Appendix A

City of Peterborough

To:	**Members of the Committee of the Whole**
From:	**Ken Doherty, Director of Community Services**
Meeting Date:	**June 19, 2017**
Subject:	**Report CSD17-017** **Improving Relationship with Local First Nations, Métis and Aboriginal Groups**

Purpose

A report to introduce a process to advance communications, consultations and relations with local First Nations, Métis and Aboriginal Groups.

Recommendations

That Council approve the recommendations outlined in Report CSD17-017 dated June 19, 2017, of the Director of Community Services, as follows:

a) That staff be directed to prepare a future report on the City's role in implementing action items relating to municipal mandate in response to the **Truth and Reconciliation Commission of Canada: Cover Letter, Reconciliation Principles, and Calls to Action** (Appendix A);

b) That staff be encouraged to use the Ministry of Municipal Affairs publications, **Municipal-Aboriginal Relationship: Case Studies** and **Municipal-Aboriginal Relationships** Presentation (Appendix B) as a resource guide relating to City/Local Aboriginal relations;

c) That the Curve Lake First Nation document, **Consultation and Accommodation Standards** (Appendix C) be adopted to guide City consultations with the Curve Lake First Nation on matters of mutual interest or concern;

d) That the Curve Lake First Nation document: **Archaeological Protocol: Curve Lake First Nations** (Appendix D) be adopted to guide City interactions with the Curve Lake First Nation regarding archaeological heritage, sites, or resources within the City that relates to local aboriginal heritage;

e) That the Curve Lake First Nation Document, **2014/16 Curve Lake First Nation Community Report** (Appendix E) be received for information;

f) That staff be directed to continue the development and/or initiation of relationships with the following local First Nations, Métis Associations, and Aboriginal service organizations including:

- Curve Lake First Nation
- Hiawatha First Nation
- Other signatories of the Williams Treaty including: Alderville First Nation, Scugog Island First Nation, Rama First Nation, Georgina Island First Nation, and Chippewas of BeauSoleil First Nation
- Peterborough and District Wapiti Métis Council
- Nogojiwanong Friendship Centre
- Niijkiwendidaa Anishnabekwewag Services Circle
- Lovesick Lake Native Women's Association, and
- other local aboriginal groups as may be identified through this process

Budget and Financial Implications

Approval of the recommendations in this report will result in additional costs to the Corporation in terms of consultation fees, honorariums, staff training, new/expanded consultation processes and other resources. Final amounts have yet to be determined, but will vary from project to project, year to year and will be addressed through the annual budget process.

Background

Why Now

June has been National Aboriginal History Month since the Federal Government declared it in 2009. June 21st has been recognized as National Aboriginal Day even longer. What better time then for the City of Peterborough to formally announce its intention to initiate a process to improve communications, consultations and relations with local First Nations, Métis and Aboriginal groups?

Towards a Common Language

Terms relating to aboriginal peoples in Canada are often used inter-changeably despite specific meanings. The United Nations identifies founding peoples on a global scale by referencing the term Indigenous, which it defines as follows:

> **Indigenous** communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them.

In the Canadian context, the First Nations people are descendants of the original inhabitants of Canada who lived here for many thousands of years before explorers arrived from Europe. They were the first inhabitants in southern Canada that the Europeans met when they arrived. First Nations people identify themselves by the nation to which they belonged, like the Mississauga Anishinaabeg living in this area when the first European settlers immigrated here. There are currently more than 630 First Nation communities in Canada, governed by independent Tribal or Band Councils. In this context, the City should consider its interaction with local First Nation Band Councils as “government to government”.

The Indigenous peoples of the far north, throughout the Arctic, are known as the Inuit. The Métis developed as another distinct group after European contact and relations primarily between First Nations people and Europeans. The term “Aboriginal” refers collectively to First Nations, Inuit, and Métis; hence, National Aboriginal Day.

Truth and Reconciliation Commission of Canada

Canadians are more aware of Aboriginal issues and concerns as a result of the Truth and Reconciliation Commission. Established in 2008 and completed in 2015, the Commission provides a response to the abuse inflicted on Indigenous peoples through the Residential School system, which operated across Canada from the 1870’s until 1996. The Commission’s **Cover Letter, Reconciliation Principles, and Calls to Action** are attached as Appendix A.

While most of the action items are specifically directed to the Federal, Provincial, and Territorial governments, there are some that are either indirectly or specifically directed at municipal government, especially in terms of Indigenous Rights and the education of public servants on the history of Aboriginal peoples including residential schools, Treaties, and Aboriginal rights. It is, therefore recommended that staff review the report and report back on appropriate actions for the City to undertake.

Missing or Murdered Indigenous Women Inquiry

Canadians are also increasingly aware of longstanding concerns about the disappearance of over 1,000 Indigenous Women across the country. The Federal Government announced the establishment of a National Inquiry on December 8, 2015 and released the names of the five Commissioners and the Inquiry's Terms of Reference on August 3, 2016. Hearings are currently underway.

Treaty Rights

During the seventeenth and eighteenth centuries, the French and British valued the First Nations as trading partners and as skilled military allies. In recognition of that cooperation, early treaties pledged peace, friendship and confirmed hunting and fishing rights.

The Mississauga Anishinaabeg have been directly or indirectly affected by at least five major treaties or land surrenders including: the Royal Proclamation of 1763; the Gunshot or Walking Treaty of 1783; the Toronto Purchase of 1805; Treaty 20 in 1818; and finally, the Williams Treaties of 1923.

The Williams Treaties transferred three large parcels of land, encompassing over 20,000 square miles or 13.5 million acres, located primarily in the Georgian Bay and Lake Ontario watersheds areas of southern and central Ontario, which had not already been surrendered from the First Nations to the Government of Canada.

Signatories to the Williams Treaties include: Curve Lake First Nation; Hiawatha First Nation; Alderville First Nation; Scugog Island First Nation; Rama First Nation; Georgina Island First Nation; and Chippewas of BeauSoleil First Nation. A 2012 Court case recognizes the Williams Treaties people's constitutionally protected harvesting rights in Treaty 20. This means Williams Treaties harvesters are able to exercise rights in line with those of other treaty people in most of Ontario.

As part of the proposed City process to advance communications, consultations and relations with local First Nations, Métis and Aboriginal Groups, staff will seek direction on when to deal exclusively with Curve Lake and/or Hiawatha, and when to engage with all of the First Nations included in the Williams Treaties.

Provincial Direction

Premier Wynne has apologized and issued a statement of commitment to reconcile with Indigenous peoples on behalf of the Province of Ontario. The Province has also created a new Ministry of Indigenous Relations and Reconciliation to implement the commitments made.

The Ministry of Municipal Affairs has also undertaken responsibility to assist municipal governments across the province to improve Municipal-Aboriginal Relations. Two documents – **Municipal-Aboriginal Relationships: Case Studies** and a presentation **Municipal-Aboriginal Relationships,** enclosed as Appendix B, provide timely advice. The Ministry encourages the development of relationships based on mutual respect. The Ministry acknowledges that municipalities have a duty to consult early and often in matters of mutual interest.

In the past, much of the consultation focused on the preservation of cultural heritage. Increasingly, however, municipalities are encouraged to consult in a meaningful and culturally appropriate way on a broader range of matters such as:

- land-use planning and development
- policy development, especially those affecting urban Aboriginal residents
- archaeology master plans
- infrastructure planning and environmental assessments
- proposed annexations/ changes to municipal boundaries
- shared service agreements
- Treaty Rights

Increasingly, other Provincial Ministries are encouraging the City to develop effective working relationships with indigenous peoples because of its service manager role for Housing, Children's Services, and Social Services. There is also a growing expectation that the same practices should also be applied to Early Learning strategy and Homeless Prevention work.

While the Ministry of Municipal Affairs cautions that such consultations may take more time, they readily acknowledge that the investment will result in better processes, products, and municipal practices. More importantly, it will also result in better relationships with both our neighbouring First Nations—Hiawatha and Curve Lake—but also help the City recognize, understand, and better serve Aboriginal students and residents living in the City.

Canada's 150th Anniversary

Local preparations for the celebration of Canada's 150th anniversary have exposed some of the tensions that exist just under the surface in our relations with the Aboriginal community. While the Committee has been successful in securing local Aboriginal entertainment for the festivities, so that their culture can be honoured and celebrated, it is unlikely that local First Nations leaders of the Mississauga Anishinaabeg will participate in opening or closing ceremonies. From an Indigenous perspective, our celebration of nationhood reminds them of the colonialism and paternalism that created the Residential School System and the need for Missing or Murdered Indigenous Women Inquiry.

Relations with Curve Lake First Nation

The City of Peterborough has a relatively close working relationship with the Curve Lake First Nation as a result of several repatriation initiatives of human remains and sacred objects from the collection of the Peterborough Museum & Archives and major exhibits at the Museum and Art Gallery of Peterborough celebrating First Nations' heritage and artists over the past three decades.

Curve Lake Band Council members and staff worked closely with City staff in the re-interment of human remains at the Brock Street Burial Site, the formal establishment of Aboriginal Peoples Burial Ground at the site (together with the Hiawatha First Nation); and in subsequent development of the City's Archaeology Policy. Increasingly, the Curve Lake First Nation has become an active partner in a range of City and County regional initiatives including: the Integrated Community Sustainability Plan, the Climate Change Action Plan, the Age Friendly Plan, and Healthy Kids Community Challenge.

While the City includes both the Curve Lake and Hiawatha First Nations in its formal consultation processes through written communications on many major land use/ capital construction projects, the City's overtures are often viewed as "too little and too late". The Curve Lake First Nation document, **Consultation and Accommodation Standard** attached as Appendix C, outlines the Band Council's expectation and consultation process "with respect to any and all decisions, conduct and activities that have the potential to have an adverse affect on Aboriginal and Treaty rights respecting land and resources within the Curve Lake First Nation Territory".

The requirement of notice and consultation includes but is not limited to:

- Mapping or exploration
- Resource exploration, extraction or development
- Construction or demolition of infrastructure that could have a potential environmental impact on water, forests, and wildlife
- Forestry management and energy development
- Disposal of rights to lands and resources
- Environmental activities where there is a concern for the land, water, animals and people within their Traditional Territory
- Activities that may affect traditional food sources and harvesting rights
- Activities that may affect traditional medicines
- Activities that could disturb or alter archaeological, heritage resources/sites, or sites of sacred or cultural significance
- Undertaking any land use planning, including adjusting municipal boundaries

The consultation process includes several stages:

- giving notice
- initial assessment by Curve Lake
- regular consultation on matters with little or no impact resulting in a written response, or
- special consultation, on matters with significant impact, typically resulting in a Consultation Agreement

City adoption and use of the Curve Lake First Nation document**: Archaeological Protocol: Curve Lake First Nations,** attached as Appendix D is not a major departure from existing City process. The Curve Lake First Nation worked closely with City staff in the development of the City's Archaeology Policy, which in turn influenced the development of their policy and process. Both the City and Curve Lake's policies are in compliance with the Heritage Act and are considered examples of "best practice".

City staff, including the C.A.O., the Director of Planning, and the Director of Community Services, visited the Curve Lake First Nation on May 29, 2017 to launch the City's consultation process with local First Nations, Métis and Aboriginal groups. They met with Chief Williams, Councillors Gary Williams and Arnold Taylor, and Kaitlin Hill, Lands Resource Consultation Liaison. More meetings will follow.

Next Steps

City staff has scheduled a similar introductory meeting with Chief Carr at the Hiawatha First Nation at the end of June. Staff will continue the familiarization and consultation process with other First Nations, the signatories of the Williams Treaties, the Métis Association, and other Aboriginal Groups as outlined in Recommendation g) and report to Council as deemed appropriate.

A Gesture of Respect

Bill Ramp, the Chair of Board of Museum Management for the Peterborough Centennial Museum & Archives best described what the museum received in return for its 1991 Repatriation initiative:

> I think I can safely say that all who were involved in the process leading up to these ceremonies received very great gifts. We, at the Museum, were profoundly touched by the generosity with which the people of Curve Lake responded to our overtures. For a very small and long-overdue gesture of respect, we received a hand of friendship and gained a renewed appreciation for the vibrant and enduring culture and aspirations of the First Nations....

> To give a little is to receive a great deal. Perhaps if, as a society, we were to worry a little less about the possible consequences of such giving, we might find that respect and generosity have a way of perpetuating themselves."

Summary

Building on the City's repatriation legacy of the 1990's, here is an overdue opportunity for the City of Peterborough to make a sincere commitment to advance communications, consultations and relations with local First Nations, Métis and Aboriginal Groups.

In the wake of the Truth and Reconciliation Commission, the launch of the Missing or Murdered Indigenous Women Inquiry, and the re-affirmation of local Treaty Rights, it is time for the City to make this overture.

Submitted by,

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