

Appendix G

Aboriginal Consultation

Government Services Building
22 Winookeeda Street
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

KAWARTHA LAKES

February 1, 2019

FEB 05 2019

Martin Sadowski, C. Tech
12 Peel Street, P.O. Box 9000
Lindsay Ontario K9V 5R8

ENGINEERING

Dear Martin Sadowski, C. Tech,

RE: Mill Pond Bridge Replacement

I would like to acknowledge receipt of your correspondence, which was received on 1/28/2019 regarding the above noted project.

As you may be aware, the area in which your project is proposed is situated within the Traditional Territory of Curve Lake First Nation. Our First Nation's Territory is incorporated within the Williams Treaties Territory and was the subject of a claim under Canada's Specific Claims Policy, which has now been settled. All 7 First Nations within the Williams Treaties have had their harvesting rights legally re-affirmed and recognized through this settlement. We strongly suggest that you provide Karry Sandy-Mackenzie, Williams Treaty First Nation Claims Coordinator, 8 Creswick Court, Barrie, ON L4M 2S7, with a copy of your proposal as your obligation to consult may also extend to the other First Nations of the Williams Treaties.

Curve Lake First Nation is requiring a File Fee for this project in the amount of \$250.00 as outlined in the Consultation and Accommodation Standards. This Fee includes project updates as well as review of standard material and project overviews. Depending on the amount of documents to be reviewed by the Consultation Department, additional fees may apply. **Please make this payment to Curve Lake First Nation Consultation Department and please indicate the project name or number on the cheque.**

If you do not have a copy of Curve Lake First Nation's Consultation and Accommodation Standards they are available at <https://www.curvelakefirstnation.ca/services-departments/lands-rights-resources/consultation/>. Hard copies are available upon request.

Based on the information that you have provided us with respect to Mill Pond Bridge Replacement Curve Lake First Nation requires a Special Consultation Framework for this project. Information on this Framework can be found on page 9 of our Consultation and Accommodation Standards.

In order to assist us in providing you with timely input, it would be appreciated if you could provide a summary statement indicating how the project will address the following areas that are

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of concern to our First Nation within our Traditional and Treaty Territory: possible environmental impact to our drinking water; endangerment to fish and wild game; impact on Aboriginal heritage and cultural values; and to endangered species; lands; savannas etc.

After the information is reviewed it is expected that you or a representative will be in contacts to make arrangements to discuss this matter in more detail and possibly set up a date and time to meet with Curve Lake First Nation in person.

Although we have not conducted exhaustive research nor have we the resources to do so, there may be the presence of burial or archaeological sites in your proposed area. Please note, that we have particular concern for the remains of our ancestors. Should excavation unearth bones, remains, or other such evidence of a native burial site or any other archaeological findings, we must be notified without delay. In the case of a burial site, Council reminds you of your obligations under the *Cemeteries Act* to notify the nearest First Nation Government or other community of Aboriginal people which is willing to act as a representative and whose members have a close cultural affinity to the interred person. As I am sure you are aware, the regulations further state that the representative is needed before the remains and associated artifacts can be removed. Should such a find occur, we request that you contact our First Nation immediately.

Furthermore, Curve Lake First Nation also has available, trained Cultural Heritage Liaisons who are able to actively participate in the archaeological assessment process as a member of a field crew, the cost of which will be borne by the proponent. Curve Lake First Nation expects engagement at Stage 1 of an archaeological assessment, so that we may include Indigenous Knowledge of the land in the process. We insist that at least one of our Cultural Heritage Liaisons be involved in any Stage 2-4 assessments, including test pitting, and/or pedestrian surveys to full excavation.

Although we may not always have representation at all stakeholders meetings, it is our wish to be kept appraised throughout all phases of this project.

Should you have further questions or if you wish to hire a liaison for a project, please feel free to contact Julie Kapyrka or Kaitlin Hill, Lands and Resources Consultation Liaisons, at 705-657-8045 or via email at JulieK@Curvelake.ca and KaitlinH@Curvelake.ca.

Yours sincerely,

Chief Phyllis Williams
Curve Lake First Nation



Engineering and Corporate Assets
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March 6, 2019

Curve Lake First Nation
Government Services Building
22 Winookeeda Street
Curve Lake, Ontario
K0L 1R0

Attention: Chief Phyllis Williams, Curve Lake First Nation

Re: Mill Pond Bridge Replacement / Rehabilitation

Dear Chief Williams,

This letter has been prepared to provide the Curve Lake First Nation with a to-date summary of the project noted above and outline how the project will address the areas of concern raised in the letter from Curve Lake First Nation dated February 1, 2019, received by the City of Kawartha Lakes (City) on February 5, 2019.

Please find enclosed a cheque in the amount of \$250 for the File Fee as outlined in the Consultation and Accommodation Standards and referenced in the aforementioned letter from Curve Lake First Nation.

Project Summary

The City has retained D.M. Wills Associates Ltd. (Wills) to complete an Environmental Assessment in accordance with the Municipal Class Environmental Assessment (MCEA) for the proposed rehabilitation / replacement of Mill Pond Bridge #100018 (Mill Pond Bridge) in Omemee, ON.

Mill Pond Bridge is located on Mary Street East in Omemee, ON, and conveys single-lane east-west traffic over the Pigeon River. The bridge is located approximately 0.1 km south of the Highway 7 (King Street East) river crossing.

The most recent OSIM bridge inspection highlighted several deficiencies and recommended the replacement of the superstructure. In accordance with the Environmental Assessment Act (the Act), the City has initiated a Schedule 'B' Environmental Assessment (EA) in order to understand and address social, economic, and environmental impacts related to the proposed replacement or rehabilitation of Mill Pond Bridge.

Thus far in the EA process, the City has formulated alternative solutions, conducted a Public Information Centre (PIC), and initiated Cultural Heritage Evaluation and Archaeological Assessment for the existing bridge. The Cultural Heritage Evaluation Report (CHER) and Stage 1 Archaeological Assessment (AA) are being completed by Archaeological Services Inc. (ASI). ASI has been directed to consult the Curve Lake First Nation (and other First Nations) in the completion of their work.

The following alternatives have been developed and were presented at a PIC on February 4, 2019:

- 1) Do Nothing
- 2) Close Mill Pond Bridge to Vehicular Traffic
- 3) Remove Mill Pond Bridge
- 4) Replace or Rehabilitate Mill Pond Bridge

Preliminary evaluation of the alternatives has led the City to consider the rehabilitation of the bridge to be the preferred solution, however, this was a preliminary evaluation and it should be noted that the findings of the CHER and Stage 1 AA, as well as discussions resulting from future public and agency consultation (including First Nations) will be considered when decisions are made regarding the final direction for the project.

At the completion of the EA a Project File will be posted and referenced in the Notice of Completion, which will be issued to all stakeholders and the public. The Project File will outline the entirety of the EA and present the findings. If there are concerns related to the completeness of EA, the Project File outlines the recommended process for resolving concerns.

First Nations Areas of Concern

In the letter prepared by Curve Lake First Nation dated February 1, 2019, several areas of concern were raised. The following is a short discussion on how the concerns raised will be addressed throughout the project.

Environmental Impact to Drinking Water

The MCEA sets out the requirements of a Schedule 'B' Class EA. Throughout the process, consultation with regulatory bodies such as Kawartha Conservation Authority will be used to identify potential impacts to Pigeon River and review mitigation measures to protect the environment from impact. Additionally, best management practice (BMP) derived from a project team with related experience will be utilized to further minimize potential for environmental impact to surface and groundwater sources.

Endangerment to Fish and Wild Game

Given that the proposed work pertains to a crossing over the Pigeon River, there is potential for endangerment to fish. It is known that a fish sanctuary is located between Omemee Dam and the C.N.R. bridge (Trans-Canada Trail bridge). The MCEA process includes a phase for the identification of environmental impacts and mitigation techniques / methods. During this phase the City will work to identify potential impacts to fish and applicable standards related to the protection of watercourses and fish habitat.

Impact on Aboriginal Heritage and Cultural Values

The scope of work related to any of the potential outcomes of the EA is relatively narrow. With the exception of the potential for minimal disturbance to the ground surrounding the bridge footprint, it is not anticipated that there will be significant impact to Aboriginal Heritage or Cultural Values.

However, as previously mentioned, ASI is preparing a CHER and conducting Stage 1 AA for the bridge and surrounding area. It is anticipated that Curve Lake First Nation will be contacted and consulted in the completion of this work and the knowledge of the liaison(s) sufficiently captured. It is the obligation of the City to incorporate the findings of these studies as part of the EA process in the determination of a preferred solution.

Impact to Endangered Species and Lands

Any endangered species will be identified through the remainder of the EA and mitigating measures will be identified accordingly. Given the scope of the project, impact to lands is expected to be minimal, however, provincially significant wetlands are located in the vicinity of the bridge and impacts and mitigation techniques will likewise be identified throughout the EA.

If Curve Lake First Nation has any questions or concerns related to the comments made herein, please don't hesitate to contact me.

Sincerely,

Martin Sadowski, C.Tech.
Senior Engineering Technician
City of Kawartha Lakes