

YORK REGION SEWAGE WORKS INDIGENOUS COMMUNITIES INTERIM CONSULTATION REPORT

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We acknowledge that York Region is located on the traditional territory of many Indigenous Peoples, including the Anishinaabeg, Haudenosaunee, Huron-Wendat and Métis peoples and the treaty territories of the Haudenosaunee, Mississaugas of the Credit First Nation and Williams Treaties First Nations. Today, this area is home to many diverse Indigenous Peoples, and we recognize their history, spirituality, culture and stewardship of this land. We also acknowledge the Chippewas of Georgina Island First Nation as our closest First Nation community.

The Region of Durham exists on lands that the Michi Saagiig Anishinaabeg inhabited for thousands of years prior to European colonization. These lands are the traditional and treaty territories of the communities covered under the Williams Treaties, including the Mississaugas of Scugog Island First Nation, Alderville First Nation, Hiawatha First Nation, Curve Lake First Nation and the Chippewa communities of Georgina Island, Beausoleil and Rama. We honour, recognize and respect Indigenous Peoples as rights holders and stewards of the lands and waters on which we have the privilege to live.

Executive Summary

On November 28, 2022, the Ontario government passed the *Supporting Growth and Housing in York and Durham Regions Act, 2022*. As required by the *Act*, the York Region Sewage Works Project (the Project) will increase the capacity of the existing York Durham Sewage System, including new or expanded wastewater sewers and pumping stations in the Towns of East Gwillimbury, Newmarket and Aurora, and the Cities of Richmond Hill, Markham and Pickering.

The Regional Municipality of York (York Region) and the Regional Municipality of Durham (Durham Region) recognize that as the first peoples on this land, Indigenous Peoples are rights holders and stewards of the lands and waters on which we have the privilege to live. As such, they have a significant role in the planning process out of this recognition, respect of these rights, and to further reconciliation. As required by the *Act*, York Region and Durham Region are consulting with the following Indigenous communities identified by the Minister of the Environment, Conservation and Parks (Minister) as potentially having Aboriginal or treaty rights that may be adversely impacted by the project:

- Curve Lake First Nation
- Alderville First Nation
- Mississaugas of Scugog Island First Nation
- Hiawatha First Nation
- Rama First Nation
- Chippewas of Georgina Island First Nation
- Beausoleil First Nation
- Mississaugas of the Credit First Nation
- Kawartha Nishnawbe
- Conseil de la Nation Huronne-Wendat.

The Minister noted that it is common practice to copy Karry Sandy Mackenzie, Coordinator Williams Treaties First Nations, on correspondence to Williams Treaties First Nations.

This report describes how York Region and Durham Region have proactively engaged Indigenous communities to date as part of developing the Project Report. Specifically, York Region and Durham Region have undertaken the following:

- Mailed and emailed introductory letters to all identified communities and committed to undertaking ongoing, proactive communication and updates to all identified communities.
- Met with communities who expressed an interest in being consulted to discuss the community's interests as they relate to the project.
- Circulated project documentation, including archaeological assessments and cultural heritage reports for review.
- Provided capacity funding to facilitate review of Project documentation.
- Included information provided on traditional territories and history in existing conditions sections of the Project Report.
- Requested identification of Aboriginal or treaty rights that may be impacted by the project.
- Circulated the Project Report and this Indigenous communities Consultation Report for review.

To date, no adverse impacts to Aboriginal or treaty rights have been identified by Indigenous communities. York Region and Durham Region will consider comments provided by Indigenous communities on the Project Report, including identification of any potential impacts to Aboriginal or treaty rights. If directed by the Minister, York Region and Durham Region will revise the Project Report to address comments received and provide the revised Project Report to Indigenous communities.

Following approval of the Project Report by the Minister, consultation with Indigenous communities will continue during the detailed design and construction of the project. This may include further review of project documentation, participation in archaeological fieldwork and further consultation, as directed by the Minister.

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1. Introduction and Project Overview

On November 28, 2022, the Ontario government passed the *Supporting Growth and Housing in York and Durham Regions Act, 2022 (Act)*. The *Act* directs York Region and Durham Region to work together to expand and improve the existing York Durham Sewer System to accommodate the additional wastewater demand that will come from increased growth through 2051.

As required by the *Act*, the York Region Sewage Works Project (the Project) will increase the existing York Durham Sewage System, including new or expanded wastewater sewers, pumping stations in the Towns of East Gwillimbury, Newmarket and Aurora and the Cities of Richmond Hill, Markham and Pickering (see Figure 1.1). The Project also includes enhancements to the Duffin Creek Water Pollution Control Plant on the shore of Lake Ontario in the City of Pickering and a new outfall from the Duffin Creek Water Pollution Control Plant. Durham Region is a co-proponent for work within Durham Region.

York Region and Durham Region recognize that as first peoples on this land, Indigenous Peoples are rights holders and stewards of the lands and waters on which we have the privilege to live. As such, they have a significant role in the planning process out of this recognition, respect of these rights, and to further reconciliation. York Region and Durham Region are committed to building relationships with Indigenous communities through early and regular dialogue on matters of interest. This Report describes how Indigenous communities have been consulted as part of the Project to date.

Under subsection 5 of the *Act*, York Region and Durham Region shall consult with every Indigenous community that is identified by the Minister of the Environment, Conservation and Parks (Minister) as potentially having Aboriginal or treaty rights that may be adversely impacted by the Project, and persons who may be interested in the Project.

As part of the consultation, York Region and Durham Region shall discuss with each Indigenous community the contents of the Project Report and Aboriginal or treaty rights that may be affected by the Project.

As part of developing the Project Report, York Region and Durham Region proactively consulted Indigenous communities on the contents of the Project Report and on potential advise impacts to Aboriginal or treaty rights. This Report documents the results of that consultation effort. The Project Report will also be made available to Indigenous communities for review.

As required by section 5(6) of the *Act* this Report documents:

- An overview of the consultation process (Section 2)
- Indigenous communities that were consulted (Section 3)
- How Indigenous communities were consulted (Section 4)
- Comments received from Indigenous communities and how they were considered (Section 5)
- Commitments for future consultation with Indigenous communities (Section 6)
- How the requirements for consultation on the Project under the *Act* were met by York Region and Durham Region (Section 7).

A separate Interested Persons Consultation Report has been prepared to describe how interested persons have been consulted.

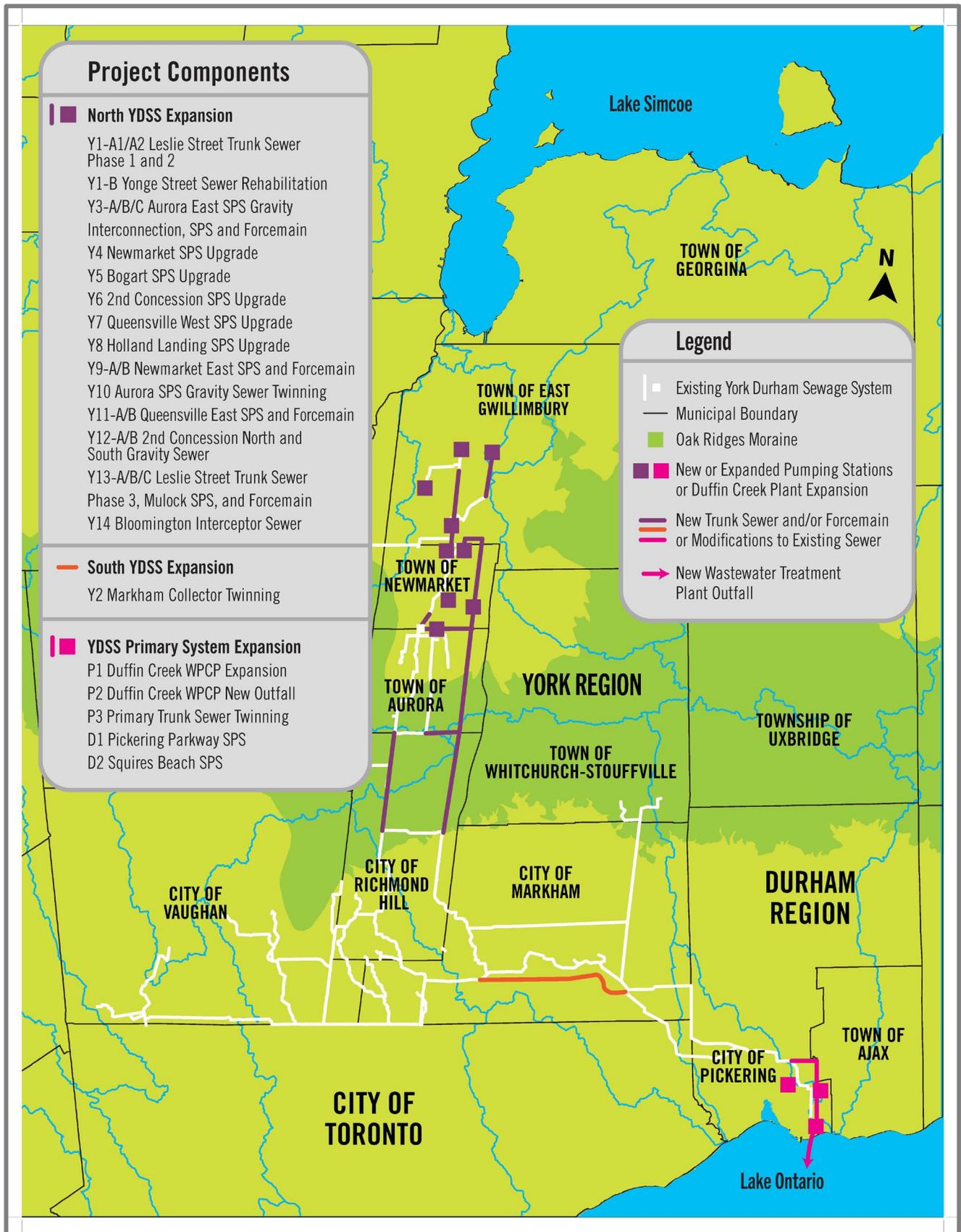


Figure 1.1 York Region Sewage Works Project

2. Consultation Overview

As noted in section 1, the *Act* that created the Project was passed on November 28, 2022. On April 25, 2023, the Minister issued a letter that confirmed the Government of Ontario's (the Crown's) constitutional duty to consult and, where appropriate, accommodate Indigenous communities when it contemplates conduct that might adversely affect established or credibly asserted Aboriginal or treaty rights as recognized and affirmed under section 35 of the *Constitution Act, 1982* (Appendix A).

As part of its April 25, 2023, letter, the Minister delegated the procedural aspects of consultation to York Region and Durham Region and provided a list of Indigenous communities that have or may have Aboriginal or treaty rights that may be adversely impacted by the Project, in accordance with subsection 5 (4) of the *Act*. The Minister identified the following communities as having Aboriginal or treaty rights that may be impacted by the Project:

- Williams Treaties First Nation communities:
 - Curve Lake First Nation
 - Alderville First Nation
 - Mississaugas of Scugog Island First Nation
 - Hiawatha First Nation
 - Rama First Nation
 - Chippewas of Georgina Island First Nation
 - Beausoleil First Nation
- Mississaugas of the Credit First Nation
- Kawartha Nishnawbe
- Conseil de la Nation Huronne-Wendat, to be notified if there are likely to be impacts to archaeological resources.

The Minister noted that it is common practice to copy Karry Sandy Mackenzie, coordinator of Williams Treaties First Nations, on correspondence to Williams Treaties First Nations.

The Minister required that consultation begin within 30 days of receipt of the April 25, 2023, letter. As a result, each of the identified Indigenous communities listed above were contacted on May 19, 2023, via a letter from York Region's Commissioner of Public Works to each respective Chief. Beginning with this introductory letter, Indigenous communities were engaged during three stages of development of the Project Report:

1. Introduction to the Project
2. Development of the Project Report
3. Release of the Project Report.



Figure 2.1 Consultation Milestones and Stages

The purpose of engaging Indigenous communities during these stages of the Project was to obtain input on the proposed works, their potential impacts, and how those impacts will be mitigated, in particular, impacts on Aboriginal and treaty rights. This also provided an opportunity for Indigenous communities to receive important background information on the Project prior to the release of the Project Report.

Consultation with Indigenous communities will continue during review of the Project Report. York Region and Durham Region will consider comments provided by Indigenous communities on the Project Report and may, if directed by the Minister, revise the Project Report to address these comments.

Following approval of the Project Report by the Minister, York Region and Durham Region will continue to consult with Indigenous communities, as appropriate, during detailed design and construction of the Project.

Figure 2.1 illustrates the three Project stages and associated milestones, both completed (filled circles) and upcoming (unfilled circles).

3. Indigenous Communities Consulted

As discussed in section 2, since it is the Crown's constitutional duty to consult with Indigenous communities, the Minister identified communities that have Aboriginal or treaty rights that may be adversely impacted by the Project. The following communities were identified by the Minister and were contacted by York Region and Durham Region:

- Curve Lake First Nation
- Alderville First Nation
- Mississaugas of Scugog Island First Nation
- Hiawatha First Nation
- Rama First Nation
- Chippewas of Georgina Island First Nation
- Beausoleil First Nation
- Karry Sandy Mackenzie, as coordinator of Williams Treaties First Nations
- Mississaugas of the Credit First Nation
- Kawartha Nishnawbe
- Conseil de la Nation Huronne-Wendat.

4. How Indigenous Communities Were Consulted

As described in section 2, Indigenous communities were engaged during the three stages of development of the Project Report:

1. Introduction to the Project
2. Development of the Project Report
3. Release of the Project Report.

To introduce the Project, York Region sent letters to all ten identified Indigenous communities, as well as Karry Sandy-Mackenzie, with an overview of the Project and a request to discuss how the engagement process can be reflective of Indigenous values, including identification of potential impacts and management measures (see Appendix B). Letters were sent by registered mail and email to the Chiefs of each Nation, with copies provided to appropriate Band Council staff contacts. Follow-up telephone calls and emails were made to each Indigenous community.

Introductory meetings were held with all communities that responded to York Region's letter requesting further involvement. York Region and Durham Region then engaged each Indigenous community based on their direction and in accordance with each community's consultation policies and protocols. York Region provided capacity funding to communities for their participation in this Project. In general, the communities that requested funding were those that reviewed project documentation, such as archaeological assessments and/or participated in archaeological fieldwork.

A description of how each Indigenous community identified in section 3 was engaged is included in Table 4.1. A record of all correspondence with each community is included in Appendix C, and meeting presentations are included in Appendix D.

Regardless of whether the Indigenous community responded to the introductory letter and follow-up attempts, York Region and Durham Region provided all communities with access to a project-specific online engagement portal. The online engagement portal, accessible only to participating Indigenous communities and password protected, provided easy access to project information and documents. Screenshots of the online engagement portal are included in Appendix E. The online engagement portal included:

- An interactive map of the impact assessment study areas to facilitate identification of potential Aboriginal or treaty rights.
- A document repository with relevant project information such as the Project Report draft Table of Contents and introductory presentation slide deck and draft archaeological assessment and cultural heritage reports made available for review.

In addition to making project documentation available for review, York Region and Durham Region requested that communities 1) provide relevant information regarding their traditional territory to document as part of the existing conditions sections of the Project Report and 2) identify Aboriginal or treaty rights that may be affected by the Project (see Appendix C).

Similar to the introduction letter, all communities were notified of release of the Project Report on October 31, 2023. This was concurrent with submission of the Project Report to the Minister and release of the Project Report on York Region and Durham Region's websites.

Prior to the release of the Project Report, all Indigenous communities were contacted by email on October 18, 2023, to provide them advanced notification that the Project Report would be released on October 31, 2023. Indigenous communities were also given the opportunity to meet with York Region and Durham Region to be provided an overview of the Project Report to facilitate their review.

Letters were sent by registered mail and email to the Chiefs of each Nation, with copies provided to appropriate Band Council staff contacts on October 31, 2023. York Region and Durham Region requested comments by January 16, 2024.

Prior to release of the Project Report on October 31, 2023, two communities had indicated they would review the Project Report (Curve Lake First Nation and Chippewas of Scugog Island First Nation). Two additional communities requested meetings to receive an overview of the Project Report (Hiawatha First Nation and Mississauga of Scugog Island First Nation). Table 4.1 summarizes engagement activities with each Nation.

Table 4.1 Summary of Engagement Activities with each Nation

Indigenous community	Summary of engagement
Curve Lake First Nation	<ul style="list-style-type: none"> – Project introduction letter – Request for capacity funding to review Project Report and meeting during Project Report review period – Notice of release of Project Report
Alderville First Nation	<ul style="list-style-type: none"> – Project introduction letter – One meeting to introduce the Project and discuss Alderville First Nation’s interests and history as it relates to the Project – Review of archaeological reports with capacity funding to be provided by York Region – Notice of release of Project Report with invitation to meet during Project Report review period
Mississaugas of Scugog Island First Nation	<ul style="list-style-type: none"> – Project introduction letter – One meeting to introduce the Project and discuss Scugog Island First Nation’s interests and history as it relates to the Project – In person tour of Duffin Creek Water Pollution Control Plant to learn more about the treatment processes and help inform their review of the Project Report – Review of archaeological reports and Project Report and request for further traditional land use and occupancy research in the area of the Duffin Creek Water Pollution Control Plant, with capacity funding to be provided by York Region – Notice of release of Project Report
Hiawatha First Nation	<ul style="list-style-type: none"> – Project introduction letter – One meeting to introduce the Project and discuss Hiawatha First Nation’s interests and history as it relates to the Project – Request to meet during Project Report review period – Notice of release of Project Report
Rama First Nation	<ul style="list-style-type: none"> – Project introduction letter – One meeting to introduce the Project and discuss Rama First Nation’s interests and history as it relates to the Project – Participation in Stage 2 archaeological fieldwork at Duffin Creek Water Pollution Control Plant. It is noted that the Stage 2 archaeological assessment was not within the scope of the Project and was undertaken on a portion of the Duffin Creek Water Pollution Control Plant property that will not be impacted by the Project. Capacity funding was provided by York Region to participate in this fieldwork – Notice of release of Project Report with invitation to meet during Project Report review period
Chippewas of Georgina Island First Nation	<ul style="list-style-type: none"> – Project introduction letter – Correspondence by email, where the Chippewas of Georgina Island First Nation referred the Project to other Williams Treaties First Nations – Notice of release of Project Report with invitation to meet during Project Report review period
Beausoleil First Nation	<ul style="list-style-type: none"> – Project introduction letter – Correspondence by email where Beausoleil confirmed receipt of Project information – Notice of release of Project Report with invitation to meet during Project Report review period

Indigenous community	Summary of engagement
Karry Sandy-Mackenzie, as Williams Treaties First Nations Coordinator	<ul style="list-style-type: none"> – Project introduction letter – Two follow-up attempts by email. No follow-up attempts by telephone since no telephone number was available – Notice of release of Project Report with invitation to meet during Project Report review period
Mississaugas of the Credit First Nation	<ul style="list-style-type: none"> – Project introduction letter – Correspondence by telephone and email where Mississaugas of the Credit First Nation identified they have no concerns with the Project and do not need to be consulted – Request to meet during Project Report review period – Notice of release of Project Report
Kawartha Nishnawbe	<ul style="list-style-type: none"> – Project introduction letter – Three follow-up attempts by email. No follow-up attempts by telephone since no telephone number was available – Notice of release of Project Report with invitation to meet during Project Report review period
Conseil de la Nation Huronne-Wendat	<ul style="list-style-type: none"> – Project introduction letter – Correspondence by email where Conseil de la Nation Huronne-Wendat confirmed they would not review the reports and requested to be kept informed of similar projects – Notice of release of Project Report with invitation to meet during Project Report review period

5. Comments Received from Indigenous Communities and How They Were Considered

As a result of the consultation activities described in section 4, some of the Indigenous communities provided comments on the Project that were considered by York Region and Durham Region during development of the Project Report. A summary of these comments and how they were considered is included in Table 5.1. Written correspondence from Indigenous communities is included in Appendix F.

Subsection 5 (3) of the *Act* requires York Region and Durham Region to discuss with Indigenous communities the contents of the Project Report and potential adverse impacts to Aboriginal or treaty rights. The following updates were made to the Project Report because of comments received:

- Information provided by Rama First Nation on Williams Treaty First Nations traditional hunting territories and history of Rama First Nation was incorporated into the description of existing conditions in the Project Report, noting specifically the importance of the Holland River as a historical Chippewa corridor and potential location of Indigenous remains and artifacts.

No adverse impacts to Aboriginal or treaty rights were identified by Indigenous communities during the engagement process.

Table 5.1 Comments Received from Indigenous Communities and How They Were Considered

Indigenous Communities	Date comments received and method	Comment received	How comment was considered by York Region and Durham Region
Chippewas of Georgina Island First Nation	31/05/2023 Email	Based on the map, this appears to be the sewage project to Duffins Creek that would not discharge in Lake Simcoe. The issues are likely around intrabasin transfers (Lake Simcoe groundwater to Lake Ontario) and impact on fish habitat in Ajax. I would recommend that you coordinate with the Williams Treaty First Nations and keep us included in any correspondence.	Wastewater associated with the Project would be conveyed to Duffin Creek Water Pollution Control Plant and would not discharge to the Lake Simcoe watershed. Williams Treaty First Nations and the Williams Treaty First Nations' coordinator, Karry Sandy Mackenzie, were contacted regarding the Project. Chippewas of Georgina Island First Nation were provided with updates on the Project.
Chippewas of Georgina Island First Nation	31/05/2023 Email	Based on the map, this appears to be the sewage project to Duffins Creek that would not discharge in Lake Simcoe. The issues are likely around intrabasin transfers (Lake Simcoe groundwater to Lake Ontario) and impact on fish habitat in Ajax. I would recommend that you coordinate with the Williams Treaty First Nations and keep us included in any correspondence.	Wastewater associated with the Project would be conveyed to Duffin Creek Water Pollution Control Plant and would not discharge to the Lake Simcoe watershed. Williams Treaty First Nations and the Williams Treaty First Nations' coordinator, Karry Sandy Mackenzie, were contacted regarding the Project. Chippewas of Georgina Island First Nation were provided with updates on the Project.
Chippewas of Rama First Nation	08/06/2023 Meeting	Rama First Nation is interested in any project that potentially impacts burial sites as well as any project that potentially impacts your harvesting and fishing rights, including impacts to the air and water, which extends the entire Williams Treaties area. Interested in water treatment and how wastewater is treated before it enters Lake Ontario. Not sure if there are locations of cultural importance within the study area (East Gwillimbury, Newmarket, Aurora, Richmond Hill, Markham, Pickering). Will provide cultural heritage information if they are able to. Mississaugas are typically very interested in all Lake Ontario tributaries, given their importance as Salmon habitat. May be interested in reviewing archaeological and cultural heritage reports and is interested in receiving periodic updates.	Information was subsequently provided by Chippewas of Rama First Nation on Williams Treaty First Nations' traditional hunting territories and history of the Chippewas of Rama First Nation and incorporated into the Project Report. The First Nation subsequently reviewed one of the archaeological assessment reports prepared for the Project. Chippewas of Rama First Nation were provided with updates on the Project.
Chippewas of Rama First Nation	29/06/2023 Email	Requested participation as a monitor in one day of Stage 2 fieldwork on portions of the Duffin Creek Water Pollution Control Plant on July 18.	The Chippewas of Rama First Nation monitored Stage 2 archaeological fieldwork at Duffin Creek Water Pollution Control Plant. It is noted that the Stage 2 archaeological assessment was not within the scope of the Project and was undertaken on a portion of the Duffin Creek Water Pollution Control Plant property that will not be impacted by the Project. Capacity funding was provided by York Region to participate in this fieldwork.
Chippewas of Rama First Nation	15/08/2023 Email	I have sent along the map the Williams Treaty First Nations use when harvesting, the traditional hunting territories of my ancestors, and the written documentation of the nation's history to be included in future archaeological reports. As for the Duffins Creek stage 2 report, I have no concerns. Looking at the interactive map, it is important to note that the Holland River is a historical Chippewa corridor (see the traditional hunting territory map) and currently has many of my ancestors' remains and artifacts still in the ground. We kindly would ask you to notify us if any digging is to occur around the Holland River.	Information provided by the Chippewas of Rama First Nation, included in Appendix F, was incorporated into the description of existing conditions in the Project Report.
Conseil de la Nation Huronne-Wendat	29/05/2023 Telephone	Is interested in reviewing the Stage 1 Archaeological Assessments. Will request construction monitoring in areas that have been identified in Stage 1 as disturbed or wet. Are interested in providing relevant information for and review of the Cultural Heritage reports.	The archaeological and cultural heritage reports prepared for the Project were provided to Conseil de la Nation Huronne-Wendat for review. Conseil de la Nation Huronne-Wendat was invited to monitor Stage 2 archaeological fieldwork at the Duffin Creek Water Pollution Control Plant.
Conseil de la Nation Huronne-Wendat	06/09/2023 Email	Is it possible to have a little more time to review these archaeological assessments? Can you please confirm that capacity funding is provided for the review of these AAs?	Archaeological reports were provided to the First Nation, and capacity funding was provided for their review.
Conseil de la Nation Huronne-Wendat	19/09/2023 Email	We appreciate the opportunity to review the reports. We are currently unable to carry out the revision of the reports. Unfortunately, we must pass on this opportunity. If other similar projects come up in the future, we'd like to stay informed. We are very interested in participating.	Conseil de la Nation Huronne-Wendat will be notified of any future archaeological assessments associated with the Project.

Indigenous Communities	Date comments received and method	Comment received	How comment was considered by York Region and Durham Region
Hiawatha First Nation	12/06/2023 Meeting	<p>Open to meeting as a group and collaborating on reviews with other Mississauga communities and/or Williams Treaties communities.</p> <p>Will assess capacity needs as the Project progresses.</p> <p>Interested in being involved as the Project Report is developed. Most interested in archaeological and cultural heritage, such as marker trees used on canoe routes, ecological, including important species, flora, fauna, watersheds, and water quality in creeks, rivers and wetlands.</p> <p>Water quality is very important, and interested in impacts from effluent, in particular impacts on Salmon, Brown Trout, Rainbow Trout and Bass that are associated with Duffin Creek, which is approximately an 80 km cold water tributary.</p> <p>Can provide traditional knowledge but needs more specific location information.</p>	<p>The areas of interest identified by Hiawatha First Nation included (water quality, archaeological resources and impacts on the natural environment) which were considered by York Region and Durham Region and assessed in the Project Report.</p> <p>York Region and Durham Region provided project updates and the opportunity to review archaeological and cultural heritage reports.</p> <p>Specific location information was provided on the online engagement portal provided to all communities.</p>
Hiawatha First Nation	08/08/2023 Email	Chi miigwech for the updates and information on this project. We have no questions or concerns at this moment.	Comment noted.
Mississaugas of Alderville First Nation	30/06/2023 Meeting	<p>Primary interests are environmental protection, species at risk, biodiversity, invasive species, climate change and impacts of shoreline development on Rice Lake and other area lakes on wild rice.</p> <p>Provided a summary of the Nation's Black Oak Savannah Restoration Site (http://aldervillesavanna.ca/), which is a tall grass prairie on 140 acres in the Oak Ridges Moraine, home to several species at risk and available for the project team to tour if requested.</p> <p>Noted that the York Region area used to be known as the Western Hunting Grounds. Referenced by Isaac Johnson in testimonies taken during research for the Williams Treaties.</p> <p>There are often limited archaeological finds associated with the Anishinabek people because it was important for them to leave the land better than when they arrived. Since Iroquois artifacts are more prevalent, some archaeologists have an Iroquoian bias - for example, not distinguishing Anishinabek as a distinct people and labelling them only as Algonquian speaking.</p> <p>Concerned about the long-term and cumulative impacts of increased urban development of the GTA and of all the treatment plants on Lake Ontario.</p>	<p>The areas of interest identified by Alderville First Nation (environmental protection and impacts on water quality) were considered by York Region and Durham Region and assessed in the Project Report.</p> <p>Alderville First Nation was subsequently provided the archaeological assessments and cultural heritage reports for review.</p>
Mississaugas of Alderville First Nation	10/23/2023 Email	<p>Provided comments on:</p> <ul style="list-style-type: none"> - Marine Archaeological Assessment. Mississaugas of Alderville First Nations requested that an underwater archaeological assessment be carried out of the outfall area for the Duffin Creek Water Pollution Control Plant (WPCP), including the areas of the 2 proposed alignments, eastern and western. - Duffin Creek WPCP Stage 1 and 2 Draft Archaeological Assessment. Comments related to the description of treaties and of the historical context, including a request to include Michi Saagiig Background Historical Context provided. Alderville First Nation noted that they agree with and support the recommendations as presented in the archaeological assessment. <p><i>Mississaugas of Alderville First Nation's review of other archaeological assessments and cultural heritage reports prepared for the Project was in progress at the time of release of the Project Report.</i></p>	York Region and Durham Region will continue to engage Alderville First Nation on completion of additional investigation related to the Duffin Creek WPCP, and on updates to the archaeological assessments and cultural heritage reports to address their concerns.
Mississaugas of Scugog Island First Nation	07/06/2023 Email	<p>If there are materials you can send in advance of our meeting for our review, that would be most helpful:</p> <ol style="list-style-type: none"> 1. Terms of Reference or similar for the "Environmental Study" noted in Bill 23. 2. Intentions for First Nation capacity funding agreements or similar to support engagement. 3. Current Indigenous relations policies or similar for York Region and Durham Region, including policies for Indigenous procurement. 4. Direction received from Ontario for Indigenous engagement, if any. 	<p>The Table of Contents for the Project Report was provided to Mississaugas of Scugog Island First Nation via the online engagement portal.</p> <p>Capacity funding will be provided to support engagement.</p> <p>York Region and Durham Region currently do not have policies related to Indigenous procurement.</p> <p>Direction for Indigenous engagement was provided in Section 5 of the <i>Supporting Growth and Housing in York and Durham Regions Act, 2022</i>.</p>

Indigenous Communities	Date comments received and method	Comment received	How comment was considered by York Region and Durham Region
Mississaugas of Scugog Island First Nation	21/06/2023 Email	<p>We would be interested in a site visit for consultation staff to understand proposed works, in particular around Duffin Creek WPCP.</p> <ol style="list-style-type: none"> 1. What infrastructure is in or adjacent to Rouge Park? 2. What federal agencies are being consulted and why? 3. Does the Project have the potential to impact Schedule 1: Species at Risk? 	<p>A tour of Duffin Creek Water Pollution Control Plant was held for Scugog Island First Nation on July 18, 2023. No new infrastructure is planned for the Project within the boundaries of Rouge Park.</p> <p>The list of federal agencies consulted includes the following:</p> <ul style="list-style-type: none"> – Environment and Climate Change Canada because the Project has the potential to impact federal species at risk and migratory birds. – Fisheries and Oceans Canada because the project may require review under the Fisheries Act. – Transport Canada because the Project may require a permit under the Navigation Protection Act for works in Lake Ontario. – Kimberlee Trainor from Parks Canada (Rouge National Urban Park) reached out to inquire about the Project and if any works are proposed within the park boundary. <p>Several Schedule 1 Species at Risk were identified as potentially located within the impact assessment study areas. The likelihood of species occurring in the study area is documented in the Project Report.</p>
Mississaugas of Scugog Island First Nation	05/09/2023 Email	<p>Below are our comments on the archaeological reports provided.</p> <p>Stage 1 Archaeological Assessment York Region Sewage Works Primary Trunk Project (Lots 16-17 Range 3, and Lots 16-21 Concessions 1-2, Geographical Pickering Township, County of Ontario), City of Pickering and Town of Ajax, Regional Municipality of Durham 21 June 2023.</p> <p>MSIFN has no issues with the recommendations and requests at least 30 days' notice of Stage 2 test pitting regarding recommendation to consider archaeological site visits or monitoring - text from the report below:</p> <ul style="list-style-type: none"> – Parts of Tunnel Shaft 1, Tunnel Shaft 2, and Tunnel Shaft 3 exhibit archaeological potential. These lands require Stage 2 archaeological assessment by test pit survey at five-metre intervals (Figure 11, Figure 13: areas highlighted in green). Stage 2 is required prior to any proposed construction activities on these lands; – St. Wilfred's Cemetery is 20 metres from the Preliminary Preferred Alternative, and St. Francis de Sales Cemetery is eight metres from the Preliminary Preferred Alternative. All cemetery lands will be avoided by the proposed project impacts due to the depth at which the tunnelling work is being conducted. There is low potential to impact burials associated with this cemetery by the project; – The remainder of Tunnel Shafts 1-4 and the entirety of Pumping Station 1 have been subjected to deep soil disturbance events, and Parts of Tunnel Shafts 2 and 3 and the entirety of Pumping Station 2 have been previously assessed. These lands do not require further archaeological assessment; and – Should the proposed work extend beyond the current study area, further archaeological assessment should be conducted to determine the archaeological potential of the surrounding lands. <p>Stage 1-2 Archaeological Assessment Duffin Creek Water Pollution Control Plant (Lot 15-17, Ranges 2-3, Geographical Pickering Township, County of Ontario) City of Pickering, Regional Municipality of Durham Draft Report 7 June 2023</p> <p>MSIFN has no issues with the recommendations and requests at least 30 days' notice of Stage 2 test pitting regarding recommendation 1) to consider archaeological site visits or monitoring - text from the report below:</p> <p>"The following recommendations are made:</p> <ul style="list-style-type: none"> – Parts of the study area exhibit archaeological potential. These lands require Stage 2 archaeological assessment by test pit survey at five-metre intervals. Stage 2 is required prior to any proposed construction activities on these lands; – The remainder of the study area does not retain archaeological potential on account of deep and extensive land disturbance or being previously assessed. These lands do not require further archaeological assessment; and – Should the proposed work extend beyond the current study area, further archaeological assessment should be conducted to determine the archaeological potential of the surrounding lands." 	<p>Where possible, Mississaugas of Scugog Island First will be provided with a minimum of 30 days' notice of future Stage 2 archaeological fieldwork.</p>
Mississaugas of Scugog Island First Nation	26/09/2023 Email	TMHC Report - Stage 1 Archaeological Assessment	<p>Supplementary Documentation was provided to Mississaugas of Scugog Island First Nation by email.</p> <p>Where possible, Mississaugas of Scugog Island First will be provided with a minimum of 30 days' notice of future Stage 2 archaeological fieldwork.</p>

Indigenous Communities	Date comments received and method	Comment received	How comment was considered by York Region and Durham Region
		<p>York Region Sewage Works Project. Towns of Richmond Hill, Aurora, Newmarket, and East Gwillimbury, Regional Municipality of York, Various Lots and Concessions, Geographic Townships of Markham, Whitchurch and East Gwillimbury, York County, Ontario.</p> <p>Supplementary Documentation maps 1 through 26 are missing from the report made available to MSIFN. The MSIFN comments below are preliminary until MSIFN has received and reviewed these Supplementary Documentation maps:</p> <ol style="list-style-type: none"> 1. Extensive portions of the project area are comprised of agricultural fields, grasslands, overgrown brush, and woodlots, which appear to retain archaeological potential, and require further assessment. TMHC concludes that the "majority of the project area continues to hold archaeological potential and requires additional assessment." (p. 87). 2. TMHC identifies several areas of outstanding concern that contain cultural heritage value or interest, including nine archaeological sites that currently require Stage 2 assessments, and two sites close to project area limits - AIGu-65 and AIGu-490 - recommended for Stage that will require archaeological monitoring. 3. TMHC has identified one potential Iroquoian village is located within 450 m of the project area: AIGu-79. This site has heightened potential to contain an associated ossuary, and will require burial avoidance strategies should those lands be proposed for development. 4. MSIFN requests at least 30 days notice of Stage 2 test pitting to consider MSIFN archaeological site visits or monitoring. 5. MSIFN will require a full initial schedule of Stage 2 test pitting as soon as possible to estimate the potential capacity funding necessary to conduct site visits or monitoring, and MSIFN will require at least one meeting with TMHC representatives to determine an approach to site visits or monitoring that will be most beneficial and efficient. 6. In the event that archaeological remains are found during subsequent construction activities, MSIFN should be immediately notified. <p>ASI Report - Stage 1 Archaeological Assessment York Durham Sewage System Expansion: Markham Collector Twinning Project Municipal Class Environmental Assessment (Lot 7, Concession 4, 5, 6, 7, 9, Lot 8, Concession 4, Lot 6, Lot 8, Concession 8, Geographical Township Markham, County of York) City of Markham, Regional Municipality of York.</p> <p>MSIFN has no issues with the recommendations and requests at least 30 days notice of Stage 2 test pitting to consider MSIFN archaeological site visits or monitoring. In the event that archaeological remains are found during subsequent construction activities, MSIFN should be immediately notified.</p> <p>Recommendations text from the report below:</p> <ol style="list-style-type: none"> 1. Parts of the Study Area exhibit archaeological potential. These lands require Stage 2 archaeological assessment by test pit/pedestrian survey at five-metre intervals, where appropriate (Figure 17, Figure 18, Figure 20 to Figure 22: areas highlighted in green and orange). Stage 2 is required prior to any proposed construction activities on these lands; 2. If any construction impacts are proposed within the high water mark of the Rouge River, marine archaeological potential will be evaluated through a separate process following the MCM's (2016) Criteria For Evaluating Marine Archaeological Potential checklist; 3. Any additional impacts on the riverbanks beyond the areas assessed in this report will require Stage 2 test pit survey; 4. The remainder of the Study Area does not retain archaeological potential on account of deep and extensive land disturbance, slopes in excess of 20 degrees, or being previously assessed (95-067, 96-032, 81-43 91-30, P1066-0142-2020, P392-0099-2014, 1997-005-001). These lands do not require further archaeological assessment; and 5. Should the proposed work extend beyond the current Study Area, further archaeological assessment should be conducted to determine the archaeological potential of the surrounding lands. <p>ARA Report - Marine Archaeological Assessment Background Research Duffin Creek Water Pollution Control Plant Off Lots 16 and 18, Range Concession 2, Geographic Township of Pickering. Historical County of Ontario, City of Pickering, Regional Municipality of Durham, Ontario, Jacobs Consultancy Canada Project No. CE854200.</p>	<p>A schedule of Stage 2 test pitting will be provided when available.</p> <p>A meeting will be scheduled prior to Stage 2 archaeological fieldwork to discuss an approach to site visits or monitoring.</p> <p>In the event that archaeological remains are found during subsequent construction activities, MSIFN will be notified.</p> <p>Cultural heritage reports will be updated to document engagement with Indigenous communities about known or potential built heritage resources or cultural heritage landscapes.</p>

Indigenous Communities	Date comments received and method	Comment received	How comment was considered by York Region and Durham Region
		<p>ARA recommends that the area of the two proposed outfall alignments be considered clear of any archaeological concerns. At this time, MSIFN is not requesting additional investigation. MSIFN will be commenting on the cultural heritage reports provided by the proponent group at a later date, and those comments may include considerations with respect to the DCWPDP site.</p> <p>In the event that archaeological remains are found during subsequent construction activities, MSIFN should be immediately notified.</p> <p>Should marine areas outside the proposed outfall alignments, with respect to the local and regional study areas, be subject to direct or indirect development, MSIFN agrees with ARA that such proposed work undergo in-water marine archaeology assessments as described by ARA in its recommendations (pg. ix, pg. 18-19).</p> <p><i>Mississaugas of Scugog Island First Nation's review of other archaeological assessments and cultural heritage reports prepared for the Project was in progress at the time of release of the Project Report.</i></p>	
Mississaugas of Scugog Island First Nation	05/10/2023 Telephone	We have some information on traditional land use and occupancy at Duffins Creek - as we get further information, a heads up that we are likely to request a marine archaeology study in the next week or so.	Capacity funding will be provided to support research on traditional land use and occupancy of the area near Duffin Creek Water Pollution Control Plant.
Mississaugas of the Credit First Nation	29/06/2023 Email	<p>Mississaugas of the Credit First Nation will not participate in active consultation for this Project and will not provide monitors for the Stage 2 assessment.</p> <p>We are interested in reviewing Stage 1 Archaeological reports when available.</p> <p>We are interested in participating in any Stage 3/4 assessments if they are required.</p>	<p>Archaeological assessment reports were provided to the Mississaugas of the Credit First Nation for their review.</p> <p>No Stage 3/4 archaeological assessments were undertaken as part of the Project. The Mississaugas of the Credit First Nation will be notified of any future Stage 3/4 archaeological assessments undertaken as part of the Project.</p>
Curve Lake First Nation	20/10/2023 Telephone	Requested capacity funding to review Project Report.	Capacity funding will be provided to support Curve Lake First Nation's review of the Project Report.

6. Conclusions and Commitments for Future Engagement with Indigenous Communities

Subsection 5 (3) of the *Act* requires York Region and Durham Region to discuss with Indigenous communities the contents of the Project Report and the potential adverse impacts to Aboriginal or treaty rights. The following updates were made to the Project Report as a result of comments received:

- Information provided by Rama First Nation on Williams Treaty First Nations traditional hunting territories and history of Rama First Nation was incorporated into the description of existing conditions in the Project Report, noting specifically the importance of the Holland River as a historical Chippewa corridor and potential location of Indigenous remains and artifacts.

To date, no adverse impacts to Aboriginal or treaty rights have been identified by Indigenous communities during the engagement process.

As discussed in section 2, consultation with Indigenous communities will continue during review of the Project Report and during detailed design and construction of the Project following approval of the Project Report by the Minister. With this context in mind, York Region and Durham Region made several commitments during the consultation process described in this Report for future consultation. Specifically, York Region and Durham Region will:

- Consider comments provided by Indigenous communities on the Project Report and, if directed by the Minister, revise the Project Report to address comments.
- If required, submit a revised Project Report to the Minister, make the revised Project Report publicly available on York Region and Durham Region websites, notify interested persons of availability of the revised Project Report, and provide the revised Project Report to Indigenous communities.
- Engage in further consultation with Indigenous communities as requested by Indigenous communities and as required by the Minister.
- If required, update this Indigenous Communities Consultation Report to describe comments received on the Project Report and how those comments were considered.
- Address comments received from Indigenous communities on archaeological assessments and cultural heritage reports prior to finalization, including comments received from Mississauga of Scugog Island First Nation on September 5, 2023 and September 26, 2023, and comments received from Alderville First Nation on October 23, 2023.
- Circulate future archaeological assessments and cultural heritage reports prepared for the Project to all Indigenous communities for their review.
- Invite Indigenous communities to monitor future Stage 2, 3 and/or 4 archaeological fieldworks, providing, where possible, a minimum of 30 days' notice of fieldwork.
- Provide interested Indigenous communities with a schedule of Stage 2 test pitting when available and meet with interested communities to discuss the approach to site visits or monitoring.
- Include documentation of engagement with Indigenous communities about known or potential built heritage resources or cultural heritage landscapes in cultural heritage reports related to the Project.
- Make capacity funding available to Indigenous communities to support ongoing participation in the Project, including reviews of archaeological assessments, cultural heritage reports, and participation in archaeological fieldwork.
- In the event that significant Indigenous archaeological artifacts or human remains of Indigenous ancestry are found during construction activities, immediately cease construction that may impact these finds and contact potentially affected Indigenous communities.

- As per subsection 5 (5) of the *Act*, York Region and Durham Region complete consultation by a date specified by the Minister.

7. Meeting Requirements of the *Supporting Growth and Housing in York and Durham Regions Act, 2022*

As described in section 1, the *Act* sets out requirements for consultation on the Project with Indigenous communities. Table 7.1 describes the consultation requirements included in applicable parts of sections 4 and 5 of the *Act* and the actions taken by York Region and Durham Region to fulfill those requirements.

Table 7.1 Consultation Requirements Under the Supporting Growth and Housing in York and Durham Regions Act, 2022

Section of <i>Act</i>	How the requirements of the section were fulfilled
<p>Part III REQUIREMENTS TO PROVIDE SEWAGE WORKS Report</p> <p>4 (4) Promptly after completing the report required under this section, York Region and Durham Region shall,</p> <p>(a) provide the report to the Minister;</p>	As described in section 4, the Project Report was provided to the Minister on October 31, 2023.
<p>(b) make the report publicly available on their respective websites, and</p>	As described in section 4, the Project Report was made publicly available on York Region and Durham Region’s websites beginning on October 31, 2023.
<p>(c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 5 (4) for the purposes of the consultation required under section 5.</p>	As described in section 4, the Project Report was provided to each Indigenous community identified by the Minister on October 31, 2023.
<p>Revised report</p> <p>(5) The Minister may require York Region and Durham Region to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.</p>	As described in section 6, York Region and Durham Region will consider comments provided by Indigenous communities and interested persons and will revise the Project Report as required by the Minister.
<p>Revised report to be made public</p> <p>(6) Subsection (4) applies to a revised report required under subsection (5).</p>	As described in section 6, York Region and Durham Region will, if required: <ul style="list-style-type: none"> – Provide the revised Project Report to the Minister – Make the revised Project Report publicly available on York Region and Durham Region website – Provide the revised Project Report to Indigenous communities.
<p>Consultation</p> <p>5 (1) York Region and Durham Region shall, in accordance with this section and any regulations, consult with every Indigenous community that is identified on a list provided by the Minister under subsection (4) and with persons who, in the opinion of York Region and Durham Region, may be interested in the York Region Sewage Works Project</p>	York Region and Durham Region consulted Indigenous communities identified by the Minister during development of the Project Report in a variety of ways, as described in section 4.
<p>Commencement of consultation</p> <p>(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.</p>	As described in section 2, the list of Indigenous communities was identified by the Minister on April 25, 2023, and a letter was sent by registered mail and email to these Indigenous communities on May 19, 2023.

Section of Act	How the requirements of the section were fulfilled
<p>Indigenous communities</p> <p>(3) As part of the consultation, York Region and Durham Region shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),</p> <p>(a) the contents of the report required by section 4;</p> <p>(b) any Aboriginal or treaty rights that may be adversely impacted by the project;</p> <p>(c) any potential adverse impacts of the project on Aboriginal or treaty rights; and</p> <p>(d) measures that may avoid or mitigate potential adverse impacts on Aboriginal or treaty rights, including any measures identified by the community.</p>	<p>York Region and Durham Region consulted Indigenous communities on the contents of the Project Report and on Aboriginal and treaty rights as described in section 4. Information provided by Indigenous communities was incorporated into the Project Report. At this time, no adverse impacts to Aboriginal or treaty rights have been identified by Indigenous communities during the engagement process.</p>
<p>List of Indigenous communities</p> <p>(4) Before commencing consultation under this section, York Region and Durham Region shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region Sewage Works Project.</p>	<p>As discussed in section 2, the Minister provided a letter to York Region and Durham Region on April 25, 2023, with a list of Indigenous communities that have or may have Aboriginal or treaty rights that may be adversely impacted by the Project.</p>
<p>Consultation to be completed</p> <p>(5) Any consultation required under this section shall be completed by the date specified by the Minister.</p>	<p>As described in section 6, York Region and Durham Region will complete consultation by a date specified by the Minister.</p>
<p>Consultation report</p> <p>(6) Following the completion of consultation under this section, York Region and Durham Region shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable:</p> <p>(a) a description of the consultations carried out;</p>	<p>A description of the consultation carried out to date is included in section 4.</p>
<p>(b) a list of the Indigenous communities or interested persons who participated in the consultations;</p>	<p>A list of Indigenous communities who participated is included in section 3.</p>
<p>(c) summaries of any comments submitted;</p>	<p>A summary of the comments submitted by Indigenous communities is included in section 5.</p>
<p>(d) copies of all written comments submitted by Indigenous communities or other interested persons;</p>	<p>Copies of written comments submitted by Indigenous communities are included in Appendix F.</p>
<p>(e) a summary of discussions that York Region and Durham Region had with Indigenous communities or other interested persons;</p>	<p>A summary of the discussions that York Region and Durham Region have had with Indigenous communities is included in section 4. A summary of the discussions that York Region and Durham Region have had with interested persons is included in the Interested Persons Consultation Report.</p>
<p>(f) a description of what York Region and Durham Region did to respond to concerns expressed by Indigenous communities or other interested persons; and</p>	<p>A description of what York Region and Durham Region did to respond to concerns expressed by Indigenous communities is included in section 5. A description of what York Region and Durham Region did to respond to concerns expressed by interested persons is included in the Interested Persons Consultation Report.</p>
<p>(g) any commitments made by York Region and Durham Region to Indigenous communities or other interested persons in respect of the York Region Sewage Works Project.</p>	<p>Commitments made by York Region and Durham Region to Indigenous communities regarding the Project are included in section 6. Commitments made by York Region and Durham Region to interested persons are included in the Interested Persons Consultation Report.</p>

Section of Act	How the requirements of the section were fulfilled
<p>Further consultation</p> <p>(7) Following the receipt of the report required under subsection (6), the Minister may require York Region and Durham Region to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).</p>	<p>As described in section 6, York Region and Durham Region may engage in further consultation with Indigenous communities, as required by the Minister.</p>
<p>Modification</p> <p>(8) The report required under subsection (6) shall be modified by York Region and Durham Region to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.</p>	<p>As described in section 6, York Region and Durham Region will consider comments provided by Indigenous communities and interested persons and will revise the Project Report as required by the Minister.</p>
<p>Consultation by Minister</p> <p>(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region Sewage Works Project.</p>	<p>It is acknowledged that the Minister may consult directly with Indigenous communities that may have Aboriginal or treaty rights that may be adversely impacted.</p>

Appendices

Appendix A

**April 25, 2023 Letter from the Minister of the
Environment, Conservation and Parks**

Appendix B

Introductory Letters

Appendix C

**Record of Consultation with Indigenous
Communities**

Appendix D

Meeting Presentations and Summaries

Appendix E

**Indigenous Communities Online
Engagement Portal**

Appendix F

Written Correspondence



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