

November 2022

## 10.0 Consultation Summary

Consultation with potentially affected and other interested parties is a key component of the Environmental Assessment process (MOE, 2008). A plan for consultation during the preparation of the EA was provided in the approved TOR and completed in accordance with Section 4.3.1 of the *Code of Practice – Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario* (MOE, October 2009<sup>73</sup>).

In accordance with Section 4.3.7 of the *Code of Practice – Preparing and Reviewing Environmental Assessments in Ontario* (MOE, January 2014) the Record of Consultation is to include information about the consultation process and consultation activities that took place including methods, schedule of events, notification that was given about the activities and the materials used.

The following sections offer a brief list of contacted parties and key notifications and opportunities for consultation presented at various project milestones. Comments and how they were considered and addressed in the EA are summarized herein. Details and copies of all correspondence are included in the Record of Consultation Report (Volume IV).

### 10.1 Project Contact List

A Project Contact List was developed and included:

- Various agencies with an approval or jurisdictional relevance to the project;
- Various stakeholder groups and organizations with potential interest in the project;
- Utilities with infrastructure in the vicinity; and,
- Fifty-two landowners with property within 1km of the existing landfill site.

The list also included Indigenous communities and organizations associated with Treaty 29 (1827). The modern signatories to this treaty are:

- Aamjiwnaang First Nation (formerly Chippewas of Sarnia First Nation);
- Caldwell First Nation;
- Chippewas of Kettle & Stoney Point;
- Chippewas of the Thames First Nation; and
- Walpole Island First Nation.

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<sup>73</sup> The *Code of Practice - Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario* was updated in January 2014, following submission of the TOR for this Project.

November 2022

The Haudenosaunee Development Institute (representing the Haudenosaunee Confederacy) and Six Nations of the Grand River also have an interest in the Site due to its location within the area covered by the Nanfan Treaty.

The Indigenous communities listed above are believed to have Indigenous Rights, Treaty Rights, or both, affecting the subject property. However, this list may not be exhaustive.

The Project Contact List is provided in the Consultation Record, Vol IV, Appendix A.

## **10.2 Project Notices**

Project Notices were published at the following project milestones:

- Notice of Acceptance of the Terms of Reference and Commencement of the EA (February 9, 2015);
- Notice of Public Information Centre (PIC) #1 (July 27, 2015);
- Notice of PIC #2 (May 25, 2016);
- Notice of first Draft EA for Inspection (July 5, 2017);
- Notice of revised Draft EA for Inspection (February 26, 2021); and
- Notice of Submission of the EA (August 5, 2021).

Each Notice was published in two consecutive editions (weeks), respectively, of the the following newspapers:

St. Marys Journal Argus<sup>72F 74</sup>  
115 Queen Street  
St. Marys, ON  
Phone: (519) 284-2440

St. Marys Independent  
36 Water Street  
St. Marys, ON  
Phone: (519) 284-0041

Copies of all Notices were emailed/mailed to all contacts on the Project Contact List. Copy of the Project Contact List and Project Notices are provided in Volume IV, Appendix K.

## **10.3 Public Consultation**

### **10.3.1 Public Information Centres**

Two Public Information Centres (PICs) were held at key milestones, as shown in Table 10-1.

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<sup>74</sup> The St. Marys Journal Argus ceased publishing in November 2017. After that date, Notices were only published in the St. Marys Independent.

November 2022

**Table 10-1: Public Information Centres**

| PIC    | Timing   |
|--------|--|
| PIC #1 | Upon completion of the draft evaluation of <i>Alternatives to the Undertaking</i> , held August 26, 2015.  |
| PIC #2 | Upon completion of draft evaluation of <i>Alternative Methods to the Undertaking</i> , held June 23, 2016. |

All PICs were conducted in a drop-in format and knowledgeable staff were on hand to answer questions. Materials included are as follows:

- A series of display boards describing the EA process and work conducted to date.
- Sign-in sheets to document participation.
- Comment sheets to allow participants to submit comments.
- Copies of draft documents and supplementary information available for review.

Documentation related to PIC #1 is provided in the Record of Consultation, Vol IV, Appendix B. Documentation related to PIC #2 are provided in the Record of Consultation, Vol IV, Appendix C.

### 10.3.2 Project Information Posted to the Town’s Website

Project information, including Notices, Work Plans and draft documents were posted to the Town’s website: <https://www.townofstmarys.com/en/living-here/Landfill-Environmental-Assessment.aspx>.

### 10.3.3 Review of Draft Documents

Early in the EA process, Work Plans were created to provide a detailed framework for the technical studies to be completed. The following Work Plans were created:

- Air Quality, Noise and Vibration Work Plan;
- Hydrogeological Work Plan;
- Ecological Work Plan;
- Archaeological and Cultural Heritage Work Plan; and
- Socio-economic Work Plan.

Work Plans provided a detailed methodology for characterizing each component of the environment and how the evaluation would be carried out. Work Plans were available for public review during PIC #1 and were placed on the Town’s website.

Work Plans are provided in Volume II, Appendices A through E.

November 2022

A draft EA document was also shared with the public for a five-week period in July of 2017. The document was placed on the Town's website and notification was provided via a newspaper notice, as described in Section 10.2.

A Final Report was developed and submitted to the Ministry of the Environment, Conservation and Parks and made available for public comment from August 13 - October 1, 2021.

#### **10.3.4 Summary of Public Comments**

A summary of comments received from adjacent landowners and other members of the public is provided in Table 10-2. Most comments were made verbally during the PICs. One written comment sheet was received. Comments were made by neighbouring landowners and generally related to quality-of-life issues including dust, odour, traffic, and drinking water.

Details and copies of all correspondence are included in the Record of Consultation Report (Volume IV, Appendices B and C).

November 2022

**Table 10-2: Summary of Public Comments**

| Comment  | Comment Type | Study Team Response   | Where Addressed in EA   |
|--|--------------|---|---|
| <b>Comments Received During PIC #1</b>   |              |   |   |
| Concerned with drinking water well quality.  | Verbal       | <p>Groundwater quality is monitored on a regular and ongoing basis as part of the current landfill operations. To date, there are no concerns related to the landfill's impact on off-site groundwater quality. Landfill monitoring reports are available online at the Town's website.</p> <p>The Hydrogeological Work Plan includes a drilling and monitoring program to understand soil and groundwater conditions. Impacts to ground water quality are one of many criteria used to evaluate the impacts of the Alternatives for the expansion of the landfill.</p> <p>Recommendations will be made for the Preferred Alternative to minimize groundwater (and surface water) impacts.</p>  | Potential impacts to groundwater quality are summarized in Sections 7.5 and 9.0. Potential impacts to groundwater quality were studied in the Hydrogeology Study provided in Vol III, Appendix C. No impacts to drinking water are expected.  |
| Concerned with dust from site entrance.  | Verbal       | <p>Through discussion with the resident, it was found that a significant dust concern occurred a few years ago during the reconstruction of Hwy 7. Excess soils from that project were brought to the landfill for use as cover, to build berms, etc. The truck traffic on the access road caused excessive dust until calcium chloride was spread. Regular site operations have not been as problematic, though some dust from the site access road is occasionally generated.</p> <p>Relative to current operations, dust concerns are taken seriously by the Town. The resident was encouraged to contact the Town if dust becomes an issue again.</p> <p>Impacts to air quality, including dust, are one of many criteria to be used to evaluate the impacts of the Alternatives for the expansion of the landfill,</p> <p>Recommendations will be made for the Preferred Alternative to minimize and mitigate dust generation for the expanded facility.</p> | Potential impacts to air quality are summarized in Sections 7.4 and 9.0. Potential impacts to air quality as a result of dust were studied in the Emission Summary and Dispersion Modeling Report provided in Vol III, Appendix A. Dust is expected to be managed through standard measures, including the application of dust suppressants during construction and applying daily landfill cover during operations. No significant effects associated with dust are expected to be experienced by local residents. |
| Concerned that thermal treatment has been discarded as an alternative at this stage in the study. Offered suggestion that kiln at St. Marys Cement could be used for a waste-to-energy solution. | Verbal       | Thermal treatment was discarded as an option during the TOR because it is not financially feasible for the Town based on the quantities of waste generated. SMC is not at a stage where it could begin accepting waste within the timeframe required by the Town. Also, there are questions as to what portions of the waste disposal stream would be acceptable in the kiln. It is not believed that such a facility could be financially or technically viable. The Town is always open to discussions with SMC.  | Refer to Section 9.0. Thermal treatment was not considered as an option. Communication with SMC continued throughout the EA   |

November 2022

| Comment   | Comment Type    | Study Team Response  | Where Addressed in EA   |
|---|-----------------|--|---|
| <b>Comments Received During PIC #2</b>            |                 |  |   |
| Concerned with drinking water well quality.       | Verbal          | <p>Groundwater quality is monitored on a regular and ongoing basis as part of the current landfill operations. To date, there are no concerns related to the landfill's impact on off-site groundwater quality. Landfill monitoring reports are available online at the Town's website.</p> <p>Based on the draft preferred expansion method, no waste placement closer to residential wells is being considered. Neighbouring property owner was generally satisfied with this approach, and with current monitoring program including well sampling.</p> | <p>Impacts and mitigation are addressed in Section 7.5 and Section 9.0. Mitigation measures were included to address groundwater concerns, including measures to manage leachate and continue the site's ongoing annual monitoring. Five private wells are currently being monitored and will continue to be monitored.</p> |
| Concerned with site odours                        | Written Comment | <p>Neighbouring residents identified intermittent issues with landfill odour impacts during conditions of NE-E wind direction. Project Team members discussed recent challenges to operations as a result of equipment operations and challenging spring weather conditions, as well as mitigation measures. Additionally, the results of the site air modelling for the expansion alternatives were discussed which indicated that current conditions represent the worst-case scenario for potential for impacts.</p>                                    | <p>Mitigation measures were provided in Section 9 to minimize odour, including to implement Best Management Practices and daily cover. Odour will be re-evaluated and modeled based on detailed design plans during preparation of the ECA application as noted in Section 9.0.</p>   |
| Concerned with Traffic Speeds on County Road 123. | Verbal          | <p>Discussion with homeowner focused on sightlines of any relocated entrance and posted speed limit outside of St. Marys (80 km/h dropping to 50 km/h within the Town).</p> <p>Any change in entrance location will require sightline analysis, and updates to Traffic Impact Study. Resident plans to contact County to review posted speed limit along road section.</p>   | <p>A Traffic Impact Study was completed and can be found in Volume III, Appendix H. As a result of modeling, it was determined that current and future conditions are projected to be safe, and no changes are required.</p>  |

November 2022

## **10.4 Agency Consultation**

Agencies on the Project Contact List were provided with all Project Notices. Direct consultation through email, phone calls and meetings with agencies were also ongoing throughout the EA.

### **10.4.1 Work Plan Review**

Early in the EA process, Work Plans were created to provide a detailed framework for the technical studies to be completed. The various Work Plans issued to the agencies in the spring of 2015. Copies of Work Plans are provided in Volume II, Appendices A through E of this report.

Comments received from agencies on the work plans are summarized in Table 10-3, along with notes describing how each comment was addressed. Comments received from agencies are provided in the Consultation Record in Vol IV, Appendices E (provincial agencies) and G (UTRCA).

November 2022

**Table 10-3: Agency Review and Comment on Work Plans**

| Work Plan                        | Agency Circulated | Comments Received  | How Comments were Addressed  |
|----------------------------------|-------------------|--|--|
| Air Quality, Noise and Vibration | MECP              | <p>MECP:</p> <ul style="list-style-type: none"> <li>• Suggests that the landfill will close after the 40-year period. However, some options allow for future expansion beyond 40 years. The option for future expansion should be acknowledged.</li> <li>• No part of the Work Plan focuses on current air quality. On-site monitoring should be included. A list of dust management practices must be presented.</li> <li>• The list of factors influencing air quality includes the number of vehicles but not the vehicle type or weight. They should look at the effect of track out or vehicle emissions on air quality.</li> <li>• The Work Plan notes that they will be modelling landfill gas. The list should include all species recommended by the ministry. Any final work should include landfill monitoring as an ongoing part of site operation. A monitoring plan should be included.</li> <li>• Contrast both possible scenarios with current conditions.</li> <li>• The Work Plan does not address specific impacts due to noise.</li> </ul> | <p>The Town is only requesting 40-years of capacity at this time. It is acknowledged that some of the Alternatives considered would allow for further expansion beyond 40-years. Future EA and permitting would be required in the future to allow additional expansion.</p> <p>The Landfill Expansion Noise Impact Assessment, and Landfill Expansion Emission Summary and Dispersion Modelling Report were completed in accordance with the draft Work Plan and considered the reviewer’s comments.</p> <p>Air dispersion models assessed maximum off-property impacts at receptors up to 10 km from the property boundary. All MECP recommended contaminants were considered.</p> <p>The existing conditions were compared to each alternative method for both air and noise impacts.</p> <p>The road dust model uses average vehicle weight on each road segment. Road dust is</p> |



November 2022

| Work Plan                                    | Agency Circulated    | Comments Received  | How Comments were Addressed  |
|--|----------------------|--|--|
|  |                      |  | <p>not tracked off-property because there is a paved entry way and excess dust is managed with suppressants.</p> <p>A noise impact assessment was completed for the landfill . Monitoring is recommended for the facility only as a contingency if signs of LFG become apparent.</p>                   |
| Archaeological and Cultural Heritage Studies | MECP<br>MHSTCI       | <p>MHSTCI:</p> <ul style="list-style-type: none"> <li>• If Stage 2 Archaeological Assessment work is necessary, it should be carried out as part of the EA.</li> <li>• The criteria listed in O. Reg. 9/06 should be used to identify Built Heritage Resources and Cultural Heritage Landscapes.</li> </ul>  | <p>A Stage 2 Archaeological Assessment was not required.</p> <p>The Built Heritage Resources and Cultural Heritage Landscapes were identified in accordance with O. Reg. 9/06. The Cultural Heritage Resource Assessment is provided in Volume III, Appendix E.</p>                                    |
| Ecological Assessment                        | MECP<br>MNR<br>UTRCA | <p>MECP:</p> <ul style="list-style-type: none"> <li>• Benthic biomonitoring should be added to the assessment of the watercourse.</li> </ul> <p>UTRCA:</p> <ul style="list-style-type: none"> <li>• Noted that 1 year of Eastern Milksnake surveys is insufficient to confirm species absence.</li> <li>• Spiny softshell noted downstream in the Thames River but not likely to be affected by this Project.</li> </ul> | <p>Benthic biomonitoring was not included. A discussion is provided in Section 3.7.1.</p> <p>The status of Eastern Milksnake has been downgraded since Work Plans were developed. Eastern Milksnake is no longer a Special Concern species. Surveys were completed as documented in Section 6.6.1.</p> |

November 2022

| <b>Work Plan</b> | <b>Agency Circulated</b> | <b>Comments Received</b>   | <b>How Comments were Addressed</b>  |
|------------------|--------------------------|--|---|
|                  |                          | <ul style="list-style-type: none"><li>• Basking surveys are not the best method to sample for snapping turtles. Wading through ponds is more productive.</li><li>• Fish records were provided.</li></ul> | Wading surveys through landfill SWM ponds were not conducted for health and safety reasons. |

November 2022

| Work Plan                  | Agency Circulated | Comments Received   | How Comments were Addressed   |
|----------------------------|-------------------|---|---|
| Hydrogeological Assessment | MECP<br>UTRCA     | <p>MECP:</p> <ul style="list-style-type: none"> <li>• Section 3.2 Monitoring Results doesn't identify any issues with the current surface water monitoring program.</li> <li>• Indicated that program proposed seemed suitable since it was understood that the method was an iterative approach, and that the study can change as information becomes available. However, it was noted that some component of drilling may be requested if needed.</li> <li>• Pond B appears to be accepting groundwater from Manhole B which is apparently a groundwater interceptor underdrain. Elevated groundwater/ leachate related water chemistry variables are being detected at the Pond B inlet. The EA should include further monitoring of groundwater flow to Pond B.</li> </ul> <p>UTRCA:</p> <ul style="list-style-type: none"> <li>• Work Plan appears complete but noted that UTRCA has completed significant groundwater studies as part of the Source Water Protection Plan.</li> </ul> | <p>An additional monitoring well was installed in November 2016. The results of this work are detailed in the Hydrogeological Assessment.</p> <p>Ongoing monitoring of Pond B and Manhole B is a requirement of the site's existing Annual Monitoring Report (AMR).</p> <p>Source Water Protection Plan background documents were reviewed as part of the EA.</p> |

November 2022

| <b>Work Plan</b>          | <b>Agency Circulated</b> | <b>Comments Received</b>   | <b>How Comments were Addressed</b>   |
|---------------------------|--------------------------|--|--|
| Socio-economic Assessment | MECP                     | <p>MECP:</p> <ul style="list-style-type: none"> <li>• Several comments were provided with regard to terminology and the order of different stages of the assessment.</li> <li>• There was a question regarding the evaluation and whether any criteria would be weighted and how the advantages and disadvantages would be determined and assessed.</li> <li>• The land use planning control criteria should include compatibility with the Official Plan and compatibility with the MOE's Land Use Planning Guideline D-4.</li> </ul> | <p>There was no weighting to any of the criteria. The detailed criteria listed in the TOR referred to the evaluation of Alternative Methods. The evaluation of Alternatives to the Undertaking was intended to be a qualitative, high-level assessment based on available information.</p> |

November 2022

#### **10.4.2 Agency Comments to Draft EA Submission**

Comments were received from a number of agencies during the EA process. Comments related to:

- The methodology used for air, odour, noise and groundwater studies;
- Evaluation indicators and ensuring consistency with the TOR;
- The level of detail provided in the main EA report vs. the report appendices and technical reports;
- The status of the Aggregate Resources license that had been in effect on the landfill property until it was rescinded by SMC and approved by the MNR in November of 2016;
- The various permits and approvals that will be required after completion of the EA; and,
- The status and methodology for carrying out Indigenous consultation.

Details and copies of all correspondence and comment-response tables are included in the Record of Consultation, Vol IV, Appendices E (provincial agencies) and G (UTRCA).

#### **10.4.3 Draft EA Review**

The draft EA was provided to the MECP for review and comment prior to final submission. MECP circulated the draft report to additional agencies, including MNR (now NDMNR), MTO and MHSTCI. Comments were provided on September 22, 2017. Comments were transcribed into a table which lists each comment and how it was addressed. Comments covered a range of topics, many of which related to the need to bring more information from technical reports (appendices) into the main EA document.

The document was revised and resubmitted on January 8, 2020. Additional comments were provided by MECP on March 20, 2020.

A revised draft report was submitted in December 2020 which was followed by additional MECP comments on February 8, 2021. MECP's initial comment letters and the three summary comment-response tables are provided in Volume IV, Appendix E.

#### **10.4.4 Meetings**

Several meetings were held with MECP to review comments and discuss the Project. These meetings were held to review and discuss the comments provided on the first draft EA report. Meeting minutes were not specifically taken by discussion topic, but notes capturing the discussions are provided in Volume IV, Appendix C. Meetings were held on the following dates:

- May 7, 2018 – Teleconference with MECP

November 2022

- October 12, 2018 – Meeting at MECP office, 135 St. Clair Ave. West, Toronto
- November 21, 2018 – Meeting at MECP office, 135 St. Clair Ave. West, Toronto
- February 5, 2019 – Meeting at MECP London District Office
- September 24, 2020 – Teleconference with MECP
- January 29, 2021 – Teleconference with MECP

Several phone calls and emails between the MECP and the Study Team were also undertaken to prepare the comment-response tables provided in Volume IV, Appendix E.

#### **10.4.5 Final EA Review**

The Final EA was submitted on August 13, 2021. This document has been amended to address comments by the Government Review Team (GRT), raised during the review period following that submission. Significant comments were received from the Government Review Team. Many of the comments related to uncertainties with respect to water quality impacts and concerns with how the EA process was undertaken. For details see Appendix F Comments with Respect to the August 2021 EA Submission.

GRT comments on the Final EA raised several concerns regarding preferred Alternative 3 particularly the proximity to, and the potential impacts of the Cement Kiln Dust (CKD) Pile on the relocated watercourse. To address these concerns, the Town re-engaged with St. Marys Cement (SMC) to discuss the watercourse relocation and how far onto SMC lands it might extend. SMC undertook further review and indicated that encroachment onto their lands would not be possible without affecting their Aggregate Resources Act license. Reflecting on both the comments on the Final EA and the limitations with respect to SMC lands, the study team revisited the preferred Alternative 3. The team was challenged to determine if refinements to the preferred alternative could minimize the need to relocate the watercourse while maintaining the target capacity of the preferred alternative and its attributes. To this end, the team identified a new preferred alternative, Alternative 3A.

St Marys and the consultant team undertook additional work and reconsidered the preferred alternative in order to address these comments. Appendix F, Comments with Respect to the August 2021 EA Submission, documents the comments received on the Final EA and how they have been addressed in this Amended Final EA.

November 2022

## **10.5 Indigenous Community Consultation**

Consultation was carried out with the following communities, who are the modern signatories to Treaty 29 (1827) and the Nanfan Treaty (1701) which have relevance to the Study Area:

- Aamjiwnaang First Nation (Formerly Chippewas of Sarnia First Nation);
- Caldwell First Nation;
- Chippewas of Kettle and Stony Point First Nation;
- Chippewas of the Thames First Nation (COTTFN);
- Haudenosaunee Confederacy (represented by the Haudenosaunee Development Institute (HDI));
- Six Nations of the Grand River; and
- Walpole Island First Nation (Bkejwanong Territory).

It is noted that this list may not be exhaustive; however, through this EA process no additional Indigenous communities of interest have been identified.

The Consultation activities with the above-noted communities included:

- Mailing of all Project Notices (refer to Section 10.2 and IV, Appendix H);
- Follow-up phone calls and/or emails to confirm level of interest;
- Opportunity for a site visit;
- Meetings with HDI and COTTFN; and,
- Submission of draft documents for review.

Each are summarized in the following sections:

### **10.5.1 Project Notices**

The project notices listed in Section 10.2 were provided by email or mail to each of the relevant Indigenous communities. Each notice was followed by at least one phone call to each community to ensure that the notice was received, determine if contacts had changed and identify and comments or concerns about the project.

Communication had been limited after submission of the draft EA in 2017 while additional studies and report updates were being made. A project re-introduction email was sent to all relevant Indigenous communities on February 26, 2021. The purpose of the re-introduction email was to re-engage Indigenous communities and provide an additional opportunity for comments in advance of the release of the Final EA.

November 2022

On August 13, 2021, based on received comments, a Final Report was developed, submitted to the Ministry of the Environment, Conservation and Parks and made available for Indigenous Communities and public comment.

Details and copies of all correspondence are included in the Record of Consultation, Vol IV, Appendix H.

### **10.5.2 Site Visit**

On April 24, 2015, the Indigenous communities were mailed a copy of the Draft Ecological Work Plan for review and representatives were invited to participate in a Site Visit and observe fieldwork to be conducted as part of the Ecological Work Plan. Two subsequent telephone contacts with these communities, and follow-up emails on June 18 and 22, 2015 solicited attendance.

Six Nations, Walpole Island First Nation and Aamjiwnaang responded to the invitation to the Site Visit indicating possible attendance or an inability to confirm attendance. Ultimately, no representatives from these communities attended the Site Visit on June 23, 2015. It was further noted to interested communities that other opportunities for a Site Visit were available; however, none of the communities responded to offers for a subsequent Site Visit.

### **10.5.3 Meeting with Chippewas of the Thames First Nation**

A meeting was held with Chippewas of the Thames First Nation (COTTFN) on February 4, 2014. Community representatives expressed concerns with ground water and water quality in the Thames River, noting that the Thames River is important to the community. The community holds treaty rights, particularly related to hunting and fishing, downstream of the landfill.

A request for recent landfill monitoring reports was made. Annual monitoring reports were provided to COTTFN for the years 2010, 2011 and 2012.

COTTFN staff noted that they have a preliminary traditional land use plan which could be shared. Follow-up requests were made by the Town and project team to obtain the traditional land use plan but to date it has not been provided.

Meeting minutes and follow-up correspondence are provided in the Consultation Record, Vol IV, Appendix H.

### **10.5.4 Meeting with HDI**

A meeting was held with the Haudenosaunee Development Institute (HDI) on February 29, 2016 at the HDI office in Hagersville. HDI described the Nanfan Treaty and the associated rights held by the community. Much of the meeting was used to



November 2022

discuss HDI's consultation process and application fee. The Town did not have the resources to cover the application fee but continue to provide opportunities for HDI engagement by issuing draft report for review and keeping HDI apprised of the various EA milestones.

#### **10.5.5 Work Plan Review**

Draft Work Plans were provided to the following Indigenous communities and agencies:

- Aamjiwnaang First Nation;
- Caldwell First Nation;
- Chippewas of Kettle and Stony Point First Nation;
- Chippewas of the Thames First Nation;
- Haudenosaunee Development Institute;
- Six Nations of the Grand River and

Walpole Island First Nation (Bkejwanong Territory). No comments were received with respect to the specific content or proposed methodologies outlined in the Work Plans.

#### **10.5.6 Draft EA Review**

A link to the draft EA was sent to Indigenous communities in 2016 requesting input on the draft EA. Follow-up phone calls were made.

An updated draft EA Report and draft Technical Reports were also re-shared with the communities through email with a download link on February 25, 2021. a number of updates were made to the draft report.

A set of follow up calls were made in February 2021. A second round of follow up calls/emails were made/sent in March 2021 (records of these emails and calls are included in the Record of Consultation, Vol IV, Appendix H.

To date no comments have been received from Indigenous communities in response the above.

#### **10.5.7 Comments Received from Indigenous Communities**

A record of all correspondence with Indigenous communities is provided in the Consultation Record, Vol IV, Appendix H.

Much of the correspondence related to the consultation process and capacity funding. Requests for funding were received from the Chippewas of the Thames First Nation and Aamjiwnaang First Nation. In addition, a meeting was held with the Haudenosaunee

November 2022

Development Institute (HDI) on February 29, 2016. Discussions related to rights associated with the Nanfan Treaty and HDI's application process, including funding.

The Town noted its inability to provide significant funding to each of the interested communities. A suggestion to fund a single review to be coordinated among all communities was proposed but was ultimately determined to be untenable. A record of correspondence is provided in the Consultation Record, Vol IV, Appendix H.

November 2022

**Table 10-4: Summary of Comments From Indigenous Communities**

| Community  | Comment   | Project Team Response  |
|--|---|--|
| Chippewas of Kettle and Stony Point First Nation | On September 28, 2015 Chippewas of Kettle and Stony Point FN sent a letter to the Town, in response to the Town's EA process participation letter dated August 20, 2015. The community noted that the Town project will impact on Traditional Territory. The community indicated an interest in consultation and requested notification only if the scope of the project changes and/or if amendments are made.   | On October 20, 2015, the Town responded indicating that the community will be kept informed as the EA work advances.   |
| Haudenosaunee Development Institute              | <p>On August 7, 2015, Ms. Tracey General sent a letter and an Application for Consideration and Engagement for Development to Burnside and the Town. The letter provided information on HDI rights and interest in the area and indicated that the Project will have a significant impact and infringement upon those rights and interests. Comments included discussion of the process being undertaken by the Town and a request for a meeting.</p> <p>Also, on August 10, 2015 HDI sent written comments in response to PIC, noting that HDI holds rights and interests and that an Application for Engagement Form is to be completed to begin an engagement process.</p> <p>On February 29, 2016, a meeting was held with members of HDI, representatives, the Town and Burnside. During the meeting HDI indicated the need for the Town to follow HDI's application process, to submit a application form and paying the initial fee to allow for their review process.</p> | <p>On August 20, 2015 the Town provided a completed Application for Engagement Form. The application fee was not provided. The Town noted they were prepared to fund some review activities but were not able to pay the application fee. A suggestion was made to fund a joint review on behalf of all affected Indigenous communities, but it was ultimately determined that this was untenable.</p> <p>HDI's treaty rights and interests have been acknowledged, as described in Sections 3.7.1.2, 7.12.1 and 10.1.</p> |

November 2022

| Community                             | Comment   | Project Team Response  |
|---------------------------------------|---|--|
|                                       | <p>In follow-up to the meeting, on February 29, 2016, HDI (lawyer Aaron Detlor) sent a letter to Mr. Kittmer, to the Town of St. Marys. The letter indicated that the Project would impair and interfere with the treaty rights of the Haudenosaunee. The letter requested further consultation, noting that HDI's application has been received but the application fee has not.</p>   |  |
| <p>Six Nations of the Grand River</p> | <p>On June 25, 2015, Six Nations of the Grand River (Ms. Joanne Thomas) emailed Burnside and explained the absence of a representative from their community at the Site Visit. It was noted that Six Nations of the Grand River wishes to be kept on the Project Contact List and informed of the project moving forward.</p>   | <p>Six Nations has been sent all project notices and draft documents for review.</p>   |
| <p>Six Nations of the Grand River</p> | <p>On September 21, 2015, the Six Nations of the Grand River sent a letter to the Town acknowledging receipt of the Town's August 20, 2015 letter (per Section 4.5.2). The letter noted that this project is within Six Nation's Treaty Lands; and provided information on the consultation policy and process of the Six Nations of the Grand River to which they are bound and obligated to use in discussions with any projects affecting their rights and interests. The letter provided links to policies, processes, land rights, and interests and it was requested that they be allowed to review the archaeological work once completed.</p> | <p>The community's treaty rights have been acknowledged, as described in Sections 3.7.1.2, 7.12.1 and 10.1.</p> <p>The Stage 1 Archaeological Assessment was provided to Six Nations staff for review for a five-week period in July of 2017. No comments were received.</p> |

November 2022

## **10.6 Submission of Environmental Assessment**

A Notice of Submission of Final EA Report was prepared and circulated to all parties on the Project Contact List advising them of the availability of the Final EA Report on the Town's website for the prescribed 7-week public review period, commencing on August 5, 2021. Comments received during that period have resulted in some changes to the Final EA. Those changes are described throughout this report.