're both federal dams.

Johanne Gélinas: Okay, thanks. If we were to provide you with the CEAA EA process, would it be possible for you to —

Chief Harry St. Denis: The current process now?

Johanne Gélinas: The current process.

Chief Harry St. Denis: Yeah, okay.

Johanne Gélinas: Yeah. Would it be possible for you to highlight for us in your submission where you think changes will be needed so that it will fit your needs?

So you're talking about, you know, the screening process, monitoring. Where do you see yourself fitting, first? And what is a kind of reasonable timeframe to do these different parts of the EA process? Because we heard a lot of what you have said, Chief, and we would like to come with something that makes sense.

So the more we will have your own analysis of what will make sense, and we will gather that information, we will have a clearer vision of what should be proposed.

Roseanne Van Schie: Yes, and I can see that mirroring the same process that NRCan is engaging the aboriginal communities in right now and that's the gap analysis between the NEB regulatory processes current processes for pipeline evaluation and, in our case, the NRG's pipeline and interim measures as proposed by the federal government to fill the consultation gap.

So, I think because CEAA should be challenge legally as it stands now — especially with this example at the dam — I can't believe it happened. I

can’t believe DFO permitted PWGSC to proceed when there would be serous harm to fish and aboriginal fisheries and the Aboriginal Peoples never having been consulted.

So, like, we would be willing to do that gap analysis. That would take time, it takes money, it takes resources. And so now NRCan is coming to the table to us saying you can apply for $5,000 to negotiate with us what these consultation gaps look like and how do we fill them without putting the NRG's project on hold or the hearing on hold. And, anyway, it's so complicated, that file.

But there are definite policy gaps that the federal government has to step up on to cover itself from being legally challenged. So, I think, if the Timiskaming dam is going to proceed with a Quebec project side and expect to follow the same procedure as the law is the law, we have a big problem.

Johanne Gélinas: Okay, so let's not talk about the current regulation. Just go beyond that. In your dream, how it should look like?

Roseanne Van Schie: Okay.

Johanne Gélinas: Because we are involved in much more of a forward looking than just looking what is broken and what doesn't work under the current processes.

So just take the time to like at a process and tell us what It means in terms of resources, how much time you need to do that and where you see you having an important role throughout the process?

Roseanne Van Schie: Well, number one, letter of intent, development framework agreement, these are things we tabled numerous times to Public Works and the federal government. Their response would be to us, the riverbed is not your jurisdiction. We only have a duty to inform you.

Johanne Gélinas: Yeah, but please —

Chief Harry St. Denis: Anytime, if you're submitting like your aboriginal, you know, claim — your statement of Statement of Asserted Rrights Claim, it doesn't include the water; it's only the land. So that was one of the responses that we got. And it came from a legal opinion that Public Works got.

Johanne Gélinas: On that one, in particular, just to let you know, next week we have — we have called that a technical briefing with the federal government on EAs. And that's for sure — I'm not looking at him but he knows that I'm looking at him — this is clearly a question that we will ask —what is the duty to inform and how it applies.

And examples like yours are very useful for us, because we can —

Chief Harry St. Denis: I think the fact that we have put the government on notice that we do have — we submitted our Statement of Asserted Rights, you know, based on court decisions that if we are claiming a right, then, it should incline the government to make this consultation more rigorous, you know, than just a duty of notice. You know, I think that's very important that we have submitted, you know, the Statement of Asserted Rights with two other communities. So the duty to consult I think should be more strict, you know, for the federal government, because what we're left with all the time is the options of injunctions, you know, to stop work — you know, injunctions.

And in this case with the DFO they knew that that is an aboriginal fisheries and it's in their own documentation. It has been, you know, for millennia. But, yet, they still just authorized to Public Works and Government Services to go head with their project, even though they knew that we had issues there.

Johanne Gélinas: Thank you

Renée Pelletier: So just to pick up on that, Chief, and also on what this little homework assignment that the Chair just gave to you about if you could map out your ideal process, I think that the Chair was talking a lot about your participation in the process and what you would want that to look like.

And so what I would like to know from you is, what you would like beyond that.

So to pick up, Chief, on what you were saying about the duty to consult and whether you just get notice or how much participation you have, I think you aptly pointed out in your memo to us that our Terms of Reference was supposed to consider UNDRIP. I think you pointed out two very important articles in UNDRIP, being the free prior-informed consent and the right to be involved in decision-making.

And you don't have to answer this now, unless you have an answer now, but I'd love to know your thoughts in mapping out your ideal environmental assessment process, where those principles fit in. How do we incorporate free prior-informed consent? How do we incorporate your right to be involved in decision-making in that process?

Chief Harry St. Denis: I guess – well, we know the government's position on UNDRIP, you know, as I mentioned about what Jody Wilson-Raybould had — you know, I was at the assembly when she said it.

To me, this government's position with regard to the International Rights of Indigenous People is — it's still to me, they view it as the former government as an inspirational document is what Harper had called it.

Based on her comments, nothing has changed. So this is an issue I think for, you know, all of the First Nations across the country. And there's not

only a duty to consult. I think where the impacts are severe enough, there has to be a duty to accommodate the First Nations as well. That's very important. It's something that we can elaborate on further, because this – may be not all projects — but when it's a significant project like this, there has to be more involvement and the consultation — and it has to be an accommodation as well.

Roseanne Van Schie: And just in addition Chief Harry's comments, as well, you have to look at the right to self-determination as one of the main articles in the declaration. And in that right to self-determination, the ability to carry out a First Nation environmental assessment and not to have to rely unilaterally on an assessment put together by Public Works and it's consultant group.

These people know the area. They've been there for thousands of years. They have oral traditions, traditional knowledge, they run a canoe company in this instance right in the centre of the Ottawa River and service all their traditional roots on the territory from that location. And they know the fisheries there and they just absolutely weren't engaged.

Instead they hired some consultants from out of town who wrote up in their introduction that the location was 25 kilometers north of Algonquin Park.

Chief Harry St. Denis: Yeah.

Roseanne Van Schie: It's nowhere near Algonquin Park. And this is what the community has to deal with, when the community members are right there and, you know, could contribute so greatly to a proper environmental assessment. But they were shut out; they were on the sidelines; and there was no effort from the federal government to engage in any type of consultation funding, even though the requests were there. There was no intent whatsoever.

Chief Harry St. Denis: And then their first — when they first come to see us, their first request was they wanted us to move our store off of the island because they said they were going to channel through the island, you know, to let the water pass while they were building the dam. And we said there's no friggin way we're going to — you know, you'll have a fight on your hands then because, you know, it's a key location for us and because it services us all of, you know, the territory on the Quebec side.

And so we refused that. So then they did go back to the drawing board and they come up with, you know, a different plan when we just refused to pay them a cent, you know, for being there because it's our aboriginal title area and we refused to move.

And so they backed off on that. But when we tried to engage them further about signing, you know, just a Letter of Intent, nothing. You know, we tried — you know, which would hopefully have led to, you know, an MOU of

some sort where we could discuss all the impacts of it. And, you know, possible employment opportunities and some mitigation issues. They just staunchly refused to hear anything about it.

Rod Northey: Okay. Let's start. I'm going to go into your presentation. I'm just trying to make sure I understand certain things.

So the first is really to try and understand for my — versus the map that you've given us — a very interesting map. So at page 5, and a summary of your Statement of Assertive Rights on page 6 — I'm just trying to get an understanding of where you are. So I think what this tells me is what — is it correct, Chief, that page 5 is what would be the traditional territory in white? What am I to understand? I'm just trying to make sure I understand this well.

Chief Harry St. Denis: That would be the traditional territory of the Algonquin Nation.

And basically we have been doing research now, you know, for the past 15, 20 years, you know, historical, current land use and occupancy and mapping.

And based on all of the evidence that we have been able to uncover is that the traditional territory of the Algonquin Nation — not just Wolf Lake — with all the Algonquin Nations — all of the tributaries that flow into the Ottawa River. So, basically, you know, the height of land, which is what you're looking at on page 5.

Rod Northey: Okay.

Chief Harry St. Denis: Yeah, so that's pretty much what we know of the Algonquin Territory.

Rod Northey: Well, let's stay — I'm going to come to your Statement of Asserted — just a sec, because I like what page 5 —

Chief Harry St. Denis: Okay.

Rod Northey: So is the map on page 5, a watershed map that you've put your — the bands on or is this somebody else's map? I'm trying to understand whose map this is.

Chief Harry St. Denis: No, that's a map that we had done through the tribal council.

Rod Northey: Yeah. Okay.

Chief Harry St. Denis: Yeah. And it's basically the Algonquin territory, what we see as what is traditional Algonquin territory which includes all of the nine communities.

Rod Northey: Okay.

Chief Harry St. Denis: And also the one n Ontario. But there might be — other people might have different views of that.

Rod Northey: Okay. So is this map submitted in what you describe on page 6?

Chief Harry St. Denis: Yes.

Rod Northey: Okay. And so —

Chief Harry St. Denis: And there are other maps also that shows kind of the different boundaries of each of the three communities that I'm mentioning in here.

Rod Northey: Yeah.

Chief Harry St. Denis: Yeah, there are other maps that we can, you know — we can produce, if you'd like.

Rod Northey: Okay, so there are a number of communities on five and there are three communities on six. Can you just give me a better understanding on why three instead of nine.

I'm having trouble trying to keep — maybe it's 10, sorry. I'm just trying to keep up with where you are, because this is relevant to some questions I'm going to ask in a minute.

Chief Harry St. Denis: This, the one on page 6 is Wolf Lake, Eagle Village — it used to be called Eagle Village but now it's called Kebaowek.

Rod Northey: Okay.

Chief Harry St. Denis: And Timiskaming First Nation.

Rod Northey: Okay.

Chief Harry St. Denis: Territory – yeah, the territory.

Roseanne Van Schie: So it's more of a regional portrait of this —

Chief Harry St. Denis: Yeah. Yeah, of Wolf Lake. Yeah, mostly Wolf Lake. Our current use –see, it's really complicated, because the way that we've done it, it's kind of like timed up maps, you know, where were communities located at certain times.

Rod Northey: Sure.

Chief Harry St. Denis: And based on case law, you have to prove — we have to prove — which I don't agree with, you know — that we were here at the time that the crown first asserted sovereignty.

In our case, we figured that to be around 1850.

Rod Northey: Okay.

Chief Harry St. Denis: And then there are times – like, we moved around eh, so during our historical research, you know, we — there's a whole lot of other maps. If you really want me to confuse you, I can bring you, you know, a whole bunch of other maps.

(Laughter)

Rod Northey: Not much more to confuse me.

Chief Harry St. Denis: But this is basically our current land use area today, pretty much.

Rod Northey: Okay. All right. So —

Chief Harry St. Denis: Yeah. Yeah, and the project is — yeah, it is —

Roseanne Van Schie: The projects within that area —

Rod Northey: Yes.

Chief Harry St. Denis: Yeah, for sure. For sure.

Rod Northey: I can see that.

Chief Harry St. Denis: Yeah.

Roseanne Van Schie: Yeah.

Chief Harry St. Denis: For sure.

Rod Northey: Okay. Well, now you're about to get to my next question. So there are three of you in this traditional area and then we've got these projects that affect a number.

What I'm trying to understand here — I'll be very simple then — is it possible that the other First Nations are getting different consultation? Are you in contact — are all of you working together? I'm just trying to understand if there's a divide and conquer; if something's happening I'm missing.

So Public Works contacts some First Nation but not you?

Chief Harry St. Denis: For the one at Timiskaming – see, there was a Latchford Dam project at the same time which involves mostly the Timiskaming First Nation because it's within their, you know, current use area and their aboriginal title area.

So they've sent us consultation requests for that project as well too. But we've said, it doesn't involve us.

Roseanne Van Schie: Okay.

Chief Harry St. Denis: You know, deal with the Timiskaming First Nation on this issue.

Rod Northey: Okay.

Chief Harry St. Denis: But the one at Timiskaming involved mostly Wolf Lake and [indiscernible]. But it was mostly Wolf Lake who got involved from the start mainly because our canoe company store was located right there and they wanted us off of there.

And so then that's when we started to, you know, to push back and, you know — for what are yous planning and, you know — so we wanted to be involved.

And so then we met with he — it was called Eagle Village Council then. And so they started to get involved but not as directly as Wolf Lake just because of the fact that currently we have a site there, we have a canoe company store there that, you know, would suffer damages during the construction phase.

And so we were more the ones that, you know, that were heading up.

But the other community, for sure, got the same information and they were consulted as well and to the same degree, you know, as us. Yeah.

Rod Northey: Okay. All right. I'm not on page 10 and the environmental effects evaluation. I think I'm going to ask, is that what I call a Section 67, determination of effects instead of an environmental assessment, if you know? Because CEAA '12 created two — if you're not on the lost but you are affecting federal land—this is affecting federal land, Public Works land, you might not get an environmental assessment. You might be only subject to a determination of significance of effects, which sounds very similar to what you're describing. I'm just wondering if you know?

Roseanne Van Schie: There was a prescribed environmental effects evaluation for that project.

Rod Northey: Right.

Roseanne Van Schie: We know that it wasn't a designated project status under CEAA 2012.

We did approach Minister Aglukkaq at the time —

Rod Northey: Yes.

Roseanne Van Schie: And asked for a bump up.

Rod Northey: Yes.

Roseanne Van Schie: Based on a number of factors, the endangered species of eel wasn't accounted for under the Species at Risk Act. Like,you know, we would have liked it bumped up for that reason and a number of other factors like the significant impact to the fisheries and —

Rod Northey: Right.

Chief Harry St. Denis: I don't even know if we got a response from anyone.

Rod Northey: And did all of this begin after July —- you've said it here and just want to make sure — all of this project, beginning "our experience on 10 began after the budget legislation was passed…"?

Roseanne Van Schie: Yes.

Rod Northey: Yeah, which affected the Fisheries Act, the Naval Waters Protection and the CEAA?

Roseanne Van Schie: Yeah.

Rod Northey: Okay. All right, that's it. I don't want to get much further into the past. I think I've got a sense. But I do have a couple of questions then.

We have been receiving from others a suggestion that a project assessment is often not sufficient and that we should be looking to recommend something called regional assessment. And the idea of a regional assessment that where there are multiple projects in an area that have cumulative effects, rather than say to one proponent, you do the cumulative effects, the government or somebody does a regional assessment before the project so that all the projects could be looked at in a context and see what's happening.

You've got a number of projects listed here. Do you think that makes any sense?

Roseanne Van Schie: Well, that's an interesting approach and I have read about it in academic literature.

I think it would be interesting to marry that concept with the idea of a regional aboriginal environmental assessment and zone mapping of the territory and their idea of how they're gong to move forward over the next three generations.

I think you'll find that they would like to integrate more factors related to their customary law, how they manage the territory historically environmentally and where they find themselves now with the provinces managing a lot of natural resources and their having no say.

And when you talk about cumulative effects, not only of development, but I think we have to come back to what we mentioned in the introduction, and that's the cumulative effects of policy, federal policy on First Nations and where that leaves them in this position of ether termination or marginalized in these types of consultations and negotiations, when really if you're looking forward at a plan in crisis to do with climate change and ecosystems sustainability, I think we have to look back in time as to how certain other societies managed things better.

And I think this government will continue to be challenged internationally on the positions it takes moving forward in terms of resource development and climate change mitigation.

So maybe we can move out of this policy box we're in that's based on the colonial history of resource exploitation only and our economy being so entrenched that way, and start looking at other areas of development where First Nations could take a lead role, where there be ecosystem services or how do we offer traditional knowledge into environmental assessments and services, like, you know, everything from what medicinal plants and uses were associated with which forest types, what forest types are important to animals. Nothing is integrated right now in terms of First Nation traditional knowledge. And I know that's one of your tasks as a panel, is to address that as well.

So if you're going to look at the regional cumulative plan, I think you might want to look at an exercise where First Nations can do the same and then figure out how these things integrate.

Renée Pelletier: If I can just ask—sorry — a clarifying questions. Are you familiar with an acronym is TRLUMP, Treaty Rights Land Use Mapping Plan. It sounds a lot like what you're talking about and I'm wondering if you're familiar with it, if it is indeed what you're talking about.

Roseanne Van Schie: I'm not familiar with that term.

Renée Pelletier: Okay.

Roseanne Van Schie: It's basically what you've just described.

Chief Harry St. Denis: Okay, we are working on some interesting —

Roseanne Van Schie: It sounded like Trump there for a second.

(Laughter)

Rod Northey: That's not deliberate, no.

Before I hand the mic back to my colleagues here, in relation to where your land — again, coming to the white map which includes areas in both Ontario and in Quebec , is your recognition by governments for projects in these areas any different, better or worse, on the Ontario side, Quebec side? Can you say anything about just how this works? You have focused — and I certainly appreciate —it's the right focus — we're the federal panel looking at federal, but we are also certainly trying to understand better the issue of aboriginal engagement at a provincial level. And I'm just wondering if there are better practices out there right now affecting you or not?

Chief Harry St. Denis: Well, I guess, we get a lot of consultation requests from both sides.

Rod Northey: Both provinces you mean then?

Chief Harry St. Denis: Both provinces, yeah.

And we do have recognition from both provinces. Like, we apply maybe — for example, the Trillium Foundation, you know, we access some funds through that and also other, you know, programs on the Ontario side. That's just more recently — you know, maybe within the last what, five years or so, but especially since we submitted to them our Statement of Asserted Rights. But there hasn't been too much real significant important developments.

On the Quebec side we are pretty much relinquished to just getting consulted. Forestry, you know, there's a lot of consultation on forestry because, you know, the Tembek Mill is located right in the town of Timiskaming, their mother operations. So we get a lot of consultations on forestry.

There's mining. There's potential for what they call a Rare Earth Elements Mine.

Johanne Gélinas: Excuse me, Chief. Consultation by corporation or by governments themselves?

Chief Harry St. Denis: Well, we get consults – by governments on forestry, yeah, and we have discussions with, you know, certain companies like Tembek — you know, we have an ongoing relationship, you know, with them.

But then when it comes to, like, the Quebec Mining Act, we make submissions to the government about what we would like to see changed in the Mining Act.

And, of course, they take the submissions and they don't do anything about it. And the problem — it's called the Matamec Project, which is a Rare Earth Elements Project on Kipawa Lake. And, again, it's a couple of kilometers upstream from the major spawning area on Kipawa Lake.

And the position of the federal government is that, well, Quebec is going to do an environmental assessment or a BAP hearing so we don't have to, you know.

And so to me, that's a big problem. It's the federal government that has, you know, fiduciary duties to the First Nations.

So those are, you know — I guess there's protected areas where, you know, we wanted to have more of a role to play. And maybe Rosanne can talk a bit about — I don't know — what would you see as some other issues around provincial stuff.

Roseanne Van Schie: Well, in Chief Harry mentioning the Matamec proposed development, it's highly unlikely that you're going to get a non-biased environmental assessment from a government that's sponsoring the development of the technology to process the Rare Earths Elements, even though they have radioactive properties and the technology hasn't been safely demonstrated anywhere worldwide.

So to see the Quebec government investing in that development and then at some point seemingly being in charge of the environmental assessment, I think, is questionable.

And, I think, you, at some point, had asked for a federal Joint panel review.

Chief Harry St. Denis: Yeah.

Roseanne Van Schie: And had a negative response from Minister Kent, right?

Chief Harry St. Denis: M'hmm.

Roseanne Van Schie: So that's one thing.

And then in the forestry sector, you see standing committees on how to change legislation for more sustainable forest management. And you'll see First Nation communities, you know, coming to hearings like this before the legislation is revised or changed.

But Quebec not acknowledging any of those remarks, just legislating a substandard build —it doesn't take into effect the current case law that's established by the Supreme Court. Also, the Quebec government hiding behind the Comprehensive Claims Policy that would say to a community like Wolf Lake that is unsurrendered, that still holds title to the land, we will not discuss accommodations with you, or resource revenue sharing or anything that's embedded in current case law unless you enter the comprehensive claim policy to surrender your title or terminate your title – and I think in 2016 Indigenous Peoples in this country should no longer be faced with this obligation to terminate themselves as a people with title to their territories for themselves in this generation and looking forward into future generations, right.

So we're part of a government or a regime that still forces termination of Indigenous Peoples. And that’s' a big issues, especially if you're tasked with how do you incorporate UNDRIP? And that's why we've sort of put together this idea of cumulative effects of pieces of legislation. And CEAa is just another one that supports this keeping First Nations on the sideline until they're forced to terminate.

Rod Northey: Thank you.

Johanne Gélinas: Do you have a federal trigger with the Matamec Project or it's only provincial?

Roseanne Van Schie: Like a trigger to consult?

Johanne Gélinas: No, a trigger to initiate the federal process?

Roseanne Van Schie: Well, you tried, right?

Chief Harry St. Denis: Yeah, but they've just taken the position that, well, you know, Quebec, they have their environmental review process, you know, and that should be satisfied.

You know, they're very reluctant, you know, because of the politics with Quebec and the federal government which comes into play in everything, whether it's health care or unemployment. They don't seem to want to, you know, rock the boat with Quebec, which is a big issue.

But for us, it's our position that we have a relationship first and foremost with the federal government. They have the duty to make sure that our rights and interests are upheld and protected. And, of course, they never do. You know, they never do that.

Johanne Gélinas: If you have written correspondence between Quebec and CEAA with respect to your request to have either a joint panel or a federal assessment, can you just forward that to us? I would be interested to have a look at that.

Chief Harry St. Denis: Well, sure. Yeah.

Johanne Gélinas: Just to see what are the responses that you are giving.

Chief Harry St. Denis: Yeah. We have that and we'll send it for sure.

Johanne Gélinas: So I understand that you will do a little bit of homework for us.

Chief Harry St. Denis: Yeah.

Johanne Gélinas: Sorry to ask.

Chief Harry St. Denis: Yeah, but we're not going to do your job for you.

Johanne Gélinas: No.

(Laughter)

Johanne Gélinas: But you can help us, right?

Chief Harry St. Denis: Yeah.

Johanne Gélinas: Good.

Chief Harry St. Denis: For sure. Because that's why we're here, we want to help ourselves too.

Johanne Gélinas: So you have until December 23rd. So that will be our Christmas gift from you.

(Laughter)

Johanne Gélinas: And we thank you in advance. And if there's anything, you can always communicate to us through our Secretariat. And this information, if we can have it sooner than later because we are looking at the harmonization Fed-Prov as part of our mandate. So that might be useful for us to see the nature of the responses that you got.

Chief Harry St. Denis: Okay.

Johanne Gélinas: Thank you.

Chief Harry St. Denis: And if there's anymore information or questions that you have about anything in the presentations, send us an e-mail or something and we'll do our best to respond.

Johanne Gélinas: Will do.

Chief Harry St. Denis: Okay.

Johanne Gélinas: Thank you very much for having taken the time to come and meet with us.

Chief Harry St. Denis: Okay.

Johanne Gélinas: Thank you very much.

Chief Harry St. Denis: And thank yous for hearing us.

Johanne Gélinas: And, as you can see, you may correct your introduction because you had more than 10 minutes.

(Laughter)

Chief Harry St. Denis: Yeah.

Okay. That's because there's no one else here.

(Laughter)

Johanne Gélinas: Oh, no. Ask Martin behind you.

Chief Harry St. Denis: Well, we appreciate that. Thank you. Yeah.

Unidentified male: Can I make —

Johanne Gélinas: Go to the mic, please. And Iwill give you, like, three minutes because we have —

Unidentified male: He's had has 10.

Johanne Gélinas: Yeah, because we have to go to the airport.

Unidentified male: Okay, so my question is related to sacred sites, not just in Ontario but in Canada and how they're associated with each tribe.

We have hundreds of sites out there where there are petroglyphs, pictographs, petro-forms. We have star tables; we have sacred mountains.

But even right now there is a review looking at the legislation for the protection of First Nations heritage and culture or culture and heritage.

When we talk about how we're divided as communities, we don't yet really understand just how that's really connected to the tribes.

When we talk about this is mine, that's mine, this is mine, I'm always going, what about the sacred sites and how that is valid. I mean, that's the thing that doesn't — that's physical written evidence. That's physical evidence on the ground. And every time I see an archeologist going to a site to go and take the things out of that land, I go, there goes more evidence, there goes more evidence. Leave it where it is.

But my point here is under the federal EA review is that there needs — how do we approach this? I mean, we need time to be able to bring together the wisdom keepers, the knowledge holders, the ones that possess this knowledge to sit down to figure out how these sites are connected. Because right now, this is all based on treaty. It's all based on fear. It's all — I mean, to me, it's just something that —we're not doing our own due diligence in protecting these sacred sites. They're records. They're blueprints.

And how people interpret these blueprints or these sites – there is still a lot of work to be done in that area and it's a very touchy subject.

So I think it's something that in the federal EA that we need to review the protection of First Nations heritage sites and how those are interconnected and related to one another, tribal knowledge. Thank you.

Rod Northey: Okay.

Johanne Gélinas: Thank you.

Rod Northey: Can I just say that we have heard you and your comment is part of what we think is part of our mandate. So that is not somewhere else. That can come to us. We have been hearing comments similar — not exactly that way — but that's' part of what we're thinking about for sure.

Unidentified male: Thank you.

Chief Harry St. Denis: And we're also involved in the Chaudière project in Ottawa, which is a main area where Algonquin people occupy that — it's a sacred area, you know — for thousands of years we gathered there. And they're going to pave it over, you know, with this condo development project. So we're involved in that issue too which, you know, it's — we could be here all evening talking about that one.

Rod Northey: Okay. I am glad you said it. Could you just give us something – a news clipping – something to explain that one that's relevant.

Chief Harry St. Denis: Sure. We have got that too.

Johanne Gélinas: Thank you very much.

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