

## ABORIGINAL COMMUNITIES CONSULTATION

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**First Nations Consultation Summary**  
**Scarborough Malvern LRT**

The following summarizes the First Nations consultation/notification undertaken for the Scarborough Malvern LRT. As of September 24, 2009, none of the First Nations contacts have expressed interest in the project. A chart on page four summarizes the dates of all correspondence undertaken.

**Background**

On **December 3, 2008**, Zeljko Romic (MOE - Environmental Assessment and Approvals Branch) sent correspondence to the TTC indicating that for Transit City projects the TTC should contact the following organizations to assist in identifying potentially interested Aboriginal Communities. The organizations are:

**Ontario Ministry of Aboriginal Affairs (MAA)**

**Indian and Northern Affairs Canada (INAC)**

- Specific Claims Branch,
- Litigation Management & Resolution Branch
- Comprehensive Claims Branch

**Indian and Northern Affairs Canada (INAC) Consultation**

As per the City of Toronto and INAC notification protocol for Environmental Assessments, a notice of preliminary planning for the Scarborough Malvern LRT was sent to the following contacts on **July 10, 2008**.

Marc-André Millaire  
Litigation -Management and Resolutions Branch  
INAC  
Room 1430 25 ED  
10 Wellington Street  
Gatineau QC  
K1A 0H4

Fred Hosking  
Specific Claims Branch  
INAC  
10 Wellington Street  
Gatineau, Quebec  
K1A 0H4

Guy Morin, Policy Analyst  
Comprehensive Claims Branch  
INAC  
10 Wellington Street  
Gatineau, Quebec  
K1A 0H4

As of August, 2009, Ms. Nicole Cheechoo has replaced Mr. Morin as the Comprehensive Claims contact:

Nicole Cheechoo  
Comprehensive Claims Branch  
Treaties and Aboriginal Government  
INAC  
10 Wellington Street 8<sup>th</sup> Floor  
Gatineau, Quebec  
K1A 0H4

Correspondence confirming the notification protocol between INAC and the City of Toronto was received on **March 19, 2009 and April 11, 2009**. INAC has clearly indicated that they will only provide written responses to the City of Toronto should the claims circumstance affecting Toronto change.

INAC Correspondence from The Specific Claims Branch (Lyle Henderson) on **March 19, 2009** indicates:

“It is the practice of the Specific Claims Branch to provide only the contact information for First Nations who have submitted claims in the area of interest, as well as other First Nations that are in the general vicinity. **There are no other First Nations** (other than Mississaugas of the New Credit) **in the vicinity of this area.**” (Toronto).

INAC Correspondence from the Litigation Management and Resolution Branch (Marc Andre Millaire) on **April 11, 2009**, indicates that they are aware of only one active litigation claim in “the area of part of Eastern Toronto”. INAC has provided a list of the Williams Treaty Bands involved in this claim. As confirmed with MOE project officer Lorna Zappone these Bands have been notified and asked to provide the nature of any interest they may in the Scarborough Malvern LRT in writing. The TTC has also invited them to meet to discuss any interest they may have. Letters and notice of Commencement of the Transit Project Assessment were sent to each of the Williams Treaty Bands on **August 28, 2009**. The following contacts were confirmed by Martin Rukavina of the Ministry of Aboriginal Affairs:

**Williams Treaty Bands**

Alderville First Nation 11696 Second Line P.O. Box 46 ROSENEATH, Ontario K0K 2X0 Chief James R. Marsden (905) 352-2011 (Fax) 352-3242 <a href="mailto:jbmarsden@eagle.ca">jbmarsden@eagle.ca</a>	Beausoleil First Nation (Christian Island) 1 O-Gema Street Christian Island, CEDAR POINT, Ontario L0K 1C0 Chief Rodney Monague Jr. (705) 247-2051 (Fax) 247-2239 <a href="mailto:rodmonaqueir@chimnissing.ca">rodmonaqueir@chimnissing.ca</a>	Chippewas of Georgina Island R.R. #2, P.O. Box 12 SUTTON WEST, Ontario L0E 1R0 Chief Donna Big Canoe (705) 437-1337 (Fax) 437-4597 <a href="mailto:dbigcanoe@georginaisland.com">dbigcanoe@georginaisland.com</a>	Chippewas of Rama 5884 Rama Road, Suite 200 RAMA, Ontario L0K 1T0 Chief Sharon Stinson Henry (705) 325-3611 (Fax) 325-0879 <a href="mailto:chiefofmnjikaningfirstnations@mnjikaning.ca">chiefofmnjikaningfirstnations@mnjikaning.c</a>
Curve Lake First Nation 22 Winookeeda Road CURVE LAKE, Ontario K0L 1R0 Chief Keith Knott (705) 657-8045 (Fax) (705) 657-8708 <a href="mailto:chief@curvelakefn.com">chief@curvelakefn.com</a> <a href="mailto:executivesecretary@curvelake.com">executivesecretary@curvelake.com</a>	Hiawatha First Nation 123 Paudash Street R.R. #2 KEENE, Ontario K0L 2G0 Chief Laurie Carr (705) 295-4421 (Fax) 295-4424 <a href="mailto:lcarr@hiawathafn.ca">lcarr@hiawathafn.ca</a>	Mississaugas of Scugog Island 22521 Island Road PORT PERRY, Ontario L9L 1B6 Chief Tracy Gauthier (905) 985-3337 (Fax) 985-8828 <a href="mailto:Tgauthier@scugogfirstnation.com">Tgauthier@scugogfirstnation.com</a>	Moose Deer Point First Nation P. O. Box 119 3720 Twelve Mile Bay Road MACTIER, Ontario P0C 1H0 Chief Barron King (705) 375-5209 (Fax) 375-0532 <a href="mailto:chief@moosedeerpoint.com">chief@moosedeerpoint.com</a>

As of **September 24, 2009**, no Williams Treaty Bands have indicated any interest in the project. A follow-up meeting with the Bands will once again be offered should they express any interest or concern.

Furthermore, INAC Comprehensive Claims (Nicole Cheechoo) indicated the following on **September 4, 2009**.

**“To confirm as of September 4, 2009 there are no comprehensive or special claims within Toronto's border.”**

**Ontario Ministry of Aboriginal Affairs (MAA)**

A notice of preliminary planning for all Transit City projects is sent to the Ministry of Aboriginal Affairs. On **July 10, 2008**, a notice of preliminary planning was sent to Mr. Francois Lachance. The chart on the following page summarizes all correspondence, In 2008 (up until June 2009) the contact at MAA was:

Mr. Francois Lachance  
Policy Advisor,  
Policy and Relationships Branch  
Ministry of Aboriginal Affairs  
720, Bay Street, 4th Floor  
Toronto, ON  
M5G 2K1

As of **June 3<sup>rd</sup>, 2009**, Mr. Surinder Singh Gill of the Ministry of Aboriginal Affairs indicated that future notification for all EAs conducted by the TTC or City of Toronto should be directed to:

Mr. Martin Rukavina  
Policy and Relationships Branch  
Ministry of Aboriginal Affairs  
160 Bloor Street East, 9<sup>th</sup> Floor  
Toronto, ON  
M71 2E6

**First Nations**

Notices of preliminary planning and request for expression of any interest The Mississaugas of the New Credit may have were sent to Director Margaret Sault on **July 10, 2008 and May 6, 2009**. Notice of Commencement for the Transit Project Assessment and request for written notice of any interest the First Nation may have in the Scarborough Malvern LRT was sent **June 17, 2009**.

Margaret Sault  
Director of Research, Lands and Membership  
Mississaugas of the New Credit First Nation  
2789 Mississauga Road, R.R. 6  
Hagersville, ON N0A 1H0  
905-768-0100  
[masault@yahoo.com](mailto:masault@yahoo.com)

The Mississaugas of the New Credit have not expressed interest in the Scarborough Malvern LRT or any of the other Transit City projects to date. Ms. Sault will be notified well in advance of any future consultations and asked to provide any concerns in writing. A follow-up meeting with Director Sault and Chief Bryan LaForme will be offered should they express any interest or concern.

**Context and Background**

On Wednesday, January 10, 2007, Public Consultation staff for the City of Toronto met with Director Margaret Sault and Chief Bryan LaForme of the Mississaugas of the New Credit First Nation to discuss the best method of consultation with the Mississaugas for all EAs conducted by the City of Toronto. Ms. Sault and Chief LaForme indicated that the City should notify Ms. Sault of all EAs undertaken by the City, but should not expect a written response from the Mississaugas. Furthermore, Ms. Sault and Chief LaForme indicated:

- The intention of the Mississaugas of New Credit is not to stop development. However, in the case that any First Nations archaeological material is found, they wish to be contacted immediately and for any construction to be halted temporarily until a mutually acceptable agreement is reached on how to proceed.
- Ms. Sault and Chief LaForme highlighted that the City needs to be aware that there are groups/individuals that may claim to be representative of the First Nation but they do not represent the Mississaugas.
- All correspondence must be directed to Ms. Sault.

**Summary of Notification/Consultation to Date**

The following chart summarizes the dates for which correspondence was sent.

Project	Stage of Project	INAC Specific Claims	INAC Litigation Management	INAC Comprehensive Claims	Ministry of Aboriginal Affairs	Mississaugas of the New Credit First Nation	Williams Treaty Bands
Scarborough Malvern LRT	Preliminary Planning	July 10, 2008	July 10, 2008	July 10, 2008	July 10, 2008	July 10, 2008	
	Preliminary Planning	May 6, 2009	May 6, 2009	May 6, 2009	May 6, 2009	May 6, 2009	
	Notice of Commencement	June 17, 2009	June 17, 2009	June 17, 2009	June 17, 2009	June 17, 2009	August 28, 2009

As of September 24, 2009, none of the First Nations contacts have expressed interest in the project.



JAN 29 2007

Votre référence - Your file

Notre référence - Our file

David Evans  
Public Consultation Co-ordinator  
City of Toronto Public Consultation Unit  
Metro Hall, 19<sup>th</sup> Floor  
55 John Street  
TORONTO ON M5V 3C6

Dear Mr. Evans:

**Re: Environmental Assessments in the City of Toronto**

This letter is in response to our previous telephone and e-mail discussions regarding upcoming environmental assessments in the City of Toronto. As you mentioned, many projects are being planned by various divisions of the City, and the Province's consultation protocol require that you enquire with us as to whether there is any litigation that may affect these projects. Due to the volume of requests, you have suggested an agreed protocol between our organizations.

You note the boundaries of your project areas to be from Steeles Avenue to Lake Ontario (including the Toronto Islands), and the Pickering town line to the Region of Peel boundary. We are currently aware of only one active litigation claim in the area of part of Eastern Toronto. It is entitled *Alderville Indian Band, Beausoleil Indian Band, Chippewas of Georgina Island Indian Band, Chippewas of Rama Indian Band, Curve Lake Indian Band, Hiawatha Indian Band, Mississaugas of the New Credit Indian Band, Mississaugas of Scugog Indian Band, Moose Deer Point Indian Band v. Her Majesty the Queen, Ontario (Third Party)*. Further details about this claim, including a copy of the pleadings, can be obtained from the Federal Court of Canada for a fee; please contact the Court and make reference to court file #T-195-92.

As discussed, as long as this remains the only litigation in our inventory in the vicinity of the City of Toronto, it would be unnecessary to respond to every request received relating to development within the city boundaries. We will not, therefore, respond to correspondence from any department of the City of Toronto, or agents and contractors working for the City of Toronto. Any requests for response (i.e. those which do not indicate that a response is not required) will be forwarded to your attention for follow-up.

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To ensure that you are informed of any new litigation we become aware of, we agree that we will continue to review notices regarding development projects. Should new claims arise, we will respond to any subsequent notices with the new information. At that time, you should request an updated letter from us.

We cannot make any comments regarding potential or future claims, or claims filed under other departmental policies. I note you have already contacted the Specific Claims Branch. For information on any Comprehensive Claims, you should also contact Guy Morin of the Comprehensive Claims Branch at (819) 956-0325.

If you have any further questions please do not hesitate to contact me at (819) 994-9548.

Sincerely,

Susan Winger  
Manager  
Litigation Portfolio Operations East  
Litigation Management and Resolution Branch

c.c. Don Boswell, A/Sr Claims Analyst, Ontario, Specific Claims Branch  
Guy Morin, Policy Analyst, Comprehensive Claims Branch

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et du Nord Canada

Indian and Northern  
Affairs Canada

www.ainc-inac.gc.ca

MAR 25 2008

Votre référence - Your file

Notre référence - Our file

B 8260-12

David Nagler  
Senior Public Consultation Co-ordinator  
Public Consultation Unit  
City of Toronto Metro Hall, 19<sup>th</sup> Floor  
55 John Street  
TORONTO ON M5V 3C6

Dear Mr. Nagler:

**Re: Environmental Assessments in the City of Toronto**

This letter is in response to your e-mail of March 18, 2008, addressed to Fred Hosking proposing a protocol arrangement between the Specific Claims Branch and the Public Consultation Unit of the City of Toronto in regards to Environmental Assessment consultation with First Nations. The agreement would be similar to the practice you have established with the Litigation Management and Resolution Branch (LMRB).

In previous correspondence between your unit and LMRB it has been noted that the boundaries of your project areas are from Steeles Avenue to Lake Ontario (including the Toronto Islands), and the Pickering town line to the Region of Peel boundary. We have conducted a brief search of our records and determined that there is currently one specific claim in this area. This claim is known as the Toronto Purchase and was submitted by the Mississaugas of the New Credit First Nation. They can be reached at:

Mississaugas of New Credit First Nation  
2789 Mississauga Road R.R. #6  
HAGERSVILLE ON N0A 1H0  
(905) 768-1133

It is the practice of Specific Claims to provide only the contact information for First Nations that have submitted claims in the area of interest, as well as other First Nations that are in the general vicinity. There are no other First Nations in the general vicinity of this area.

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Similar to your arrangement with LMRB, as long as this remains the only claim in our inventory in the vicinity of the City of Toronto, it would be unnecessary to respond to every request received relating to development within the city boundaries. We will not, therefore, respond to correspondence from any department of the City of Toronto, or agents and contractors working for the City of Toronto. Any requests for response (i.e. those which do not indicate that a response is not required) will be forwarded to your attention for follow-up.

To ensure that you are informed of any new claims we become aware of, we agree that we will continue to review notices regarding development projects. Should new claims arise, we will respond to any subsequent notices with the new information. At that time, you should request an updated letter from us.

We can only speak directly to claims filed under the Specific Claims Policy in the Province of Ontario. We cannot make any comments regarding potential or future claims, or claims filed under other departmental policies. This includes claims under Canada's Comprehensive Claims Policy or legal action by a First Nation against the Crown.

To the best of our knowledge, the information we have provided you is current and up-to-date. However, this information may not be exhaustive with regard to your needs and you may wish to consider seeking information from other government and private sources (including Aboriginal groups). In addition, please note that Canada does not act as a representative for any Aboriginal groups for the purpose of any claim or the purpose of consultation.

If you wish to discuss this matter further please contact me at (819)953-3192.

Sincerely,

*Lyle Henderson*

Lyle Henderson  
Research Manager  
Specific Claims Branch

c.c. Marc-André Millaire, Litigation Team Leader, Litigation Management and  
Resolution Branch  
Guy Morin, Policy Analyst, Comprehensive Claims Branch