

Oxford County Road 19
Schedule C Environmental
Assessment

Executive Summary

Oxford County



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Revision	Date	Description
0	September 8, 2023	Initial Submission to Indigenous Communities

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Executive Summary

1.0 Study Area and Purpose

R.J. Burnside & Associates Limited (Burnside) was retained by the County of Oxford to complete a Schedule C Municipal Class Environmental Assessment (MCEA). The purpose of the study was to:

- Review the condition of Oxford Rd. 19
- Recommend improvements to meet current road safety and design standards

The Study Area includes approximately 16 km of Oxford Road 19 between Highway 19.

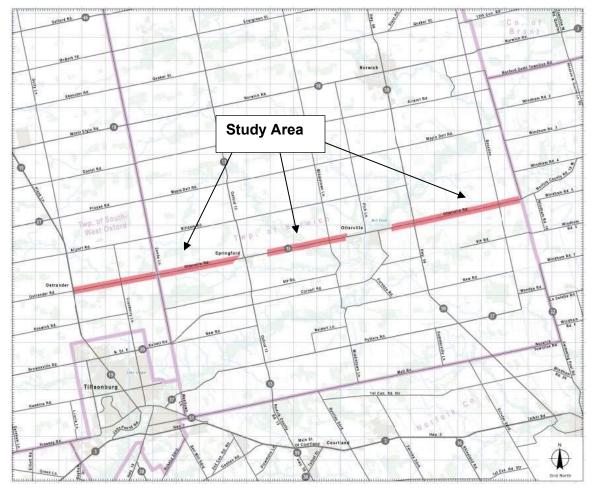
(Plank Line), and the Norfolk County boundary (Windham Line). The sections of the road through the villages of Springford and Otterville are not included in the study. Road improvements were recently completed in these villages and no further work is needed.

Oxford Road 19 is a county road that is also referred to as "Ostrander Road" in the Township of South-West Oxford and is referred to as "Otterville Road" in the Township of Norwich.

The Study Area includes the road, its right-of-way (ROW) and lands within 120 m of the ROW. The Study Area shown on Figure 1.

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Figure 1: Study Area



Every EA begins with a Problem or Opportunity Statement that defines the purpose or problem that it being addressed through the study. The current road base is not able to support heavy truck traffic during the spring when soils are wet and more likely to compact, causing damage to the road. Therefore, there are springtime restrictions on the truck size and load permitted. In addition, there are curves and hills in the road which restrict the sightlines (i.e., forward distance at which a driver can see). In some sections of the road, the sightlines are shorter than the current standard. This is a safety concern because it reduces a driver's ability to react to conditions ahead.

Based on these known concerns, the Problem or Opportunity Statement for this study is defined as follows:

Following completion of the County of Oxford's Transportation Master Plan, the County of Oxford has identified the need to improve Oxford Road 19 between Highway 19 and the boundary of Norfolk County to support the safe and efficient movement of people and goods to 2046.

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Therefore, the study considers options to improve Oxford Road 19 so traffic can move safely and efficiently. This includes safety for residents and visitors using the road for personal travel as well as the safe use of the road by transport trucks, moving local farm products and goods through the County and beyond.

2.0 Summary of Road Improvement Needs

Work was undertaken to get better understanding of the current problems with the road's base, design and sightlines and to determine if other problems exist. Staff reviewed existing studies and designs for Oxford Road 19 and completed a topographical survey. Conditions were compared to current provincial and municipal standards.

It was found that the road needs the following improvements to meet current standards:

- Structural improvements to the road base and surface to eliminate the road restrictions.
- Changes to the grade (i.e. reducing hills and valleys) in specified locations to improve sightlines.
- Widening of the road ROW to meet County standards.
- Paving and widening of road shoulders to improve safety and potentially provide a
 cycling facility; however, Oxford Road 19 is not identified as part of the primary or
 secondary cycling network in the 2021 Cycling Master Plan. Paving and widening of
 the road shoulders should also recognize the need to accommodate agricultural
 traffic and horse and buggy traffic (Mennonite traffic) along these shoulders.
- Widening of the road surface at the railway crossing to meet standards set out in the Grade Crossings Standards, Transport Canada, January 2019.

The following additional work or studies may also be warranted:

- Inclusion of a westbound left turn lane on Oxford Road 19 at its intersection with Highway 19 in the future when traffic volumes warrant.
- Consideration for the need for daylighting at various intersections to improve safety,
 if required, based on current land use at intersection properties, to enhance
 sightlines and improve safety. "Daylighting" refers to a municipality purchasing
 property at road intersections so they can keep it cleared of shrubs, trees and
 structures that could interfere with a driver's ability to see around a corner.
- Potential improvements at the intersection of Oxford Road 19 / Oxford Road 59.
 Additional traffic studies are required to confirm the improvements needed. These studies will be carried out during the future detailed design process.

In addition to these improvements, safe access to existing properties must be maintained.

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3.0 Description of Existing Environment

The human built, natural, social and cultural characteristics of the Study Area were reviewed. A summary is provided as follows:

Human Built Environment

The built environment includes the human-made structures that are present within the Study Area. In addition to Oxford Road 19 and the various roads which intersect it, the following structures are present:

- Three bridges, none of which require major repairs or replacement at this time.
- Several Municipal Drains (i.e., drainage features which are designed to remove water from farm fields). These are subject to regular clean out and requirements under the Drainage Act.
- Various utilities, including a watermain, Hydro One transmission lines and Enbridge gas lines.

All of these features may be affected by road reconstruction or widening work. Features of the built environment are shown on Figure A-1 in Appendix A to this Executive Summary.

Natural Environment

The natural environment includes the plants, wildlife, habitats (both aquatic and terrestrial) and other components of the natural world. The Study Area is characterized primarily by agricultural lands. Small natural features are present, primarily along creek and river corridors. Natural features in the Study Area include:

- One rare vegetation community, a Moist-Fresh Black Walnut Deciduous Forest type
 was found within the Study Area. It is unlikely that this ecosite is naturally occurring.
 Instead, it appears to be the result of historical land clearing activities and shoreline
 disturbances. This interpretation is further supported by the ecosite's proximity to the
 Otter Creek Golf Club and the village of Otterville.
- A portion of the Otterville Complex Provincially Significant Wetland Complex, located just west of Otterville.
- Six woodlands identified as Ecologically Important in the draft Oxford Natural Heritage System Strategy (Oxford County / UTRCA, 2016).
- Several potential wildlife habitats associated with woodlands and wetlands, including potential habitat for turtle overwintering (i.e., deep water with sandy bottom), maternity roosting habitat for bats (i.e., trees with cavities, cracks or peeling bark) and woodland pools for amphibian breeding.
- One butternut tree, an Endangered species, located within the road right-of-way.

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Barn Swallows, a Special Concern species, which were observed flying overhead.
 Their nesting habitat is typically within barns or culverts. Barns will not be affected by the project; however, culverts may be impacted.

Significant Valleylands associated with Spittler Creek and Big Otter Creek.

Features of the natural environment are shown on Figure A-1 in Appendix A to this Executive Summary.

Social Environment

The social environment characterizes the ways in which people interact with their surroundings and includes the ways in which land is used for social purposes, such as treaties, land use plans and protections.

The Study Area lies within the lands of the Between the Lakes Purchase, also known as Treaty 3. According to provincial government records¹, "The Between the Lakes Purchase was signed on December 7, 1792, by representatives of the Crown and certain Mississauga peoples". The territory described in the written treaty covers approximately 3 million acres.

The original Between the Lakes Purchase was signed in 1784. Due to uncertainties with the description of the lands in the original surrender, Treaty 3 was entered into in 1792 to clarify what was ceded. The Between the Lakes Purchase was named as such because it included all the land "lying and being between the Lakes Ontario and Erie".

Correspondence was received by MECP on December 15, 2021 (refer to Appendix H-5). It was indicated that the following communities may have Indigenous Rights, Treaty Rights or interest in the area:

- Aamjiwnaang First Nation
- Caldwell First Nation
- Chippewas of the Thames First Nation
- Delaware Nation (Moravian of the Thames)
- Chippewas of Kettle and Stony Point
- Mississaugas of the Credit First Nation
- Munsee-Delaware First Nation
- Oneida Nation of the Thames
- Bkejwanong (Walpole Island First Nation)
- Six Nations of the Grand River (Elected Council and Haudenosaunee Confederacy Chiefs Council, represented by the Haudenosaunee Development Institute)

https://www.ontario.ca/page/map-ontario-treaties-and-reserves#t7

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Each of these communities were consulted about the project. Details are presented in Section 11.0.

During present day, much of the land is used for agricultural purposes. The community of Ostrander is identified as an area for human settlement, according to the County's Official Plan. Areas have also been identified for environmental protection, including lands around Spittler Creek and Big Otter Creek.

A Wellhead Protection Area (WHPA) is an area from which a well draws water. Land uses that may pose a threat to drinking water quality and quantity in the applicable well are regulated within WHPAs. Three portions of the Study Area are identified as WHPAs, as shown on Figure 9, including:

- The west part of the Study Area extending slightly past the Ontario Southland Railway (mostly within the Settlement / Rural Cluster)
- The western portion of Springford, east of Church Street (mostly within the Settlement / Village)
- East of Springford to Highway 59

An Issue Contributing Area (ICA) is an area within a vulnerable area where previous or ongoing human activities have, or could, contribute to the elevated concentration of particular substances in the drinking water source. The east portion of the Study Area east of Otterville (mostly on Agricultural Reserve) falls under ICA.

Roads are generally not considered to present major threats to drinking water systems and are permitted within WHPAs and ICAs.

Cultural Environment

The cultural environment includes the heritage and archaeological resources present within the Study Area. Both the assessment of archaeological potential and cultural heritage resources were carried out by Archaeological Resources Inc. (ASI).

With regard to archaeological resources, the following recommendations were made:

- Parts of the Study Area exhibit archaeological potential. These lands require Stage 2
 archaeological assessment by test pit / pedestrian survey at 5-m intervals, where
 appropriate. Stage 2 is required prior to any proposed construction activities on
 these lands. Lands requiring a Stage 2 assessment are shown on Figure A-2 in
 Appendix A.
- The eight registered archaeological sites within 50 m of the Study Area were identified in 1981 by Foster (1982-15). Due to the passage of time and potential inaccuracy of mapping associated with the former archaeological assessment, these sites must be reassessed during any Stage 2 survey to determine cultural heritage value or interest as per the 2011 Archaeological Standards and Guidelines.

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- Pettman Cemetery was identified in 1981 by Foster (1982-15) and is known from local knowledge to be a historical Black community burial ground possibly located within 50 m of the Study Area and preferred design concepts. The cemetery boundaries and number of burials remains unknown. Further archaeological assessment is required.
- Springford Community Cemetery is within the Study Area. If future works are unable to avoid the legal boundaries of the cemetery and archaeological fieldwork is required, detailed strategies should be formulated once the impacts are understood.
- Pine Street Burial Ground is within the Study Area. The cemetery property must be avoided by any proposed construction. Any construction impacts within the cemetery's legal boundaries will require a Stage 3 Cemetery Investigation to be conducted to confirm the presence of burial shafts.

With regard to built heritage resources (B.H.R.s) and cultural heritage landscapes (C.H.L.s):

- A total of seven B.H.R.s and 25 C.H.L.s were identified within the study area.
- Of the 32 identified B.H.R.s and C.H.L.s, two properties were designated under Part IV of the Ontario Heritage Act (C.H.L. 13 and C.H.L. 20), one property has an Ontario Heritage Trust plaque (C.H.L. 20), one property is listed in the Ontario Heritage Trust's Places of Worship Inventory (B.H.R. 1), and 29 were identified during background research and field review.

Archaeological and cultural heritage resources are shown on Figure A-2 in Appendix A to this Executive Summary.

4.0 Identification and Assessment of Alternative Solutions

Five alternative solutions were identified to address the Project Opportunity Statement, including an option to do nothing and leave the road in its current condition. The "Do Nothing" option is a mandatory consideration within the MCEA process and serves as a reference point for comparing other alternative solutions.

The five solutions identified in the study are listed below:

- 1. Do nothing
- 2. Provide regular road maintenance
- Improve road structure within existing ROW
- 4. Widen the ROW and widen partially pave shoulders
- 5. Improve road structure, widen the ROW and partially pave shoulders

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A summary of the characteristics of each alternative is presented in Table 1.

Table 1: Summary of Alternative Design Concepts

		Actio	ns / Activities In	cluded in the Alternativ	е	
Alternative	Provide Regular Road Maintenance	Provide 3.35 m Travel Lanes	Widen ROW to 30.5 m	Provide Structural Improvements to the Pavement to Remove Half-Load Restrictions	Improve Road Geometry and Sightlines	Add paved Shoulders
Alternative 1: Do nothing	V	√				
Alternative 2: Provide regular road maintenance	V	V				
Alternative 3: Improve road structure within existing ROW	V	V		√ ·	√	
Alternative 4: Widen ROW, widen and partially pave shoulders	V	V	V		V	V
Alternative 5: Improve road structure, widen ROW, widen and partially pave shoulders	V	V	V	V	V	V

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The overall objective of the evaluation was to identify a Preferred Solution among the five alternatives using a systematic and transparent approach. The Preferred Solution is the Alternative that best addresses the Problem Statement with as few negative impacts as possible.

To this end, a set of Evaluation Criteria were identified to comparatively evaluate the Alternative solutions. The Evaluation Criteria was based on five factors:

- Natural Environment
- Cultural Environment
- Socio-Economic Environment
- Technical Considerations
- Financial Considerations

5.0 Preferred Alternative Solution

The evaluation of the Alternative solutions was based on an assessment of potential impacts and a review of input received from the public and regulatory agencies during the study process. Table 11 in the ESR report provides a summary of the evaluation of alternative solutions. A detailed evaluation matrix is provided in Appendix F of the ESR report.

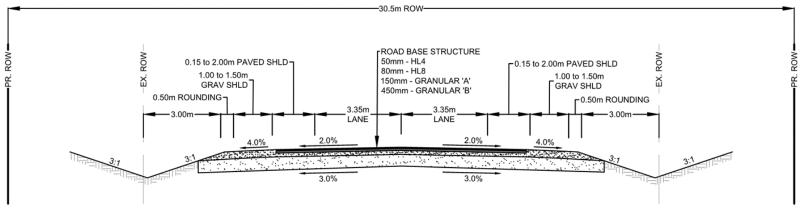
The preferred alternative solution is Alternative 5: widened and partially paved shoulders and structural improvements. The alternative provides:

- A two-lane road to County requirements with paved shoulder.
- Widened and partially paved shoulders to reduce maintenance and improve safety, requiring the road ROW to be widened.
- Improvement of pavement structure to remove half-load restrictions in the spring.

The preferred solution is shown in Figure 2.

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Figure 2: Preferred Solution



NOTE: WIDTH OF SHOULDER TO BE DETERMINED AS PART OF CONSIDERATION OF DESIGN ALTERNATIVES AND PURPOSE OF SHOULDER (e.g., TO REDUCE MAINTENANCE, TO IMPROVE SAFETY, TO PROVIDE UNBUFFERED BICYCLE ACCESSIBLE SHOULDER OR TO PROVIDE BUFFERED BICYCLE ACCESSIBLE SHOULDER).

ALTERNATIVE 5 - PARTIALLY PAVED SHOULDER - IMPROVED PAVEMENT STRUCTURE - WIDEN ROW TO MEET OFFICIAL PLAN REQUIREMENT

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6.0 Identification and Assessment of Alternative Design Concepts

Phase 3 of the MCEA includes a review of the alternative methods to design the Preferred Solution to widen and partially pave the road shoulders and implement structural improvements. Each design concept includes a 30 m wide ROW and 3.35 m travel lanes.

Three Alternative design concepts were developed:

- Moderately wide paved shoulders
- Minimally wide paved shoulders
- Maximally wide paved shoulders

The design concepts are described in Table 2.

Table 2 Summary of Alternative Design Concepts

	С	haracteristi	cs of Each Al	ternative	
Alternative	ROW Width	Travel Lane Width	Paved Shoulder Width (on each side)	Total Paved Asphalt Width	Gravel Shoulder Width (on each side)
Alternative 1 (Moderately wide paved shoulders)	30.5 m (26 m in Ostrander)	3.35 m	1.15 m	9.0 m	1.5 m with 0.5 m rounding
Alternative 2 (Minimally wide paved shoulders)	30.5 m (26 m in Ostrander)	3.35 m	0.15 m	7.0 m	2.5 m with 0.5 m rounding
Alternative 3 (Maximally wide paved shoulders)	30.5 m (26 m in Ostrander)	3.35 m	2.0 m	10.7 m	0.65 m gravel shoulder with 0.5 m rounding

Several criteria and sub-criteria have been established to guide the evaluation of the alternative design concepts. These criteria fall into five major areas including Natural Environment, Socio-Cultural and Economic Environment, Technical Environment, Implementation and Financial Environment.

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7.0 Preferred Design Concept

The preferred design concept is Alternative 1, with moderately wide paved shoulders. The road will be designed to include a total of 9.0 m of paved asphalt. This will include:

- Two travel lanes of 3.35 m each
- A 1.15 m paved shoulder in each direction

In addition, there will be a 1.5 m gravel shoulder on each side with 0.5 m rounding. For the purposes of establishing ROW constraints, it has been assumed that the centerline elevation of the road may be raised by approximately 0.4 m and that the ROW will be widened to 30.5 m with the exception of the segment through the village of Ostrander, where County policies permit a narrower 26 m ROW.

The preferred cross section and modified cross section for Ostrander are shown in Figure 3 and Figure 4, respectively. Further details can be found on Figure A-3 in Appendix A to this Executive Summary.

Figure 3: Cross-Section of the Preferred Alternative

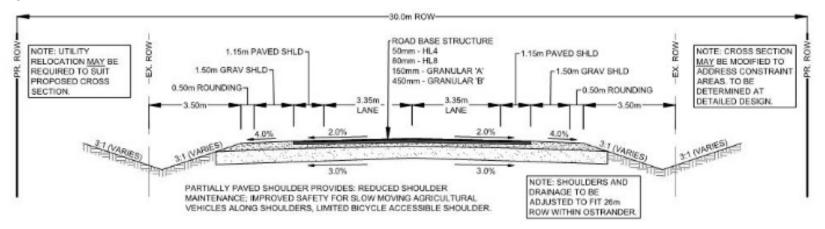
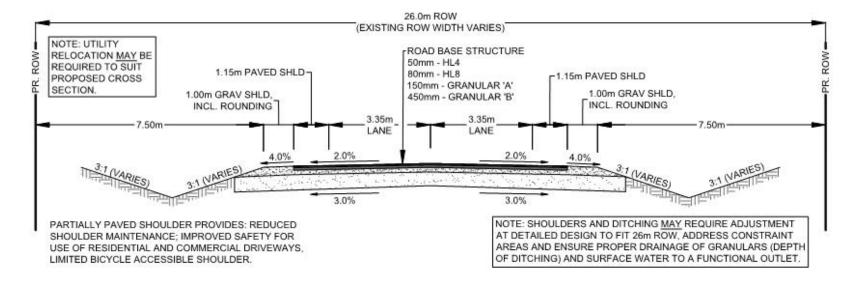


Figure 4: Modified 26 m ROW in Ostrander



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For the purposes of this study, it is assumed that the road upgrades will be centered on the existing centerline of road. It is also assumed that the ROW widening will occur equally on both sides of the current centerline of road. During detailed design, the road shoulders may be constrained and / or the drainage ditches modified to minimize impacts in key locations. These locations and additional features of the preferred design concept are described in detail in the ESR report.

8.0 Environmental Impacts, Mitigation Measures, and Monitoring

The potential environmental impacts associated with construction, operation and maintenance of the proposed road improvements within the Study Area have been identified and are summarized in Table 3. Proposed measures to mitigate these impacts and monitoring activities to ensure that the mitigation measures are implemented effectively are also provided in the table. All mitigation measures and monitoring activities shall be reviewed during the detailed design phase of the project.

Table 3: Potential Environmental Effects, Mitigation Measures, and Monitoring Activities

Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities
Natural Environment	Trees	Potential impacts to trees adjacent to road improvements construction area resulting in injury or removal of trees.	A tree inventory of all trees expected to be impacted by the proposed road improvements shall be undertaken by a qualified arborist during the detailed design phase of the project once the full extent of the grading limit for the proposed road improvements are known. Based on the results of the tree inventory, an Arborist Report including a tree preservation plan shall also be prepared. Construction Mitigation Clearly delineate the extent of vegetation removal for the vegetation clearing and grubbing contractor. All tree work including branch pruning, root pruning, and removal should be completed by an ISA Certified Arborist. Trees to be retained beyond the limit of clearing should be protected using tree protection fence installed at the dripline or grading limit, whichever provides the greatest setback from the trees. Residential properties that are subject to tree removal on the adjacent ROWs may require reinstatement of native woody vegetation to compliment cultural heritage aesthetics and provide privacy.	Inspection of tree protection measures by the site supervisor or environmental inspector to be coordinated with review of ESC measures throughout the construction period. All damaged, sagging or deficient measures must be fixed immediately. Any unintended or unidentified impacts to trees should be documented by a Certified Arborist. An arborist shall review all trees adjacent to the work zone and prior to opening the road for use by the general public. Branches and trunks damaged during the construction period that may cause damage or injury must be mitigated.
Natural Environment	Wildlife and Wildlife Habitat (General) – Breeding Birds	Potential for disturbance or destruction of migratory breeding birds and their habitat by the road improvements (prohibitions under the Migratory Bird Convention Act, 1994).	General Mitigation The footprint of the proposed disturbed area should be minimized as much as possible. To reduce the risk of contravening the Migratory Bird Convention Act, 1994, timing constraints shall be applied to avoid any limited vegetation clearing (including grubbing) and/or structure works (construction, maintenance) during the breeding bird period – broadly from April 1st to August 31st for most species (regardless of the calendar year). Active nests (nests with eggs or young birds) of protected migratory birds, including SAR protected under the Endangered Species Act (ESA), 2007, cannot be destroyed at any time of the year. The destruction of inactive nests for some species may also be prohibited.	An Avian Biologist may be required on-Site as needed should a nesting migratory bird (or SAR protected under ESA, 2007) be identified within or adjacent to the construction Site. The Avian Biologist may be required to confirm the presence and identification of an active nest and/or breeding bird prior to contacting MNDMNRF for further advice.

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Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities
			Construction Mitigation If a nesting migratory bird (or SAR protected under ESA, 2007) is identified within or adjacent to the construction Site (or during operations and maintenance activities) and the activities are such that continuing works in that area would result in a contravention of the Migratory Birds Convention Act, 1994 or ESA, 2007, all activities will stop and the Contract Administrator (with assistance from an Avian Biologist) shall discuss mitigation measures with the Town. Should SAR be identified, all activities will stop and MECP will be contacted immediately to ensure compliance with the ESA. The Contract Administrator shall instruct the Contractor on how to proceed based on the mitigation measures established through discussions with the County, the MNDMNRF and/or Environment Canada.	
Natural Environment	Wildlife and Wildlife Habitat (General)	Temporary displacement of, and disturbance to, wildlife and wildlife habitat during the construction phase (i.e., vegetation removals, noise, light trespass), including SAR. Development in these habitats may limit wildlife movement and reduce useable habitat. Wildlife habitat may be removed as a result of the proposed activities. Impacted Woodlands may provide suitable habitat for a number of SCC and Endangered species including Eastern Hog-nosed Snake, Gray Rat Snake, SAR Bats, American Badger, Eastern Wood-pewee, Wood Thrush, Redheaded Woodpecker. The following SWH features may be impacted by the proposed road improvements: Candidate Bat Maternity Colonies Candidate Reptile Hibernacula Candidate Marsh Breeding Bird Habitat	 General Mitigation Impacts to Confirmed and Candidate SWH should be minimized and avoided where possible. To reduce the risk of potential impact to wildlife, including Species at Risk, vegetation clearing should not be completed between April 1 to October 31 to avoid the active period for the following: Breeding birds – Broadly from April 1 to August 31 for most species (regardless of the calendar year). Bat species – Considered to be between April 1 to October 31, of any calendar year. A qualified ecologist should revisit the site to determine the presence / absence of key habitat features for SAR wildlife during the detailed design phase of the project once the full extent of the grading limit for the proposed road improvements are known. Features may include hibernacula features, roost trees, or dens. If potential key features are identified, the MECP should be consulted regarding next steps. Construction Mitigation Daily Sweeps of the construction zone and equipment should be conducted to ensure wildlife, including SAR snakes or turtles, have not entered the work limits. In the event that an animal is encountered during construction and does not move from the construction zone, the Contract Administrator will be notified. If the 	Fencing shall be inspected regularly to ensure damage is repaired in a timely manner and that additional risk to wildlife is minimized.

Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities
		 Candidate Terrestrial Crayfish Candidate Special Concern and Rare Wildlife Species Candidate Amphibian Movement Corridors 	construction activities are such that continuing construction in the area would result in harm to wildlife, construction activities in that location will temporarily stop and the MNDMNRF shall be contacted for direction.	
Natural Environment	Woodlands (Including Significant Woodlands)	Encroachment into Significant Woodlands (forested communities) may be required. There is potential for indirect environmental effects to adjacent woodland features. Potential indirect effects may include noise disturbance as a result of construction and/or operations and maintenance activities. Noise disturbance may impact breeding success of avian species, including SCC (Wood Thrush, Eastern Wood-pewee), whose habitat is considered SWH.	Tree removal within all wooded features should be minimized to the furthest extent possible. A tree inventory of all trees expected to be impacted by the proposed road improvements shall be undertaken by a qualified arborist during the detailed design phase of the project once the full extent of the grading limit for the proposed road improvements are known. Based on the results of the tree inventory, an Arborist Report including a tree preservation plan shall also be prepared. All tree removal within Significant Woodlands should be discussed with Oxford County prior to the commencement of construction. Construction Mitigation Clearly delineate the extent of vegetation removal for the vegetation clearing and grubbing contractor. All tree work including branch pruning, root pruning, and removal should be completed by an ISA Certified Arborist. Trees to be retained beyond the limit of clearing should be protected using tree protection fence installed at the dripline or grading limit, whichever provides the greatest setback from the trees. Residential properties that are subject to tree removal on the adjacent ROWs may require reinstatement of native woody vegetation to compliment cultural heritage aesthetics and provide privacy.	An arborist shall review all trees adjacent to the work zone and prior to opening the road for use by the general public. Branches and trunks damaged during the construction period that may cause damage or injury must be mitigated.
Natural Environment	Fish Habitat	Potential for the direct or indirect Harmful Alteration, Disruption or Destruction (HADD) of fish habitat or death of fish from the construction required to lengthen or replace any watercourse crossing structures (bridges and culverts).	General Mitigation Compliance with the federal Fisheries Act (2019) to ensure HADD of fish habitat and the death of fish does not occur during the construction of the preferred road design concept. DFO shall be consulted during the detailed design phase of the project with regard for the potential of works to impact fish and fish habitat, as appropriate.	An Environmental Inspector shall regularly monitor construction activities to confirm the requirements outlined in the SMP and ESC plans are followed. Workers shall report any instances of spills or impacts to surface water features.

Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities
		Alteration to fish habitat through watercourse realignments required for the widening of Eighth Line.	An Erosion and Sediment Control (ESC) Plan will be developed the during detailed design phase of the project in consultation with CVC and CH and will conform to industry best management practices and recognized standard specifications such as Ontario Provincial Standards Specification (OPSS).	
			Construction Mitigation	
			Wet weather restrictions shall be applied during Site preparation and excavation. Work will be avoided near watercourses and headwater drainage features during periods of excessive precipitation and/or excessive snow melt.	
			Any in-water works shall occur in isolation of flowing waters, with work zone isolation achieved by placing cofferdams constructed of clean, non-erodible materials at the upstream and downstream limits of a given work area. Stream flows must be maintained downstream of in-water work areas through by-passing flows (by-pass culvert, channel, pumping etc.). Any isolated work areas shall be de-watered, and dewatering shall be conveyed to a filtering system and flow dissipation device to mitigate sedimentation and erosion of the receiving waterbody.	
			Any fish trapped in the isolated work area shall be captured and released outside of it prior to the commencement of in-water works. Any fish rescue shall be performed by a qualified aquatic ecologist/biologist. A License to Collect Fish (LCF) shall be obtained from the Ministry of Natural Resources and Forestry prior to any fish rescue occurring.	
			In-water works will only be permitted to occur during the appropriate in-water works timing window (generally July 15th to September 30th). This window will be confirmed with DFO and MNRF.	
			Disturbed roadside embankments will be restored with erosion control blankets, topsoil, approved seeding mixtures by Long Point Region Conservation Authority, and plantings where appropriate.	
			Sediment and erosion control measures (such as silt fence barriers, etc.) shall be installed and maintained during the work phase and until the Site has been stabilized. Control measures shall be inspected daily to ensure they are functioning and are maintained as required. If control measures are not functioning properly, no further work shall occur until the problem is resolved. All temporary ESC measures shall be installed in accordance with recognized provincial standards. Extra silt	

Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities
			fence / turbidity curtain shall be stored on-Site, should additional sediment control be required.	
			Any stockpiled material shall be stored and stabilized away from the surface water features. All materials and equipment used for the purpose of Site preparation and road construction shall be operated and stored in a manner that prevents any deleterious substance (e.g., petroleum fuel, hydraulic fluids) from entering the environment.	
Physical Environment	Surface Water	Potential for erosion and sedimentation impacts.	General Mitigation The County is required to comply with the Ontario Water Resources Act, 1990, c. O.40 with respect to the quality of water discharging into natural receivers. The footprint of disturbed areas shall be minimized to the extent possible. For example, vegetated buffers shall be left in place adjacent to natural vegetation features (forested areas) to the maximum extent possible. A Soil Management Plan (SMP) will be prepared by a Qualified Professional (QP) as defined in Ontario Regulation 160/06 for managing soil materials on-Site (includes excavation, location of stockpiles, reuse and off-Site disposal). An Erosion and Sediment Control (ESC) Plan will be developed during detailed design in consultation with LPRCA and will conform to industry best management practices and recognized standard specifications such as Ontario Provincial Standards Specification (OPSS). Construction Mitigation Any in-water work will be conducted in isolation of flowing water. All work zones will be clearly marked on detailed design drawings and the ESC Plan to indicate that no work should occur outside the work zone. ESC measures shall be installed and maintained during the construction phase and until all areas of the construction Site have been stabilized. ESC measures shall be inspected daily to confirm they are functioning and maintained as required. If ESC measures are not functioning properly, no further work in the affected areas will	A qualified Environmental Inspector shall regularly monitor construction activities to confirm the requirements outlined in the SMP and ESC are being followed. A qualified Environmental Inspector shall inspect, suggest and confirm the repair of ESC measures as needed.
			occur until the sediment and/or erosion problem is resolved. All disturbed areas of the construction Site will be stabilized and re-vegetated as soon as conditions allow.	

Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities
			Wet weather restrictions shall be applied during Site preparation and excavation.	
Physical Environment	Surface and Ground Water	Potential for localized surface water or groundwater impacts as a result of spills, discharge or dumping of materials, fluids and other wastes during construction of proposed road extension and associated surface water facilities (e.g., swales).	Construction Mitigation Refueling and maintenance of construction equipment should occur within designated areas only. Any hazardous materials used for construction will be handled in accordance to appropriate regulations. A Construction Emergency Response and Communications Plan shall be developed and followed throughout the construction phase (including spill response plans). The Contractor shall develop spill prevention and contingency plans for the construction of new landfill cells and general Site preparation for proposed road extension. Personnel shall be trained in how to apply the plans and the plans shall be reviewed to strengthen their effectiveness and continuous improvement. Spills or depositions into watercourses shall be immediately contained and cleaned up in accordance with provincial regulatory requirements and the contingency plan. A hydrocarbon spill response kit will be on-Site at all times during the work. Spills will be reported to the Ontario Spills Action Centre at 1-800-268-6060.	A qualified Environmental Inspector shall regularly monitor construction activities to confirm the requirements outlined in the SMP and ESC are followed. Workers shall report any instances of spills to their supervisors.
Socio-Economic Environment	Air Quality	Potential air quality impacts during construction.	General Mitigation A complaint response protocol for nuisance impacts including dust emissions will be prepared during the detailed design phase of the project and implemented prior to construction. Construction Mitigation During construction, the following mitigation measures shall be used: The road shall be graded as required to remove potholes, ruts and ripples in the road surface. Efforts to prevent contamination of the road surface, such as spilling sands, silts and clays, will also help to minimize dust. If appropriate equipment is available, the roadway should be sprayed with water as required to minimize dust generation prior to paving. The construction contractor will be required to develop a Construction Management Plan (CMP) that specifically addresses dust controls, and contingency plans to mitigate dust when it occurs.	An environmental monitor shall regularly inspect construction work areas to ensure that dust suppression measures are being adequately applied and confirm the requirements outlined in the CMP are being followed. If dust suppression measures are not functioning properly, alternative measures shall be implemented immediately and prioritized above other construction activities.

Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities
			Vehicles / machinery and equipment shall be in good repair, equipped with emission controls, as applicable, and operated within regulatory requirements. The contractor shall also be required to implement dust suppression measures to reduce the potential for airborne particulate matter resulting from construction activities. This should be in the form of water applications on exposed soils. Considerations shall be given to using of chemical suppressants to reduce dust, use of wind barriers and limiting exposed areas which may be a source of dust and equipment washing. The construction contractor shall develop a Construction Management Plan (CMP) that specifically addresses dust controls, and contingency plans to mitigate dust when it occurs.	
Socio-Economic Environment	Noise	Potential for noise through the use of large equipment for construction of the proposed road extension.	General Mitigation A complaint response protocol for nuisance impacts including construction noise shall be prepared during the detailed design phase of the project and implemented prior to construction. Construction Mitigation Noise control measures shall be implemented where required during the construction phase, such as restricted hours of operation and the use of appropriate machinery and mufflers. The noise produced by the equipment can be limited through proper equipment maintenance. All construction activities shall conform to the criteria set out in NPC-115 of 83 dB. The construction contractor will be required to develop a Construction Management Plan (CMP) that specifically addresses noise controls, mitigation to be implemented and frequency of equipment inspection.	An environmental monitor shall regularly monitor construction noise to ensure that noise control measures are being adequately applied and confirm the requirements outlined in the CMP are being followed. If noise control measures are not functioning properly, alternative measures shall be implemented immediately and prioritized above other construction activities.
Socio-Economic Environment	Property Impacts	Property will be required to widen the ROW to 30.5 m.	General Mitigation Land acquisition (fee simple) will be obtained for the purposes of widening the ROW. The County is committed to making best efforts to secure property with landowners through amicable agreement. This will include compensation for the use of land. The	N/A

Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities
			County also reserves its property rights as set out in the Municipal Act, and powers outlined as part of the Act for property acquisition.	
Cultural Environment	Cultural Heritage	 Direct adverse impacts anticipated to the following properties: 225769 Otterville Road (B.H.R. 7), 224570 Ostrander Road (C.H.L. 3), 225227 Otterville Road (C.H.L. 7), 225400 Otterville Road (C.H.L. 12) Direct impacts to C.H.L. 13 (225422 Main Street West) are anticipated to include grading and encroachment onto the northern portion of the property; no direct adverse impact on the known heritage attributes. Direct impacts anticipated to the property at 225947 Otterville Road (C.H.L. 20), designated under Part IV of the Ontario Heritage Act and due to property acquisition, grading, encroachment onto the northern portion of the property resulting in changes to the parcel boundaries, and removal/relocation of the Ontario Heritage Trust plaque. However, encroachment is not anticipated to have a direct adverse impact on the known heritage attributes associated with this property 	 Construction activities and staging should be suitably planned and undertaken to avoid unintended negative impacts to identified built heritage resources and cultural heritage landscapes. Avoidance measures may include, but are not limited to: erecting temporary fencing, establishing buffer zones, issuing instructions to construction crews to avoid identified B.H.R.s and C.H.L.s, etc. Suitable mitigation measures including post construction rehabilitation with sympathetic plantings can also be implemented. Given the potential cultural heritage value of the noted properties (B.H.R. 7, C.H.L. 3, C.H.L. 7, and C.H.L. 12) a resource-specific Cultural Heritage Evaluation Report (C.H.E.R.) should be conducted to determine cultural heritage value or interest (C.H.V.I.). As there are direct impacts anticipated, should the C.H.E.R. determine that the property retains C.H.V.I., a resource-specific Heritage Impact Assessment (H.I.A.) should be conducted to evaluate alternatives, assess potential impacts to the resource, and recommend appropriate mitigation measures. A resource specific H.I.A. is required for the property at 225947 Otterville Road (C.H.L. 20). The Ontario Heritage Trust plaque should be removed prior to construction and stored in a secure facility to prevent damage. Following construction activities, this plaque should be reinstalled at its extant location, or in a similarly accessible location based on consultation with the Township of South-West Oxford and the Ontario Heritage Trust. Baseline vibration monitoring assessment conclude that the structure(s) will be subject to vibrations, prepare and implement a vibration monitoring plan as part of the detailed design phase of the project to lessen vibration impacts related to construction. 	A qualified heritage consultant should be contacted during detailed design to review the designs in order to confirm any impacts of the proposed works on the potential C.H.L.s at C.H.L. 15, C.H.L. 16, and C.H.L. 17. Should future work require an expansion of the study area then a qualified heritage consultant should be contacted in order to confirm the impacts of the proposed work on potential heritage resources.
Cultural Environment	Archaeology	The proposed grading limits will impact areas of archaeological potential beyond the existing disturbed right-of-way, including the Springford Community Cemetery and adjacent right-of-way recommended for construction monitoring, and lands in proximity to the Pettman Cemetery site	 Parts of the Study Area and preferred design concept exhibit archaeological potential. These lands require Stage 2 archaeological assessment by test pit/pedestrian survey at five meter intervals, where appropriate. The Pettman Cemetery boundaries and number of burials remains unknown but is in close proximity to the preferred design concepts. Further archaeological assessment is required at the detailed design. If future works are unable to avoid the existing legal boundaries of the Springford Cemetery and archaeological fieldwork is required, detailed strategies should be formulated once the impacts are fully understood at the detailed design. 	N/A

Environmental Component	Environmental Sub-Component	Potential Environmental Impacts	Proposed Mitigation Measures	Recommended Monitoring Activities	
·	-		Any construction impacts within the Pine Street Burial Ground legal boundaries will require a Stage 3 Cemetery Investigation to be conducted to confirm the presence of burial shafts. In the event that archeological remains are found by the Contractor during		
			subsequent construction activities, the consultant archaeologist, approval authority and the Cultural Program Unit of the Ministry of Tourism Culture and Sport shall immediately notified by the Contractor.		
Transportation and	Human Health and	Potential safety hazard from construction	Construction Mitigation	N/A	
Built Environment	Safety	activities, heavy equipment and increased construction traffic.	The contractor shall develop a Health and Safety Plan (HASP) and have it reviewed and approved by the County prior to implementing. The HASP shall follow the Occupational Health and Safety Act, 1990 and regulatory requirements.		
Transportation and Built Environment	Transportation Infrastructure	Potential safety hazard from construction activities, heavy equipment and increased construction traffic.	General Mitigation Operation of construction related vehicles will be done in accordance with all appropriate safety policies and procedures, and based on Canadian Standards (Transport Canada, etc.). Construction Mitigation	An environmental monitor shall regularly inspect construction work areas to ensure that noise control measures and dust suppression measures are being adequately applied. If noise control measures and dust suppression measures are not functioning properly, alternative measures shall be	
			All contractors will be required to complete and follow appropriate construction site training and adhere to appropriate road safety regulations during construction.	implemented immediately and prioritized above other construction activities.	
			Work shall be done in such a manner as to minimize disruption to the adjacent residential and commercial neighbourhood. Noise and dust emissions shall be controlled. Contract specifications shall ensure that all equipment and vehicles are compliant with noise and air emission standards for applicable equipment.		
Transportation and Built Environments	Transportation Infrastructure	Temporary traffic flow / access disruptions.	Construction Mitigation Contractor will be required to develop and implement a traffic management plan in coordination with Oxford County. Adequate signage to give advance notice of disruptions and detours is to be provided by the contractor.	N/A	

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9.0 Climate Considerations

Climate change is defined as any significant change in long-term weather patterns. The term can apply to any major variation in temperature, wind patterns or precipitation that occurs over time. Global warming describes the recent rise in the average global temperature caused by increased concentrations of greenhouse gases (GHGs) trapped in the atmosphere. Scientists have concluded that human activity is largely responsible for recently observed changes to our climate since GHGs are mainly caused by burning fossil fuels to produce energy.

With regard to the effect that the project could have on climate change:

- No new traffic is expected to be generated as a result of this project. However, some truck traffic may change their travel routes to use Oxford Road 19 once the spring load restriction is removed. Therefore, a significant increase in emissions is not expected.
- Some vegetation removal will be necessary but is expected to be minor. Disturbed areas will be re-stabilized, incorporating revegetation using non-invasive, preferably native plantings and / or seed mix appropriate to the site conditions and adjacent vegetation communities. Therefore, the project will not result in the loss of a major carbon sink.

With regard to the effect of climate change on the project:

- Climate change is usually associated with any significant change in long-term
 weather patterns. Changes in the composition of the atmosphere are resulting in
 processes that alter global temperature and precipitation, in turn affecting local
 weather patterns. These processes can ultimately lead to increased occurrence of
 extreme weather events such as floods, droughts, ice storms and heat waves. As a
 result of climate change, storm events are predicted to become more intense, which
 can result in larger volumes of precipitation at one time.
- During the detailed design, all SWM-related components of the road will be designed with consideration for increased precipitation.

10.0 Engaging Stakeholders

A comprehensive consultation process was undertaken to gather community and stakeholder input within the master plan process. The following summarizes the public announcements and opportunities for public and agency input and participation in the study:

- Notice of Study Commencement in March 17, 2022
- Consecutive Public newspaper circulations in the Oxford Review March 17, 2022, and March 24, 2022

Oxford County Road 19 September 2023

- All notices posted on the Oxford County project website: https://www.oxfordcounty.ca/en/news/oxford-road-19-corridor-improvements-class-ea-study.aspx
- Public Consultation Centre #1 held at the Springford Community Hall on Thursday, June 9, 2022
- Public Consultation Centre #2 held at the Springford Community Hall on Tuesday, December 6, 2022
- Consultation with ten identified Indigenous Communities
- One Internal Technical Advisory Committee (In-TAC) Workshop with representatives from County's key departments Transportation, Engineering, and Development Planning
- Two External Technical Advisory Committee (Ex-TAC) meetings with regulatory MECP, LPRCA, MTO, and Utilities

11.0 Consultation with Indigenous Communities

Indigenous communities with Treaty Rights, Aboriginal Rights or a perceived interest in the project were consulted. Communities were identified through correspondence and direction provided by the MECP (correspondence: Mark Badali, Regional Environmental Planner, MECP, dated December 15, 2021, and March 2, 2022). The following communities were identified:

- Aamjiwnaang First Nation
- Caldwell First Nation
- Chippewas of the Thames First Nation
- Delaware Nation (Moravian of the Thames)
- Chippewas of Kettle and Stony Point
- Mississaugas of the Credit Frist Nation
- Munsee-Delaware First Nation
- Oneida Nation of the Thames
- Bkejwanong (Walpole Island First Nation)
- Six Nations of the Grand River (Elected Council and Haudenosaunee Confederacy Chiefs Council, represented by the Haudenosaunee Development Institute)

Each community / organization received a copy of the Notice of Commencement and Notices of PCC#1 and #2. Follow-up phone calls were made to identified Indigenous communities following the issuance of study notices to:

- Confirm receipt of Notice
- Confirm the community's preferred methods to communicate project information via email / mail
- Ensure the appropriate contact has been identified
- Ensure the community is aware of the project and the opportunity to participate

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 Determine the community's level and type of interest in the project and their wish for further engagement

In response to the Notices and phone calls, communication was received from:

- Caldwell First Nation
- Chippewas of the Thames First Nation
- Delaware Nation (Moravian of the Thames)
- Chippewas of Kettle and Stony Point
- Mississaugas of the Credit Frist Nation
- Haudenosaunee Development Institute (HDI)

A summary of comments from these communities is provided in Table 4.

Table 4: Summary of Correspondence with Indigenous Communities

Indigenous Community	Comment Received	Study Team Response
Caldwell First Nation	Requested that the proponent submit documents via the community's consultation portal. Requested additional information about habitat or flight paths, endangered species permits, a landscape agreement and archaeological assessment.	Documents uploaded to the consultation portal. The Stage 1 Archaeological Assessment was circulated through the portal. No comments have been received to date. A plain language executive summary will be circulated with draft documents for review.
Chippewas of Thames	Screening identified no concerns with the project. Please contact us if the project changes. Requested copy of the Stage 1 Archaeological Assessment.	The Stage 1 Archaeological Assessment was circulated for review.
	After receipt of the Stage 1 Archaeological Assessment the community indicated that they could be removed from the mailing list as other First	Noted. Community removed from project contact list.

Indigenous Community	Comment Received	Study Team Response
	Nations had been engaged and were commenting.	
Delaware Nation	We are located in Orford Township in Chatham-Kent, a fair distance from Oxford Rd. 19. We will not be commenting on this project.	Noted. Community removed from project contact list.
Chippewas of Kettle and Stony Point	Please provide documentation regarding environmental Impact and archaeological studies.	The Stage 1 Archaeological Assessment was circulated for review. No comments have been received to date. A plain language executive summary will be circulated with draft documents for review.
Mississaugas of the Credit First Nation	MCFN DOCA has no comments or concerns regarding this project. Please provide details of the environmental and archaeological work.	The Stage 1 Archaeological Assessment was circulated for review. MCFN responded that they have no questions or comments about the report. A plain language executive summary will be circulated with draft documents for review.
HDI	Please submit an application form and application fee. HDI will provide comments upon receipt.	The County will not be submitting an application but will provide all reports for review along with a high-level summary. The County is available for a meeting if required. The Stage 1 Archaeological Assessment was circulated for review. No comments have been received to date.

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Indigenous Community	Comment Received	Study Team Response	
		A plain language executive summary will be circulated with draft documents for review.	

Copies of the comments received and responses sent are provided in Appendix B to this Executive Summary.

12.0 Next Steps

Once the Municipal Class EA is complete, the County will hire a consultant and contractor to complete detailed design drawings and plans, obtain permits and carry out construction. All work will need to be carried out in accordance with the mitigation and monitoring listed in Table 3.

Additional mitigation may be identified through the permitting process. The following list provides a preliminary set of permit requirements that will need to be undertaken by the contractor. A final list of permits shall be determined during the detailed design phase of the Project.

- Contractor will need to obtain an Occupancy Permit from the County.
- A Permit to Take Water may be required should dewatering be necessary.
 Requirements for dewatering will be determined during the detailed design phase of the Project.
- The County is required to comply with the *Ontario Water Resources Act* with respect to the quality of water discharging into natural receivers. The footprint of disturbed area will be minimized as much as possible. For example, minimizing distribution of excavated soil to minimize sedimentation to storm sewers.
- An ESC Plan will be developed in consultation with the LPRCA. Implementation of the erosion and sediment control measures will conform to recognized standard specifications such as OPSS and the requirements of the LPRCA.
- A permit approval will be required from LPRCA in accordance with O.Reg. 178/06 Regulation of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses for construction works in LPRCA regulated areas, including culvert extensions, drain relocations and watercourse modifications.
- Work on Municipal Drains will require approval from the local drainage superintendent.

Oxford County Road 19 September 2023

13.0 Notice of Study Completion

A Notice of Study Completion of this Municipal Class EA will be prepared and published in the local Oxford Review. The Notice will also be mailed / emailed to all agencies and stakeholders that had expressed an interest in the project.

A request may be made to the Ministry of Environment, Conservation and Parks for an order requiring a higher level of study (i.e., requiring an individual / comprehensive EA approval before being able to proceed), or that conditions be imposed (e.g., require further studies), only on the grounds that the requested order may prevent, mitigate, or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests on other grounds will not be considered. Requests should include the requester contact information and full name for the Ministry.

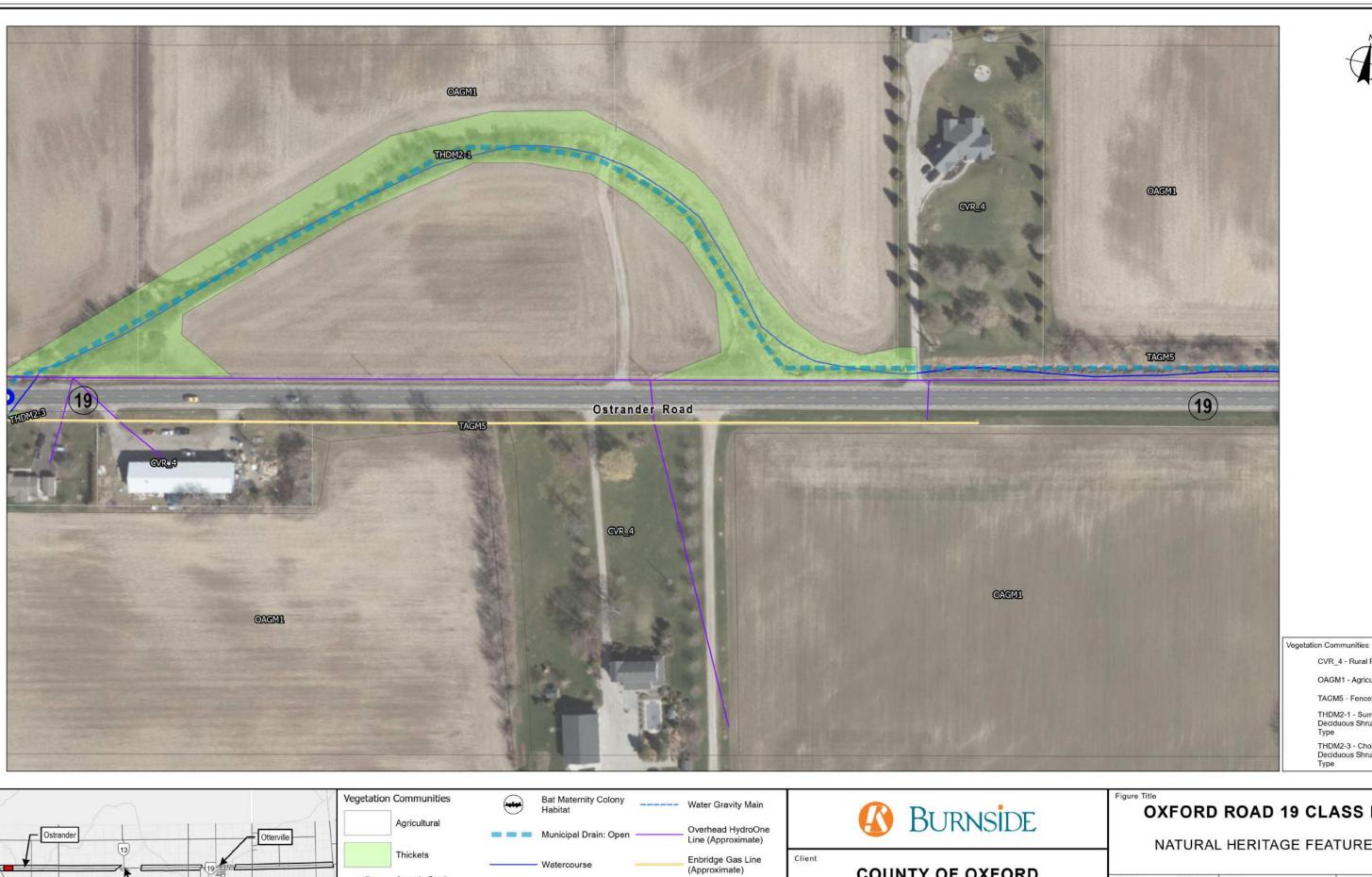
Requests should specify what kind of order is being requested (request for additional conditions or a request for an individual / comprehensive environmental assessment), how an order may prevent, mitigate or remedy those potential adverse impacts, and any information in support of the statements in the request. This will ensure that the ministry is able to efficiently begin reviewing the request.

If no order request is received, the project will proceed to design and construction as outlined in the planning documentation. Please visit the Ministry's website for more information on requests for orders under section 16 of the Environmental Assessment Act at: https://www.ontario.ca/page/class-environmental-assessments-section-16-order

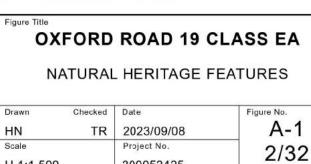


Appendix A

Figures



Aquatic Study



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COUNTY OF OXFORD

Metres

CVR_4 - Rural Property OAGM1 - Agriculture TAGM5 - Fencerow

THDM2-1 - Sumach Deciduous Shrub Thicket Type

THDM2-3 - Chokecherry Deciduous Shrub Thicket Type

Overhead HydroOne Line (Approximate)

Ecologically Important Woodlands (Draft ONHSS)

and Wood thrush

Figure No.

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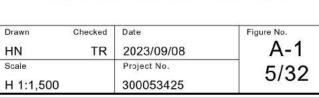
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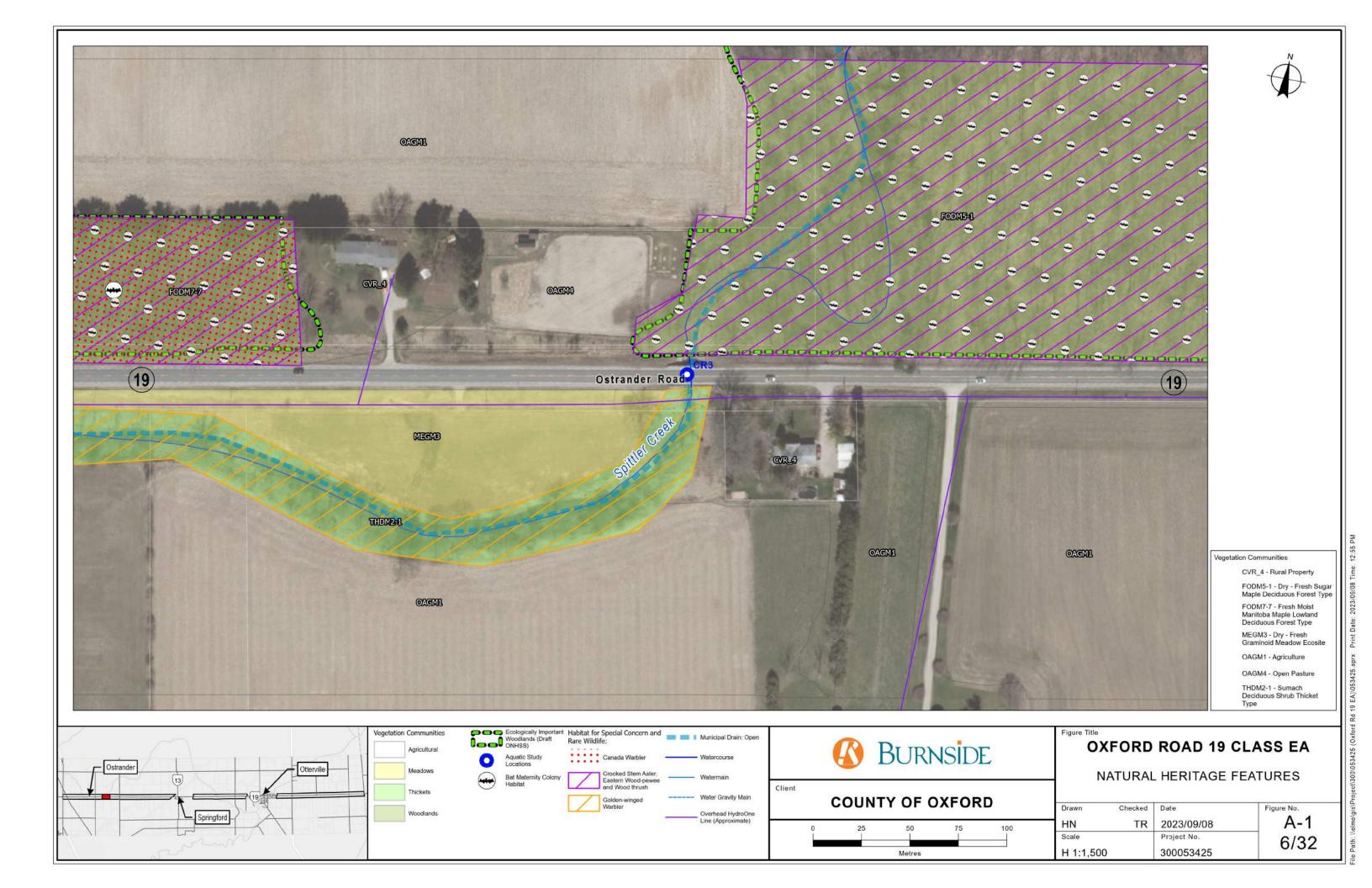
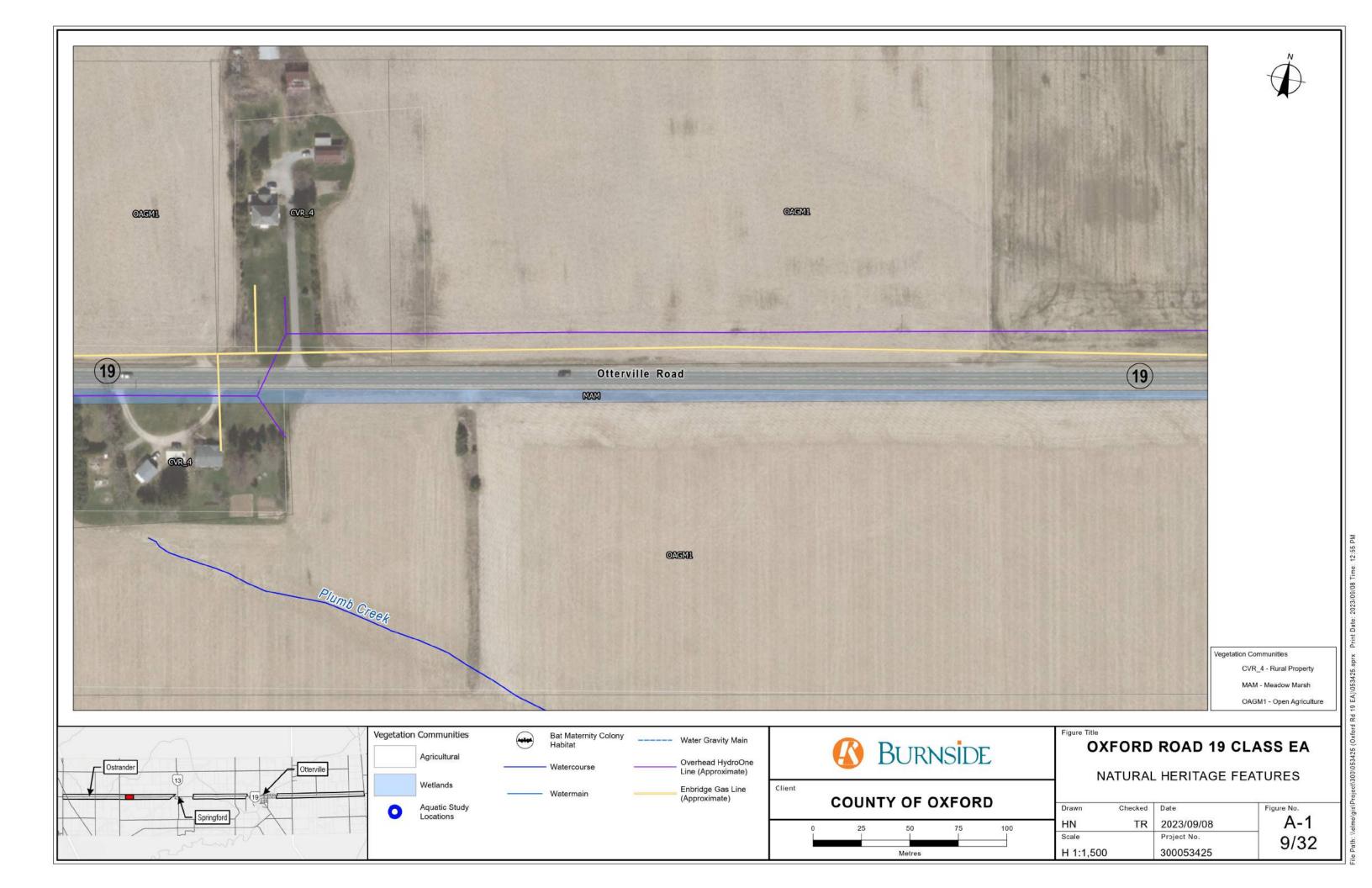
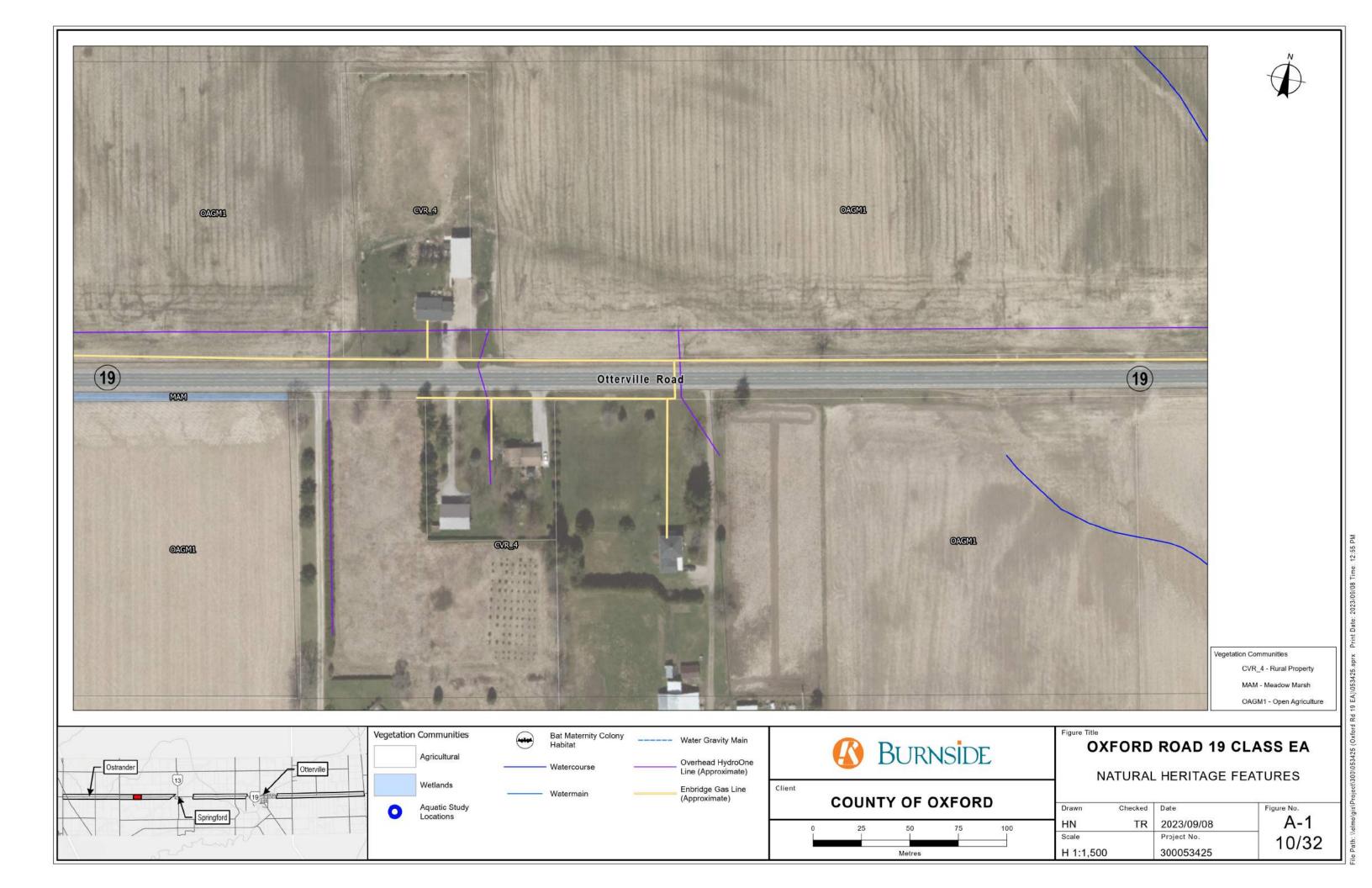


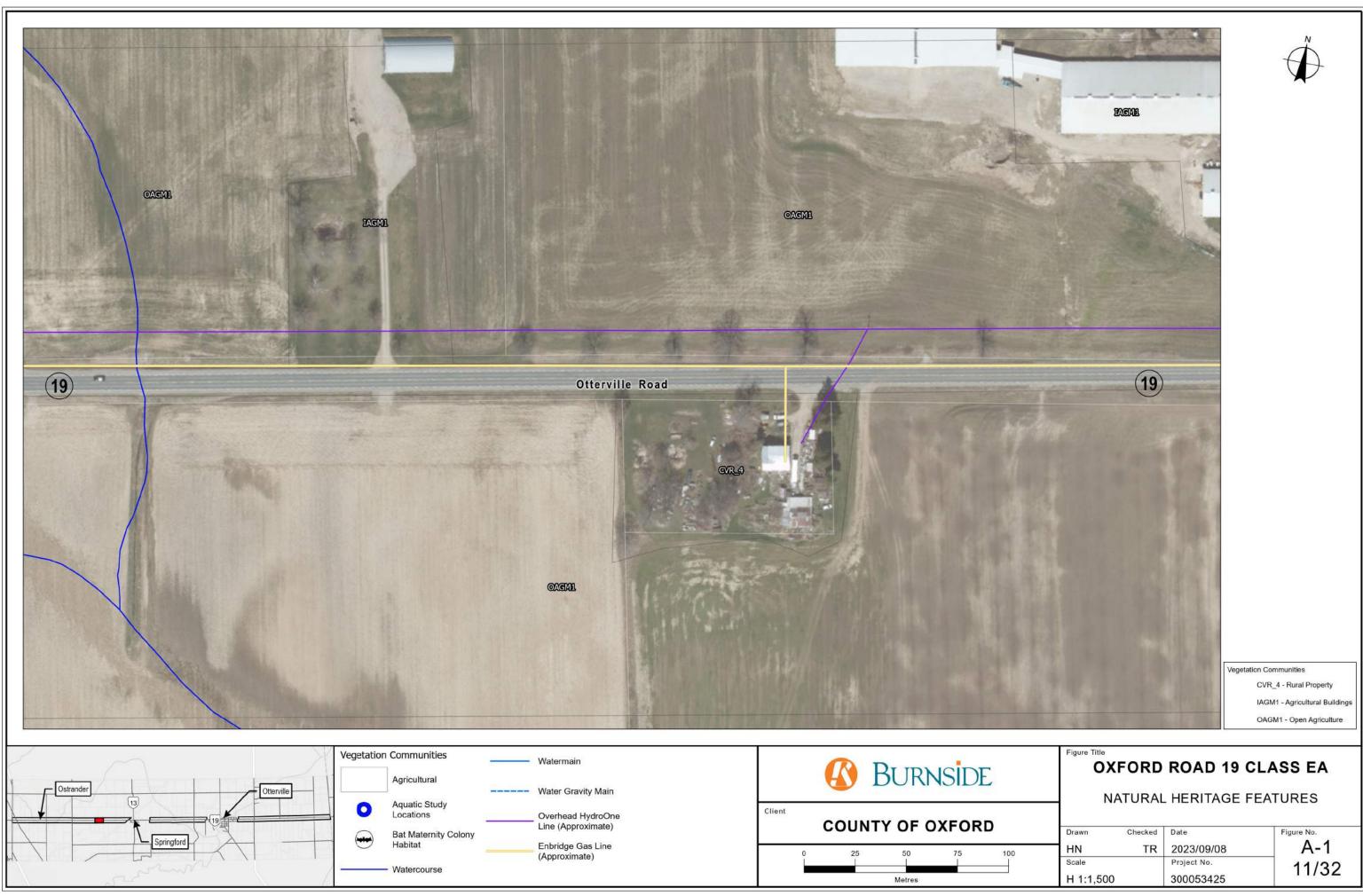


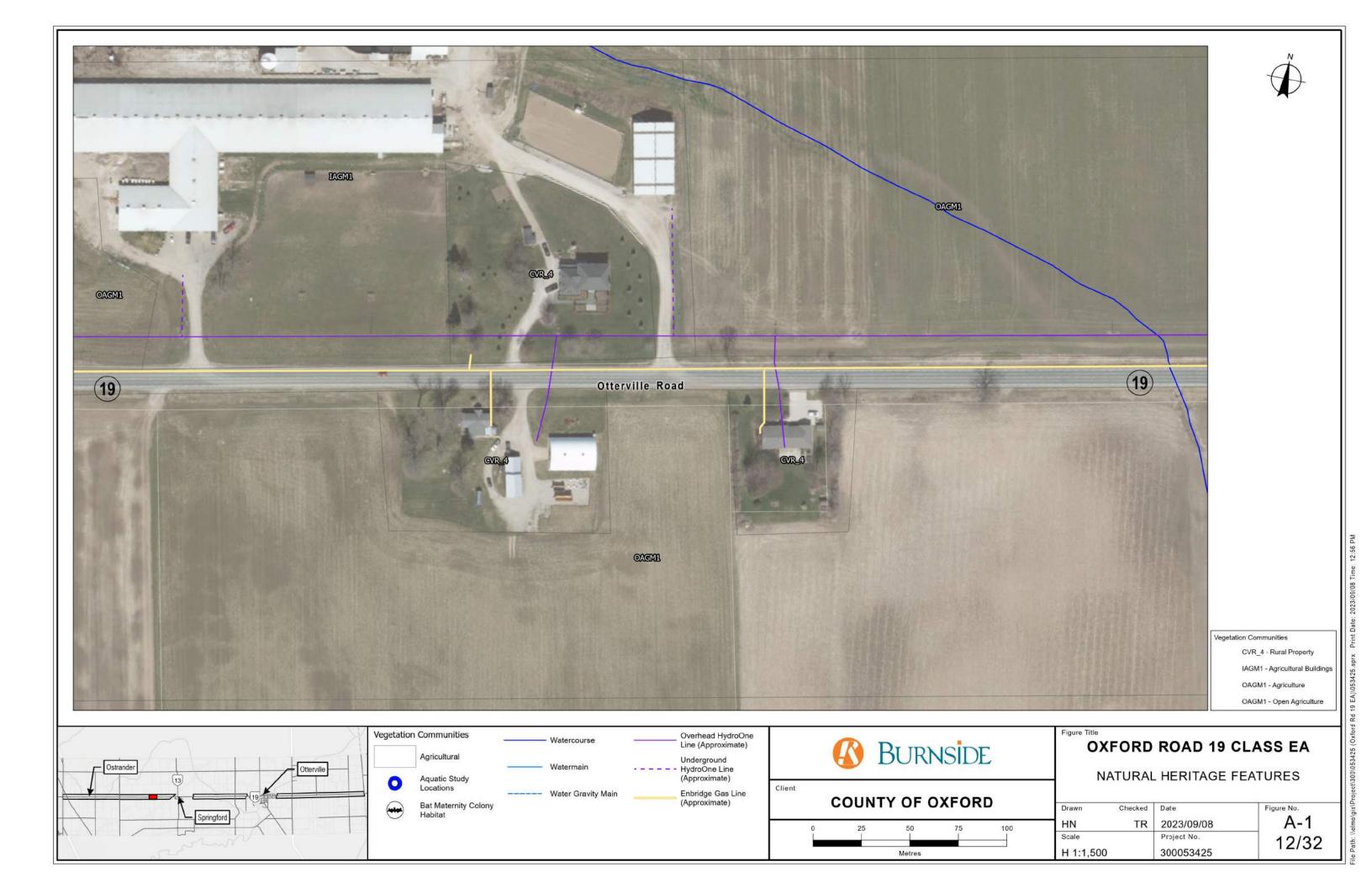


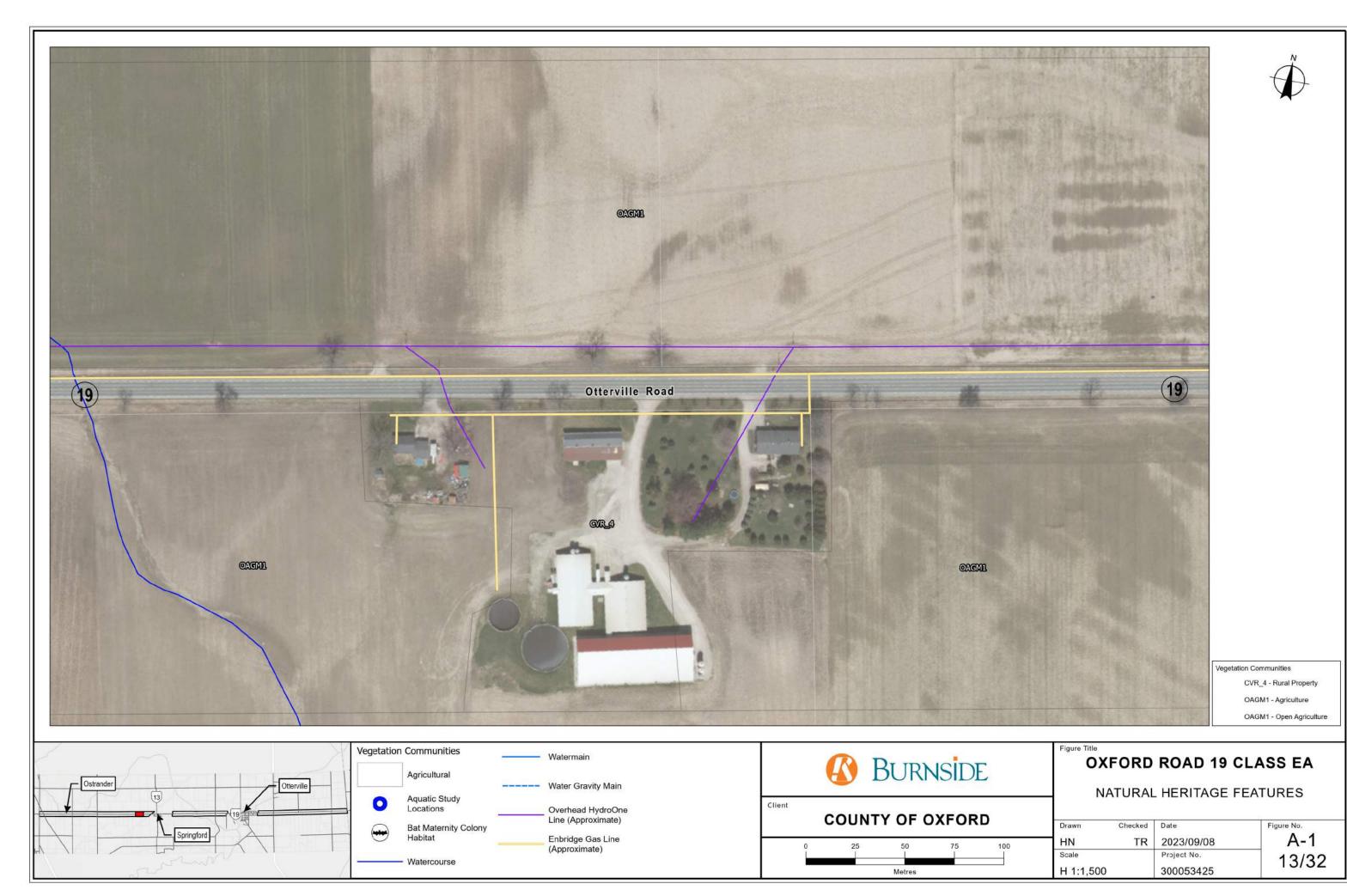
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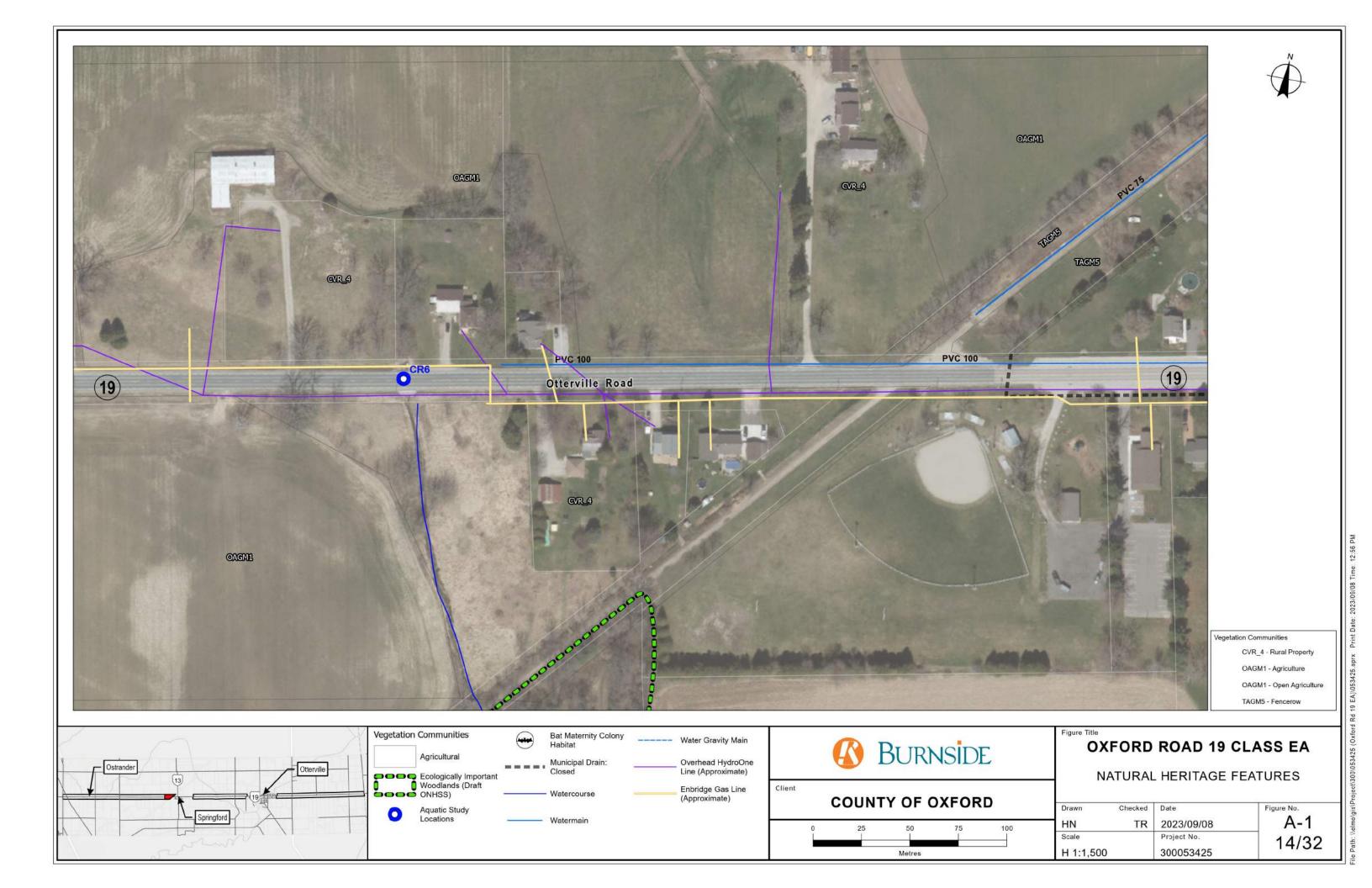


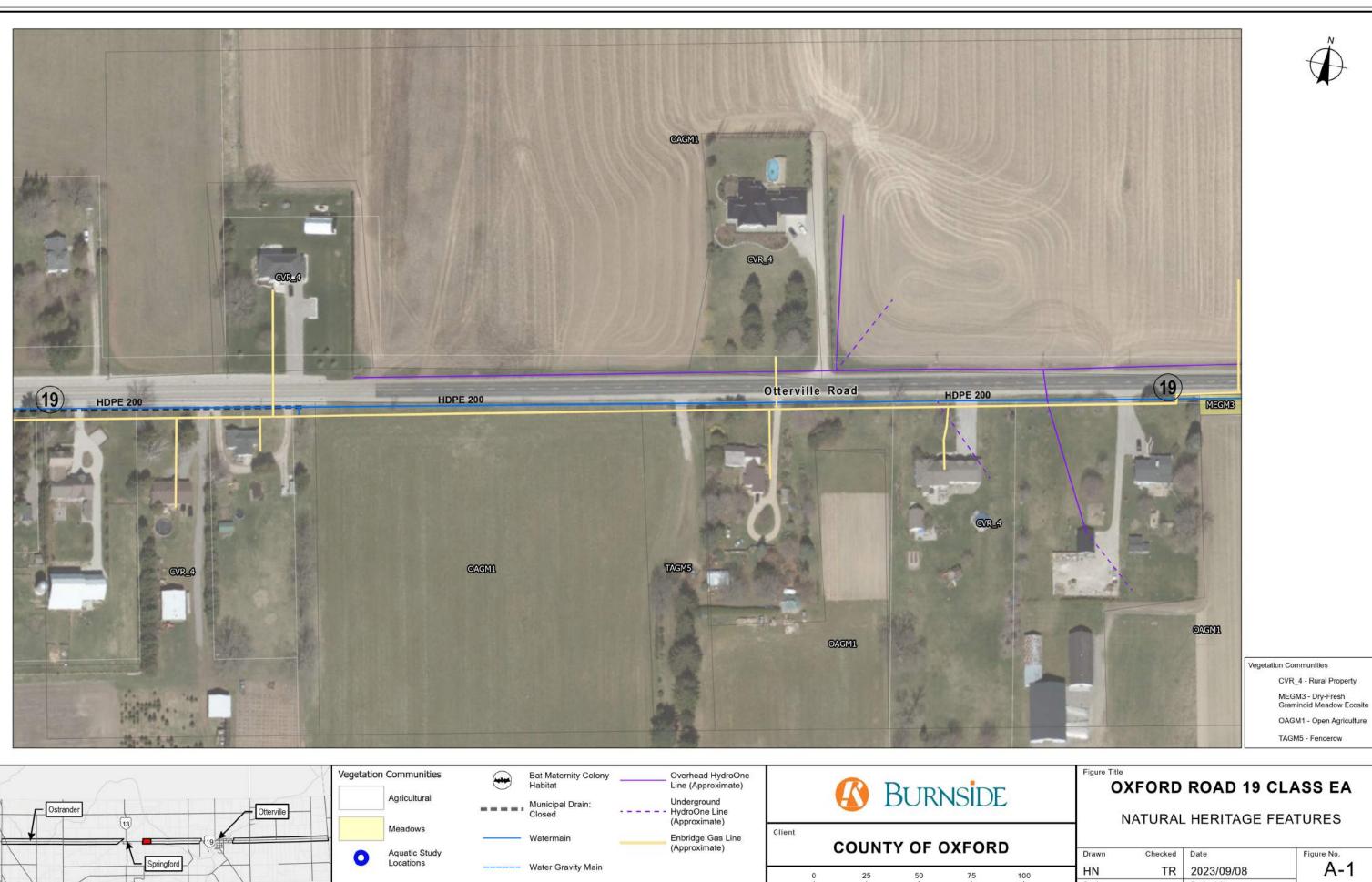




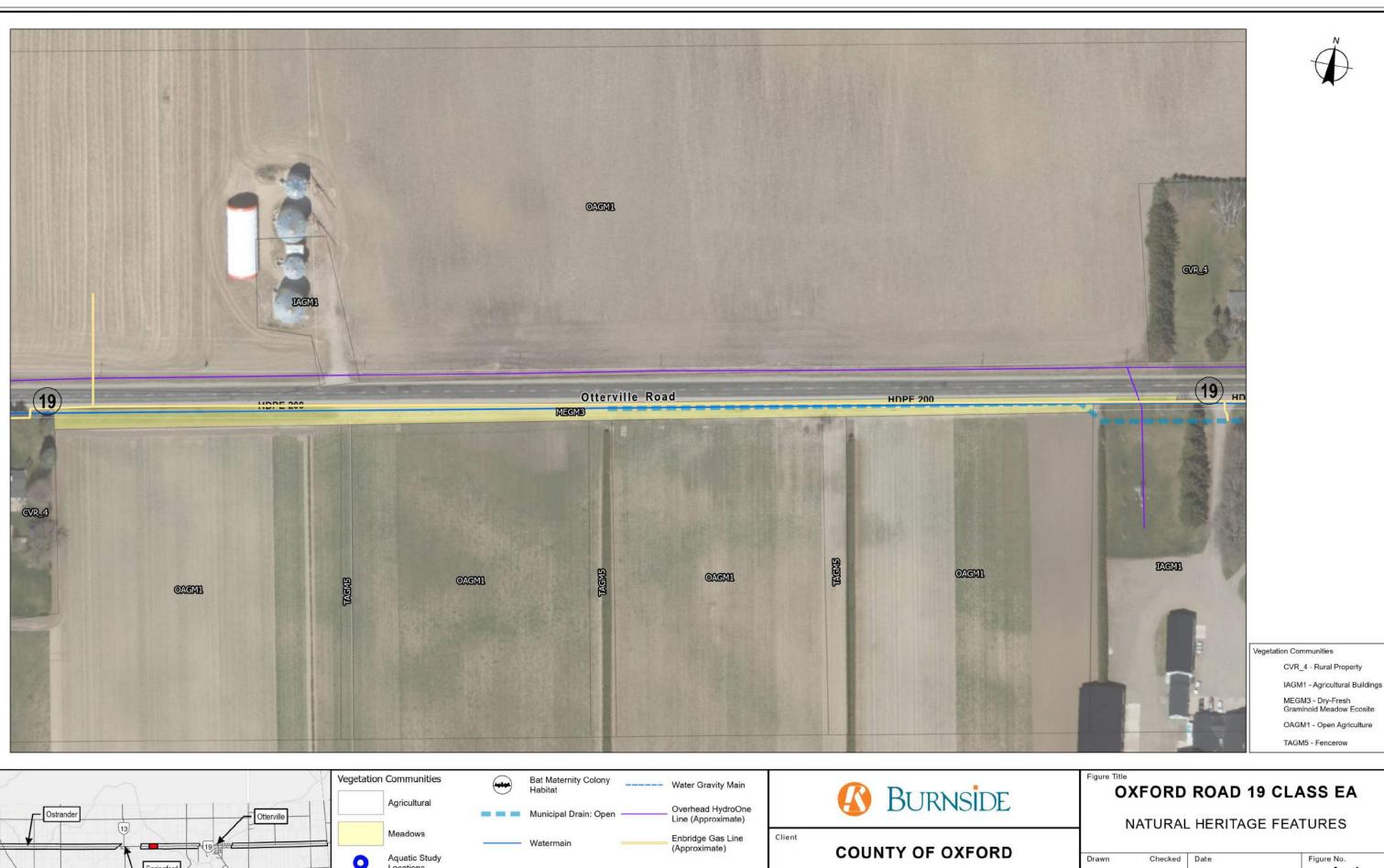


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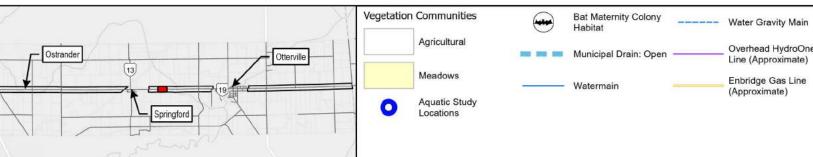
Vegetation Communities

CVR_4 - Rural Property

MEGM3 - Dry-Fresh Graminoid Meadow Ecosite

OAGM1 - Open Agriculture

TAGM5 - Fencerow

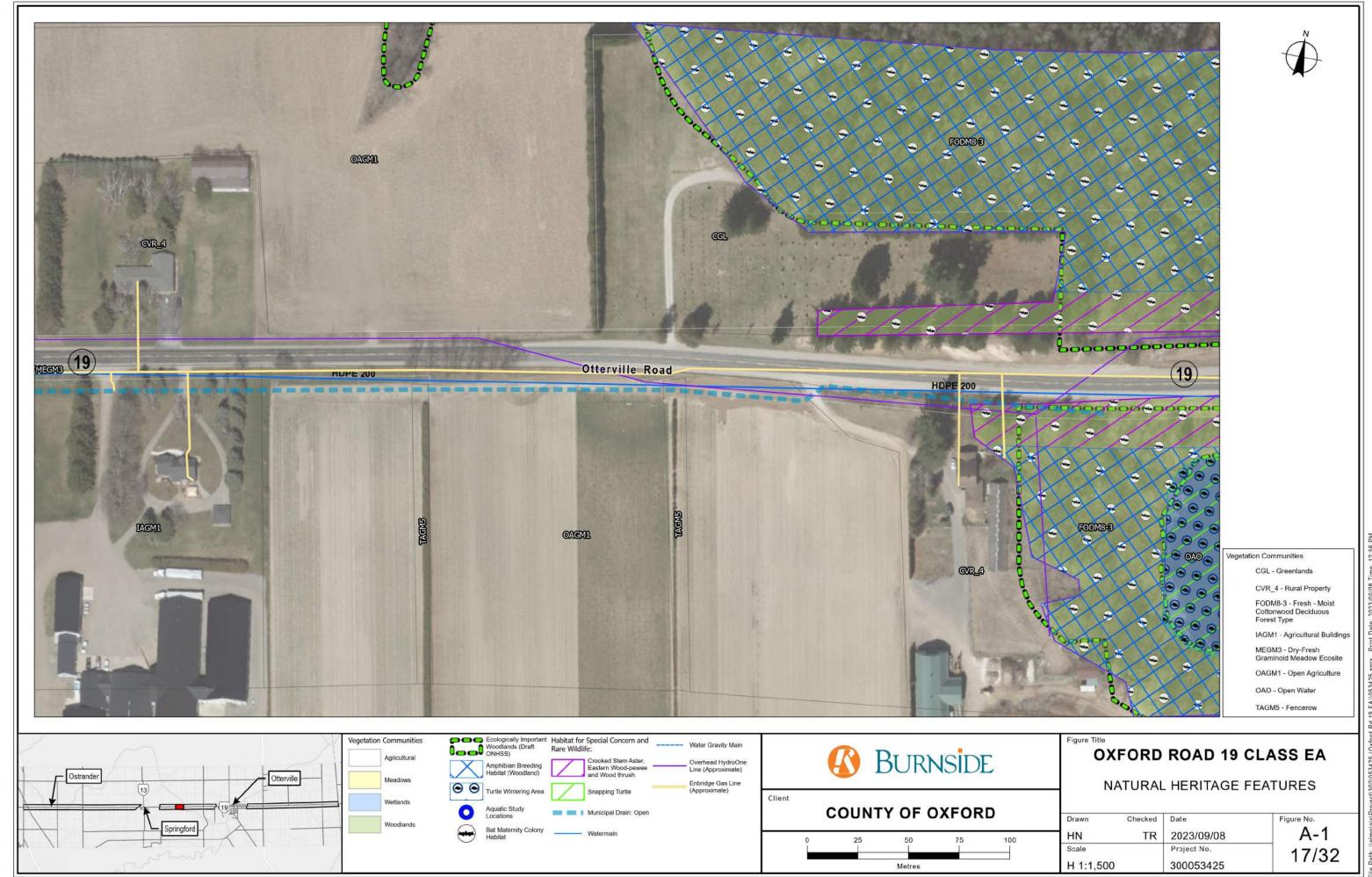


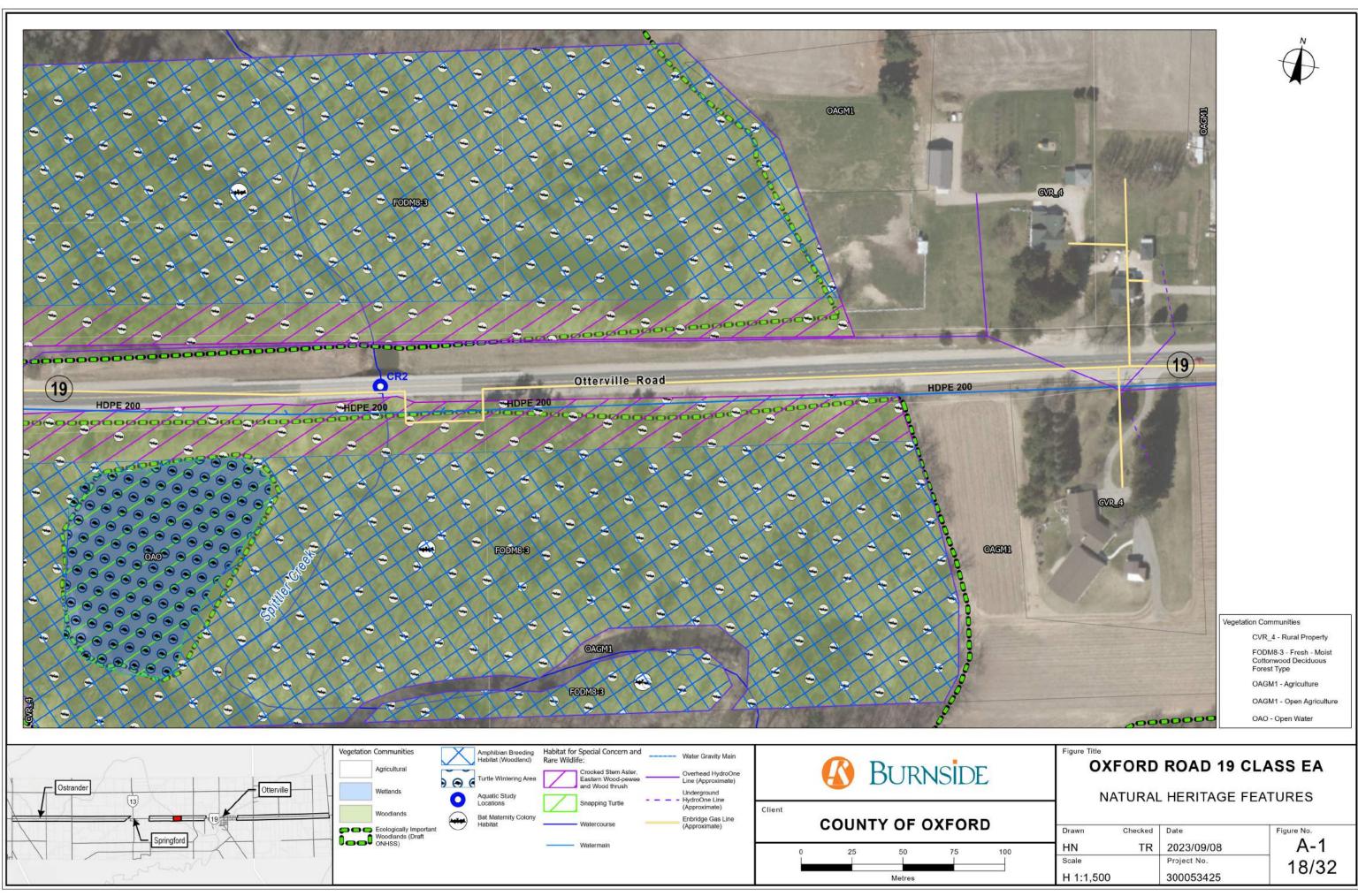


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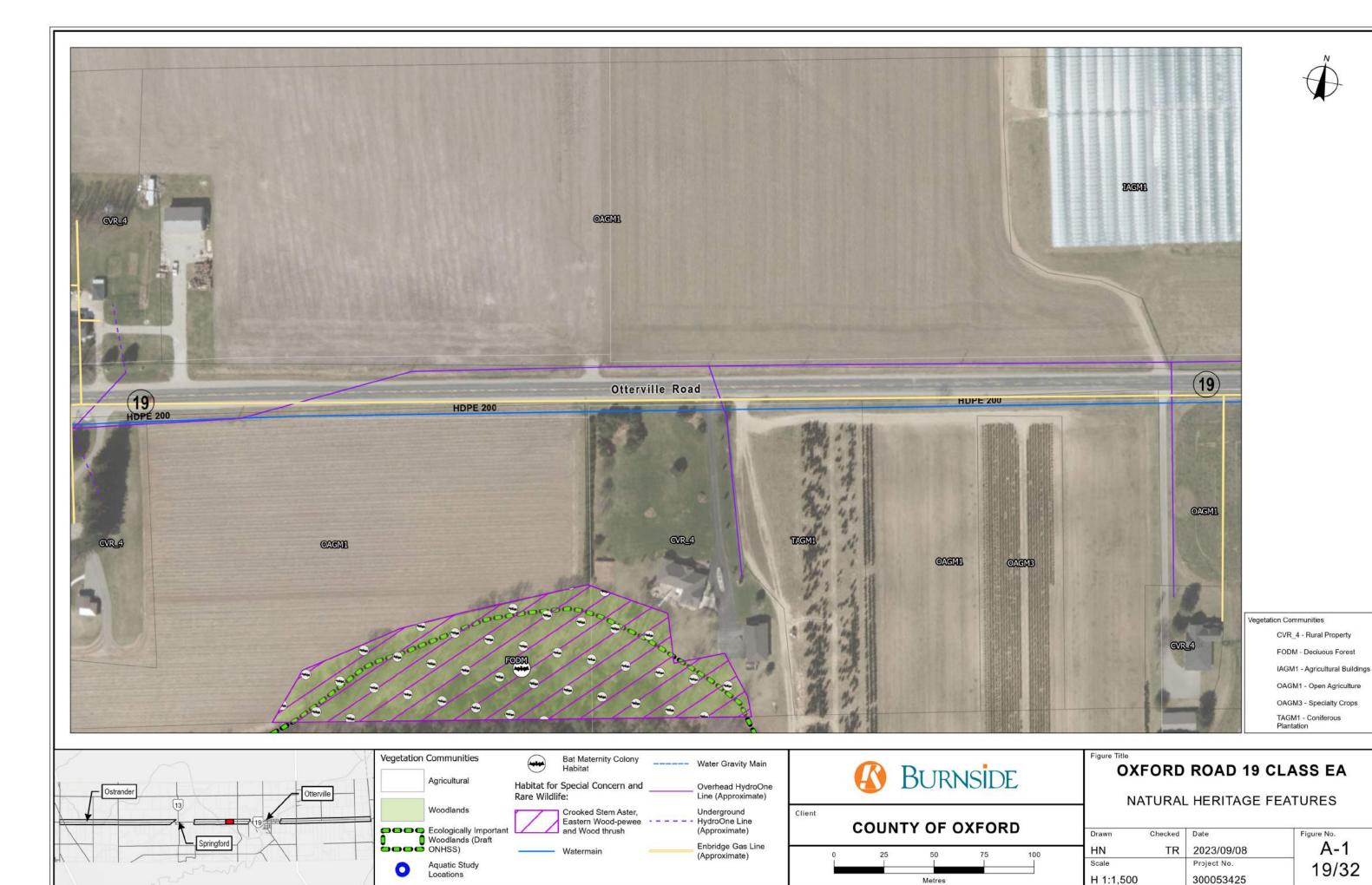
OXFORD ROAD 19 CLASS EA

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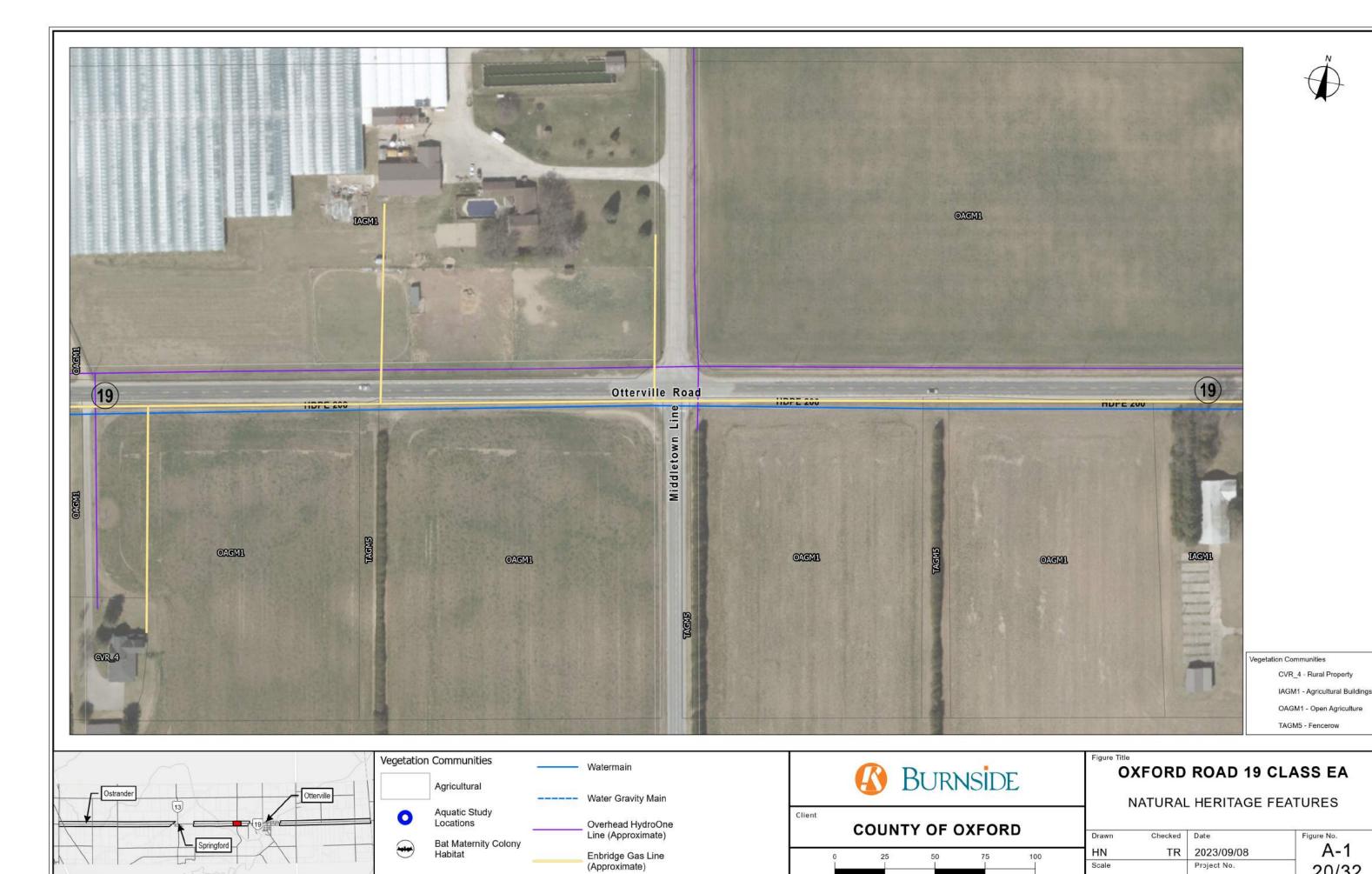




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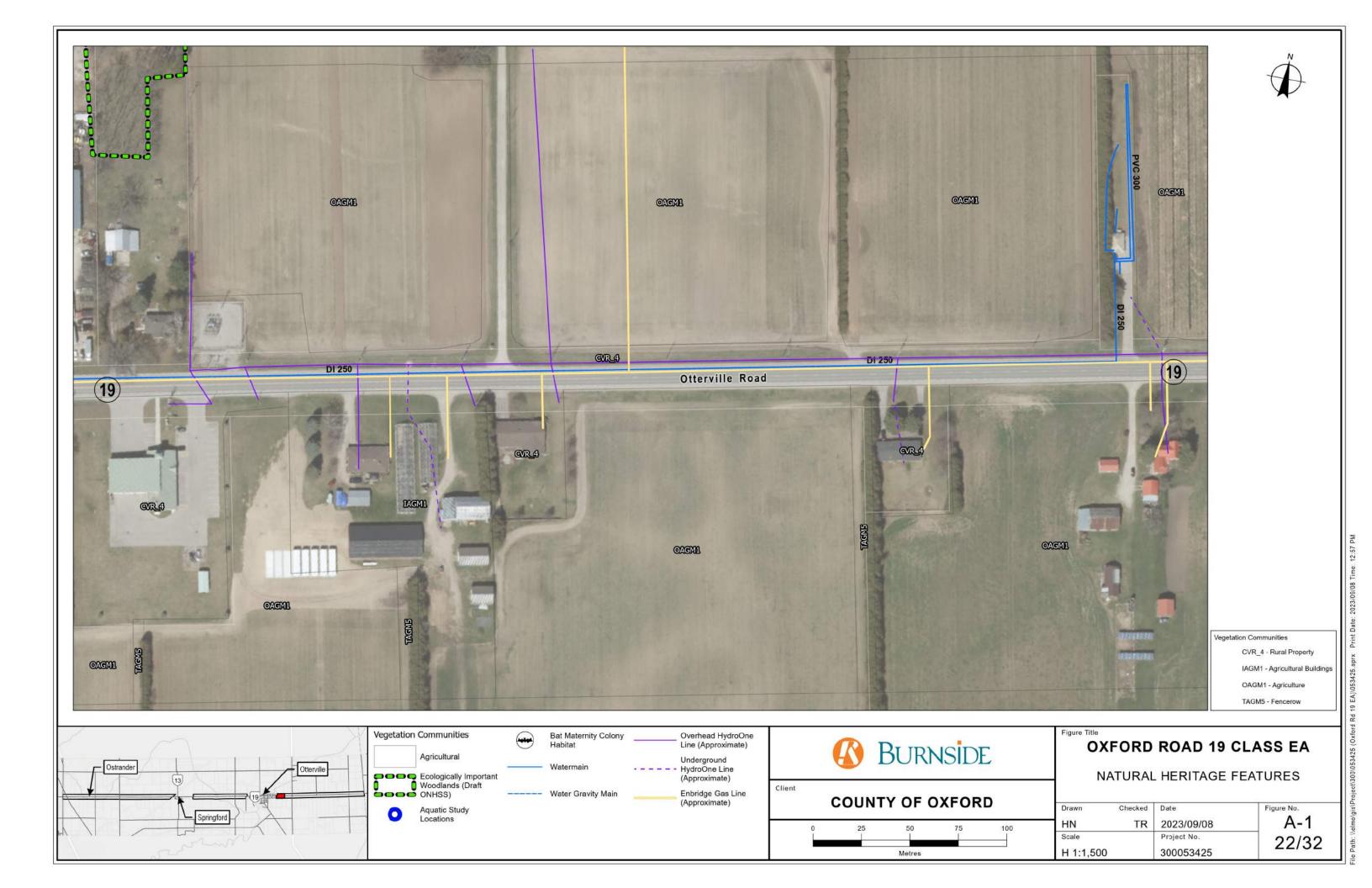
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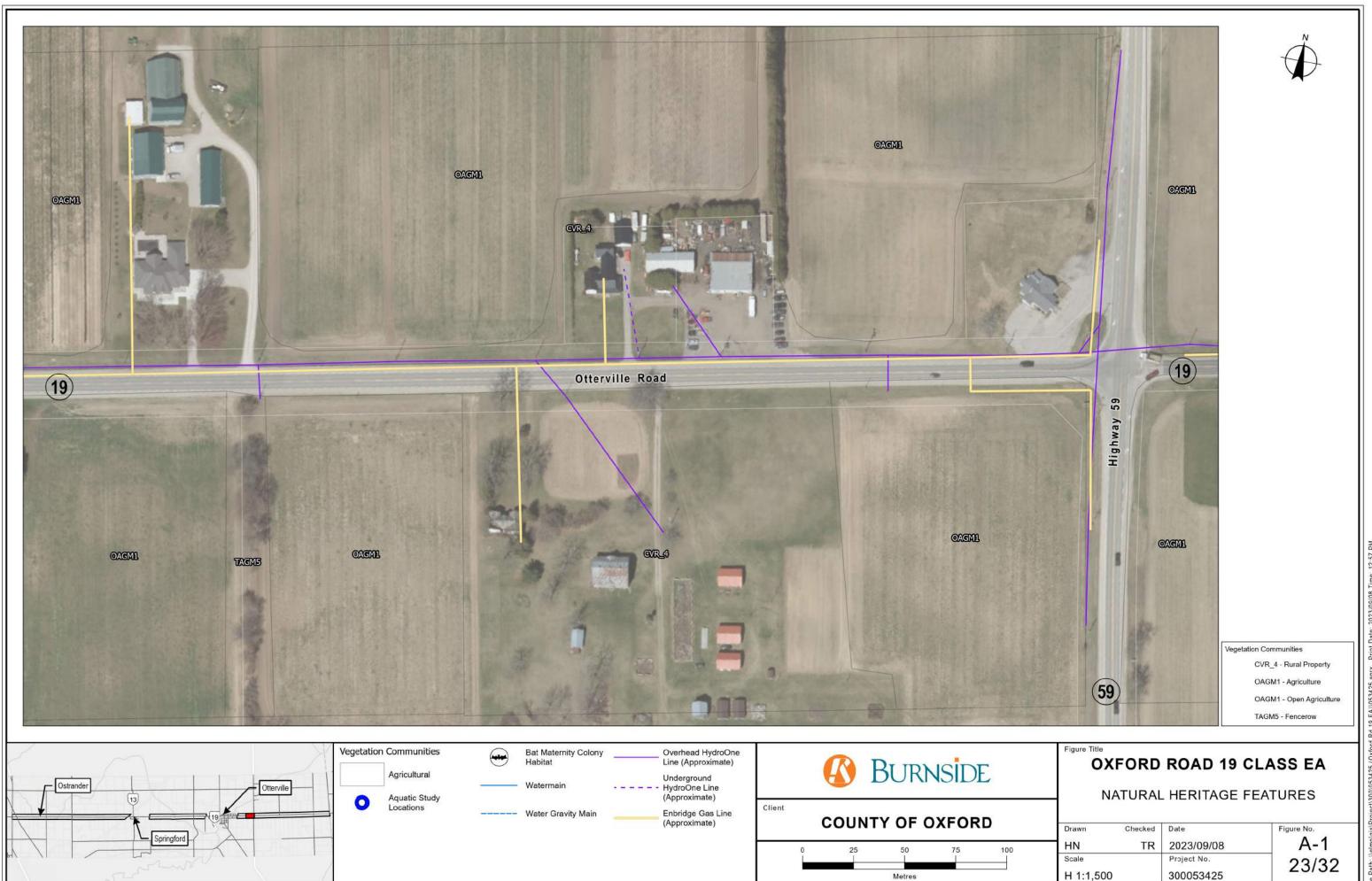
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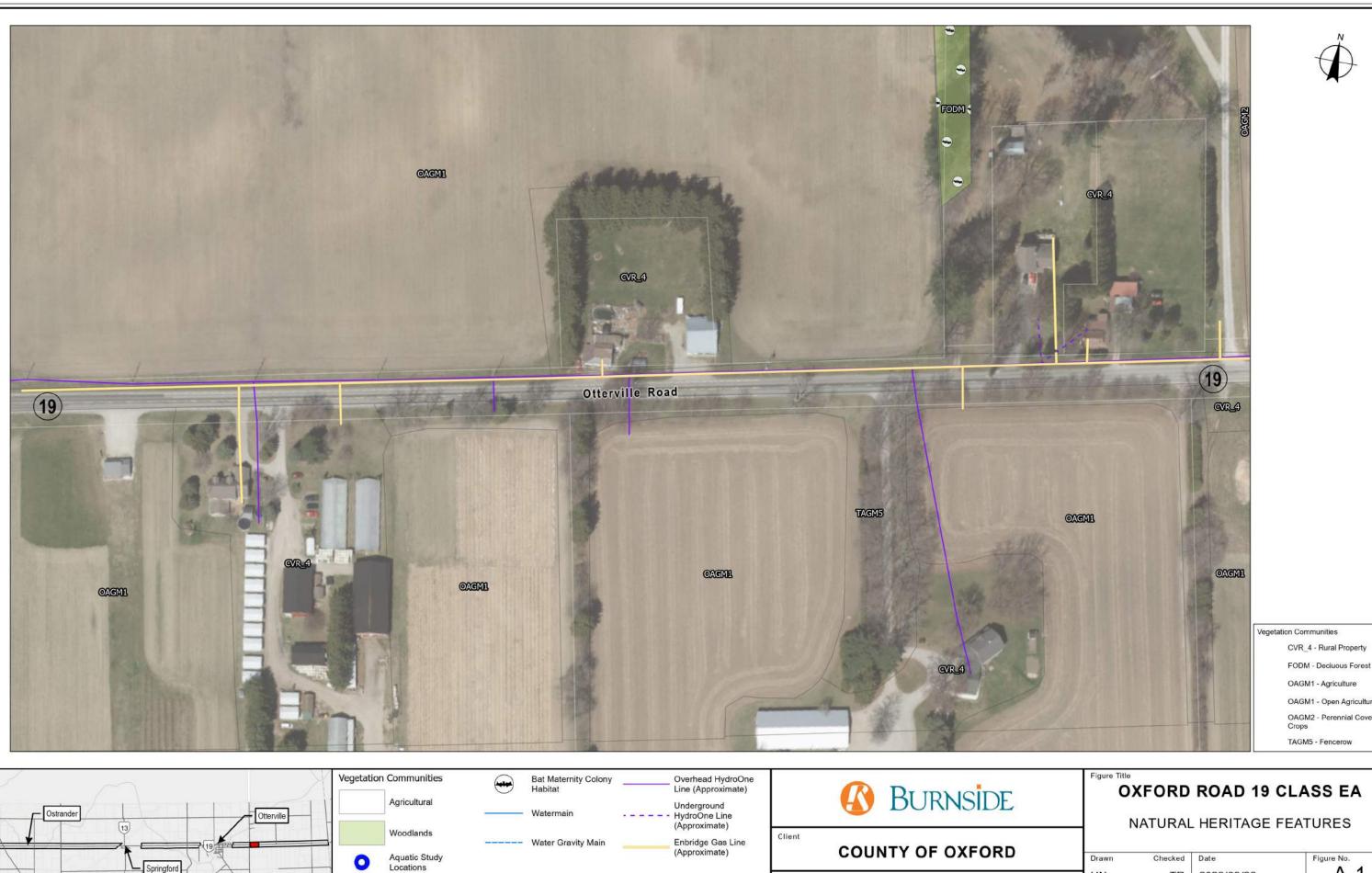
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Vegetation Communities

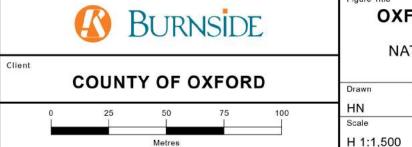
CVR_4 - Rural Property

OAGM1 - Agriculture

OAGM1 - Open Agriculture

OAGM2 - Perennial Cover Crops

TAGM5 - Fencerow



OXFORD ROAD 19 CLASS EA

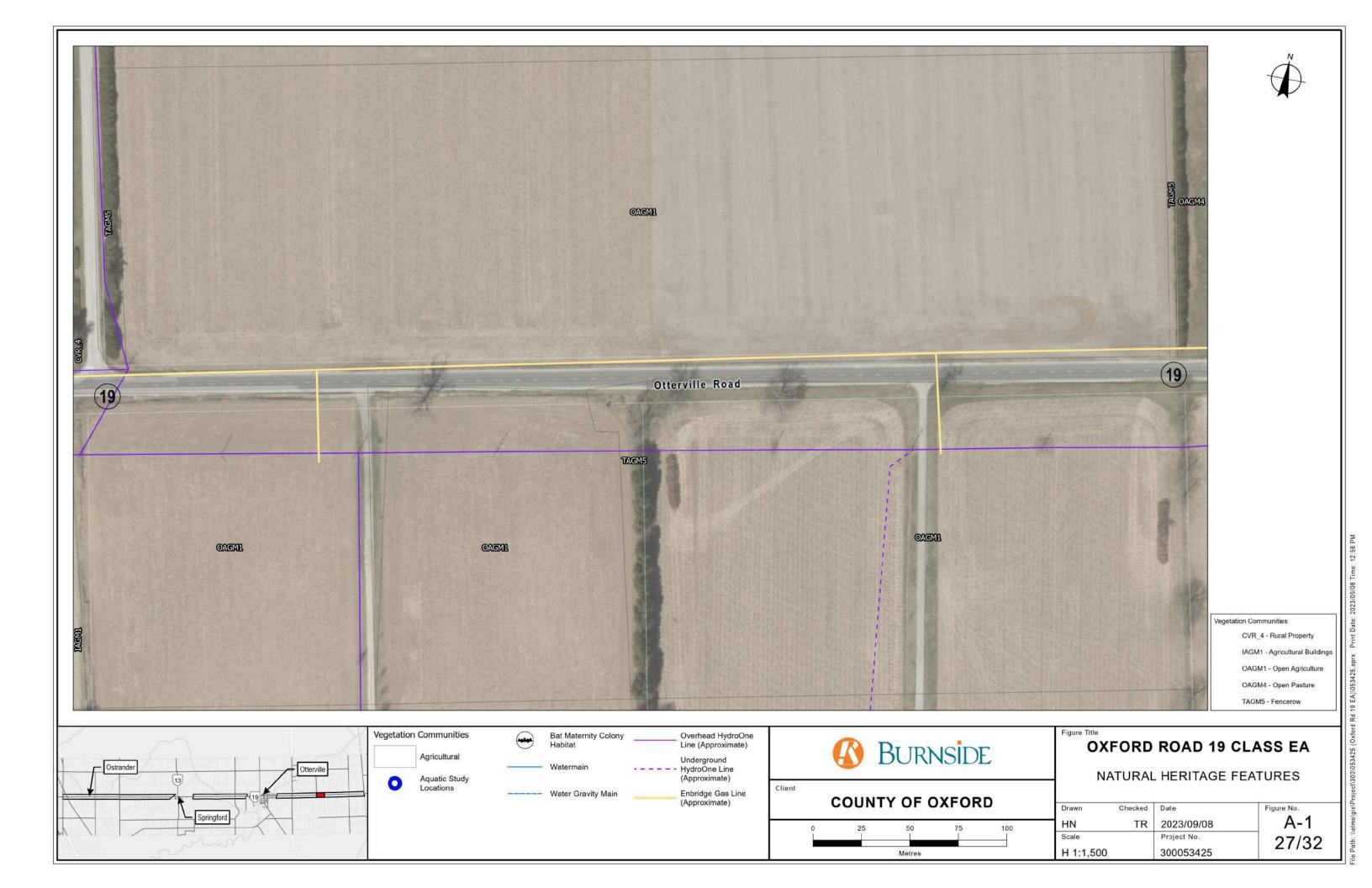
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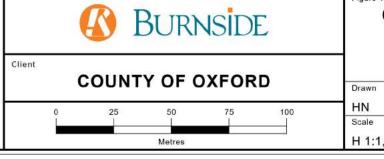




CVR_4 - Rural Property

MAMM1-3 - Reed-canary Grass Graminoid Mineral Meadow Marsh Type

TAGM5 - Fencerow



OXFORD ROAD 19 CLASS EA

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Overhead HydroOne Line (Approximate)

Enbridge Gas Line (Approximate)

Municipal Drain: Open

Watercourse

Client

COUNTY OF OXFORD

Metres

Meadows

Thickets



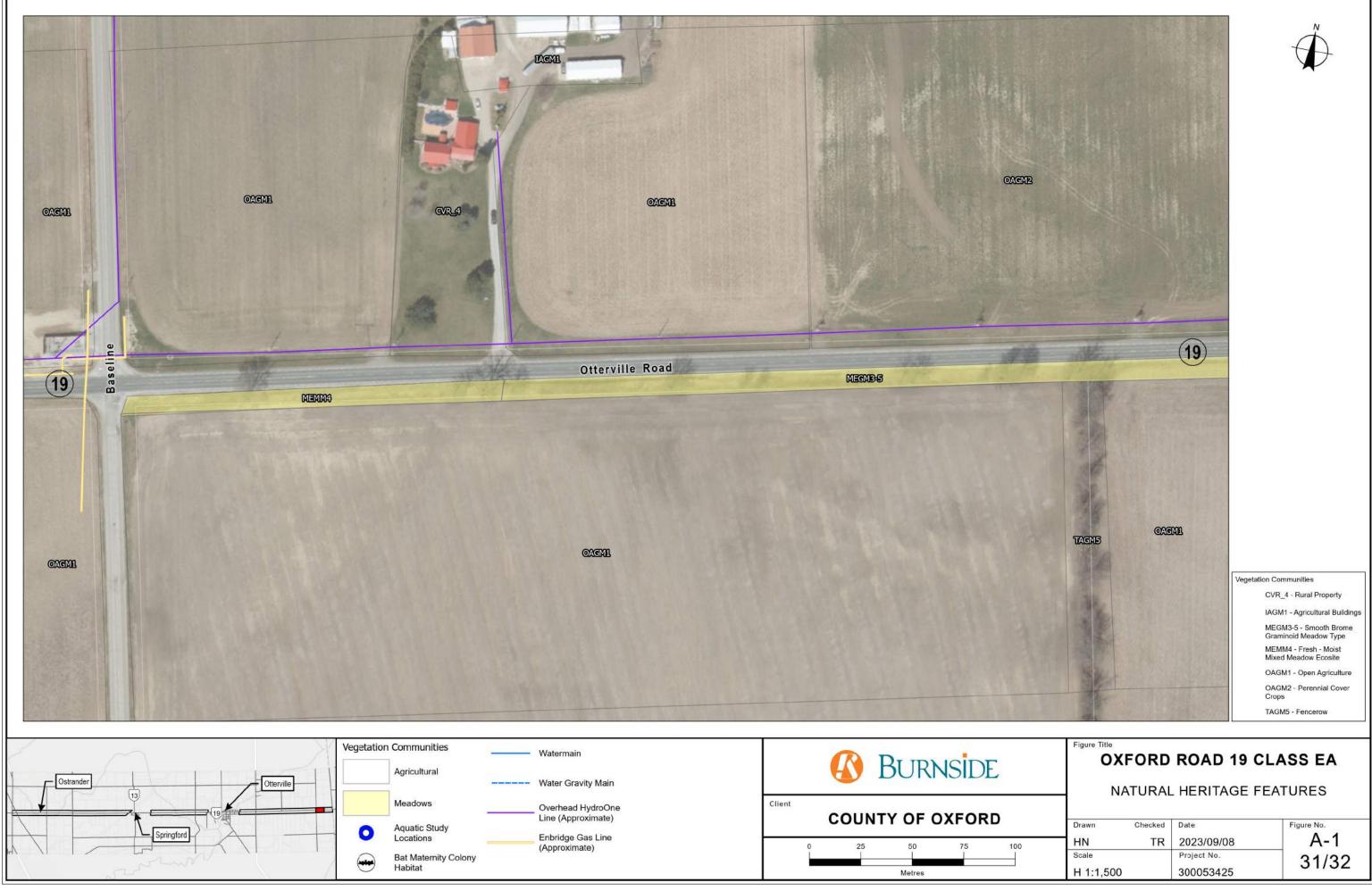
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THDM2-1 - Sumach Decidous Thicket Type

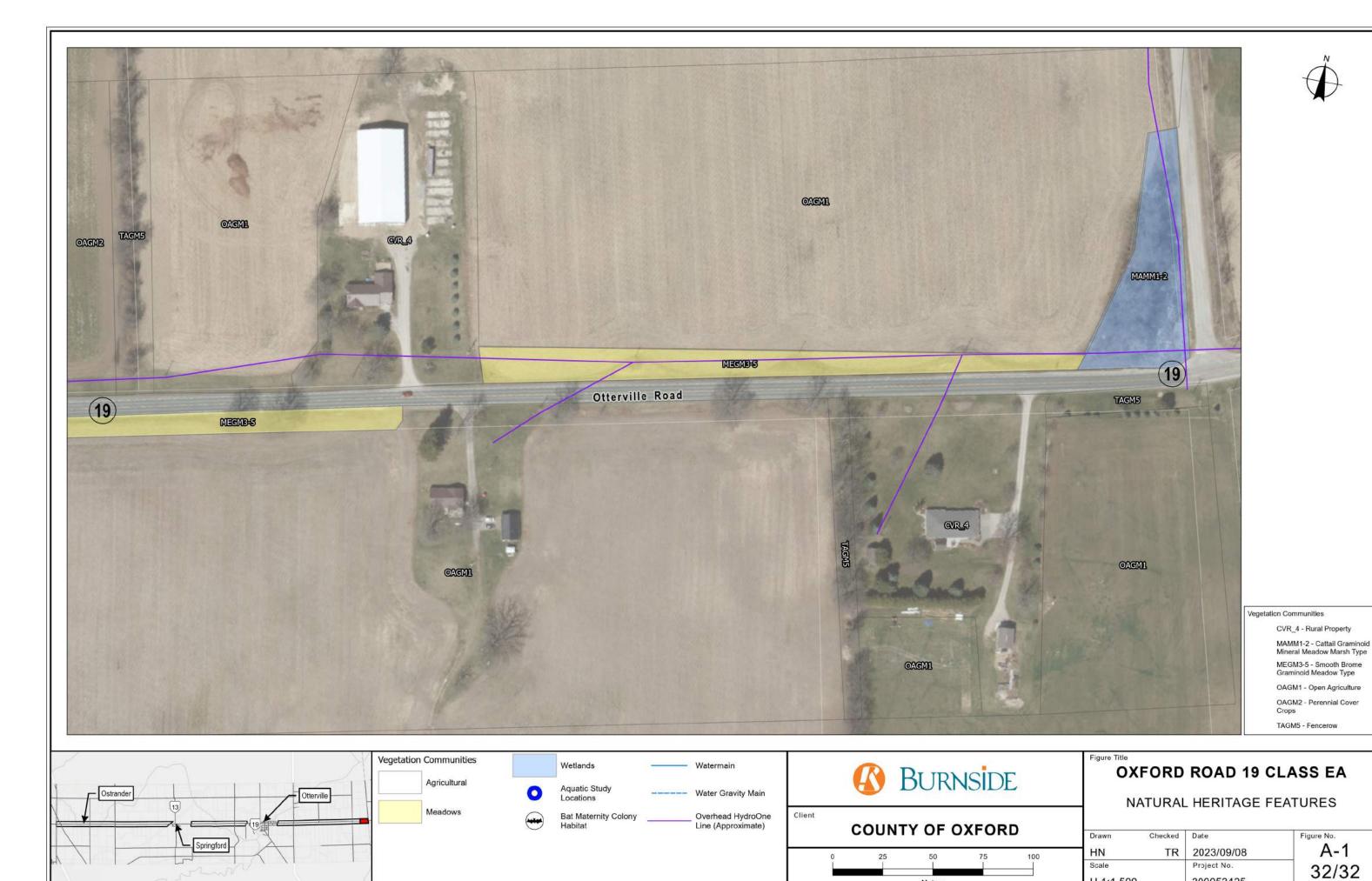
OXFORD ROAD 19 CLASS EA

NATURAL HERITAGE FEATURES

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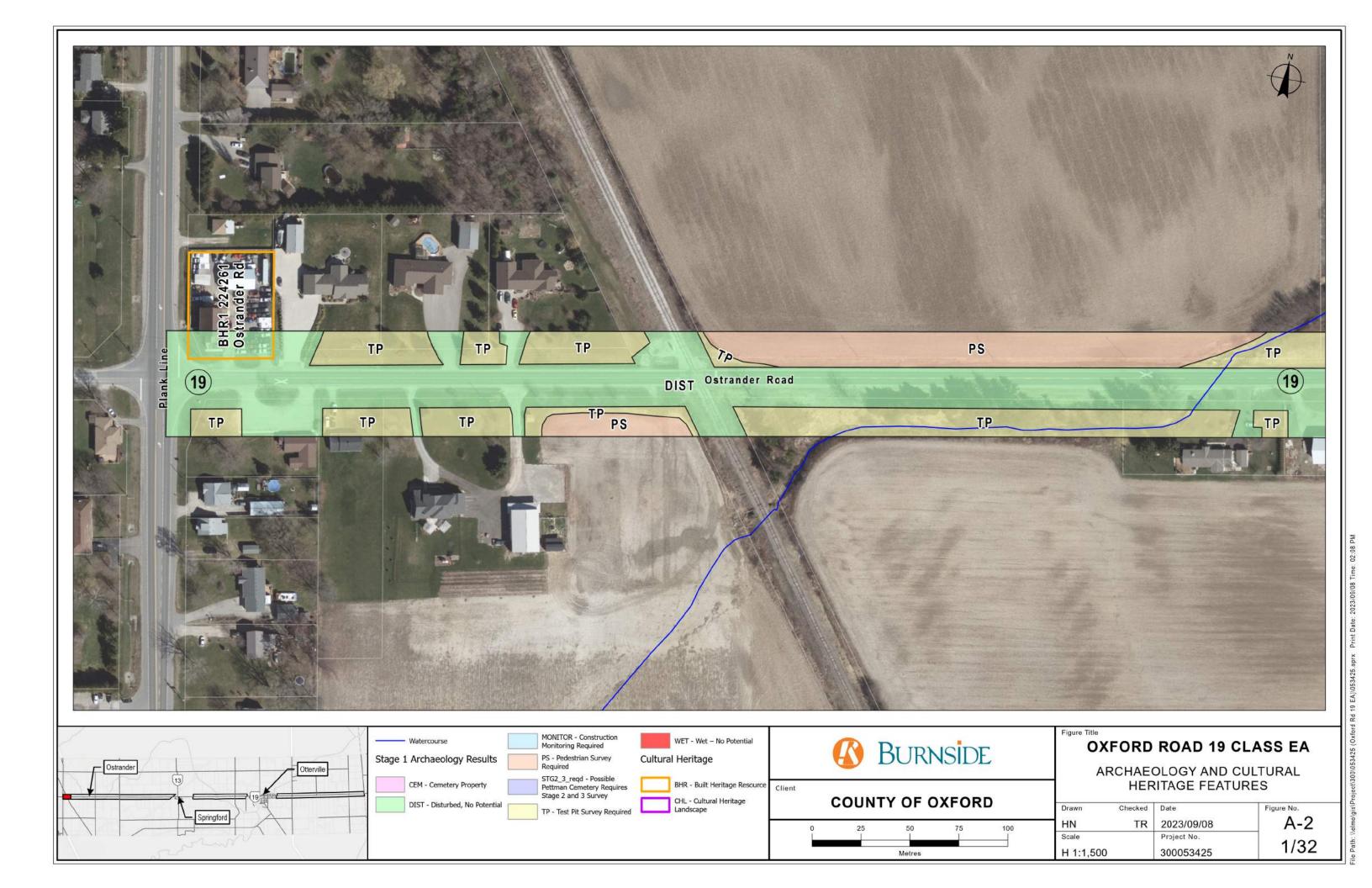
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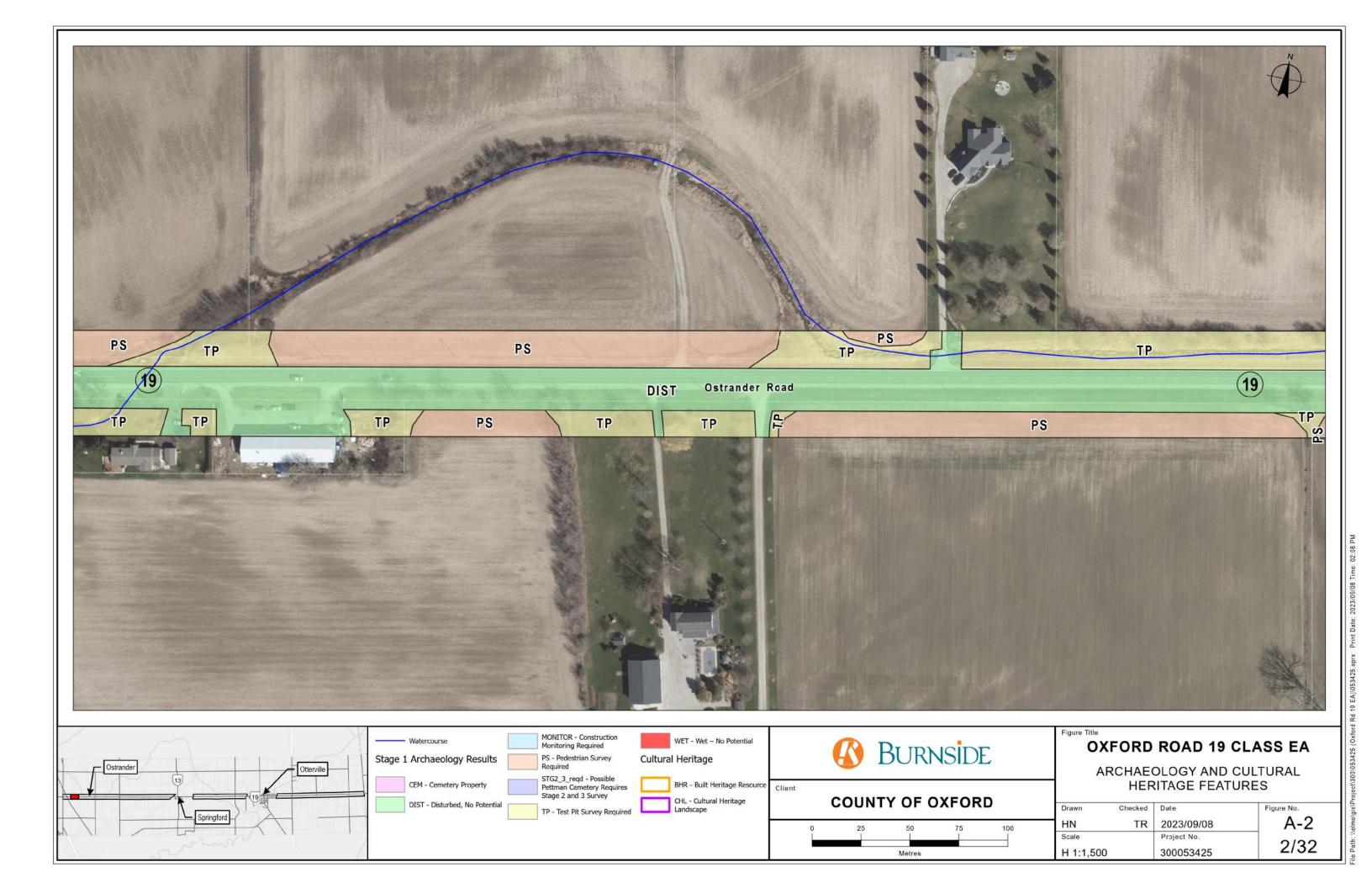


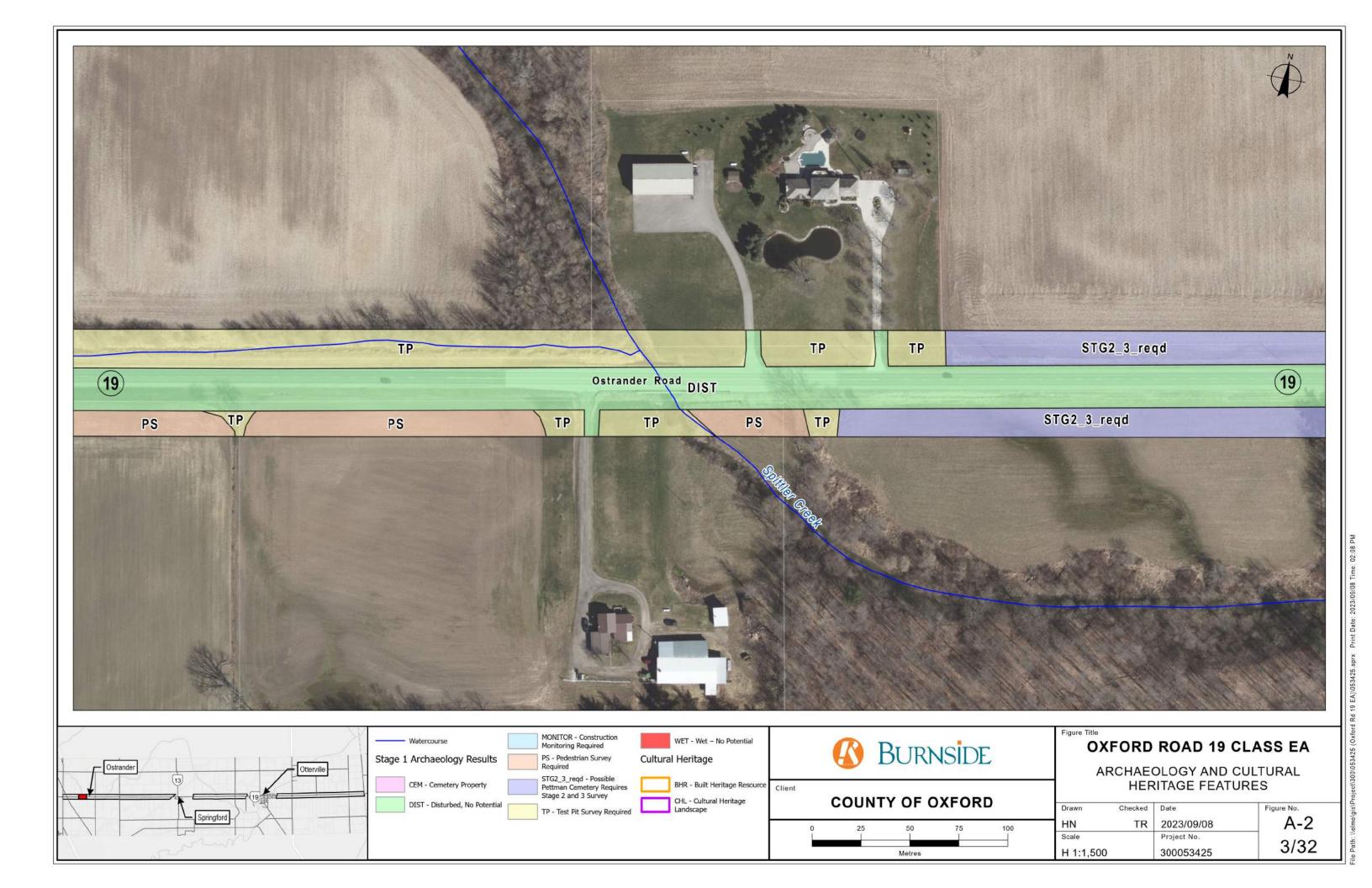
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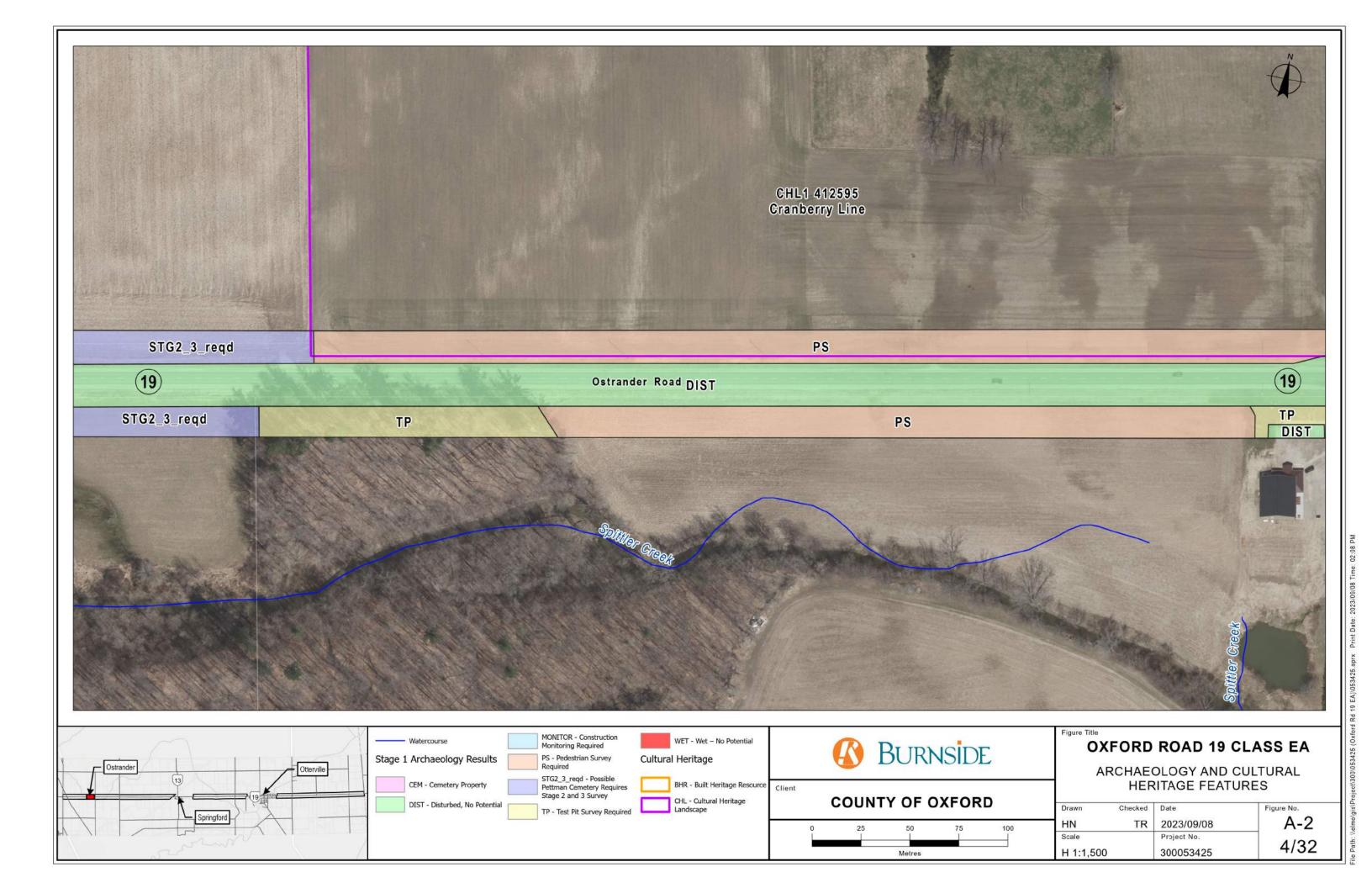
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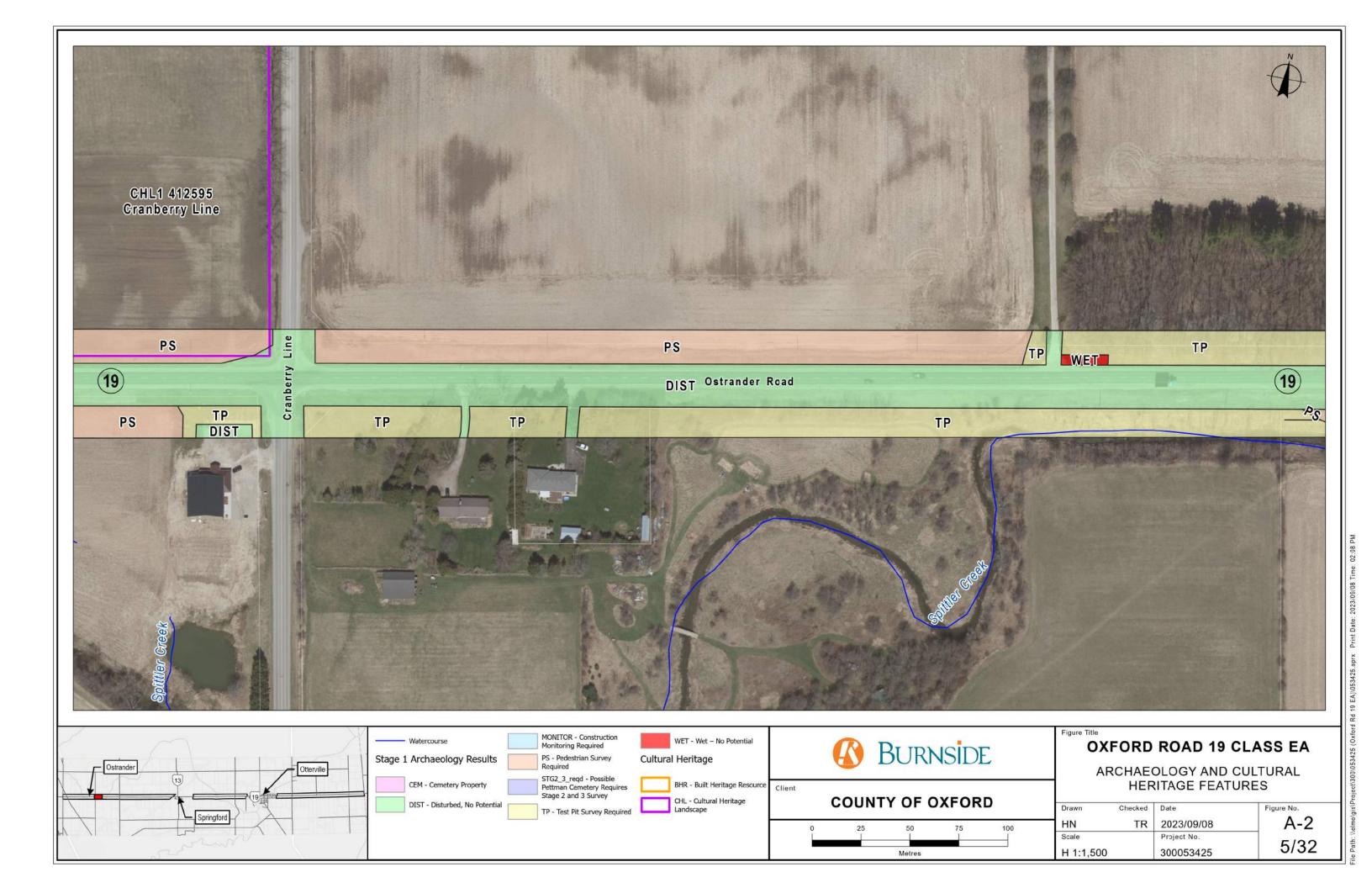
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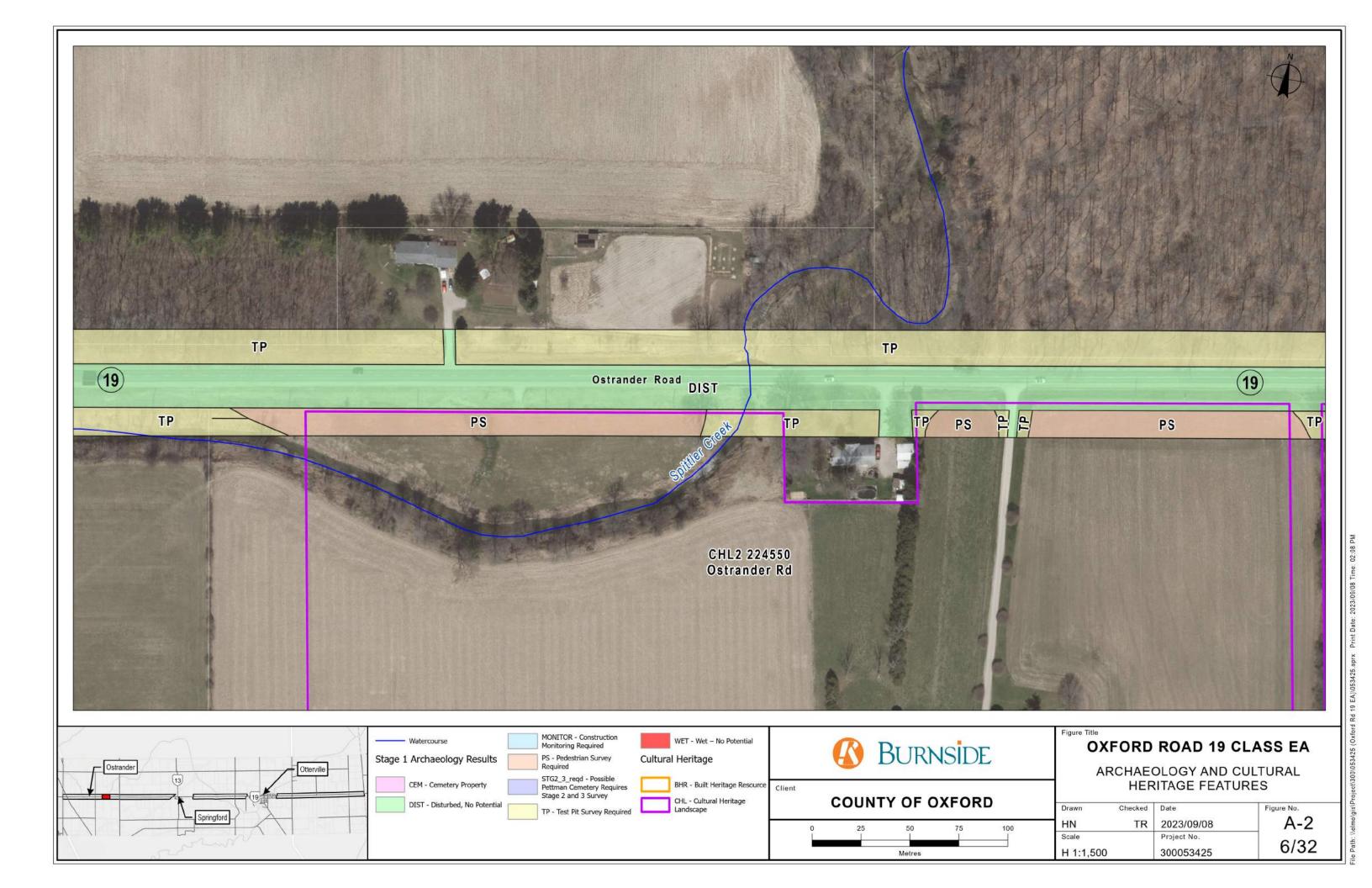


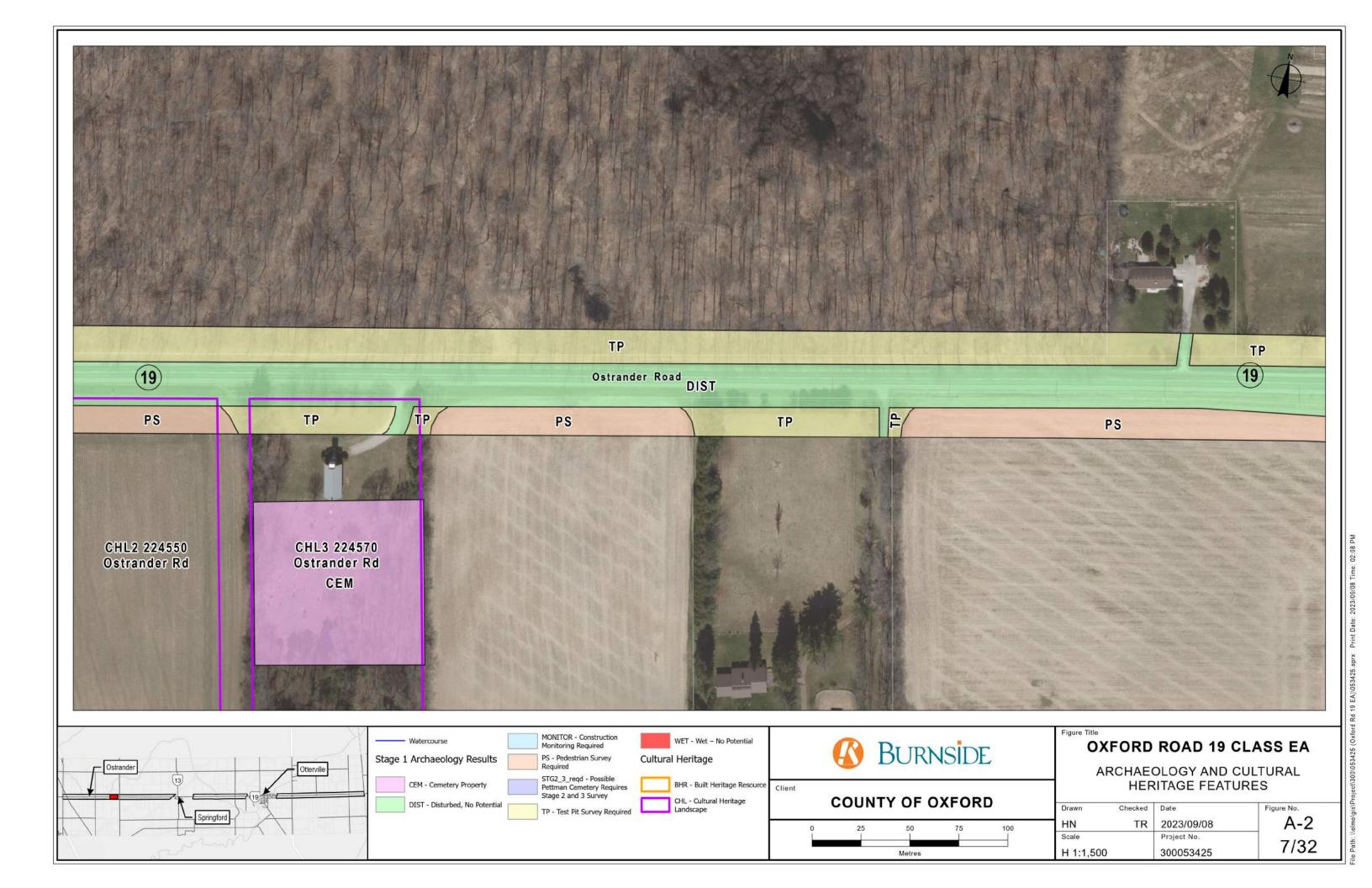


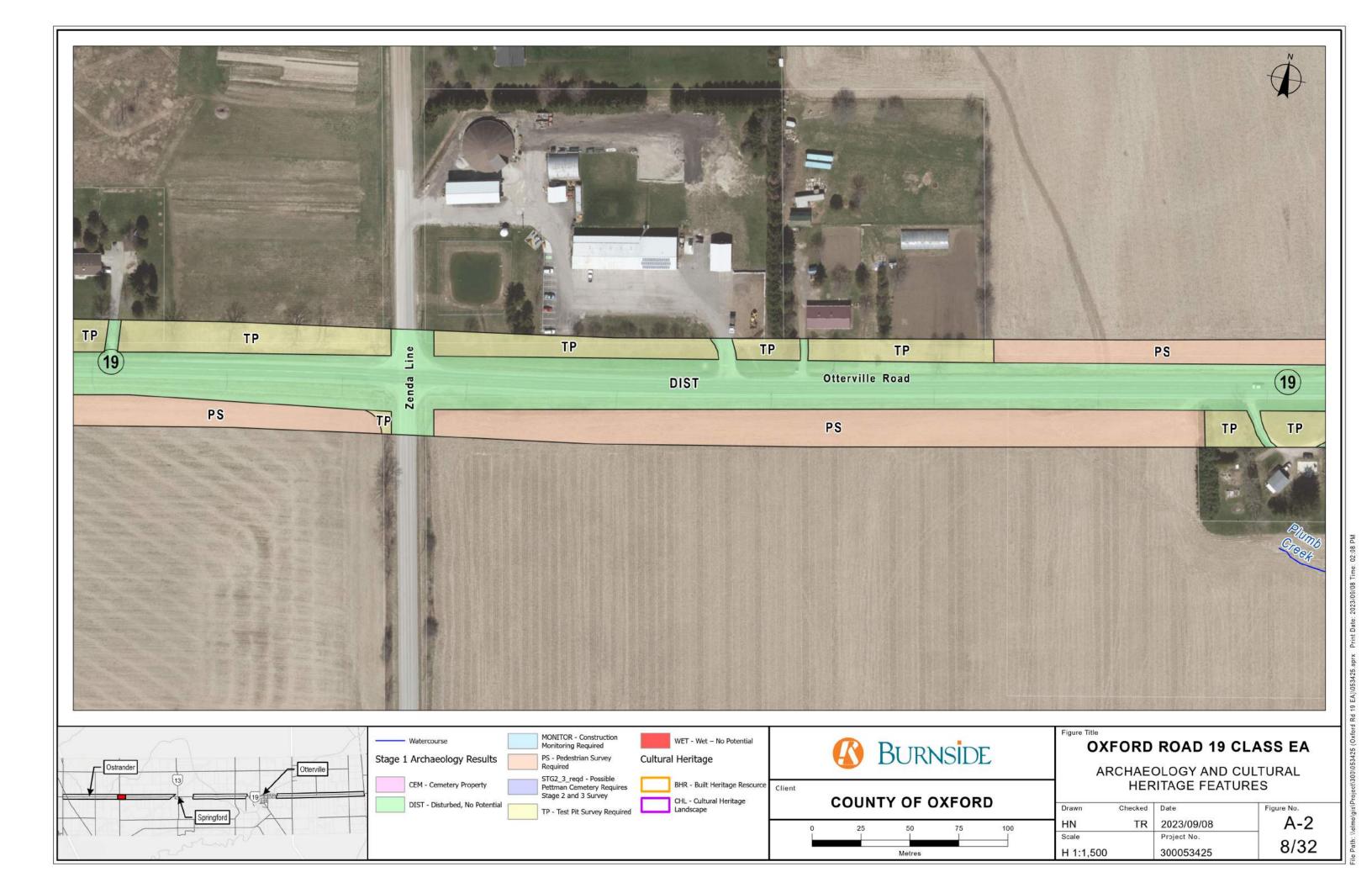


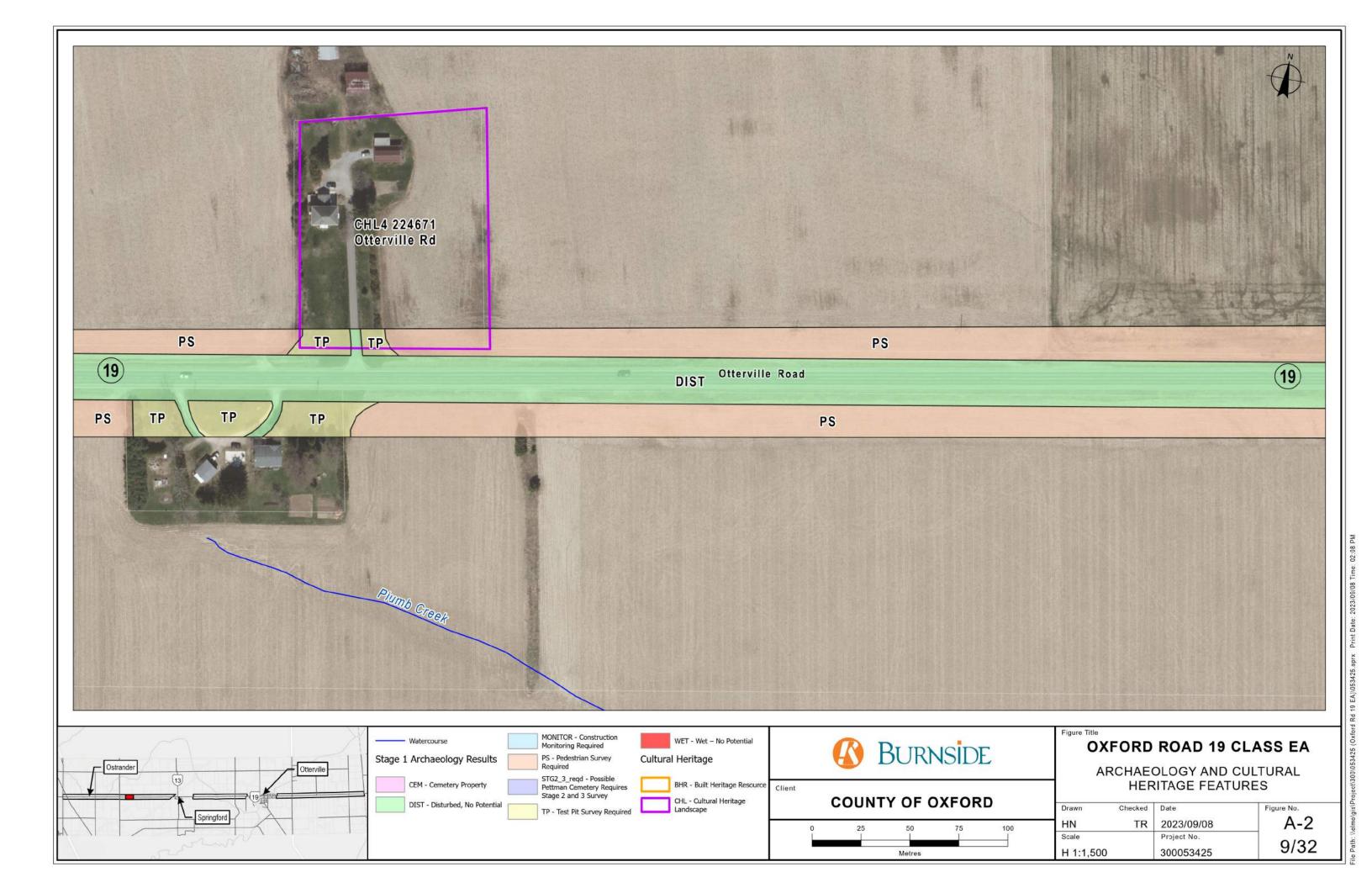


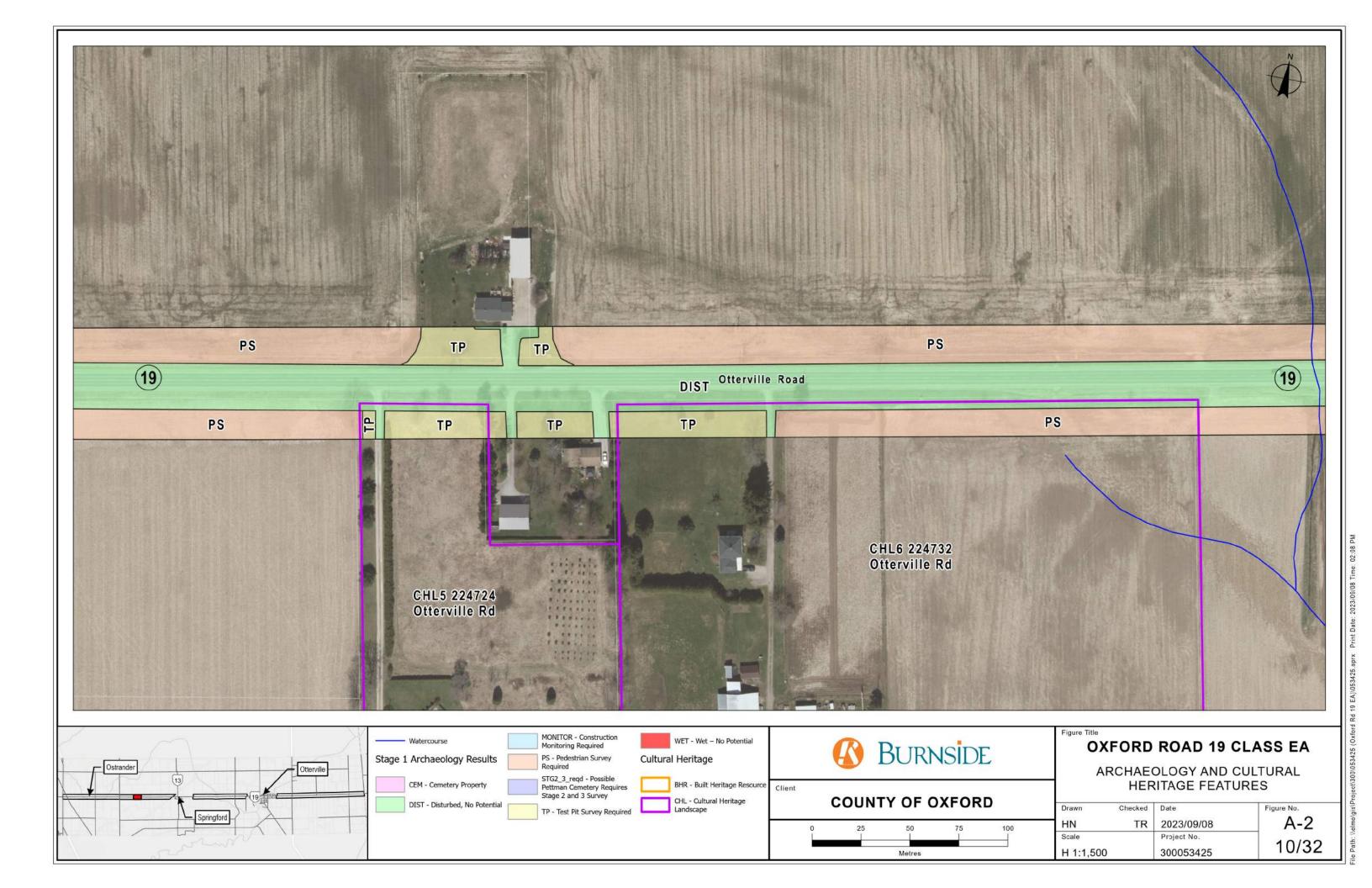


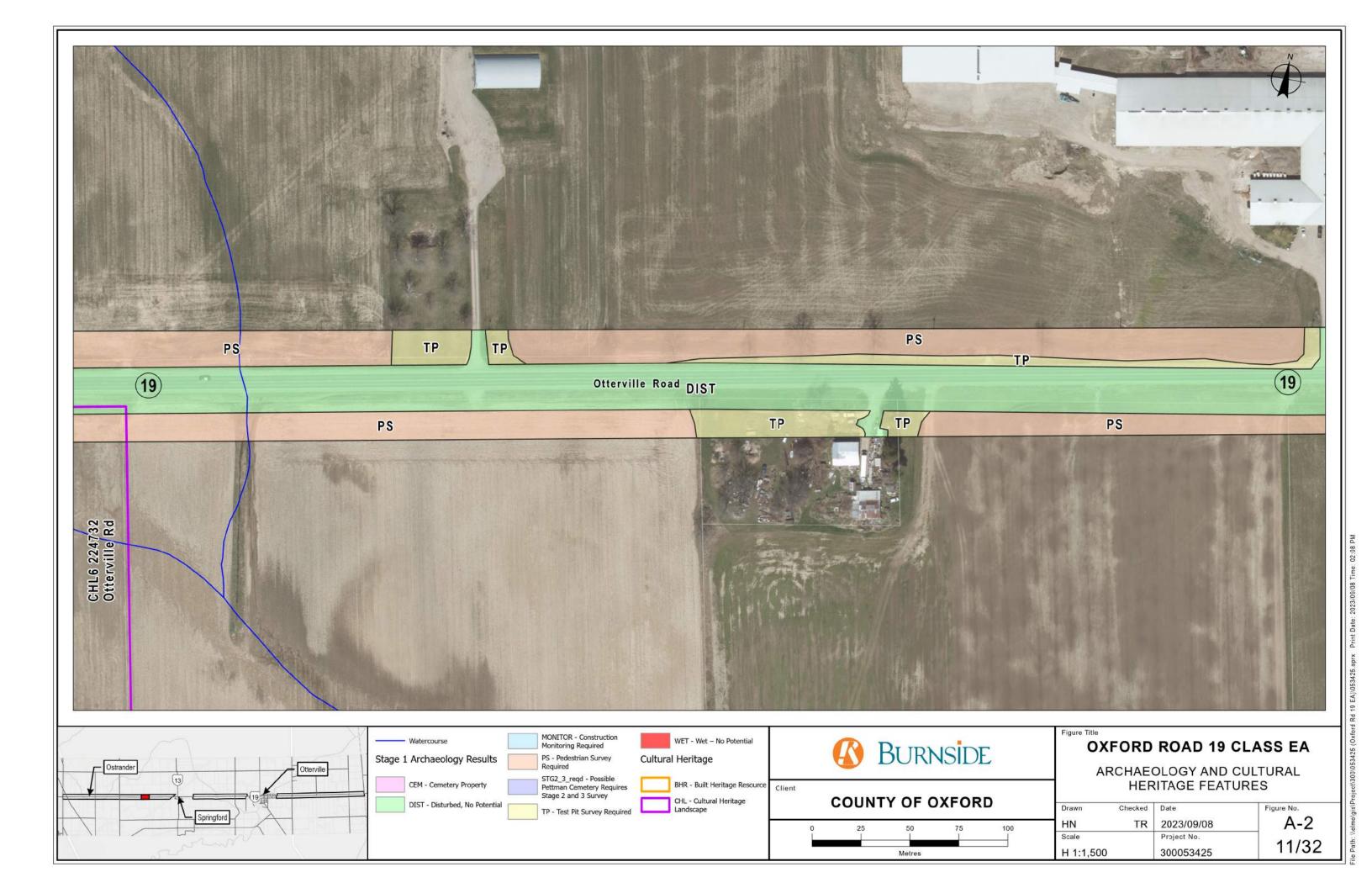


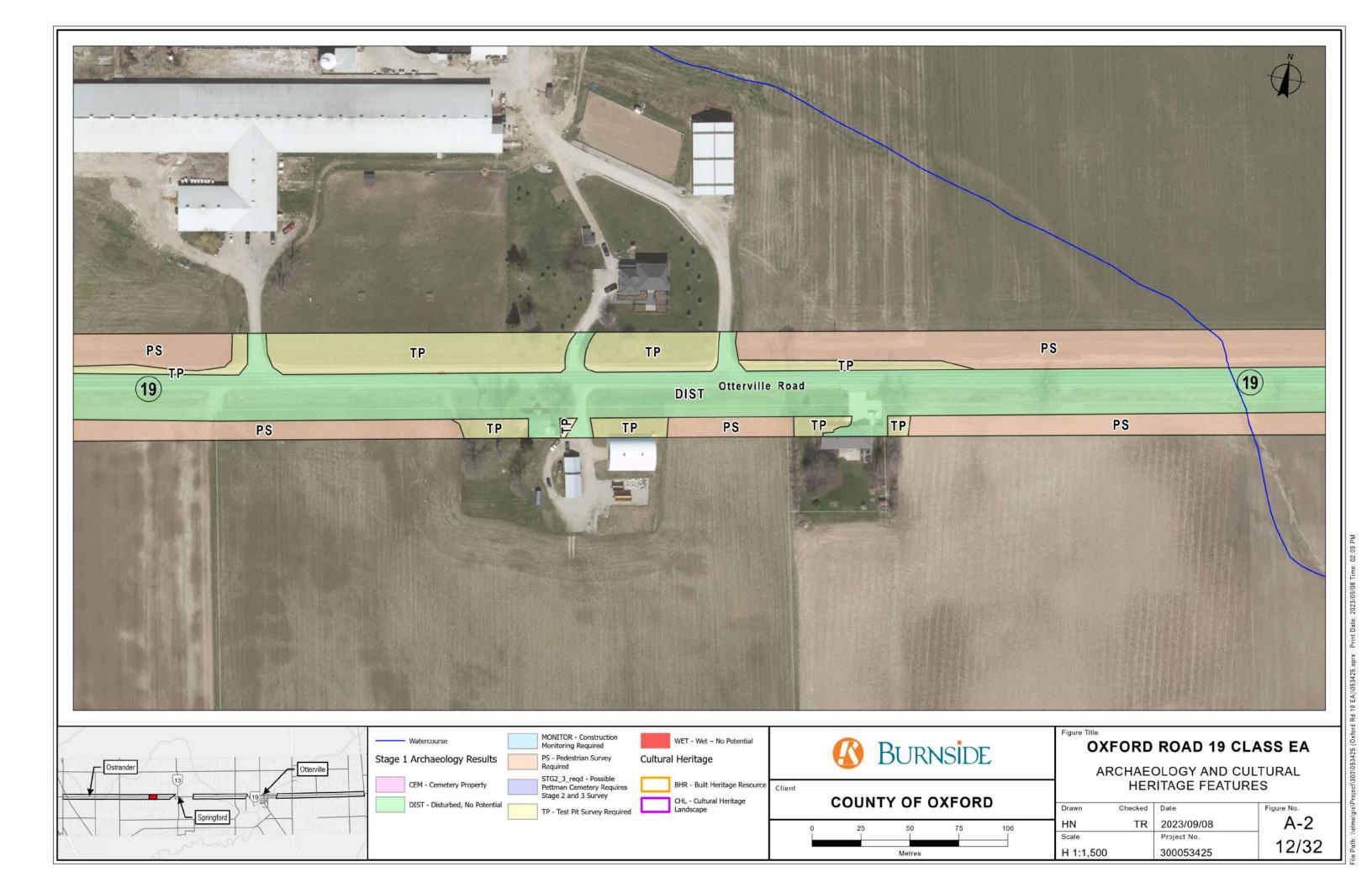


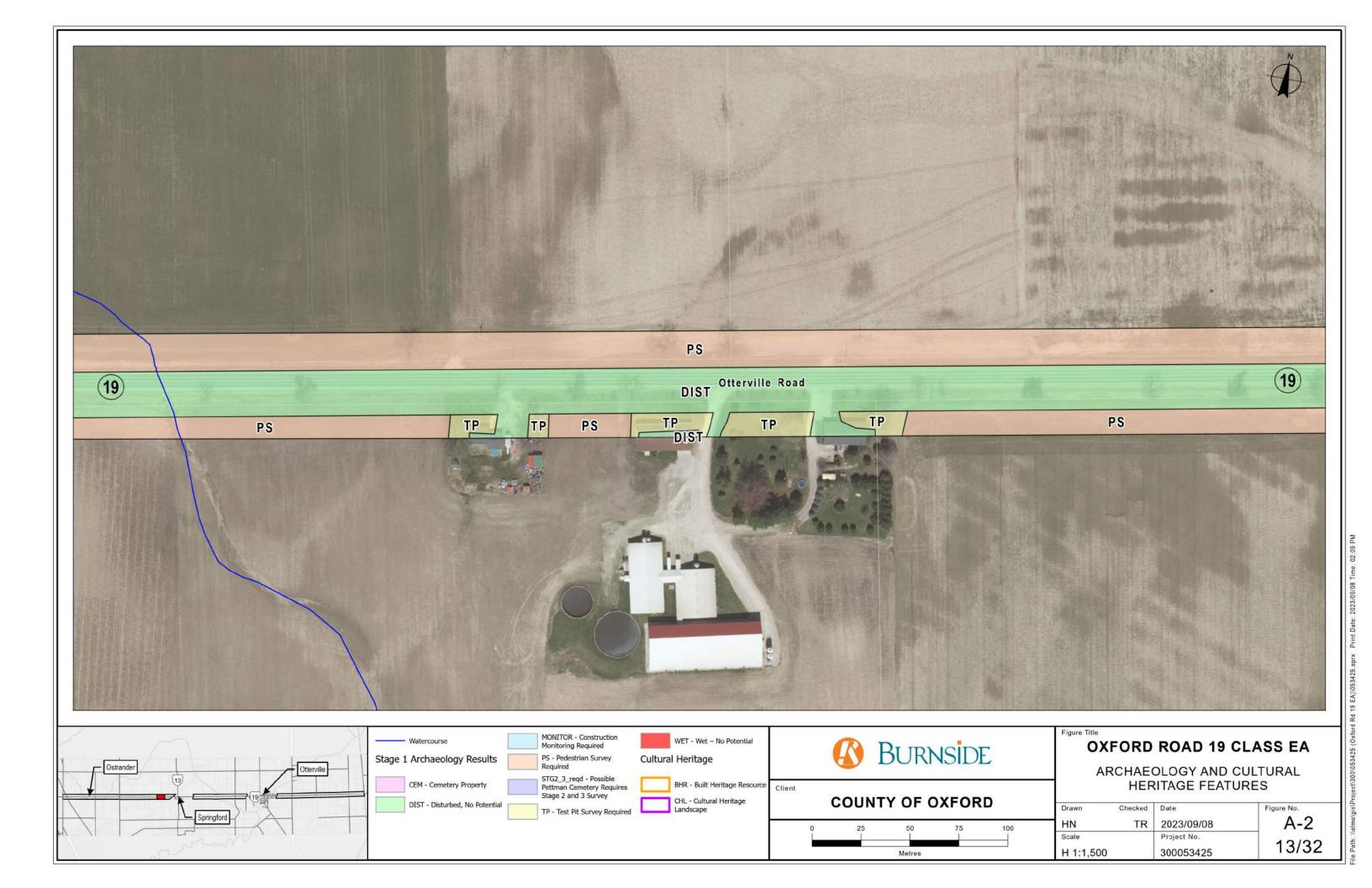


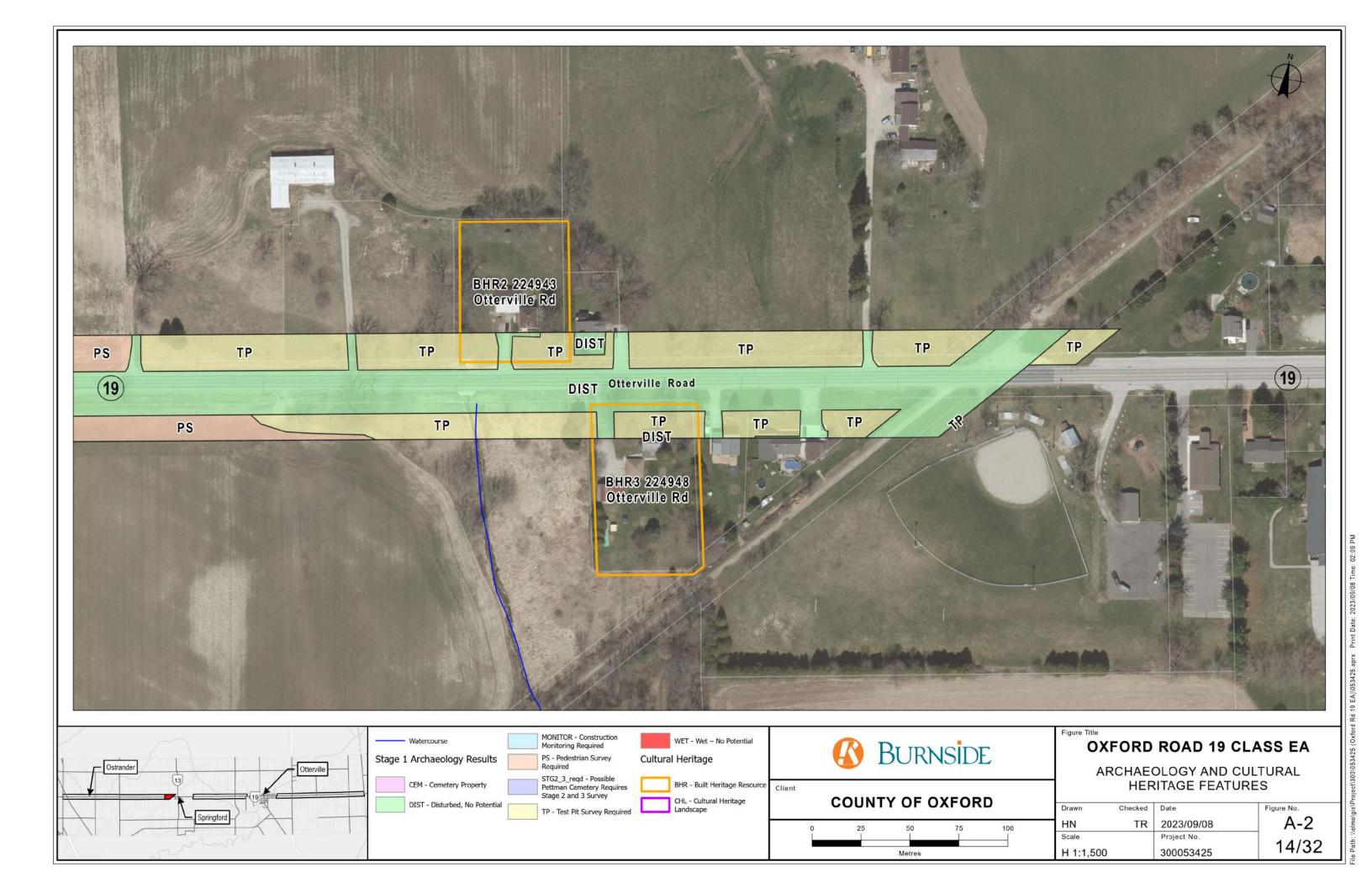


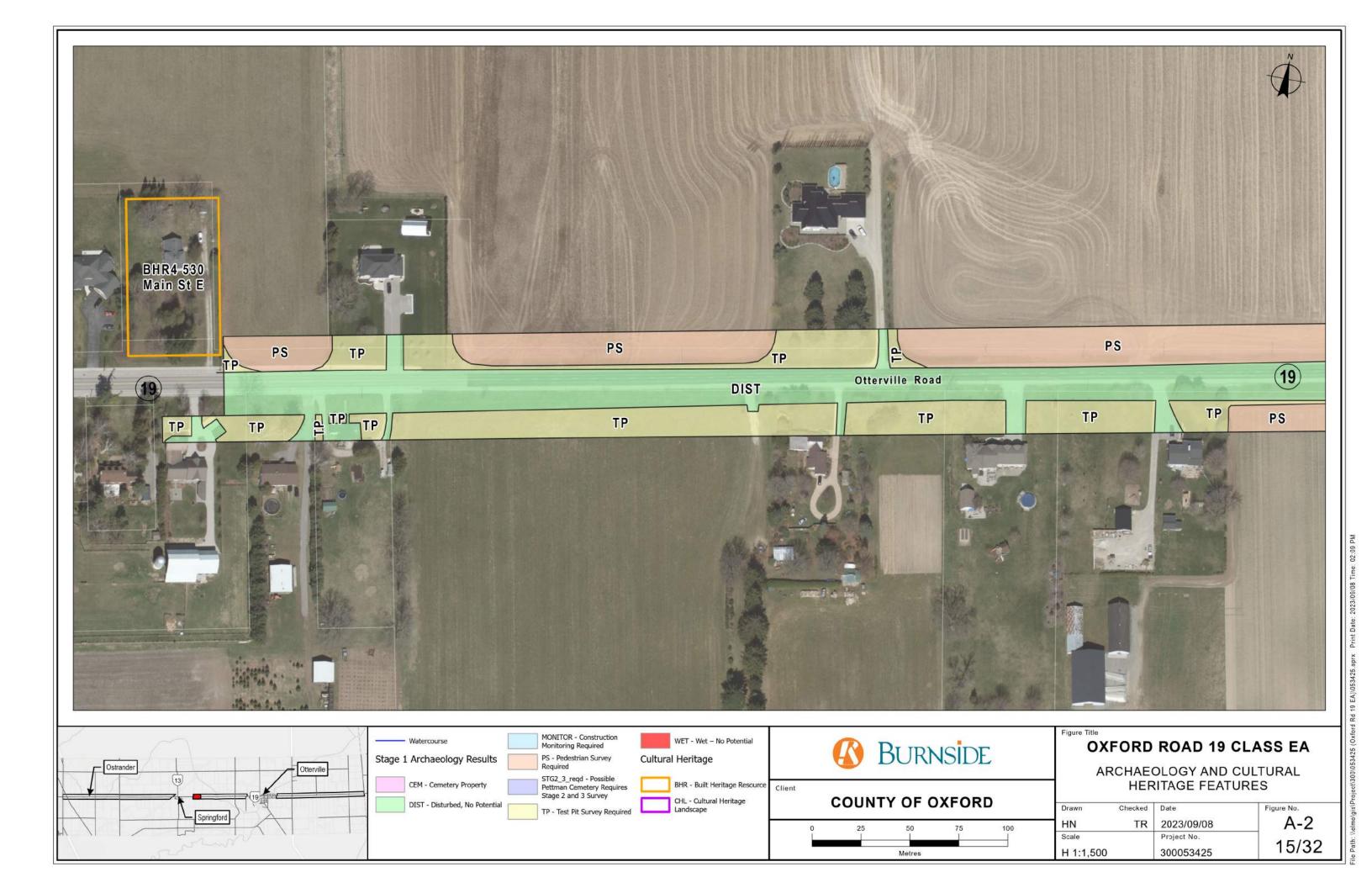


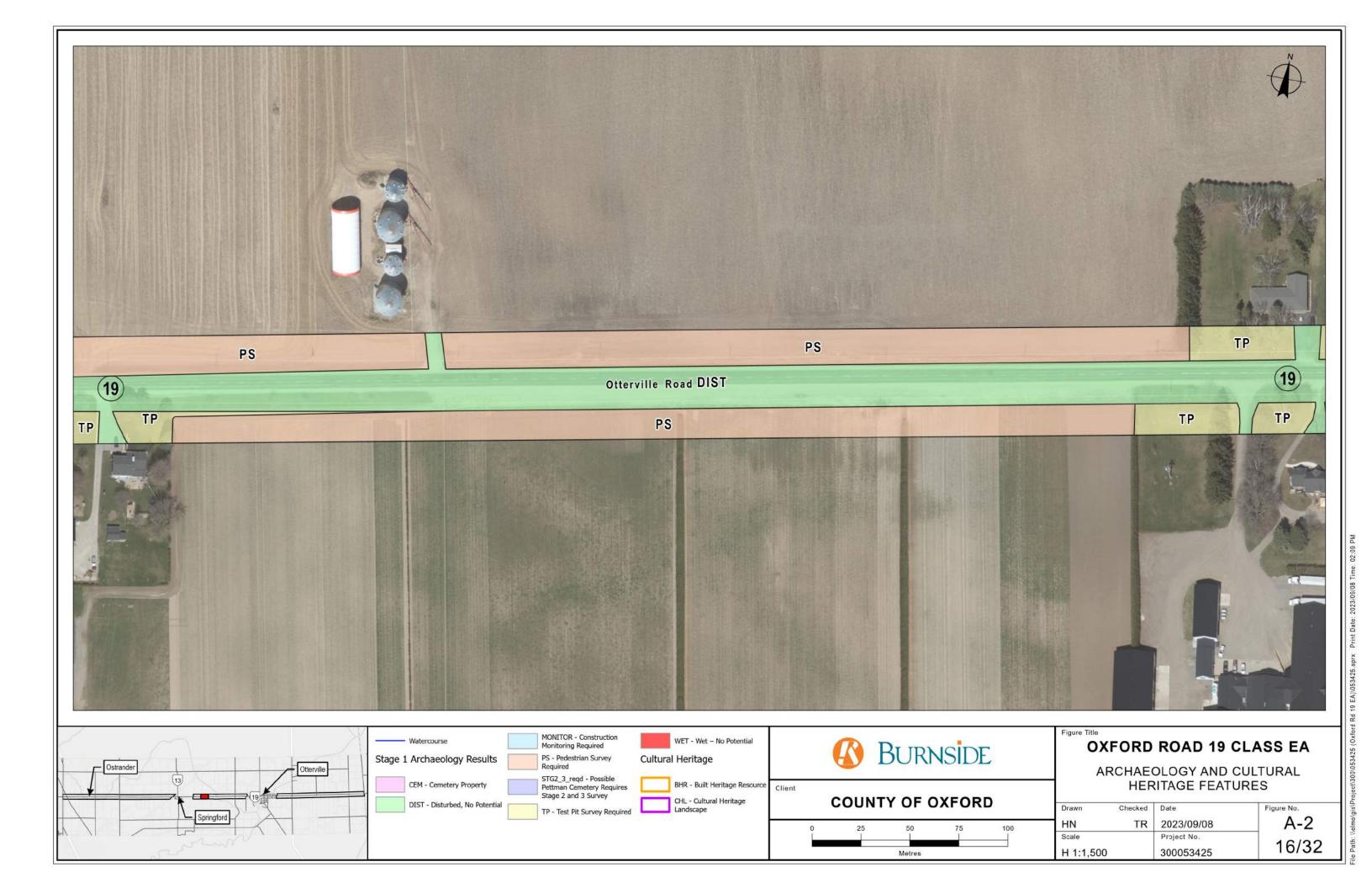


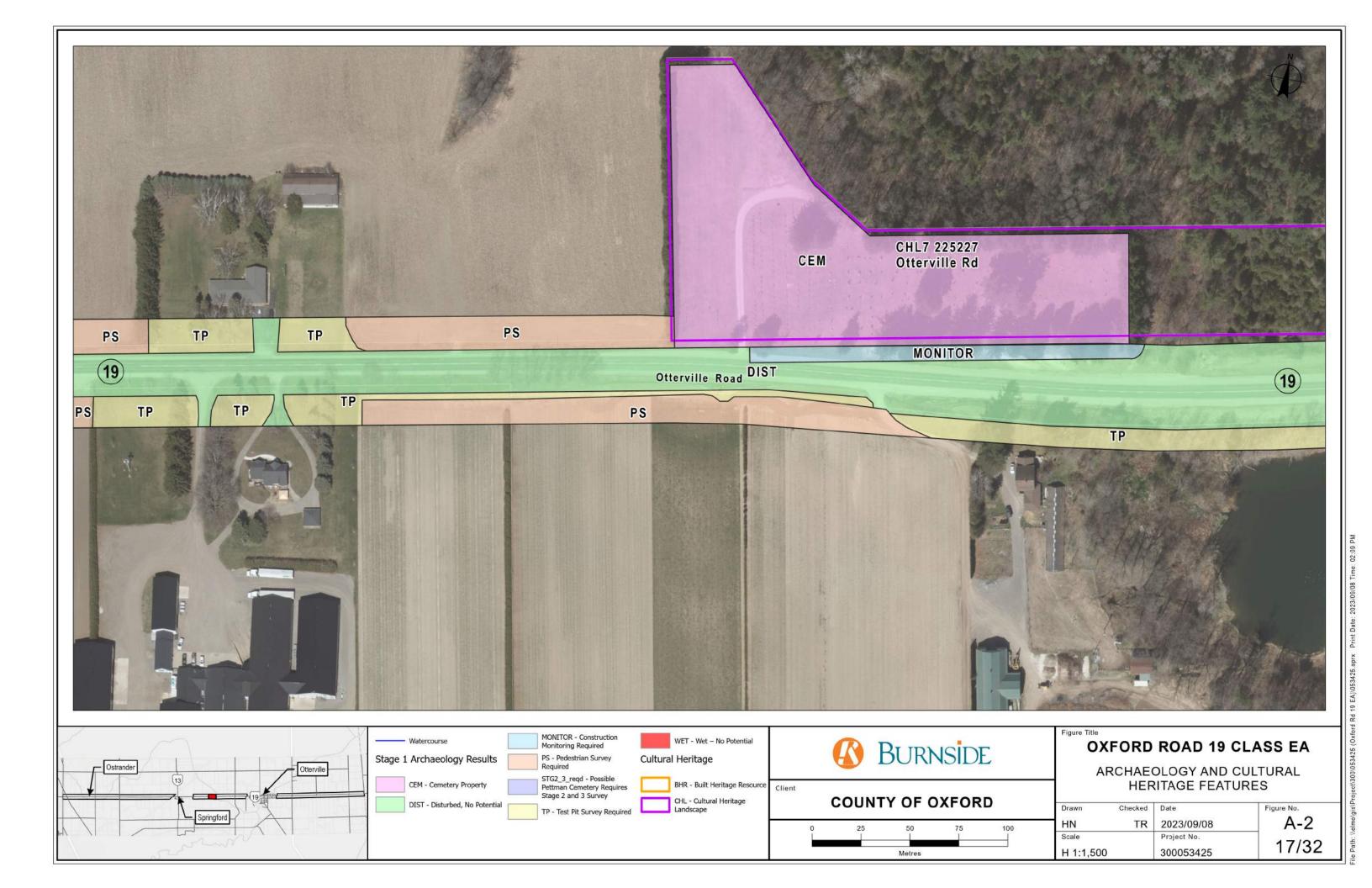


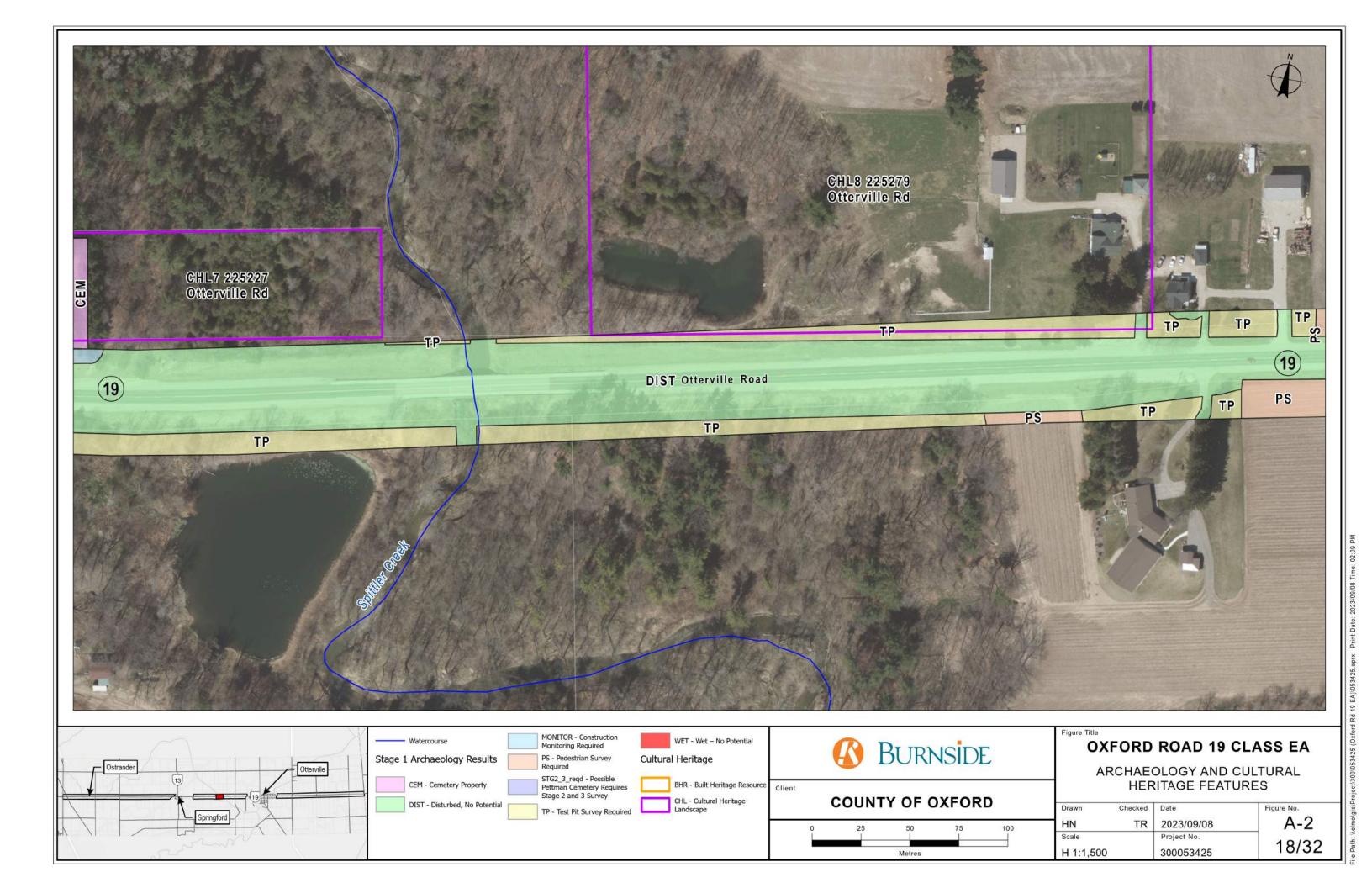


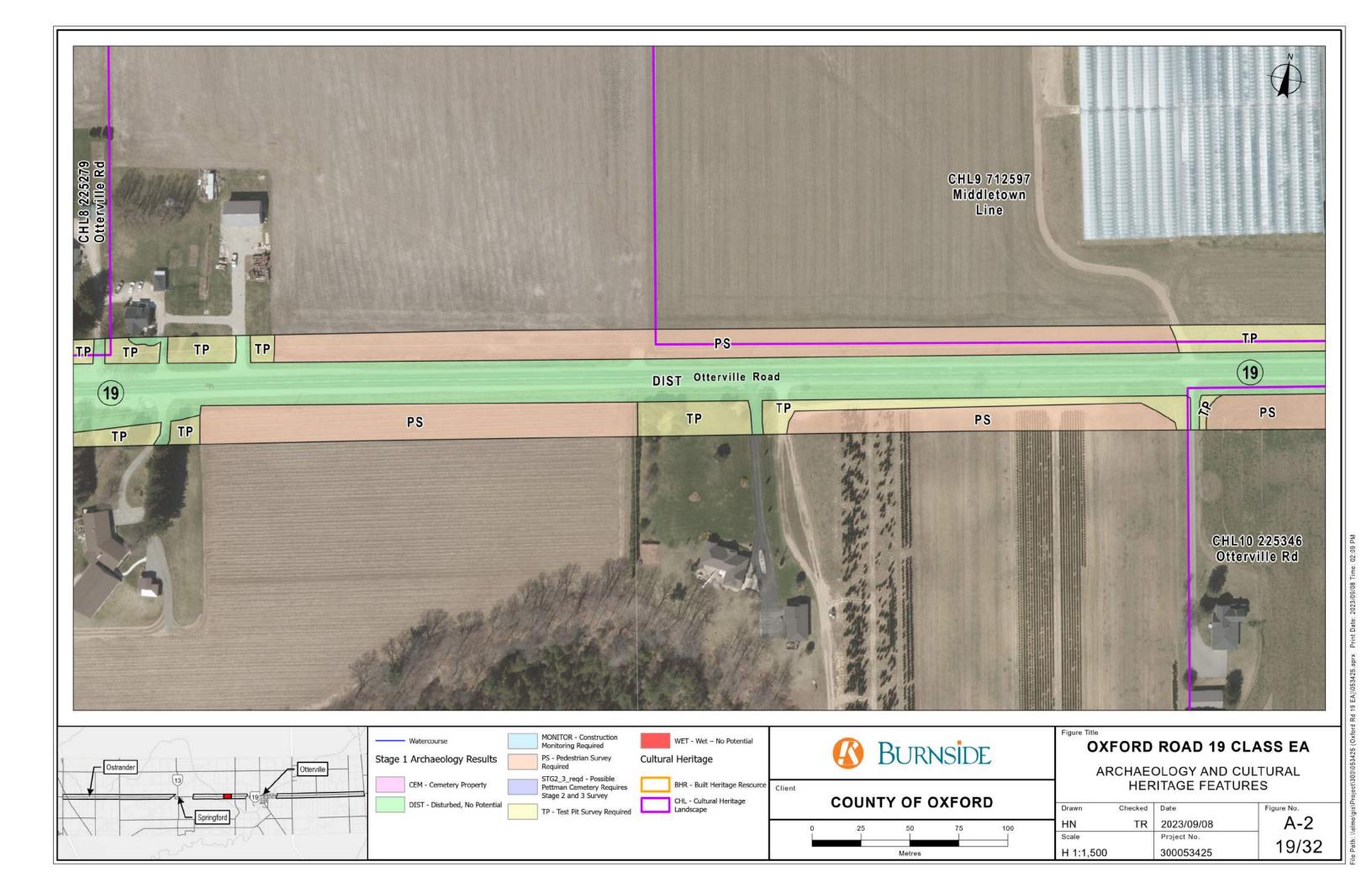


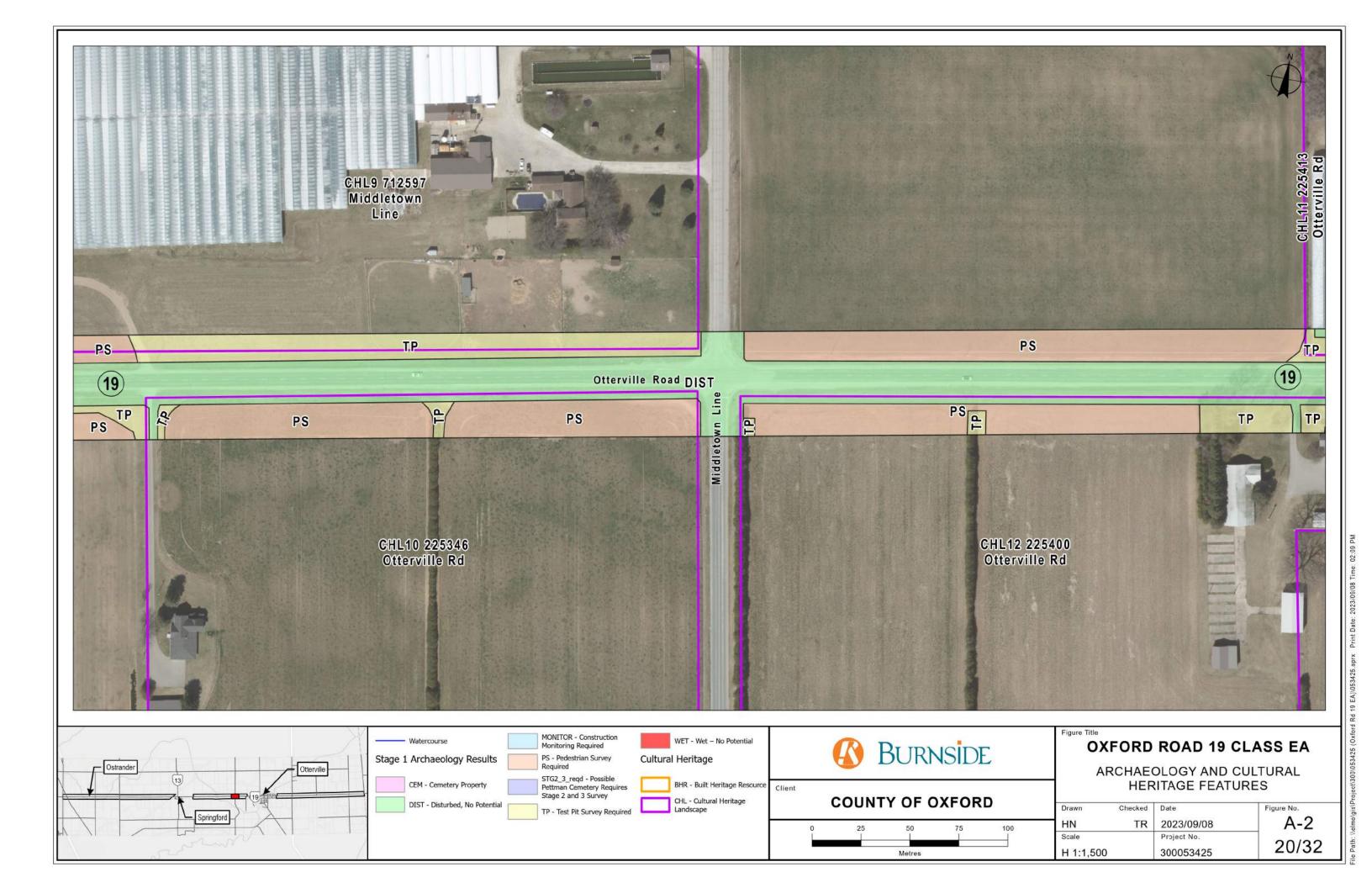


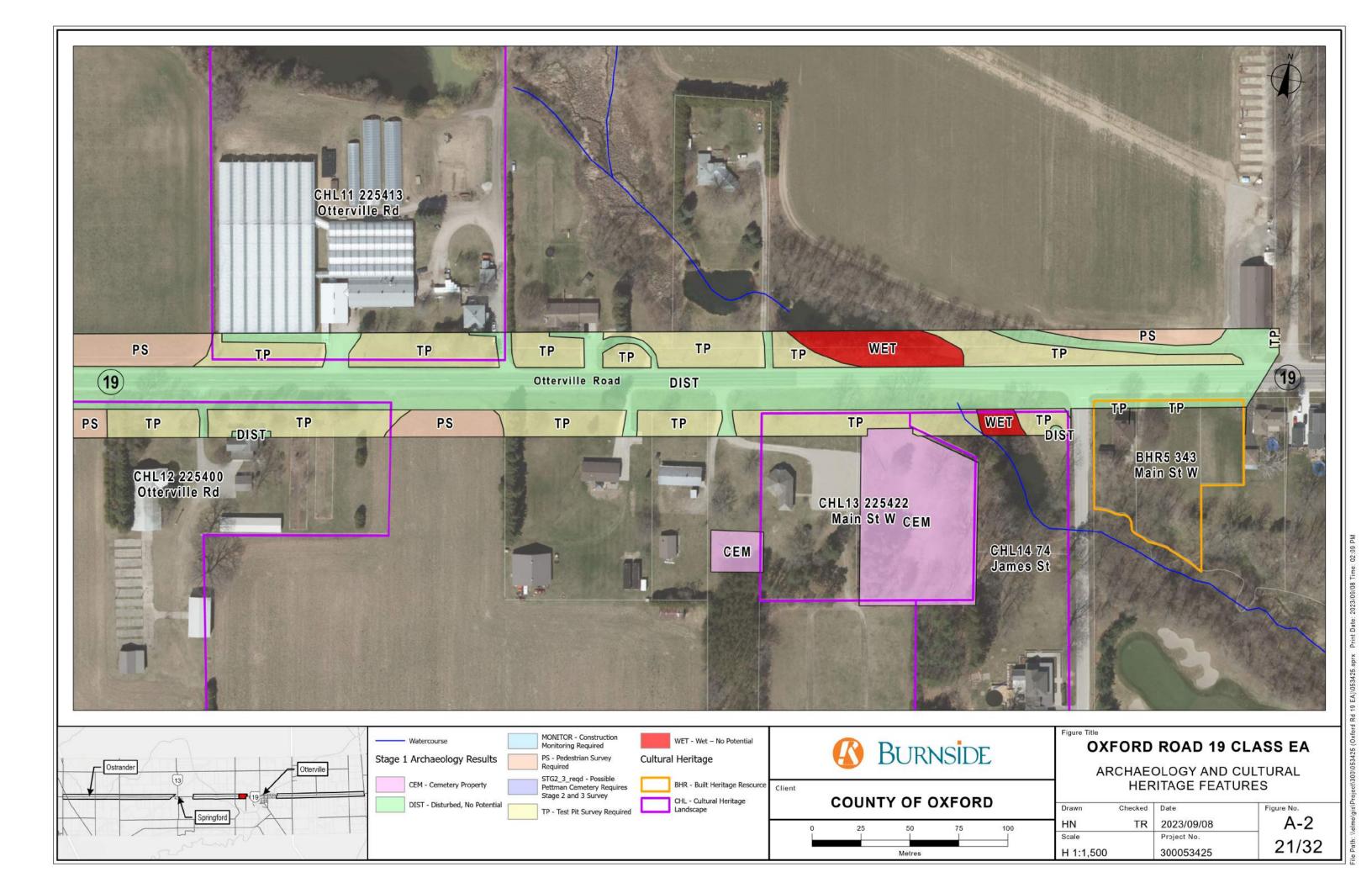


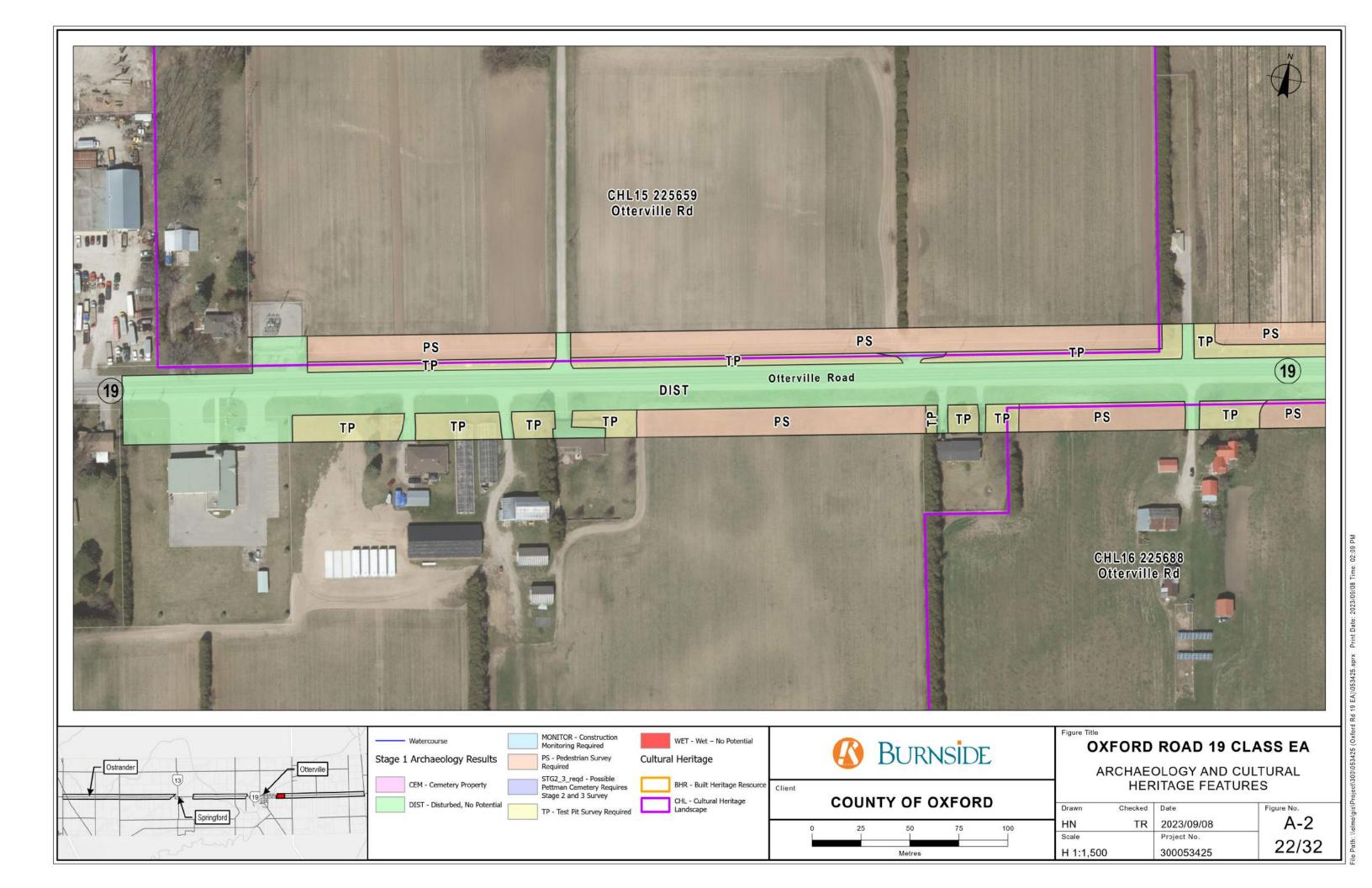


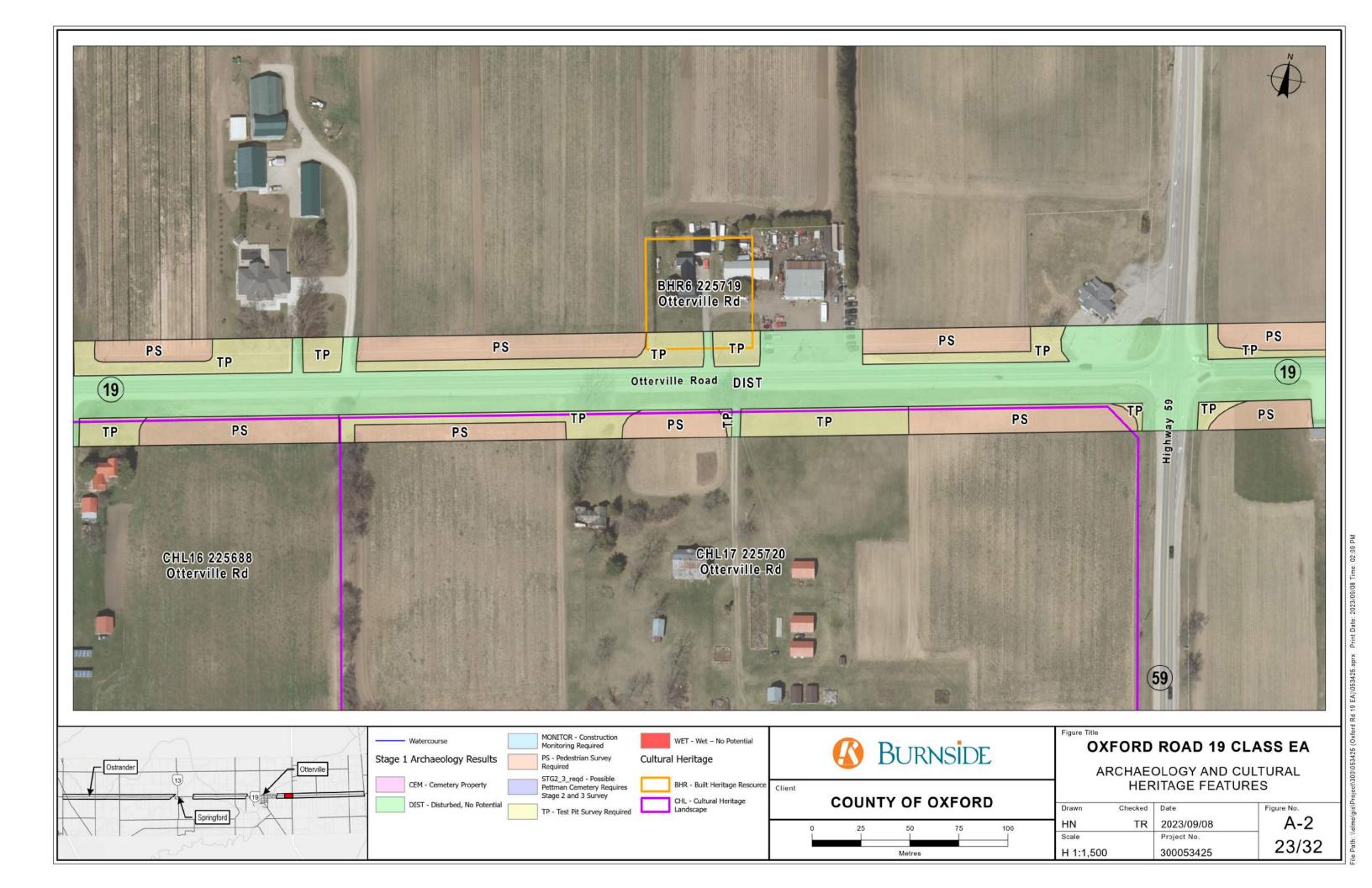


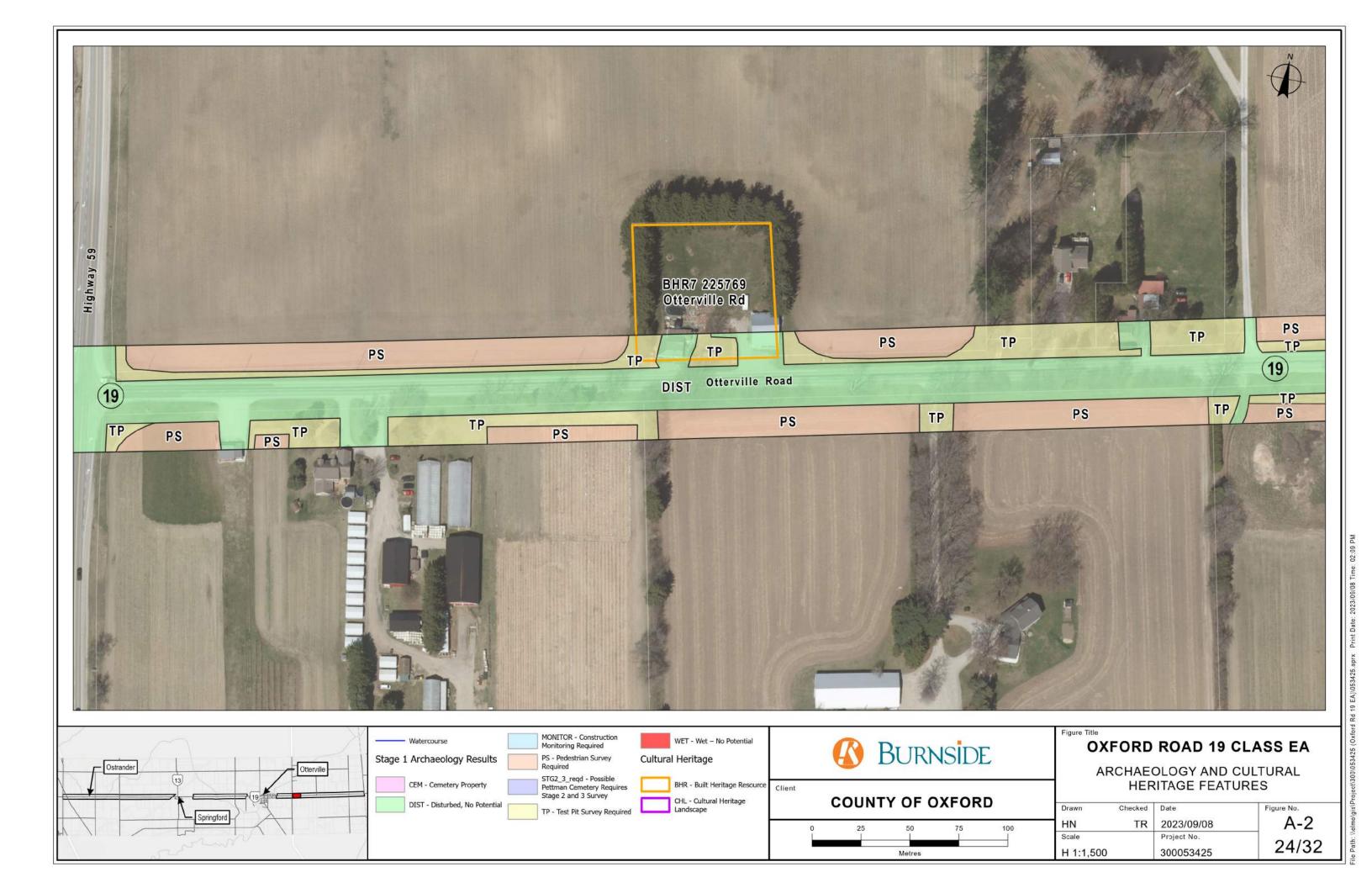


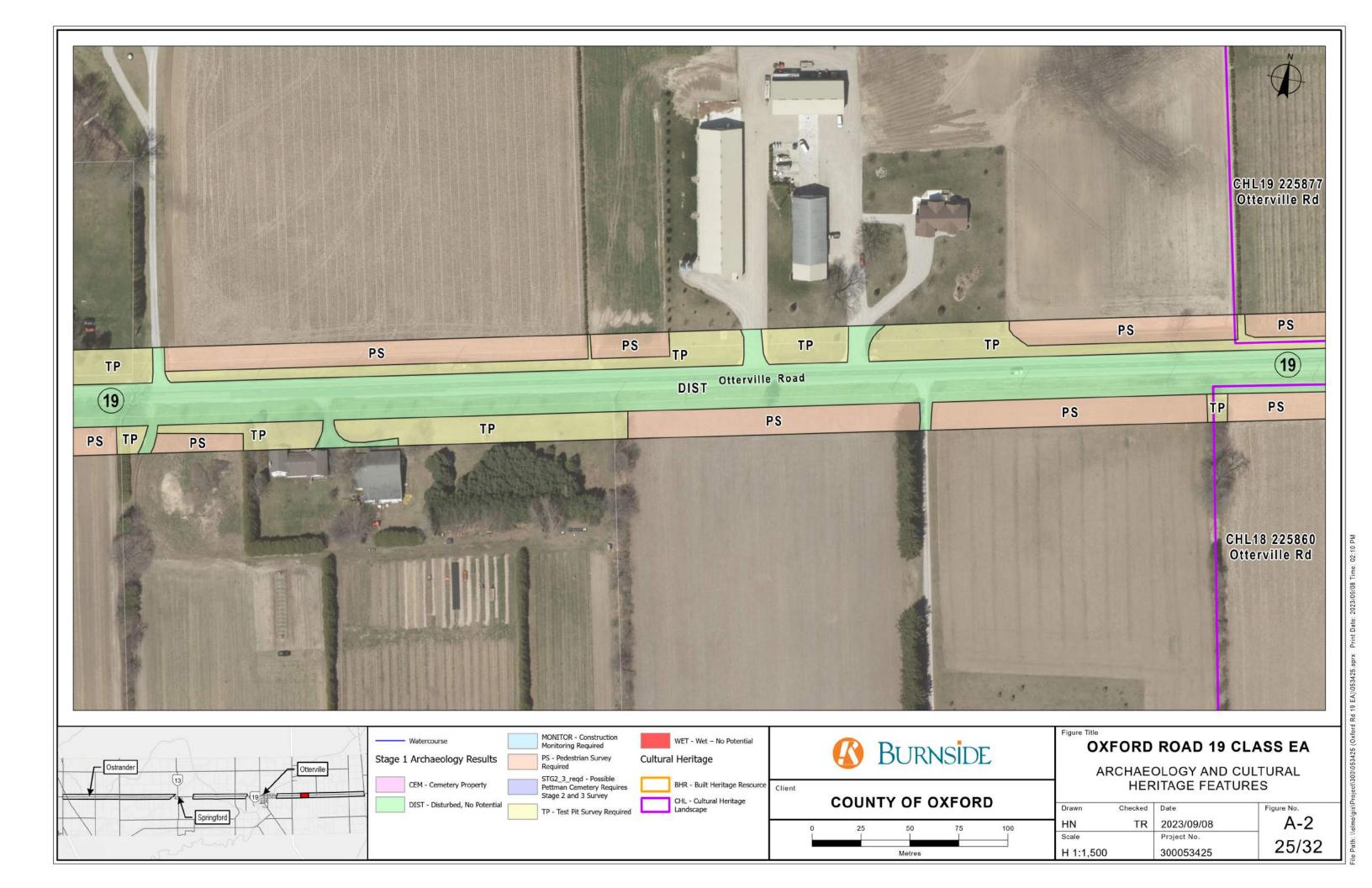


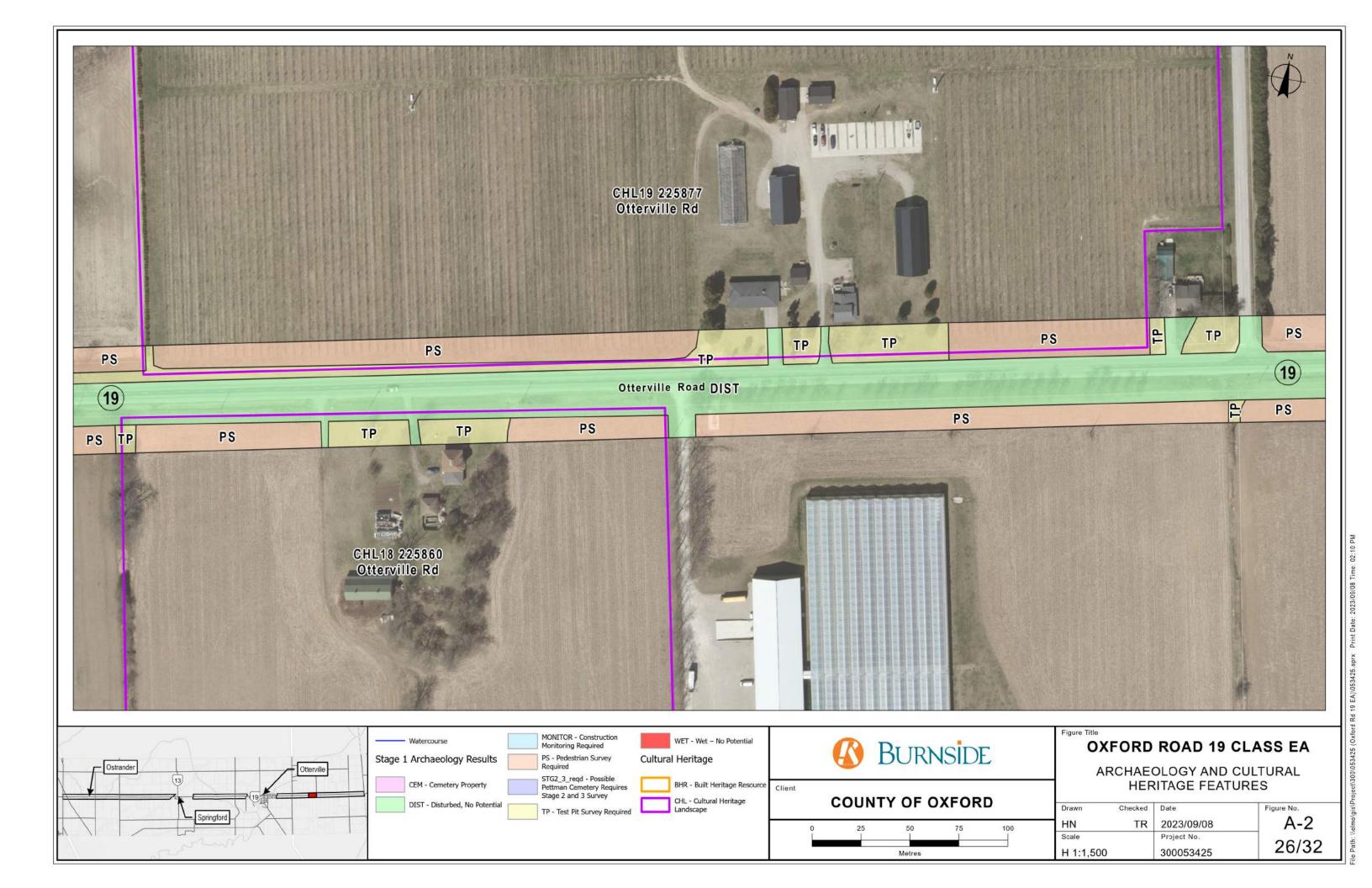


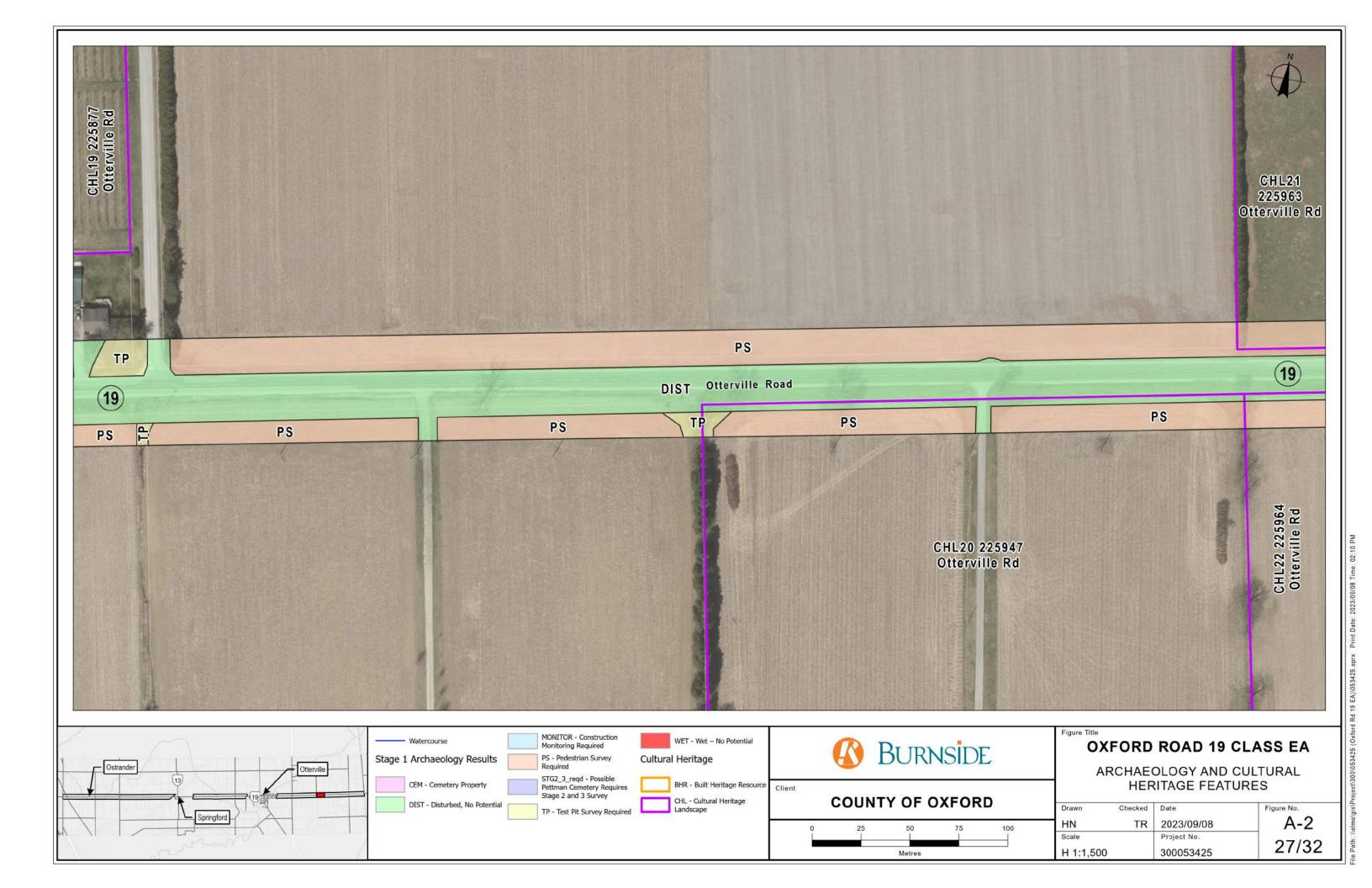


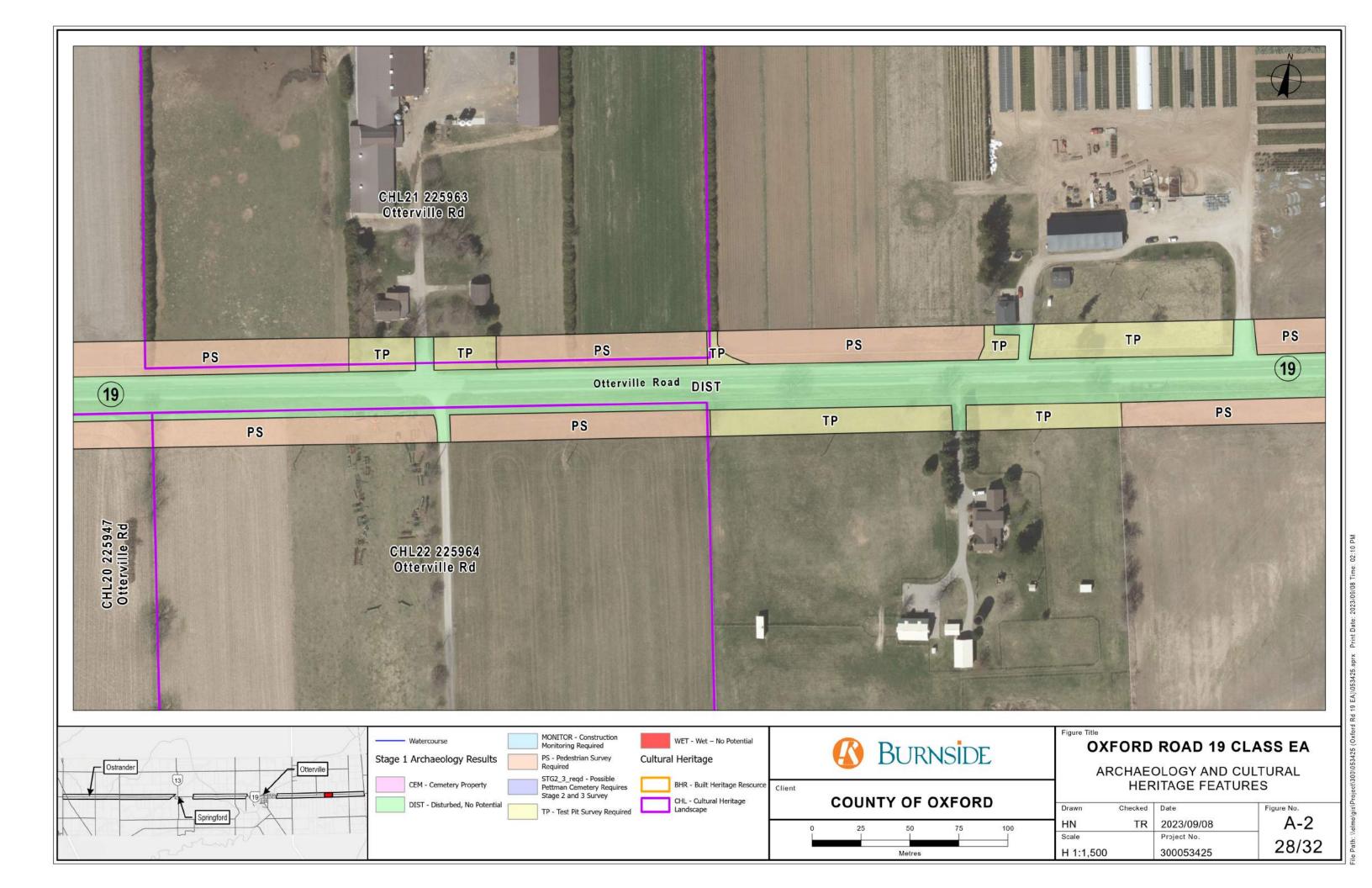


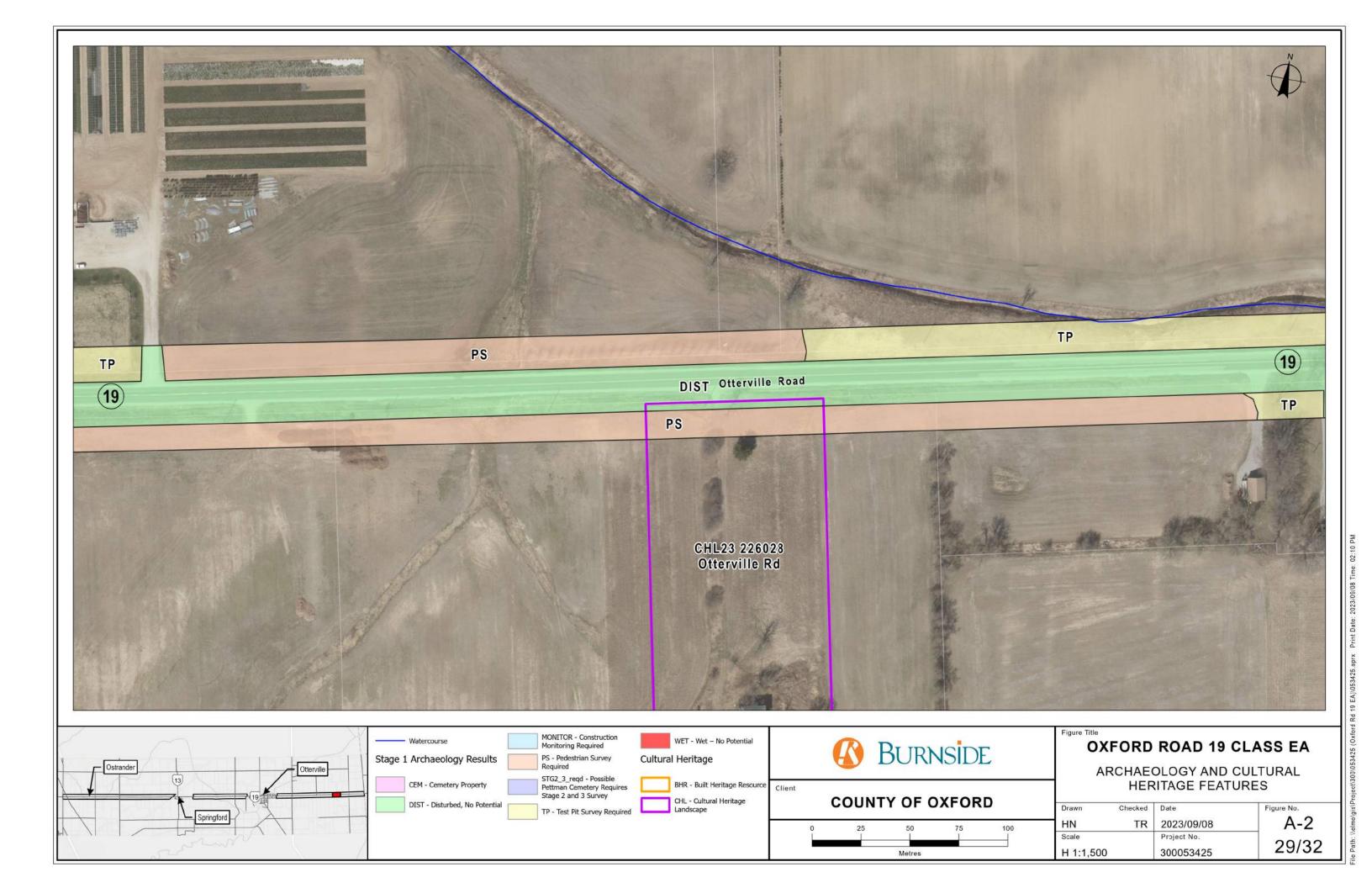


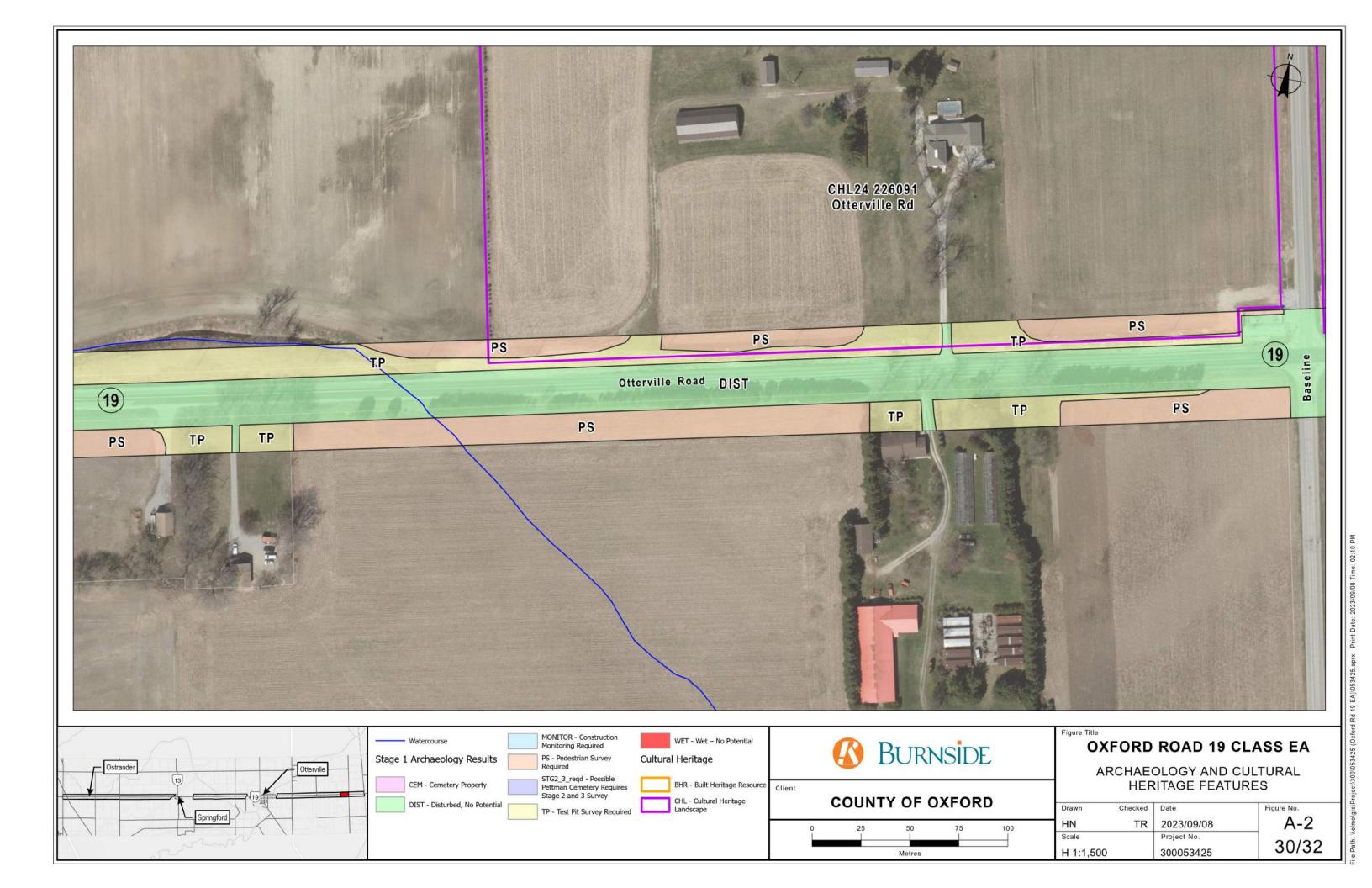


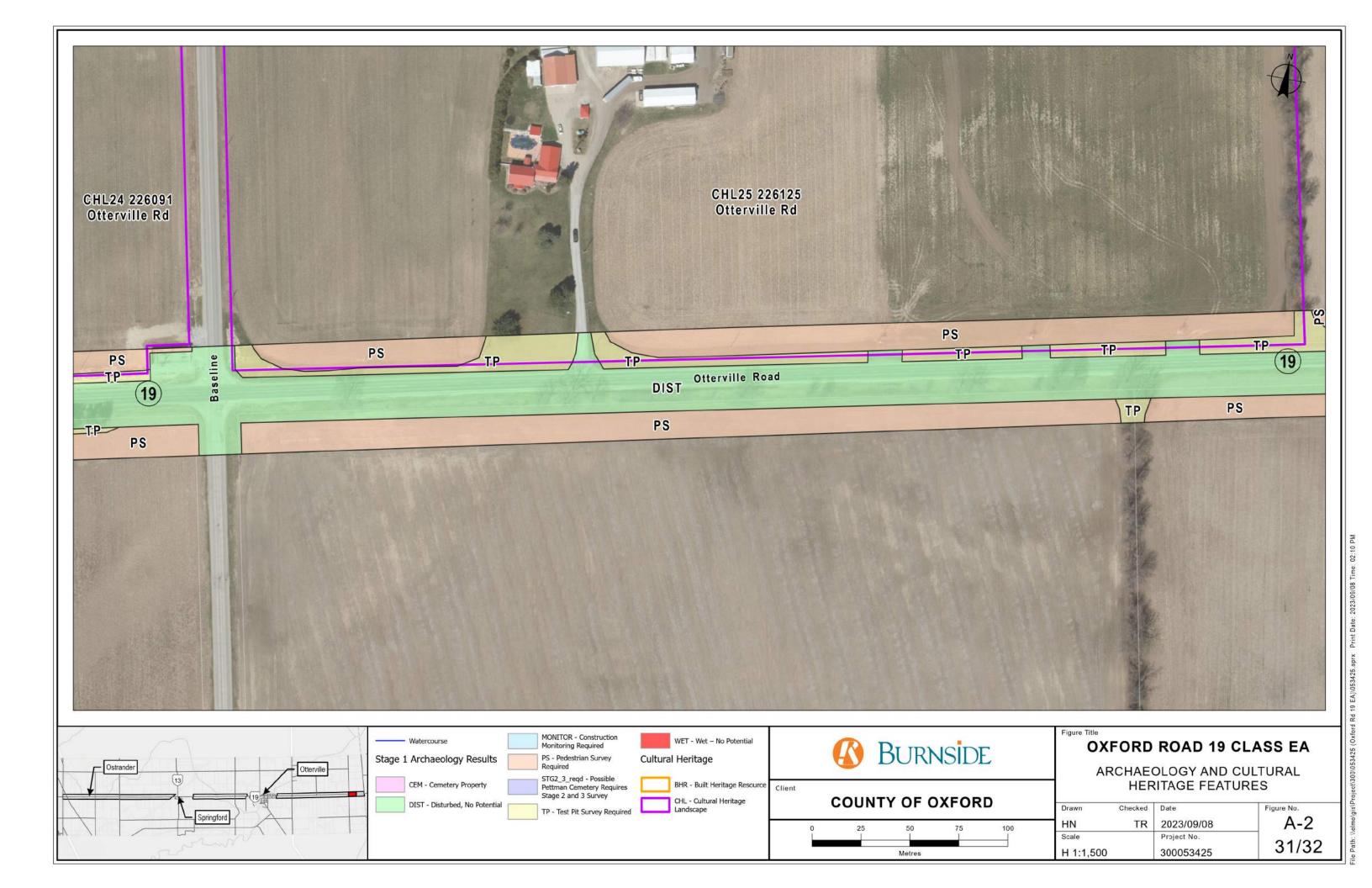


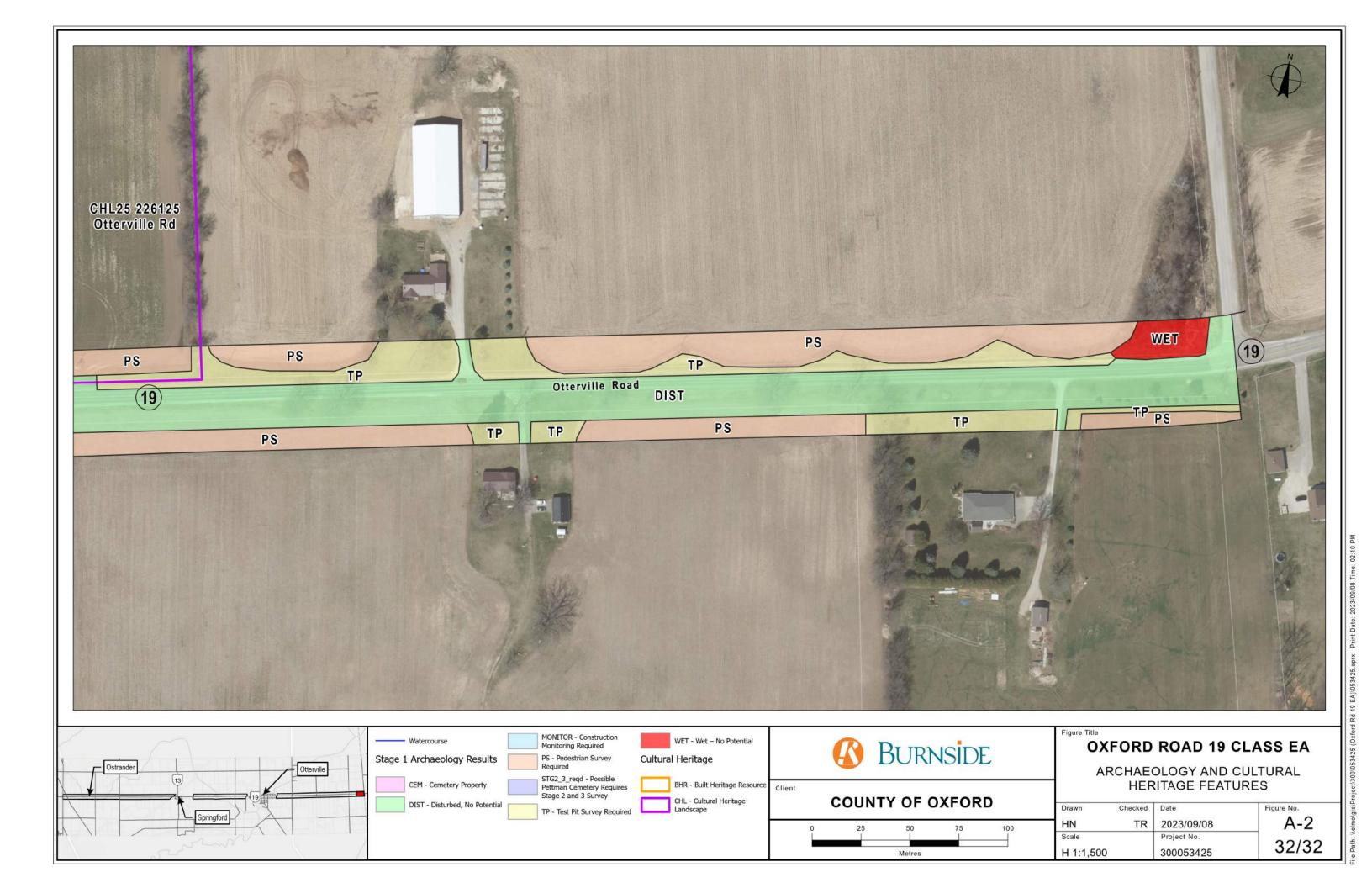












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Client

COUNTY OF OXFORD

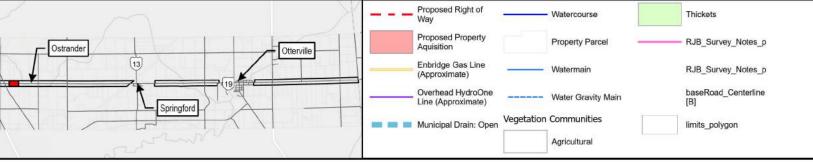
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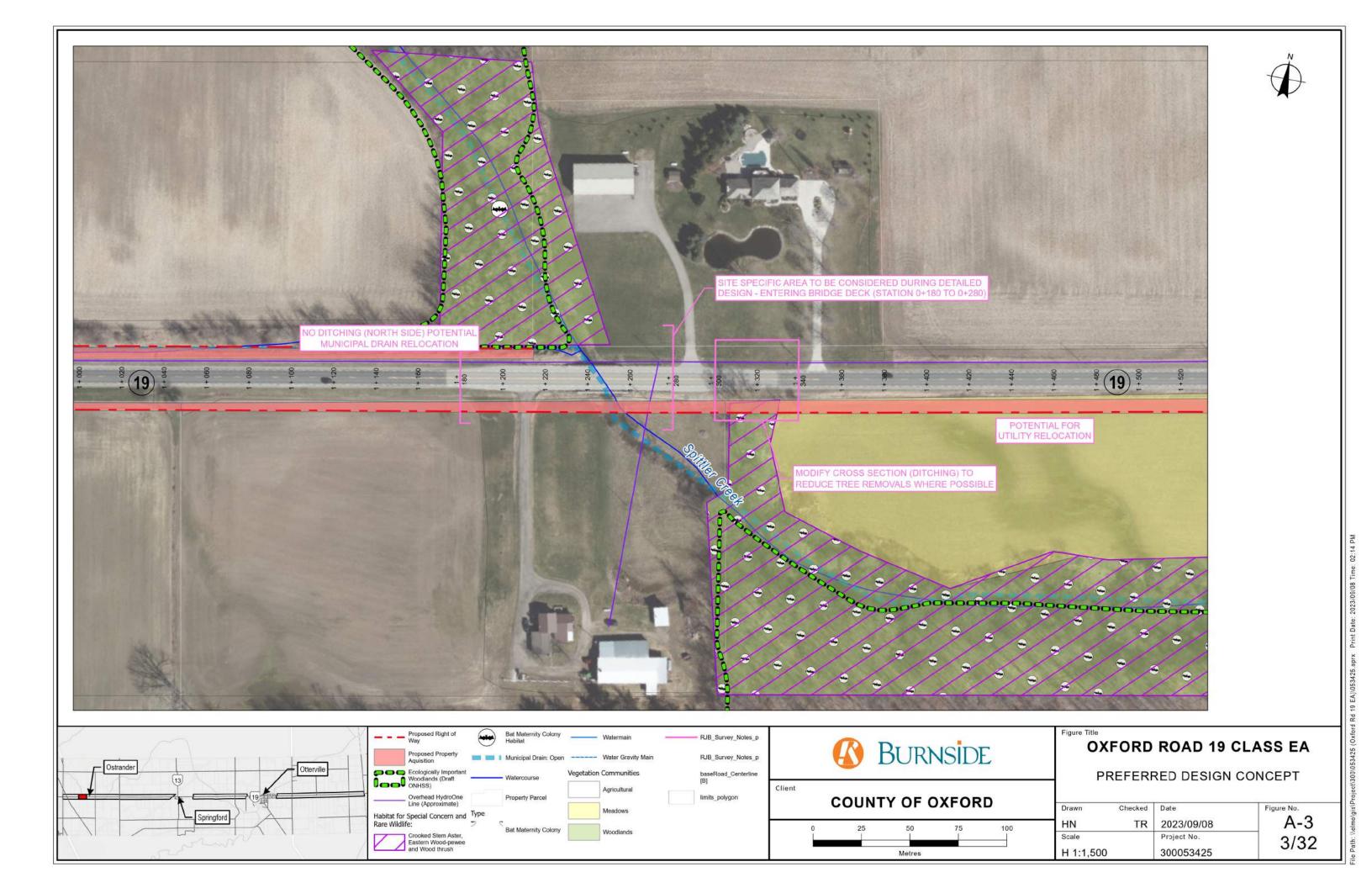




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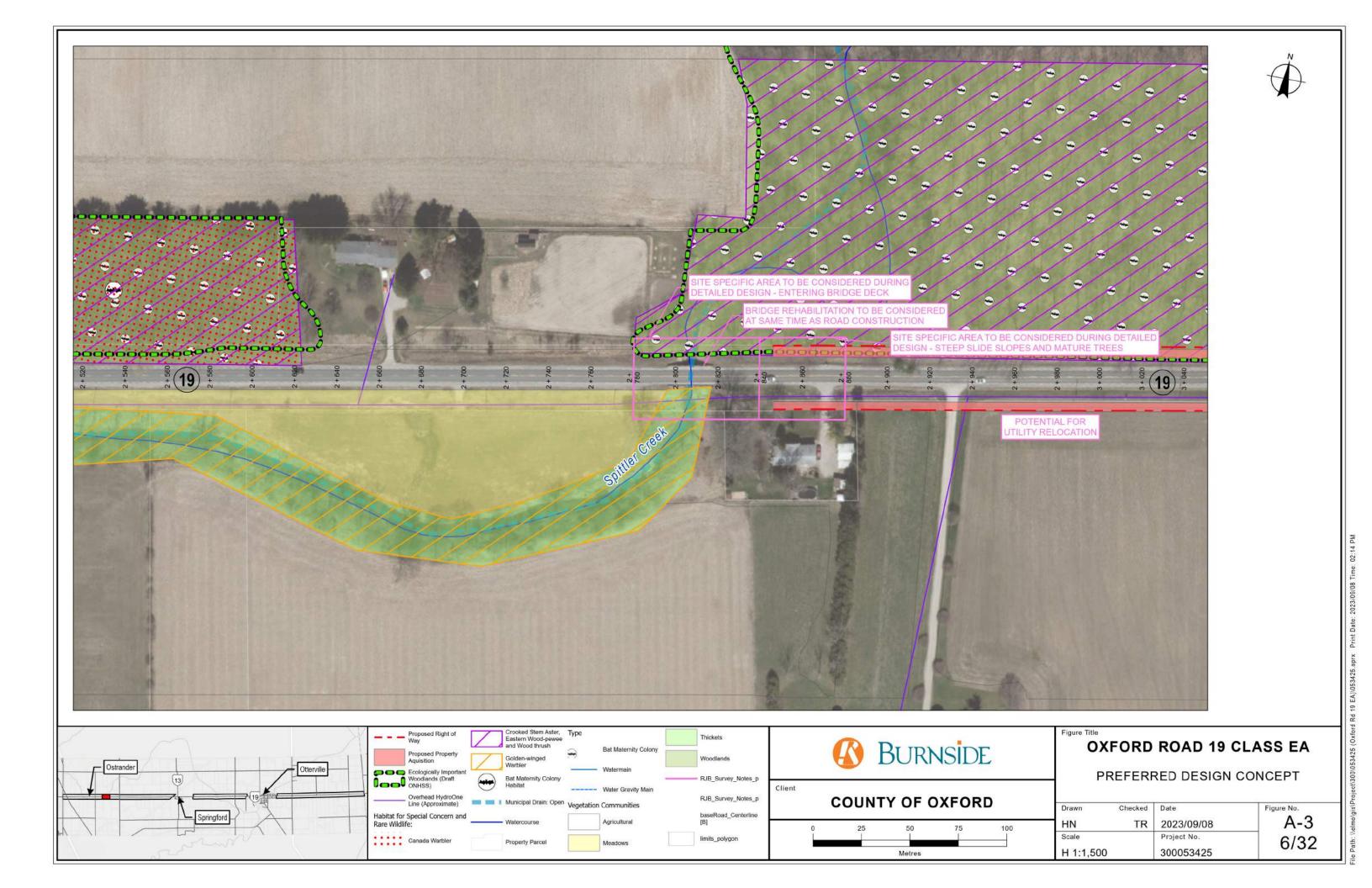






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baseRoad_Centerline

limits_polygon

Enbridge Gas Line (Approximate)

Overhead HydroOne

Line (Approximate)

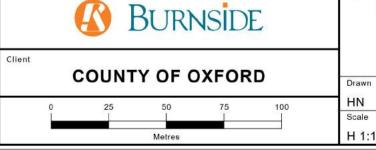
Property Parcel

Vegetation Communities

Agricultural

Wetlands





OXFORD ROAD 19 CLASS EA

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baseRoad_Centerline [B]

limits_polygon

COUNTY OF OXFORD

Metres

Enbridge Gas Line

Line (Approximate)

Overhead HydroOne Vegetation Communities

(Approximate)

Watercourse

--- Water Gravity Main

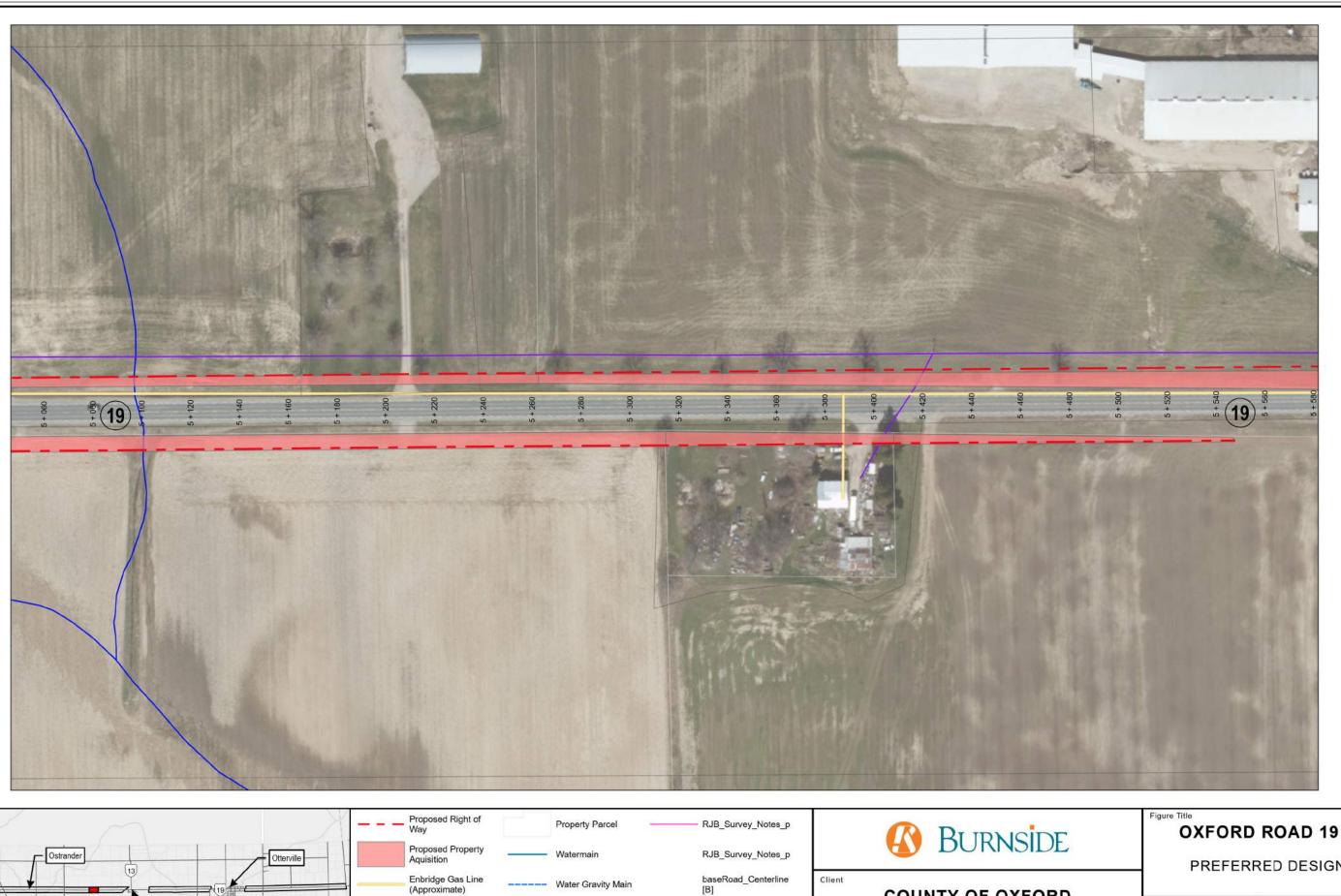
Agricultural





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- Water Gravity Main

Agricultural

limits_polygon

Overhead HydroOne Vegetation Communities

Line (Approximate)

Watercourse





PREFERRED DESIGN CONCEPT

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COUNTY OF OXFORD

Metres

Client

COUNTY OF OXFORD

Metres



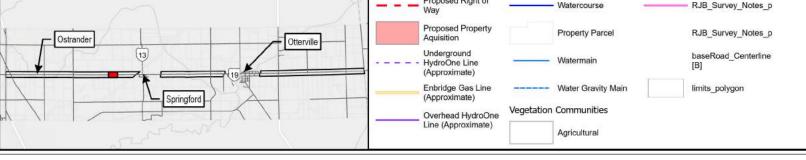


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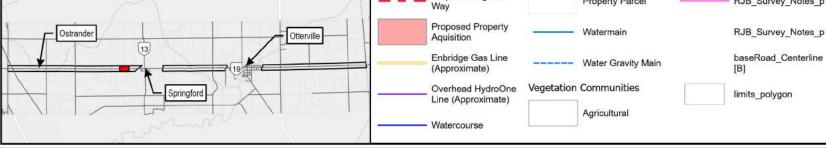


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Enbridge Gas Line (Approximate) RJB_Survey_Notes_p Water Gravity Main Overhead HydroOne Vegetation Communities

Agricultural

Line (Approximate)

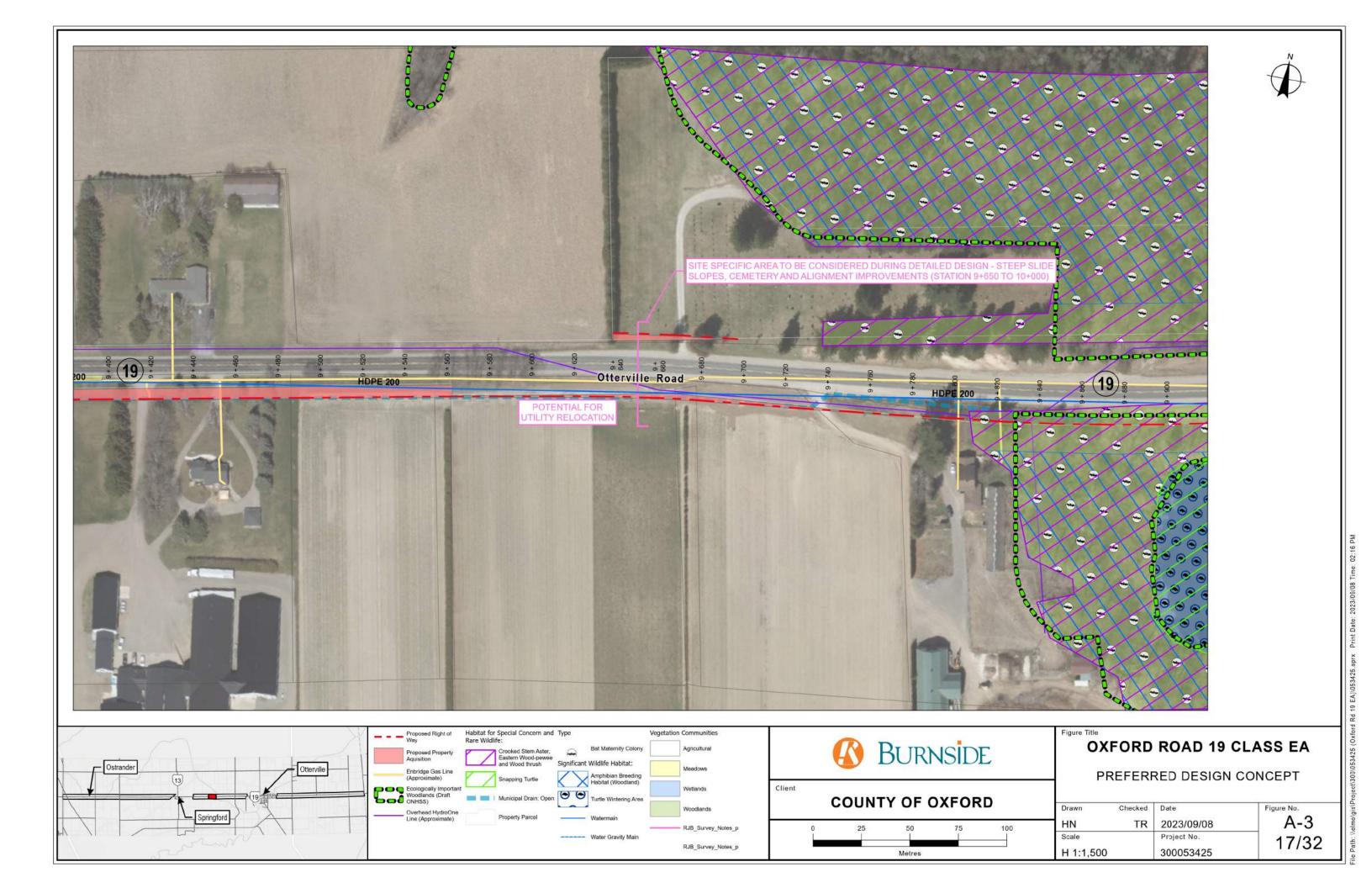
baseRoad_Centerline [B]

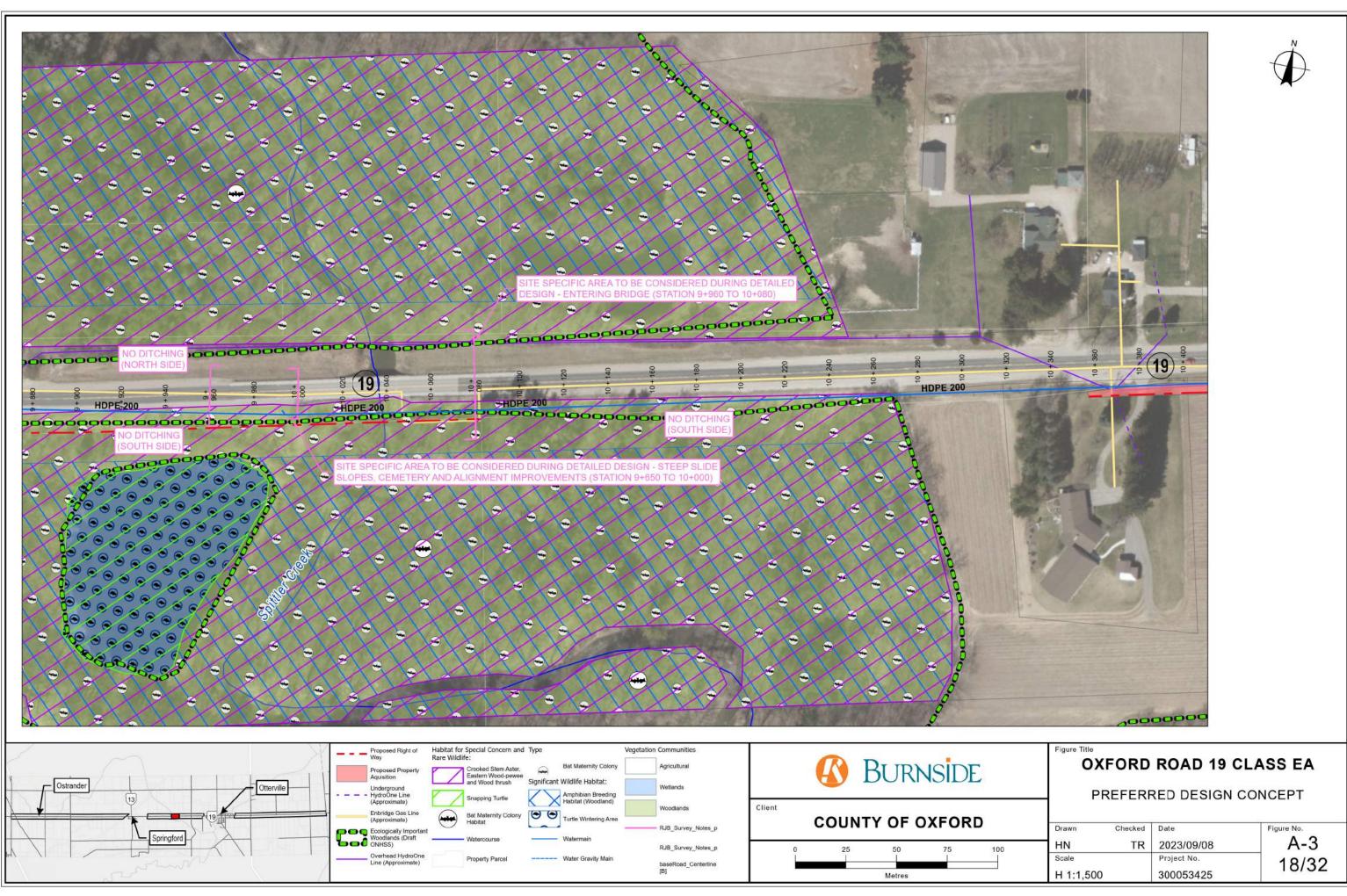
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Client

COUNTY OF OXFORD

Metres



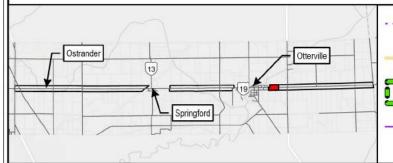


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Underground
- HydroOne Line
(Approximate) Enbridge Gas Line RJB_Survey_Notes_p (Approximate) baseRoad_Centerline Ecologically Important
Woodlands (Draft
ONHSS) Water Gravity Main **Vegetation Communities** limits_polygon Overhead HydroOne Line (Approximate) Agricultural



Metres

OXFORD ROAD 19 CLASS EA

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baseRoad_Centerline [B]

limits_polygon

Water Gravity Main

Agricultural

Vegetation Communities

Client

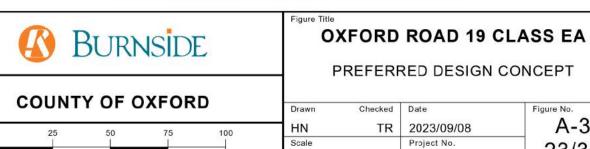
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Underground HydroOne Line (Approximate)

Enbridge Gas Line (Approximate)

Overhead HydroOne Line (Approximate)





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Way

Proposed Property
Aquisition

Underground
HydroOne Line
(Approximate)
Enbridge Gas Line
(Approximate)
Overhead HydroOne
Line (Approximate)
Overhead HydroOne
Line (Approximate)
Agricultural

Imits_polygon

Meadows

RJB_Survey_Notes_p

Vegetation Communities

baseRoad_Centerline
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Imits_polygon

Client

COUNTY OF OXFORD

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Underground HydroOne Line (Approximate)

Enbridge Gas Line (Approximate)

Overhead HydroOne Line (Approximate)

Water Gravity Main

Agricultural

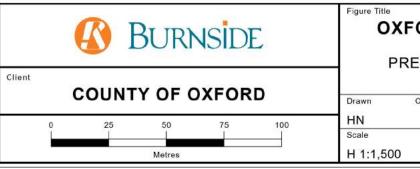
Vegetation Communities

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baseRoad_Centerline [B]

limits_polygon





OXFORD ROAD 19 CLASS EA

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Metres

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RJB_Survey_Notes_p

baseRoad_Centerline [B]

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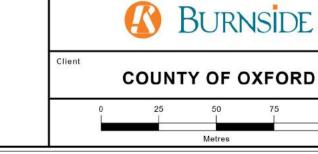
Water Gravity Main

Agricultural

Vegetation Communities

Overhead HydroOne Line (Approximate)





Metres

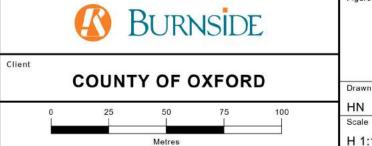
OXFORD ROAD 19 CLASS EA

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OXFORD ROAD 19 CLASS EA

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limits_polygon

Metres

Agricultural

Meadows

Overhead HydroOne

Line (Approximate)

Property Parcel



OXFORD ROAD 19 CLASS EA

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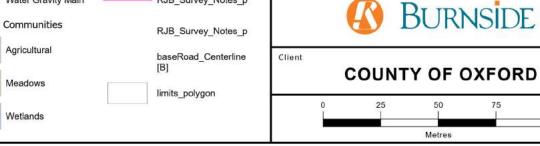
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Overhead HydroOne Line (Approximate)

Property Parcel

Watermain





OXFORD ROAD 19 CLASS EA

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Scale		Project No.	32/32
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Appendix B

Consultation with Indigenous Communities

Sylvia Waters

From: CFN Consultation Coordinator <noreply@consultwithcaldwell.ca>

Sent: Thursday, March 24, 2022 5:44 PM

To: Sylvia Waters

Subject: consultwithcaldwell.ca - Project Submission

Michelle McCormack Consultation Coordinator

Zack Hamm Consultation Coordinator

Caldwell First Nation 14 Orange Street Leamington | ON | N8H 1P5

We have received your inital submission

Please note that before the project is ready for review, you must provide some additional information:

The remaining information involves questions that were marked as "unsure"

- Additional documents
- Habitat or flight paths
- Endangered species permit
- Landscape agreement
- Archaeological assessment

When you have this information ready, you can return to this website and submit your information.

If you have questions, please contact CFN's Consultation Coordinator: ecc@caldwellfirstnation.ca or 519-322-1766 ext. #1243.

^{*}Please note that simply sending an email to the Consultation Coordinator or to a Chief and Council member does not constitute consultation.

^{*}Please be advised that an administrative fee will be charged for a meeting with Chief and Council.

Tricia Radburn

From: Tricia Radburn

Sent: Wednesday, September 06, 2023 4:39 PM

To: 'ecd.manager@caldwellfirstnation.ca'; Brianna Sands; 'ecd.assistant@caldwellfirstnation.ca';

'landguardian@caldwellfirstnation.ca'

Cc: Henry Centen; Noah Brister; David Simpson; Melissa Abercrombie; Reuben Davis; Crystal Ferguson

Subject: FW: Oxford Rd 19 Stage 1 Archaeological Assessment

Attachments: CFN Draft Response Letter - Sept 1 2023 - NB.pdf; PCC #2 - Display Boards.pdf

Zach,

Thank you for your interest in the Oxford Rd. 19 Municipal Class EA. Please see the attached letter from the County of Oxford in response to your email, below.

I also note that the Stage 1 Archaeological Assessment was uploaded to the Caldwell Consultation Tool site on June 9. We will also provide a copy of the draft EA report for your review and will upload it to the site shortly.

Please reach out if you have any questions or comments or would like to schedule a meeting to discuss the project.

Kind Regards,



R.J. Burnside & Associates Limited 292 Speedvale Ave. W, Unit 20 Guelph ON

From: Zack Hamm <ecd.manager@caldwellfirstnation.ca>

Sent: Friday, August 11, 2023 4:02 PM

To: Crystal Ferguson < Crystal. Ferguson@rjburnside.com>

Cc: Michelle McCormack < ecc@caldwellfirstnation.ca; Michael McMaster < ecd.assistant@caldwellfirstnation.ca;

Jenna Maidment < landguardian@caldwellfirstnation.ca **Subject:** Re: Oxford Rd 19 Stage 1 Archeological Assessment

Good afternoon Crystal,

We will be interested in reviewing your desktop survey, as well as the EA once it is drafted. Please see attached agreement templates. Fill them out according to your project specifications - I recommend including language for the overall project to avoid future paperwork regarding the EA or possible fieldwork in which CFN would like to participate.

Once we sign onto the agreements, we will commence review on the community's behalf and provide comments if necessary. For reference, an AA takes roughly 2 staff hours per 100 pages, while an EA typically takes 2-3 staff hours for a similar number; this is variable based on the report of course, but these estimates are for your budgeting purposes.

If you haven't yet, I also encourage you to upload your project and engagement requests directly to <u>consultwithcaldwell.ca</u>, which helps us manage volume and is our preferred method of initial contact.

Best,

Zack Hamm

Environment and Consultation Department Manager

Environment and Consultation Department (ECD)



Caldwell First Nation

14 Orange Street

Leamington | ON | N8H 1P5

Phone: 226-936-2940

ecd.manager@caldwellfirstnation.ca

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On Tue, Aug 8, 2023 at 9:26 AM Michelle McCormack <ecc@caldwellfirstnation.ca> wrote:

Information sharing, I am not sure if you have received this.

----- Forwarded message ------

From: Crystal Ferguson < Crystal. Ferguson@rjburnside.com >

Date: Thu, Aug 3, 2023 at 2:59 PM

Subject: Oxford Rd 19 Stage 1 Archeological Assessment
To: ecc@caldwellfirstnation.ca

Good afternoon,

I am writing to follow up with the new information that was provided to you regarding the County of Oxford's **County Rd. 19 Corridor Improvement Project**. A Notice of Commencement was issued in March of last year and since the Notice of Commencement was issued, various technical studies have been undertaken. **A draft Stage 1 Archaeological Assessment** is available for your review and was previously provided to you at the link below:

Stage 1 Archaeological Assessment

A draft copy of the Municipal Class EA report is expected to be available later this spring/summer and will also be forwarded for your review and comment.

Please reach out if you have any questions or comments about the archaeological study or any other aspect of the project.

Please respond in kind to confirm receipt of the notice of Stage 1 Archeological Assessment.

Kind Regards,



Crystal Ferguson

www.rjburnside.com



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If you have received this communication in error please notify the sender at the above email address and delete this email immediately
Thank you

--

Miigwech,

Michelle McCormack

Consultation Coordinator Caldwell First Nation 14 Orange St. Leamington, ON N8H 1P5 www.caldwellfirstnation.ca

Office: (519) 322-1766 Mobile: (519) 329-1946 ecc@caldwellfirstnation.ca

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PUBLIC WORKS

21 Reeve Street, PO Box 1614 Woodstock, ON N4S 7Y3 519.539.9800 I 1.800.755.0394 oxfordcounty.ca

September 1, 2023

Caldwell First Nation

Attn: Zack Hamm, Environment and Consultation Department Manager

RE: Oxford Road 19 Corridor Improvements

Municipal Class Environmental Assessment Study – Schedule C

Response to CFN Email dated August 11, 2023

Dear Mr. Hamm:

We are following up with Caldwell First Nation (CFN) regarding your email dated August 11, 2023 which highlighted concerns with respect to the Oxford Road 19 Corridor Improvements project.

On behalf of Oxford County, I would like to thank you for your interest in this project. Please be assured that the Project Team understands CFN's concerns on the potential impacts of this project. Oxford County has reviewed two (2) agreement templates (Fieldwork Participation Agreement & Technical Review Agreement) that were provided to our Engineering Consultant (RJ Burnside) via email correspondence dated August. At this time, we would like to inform CFN that the County will not be engaging in CFN's agreement process. However, the County would like to offer CFN technical resources on any areas of their concern, to assist with a thorough understanding of the project and any potential impacts of concern.

The County deeply believes in transparent and open flow of communication and information. In line with that, we would be happy to share the findings of our research on any of the study areas that CFN may be interested in; and as noted above, provide technical resources to ensure that these findings address your concerns, particularly in the areas of natural heritage, along with the mitigation measures identified in the stage 1 archaeological assessment. We are also happy to provide in depth review of the road corridor preliminary designs.

The County is also aiming to share the draft supporting technical reports and / or memorandums for natural heritage and stage 1 archaeological assessment (if requested), along with a high-level summary of the study findings, potential impacts, and proposed mitigation measures. In the meantime, we respectfully invite you to review the attached copy of Public Consultation Centre #2 (PCC#2) boards presented at the PCC#2 event held on December 6, 2022.

The Project Team would be pleased to meet with CFN at any time during the EA process to discuss the findings of the study to date, receive the communities' input on these findings and / or discuss how and when the County's technical resources can assist CFN with a full understanding of the findings of the project to date.





Thank you again for your interest in this project. Should you have any questions or require additional information, please contact the undersigned by phone 519-539-9800, ext. 3107, fax 519-421-4711 or email nbrister@oxfordcounty.ca

Sincerely,

Noah Brister, P.Eng. Project Engineer

Oxford County Public Works

Encl. Public Consultation Centre #2 Boards

cc: Tricia Radburn, Senior Environmental Planner, RJ Burnside & Associates Ltd.

Tricia.Radburn@rjburnside.com

Henry Centen, Senior Transportation Engineer, RJ Burnside & Associates Ltd.

Henry.Centen@rjburnside.com

David Simpson, Director of Public Works, Oxford County Public Works

dsimpson@oxfordcounty.ca

Melissa Abercrombie, Manager of Engineering Services, Oxford County Public Works

mabercrombie@oxfordcounty.ca

Reuben Davis, Supervisor of Engineering Services, Oxford County Public Works

rdavis@oxfordcounty.ca

Sylvia Waters

From: Chippewas of the Thames First Nation <no-reply-cottfn@knowledgekeeper.ca>

Sent: Tuesday, March 29, 2022 4:13 PM

To: fburch@cottfn.com; jmills@cottfn.com; rsmith@cottfn.com; Sylvia Waters

Subject: Decision regarding consultation: 300053425 - Oxford Road 19 Corridor Improvement

Attachments: consultation-response-18987-300053425-20220329-1612.pdf; inv-0263-oxford-road-19-corridor-

improvement-rj-burnside.pdf; Wiindmaagewin-CONSULTATION-PROTOCOL-website.pdf

Please see attached PDF.



Project Name:

Oxford Road 19 Corridor Improvement

FN Consultation ID:

300053425

Consulting Org Contact:

Sylvia Waters

Consulting Organization:

RJ Burnside & Associates Ltd.

Date Received:

Wednesday, March 23, 2022

March 29, 2022

Dear: Sylvia

We have received information concerning Oxford Road 19 Corridor Improvement, submitted March 23, 2022.

In our screening of your project we have identified no concerns with your project or the information that you have presented to us at this time. We ask that if there are any changes to your project that are of a substantive nature that you keep us informed through NationsConnect.

We ask that you please engage First Nations in closer proximity to your project. e.g. Six Nations of the Grand River, Mississaugas of the Credit First Nation.

We look forward to continuing this open line of communication. To implement meaningful consultation, Chippewas of the Thames First Nation has developed its own protocol - a document and a process that will guide positive working relationships. As per Appendix 'D' of the Wiindaamaagewin, please find attached invoice 0263.

If you have any questions, please feel free to contact me.

Sincerely,

Original Signed
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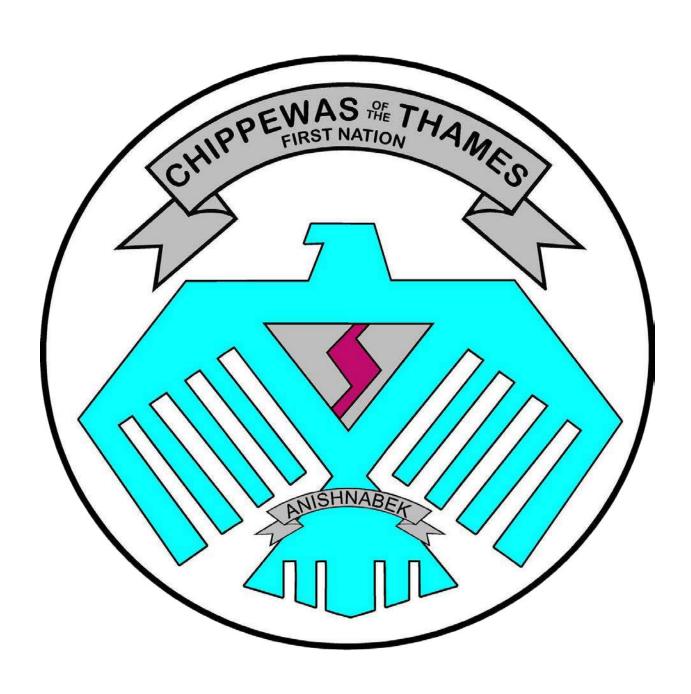
Deshkan Ziibiing/Chippewas of the Thames First Nation

Wiindmaagewin

CONSULTATION PROTOCOL

Final

26 November 2016



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1. Introduction and purpose

The watersheds of southwestern Ontario have been the home of Anishinaabe people for millennia. Widespread archaeological evidence of the "Western Basin Late Woodland Tradition" confirms our traditional oral history teachers' accounts of this lengthy Anishinaabe dwelling in our territory of Waawayaatanong, or "Round Lake." This region is known as the third stopping place of the Water Drum on its sacred journey to Madeline Island, centuries before the era of colonization. We have continued to dwell here despite the disruptions stemming from conflicts with other Anishinaabe nations also dwelling near the Great Lakes, from the wars between various settler powers between 1757 and 1815, and from the imposition of Britain's, then the United States', and Canada's colonial rule.

Deshkan Ziibiing edbendaagzijig, "those that belong to Antler River" (The Chippewas of the Thames First Nation) comprise one of the traditional Anishi naabe nations governing the territory of Waawayaatanong, collectively known now as the Waawayaatanong Anishnaabeg Southwest Treaty Council. As a governing body, Deshkan Ziibiing has lengthy experience in developing relations with other communities interested in the lands and waters of Waawayaatanong, as early French explorers recognized, and as our historic treaty-making with Britain demonstrates.

The purpose of this protocol is to ensure that our relationships with other communities develop in the future in ways that are fully respectful of the breadth of Deshkan Ziibiing's responsibilities to these watersheds, and ways that are protective of the full range of our rights. This protocol shall serve to guide governments and third parties interested in pursuing healthy and mutually beneficial relationships with Deshkan Ziibiing.

2. Statement of reserved rights

The rights that Deshkan Ziibiing exercises in relation to our ancestral lands, treaty lands, reserve lands, and Addition to Reserve lands, are inherent, grounded most basically in the Creator's gift of lands, waters, and way of life to ndodeminaanig, "our clans." These rights are embodied in our historical and ongoing occupation of our territory, and in our practice of selfdetermination as a people. Our rights as a self-determining people are also recognized within, although they are certainly not created by, the formation of several treaties, the terms of constitutional documents, and international conventions, including Article three of the Jay Treaty (1794). Our historic treaty partner, Britain, recognized these rights, as seen within the joint context of the Royal Proclamation of 1763 and the Treaty of Niagara, 1764; and within the subsequent treaties formed between 1790 and 1827. Our traditional understanding of these treaties with Britain indicates that they in no way eliminate our own rightful control of, and enduring ability to benefit from, the lands and waters within our territory. Section 35(1) of Canada's Constitution Act, 1982, also clearly recognizes these rights, as do the expressions of international customary law elaborated within the United Nations Declaration on the Rights of Indigenous Peoples (2007). This present protocol neither contains nor implies anything that subtracts or derogates from the fullest understanding of the range of rights found within those legal instruments, or within our traditional and customary law.

3. Territory

Traditional Anishinaabe territory in southwestern Ontario north of the Thames River includes the 2.78 million acres marked on the treaty maps concerning the Longwoods (1822) and Huron (1827) tracts. In addition, south of the Thames River, traditional territory also includes the lands addressed in the McKee Treaty (1790), the London Township Treaty (1796), and the Sombra Township Treaty (1796). Deshkan Ziibiing is party with other Anishinaabe nations to several of these treaties, but is the sole Anishinaabe party to the Longwoods Treaty.

As recognized in these treaties, the ancestral lands of Deshkan Ziibiing thus include all the lands and waters between Lake Huron to the north and Lake Erie to the south, and stretching eastward from the eastern banks of the St. Clair and Detroit rivers to the Mississaugas of New Credit 1792 treaty lands, a line running northwards from Point Bruce on the Erie shore, to Point Clark on the Huron shore (see Appendix A for map). In addition, Deshkan Ziibiing territory extended into what are now the American states of Michigan and Ohio. Historically, we managed portions of our territory in common with other Anishinaabe nations, and at times in partnership with the Haudenosaunee. Nevertheless, the lands bordering the northern bank of the Thames River have been solely in the stewardship and possession of Deshkan Ziibiing since before the treaty era.

Upper Canada's settlement and development from the early nineteenth century certainly transformed much of this land from its pre-treaty state. Nevertheless, we who are Deshkan Ziibiing edbendaagzijig continue to hold our lands, and to assert over the full extent of our treaty lands and traditional territory our historic commitment to the protection of the watersheds of the Thames River, Bear Creek, and the Au Sable River, and to the Erie and Huron lakeshores. For the purposes of this protocol, we regard all of our ancestral lands as part of our consultation territory. As well, our understanding from our elders, an understanding we share with many other Anishinaabe nations, is that our treaties did not "surrender" our lands, despite what Britain and Canada have presumed. As part of our ongoing commitment to these watersheds, the citizens of Deshkan Ziibiing are currently engaged in aboriginal title research concerning the bed of the Thames River.

4. Community profile

As a community, Deshkan Ziibiing has always welcomed and incorporated people from other nations. Our families have always shared a common world around the Great Lakes with the families of the Pottawatomis and the Odawas. Delawares and Oneidas were welcomed here between 1791 and 1840, and allowed to create their own communities on land adjacent to and within our homeland. At various times, other Haudenosaunee, Shawnees, Huron/Wendats, as well as Anglo or French traders and settlers marrying our people, have all been incorporated into our society. Today, our population is approximately 2,800 people, with 1,000 residing here at Deshkan Ziibiing.

Institutions operating within our homeland territory today include a school system with an elected board; a midewigaan (mide lodge), a sundance lodge; the Southwest Ontario Aboriginal Health Access Centre and the Nimkee Nupigawagan Healing Centre; several businesses,

including retail, service and engineering consulting firms; the Chippewa Development Corporation, the Big Bear Creek Trust, and the Thunderbird Trust; as well as police and fire services, government offices, and two churches.

5. Historical Relationships

Deshkan Ziibiing has long engaged with other nations, in both war and peace. Prior to European movement into the Great Lakes region, conflict with various Iroquoian-speaking peoples in southern Ontario was also balanced with periods of peace. The creation of the fur trade, however, led to increased warfare with the Haudenosaunee – the Iroquois Confederacy, and to various protective alliances with the Hurons/Wendats, and with other Anishinaabe peoples. Deshkan Ziibiing allied with France in its war with Britain in the mid 18th century. Our warriors also fought with Pontiac to protect lands west of the Alleghenies after France withdrew from the Americas. Deshkan Ziibiing later allied with Britain in war against the revolutionary American colonies, and then again in the War of 1812 against American expansion into the Great Lakes region. Our ancestors fought during that war with Tecumseh, the great Shawnee leader and advocate for Anishinaabe independence, in order to protect our lands. His descendants are among our citizens today. Following Britain's retreat in 1815, our warriors were the sole defenders of Upper Canada from American incursions. As allies of Britain during the 20th century, our young men also fought and died in two world wars.

Deshkan Ziibiing's relationships with other nations have generally been pursued through the creation of treaty partnerships. The oldest of our partnerships, more recently called the Three Fires Confederacy, is one grounded in shared language and joint protection with the Odawa and Potawatomi nations. Gdoonaaganinaan "Our Dish" — formed with the Haudenosaunee; and the Treaty of Montreal — formed with the French and over thirty Anishinaabe nations; ended decades of war and competition over the fur trade, in 1701. These partnerships establishing the foundations of peace were all grounded in mutual respect, and a shared understanding that legal alliances between distinct political communities are created and maintained through ceremony, through appeals to the Creator to attest the sincerity of promises, and through an exchange of wampum belts. Our treaty alliances were most basically a mutual extension of our kinship loyalties and responsibilities, as our gimaag indicated by attaching their doodem symbols to the Longwoods Treaty, and to many others. This extension of kinship to create social and political bonds remains as significant for us today as it was for our ancestors during the tumultuous years of the 17th and 18th centuries.

The great Treaty of Niagara (1764) emerged from this long practice, and is the template for all subsequent treaties between Britain and the Chippewas of the Thames. Its Two Row Wampum, a belt the Haudenosaunee first used with the Dutch in 1613, provides a fuller account of the sort of relationship of equals established between Britain and Chippewas of the Thames than appears in the written texts of the Royal Proclamation (1763), the post-War of 1812 treaties, or within any legislation embodying Canada's unilateral presumption of colonial rule over us.

Deshkan Ziibiing made all of its treaties with Britain, and none with Canada, as our elders have emphasized. The legal certainty that Canada has derived from those treaties is weaker than it might be had it undertaken to achieve a common understanding with our people. Apart from

our gimaag having inscribed their doodem symbols on parchment and paper, the treaty texts, and most other documents pertaining to the formation of our treaties, are only available in English. The documentary record contains very little to indicate the fullness of our ancestors' understandings of the treaty process, or of the shameful nature of the post-War of 1812 relationship with Britain, and subsequently with Canada.

Britain's withdrawal from the Ohio valley, and gradual abandonment of its Anishinaabe allies to the colonial administration of Canada, has had a lasting effect on the people of Deshkan Ziibiing. Colonial rule presumed the 'surrender' of well over 90% of our traditional territory. Efforts to 'civilize' our people, through Canada's unilateral imposition of the Indian Act (1876), confinement through the imposition of the 'Indian Pass' system, harsh policing of our harvesting and hunting practices, and not least, the creation of a residential school on our homeland (Mt. Elgin Industrial Institute, 1851-1946), certainly took a toll on our well-being, and constrained our control and use of our lands and waters. However, throughout the hundred and fifty years of Canada's assertions of sovereignty over our lands and nation, our people have remained insistent on our continued inherent rights. In 2013, Deshkan Ziibiing resolved a Specific Land Claim dispute with Canada, over its taking of the Big Bear Creek lands in the 1830s. In 2015 the Supreme Court of Canada agreed to consider our objections to the failure of consultation surrounding Enbridge's reversal of flow for Line 9. As the city of London expands, and as the province undertakes a variety of energy development projects, Deshkan Ziibiing remains intent on protecting our traditional territory. Our vision for the engagement formalized in this protocol remains that of Tecumseh, our treaty chiefs, and the Two Row Wampum. First, we are committed to self-determination regarding the preservation and restoration of our Anishinaabe jurisdiction and heritage. Second, we are committed to the formation of fair partnerships focused on the wise and respectful use of our traditional lands and waters.

6. Principles of intersocietal governance and communication

Our engagement with other communities stems from our recognition of several principles, which derive from our Creator's gifts to us of life and land, and from our Creator having placed us within a world full of relationships with others. Our responsibility to maintain these relationships, in accord with principles derived from our creation story, is central to our continued wellbeing as a people. These principles animated our ancestors in their treaty partnerships historically, and they remain alive today in our dealings with federal, provincial, and municipal bodies. They indicate our fundamental orientation towards all matters of discussion and consultation concerning our rights and responsibilities. They function in addition to, although not in conflict with, the well known principles that Canada's courts have constructed from the common law regarding "the duty to consult and where necessary accommodate" (Haida Nation 2004). The courts have had a difficult time explaining how common law principles serve the task of reconciliation between settlers and Anishinaabe peoples, for they leave parties at odds, and mandate an inherently adversarial process. Our principles, however, grounded in our creation story, do provide a basis for fruitful and healthy intersocietal development, governance, and communication.

a. Principles of governance

- (1) <u>Gdinawendimi</u>: "We are all related." A basic truth of our creation story is that we are related to everything that shares the world with us. Our original Anishinaabe doodem ancestors: Ajijaak "Crane," Waabizhesh "Marten," Bneshiinh "Bird," Wawashkesh "Deer," Maang "Loon," Giigoonh "Fish," Mko "Bear;" all demonstrate that we humans are related to, that is, are family with, beings who are other than human. That our ancestors shaped our treaties with Britain by inscribing many of those same doodemag on treaty texts indicates that they extended the web of kinship relations to include settlers. We expect that all consultation and discussion with governments and third parties will focus on how the proposed project will foster this relatedness.
- (2) <u>Mno-bmaadiziwin</u>: "The good life." We understand that the Creator placed us within our world's web of spiritual and bio-physical relationships in order for life to flourish, for all to enjoy the world. Life flourishes when we base our relationships on the gifts of the Seven Grandfathers: Nbwaakaawin "wisdom," Zaagidiwin "love," chi "respect," Aakde'ewin or Zoongide'ewin "bravery," Gwakwaadiziwin "honesty," Dbaadendiziwin "humility," Debwewin "truth." We expect that all proposals from and discussions with governments and third parties will demonstrate how the proposed project enhances the good life for all our relations.
- (3) <u>Naaknigewin</u>: "Law". This measure for our decisions and determinations is the gift of the Creator. We expect that all consultation and discussion with governments and third parties will aim to respect and embody law as the measure for our decisions provided by the Creator.
- (4) <u>Anishinaabe dbendizawin</u>: "Anishinaabe independence," or "self-determination." Some of our elders overcame their repressive years spent within the local residential school, and were able to play crucial roles in entrenching the recognition of our rights into sec. 35(1) of Canada's Constitution Act, 1982. Their personal struggles have taught us that we were created to live as an independent people, and are therefore able to ally with, but not to become subject to, other independent peoples. Many British treaty negotiators failed to understand this. Canada's unilateral imposition of regulations on our people, and its presumptuous administration of our lands, stems from its own consistent failure to understand this. Nevertheless, we have seen in some settler leaders, such as Sir William Johnson and his work at Niagara in 1764, the enduring possibility that our peoples might finally create a relationship of equality. William Johnson's Two Row Wampum embodies this alliance of equals, each party free to follow its own way without interference, but each also attentive to the wellbeing of the other. We expect that all proposals from governments will respect this most basic tenet of the Two Row Wampum.

b. Principles of communication

(1) Zgaswediwin: "To smoke together." This word combines two sorts of acts into one. When Anishinaabeg met in council, they began with the ceremony of smoking. In our stories, Nanabush provided our ancestors with the pipe of peace in order to help us fosterthe path of goodwill and reconciliation towards earth, plants, animals, and our fellow humans. Asemaa, "tobacco," carries our thoughts and prayers to the Creator, and demonstrates our desire to speak the truth, and to build relationships that reflect gratitude in our dependence on the natural order, law, or policing naaknigewin. We expect that all consultation and communication regarding project proposals

reflects the willingness of governments and third parties to place their thoughts and words in the same context.

- (2) <u>Ginoondiwin</u>: "talk to each other." As our elders have said, and as many accounts of Anishinaabe councils have indicated, our practice has been to reach decisions in common, after full and satisfying discussion addressing the concerns of all involved. As Mississauga historian and chief Peter Jones (1802-56) noted in his rending of a council meeting during the 1850s, the practice of addressing the concerns of all greatly reduced the number of "warm discussions." We expect federal, provincial and municipal governments to engage with us in consultation that is animated by their need to satisfy our concerns, and not by the needs of third parties, or by deadlines imposed outside of those we might mutually agree to within our processes of consultation. In addition, we expect that when governments attempt to justify project proposals likely to infringe upon our rights and responsibilities, that we will be the party that determines the adequacy of the justification.
- (3) <u>Gii-nenmaasiinaawaan</u>: "they didn't let them". Anishinaabe participants in treaty talks with settler governments fully expected to be able to consent to or dissent from the proposed matter at hand, as the available written record in Anishinaabemowin makes clear. Our consent to proposals that might affect our rights and responsibilities to our lands, waters and wellbeing is basic to our status as a people possessing dibendizawin, or self- determination. In all matters of consultation and communication, we expect federal, provincial and municipal governments to honour this customary principle of international law, embodied also in article 32(2) of The United Nations Declaration on the Rights of Indigenous Peoples (2007), and finally adopted by Canada in 2016.
- (4) <u>Chi-dibaakinigewin:</u> a "great judgement," as in a treaty between nations. Our ancestors spoke solemnly with settler governments in order to reach agreements that would establish mutually beneficial relationships, which by their nature are on-going, and subject to changing needs and circumstances. However, governments have been one-sided in regard to changing needs in relation to our lands, waters and wellbeing. They have seen our agreements as open, but only as justifying their constant erosion of our control over those lands and waters, and of our well being. We expect that governments interested inconsultation will temper this apparently endless desire to consume our lands and waters to the ill effect of our own wellbeing. As well, we expect that when governments insist to the contrary on the legal certainty of treaties and agreements, they will demonstrate persuasively to us how that certainty of the treaty encourages the mutually beneficial relationships that treaties are supposed to establish.

c. Principles of co-existence and economy

- (1) <u>Gdoonaaganinaan</u>: "Our Dish," the agreement reached with the Haudenosaunee in 1701, enabled both our peoples to hunt and harvest in mutual safety, and for mutual wellbeing, within our ancestral lands. We expect federal, provincial and municipal governments to demonstrate clearly and persuasively how proposed projects will undertake to secure mutual safety and mutual wellbeing.
- (2) <u>Maatookiiwin</u>: "sharing" Our agreements with settler governments concern our sharing of the lands that the Creator has shared with us. There are no Anishinabemowin transcriptions of treaties that use the word adaawaage, meaning "to sell." Similarly, as Akiwenzii, gimaa of the Lac Courte Orielles Ojibwe, said in relation to the 1837 treaty he cosigned with a US delegation seeking Wisconsin lands: "Gaawiin wiin gimiinisinoon, anishaa ida wi'in," that is, "I do not make a present of this, I merely lend it to you." Or, in an 1864 petition to U.S. President Abraham Lincoln, several of those same Anishinaabe chiefs said "Gaawin wiin aki nimbagidinamawaasii," that is, "I do not offer the land." We expect that governments interested in projects affecting our lands, waters, and wellbeing will demonstrate how the proposed project embodies this same spirit of sharing of what the Creator has provided, and also charged us with protecting.
- (3) <u>Gnawenjigewin</u>: "to take care of things." Our use of the lands and waters of our territory is subject to Anishinaabe principles of stewardship, derived from our creation story, and instilled through the growth of traditional knowledge. We expect that all communication regarding project proposals will demonstrate how projects plan to incorporate Deshkan Ziibiing participation in the tasks of co-management and governance, as well as employ conservation practices grounded in and consistent with our traditional knowledge.
- (4) <u>Niigaan-inaabiwin</u>: "looking ahead". Decision making that respects the full web of relationships within which the Creator has placed us aims to chart the impacts of our choices as far as possible into the future, in order to minimize the destructiveness of those choices. We expect that all government decisions and project proposals with potential to affect our lands, waters, air, health and wellbeing will demonstrate as concretely as possible the long-term implications of the proposal for Deshkan Ziibiing. We expect that they will also concretely demonstrate the steps to be taken to ensure that they will uphold Deshkan Ziibiing's responsibilities to protect the web of relationships constituting our traditional territory.

7. Consultation process and requirements

a. Aims of consultation

Appropriate consultation between Deshkan Ziibiing edbendaagzijig and federal, provincial and municipal authorities serves several purposes. At its heart, appropriate consultation is a dialogue between communities, a mutual engagement, rather than a mere notification of an external party's intention. Our being fully informed about projects and decisions that may affect our nation protects our full range of rights and responsibilities, as recognized within

traditional Anishinaabe law, in Canada's Constitution, within the jurisprudence of Canada's courts, and in customary international law. It "burnishes the Covenant Chain," by fostering the treaty relationship that should, but does not yet, exist between our people and Canada. In addition to protecting our range of rights, appropriate accommodation also promotes and deepens the path of reconciliation that will ensure a healthier future for both settler and Anishinaabe communities. Appropriate consultation encourages the development of projects that are mutually beneficial to all parties, and it ensures that projects have wide legitimacy both within Deshkan Ziibiing, and also within the larger network of Anishinaabe nations at home around the Great Lakes.

b. Responsibilities of all parties

- (1) All parties engaged in consultation activities have responsibilities in common. Among these are the responsibilities to participate in good faith, and to treat each other with respect, transparency, and honesty. In addition, Deshkan Ziibiing recognizes that each party has its own unique responsibilities to ensure that the outcome of consultation is a fair, respectful and mutually beneficial understanding of the matter under discussion. Our Anishinaabe understanding of our treaty relationships as the extension of family networks and the attribution of kinship terms encourages us to respect the range of responsibilities borne by parties to consultation.
- (2) Crown responsibilities: Deshkan Ziibiing expects that federal, provincial, and municipal governments will consistently embody the Crown's self-proclaimed obligations towards First Nations. These obligations include a) its fiduciary duties, b) its unyielding motivation to uphold the honour of the Crown, and c) its ongoing commitment to pursue reconciliation with First Nations. Deshkan Ziibiing edbendaagzijig expect that all inquiries and proposals submitted by the Crown for our consideration, and all government actions undertaken during the course of consultation, are capable of upholding the highest standards of justification on the basis of these three obligations.

Specific Crown responsibilities include timely, effective, and engaged oversight and coordination of all consultation processes and activities involving Deshkan Ziibiing, and consistent with the honour of the Crown. Competent oversight and coordination requires the Crown to "trigger" the consultation process, that is, as soon as it becomes aware of, or contemplates, activities and proposals that may affect us. Such oversight should include regular updates and dialogues on all consultation processes under way with Deshkan Ziibiing, and on all Crown determinations of limits to consultation. Oversight also includes due diligence to insure that a project's range, depth, and timeframe of consultation activities are consistent with, and adequate to, Deshkan Ziibiing's own expressed needs. Crown responsibility also includes timely and adequate provision of funding necessary for Deshkan Ziibiing to participate in consultation. As well, Crown responsibility includes forthright commitment to the timely and effective accommodation of Deshkan Ziibiing's full range of rights. In addition, Crown responsibility extends to its earnest incorporation of Deshkan Ziibiing's partnership into the planning and decision-making process related to the project, as these affect Deshkan Ziibiing lands, waters, air, health, and wellbeing.

Third party responsibilities: Deshkan Ziibiing acknowledges that third party entities may be delegated certain procedural aspects of the Crown's duty to consult with us, when they pursue commercial or developmental interests in accessing our lands and waters, or potentially affecting our air, health, and well-being. We expect that third parties are responsible for providing full, accurate, and up-to-date information about their projects. Such information should be provided as it becomes available, and should not be subject to explicit requests from Deshkan Ziibiing staff. We also expect that that a project proponent seeking to enter into a relationship with us will actively work to accommodate our concerns, and to view its responsibility to accommodate in a positive manner. To that end, we expect that proponents will be conscientious in adjusting their timelines in order to allow for Deshkan Ziibiing's full participation in any necessary consultation activities. We expect that project proponents will acknowledge their responsibility to consider alternative approaches with us, when implementing their proposal conflicts with our aboriginal and treaty rights, and our ability to protect our lands, waters, air, health, and wellbeing. We expect that proponents will also commit to explore with Deshkan Ziibiing opportunities to share meaningfully in the range of benefits that might result from implementation of their project.

Should consultation need to proceed past the initial stage, we expect project proponents to provide us with the following written acknowledgements:

- a) a statement fully acknowledging our inherent and treaty rights, and our responsibilities to our territory, as they relate to the project,
- b) a statement indicating that the proponent will share this acknowledgement of our rights and responsibilities in all subsequent communication about the project with shareholders, the public, government departments, lenders, and others,
- c) a statement instructing the proponent's subcontractors that they also function within the same framework of Deshkan Ziibiing rights and responsibilities,
- d) a statement disclosing all judgments made against the proponent in all jurisdictions, the involvement of all silent partners, and all agreements made with other First Nations, American Indian tribes, and Anishinaabe communities globally, and
- e) a statement acknowledging that work on the project will only follow the full process of consultation and determination of accommodation.
- (4) Deshkan Ziibiing responsibilities: These are, first of all, those that our elders have conveyed from the Creator regarding our obligations to protect the land and waters of our traditional territory. Our responsibilities to our contemporary partners in consultation are similar to those we undertook together with our historic partner in treaty. They include our commitment to uphold the terms of this protocol, as well as of any subsequent agreements arising in regard to consultation and accommodation. We acknowledge the responsibility of staff to provide accurate, sufficient, and timely government or proponent information to Chief and Council, and to Deshkan Ziibiing edbendaagzijig, in order to ensure that our people engage in full discussion and informed decision making regarding proposed projects. We acknowledge our responsibility to explain to governments and proponents, clearly and fully, any concern, distrust, or discomfort

that we have with a project proposal, to state our rights clearly and forthrightly, and to offer suggestions about how proponents and governments might resolve our concerns in good faith.

c. Contact procedures

- (1) All proposals for activities with potential to affect Deshkan Ziibiing lands, waters, air, health, and wellbeing must be submitted to the office of the Chief, at the earliest possible moment in the development of a project idea. Such proposed activities include projects directly impacting Deshkan Ziibiing lands, waters and air, as well as those concerning implementation of, or modifications to, regulations and statutes with potential to affect our lands, waters, air, health, and wellbeing. Upon receipt, proposals will be delegated to the proper Deshkan Ziibiing staff for initial processing.
- (2) Submission of proposals describing government or third party projects is necessarily part of the government-to-government relationship conducted between Deshkan Ziibiing and appropriate federal, provincial and municipal authorities. Accordingly, all commercial and industrial proposals with potential to affect Deshkan Ziibiing lands, waters, air, health, and wellbeing must be submitted through the relevant government office. All inquiries and initial proposals should be sent via regular mail to:

Chief

Deshkan Ziibiing/Chippewas of the Thames First Nation 320 Chippewa Road Muncey, Ontario NOL1Y0 Canada

Copy to:
Director Lands and
Environment
Deshkan Ziibiing/Chippewas of the Thames First Nation
77 Anishinaabeg Road
Muncey, Ontario NOL1Y0
Canada

- (3) All inquiries and initial proposals should contain brief, plain language descriptions of projects, including as necessary:
 - a) copies of all project proponent communication with Crowndepartments regarding the delegation of consultation activities and procedures,
 - b) accurate contact information for senior, decision-capable, Crown staff members, as well as for senior level project proponents, when appropriate,
 - c) early disclosure of all potential project segmentation or staging scenarios,
 - d) precise indications of affected landscape boundaries,
 - e) estimated forms of all impacts and risks including climate change impacts, and all

impacts on biodiversity, air quality, and watershed integrity,

- d) explication of potential benefits to Deshkan Ziibiing,
- e) preferred timeframes for all aspects of project implementation,
- f) estimated time span for effects stemming from life of the project,
- g) complete catalogs, with content descriptions, of all relevant studies, mappings, reports, memos, permit applications, motions, and other documents regarding the project proposal,
- h) explanation of how the proposal embodies a partner relationship between Deshkan Ziibing and federal, provincial, and municipal governments,
- i) up-to-date measures of corporate social responsibility, such as ISO26000-2010, or B Corp certification.

d. Deshkan Ziibiing processing of inquiries and proposals

- 1) Designated Deshkan Ziibiing staff will post through regular mail a first response to inquiries and initial proposals, within two weeks of their receipt. First responses will indicate the timeframe necessary for any subsequent Deshkan Ziibiing follow-up to the initial inquiry or proposal, and will include a reasonable target date for beginning subsequent communication.
- 2) Deshkan Ziibiing determines its participation in consultation on the basis of two variables. First, it assesses projects on a scale of a) *minimal* impact, b) *moderate* impact, and c) *extensive* impact. Examples of minimal impact projects include road repair and resurfacing, and replacement of existing structures. Examples of extensive impact projects include nuclear energy waste storage facilities, alternative energy developments, oil and gas pipelines or facilities, and landfills.

A. Minimal impact consultation

- 1. Information about a proposed project is received by Chief, and forwarded to the Director of Lands and Environment and the Consultation Coordinator,
- 2. The Consultation Coordinator screens the proposal, logs details, and scans the entire package into a database,
- 3. The Consultation Coordinator prepares a response, and forwards it to the appropriate party (government department or third party proponent). Typically, the response indicates that Deshkan Ziibing has no concerns, and requests continued updates about the proposal, should details change. Consultation service fees apply.

B. Moderate impact consultation

- 1. Information about a proposed project is received by Chief, and forwarded to the Director of Lands & Environment, and the Consultation Coordinator,
- 2. The Consultation Coordinator screens the proposal, logs details and scans entire package into database,
- 3. The Consultation Coordinator adds to the log of projects submitted monthly to the

Environment Committee. Time sensitive responses will be emailed to the Environment Committee, with recommendations and comments for quicker response. The Coordinator prepares a response, and posts it to the appropriate party.

Response 1: Deshkan Ziibiing requests consultation. The appropriate party will be invited to meet with the Lands & Environment department, and may be asked to provide capacity: requests for jobs, job training or a formal request for Capacity Funding Agreement.

Response 2: Deshkan Ziibiing requests additional information in order to determine the extent of concern.

Consultation service fees apply.

C. Extensive impact consultation

- 1. The process is similar to that of medium impact consultation,
- 2. With the completion of a necessary Capacity Funding Agreement, and where appropriate, such additional agreements as memoranda of understanding, or community benefit agreements.
- 3. As well as with the necessary addition of a Deshkan Ziibiing-determined community engagement process, and community ratification.

Second, in addition to the impact scale for required consultation, Deshkan Ziibiing distinguishes between two levels of the scope to consultation. *Landscape level* consultation concerns the evaluation of specific impacts on our lands, waters, air, health, and well-being. *Strategic level* consultation insures more broadly that Deshkan Ziibiing is fully engaged in all federal, provincial and municipal policy formation, planning, implementation, and evaluation, that may affect our traditional territory, immediate homelands, health, and well-being, both at present and in the future.

e. Deshkan Ziibiing-determined provision of required information

Deshkan Ziibiing expects governments and delegated third parties to provide all relevant information, as Deshkan Ziibiing Lands and Environment staff, or Chief and Council might determine is necessary, in order to complete Deshkan Ziibiing's careful evaluation of the impact of the project.

f. Government to government engagement

Although Deshkan Ziibiing may choose to participate in public reviews, studies, and assessments of projects mandated or offered by the Crown to stakeholders in the public sphere, Deshkan Ziibiing is committed to the proposition that it is *not* a stakeholder. The Crown's duty to consult and where necessary accommodate Deshkan Ziibiing requires a separate process on those occasions when we indicate the necessity of consultation. Such consultation, grounded in fiduciary obligations and government willingness to uphold the honour of the Crown, cannot be subsumed.

For those projects and proposals that have a direct impact on Deshkan Ziibiing, we expect that authorities will respect our role and input in providing any necessary terms of reference, or in determining the scope of any necessary review, and in recommending knowledgeable Revision: N/A Revision Date: N/A COTTFN Consultation Protocol

individuals to serve on reviewing panels and coordinating committees.

Deshkan Ziibiing also expects that its longstanding relationship of alliance with the Crown means that government to government affairs at the minimum must be worked out together in joint dialogue. Accordingly, we expect that the Crown will determine together with us in order to weigh whether it might be appropriate in a given situation to delegate its consultation obligations to a third party.

g. Project-specific work plans

The extent of a project's impact may require us to produce a work plan detailing the steps necessary in order to successfully complete the consultation process. Such a work plan may be developed in conjunction with the relevant government department and the project proponent. Should a work plan need joint development, Deshkan Ziibiing will provide the other consultation parties with a suitable draft, generally within 30 days following our initial contact. Although specific projects may require additional components, in general, plans will include as necessary the following sorts of components:

- 1. Realistic timeframe,
- 2. Budget (either cumulative or phase-specific, depending upon the nature of the project),
- 3. Catalog of information required from each party,
- 4. List of experts for any necessary review of the project including legal review, and to undertake any additional studies necessary for Deshkan Ziibiing's informed assessment of the project,
- 5. List of necessary research projects,
- 6. Appropriate settings for gathering input from elders,
- 7. List of proposed meetings between parties, with details of time, place, goals and attendees,
- 8. Internal consultation steps necessary to incorporate voices of Deshkan Ziibiing edbendaagzijig,
- 9. Work plan monitoring procedures,
- 10. Review and evaluation of information,
- 11. Community decision and notification letter to Crown and proponent,
- 12. Drafting of any relevant memoranda or agreements.

Work plans may need to be revised as consultation proceeds, and should be done in agreement with all parties. Should government departments and project proponents object to Deshkan Ziibiing's work plan requirements, and only in the aftermath of good faith efforts to reach an

agreement, the parties may turn to a neutral mediator in order to successfully complete an adequate work plan.

h. Elders, traditional knowledge, and confidentiality

As necessary, Deshkan Ziibiing will indicate the specific ways in which traditional knowledge should inform our assessment of a project proposal's fit within the parameters of the Deshkan Ziibiing rights and responsibilities laid out above. To that end, staff will develop provisions for insuring that elders play an appropriate role in assessing the project.

Given that much traditional knowledge refers to matters that are sensitive to members of families, or that might only be transmittable within appropriate relational contexts between individuals, we expect that government departments and project proponents will fully respect our judicious determinations of confidentiality, in regards to the gathering of information from elders and other recognized knowledge keepers.

i. Processes for Deshkan Ziibiing internal consultation

Deshkan Ziibiing's practice of governance reflects a long history of community-based decision making, one preceding the development of democratic governments by centuries. Depending upon the matter for consultation, government departments and project proponents will need to embrace our approach to internal consultation, and be willing to work with the processes necessary for Deshkan Ziibiing edbendaagzijig to determine their level of trust and support for the project.

j. Conditions for providing consent

Decisions regarding a project may be achieved in two ways. Those projects seen to have little impact on Deshkan Ziibiing lands, air, waters, health and wellbeing may be evaluated completely through the efforts of administrative staff, select committees of council, or of council and chief.

Those projects with significant potential to impact Deshkan Ziibiing lands, air, waters, health and wellbeing, will require the scrutiny of the community as whole. Our traditions of governance charge our leaders with gathering and articulating the voices of the community as a whole. Thus, projects raising significant concerns for Deshkan Ziibiing edbendaagzijig will need to be accepted by the community in order for Chief and Council to speak in favour of them.

k. Ongoing needs for consultation

Deshkan Ziibiing expects that consultation on specific matters will likely vary in terms of its duration. Consultation partners may not need to continue discussion past a particular point in the life of a project. However, we expect to be able to determine when we need to continue consultation throughout the life of a project, or even afterwards – for instance, if decommissioning or cumulative effects raise continuing or additional concerns regarding our lands, air, waters, health and wellbeing.

Government or proponent changes to a project, such as its timeline, design, or implementation,

are not unilateral matters. We expect that we will continue the consultation relationship through such reconfigurations.

As well, consultation may need to continue in conjunction with the development of any comanagement procedures.

8. Capacity requirements:

Project proponents may see their specific enterprises as unique and urgent efforts. For Deshkan Ziibiing, however, the reality is that our administrative offices receive many proposals, notifications, overviews, and pressing correspondence, on a daily basis. The office of Treaty, Lands and Environment is quite small, with staff workloads consistently focused on a variety of pressing tasks. Unlike other departments of Deshkan Ziibiing governance, Treaty, Lands and Environment's work is self-funded. Consequently, Deshkan Ziibiing requires a range of capacity funding in order to ensure that proposals are adequately, efficiently, and fairly considered within the consultation process.

a. Consultation Service Fees

A complete breakdown of consultation service fees for the varying levels of project impact is attached (refer to Appendix D).

The extent of any ongoing processing fees will depend upon the nature of the investment of time and staff necessary for Deshkan Ziibiing to reach an informed and thorough assessment of the project's implications for our lands, waters, air, health, and wellbeing. We would expect to determine these fees, when significant, in conjunction with government administrators and project proponents. We would also expect that such determination would focus on the matter of insuring Deshkan Ziibiing's ability to fully engage in the consultation matter at hand.

b. Deshkan Ziibiing's participation in research

Depending upon the nature of the project, Deshkan Ziibiing may find that its ability to make a full and informed decision about the proposed project's fit within the framework of principles outlined above requires the conduct of additional research. To the extent that proponents and government departments directly engage in research related to Deshkan Ziibiing, we expect that we will be involved in determining the purpose and scope of the research, the participants in the research, and their roles, and the extent to which the research will involve the work of Deshkan Ziibiing community members, and/or staff. Study methods may include but are not limited to:

- Agricultural Assessment
- Air Quality Assessment
- Cultural Heritage Assessment
- Archeology Assessment
- Ecology Assessment
- Groundwater/Surface Water Assessment
- Land Use Planning Forecast Assessment
- Noise/Vibration Assessment
- Social Assessment
- Traffic Assessment

- Visual/Landscape Assessment

We expect that any resulting staffing needs will be appropriately met by agreement with the Crown and the proponent.

c. Deshkan Ziibiing-initiated research

In addition to research organized in service of the proponent's project, it may also be necessary for Deshkan Ziibiing to initiate its own research projects in order to reach a successful determination about the project. Examples of such research needs include questions about the cumulative effects of a project; or assessments of cultural and archeological, biodiversity, endangered species habitat, or water quality impacts; or traditional land use and occupancy studies where the project is not suited to assessing in the light of existing studies; or competent and thorough assessments of the extent of community support, when a project appears to be especially contentious. We expect that the capacity to engage in such research will be supported by agreement with the Crown and the proponent.

d. Travel and/or hosting expenses

Depending upon the project, it may be necessary for staff, elders, or others, to travel to a project site, or to host meetings or gatherings with those who have historical knowledge and family memories significant to collect, in order to increase Deshkan Ziibiing's ability to provide a thorough assessment of a project. We expect that governments and proponents will bear these costs.

e. Honoraria for elders

Our long-standing practice is to acknowledge our dependence upon the wisdom and knowledge of our elders, a dependence that extends to those outside our community who also wish to draw upon their wisdom and knowledge. Such acknowledgment is appropriately made in terms of money and gifts. We expect governments and proponents to provide these costs, which can be determined in conjunction with staff.

f. Distribution of print materials

Depending upon the nature of the project, staff may need to circulate significant amounts of print materials to Deshkan Ziibiing edbendaagzijig. We expect governments and proponents to provide these costs, as well.

9. Accommodation, mitigation, and compensation plans

Projects with potential to affect our lands, waters, health, and wellbeing cannot proceed without our determining in advance with governments and proponents exactly how they intend to mitigate any impacts, accommodate the depth and extent of our concerns, and compensate any envisioned losses or harms to our lands, waters, air, health and wellbeing. In general, the protection of our inherent and treaty rights, and the respect for our obligations to preserve the lands and waters of Deshkan Ziibiing, are matters to resolve prior to any discussion of potential benefits that might be created through implementation of the project.

The following are non-exhaustive examples of provisions and separate instruments to work out, as necessary, in the process of consultation, in order for Deshkan Ziibiing edbendaagzijig to

embrace the legitimacy of a project:

- 1. conclusion of any resulting memoranda of understanding, terms of reference, or impact benefit agreements
- 2. formation of equity and partnership agreements
- 3. configuration of rents and royalties
- 4. determination of the extent and composition of intellectual property
- 5. securing of training, employment, and education opportunities for Deshkan Ziibiing edbendaagzijig within the lifespan of the project
- 6. development of any necessary co-management structure
- evidence of serious incorporation of Deshkan Ziibiing concerns into the drafting and subsequent ratification or authorization of all legislation and regulations affecting our lands, air, waters, health and wellbeing

Deshkan Ziibiing expects that the Crown in fulfillment of its fiduciary duty and its diligent regard to uphold the honour of Crown, will assist as, and only as, we may request it to, in undertaking all aspects of negotiation or discussion regarding any agreement that we might reach with a project proponent.

In addition, we expect that all agreements regarding matters of accommodation, mitigation, and compensation are in place before work on a project begins, or if such work actually began prior to our learning of the project from the relevant government department, before the work continues any further.

10. Dispute resolution mechanisms

In the event that governments and third parties are not content with Deshkan Ziibiing's determinations regarding the requirements necessary for our assessing a project, or regarding our conclusion that a particular project does not fit within the framework of rights, responsibilities, and principles elaborated above, we acknowledge that all parties reserve the right to engage in various means of dispute resolution.

- a. Deshkan Ziibiing expects that its expressed and timely intention to pursue dispute resolution will be sufficient for the other parties to place a hold on project development until the dispute is resolved.
- b. Given our historic commitment to resolving disagreements without "warm discussion", the first step in resolving disputes must be honest, good faith discussion in which the Deshkan Ziibiing and the Crown acknowledge that they each have equal decision-making power with the other.
- c. Should agreement between representatives of the parties be unreachable, continuing discussion should take place between such senior-level

- decision-makers as Chief, Ministers, deputy ministers, and executives.
- d. Should these discussions fail to yield agreement, the parties may call in the services of a neutral mediator, whose costs will be borne by agreement with the Crown and the proponent.
- e. If the dispute between Deshkan Ziibiing and the other parties is a matter of scientific, technical, historical, archeological, or other such knowledge, the parties may rely upon an assessment from a panel of experts, chosen in equal number by the parties, and whose expenses will be provided by agreement with the Crown and the proponent.
- f. Termination of any agreements or processes prior to completion of consultation should be subject to what the Supreme Court has referred to as "the duty of good faith and honest performance" (Bhasin v. Hrynew, 2014).
- g. Deshkan Ziibiing reserves all right to pursue such adjudication as may seem to it necessary, whether within Canada's courts, or before international bodies, such as the Inter-American Court of Human Rights.

11. Appendices

- A. COTTFN Consultation Map
- B. Southwestern Ontario Treaty Map
- C. Consultation Flow Chart
- D. Consultation Service Fees

This protocol is subject to revision and further development, determinable by Chief and Council, and reflecting as needed the consent of Deshkan Ziibiing edbendaagzijig.

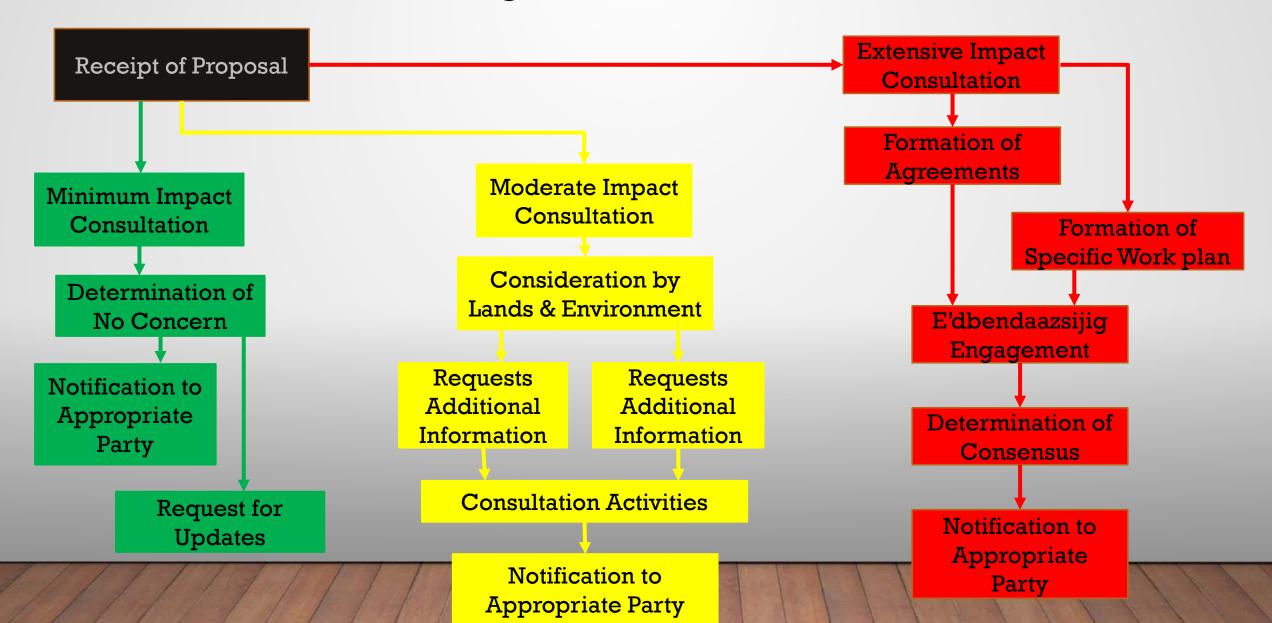
For use with permission of Deshkan Ziibiing/Chippewas of the Thames.

Walpole Island Ind ESSEX COUNTY Sarnia In LAMBION COUNTY KENT COUNT We 44 HURON COUNTY 15 BRUCE COUNTY 30 A AGMYDIH PERTH COUNTY WATERLOO ELGIN COUNTY Stratford 60 t. Thomas OXFORD GREY COUNTY 90 COUNT COUNT COUNT WELL INGTON Nanticoke NEGIONAL MUNICIPAL 120 FFERIN Kilometers COUNTY COUNT SIMCOE COUN YORK REGIONAL MUNICI NIAGE drlington DURHAM REGIONAL MUNICIPALITY REGIONAL MUNICA Thorolo VICTORIA COUNTY Wellan Viagara Falls

FINAL-Big Bear Creek ATR Land Selection Area

SOUTHERN FIRST NATION TREATY TERRITORY Legend GODERICH TREATY #53, August 18, 1943 Treaty #7, September 7, 1796 Treaty #25, July 8, 1822 Treaty & Traditional Territory

Deshkan Ziibiing Consultation Flow Chart





TREATY, LANDS & ENVIRONMENT

Capacity Delivery Overview

CONSULTATION AND ACCOMMODATION

Chippewas of the Thames First Nation (COTTFN) has developed a general framework for the First Nation in all aspects of its treaty, lands and environmental issues.

Under this framework, the First Nation is able to provide a response to all incoming correspondence from project proponents under the *Duty to Consult* and Engagement. COTTFN uses an internal process for ranking and identifying both risks and opportunities when project information is received; and incorporates both environmental and *Haida*-spectrum analysis for the First Nation.

COST RECOVERY

As part of Chippewas of the Thames First Nation Administration the Treaties, Lands & Environment department is responsible for carrying out the environmental and land-related priorities of the nation. Our responsibilities extend to the Traditional Territory of our ancestors; the lands that were agreed to be shared through the Treaties between 1790 and 1822; and the lands that our ancestors chose to be reserved for us and future generations.

Our department is primarily funded through own-source revenues, reflecting a prioritization of lands and the environment based not only on our inherent responsibilities, but also influenced by a vision for the future. This vision utilizes both Traditional Knowledge and other environmental sciences.

Relatively recent developments in Canadian Law and policy, specifically the Duty to Consult, has introduced a dramatic increase in activity for our department. When we engage with a project proponent, it is important that the time and effort involved in receiving correspondence and identifying appropriate response levels is not to be underestimated.

COTTFN has developed three levels of response. These are based on the impacts the project may have on our Aboriginal and Treaty Rights. These levels are also based on factors that the COTTFN has identified in accordance with the responsibilities given to us by the Creator, and our responsibilities to future generations.

The following fee schedule reflects estimated compensation for time and resources that our office requires to actively engage with proponents for the Duty to Consult. These estimates do not include additional costs, such as Honorarium for Elders, Legal Fees, Hosting Fees, fees associated with study participation, i.e. Archaeology, Natural Heritage, Ecology, etc. (this is not an exhaustive list)

When such costs arise, they will be communicated prior to billing.

Colour Coded Ranking of Projects

Definition	Colour				
Level 1: Minimal Impact	Costs Associated - Standard				
Level 2: Moderate Impact	Costs Associated - Standard				
Level 3: Extensive Impact	Costs Associated - Standard				

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LEVEL 1-ENGAGEMENT

ENGAGEMENT, CONSULTATION AND ACCOMMODATION Level 1 **Project** Minimal Units Projected Director Activity Daily Hourly **Estimated** Cost Review, high level response and issuing correspondence; and providing direction to staff on the First Nation response based on broad First Nation concerns. \$ 550.00 NA Senior **Environment** Units Estimated Officer Activity Daily Hourly Environmental review for impacts to traditional territory and based on First Nation concerns, such as, but not limited to: noise, air, waste, contaminants, discharges, greenhouse gases, permitting required, cumulative effects. Development of Recommendations and support to the COTTFN Environment Committee. \$ 85.00 4 \$ 340.00 Consultation Units Coordinator Activity Daily Hourly **Estimated** Receipt of Information, Risk Identification, Internal Notification of Projects, Entry into Database, Issuing Correspondence, Maintenance of filing system, Library Services. Report production for the COTTFN 85.00 340.00 Environment Committee and administrative support. 4 \$ Units Hourly **Treaty Research** Daily Activity **Estimated** Identification of project in relation to traditional territory, treaty areas, unceded areas, historical occupation 450.00 NA COTTFN **Environmental** Units Committee **Activity** Daily Hourly **Estimated** Reviews projects that have been submitted by the Treaty, Lands and Environment Department and approves recommendations by staff; and/or provides further direction on the project. 250 00 250.00 \$ \$ **Filing Fee** fee charged to accept a document for processing and filing retention \$ 125.00 For proponents' meetings, workshops, open houses, public meetings. 0.525 / km **TRAVEL** TRD SUB-TOTAL 1055.00 \$ Central Mail, Financial Services: payroll, reimbursement procedures, accounts payable and receivable, **ADMINISTRATION** production of financial statements, year-end audit. Photocopying, phone and internet service. CHARGE 15% \$ 158.25 15% **GRAND**

TOTAL:

\$ 1,213.25

Revision: 4 Revision Date: November 29, 2018 EMS-CA-Rc-03

^{**}These prices are effective as of November 2018

^{**} Prices subject to change, without notice

LEVEL 2-CONSULTATION

ENGAGEMENT. CONSULTATION AND ACCOMMODATION Level 2 Project Moderate Units Projected Activity Director Daily Hourly **Estimated** Review, high level response and issuing correspondence; and providing direction to staff on the First Nation response based on 550 00 \$ 550 00 1 broad first Nation concerns. Senior Units **Environment** Activity Officer Daily Hourly **Estimated** Environmental review for impacts to traditional territory and based on First Nation concerns, such as, but not limited to: noise, air, waste, contaminants, discharges, greenhouse gases, permitting required, 6 510.00 85.00 cumulative effects. Development of Recommendations and support to the COTTFN Environment Committee. Units Consultation Activity Coordinator Daily Hourly **Estimated** Receipt of Information, Risk Identification, Internal Notification of Projects, Entry into Database, Issuing Correspondence, Maintenance of filing system, Library Services. Report production for the COTTFN 85.00 8 \$ 680.00 Environment Committee and administrative support. Events & **Promotions** Units Activity Coordinator **Daily** Hourly **Estimated** Development of internal community consultation communication website and social media update, and 65.00 325.00 event planning Units **Activity Treaty Research Estimated** Daily Hourly Identification of project in relation to traditional territory, treaty 450.00 450.00 areas, unceded areas, historical occupation. COTTEN **Environmental Activity** Units Committee Daily Hourly **Estimated** Reviews projects that have been submitted by the Treaty, Lands 250.00 2 \$ 500.00 and Environment Department and approves recommendations by staff; and/or provides further direction on the project. **COTTFN Band** Projected Cost **Activity Estimated** Council Daily Hourly Reviews projects, deliberates, and provides overall \$ 350.00 2 \$ 700 00 direction to Treaty, Lands & Environment COTTEN Development Units Activity Corporation Daily Hourly The Development Corporation will be responsible for conducting the due diligence required to assess project feasibility, risk and benefit to the community. The information gathered will be presented to the 300.00 300.00 \$ Corporation's Board of Directors to determine the level of 1 contribution and any future involvement based on economic viability and community consensus. 125.00 **Filing Fee** Fee charged to accept a document for processing and filing retention \$ 0.525 / km **TBD TRAVEL** For proponents' meetings, workshops, open houses, public meetings. **SUB-TOTAL** 4,140.00 Central Mail, Financial Services: payroll, reimbursement procedures, accounts payable and receivable, 15% \$ 621.00 ADMINISTRATION production of financial statements, year- end audit. Photocopying, phone and internet service. CHARGE 15% **GRAND**

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TOTAL:

4,761.00

^{**}These prices are effective as of December 2018

^{**} Prices subject to change, without notice

LEVEL 3- HIGH RIGHTS/HIGH IMPACTS

ENGAGEMENT, CONSULTATION AND ACCOMMODATION Level 3 Negotiations and/or **Extensive Impact** Units Projected Director Activity **Daily** Hourly **Estimated** Cost High level response and issuing correspondence; and providing direction to staff on the First Nation response based on broad first 550.00 \$1,100.00 Nation concerns. Senior Units **Environment** Daily Activity Hourly **Estimated** Officer Environmental review for impacts to traditional territory and based on First Nation concerns, such as, but not limited to: noise, air, waste, contaminants, discharges, greenhouse gases, permitting required, \$ 85.00 510.00 6 cumulative effects. Development of Recommendations and support to the COTTFN Environment Committee. Consultation Units Activity Daily Hourly Coordinator **Estimated** Receipt of Information, Risk Identification, Internal Notification of Projects, Entry into Database, Issuing Correspondence, 85.00 850.00 10 Maintenance of filing system, Library Services. Report production for the COTTFN Environment Committee and administrative support. Events & Units Promotions Activity **Estimated** Coordinator Daily Hourly Development of internal community consultation communication website and social media update, and event 65.00 5 \$ 325 00 planning Units Activity **Treaty Research Estimated** Daily Hourly Identification of project in relation to traditional territory, treaty 450.00 450.00 areas, unceded areas, historical occupation COTTFN Units **Environmental Activity Fstimated** Committee Daily Hourly Reviews projects that have been submitted by the Treaty, Lands and Environment Department and approves 3 250.00 \$ 750.00 recommendations by staff; and/or provides further direction \$ on the project. **COTTFN Band** Units Projected Cost Activity Daily Hourly Council **Estimated** Reviews projects, deliberates, and provides overall 350.00 700.00 direction to Treaty, Lands & Environment **COTTFN** Units Development Daily Hourly Activity **Fetimated** Corporation The Development Corporation will be responsible for conducting the due diligence required to assess project feasibility, risk and benefit to the community. The information gathered will be presented to the \$ 300.00 2 \$ 600.00 Corporation's Board of Directors to determine the level of contribution and any future involvement based on economic viability and community consensus Filing Fee Fee charged to accept a document for processing and filing retention \$ 125.00 0.525 / km **TBD TRAVEL** For proponents' meetings, workshops, open houses, public meetings. SUB-TOTAL \$ 5, 410.00 ADMINISTRATION Central Mail, Financial Services: payroll, reimbursement procedures, accounts payable and receivable, CHARGE production of financial statements, year-end audit. Photocopying, phone and internet service. 15% 811.50 **GRAND** TOTAL: \$ 6, 221.50

Revision: 4 Revision Date: November 29, 2018 EMS-CA-Rc-03

^{***}These prices are effective as of December 2018

^{**} Prices subject to change, without notice

Chippewas of the Thames First Nation

Treaties, Lands & Environment Department

320 Chippewa Rd. Muncey, Ontario NOL 1Y0

P: 519-289-5555 F: 519-289-2230 Consultation@cottfn.com www.cottfn.com/consultation

Bill To:

RJ Burnside & Associates Ltd.

Phone: (705) 797-4379

Invoice #:

ATTN:

Sylvia Waters

Address: 128 Wellington Street West, Suite 301

Fax:

Invoice Date: 2022-03-29

0263

Barrie, ON L4N 8J6

Email: sylvia.waters@rjburnside.com

Invoice For: Oxford Road 19 Corridor Improvement - REVIEW/SCREEN

Item #	Description	Qty	Unit Price		Discount		Price
1	Filing Fee	1	\$	125.00	\$ -	\$	125.00
3	2 - Consultation Coordinator	0.5	\$	85.00	-		42.50
				Invoice Subt	total	\$	167.50
	Make all checks payable to:			Administratio	n Fee		15.00%
Chippewas of the Thames First Nation 320 Chippewa Rd. Muncey, ON NOL 1YO Attn: Wiindmaagewin			Other				
				Deposit Rece	eived		
** Charge	s comply with the <i>Consultation Service Fees Schedule,</i> Wiindmaagewin	Appendix D of the		TOTAL		\$	192.63



PUBLIC WORKS

21 Reeve Street, PO Box 1614 Woodstock, ON N4S 7Y3 519.539.9800 I 1.800.755.0394 oxfordcounty.ca

April 8, 2022

Fallon Burch, Consultation Coordinator Chippewas of the Thames First Nation Treaties, Lands & Environment Department fburch@cottfn.com

Sent via email to fburch@cottfn.com and through NationsConnect (nationsconnect.ca) portal

RE: Oxford Road 19 Corridor Improvement

Municipal Class Environmental Assessment Study – Schedule C

Notice of Study Commencement

Dear Fallon Burch:

Oxford County (the County) and our project consultant – R.J. Burnside & Associates Ltd. have received your March 29, 2022 letter correspondence associated with the Class Environmental Assessment (EA) Study to consider improvements to Oxford Road 19 corridor. Thank you for confirming that the Chippewas of the Thames First Nation (COTTFN) have identified no concerns with our project based on screening/review. We will keep your community informed if there are any changes to our project that are of a substantial nature. In reference to the aforementioned letter, we also hereby confirm that other First Nations, in closer proximity to our project (including Six Nations of the Grand River and Mississaugas of the Credit First Nation that you noted), have been engaged.

As mentioned in the County's correspondence submitted on March 23, 2022 (care of R.J. Burnside & Associates, through COTTFN's *NationsConnect* portal), consultation for this Class EA Study will comply with the mandatory guidelines developed by the Municipal Engineers Association (MEA) for First Nations and Aboriginal Peoples consultation as detailed in its *Municipal Class Environment Assessment* document (October 2000, amended 2007, 2011 & 2015) which is approved under the *Ontario Environmental Assessment Act*. The County also recognizes and follows the Ministry of Environment, Conservation and Parks (MECP) guidance protocol (Code of Practice for Consultation in Ontario's Environmental Assessment Process) for Aboriginal consultation under the *Ontario Environmental Assessment Act*.

Accordingly, the County willingly accepts its responsibility to conduct interest-based consultation with Indigenous Communities as part of the Environmental Assessment process. Oxford County is committed to the open flow of information and to ensuring that there are meaningful opportunities for the Chippewas of the Thames First Nation to provide input during this Class EA Study. As our neighbours in our community, we wish to build a strong and open relationship with your Nation.





If potential adverse impacts of the project undertakings on asserted or established Aboriginal or treaty rights are anticipated or determined to exist, the Crown has a legal rights-based duty to consult Indigenous Communities. Where the Crown's rights-based duty to consult process may be triggered, the MECP Environmental Approvals Branch will assess the extent of any Crown duty to consult in such circumstances. In such cases, additional procedural aspects of the consultation process may be delegated from the MECP Environmental Approvals Branch to Oxford County (the Study proponent).

As noted in our previous correspondence, a Stage 1 Archaeological Assessment will be carried out to establish the archaeological significance of the Study area and identify any potential archaeological resources (including those of aboriginal descent) in order to minimize any potential impacts to the same prior to any future construction activities being undertaken. The Archaeological Assessment will be submitted to the Ministry of Tourism, Culture and Sport for approval to ensure that any concerns over any potential archaeological sites noted within the Study area are satisfied and/or are to be further addressed through additional archaeological study. Furthermore, the Archaeological Assessment can be made available upon request and will also form part of the draft Environmental Study Report that will be available during the mandatory public review period in the later stages of the Class EA Study project.

Unless advised otherwise by your community, we will continue to circulate you on all future Class EA Study project notifications (e.g. invite/notice of upcoming Public Consultation Centre) as required by the Municipal Class EA Study process. Any additional comments are welcome and will be taken into consideration. Our project team remains available to meet with you at any time during the Study to answer your questions or respond to any concerns you may have.

Thank you again for your participation in this study. Should you have any questions or require additional information, please contact the undersigned by phone 519-539-9800, ext. 3194, fax 519-421-4711 or email jkeith@oxfordcounty.ca

Sincerely,

Jesse Keith

Project Manager

Jesse Keith

Oxford County Public Works

Encl. Chippewas of the Thames First Nation Response Letter dated March 29, 2022

cc: Henry Centen, Project Manager, R.J. Burnside & Associates Ltd.

Sylvia Waters, Technical Administrator, R.J. Burnside & Associates Ltd.

Mark Badali, Regional Environmental Planner, MECP





Project Name:

Oxford Road 19 Corridor Improvement

FN Consultation ID:

300053425

Consulting Org Contact:

Sylvia Waters

Consulting Organization:

RJ Burnside & Associates Ltd.

Date Received:

Wednesday, March 23, 2022

March 29, 2022

Dear: Sylvia

We have received information concerning Oxford Road 19 Corridor Improvement, submitted March 23, 2022.

In our screening of your project we have identified no concerns with your project or the information that you have presented to us at this time. We ask that if there are any changes to your project that are of a substantive nature that you keep us informed through NationsConnect.

We ask that you please engage First Nations in closer proximity to your project. e.g. Six Nations of the Grand River, Mississaugas of the Credit First Nation.

We look forward to continuing this open line of communication. To implement meaningful consultation, Chippewas of the Thames First Nation has developed its own protocol - a document and a process that will guide positive working relationships. As per Appendix 'D' of the Wiindaamaagewin, please find attached invoice 0263.

If you have any questions, please feel free to contact me.

Sincerely,

Original Signed
Fallon Burch
Consultation Coordinator
Treaties, Lands & Environment Department
Chippewas of the Thames First Nation
fburch@cottfn.com





From: External system 66

Good afternoon,

Thank you for the Notice of the Public Consultation Centre held on June 9, 2022. Unfortunately, a representative from our First Nation was unable to attend. Is this information available electronically or on website?

Thank you,

Fallon Burch Consultation Coordinator Chippewas of the Thames First Nation

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From: Sylvia Waters 66

Hello Fallon Burch

Thank you for your acknowledgement of receipt of Notice of Public Consultation Centre #1. The Stage 1 Archaeological Assessment will be completed and be part of the Environmental Study Report (ESR). It has been noted that your First Nations has requested an electronic copy of the Stage 1 Archaeological Assessment.

Tricia Radburn

From: Fallon Burch <fburch@cottfn.com>
Sent: Tuesday, June 27, 2023 10:03 PM

To: Tricia Radburn

Subject: Oxford Road 19 Corridor Improvement

Hi Tricia,

Thank you for your follow-up and providing the Stage 1 AA report. I have reviewed the file and our previous correspondence sent March 29, 2022. Please remove us from the project list considering that other First Nations are engaging or have been engaged and responded to the project.

If you have any questions, please feel free to contact me.

Thank you,

Fallon



Fallon Burch

Consultation Coordinator
Chippewas of the Thames First Nation
Email: fburch@cottfn.com
519-289-5555 Ex: 251
320 Chippewa Road, Muncey, Ontario



Visit us online at cottfn.com

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From: Chippewas of the Thames First Nation <no-reply-cottfn@knowledgekeeper.ca>

Sent: Friday, June 9, 2023 3:47 PM **To:** Fallon Burch <fburch@cottfn.com>

Subject: New message posted on consultation from: Tricia Radburn

A message has been posted on a consultation you are assigned to.

Consultation: 300053425 - Oxford Road 19 Corridor Improvement

Message author: Tricia Radburn

Message:

Fallon, I am following up on your message from April 22, 2022. You had indicated that the project was unlikely to impact treaty and traditional aboriginal rights. We had intended to take you off the project contact list unless anything changed substantially with the project. Unfortunately, you were inadvertently sent additional information about a public meeting. I see that, in response to that, you had requested additional information. Information about the project can be found here: https://www.oxfordcounty.ca/en/news/oxford-road-19-corridor-improvements.... I have also uploaded the Stage 1 Archaeological Assessment for this project.

Please let me know if you wish to be taken off the project contact list.

Kind Regards, Tricia Radburn R.J. Burnside & Associates Limited 226-486-1778

Caution: This email came from someone outside CHIPPEWA OF THE THAMES Do not open attachments or click on links if you do not recognize the sender.

Sylvia Waters

From: Denise Stonefish <denise.stonefish@delawarenation.on.ca>

Sent: Tuesday, November 22, 2022 4:43 PM

To: Sylvia Waters

Cc: jkeith@oxfordcounty.ca; Henry Centen; Avid Banihashemi; mark.badali1@ontario.ca; Badali, Mark

(MECP)

Subject: RE: 053425-Munsee Nation - Notice of Public Consultation Centre #2 - Oxford Road 19 Corridor

Improvement, Municipal Class Environmental Assessment Study

Good afternoon Ms. Waters

Just an FYI, both the Munsee-Delaware Nation and the Delaware Nation are Lenape people, however, we are two separately different First Nations. Munsee-Delaware is located 40 miles upstream from us (Delaware Nation) and we are located in Orford Township within the Municipality of Chatham-Kent, which a fair distance from Oxford Road 19.

So I don't think we will be commenting on the Oxford Road 19 Corridor Improvement.

Anúshiik,

Chief Denise Stonefish

Eelŭnaapéewi Lahkéewiit (Delaware Nation)

"OUR VISION IS A COMMUNITY WHERE PEOPLE CAN DEPEND ON EACH OTHER, ARE RESPECTFUL, AND HAS THE COURAGE TO SHAPE OUR OWN FUTURE"

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Sylvia Waters

From: Avid Banihashemi

Sent: Wednesday, August 03, 2022 10:48 AM

To: consultation@kettlepoint.org

Cc: Sylvia Waters; Jesse Keith; Henry Centen

Subject: RE: 053425 - Chippewas of Kettle and Stony Point First Nation - Notice of Public Consultation Centre

#1 - Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

Hello Emily,

Thank you for your email regarding the Oxford Road 19 Improvements EA Study. We are currently in the process of reviewing the draft stage 1 archaeological assessment report and we would be happy to share the draft report with you for review before it is finalized. The natural environment supporting studies as part of this EA study are ongoing and the results will be included in the final ESR report.

I believe information provided at the <u>Public Consultation Centre #1</u> (PCC#1) would also be able to provide more details on the findings of the Study to date. The Project Team would be happy to discuss any additional questions or concerns you may have.

Kind regards, Avid

Avid Banihashemi

Environmental Project Manager

R.J. Burnside & Associates Limited | www.rjburnside.com

Office: +1 800-265-9662 Direct: +1 226-486-1562

From: Consultation < consultation@kettlepoint.org >

Sent: July 8, 2022 9:40 AM

To: Jesse Keith < jkeith@oxfordcounty.ca >; henry.centen@rjburnside.com

Subject: Fw: 053425 - Chippewas of Kettle and Stony Point First Nation - Notice of Public Consultation Centre #1 - Oxford

Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good morning Jesse and Henry,

Please see the forwarded email below. I just received a bounce back from Sylvia's email.

Miigwetch,

Emily Ferguson

Consultation Advisor, CKSPFN

From: Consultation

Sent: Friday, July 8, 2022 9:37 AM **To:** Sylvia.Waters@rjburnside.com

Subject: Fw: 053425 - Chippewas of Kettle and Stony Point First Nation - Notice of Public Consultation Centre #1 - Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

Sylvia,

Apologies for the delay getting back to you. We've had some high profile projects we've had to prioritize and have not opened the Oxford Road 19 file yet.

Could you please provide an update on the project to date? CKSPFN is interested in the environmental impact and archaeological studies associated with the project. Please send along any documentation that is now available.

Miigwetch,

Emily Ferguson,

Consultation Advisor, CKSPFN

From: Consultation

Sent: Wednesday, June 15, 2022 9:23 AM **To:** Claire Sault; Sylvia.Waters@rjburnside.com

Subject: Re: 053425 - Chippewas of Kettle and Stony Point First Nation - Notice of Public Consultation Centre #1 - Oxford

Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

Claire,

Thank you for passing this along.

Sylvia - We will review the documentation and get back to you shortly.

Miigwetch,

Emily Ferguson

Consultation Advisor, CKSPFN

From: Claire Sault

Sent: Tuesday, June 14, 2022 5:14:43 PM

To: Sylvia.Waters@rjburnside.com

Cc: Consultation

Subject: FW: 053425 - Chippewas of Kettle and Stony Point First Nation - Notice of Public Consultation Centre #1 -

Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

Hi Sylvia,

I got your recent voicemail and have cc'd our Consultation department and will ask them to follow up with you.

Thanks.

Claire Sault

First Nation Manager/CEO

Chippewas of Kettle and Stony Point First Nation

6247 Indian Lane

Kettle and Stony Point FN, ON NON 1J1

Office: 519-786-2125

Cell: 519-209-1518

From: Sylvia Waters [mailto:Sylvia.Waters@rjburnside.com]

Sent: June 7, 2022 10:57 AM

To: Claire Sault < Claire.Sault@kettlepoint.org >

Cc: Avid Banihashemi < Avid.Banihashemi@rjburnside.com; Henry Centen < Henry.Centen@rjburnside.com> **Subject:** FW: 053425 - Chippewas of Kettle and Stony Point First Nation - Notice of Public Consultation Centre #1 -

Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

Hello Claire

Further to my earlier voicemail, please see the attached Notice of Public Consultation Centre #1 - Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study. It is our understanding that Valerie George is no longer working there and the position has not been filled. It was recommended that notices be forwarded to yourself at this time. If you could please confirm receipt of the notice that would be great. Thank you.

Sylvia Waters

Technical Administrator, EPA

R.J. Burnside & Associates Limited | www.rjburnside.com Office: +1 800-265-9662 Direct: +1 705-797-4379

From: Sylvia Waters

Sent: Thursday, May 19, 2022 11:58 AM

To: valerie.george@kettlepoint.org; Jason.Henry@kettlepoint.org

Cc: jkeith@oxfordcounty.ca; Henry Centen < Henry.Centen@rjburnside.com >; Badali, Mark (MECP)

<mark.badali1@ontario.ca>

Subject: 053425 - Chippewas of Kettle and Stony Point First Nation - Notice of Public Consultation Centre #1 - Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

Valerie George, Consultation Coordinator

On behalf of Oxford County, please see attached a letter and the Notice of Public Consultation Centre (PCC) for Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study.

The PCC will be a drop-in format to provide residents / interested parties with an opportunity to review and comment on the recommended preferred alternative solution. Representatives from the County and its Consultant (R.J. Burnside & Associates Limited) will be present to answer questions and discuss next steps in the study. The date and location of the PCC are as follows:

Date: Thursday, June 9, 2022

Time: 5:00 p.m. - 7:00 p.m.

Location: Springford Community Hall

429 Main St. W, Springford, Ontario

The Project Team would be pleased to meet with your community at any time during the EA Study to answer your questions or to discuss any concerns you may have. If you have questions or comments, please contact either of the following project team members:

Jesse Keith, P.Eng., Project Manager

Oxford County Public Works

519-539-9800 ext.3194

jkeith@oxfordcounty.ca

Henry Centen, P.Eng.,

Project Manager

R.J. Burnside & Associates Limited

519-340-2003

henry.centen@rjburnside.com



PUBLIC WORKS

21 Reeve Street, PO Box 1614 Woodstock, ON N4S 7Y3 519.539.9800 I 1.800.755.0394 oxfordcounty.ca

May 19, 2022

Chippewas of Kettle and Stony Point First Nation

RE: Oxford Road 19 Corridor Improvement

Municipal Class Environmental Assessment Study – Schedule C

Notice of Public Consultation Centre #1

Dear Ms. George,

On March 17, 2022, your community was sent a letter (*R.J. Burnside & Associated*, on behalf of Oxford County), regarding Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment (Class EA) Study with three attachments, Notice of Commencement, Study Area map and Project Response Form, as the first step to initiate the consultation process for this project.

In follow-up to that letter please find attached the Notice of Public Consultation Centre #1 (NoPCC #1), for the Oxford Road 19 Corridor Improvement Class EA Study, to be held on June 9, 2022 (see notice for details).

The PCC will be a drop-in format to provide residents/interested parties with an opportunity to review display materials. The display material will consist of the initial findings of the Supporting Studies such as Transportation Study, Natural Environment Assessment, Stage 1 Archaeological Assessment, Cultural Heritage Resource Assessment, and the recommended preferred alternative solution. Representatives from the County and its Consultant will be present to answer questions and discuss next steps in the study.

Consultation will comply with the mandatory guidelines developed by the Municipal Engineers Association for First Nations and Aboriginal Peoples consultation as detailed in its Municipal Class Environmental Assessment document. Oxford County also recognizes and follows the Ministry of Environment, Conservation and Parks' "Areas of Interest: guidance protocol for Aboriginal consultation" under the Ontario *Environmental Assessment Act.* Through this process, Oxford County is committed to the open flow of information and to ensuring that there are meaningful opportunities for Indigenous communities to provide input during the Study. In line with this commitment, the Project Team would be pleased to meet with your community at any time during the EA Study to answer your questions or to discuss any concerns you may have.

This Class EA Study is being carried out in accordance with the planning and design process for Schedule C projects as outlined in the Municipal Engineers Association *Municipal Class Environmental Assessment* (October 2000, as amended in 2015), which is approved under the Ontario *Environmental Assessment Act*.

Thank you in advance for your participation. Should you have any questions or require additional information, please contact the undersigned by phone 519-539-9800, ext. 3194, fax 519-421-4711 or email ikeith@oxfordcounty.ca

Sincerely,

Jesse Keith
Project Manager
Oxford County Public Works

Encl. Notice of Public Consultation Centre #1

cc: Henry Centen, Project Manager, R.J. Burnside & Associates,

henry.centen@rjburnside.com

Mark Badali, Environmental Resource Planner and EA Coordinator, MECP



April 7th, 2022

To Whom It May Concern,

I am writing on behalf of the Department of Consultation and Accommodation [DOCA], requesting information on a project within the Mississaugas of the Credit First Nation's [MCFN] treaty territory.

MCFN are an Aboriginal people within the meaning of section 35 of the *Constitution Act, 29182*. We have signed numerous treaties with the Crown, reaffirming our rights as the original owners of the lands in our territory and establishing Treaty rights over the same. Furthermore, we have un-surrendered Aboriginal title to the waters, beds of water, and foreshore within our territory. Our constitutionally protected rights give rise to specific legal obligations and duties which supersede policies and guidelines.

We are an Indigenous community as understood by the United Nations and our rights include those referenced in the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"). Article 11 of UNDRIP states that Indigenous peoples have "the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts..." In May, 2016, the Federal Government committed to adopting and implementing UNDRIP; therefore, the rights of Indigenous peoples outlined in it deserve renewed consideration and respect.

These lands have been the territory and home of MCFN and our ancestors for many generations. As such, there is significant potential for archaeological and other cultural resources of our people to be located during the archaeological fieldwork required for projects or development. Such resources are of critical importance to MCFN given the increasing urbanization and development of our territory that effectively whitewashes our past. Without our active participation and monitoring during archaeological fieldwork, our history stands to be lost forever. As the original stewards of these lands – and continuing owners of the waters – we have ongoing obligations to ensure the protection of our cultural and natural resources for future generations. This is our responsibility and our right.



DOCA has been notified that in a project information file was submitted to the Ministry of Heritage, Sport, Tourism, and Culture Industries for the following project:

PIF ID	116837
Project Name	Oxford Road 19 (21EA-182)
Proponent Identified	R.J. Burnside & Associates Limited (Guelph)
Stage of Assessment	Stage 1
Licensee Name and Number	Johanna Kelly P1017

Please provide a summary of the history of this project and the current state of its associated environmental and archaeological fieldwork. If it is complete, please provide a summary of the preliminary results, followed by the draft report when available. If it is not yet complete, please provide the anticipated start date of fieldwork.

Please be aware that the development may have impacts on MCFN's treaty and aboriginal rights and MCFN has not been properly consulted on this project. Until a reasonable understanding has been reached between MCFN and the proponent regarding the project and our participation in it to ensure that the fieldwork is conducted in a respectful manner that protects our rights, we are of the opinion that any duty to consult over the project has not been met and all subsequent approvals relating to the project are subject to challenge on this basis.

Finally, we would like to take this opportunity to remind you that MCFN has its own Standards and Guidelines for Archaeology, which we expect that will be followed in our Territory. Additionally, DOCA requires that our Field Liaison Representatives participate in all environmental and archaeological fieldwork within the MCFN treaty territory, including Stages 2 through 4. It is our expectation that no fieldwork will take place without the participation of our FLRs. MCFN has an Aboriginal and Treaty Right to protect the environmental and our archaeological heritage and our FLRs are our boots on the ground to ensure our interests are protected. MCFN considers it disrespectful to our rights as Indigenous peoples if our natural and cultural heritage is interfered with without our involvement.

It is my hope that in light of the above considerations and with a renewed focus on reconciliation, we can navigate through these issues towards a relationship of respect, partnership, and mutual benefit. Please provide the requested information by 4pm on April 21st, 2022.



Thank you.

Adam LaForme, Archaeological Operations Supervisor

CC Mark LaForme, MCFN-DOCA (Mark.LaForme@mncfn.ca)

> Ministry of Heritage, Sport, Tourism, and Culture Industries (archaeology@ontario.ca)





PUBLIC WORKS

21 Reeve Street, PO Box 1614 Woodstock, ON N4S 7Y3 519.539.9800 I 1.800.755.0394 oxfordcounty.ca

April 13, 2022

Adam LaForme, Archaeological Operations Supervisor Mississaugas of the Credit First Nation Department of Consultation and Accommodation Adam.LaForme@mncfn.ca

Sent via email to Adam.LaForme@mncfn.ca

RE: Oxford Road 19 Corridor Improvement

Municipal Class Environmental Assessment Study – Schedule C

Response to MCFN Letter dated April 7, 2022

Dear Mr. LaForme,

Thank you for your letter dated April 7, 2022 on behalf of the Department of Consultation and Accommodation, requesting information on a project within the Mississaugas of the Credit First Nation's (MCFN) treaty territory. This letter provides further information and clarification on the items noted in your letter.

Study Background

Oxford Road 19 is an existing 2-lane road, generally of rural cross-section with shoulders and ditches, owned & maintained by Oxford County (i.e., project location is developed/within disturbed area). Following completion of the County of Oxford's 2019 Transportation Master Plan, the County of Oxford has identified the need to improve Oxford Road 19, between Highway 19 (Plank Line) and the boundary of Norfolk County (Windham Road 19), to support the safe and efficient movement of people and goods.

Accordingly, Oxford County has retained R.J. Burnside & Associates (Burnside) to undertake a Municipal Class Environment Assessment (EA) Study to assess a range of design alternatives to address Oxford Road 19 corridor improvements (including road/road allowance widening considerations). Any potential impact of the project alternatives on social, cultural, economic, and natural environments will be evaluated and assessed during the Study. Archaeological Services Inc (ASI) is acting as a specialist subconsultant to Burnside to study the archaeological and cultural heritage impacts of this proposed undertaking.

In order to initiate engagement with this Study, we have notified your First Nation of the project through a letter dated 17 March 2022, along with the project's Notice of Study Commencement, Response Form and Study Area map, to get your input and to determine if your community may hold an interest in this project. This information is also attached to this follow-up letter.

Archaeological Assessment and Cultural Heritage Resource Assessment

A Stage 1 Archaeological Assessment and Cultural Heritage Resource Assessment is being completed by ASI as part of the project, with reporting anticipated early summer 2022. A copy of the draft Stage 1 report will be provided to you for your review when available.

We acknowledge that ASI's work was commenced before the formal Notice of Study Commencement was issued and that a project information file may have subsequently been submitted to the Ministry of Heritage, Sport, Tourism, and Culture Industries as part of the initiation of the Stage 1 work. Please be assured that it is our intention to maintain all required consultation requirements for this project and that this initial submission to the Ministry does not indicate otherwise.

With respect to MCFN's interest in the County's Archaeological Assessment (stage 1 desktop survey) which is yet to be undertaken for this project, MCFN will have the ability to provide comments on the findings for consideration in the draft Archaeological Assessment report. The project team will review and consider MCFN's comments prior to finalizing the Archaeological Assessment report. The Archaeological Assessment report will then be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries for approval to ensure that any concerns over any potential archaeological sites noted within the Study area are satisfied and/or are to be further addressed through additional archaeological study.

The need for a Stage 2 Archaeological Assessment will be determined based on the results of the Stage 1 and will be completed at the detailed design stage, if the preliminary preferred solution selected has the potential to impact identified areas of archaeological potential within the study area, due to earthworks and ground disturbance.

Assessment of Terrestrial and Aquatic Conditions

An assessment of the existing terrestrial and aquatic conditions will be completed in support of this EA. The assessment consists of a database information review along with a field assessment. The field assessments are tentatively planned for April 2022. The findings will be summarized in a Natural Environment Technical Memo. A copy of this memo, and/or any other technical reports completed as part of this project, can be provided to you upon request.

With respect to MCFN's interest in the County's Natural Heritage Assessment, the project team is tentatively scheduling environmental field work to occur in the next 2 weeks within the study area, given the narrow timeline during which such field studies could be conducted. We understand that MCFN's preferred method to engage in this project is to participate (observe) in field studies and review natural heritage assessment findings.

Further, the MCFN will have the ability to provide comments on the findings for consideration in the draft Natural Heritage report. The project team will review and consider MCFN's comments prior to finalizing the Natural Heritage report. This natural heritage information will then be submitted to the Ministry of Environment, Conservation and Parks, Ministry of Natural Resources and Forestry and area Conservation Authorities, for review to ensure that any potential environmental concerns with the proposed future undertakings are sufficiently mitigated.

Consultation Requirements

This Class EA Study is being carried out in accordance with the planning and design process for Schedule C projects as outlined in the Municipal Engineers Association *Municipal Class Environmental Assessment* (October 2000, as amended in 2015), which is approved under the Ontario *Environmental Assessment Act*.

Consultation for this Study will comply with the mandatory guidelines developed by the Municipal Engineers Association for First Nations and Aboriginal Peoples consultation as detailed in its Municipal Class Environmental Assessment document. Oxford County also recognizes and follows the Ministry of Environment, Conservation and Parks' "Areas of Interest: guidance protocol for Aboriginal consultation" under the Ontario *Environmental Assessment Act*. Through this process, Oxford County is committed to the open flow of information and to ensuring that there are meaningful opportunities for Indigenous communities to provide input during the Study.

All of the above information will form part of the draft Class EA Environment Study Report that will be further available during the mandatory public review period in the later stages of the Class EA Study project. The draft Environmental Study Report will include all completed environmental work, cultural heritage assessment and archaeological assessment undertaken within the Study area, including the associated findings and/or recommendations.

Our project team would be pleased to meet with you at any time during the Study to answer your questions or respond to any concerns you may have. Since initial field study work is tentatively scheduled to occur as early as next week, please contact Burnside's project manager (Henry Centen, P. Eng., 519-340-2003, henry.centen@rjburnside.com) to coordinate any voluntary involvement by MCFN in this work.

Thank you in advance for your participation. Should you have any questions or require additional information, please contact the undersigned by phone 519-539-9800, ext. 3194, fax 519-421-4711 or email jkeith@oxfordcounty.ca

Sincerely.

Jesse Keith

Project Manager

Jesse Keith

Oxford County Public Works

Encl. Letter from Mississaugas of the Credit First Nation (MCFN) dated April 7, 2022

Notice of Commencement Package to MCFN dated March 17, 2022

cc: Henry Centen, Project Manager, R.J. Burnside & Associates,

(henry.centen@rjburnside.com)

Mark Badali, Environmental Resource Planner and EA Coordinator, MECP

(Mark.Badali1@ontario.ca)

Mark LaForme, MCFN-DOCA (Mark.LaForme@mncfn.ca)

Ministry of Heritage, Sport, Tourism, and Culture Industries (archaeology@ontario.ca)

Eliza Brandy, ASI (ebrandy@asiheritage.ca)

Sylvia Waters

From: Abby LaForme <Abby.LaForme@mncfn.ca>
Sent: Monday, December 05, 2022 4:19 PM

To: Avid Banihashemi

Cc: Sylvia Waters; jkeith@oxfordcounty.ca

Subject: RE: 053425-Mississaugas of the Credit First Nation - Notice of Public Consultation Centre #2 - Oxford

Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

Good Afternoon,

Thank you for reaching out to MCFN DOCA for Consultation. At this time MCFN DOCA has no comments or concerns regarding MCEA Study for Oxford Road 19 Corridor Improvements.

Please contact MCFN DOCA if any changes or new information arises about said above project.

Thank you

Abby (LaForme) Lee Acting Consultation Coordinator



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0

Ph: (905) 768 - 4260

Email: Abby.LaForme@mncfn.ca

From: Avid Banihashemi < Avid.Banihashemi@rjburnside.com>

Sent: Monday, December 5, 2022 4:13 PM **To:** Abby LaForme < Abby.LaForme@mncfn.ca>

Subject: FW: 053425-Mississaugas of the Credit First Nation - Notice of Public Consultation Centre #2 - Oxford Road 19

Corridor Improvement, Municipal Class Environmental Assessment Study

Avid Banihashemi

Environmental Project Manager

R.J. Burnside & Associates Limited | www.rjburnside.com

Office: +1 800-265-9662 Direct: +1 226-486-1562

From: Sylvia Waters < Sylvia.Waters@rjburnside.com>

Sent: Thursday, November 17, 2022 12:11 PM

To: abby.laforme@mcfn.ca

Cc: jkeith@oxfordcounty.ca; Henry Centen <Henry.Centen@rjburnside.com>; Avid Banihashemi

<<u>Avid.Banihashemi@rjburnside.com</u>>; <u>mark.badali1@ontario.ca</u>; <u>Badali, Mark (MECP) < mark.badali1@ontario.ca</u>>;

adam.laforme@mncfn.ca

Subject: 053425-Mississaugas of the Credit First Nation - Notice of Public Consultation Centre #2 - Oxford Road 19

Corridor Improvement, Municipal Class Environmental Assessment Study

Hello Abby

On behalf of Oxford County, please see attached Notice of Public Consultation Centre # 2 (PCC) for Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study.

The PCC #2 will be a drop-in format to provide residents / interested parties with an opportunity to review and comment on the recommended preferred conceptual design. Representatives from the County and its Consultant (R.J. Burnside & Associates Limited) will be present to answer questions and discuss next steps in the study. The date and location of the PCC #2 are as follows:

Date: Tuesday December 6, 2022

Time: 5:00 p.m. - 7:00 p.m.

Location: Springford Community Hall, 429 Main St. W., Springford, Ontario

The Project Team would be pleased to meet with your community at any time during the EA Study to answer our questions or to discuss any concerns you may have. If you have questions or comments, please contact either of the following project team members:

Jesse Keith, P.Eng., Project Manager Oxford County Public Works 519-539-9800 ext.3194 jkeith@oxfordcounty.ca

Henry Centen, P.Eng., Project Manager R.J. Burnside & Associates Limited 519-340-2003 henry.centen@rjburnside.com



R.J. Burnside & Associates Limited 128 Wellington Street West, Suite 301, Barrie, Ontario L4N 8J6 Office: +1 800-265-9662 Direct: +1 705-797-4379 www.rjburnside.com

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Tricia Radburn

From: Adrian Blake <Adrian.Blake@mncfn.ca>
Sent: Thursday, July 13, 2023 11:10 AM

Tricia Radburn; 053425 Oxford Road 19 Class EA; abby.laforme@mcfn.ca

Cc: rdavis@oxfordcounty.ca; Henry Centen

Subject: RE: 053425-(21EA-182) Stage 1 Archaeological Assessment for Oxford Road 19 Corridor

Improvement in Oxford County Schedule C Municipal Class Environmental Assessment Study

Good morning Tricia,

Thank you for sharing this Stage 1-2 archaeological assessment with us at MCFN-DOCA. I have reviewed the report on behalf of the Nation and wanted you to know that we do not have any additional comments, questions or concerns about this archaeological assessment or its recommendations.

Regards, Adrian Blake, MSc. (he/him) Field Archaeologist



Department of Consultation and Accommodation (DOCA)

Mississaugas of the Credit First Nation (MCFN)

4065 Highway 6 North, Hagersville, ON NOA 1H0

M: 905-979-3862

http://www.mncfn.ca

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From: Tricia Radburn < Tricia.Radburn@rjburnside.com>

Sent: Friday, June 9, 2023 2:55 PM

To: MCFN.Consultation < MCFN.Consultation@mncfn.ca>; 053425 Oxford Road 19 Class EA

<053425OxfordRoad19ClassEA@rjburnside.com>; abby.laforme@mcfn.ca; Adam LaForme <Adam.LaForme@mncfn.ca>

Cc: rdavis@oxfordcounty.ca; Henry Centen <Henry.Centen@rjburnside.com>

Subject: Re: 053425-(21EA-182) Stage 1 Archaeological Assessment for Oxford Road 19 Corridor Improvement in Oxford

County Schedule C Municipal Class Environmental Assessment Study

Good afternoon,

I am writing to provide you with new information regarding the County of Oxford's <u>County Rd. 19 Corridor</u> <u>Improvement Project</u>. A Notice of Commencement was issued in March of last year (see email below).

Since the Notice of Commencement was issued, various technical studies have been undertaken. <u>A draft</u> <u>Stage 1 Archaeological Assessment</u> is available for your review at the link below.



A draft copy of the Municipal Class EA report is expected to be available later this spring/summer and will also be forwarded for your review and comment.

Please reach out if you have any questions or comments about the archaeological study or any other aspect of the project.

Kind Regards,

Tricia Radburn, MCIP, RPPSenior Environmental Planner

R.J. Burnside & Associates Limited 292 Speedvale Ave. W, Unit 20 Guelph ON

From: Sylvia Waters < Sylvia. Waters@rjburnside.com>

Sent: March 17, 2022 8:58 AM

To: MCFN.Consultation@mncfn.ca < MCFN.Consultation@mncfn.ca>; DOCA.Admin@mncfn.ca

<DOCA.Admin@mncfn.ca>; doca@mncfn.ca <doca@mncfn.ca>

Cc: jkeith@oxfordcounty.ca <jkeith@oxfordcounty.ca>

Subject: 053425-Mississaugas of the Credit First Nation - Notice of Commencement for Oxford Road 19 Corridor

Improvement in Oxford County Schedule C Municipal Class Environmental Assessment Study

Hello Chief LaForme

On behalf of the County of Oxford, please see the attached Notification Letter from the County of Oxford, with attached Notice of Commencement, Project Response Form and Study Area Map, for the Oxford Road 19 Corridor Improvement Project. Project details are summarized below:

Project Lead:	County of Oxford
Project Location:	Oxford Rd. 19 between Hwy 19 (Plank Line) and the boundary of Norfolk County (Windham Rd. 19). The settlements of Springford and Otterville are excluded. Refer to the Notice of Commencement for a Study Area figure, or the larger Project Location/Study Area Map provided.
Approval Process:	Municipal Class Environmental Assessment, Schedule C
Duty to Consult:	The province has delegated the responsibility for consultation to the County of Oxford
Consultant:	R.J. Burnside & Associates Limited has been retained to support the County
Project Description:	The County has identified the need to improve Oxford Rd. 19 to support the safe and efficient movement of goods and people. Options to improve the

	road within the existing road right-of-way (ROW) or within a new widened ROW are being considered.
Field Inventories to be Completed:	 The need for field inventories may be identified, subject to initial background review and need to expand the ROW, however no ecological field inventories or Stage 2 archaeological work is currently planned. Fieldwork requirements will be identified as the project progresses and as consultation continues.
Documents to be Prepared:	 Stage 1 Archaeological Assessment Transportation Needs Analysis Municipal Class EA Environmental Study Report
Potential Impacts to Treaty or Indigenous Rights:	To be determined through consultation with Indigenous communities but may include: • Removal of trees, subject to need for widened ROW • Potential in-water work related to the need for the lengthening/replacement of culverts along Spittler Creek, Plumb Creek and Big Otter Creek, subject to the need to widen the ROW • Potential impacts to archaeological resources

Please complete the attached response form with any questions or comments you may have, or contact:

Jesse Keith, P.Eng., Project Manager Oxford County Public Works 519-539-9800 ext. 3194 | jkeith@oxfordcounty.ca

Henry Centen, P.Eng., Project Manager R.J. Burnside & Associates Limited 519-340-2003 | henry.centen@rjburnside.com





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Thank you.

Avid Banihashemi

From: Avid Banihashemi

Sent: Friday, January 13, 2023 2:28 PM

To: Philip Rowe

Subject: Email 2: FW: 053425 - Haudenosaunee Confederacy Chiefs Council - Notice of Public

Consultation Centre #1 - Oxford Road 19 Corridor Improvement, Municipal Class

Environmental Assessment Study

Attachments: Notice of PCC#1 - OR19 Corridor Improvement FINAL.pdf; Haudenosaunee

Development Institute .pdf

From: Janice Williams < <u>janicewilliams@hdi.land</u>>

Sent: Tuesday, June 07, 2022 7:45 PM

To: Sylvia Waters <Sylvia.Waters@rjburnside.com>

Cc: Tracey General < recorder-width: 10% r

Subject: Fwd: 053425 - Haudenosaunee Confederacy Chiefs Council - Notice of Public Consultation Centre #1 - Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

Sge:no/Hello Sylvia,

It was a pleasure speaking with you over the phone today and I want to provide my feedback towards the project and explain why we have not spoken with the county or consultants.

Nya:weh/Thank-you for the notification sent to Haudenosaunee Development Institute (HDI) regarding the proposed project. At this time, we have significant concerns with respect to the Oxford Road 19 Corridor Improvement project. Particularly with the Oxford Countyand RJ Burnside for not submitting an application and fee with HDI so that we may review the project. How are we to provide feedback and consider engagement when we have no funds to review and/or comment on this proposed project?

It is necessary that Oxford County and RJ Burnside provide a completed application so we can participate meaningfully on this project which is going to impair and interfere with our rights. Please see the provided instructions to our application process. Again, this application process provides initial funding for our team to begin to review the documents internally and recognize how this project impacts and interferes within our treaty rights.

As for the application process, you are able to access this information on the link below: <u>Development - Haudenosaunee Confederacy</u>

Click on the PDF file download and complete the application. Once this is completed, please mail off to: Haudenosaunee Development Institute
16 Sunrise Court - Suite 600
P.O.Box 714
Ohsweken, Ontario
NOA 1M0

Once the appropriate measures have been followed through, we will discuss how and when we can participate meaningfully. Until then, we ask this proposed project to halt any further.

Nya:weh/Thank-you,

Raechelle Williams HDI Environmental Supervisor Haudenosaunee Development Institute 16 Sunrise Court, Suite 402B Ohsweken, ON P.O. Box 714

Ph: 519-445-4222 (Direct): 519-802-9402



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----- Forwarded message -----

From: Tracey General < info@hdi.land> Date: Thu, May 19, 2022 at 11:41 AM

Subject: Fwd: 053425 - Haudenosaunee Confederacy Chiefs Council - Notice of Public Consultation Centre #1 - Oxford

Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study

To: <ganowa@me.com >, <aarondetlor@gmail.com >, <williams.todde@gmail.com >, Janice Williams

<janicewilliams@hdi.land>, Kahsenniyo Williams <kahsenniyowilliams@gmail.com>

----- Forwarded message ------

From: **Sylvia Waters** < <u>Sylvia.Waters@rjburnside.com</u>>

Date: Thu, May 19, 2022 at 12:07 PM

Subject: 053425 - Haudenosaunee Confederacy Chiefs Council - Notice of Public Consultation Centre #1 - Oxford Road 19

Corridor Improvement, Municipal Class Environmental Assessment Study

To: jocko@sixnationsns.com <jocko@sixnationsns.com>, info@hdi.land <info@hdi.land>, 1749resource@gmail.com

<1749resource@gmail.com>

Cc: <u>jkeith@oxfordcounty.ca</u> <<u>jkeith@oxfordcounty.ca</u>>, Henry Centen <<u>Henry.Centen@rjburnside.com</u>>, Badali, Mark

(MECP) < mark.badali1@ontario.ca>

Leroy Hill, Secretary to Haudensaunee Confederacy

On behalf of Oxford County, please see attached a letter and the Notice of Public Consultation Centre (PCC) for Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study.

The PCC will be a drop-in format to provide residents / interested parties with an opportunity to review and comment on the recommended preferred alternative solution. Representatives from the County and its Consultant (R.J. Burnside & Associates Limited) will be present to answer questions and discuss next steps in the study. The date and location of the PCC are as follows:

Date: Thursday, June 9, 2022

Time: 5:00 p.m. - 7:00 p.m.

Location: Springford Community Hall

429 Main St. W, Springford, Ontario

The Project Team would be pleased to meet with your community at any time during the EA Study to answer your questions or to discuss any concerns you may have. If you have questions or comments, please contact either of the following project team members:

Jesse Keith, P.Eng., Project Manager

Oxford County Public Works

519-539-9800 ext.3194

jkeith@oxfordcounty.ca

Henry Centen, P.Eng.,

Project Manager

R.J. Burnside & Associates Limited

519-340-2003

henry.centen@rjburnside.com



R.J. Burnside & Associates Limited 128 Wellington Street West, Suite 301, Barrie, Ontario L4N 8J6 Office: +1 800-265-9662 Direct Line: +1 705-797-4379 www.rjburnside.com



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Thank you.	

Sylvia Waters

From: Janice Williams <janicewilliams@hdi.land>
Sent: Wednesday, December 07, 2022 10:27 AM

To: Avid Banihashemi

Cc: Mark.Badali1@ontario.ca; Henry Centen; jkeith@oxfordcounty.ca; Melissa Abercrombie;

Frank Gross; Shawn Vanacker; Reuben Davis; 053425 Oxford Road 19 Class EA; Sylvia

Waters; Tracey General; Todd Williams; Aaron Detlor

Subject: Re: Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment

Study

Sge:no/Hello Avid Banihashemi,

Currently, the HDI and our nation's do not hold these notifications as engagement or consent. Again I address HDI and our nation's significant concerns with respect to the proposed project, explicitly towards the Oxford County and RJ Burnside not applying an application and fee with HDI to review the project. How are we to provide feedback and consider engagement when we have no funds to review and/or comment on this proposed project?

It is required that the proponent of the project provide a completed application and fee so we can analyze the effects, impairment, and interference within our treaty rights. Once we complete our evaluation, we can begin participation in a meaningful way. You may access the application on the link below and see the provided instructions to complete our application process.

Development - Haudenosaunee Confederacy

Click on the PDF file download and complete the application. Once this is completed, please mail to:

Haudenosaunee Development Institute

44 Sixth Line

Caledonia, Ontario

N3W 1Y9

Payment can be made as a cheque and mailed to HDI P.O.Box number:

P.O.Box office: P.O.Box 714 Ohsweken ON. NOA 1M0

Again, this application process provides initial funding for our team to internally review the documents and recognize how this project impacts and interferes within our treaty rights. Once the appropriate measures have been followed through, we will reach out and discuss HDI participation and impacts in a meaningful way. Until then, we ask this proposed project to halt any further.

Nya:weh/Thank-you,

Raechelle Williams HDI Environmental Supervisor Haudenosaunee Development Institute 16 Sunrise Court, Suite 402B Ohsweken, ON P.O. Box 714 Ph: 519-445-4222

Ph: 519-445-4222 (Direct): 519-802-9402

Sylvia Waters

From: Sylvia Waters

Sent: Thursday, November 17, 2022 12:12 PM

To: janicewilliams@hdi.land; communications@hdi.land; jocko@sixnationsns.com; info@hdi.land;

1749resource@gmail.com

Cc: jkeith@oxfordcounty.ca; Henry Centen; Avid Banihashemi; mark.badali1@ontario.ca; Badali, Mark

(MECP); Tracey General; Todd Williams; Aaron Detlor

Subject: 053425-Haudenosaunee Confederacy - Notice of Public Consultation Centre #2 - Oxford Road 19

Corridor Improvement, Municipal Class Environmental Assessment Study

Attachments: Notice of Public Consultation Centre #2.pdf

Hello Raechelle Williams of the Haudensaunee Confederacy and Leroy Hill, Secretary to Haudenosaunee Confederacy Chiefs Council

On behalf of Oxford County, please see attached Notice of Public Consultation Centre # 2 (PCC) for Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment Study.

The PCC #2 will be a drop-in format to provide residents / interested parties with an opportunity to review and comment on the recommended preferred conceptual design. Representatives from the County and its Consultant (R.J. Burnside & Associates Limited) will be present to answer questions and discuss next steps in the study. The date and location of the PCC #2 are as follows:

Date: Tuesday December 6, 2022

Time: 5:00 p.m. - 7:00 p.m.

Location: Springford Community Hall, 429 Main St. W., Springford, Ontario

The Project Team would be pleased to meet with your community at any time during the EA Study to answer our questions or to discuss any concerns you may have. If you have questions or comments, please contact either of the following project team members:

Jesse Keith, P.Eng., Project Manager Oxford County Public Works 519-539-9800 ext.3194 jkeith@oxfordcounty.ca

Henry Centen, P.Eng., Project Manager R.J. Burnside & Associates Limited 519-340-2003 henry.centen@rjburnside.com



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On Thu, Nov 10, 2022 at 3:23 PM Avid Banihashemi Avid.Banihashemi@rjburnside.com wrote:

Dear Ms. Williams,

On March 17, 2022, your community was sent a letter from R.J. Burnside & Associates, on behalf of Oxford County, regarding Oxford Road 19 Corridor Improvement, Municipal Class Environmental Assessment (Class EA) Study with three attachments, Notice of Commencement, Study Area map and Project Response Form, as the first step to initiate the consultation process for this project. On May 19, 2022, in follow-up to that letter, your community was sent the Notice of Public Consultation Centre #1 (NoPCC #1), for the Oxford Road 19 Corridor Improvement Class EA Study, held on June 9, 2022. The notices above where followed by receipt confirmation calls.

We are following up with HDI regarding your email dated June 7, 2022 which highlighted concerns with respect to the Oxford Road 19 Corridor Improvement project, particularly with Oxford County not submitting an application and fee to HDI for project review. At this time, Oxford County is not able to submit an application and provide a fee to HDI for this project. However, Oxford County is committed to the open flow of information and to ensuring that there are opportunities for Indigenous communities to provide input during the Study. In line with this commitment, the County would be happy to share the draft Stage I Archaeological Assessment Report and the draft Natural Heritage Report that are underway as part of this study, once they become available, or any other findings of the study that HDI may be interested in as the study progresses. The Project Team would also be pleased to meet with your community at any time during the EA process to discuss the findings of the study to date, receive the communities' input on these findings to assist with the decision making, answer any questions you may have or to discuss any community concerns with the project.

Thank you in advance for your participation. Should you have any questions or require additional information, please contact the undersigned by phone 519-539-9800, ext. 3194, fax 519-421-4711 or email jkeith@oxfordcounty.ca

Best regards,

Avid Banihashemi (on behalf of Oxford County's Oxford Road 19 Improvements EA Study Team)



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Thank you.



PUBLIC WORKS

21 Reeve Street, PO Box 1614 Woodstock, ON N4S 7Y3 519.539.9800 I 1.800.755.0394

oxfordcounty.ca

February 6, 2023

Haudenosaunee Development Institute

RE: Oxford Road 19 Corridor Improvements

Municipal Class Environmental Assessment Study – Schedule C

Response Letter to December 7, 2022 Communication

Dear Ms. Williams,

We are following up with HDI regarding your email dated December 7, 2022 which highlighted concerns with respect to the Oxford Road 19 Corridor Improvements project.

On behalf of Oxford County, I would like to thank you for your interest in this project. Please rest assured that the Project Team understands HDI's concerns on the potential impacts of this project. At this time, Oxford County will not be engaging in HDI's application process. However, the County would like to offer HDI technical resources on any areas of their concern, to assist with a thorough understanding of the project and any potential impacts of concern.

The County deeply believes in transparent and open flow of communication and information. In line with that, we would be happy to share the findings of our research on any of the study areas that HDI may be interested in; and as noted above, provide technical resources to ensure that these findings address your concerns, particularly in the areas of natural heritage, along with the mitigation measures identified in the stage 1 archaeological assessment. We are also happy to provide in depth review of the road corridor preliminary designs.

The County is also aiming to share the draft supporting technical reports and / or memorandums for natural heritage and stage 1 archaeological assessment as soon as they become available, along with a high-level summary of the study findings, potential impacts, and proposed mitigation measures. In the meantime, we respectfully invite you to review the attached copy of Public Consultation Centre #2 (PCC#2) boards presented at the PCC#2 event held on December 6, 2022.

The Project Team would be pleased to meet with HDI at any time during the EA process to discuss the findings of the study to date, receive the communities' input on these findings and / or discuss how and when the County's technical resources can assist HDI with a full understanding of the findings of the project to date.

Thank you again for your interest in this project. Should you have any questions or require additional information, please contact the undersigned by phone 519-539-9800, ext. 3194, fax 519-421-4711 or email jkeith@oxfordcounty.ca



Sincerely,

Jesse Xeith

Jesse Keith Project Manager Oxford County Public Works

Encl. Public Consultation Centre #2 Boards

cc: Henry Centen, Project Manager, R.J. Burnside & Associates,

henry.centen@rjburnside.com

Reuben Davis, Supervisor of Engineering Services, Oxford County Public Works

rdavis@oxfordcounty.ca

