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Indigenous Involvement in EA Finding a Better Way: The Case of the New Post Creek Project

Imagine the result



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Introduction



Introduction



Who

- New Post Creek Hydroelectric Project is a joint project by Ontario Power Generation (OPG) and Coral Rapids Power (wholly owned by Taykwa Tagamou Nation).
- SENES Consultants (now Arcadis Canada Inc.) selected as the EA consultant by BOTH partners.
- Taykwa Tagamou Nation (formerly New Post First Nation) is located near Cochrane Ontario with traditional territory in NE Ontario.
- Hudson Bay Post is located near the mouth of New Post Creek on the Abitibi River and was the site of the signing of Treaty #9 with ancestors of TTN members.



What is being Developed

- 25 megawatt (MW) hydroelectric project.
- 132 hectare headpond.
- 7 km long transmission line.
- Approximately 75 km north of Smooth Rock Falls, Ontario.
- Project is under construction.

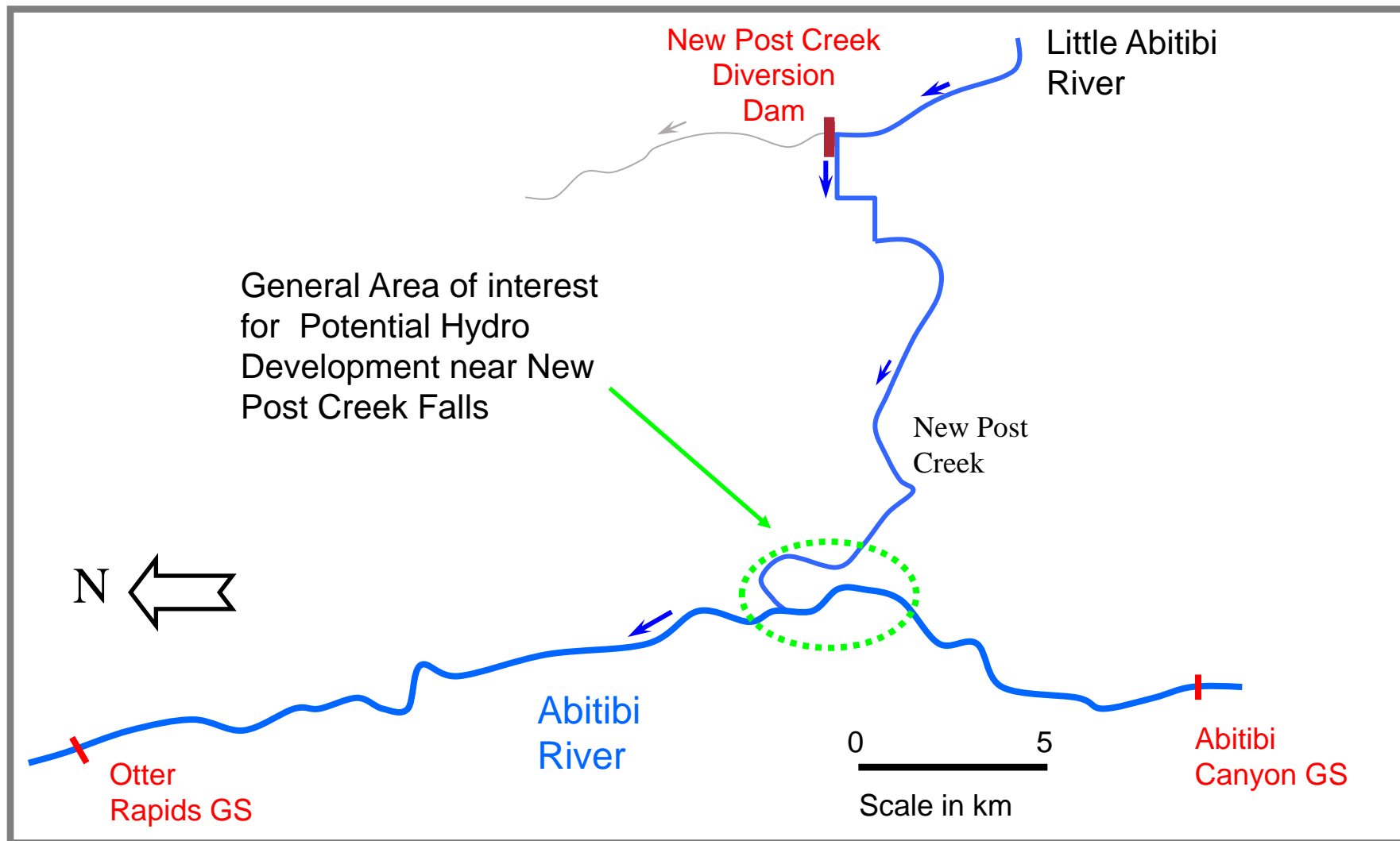


Background



- New Post Creek was originally a small creek estimated to be less than 4 cms.
- Flow of the Little Abitibi River was diverted to the Abitibi River via New Post Creek in the 1960s.
- Resulted in a 25 cms River.
- Sparse fish population.
- Much of the area has been subject to previous forest harvesting and road building.

New Post Creek System



Background



- Environmental Assessment was carried out according the *Class Environmental Assessment for Waterpower Projects*.
- Environmental Assessment was carried out from 2011 to 2014.
- Taykwa Tagamou Nation has been advocating for a development project for many years.
- LTEP identified NPC as a clean, renewable, cost-effective hydroelectric generation project.

Project Benefits and Impacts



- 25 MW of clean hydroelectric power.
- Equity benefits for TTN.
- Regional and Indigenous employment and contracting opportunities during construction.
- Proposed headpond for the project is anticipated to improve habitat conditions and result in an increased fish population.
- Vast majority of environmental effects can be mitigated.

First Nations EA Involvement



EA Involvement



- Proponent Involvement
- Economic opportunities Involvement
- EA Decision-Making Involvement
- Traditional Knowledge
- Resource Users
- Community Involvement
- Other Indigenous Peoples

Proponent Involvement



- Positive relationship with the Proponent is paramount.
- Co-proponent relationship is ideal.
- First Nation(s) should help direct EA work wherever possible:
 - Hire EA Consultant;
 - Help identify consultant expectations;
 - Give community's perspective(s) to the regulator(s);
 - Identify areas of interest/study beyond regulator asked for studies;
 - Involvement in all or as many phases of the project as possible:
 - Feasibility
 - EA
 - Construction

Economic Opportunities Involvement (EA Only)



- For most projects the construction or operation phases will generate the vast majority of employment and economic opportunities for First Nations.
- However finding ways of identifying multiple opportunities for economic participation in the EA can demonstrate commitment:
 - Field Support;
 - Field Work;
 - Logistics and Planning;
 - Traditional Knowledge;
 - Organization and implementation of consultation;
 - Review of Studies.

Economic Opportunities Involvement (EA Only)

- Mechanisms for economic opportunities should be whatever works best for community and community members:
 - Contract hires;
 - Direct hires by the consultant;
 - Per Diems and Honouraria for Elders, Resource Users, etc.;
 - Community owned businesses;
 - Hiring from Band offices.
- No one size fits all.



Economic Opportunities Involvement (EA Only)



- Challenges:
 - Skill sets;
 - Qualifications (i.e. health and safety);
 - Timelines.
- Long Term Solution is best addressed through government and industry long-term training and capacity building efforts in the resource sector.
- Short Term Solution requires a good inventory/database of First Nations individual and consultant adaptability.

EA Decision-Making Involvement



- First Nation should review all work and participate in key decision-making:
 - Proposed Flow Regime;
 - General design and layout;
 - Mitigation measures (i.e. no herbicide use);
- Ideally, no disagreement about major issues.
- Helpful if the First Nation can communicate their interests and concerns to regulators.

Traditional Knowledge – How Can it Be Used?



- Talked about --- But how do we use it?
- Think about what specific EA questions/challenges might be best understood by using TK?
 - To develop a historical understanding of the existing environment (i.e. determine historic condition of creek).
 - To identify historical uses or resources of the area that may or may not be impacted (i.e. discovery of historic portage/trail).
- Discovering cultural/historical/archaeological sites of significance will help in site planning:
 - By addressing concerns about the “unknown” location of these resources;
 - Helps to develop trust among partners;
 - Evokes a power cultural significance to the sites.

Traditional Knowledge – How to Access?

- Most First Nations in the Province (area of the undertaking) have developed values datasets through Forest Management Planning in Ontario:
 - Roaded part of Northern Ontario (28M hectares);
 - Work was underfunded and many values require field confirmation but a substantial start.
- Utilize First Nation members with a specific knowledge of the area to be studied (i.e. trappers):
 - Local trappers helped to discover historic trail.



Resource Users



- Pay particular attention to First Nation harvesters utilizing lands near proposed projects:
 - Trapping;
 - Fishing;
 - Hunting;
 - Gathering.
- These individuals will normally know the land the best and may bring first hand knowledge to the project.
- Project should assess specific impact on these rights based activities.
- Mitigation efforts should be made to minimize impacts on resource harvesters (compensation is another option):
 - Project specific.

Other First Nations and Indigenous Peoples



- Traditional territories often overlap or environmental effects could potentially spill into other areas.
- Consultation with other First Nations, Metis or unrecognized Indigenous groups may be required.
- Be respectful of the approach and wishes of the primary First Nation.
- Create mechanisms or events to consult with others.
- Provide a realistic assessment of project benefits and impacts.
- May be unique economic or other opportunities that result from these efforts.

Community Involvement



- Broader community involvement should be sought.
- In format and processes dictated by the First Nation.
- Will be influenced by the key leaders.
- Take the time to meet and interact with as many community members as possible (most First Nations in Ontario are small).
- Site visits: pre and post-development.
- Long-term benefits and impacts should be clearly communicated and discussed.

Crown's Role?



- Crown does provide better direction on First Nations rights and issues than 10 years ago.
- MNRF District offices now usually have staff with detailed First Nations experience.
- Written guidance is helpful for proponents, Indigenous peoples and consultants (i.e. CNSC Reg Doc 3.2.2 on Aboriginal Engagement) for establishing the “rules for the road” and the tests to meet.

General lessons for Successful Involvement of Indigenous Peoples in EA

- Early involvement.
- Involvement with members beyond the leadership of a community (ies).
- Direct involvement with resource users closest to projects.
- Involvement or Opportunity of Involvement in all Phases of the Project.
- First Nations need to be significant beneficiaries of projects.



General lessons for Successful Projects



- First Nations peoples aren't anti-development and in fact are often very pragmatic.
- Projects on lands and waters that have already been developed or managed and where residual impacts are minor may be more successful.
- First Nations need to be significant beneficiaries of projects in their traditional territories.
- Environmental concerns of First Nations may not be the same as concerns by regulators or the public.
- Experience across Canada that hundreds of impact and benefit agreements have been signed between First Nations and resource companies – this is a sign of significant progress over the last twenty years.
- EA isn't the only tool in the toolbox to resolving First Nation issues, and resource development.

With thanks to Ontario Power Generation,
Coral Rapids Power and Taykwa Tagamou
Nation

