

Committee of the Whole (2) Report

DATE: Tuesday, February 13, 2024

WARD(S): ALL

**TITLE: FIELD LIAISON REPRESENTATIVE PARTICIPATION
AGREEMENTS WITH INDIGENOUS COMMUNITIES**

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek Council approval to enter into Field Liaison Representative Participation Agreements with Indigenous communities, to provide capacity funding to enable their participation and review of Stage 2 Archeological Assessment (AA) fieldwork and reporting, for the McNaughton Road West Environmental Assessment Study and the Yonge-Steeles Corridor Secondary Plan Collector Roads Environmental Assessment Study. Desired commencement for the Stage 2 AA field work for both studies is March/April 2024.

Report Highlights

- The Ministry of the Environment, Conservation and Parks (MECP) delegates procedural aspects of consultation with Indigenous communities to the project proponent. For the McNaughton Road West and Yonge-Steeles Corridor Secondary Plan Collector Roads Municipal Class Environmental Assessment (EA) studies, the City is the proponent.
- It has been determined through the EA processes that both studies have areas with archeological potential within their study limits requiring further investigation, or a Stage 2 Archeological Assessment (Stage 2 AA).
- As part of the consultation process with local Indigenous communities, it is typical to invite Indigenous communities to participate in the field work and review of reporting for Stage 2 AAs.

Report Highlights continued

- The Mississaugas of the Credit First Nation (MCFN) has requested that the City enter into a Field Liaison Representative Participation Agreement (FLR) to compensate their representatives for the work; staff do not currently have delegated authority to enter into the FLR on the City's behalf.
- Approval to enter into the FLR is required prior to commencing the Stage 2 AA field work in March/April 2024.

Recommendations

1. That the Deputy City Manager, Infrastructure Development, be authorized to take any steps, including entering into Field Liaison Representative Participation Agreement(s) in a form satisfactory to Legal Services, with the Mississaugas of the Credit First Nation, the Huron Wendat Nation, and other Indigenous communities, as necessary, to meet the delegated consultation requirements with respect to the McNaughton Road West and Yonge-Steeles Corridor Secondary Plan Collector Roads Environmental Assessment studies.

Background

A typical component for a Municipal Class Environmental Assessment (EA) study is to complete a Stage 1 Archaeological Assessment (AA) which includes reviews of historical information and archeological data to determine if the limits of the study has areas with archaeological potential that would require further investigation (Stage 2 AA). For both the [McNaughton Road West](#) (between Major Mackenzie Drive and Falvo Street) and [Yonge-Steeles Corridor Secondary Plan](#) (YSCSP) Collector Roads EAs, areas of archeological potential have been identified and Stage 2 AA is required before advancing with any construction work for either project.

For EA studies, the Ministry of the Environment, Conservation and Parks (MECP) typically delegates procedural aspects of consultation with local Indigenous communities to the project proponent (in this case, the City). The objective of the modern law of Indigenous and treaty rights is the reconciliation of Indigenous peoples and non-Indigenous peoples and their respective rights, claims and interests. Consultation is an important component of the reconciliation process. As part of the consultation process for City projects, it is typical to invite Indigenous communities to participate in the field work and review of reporting for Stage 2 AAs to meet the delegated consultation requirements, show respect to these communities and help maintain a positive relationship.

Previous Reports/Authority

N/A

Analysis and Options

For the McNaughton Road West EA, invitations were sent out to the Indigenous communities identified by MECP to consult for the project, to engage their participation in the Stage 2 AA process. Mississaugas of the Credit First Nation (MCFN) and Huron Wendat Nation (HWN) expressed a desire to participate, as MCFN has treaty rights in Vaughan and Vaughan is a traditional territory of the HWN. While HWN provided a quote for compensation via email and noted that a response via email accepting the quote would suffice to advance with their participation, MCFN requested that an agreement be entered into with the City.

The desired start for the Stage 2 AA field work is March/April 2024. The anticipated duration of field work for both locations is estimated to be two to three days. The City's consultants will be responsible for coordinating the test pits, the participation of Indigenous communities and documenting the findings for review.

It should be noted that the completion of the Stage 2 AA is not compulsory for the EA phase and can be deferred to detailed design, as long as the work is completed in advance of any construction; however, the City is opting to complete during the EA to facilitate the detailed design phase of these important projects and to be aware sooner rather than later, if there is archaeological potential that would require further investigation (i.e. Stage 3 or 4 AA).

Lastly, it should be noted that Indigenous communities have the ability to request an order to conduct a higher level of study (i.e., requiring an individual/comprehensive EA approval before being able to proceed), or that conditions be imposed (e.g., require further studies), from the Minister of the Environment, Conservation and Parks on the grounds that the requested order may prevent, mitigate, or remedy adverse impacts on constitutionally protected Indigenous and treaty rights. Should the Minister choose to implement such an order, it will take a considerable amount of time to resolve, likely delaying EA completion and advancement to detailed design and construction.

Financial Impact

Some Indigenous communities have developed tools, such as consultation protocols, policies or processes that provide guidance on how they would prefer to be consulted. Proponents are encouraged by the province to respect these community processes

where it is reasonable to do so and bear the reasonable costs associated with the consultation process.

Based on the rates within the proposed agreement and the quote provided by HWN, the estimated compensation to each Indigenous community would be in the \$6000 to \$9000 range (+HST). Adequate funds are available as part of the approved capital budgets for both projects.

Operational Impact

The City of Vaughan is committed to respecting self-determination and self-governance and seeks to build strong, respectful and reciprocal relationships with Indigenous communities. The City understands that better relationships and engagement will result in more responsive and appropriate services under our obligations as treaty holders and our path to reconciliation under the Truth and Reconciliation Commission's Calls to Action.

The City of Vaughan's Diversity, Equity and Inclusion Plan identifies the meaningful Indigenous engagement and reconciliation as an area focus and aim to work collaboratively with Indigenous communities. There are ongoing efforts through Diversity, Equity and Inclusion team and MCFN's Culture Awareness, Communication and Outreach to facilitate learning sessions to increase awareness and knowledge of the history of the lands and the Mississauga of the Credit First Nation. In collaboration and partnership with the Mississaugas of the Credit First Nation, the City of Vaughan Council ratified the updated the land acknowledgment to reflect the growing relationship.

The City of Vaughan and the Mississaugas of the Credit First Nation are working towards formalizing our existing relationship through a Memorandum of Understanding (MOU) and a wider strategy to define an Engagement, Consultation and Relationship Guide.

Through the process to develop the MOU, the City and MCFN will look for opportunities to strategically share resources and expertise when possible. We hope to establish and engage one another on shared interests and objectives (both current and emerging). Potential areas of interest include developing a mutual understanding of the structures, roles and responsibilities of each organization; collaborating across relevant policy and program areas (land use and planning, environmental stewardship, economic development projects, knowledge sharing, cultural understanding, etc.); and creating increased opportunities for knowledge exchange and ongoing communication.

Broader Regional Impacts/Considerations

N/A

Conclusion

Staff are seeking approval from Council to enter into agreements with MCFN and other Indigenous communities to enable their participation during the Stage 2 AA for the McNaughton Road West and YSCSP Collector Roads EA studies. This participation by Indigenous communities will help satisfy the delegated consultation requirements from MECP while maintaining good relationships with Indigenous communities.

For more information, please contact: Selma Hubjer, Director, Infrastructure Planning and Corporate Asset Management at extension 8674.

Attachments

N/A

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