

## Appendix A-5

### *Indigenous Communities*

**Town of Tecumseh Master Drainage Plan**  
**Summary of Indigenous Community Consultation**

Salutation	Surname	First Name	E-Mail	Notice of Commencement		Public Information Centre #1		Public Information Centre #2	
				Date	Follow-up Phone Call	Date	Follow-up Phone Call	Date	Date
Chief	White-eye	Leslee	Send Via Mail - No Contact Required as per Chippewas Nations Letter Dated May 5, 2017	April 17, 2017 - Covering Letter & Notice of Commencement sent					January 22, 2019 - Cover Letter & Notice of PIC #2
Ms.	Burch	Fallon	Send Via Mail - No Contact Required as per Chippewas Nations Letter Dated May 5, 2017	April 17, 2017 - Covering Letter & Notice of Commencement sent					January 22, 2019 - Cover Letter & Notice of PIC #2
Chief	Bressette	Thomas	Send Via Mail	April 17, 2017 - Covering Letter & Notice of Commencement sent		July 12, 2028 - Covering Letter & PIC Notice sent			
Ms.	George	Valerie	Send Via Mail	April 17, 2017 - Covering Letter & Notice of Commencement sent	Left VM - May 10; Spoke with Valerie George on May 19 - she will follow up if she has any questions/concerns	July 12, 2028 - Covering Letter & PIC Notice sent			January 22, 2019 - Cover Letter & Notice of PIC #2
Chief	Rogers	Joanne	Send Via Mail	April 17, 2017 - Covering Letter & Notice of Commencement sent		July 12, 2028 - Covering Letter & PIC Notice sent			
Chief	Plain	Chris	Send Via Mail						January 22, 2019 - Cover Letter & Notice of PIC #2
Ms.	Johnston	Sharilyn	Send Via Mail	April 17, 2017 - Covering Letter & Notice of Commencement sent	Left VM w Christine Rogers (Sharilyn Johnston on sick leave) - May 10; Left VM with Christine Rogers - May 18	July 12, 2028 - Covering Letter & PIC Notice sent	Left VM on August 23, 2018, for PIC follow up		January 22, 2019 - Cover Letter & Notice of PIC #2
Chief	Miskokomon	Daniel	Send Via Mail	April 17, 2017 - Covering Letter & Notice of Commencement sent	Left VM w Alycia Black Eagle (Assistant to Chief) - May 10; Left VM with Alycia Black Eagle - May 18	July 12, 2028 - Covering Letter & PIC Notice sent	Left VM on August 23, 2018, for PIC follow up with Alicia Black Eagle		January 22, 2019 - Cover Letter & Notice of PIC #2
Chief	Hillier	Louise	Send Via Mail	April 17, 2017 - Covering Letter & Notice of Commencement sent	Spoke w Chief Hillier - May 10 - Requested Exec. Summary; concerns re: water contamination & species at risk; Email follow-up May 16	July 12, 2028 - Covering Letter & PIC Notice sent			
Chief	Peters	Greg	Send Via Mail	April 17, 2017 - Covering Letter & Notice of Commencement sent	Left VM w Chief Peters - May 10; Left VM with Chief Peters - May 18	July 12, 2028 - Covering Letter & PIC Notice sent			January 22, 2019 - Cover Letter & Notice of PIC #2
Ms.	Norheim Brookes	Linda	Send Via Mail	April 17, 2017 - Covering Letter & Notice of Commencement sent	Spoke w Linda Norheim - May 10 - She will be passing the Notice on to the Consultation Committee for Region 9 (Town of Tecumseh)	July 12, 2028 - Covering Letter & PIC Notice sent	Left VM on August 23, 2018, for PIC follow up		January 22, 2019 - Cover Letter & Notice of PIC #2
Ms.	Orosz	Nikki					Spoke with Nikki Orosz - will discuss with council, main interest is any archaeological impacts		January 22, 2019 - Cover Letter & Notice of PIC #2
Chief	Stonefish	Denise					Left a VM on August 23, 2018, for PIC follow up		
Chief	Henry Nahmabin Plain	Jason Janelle Carolyn Marina	Sent Via Email Sent Via Email Sent Via Email				Left a VM on August 23, 2018, for PIC follow up with administration, Wyona Bressette.		January 22, 2019 - Cover Letter & Notice of PIC #2

5/16/2017

Dillon Consulting Limited Mail - Fwd: Tecumseh Storm Drainage Master Plan - Request from Caldwell First Nations

----- Forwarded message -----

From: **Langlois, Ryan** <[rlanglois@dillon.ca](mailto:rlanglois@dillon.ca)>  
Date: Tue, May 16, 2017 at 11:32 AM  
Subject: Tecumseh Storm Drainage Master Plan - Request from Caldwell First Nations  
To: [cfnchief@live.com](mailto:cfnchief@live.com)  
Cc: Flavio Forest <[fforest@dillon.ca](mailto:fforest@dillon.ca)>, Phil Bartnik <[pbartnik@tecumseh.ca](mailto:pbartnik@tecumseh.ca)>, 164880 <[164880@dillon.ca](mailto:164880@dillon.ca)>

Chief Hillier,

Thank you for contacting Dillon Consulting regarding the Tecumseh Storm Drainage Master Plan. We have reviewed your comments and have provided responses below to each item:

**Executive Summary for the Study:**

An executive summary for this project has not yet been completed, as we are still in the early stages, though we have prepared a brief project description that we have attached for your review. In addition, we have attached a copy of the Pump Station Service Area map, as well as a copy of the Notice of Study Commencement. This is the general background information that is currently available.

Please note that we have established a project website on the Town of Tecumseh webpage where all of this information has been posted. The file path is [http://www.tecumseh.ca/townhall/departamental-services/Engineering\\_Services/studies/storm\\_drainage\\_master\\_plan](http://www.tecumseh.ca/townhall/departamental-services/Engineering_Services/studies/storm_drainage_master_plan). This project website will continue to be updated during the course of this project. Additional information will be available at the Public Information Centres that are currently scheduled for late 2017 and the spring of 2018.

**Species at Risk**

The Master Plan process under which this project is being conducted will include a desktop review of the existing natural environment, including a screening for species at risk. Site reconnaissance by a terrestrial biologist will be completed at specific locations based on the alternative solutions to determine any potential impacts. Based on the initial findings, species-specific surveys will be considered, as may be deemed appropriate.

**Water Quality Mitigation**

This Storm Drainage Master Plan study is primarily focused on the quantity of surface runoff and associated measures to mitigate the risk and extent of surface flooding. Water quality considerations is expected to be addressed through the identification of potential Best Management Practices that would be confirmed during the subsequent detailed design stages in consultation with the Town and the Essex Region Conservation Authority as these solutions are implemented.

We trust that this additional information and clarification addresses your questions at this early stage of the project. We will continue to update you as this project proceeds.



**Ryan Langlois, P.Eng, ENV SP**  
**Dillon Consulting Limited**  
3200 Deziel Drive Suite 608  
Windsor, Ontario, N8W 5K8  
T - 519.948.5000 ext. 3231  
F - 519.948.5054  
M - 519.791.2157  
[RLanglois@dillon.ca](mailto:RLanglois@dillon.ca)  
[www.dillon.ca](http://www.dillon.ca)

*Please consider the environment before printing this email*

5/16/2017

Dillon Consulting Limited Mail - Fwd: Tecumseh Storm Drainage Master Plan - Request from Caldwell First Nations

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**3 attachments**

 **Tecumseh SDMP Project Description.pdf**  
351K

 **Figure 1\_Tecumseh SDMP PS Study Area Map..pdf**  
1868K

 **Tecumseh Storm Drainage MP Notice of Commencement.pdf**  
116K

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**Farkas, Amy** <afarkas@dillon.ca>  
To: "Langlois, Ryan" <rtanglois@dillon.ca>

Tue, May 16, 2017 at 1:47 PM

Will do  
[Quoted text hidden]

-



**Amy Farkas**  
**Dillon Consulting Limited**  
3200 Deziel Drive Suite 608  
Windsor, Ontario, N8W 5K8  
T - 519.948.5000 ext. 3205  
F - 519.948.5054  
AFarkas@dillon.ca  
www.dillon.ca

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# CHIPPEWAS OF THE THAMES FIRST NATION

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May 5, 2017

Phil Bartnik  
Manager, Engineering Services  
Town of Tecumseh  
917 Lesperance Road  
Tecumseh, Ontario  
N8N 1W9

**RE: Tecumseh Storm Drainage Master Plan**

Dear Mr. Bartnik,

We have recently received information concerning the above-mentioned project, dated **April 28<sup>th</sup>, 2017**.

This project does fall within our McKee Treaty Territory, Traditional Territory and the Big Bear Creek Additions to Reserve land selection area. However, due to the proximity of this project to other First Nations such as Walpole Island and Caldwell First Nation, we feel we no longer need to receive regular project updates or any other correspondence related to your project.

In our screening of your correspondence, we presently have no concerns with your project or the information that has been presented to us at this time. We do ask that if there are any changes to your project of a substantive nature that you keep us informed.

If you have any questions, please contact me directly. Thank you for notifying Chippewas of the Thames First Nation.

Sincerely,

Fallon Burch  
Consultation Coordinator  
Chippewas of the Thames First Nation  
(519) 289-2662 Ext. 213

c: Flavio R. Forest, P.Eng, Project Manager, Dillon Consulting Limited.



## AAMJIWNAANG FIRST NATION

978 Tashmoo Ave.  
Sarnia, Ontario N7T 7H5  
Ph.: 519-336-8410  
Fax: 519-336-0382

September 7, 2018

Our File #2017-0038

Flavio Forest, P. Eng.  
Dillon Consulting  
3200 Deziel Drive, Suite 608  
Windsor, ON N8W 5K8

Attention: Flavio Forest  
Project Manager

Re: **Town of Tecumseh**  
**Tecumseh Storm Drainage Master Plan**

Dear Flavio Forest:

Thank you for the information dated July 11, 2018 regarding the above noted project. The information has been entered in Aamjiwnaang First Nation's Consultation log. The information was presented to Aamjiwnaang First Nation's Environment Committee at a recent committee meeting on August 28, 2018.

After review of information provided, Aamjiwnaang First Nation (AFN) has concerns with road mortalities during construction and would like to know your plans to reduce/mitigate impacts on wildlife? AFN requests that any habitat areas that have been disturbed or removed as a result of the project be restored, where possible. Any wildlife corridors that are disturbed due to the project, be restored after completion of the project. In addition, as part of the rebuilding after improvements, AFN would like to have native plant species re-planted or planted in another significant area near the project area. We would also like to request copies of any existing mitigation plans. AFN would also like to know what the receiving stream will be? And to what stage of phosphorus treatment will this project be implementing? Will this project meet the criteria for the domestic action plan for phosphorus reduction? What efforts will be made to include best available technology?

As the First Peoples of this territory, we are intimately connected to our lands, water and resources. We have an inherent and sacred responsibility to manage and protect our lands and resources. Our existing Aboriginal and treaty rights, our perspectives, interests and obligations of stewardship must inform the development of any proposed project, which may potentially impact these rights. Our First Nation must be involved in the decision-making processes at an early stage in the project and be fully informed throughout.

*Attached:* July 23, 1980 letter submitted to the Provincial Government by Mr. Ron Rowcliffe, Q.C. Aamjiwnaang Water Assertion Rights, as directed by Chief and Council.



## AAMJIWNAANG FIRST NATION

978 Tashmoo Ave.  
Sarnia, Ontario N7T 7H5  
Ph.: 519-336-8410  
Fax: 519-336-0382

To promote consistency and timely responses, please forward any and all relevant information pertaining to this project to:

**Chief Joanne Rogers**  
Aamjiwnaang First Nation  
978 Tashmoo Avenue  
Sarnia, Ontario, N7T 7H5  
Office: (519) 336-8410

**Sharilyn Johnston**  
Environmental Coordinator  
Aamjiwnaang First Nation  
978 Tashmoo Avenue  
Sarnia, Ontario, N7T 7H5  
Office: (519) 336-8410  
Email: [sjohnston@aamjiwnaang.ca](mailto:sjohnston@aamjiwnaang.ca)

Information sharing between the proponent and our community is critical to making informed decisions. However, this review process must not in any way be interpreted as satisfying the Crown's constitutional duty to consult and accommodate Aamjiwnaang First Nation. As the Supreme Court set out in *Haida Nation*, the Crown may delegate procedural elements of its duty to consult, however, "the ultimate legal responsibility for consultation and accommodation rests with the Crown and the Crown alone."

Aamjiwnaang First Nation is committed to facilitating a flexible, clear, and reasonable process for reviewing information in relation to the proposed project and will participate fully in responding to the information provided. This letter does not abrogate or derogate Aamjiwnaang First Nation's continuing ability to assert and exercise its Aboriginal Rights and Title to all parts for its Reserve and Traditional Territory.

Sincerely,

Sharilyn Johnston  
Environment Coordinator  
Aamjiwnaang First Nation  
[sjohnston@aamjiwnaang.ca](mailto:sjohnston@aamjiwnaang.ca)

*Attached:* July 23, 1980 letter submitted to the Provincial Government by Mr. Ron Rowcliffe, Q.C. Aamjiwnaang Water Assertion Rights, as directed by Chief and Council.



October 23, 1980

Dear Chief Shawkence:

We have reviewed the paper which you presented to the Premier and Cabinet when we met with the Chiefs of Ontario on July 31, 1980, in which you stated your position that the Chippewas of Sarnia, Kettle Point and Stoney Point have an interest in part of Lake Huron.

We recognize that the area described in your paper does not appear to have been included in a treaty or similar agreement between the Crown and the Chippewa Indian people. Accordingly, there may be an unextinguished Indian interest in that area, and, as you suggest, such an interest may be related to the provisions of the Royal Proclamation of 1763. It is Ontario's position that, if there is any Indian interest in that area, it is different than the interest of Indian people in Indian Reserve land.

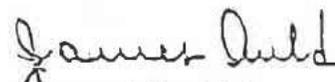
We will consider your paper to be a formal claim to Ontario on behalf of the Chippewas of Sarnia, Kettle Point and Stoney Point. As an initial step in addressing the claim, I have asked Mr. E.G. "Ted" Wilson to prepare a research report on the historical facts relevant to the issues raised by your claim.

We will forward copies of our correspondence and other relevant material, to the Honourable John C. Munro, Minister of Indian Affairs and Northern Development, since it is necessary for the Federal Government to be involved in any discussions and negotiations concerning this claim.

We will contact you again when our research report has been completed. In the interim, however, you should be advised that all land in or under Lake Huron is, until it is disposed of by Ontario, Crown land in Ontario and is, together with the resources in it, subject to the administration and control of the Government of Ontario.

I look forward to working with you to resolve the issues which you have brought to our attention.

Yours sincerely,

  
James A.C. Auld

Chief Charles K. Shawkence  
Chippewas of Kettle and Stoney Point  
Kettle Point Council  
53 Indian Lane  
R.R. #2

Whereas by a certain provisional Agreement of April 26th, 1825 which was followed by an Indenture of July 10th, 1827, made between certain Chiefs and Principal Men of the Chippewa Nation of Indians and Our Sovereign Lord George the Fourth as represented by the Superintendent of Indian Affairs, certain lands, together with all and every of the woods and underwoods, ways, waters, watercourses, improvements, profits, commodities, hereditaments and appurtenances on the said tract of land, lying and being or thereto belonging or in anywise appertaining were surrendered.

And whereas the description of the said lands made no reference to that part of the territory extending to the International Boundary, the possession and the right of possession whereof having been enjoyed by the Chippewa Nation of Indians, which was specifically not included and which was not surrendered and yielded up.

Therefore Know All Ye to whom this shall become known that that part of the territory extending from the point of intersection of the northerly limit of the lands as described in the said Indenture with the waters edge of Lake Huron, to the International Boundary and south to the point of intersection of the Southerly limit of the lands with the waters edge of the River St. Clair, to the International Boundary, and their and every of their appurtenances lying and being or thereto belonging or in anywise appertaining, are unsurrendered and the Chippewa Nation of Indians as represented by the undersigned do claim right, title and possession and the right of possession to that part of the territory and all things thereto belonging.

And further we do hereby notify all to whom this shall become known that until that part of the territory is otherwise dealt with by and with the consent and concurrence of the Chippewa Nation of Indians, each and every one who is, has or may use or enjoy any part of the territory and any of the appurtenances thereto belonging or in anywise appertaining, is trespassing, has trespassed or will commit trespass and shall be held to account, in the same manner to the same extent as provided for by the laws in effect and which may thereunto apply, including such penalties as may be imposed by Virtue of The Royal Proclamation of October 7, 1763 given at the Court of St. James by King George.

And Further we do hereby notify each and all of you who are using, have used or may use any part of the territory and any of the appurtenances thereto belonging or in anywise appertaining, to forthwith disclose your use, past, present or future and to be prepared to account to us therefor.

Dated this 23 day of July 1980.

The Chippewas of Sarnia, Kettle Point  
and Stonev Point. for and on behalf of



# MEETING MINUTES

**Subject:** Environmental Committee Meeting with Aamjiwnaang First Nation  
Town of Tecumseh Storm Drainage Master Plan – Project Review

**Date and Time:** February 5<sup>th</sup>, 2019 6:15 – 7:30pm

**Location:** Aamjiwnaang First Nation Administrative Building

**Our File:** 16-4880

## Attendees

Ryan Langlois	Dillon Consulting
Jonathan Kitchen	Dillon Consulting
John Henderson	Town of Tecumseh
Janelle Nahmabin	Aamjiwnaang First Nation Environmental Committee
Carolyn Nahmabin	Aamjiwnaang First Nation Environmental Committee
Marina Plain	Aamjiwnaang First Nation Environmental Committee
Bev Fisher	Aamjiwnaang First Nation Environmental Committee

## Not in Attendance

Chris Plain	Aamjiwnaang First Nation Environmental Committee
Sharilyn Johnston	Aamjiwnaang First Nation Environmental Committee
Courtney Jackson	Aamjiwnaang First Nation Environmental Committee
Phil Bartnik	Town of Tecumseh
Flavio Forest	Dillon Consulting

Item	Discussion	Action By
<b>1.</b>	<b>Tecumseh Storm Drainage Master Drainage Plan</b>	
1.1.	An overview of the Town of Tecumseh Storm Drainage Master Plan and a high level review of the extent of flooding solutions were discussed with the project team and members from Aamjiwnaang First Nation (AFN) Environmental Committee.	Information
<b>2.</b>	<b>Discussion related to comments received from AFN in letter dated September 8, 2018</b>	
2.1.	What will the receiving stream be? <ul style="list-style-type: none"> <li>Dillon advised that the existing stormwater outfalls will be maintained under future conditions and that these outfalls direct water to Lake St. Clair and Pike Creek.</li> </ul>	Information
2.2.	Concerns over wildlife road mortalities. What tactics will be used to reduce/mitigate impacts? <ul style="list-style-type: none"> <li>Dillon advised that the majority of the recommended flooding solutions for the project will be constructed within the fully</li> </ul>	Information

urbanized portion of the Town within the municipally owned roadway right-of-way where very limited natural wildlife is present. As part of this Schedule B Environmental Assessment project, functional investigations have been completed in regards to potential environmental impacts to the natural environment, including a review of potential species at risk and impacts to natural habitats. The findings from the investigations indicated that it is unlikely that wildlife and/or natural habitats will be impacted by the construction works. Further detailed investigation will be required as part of detailed design.

### 3. Comments received from AFN at meeting on February 5, 2019

- 3.1. When discussing the archaeological assessment to be completed as part of the project, Dillon asked if AFN is aware of any archaeological resources in the area.
- AFN indicated that they are currently developing a Traditional Land Use Map and, once finalized, they may be able to provide the map to Dillon. AFN
  - AFN recommended an archaeological assessor be involved in future archeological assessments. AFN noted that a First Nations archeological assessor was recently involved in a Windsor project but the name of the assessor was not available during the meeting. During detailed design of projects, additional follow-up with AFN is suggested for areas where the archaeological desktop assessments identified a potential need for further investigation. AFN / Dillon
- 3.2. AFN asked how debris is to be removed from storm runoff prior to being pumped out to the lake from the pump stations. Dillon
- Dillon indicated that large suspended solids are typically held back by stand-in-place bar screens prior to reaching the pumps and being pumped out into Lake St. Clair. There are several ways to mitigate against solids entering the pump station such as large stand-in-place bar screens or mechanical multi-rake bar screen devices.
  - Dillon has attached example images of the two types of screens.
- 3.3. AFN indicated a desire to review any documentation regarding assessments completed for Species at Risk (SAR). Dillon
- Dillon has attached the Natural Environment Team summary memo documenting the SAR considerations that have been completed at this time. Further investigations are to be completed during future detailed design.
- 3.4. AFN asked if Walpole Island First Nation (WIFN) was aware of this project Information

and of the Public Information Centres (PIC).

- Dillon advised that communications had been sent to WIFN, but no responses have been received to date.

3.5. AFN asked about next steps after this meeting and PIC #2, and if there would be further opportunities to provide feedback/input. Information

- Dillon indicated that the delivery of final reports will occur in April 2019. Notice of completion will be sent out to all those on the contact list, and then a 30-day period of public commenting will be available for them to provide final input on the Environmental Study Report (ESR). Any comments from stakeholders and/or the public will be documented for public record in the final ESR.

3.6. AFN advised that they are concerned with the SAR and the potential for habitat impacts from the project. AFN asked about the previous Manning Road Improvements Class Environmental Assessment and if there was any input received from meetings with WIFN during the EA process. Dillon

- Dillon indicated that they would review the previous EA (Manning Road Improvements Class Environmental Assessment) for any documented concerns regarding SAR. Dillon indicated they would follow up on any SAR concerns found in the Manning Road EA and address them as part of the Drainage Study Master Plan.
  - Information was obtained subsequent to the February 5, 2019 meeting:

#### 4. **Comments received from AFN in letter dated September 8, 2018 not discussed during the February 5 2019 meeting**

4.1. As stated above in Item 3.6, minutes from Consultation Meeting #1 and planning session with WIFN for the Manning Road Improvements Class Environmental Assessment, East Townline Drain Enclosure and Outlet Improvements, and Waterfront Park Development project was obtained. WIFN comments from the previous study included the following with another bullet identifying applicable relevancy for the current Tecumseh MDS study:

- WIFN expressed concern over the potential impacts to the waterfront and fish habitat at each pump station site location.
  - Current Tecumseh MDS Study – Aquatic and terrestrial ESA investigations have been completed as part of the current Master Plan project for each pump station site. During future detailed design, further investigations for potential impacts to fish habitats at the outfall of each pump station will be required.
- As part of the Waterfront Park project, the potential impact to the lake bottom from proposed boardwalk piers were of concern to the WIFN.

- Current Study – Very limited works are anticipated within the waterway with no known reason to extend beyond the existing pump station outfalls at this time.

4.2. The original September 7 2018 letter asked “To what stage of phosphorous treatment will this project be implementing? Will this project meet the criteria for the domestic action plan for phosphorous reduction?”

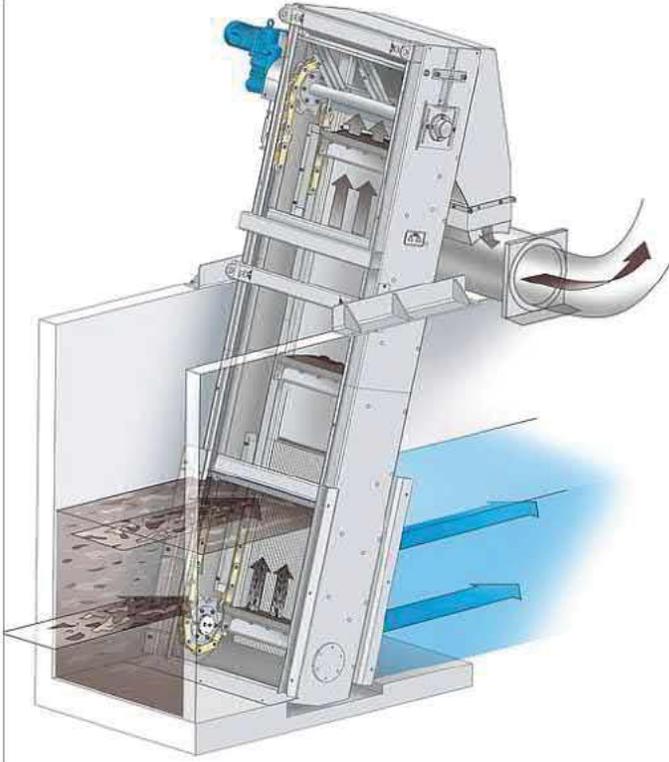
- The pump stations proposed to be improved will discharge into Lake St. Clair and Pike Creek and flow westerly for approximately 55km through the Detroit River prior to reaching the mouth of the Western Basin of Lake Erie. Dillon reviewed the “Canada-Ontario Lake Erie Action Plan – Partnering on Achieving Phosphorous Loading Reductions to Lake Erie from Canadian Sources (Environment and Climate Change Canada and the Ontario Ministry of the Environment and Climate Change, February 2018)” and noted the following in regards to the Western Basin of Lake Erie:
  - *New binational phosphorus reduction targets for Lake Erie’s western and central basins and near-shore priority areas, adopted by Canada and the United States in February 2016, include:*
    - *a 40 per cent reduction (from 2008 levels) in spring loads of total phosphorus and soluble reactive phosphorus for the Maumee River to minimize harmful algal blooms in the western basin*
    - *a 40 per cent reduction (from 2008 levels) in spring loads of total phosphorus and soluble reactive phosphorus for priority tributaries to minimize harmful algal blooms in the nearshore areas*

At this time, there are currently no reduction targets identified for runoff directly discharging from the shorelines within the Town of Tecumseh into Lake St. Clair. The Maumee River discharges from the United States along the west shore of the Western Basin of Lake Erie downstream of the Detroit River inlet to Lake Erie. The Thames River is identified as a priority tributary into Lake St. Clair, but outlets into Lake St. Clair upstream of the pump station locations. During future detail design of each pump station improvement, the Engineering Consultant will review all regulatory agency water quality and phosphorous loading requirements and design accordingly.

### **Errors and/or Omissions**

These minutes were prepared by Jonathan Kitchen who should be notified of any errors and/or omission.

Example of a Mechanical Multi-Rake Bar Screen



Example of a stand-in-place Bar Screen

