

APPENDIX J

**FIRST NATION PARTICIPATION
PROGRAM REPORT**

P.O. Box 190
Blind River, ON P0R 1B0

Telephone: (705) 949-1231, ext. 210
Facsimile: (705) 356-7441
E-mail: serge.tenaglia@mnr.gov.on.ca

Chief Larry Boyer
Mississauga First Nation
Village Road
P. O. Box 1299
Blind River, ON
P0R 1B0

Dear Chief Boyer,

Re: Water Management Planning for the Blind River

Please be advised that the Ministry of Natural Resources is preparing to undertake Water Management Planning for the Blind River waterway.

Under Section 23 (1.1) of the Lakes and Rivers Improvement the Minister has authority to order a waterpower dam owner to prepare a Water Management Plan (WMP) in accordance with "Water Management Planning Guidelines" approved by the Minister. Once government has approved the WMPs, owners and operators will then be required to operate their facilities in accordance with these plans.

This planning process will result in a strategy for the management of water levels and flows as they are affected by the operations of waterpower facilities and associated water control structures. The process is an open one, with input from the public and all interested and affected parties, including First Nations. The intent is to create a management plan that results in a balance of social, environmental and economic considerations.

This will involve structures and facilities operated by the municipality of Blind River, as well as the facilities and structures on Chiblow, Scarfe, and Matinenda Lakes. This process recognizes the aboriginal right to participate in a meaningful way, as well the importance of waterways to aboriginal peoples.

The requirement for Water Management Planning was posted on the Environmental Bill of Rights (EBR) website on October 9, 2001, EBR Registry Number PB01E6004. The period for public comment ended November 23, 2001.

Please provide the name, in writing, of the person you would like to represent the Mississauga First Nation for this planning process, as soon as possible. After this is done, we will contact that person and make arrangement for our first meeting. At that time, we will provide additional information and resources regarding water management planning. It can be expected that the planning process will take at least two years. Representatives will also be required from the Chiblow and Scarfe Lake facilities, and the Municipality of Blind River. These representatives along with MNR staff will form a steering committee for the Water Management Planning process.

If you have any questions, please contact myself at the number listed above, or Dick Hagman, Blind River Area Supervisor at 356-2234 ext. 234, or Ray Lipinski, Water Management Planning Biologist, at 356-2234 ext. 234.

Yours truly,

Serge Tenaglia
District Manager
Sault Ste. Marie District

c.c. Ian Crawford MNR
rl



December 13, 2001

Serge Tenaglia
District Manager - Sault Ste. Marie District
Ministry of Natural Resources
64 Church Street
Sault Ste. Marie, ON
P6A 3H3

Dear Mr. Tenaglia;

Re: Water Management Planning for the Blind River

Please be advised that James Morningstar will be the representative for Mississauga First Nation on the Steering Committee for the Water Management Planning process.

We appreciate you involving Mississauga First Nation in this process under Section 23 (1.1) of the Lakes and Rivers Improvement Act. However, we would like to draw your attention to the fact that you are obligated to involve us under the Protocol Agreement of the Mississauga Land Claim Settlement Agreement, dated April 27th, 1994, which is attached for your review. This just serves as a reminder of this document as time progresses we find that it often becomes overlooked.

If you have any questions, please feel free to contact myself at ext. 2204 or James Cada, Jr. - Band Administrator at ext. 2202.

Meegwetch,

A handwritten signature in black ink, appearing to read "Laurence A. Boyer".

Chief Laurence A. Boyer

MISSISSAUGA FIRST NATION

P.O. Box 1299 • Blind River, Ontario • P0R 1B0 • Tel: (705) 356-1621 • Fax: (705) 356-1740



Ontario

Ministry of Natural Resources
Ministère des Richesses naturelles

64 Church Street
Sault Ste. Marie, ON P6A 3H3

Telephone: (705) 949-1231, ext. 210
Facsimile: (705) 949-6450
E-mail: serge.tenaglia@mnr.gov.on.ca

December 21, 2001

Chief Laurence A. Boyer
Mississauga First Nation
PO Box 1299
Blind River, ON P0R 1B0

Dear Chief Boyer,

Re: Blind River Water Management Plan

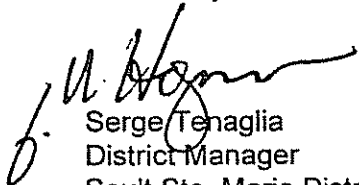
Thank you for your letter of December 13, 2001, regarding Water Management Planning for the Blind River.

The government recognizes its obligations under the Mississauga Land Claim Settlement Agreement to involve you in this process. In addition, the guidelines established for Water Management Planning clearly require extensive participation of First Nations. Section 23 (1.1) of the Lakes and Rivers Improvement Act applies to the owners of the waterpower facilities and related structures, in requiring them to develop a Water Management Plan. We look forward to jointly undertaking the development of the Water Management Plan for the Blind River.

We will notify Mr. Morningstar when the date for the first meeting is finalized. We are hoping to hold this meeting early in the New Year, in the second week of January if possible.

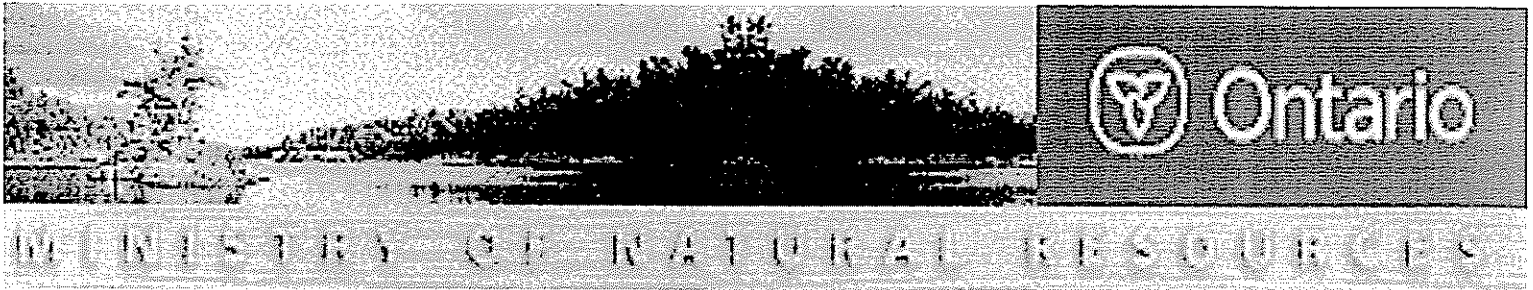
If you have any questions, please contact myself at the number listed above, or Dick Hagman, Blind River Area Supervisor at 356-2234 ext. 234, or Ray Lipinski, Water Management Planning Biologist, at 356-2234 ext. 232.

Yours truly,


Serge Tenaglia
District Manager
Sault Ste. Marie District

Visit us at our website: www.mnr.gov.on.ca

Call any MNR office in Ontario for information at
1-800-667-1940 (English) or 1-800-667-1840 (French)
8:30 am to 5 pm - Monday to Friday



You Are Invited to a

Community Information Session

Water Management Planning
For the
Blind River System

Date: Wednesday November 6, 2002

Time: 2-8 p.m.

Place: Bingo Hall

**If you have any concerns related to water levels
At Matinenda Lake, Chiblow Lake, Canoe Lake,
Lake Duborne, or the Blind River downstream
of Lake Duborne, please come and express them.**

**BLIND RIVER
WATER MANAGEMENT PLAN
FIRST NATION PARTICIPATION PROGRAM
REPORT**

FIRST NATION PARTICIPATION PROGRAM REPORT

J.1 *Introduction*

Mississauga First Nation (MFN) is the only First Nation directly affected by this WMP. Much of the planning area falls within the lands held by MFN.

A First Nation Participation Program was prepared by MFN and MNR in accordance with the approved WMP guidelines. A copy of this program is included in Appendix I. To reflect the degree of complexity of this WMP, a more streamlined approach to First Nation participation was employed, as was done with the public consultation plan. A minimum of two Community Information Sessions were planned. These sessions were held at the Invitation to Participate stage, and the Draft Plan Review stage. Information on these sessions is provided in section J.5. In addition, two presentations were made at council meetings, to discuss and describe the WMP process.

Throughout the development of the WMP members of the First Nation were encouraged to participate through interaction with various MNR staff, members of the planning team and the Public Advisory Committee (Resource Management Advisory Committee). A member of the planning team is also a member of Mississauga First Nation, and is also a council member.

To improve relationships and understanding of First Nation culture and values, a cross-cultural training session was held in September, 2003. This two day session was hosted by MFN, and was attended by First Nation elders and students, as well as planning team members. This session helped the planning team members gain an improved understanding and appreciation of First Nation history, culture, and values.

J.2 *First Nation Notices*

Notifications were made by announcement at Council meetings, Community meetings, a notice in the community newsletter, and by notices placed at prominent locations at the MFN. Notices were also given in the main local newspapers the week before each of the public open house sessions. Notices were placed in the Elliot Lake Standard, the Blind River Sentinel, and the Thessalon Sentinel. Details of the placement of these notices are listed in Table J1. Copies of the notices are also included in the Public Consultation Report (Appendix H)

Newspaper	Stage	Date
Elliot Lake Standard	Invitation to Participate	July 28, 2002
Blind River Sentinel		July 26, 2002
North Shore Sentinel		July 30, 2002
Elliot Lake Standard	Draft Plan Review	October 22, 2003
Blind River Sentinel		October 21, 2003
North Shore Sentinel		October 22, 2003

J.3 *French Language Services*

Each public notice included a sentence, in French, which indicated where information on the subject matter of the notice could be obtained in the French language.

French speaking staff was available to assist the French-speaking public at all public information centres.

J.4 *Environmental Bill of Rights*

The *Environmental Bill of Rights (EBR)* provides opportunities for public consultation and comment for notices to be placed on the provincial EBR Environmental Registry. This notice was placed at the initial stage of the WMP process, Invitation to Participate, and was updated at the scoping and draft plan stages. The internet address for the posting is <http://www.ene.gov.on.ca/envregistry/019947ex.htm>.

Contents of the initial EBR posting are listed below. This notice was revised at the scoping and draft plan review stages.

EBR Registry Number: PB02E6021 **Type of Notice:** Policy - *don't worry about that, it's related to software incompatibility issues*
Ministry: Natural Resources **Status of Notice:** Exception - *same issues*
Date Exception / Information Notice Posted: *anticipate August 7, 2002*
Reason for Exception / Information Notice: Information Posting under EBR s. 6 (no comments)

EXCEPTION / INFORMATION NOTICE FOR POLICY

© Queen's Printer for Ontario, 2002

Title:

Water Management Plan for the Blind River – Invitation to Participate

Exception / Information Notice Rationale:

The Environmental Bill of Rights Act does not require this notice to be placed on the Environmental Registry, however, section 6 of the Environmental Bill of Rights allows the Environmental Registry to be used to share information about the environment with the public.

In this case, no Comment Period is being provided for this information posting.

Additional Rationale:

In December 2000, the Lakes and Rivers Improvement Act (LRIA) was amended to establish the authority for the Minister of Natural Resources to order dam owners to prepare management plans

in accordance with guidelines approved by the Minister (Registry Number AB00E4001). This authority in relation of the preparation, amendment, approval and enforcement of management plans was further amended in June 2002, LRIA s. 23(1.1) (Registry Number AB02E6001).

This proposal is considered to be an instrument under the EBR; however, it is not prescribed by Ontario Regulation 681/94 as a classified proposal for purposes of the EBR. Therefore, MNR is not required to post water management plans on the Environmental Registry.

MNR is voluntarily posting this Information Notice on the Environmental Registry for information purposes to advise interested parties of the formal public consultation opportunities being carried out in accordance with the requirements of the Water Management Planning Guidelines for Waterpower (WMPG) (Registry Number PB01E6004). To participate in that consultation process, the public is invited to submit comments to the contact person identified below.

No formal comment period is established under the EBR through this notice.

Short Description:

A water management plan (WMP) is now being prepared for the Blind River. The WMP will address the management of in-stream flows and levels in the river as they are affected by the operation of waterpower projects and water control projects owned by 1173403 Ontario Limited, and the Town of Blind River, and water control projects owned by MNR and 1173403 Ontario Limited.

The Blind River is approximately 66 kilometres long, and flows in a southerly direction to its confluence with Lake Huron. The Blind River is situated in the District of Algoma, along the north shore of the North Channel of Lake Huron. The river supports a range of uses, such as seasonal and year-round residence, tourism, and fishing. The Town of Blind River operates one small waterpower facility, and 1173403 Ontario Limited operates two larger water power facilities, at the outflows of Chiblow and Canoe Lakes.

The WMP will be developed by a planning team having representation from the above waterpower owners and MNR, Mississauga First Nation, and the public. A steering committee, comprised of representatives of the above dam owners, agencies and First Nations, will provide direction to the planning team. A public advisory committee, with representation from across the river basin, has been established to provide advice on the development of the water management plan, and to assist in public consultation.

Web-links are provided below to fact sheets on water management planning as well as to the Water Management Planning Guidelines.

Purpose of the Notice:

To advise the public that the terms of reference for the Blind River WMP will be available for public review at the locations and during the times and dates set out below.

Decision:

This notice will be updated, as new information becomes available.

Other Relevant Information:

In addition to the government office listed below, copies of the Terms of Reference are available from:

Kay Ashwood
Acres International Limited
Environmental Assessment Division
4342 Queen Street, P. O. Box 1001
Niagara Falls, Ontario L2E 6W1
Phone: (905) 374-5200 Fax: (905) 374-1157

All comments and submissions will become part of the public record. All comments and contact (name and address) information received may be forwarded to the project applicant unless specifically requested otherwise. For more information on the collection and use of the personal information, contact Tom Mispel-Beyer at (705) 949-1231.

Other Public Consultation:

Formal public consultation is planned to occur at a minimum of two stages during the preparation, review and approval of this plan. Direct written notice will be given to certain individuals and organizations at each stage of the planning process; individuals and organizations may request to be added to this list, which is updated at each stage. Public notice is given through advertisements in local newspapers.

The following is a summary of public consultation (dates beyond the Invitation to Participate are tentative):

Stage One – Invitation to participate: The comment period is from August 8, 2002 until September 9, 2002. An open house will be held at the Blind River Marina conference room from 2-8 p.m. on August 8, 2002.

Stage Two – Review of Background Information/Scoping Report: tentative dates for comment period are Jan 1, 2003 to Feb 1, 2003.

Stage Three – Review of Options: tentative dates for comment period are Feb 3, 2003 to March 5, 2003.

Stage Four – Review of Draft Plan: tentative dates for comment period are March 24, 2003 to April 24, 2003.

Stage Five – Approved Plan: tentative date for plan approval is July 2, 2003.

Local native communities with traditional uses in the area may request a separate native consultation process.

Contact Person:

Ray Lipinski, Planning Biologist, ext. 232
MNR Blind River Area Office
P.O. Box 190, 62 Queen Avenue
Blind River, Ontario, P0R 1B0
PHONE: (705) 356-2234 FAX: (705) 356-7441

Some Government offices have additional information on this proposal for viewing. These are listed below:

MNR Blind River Area Office
P.O. Box 190, 62 Queen Avenue
Blind River, Ontario, P0R 1B0
PHONE: (705) 356-2234 FAX: (705) 356-7441

Additional material in support of this notice is available by clicking the following hyperlink(s):

<http://204.40.253.254/envregistry/016790ep.htm>
<http://www.mnr.gov.on.ca/MNR/waterpower/>
http://192.75.156.68/DBLaws/Statutes/English/90103_e.htm

J.5 Consultation Stages

Stage One – Planning Organization and Commencement.

Stage one of the First Nation participation process began with an Invitation to Participate in the initial scoping, and included First Nation Community Information Session. This information session was held on November 6, 2002 at the MFN Bingo Hall. The purpose of the information session was:

- to advise the First Nation members that water management planning was beginning for the Blind River system;
- to explain the planning goal and objectives;
- to provide access to information to be used in the water management planning process;
- to request contributions to the background information to be used in planning;

- to identify First Nation and resource values and request issues that may be addressed in planning; and
- to request the First Nation's views on the desired benefits from the river system which can be achieved through the management of water levels and flows.

A mailing list was developed for the purpose of public consultations for the Blind River Water Management Plan. The source for this list included existing MNR contacts, the Town of Blind River tax rolls (waterfront property owners), the Matinenda Cottagers Association, as well as any individuals who had communicated an interest in participating. The mailing list is included in the Public Consultation Report (Appendix H)

All persons attending the Information Session were requested to complete a sign in sheet, and complete a questionnaire if they had comments or information to provide. A copy of the completed sign-in sheet and the questionnaire is included at the end of this Appendix. A summary of comments and issues identified by the public and First Nation is included in Table 6.1. Five people signed in at the initial Information Session. A copy of the sign in sheet is included at the end of this appendix.

Stage Two – Scoping, Options, and Draft Plan Review

Because of the low complexity of the Blind River WMP, the planning team decided to consolidate stages two (scoping), three (options) and four (draft plan).

A First Nation Community Information Session was held on November 19, 2003 at the MFN Council chamber.

The purpose of the Information Center was:

- to provide a formal opportunity for First Nation review and comment on scoping information;
- to request additional contributions to the background information and other information to be considered in decision-making;
- to provide a formal opportunity for First Nation review and comment on the analysis of water management options;
- to provide a formal opportunity for First Nation review and comment on the preferred option;
- to provide a formal opportunity for First Nation review and comment on the proposed operations before finalizing decisions on the draft WMP.

Five people attended the Draft Plan Review open House. A copy of the sign-in sheet is included at the end of this appendix. Approximately 14 questionnaires were completed by MFN members. A summary of issues identified from these questionnaires received at or following this session are included in Table 6.1b.

Stage Three – Plan Viewing

This stage of the First Nation Participation process provides an opportunity to review the final plan as approved by the delegated authority of the Ministry of Natural Resources. A notice will be issued upon approval of the WMP by the MNR Regional Director, or delegated authority, and before the date of plan implementation. The purpose of this opportunity is to advise First Nations peoples that the water management plan has been completed and approved, and to provide a formal opportunity for First Nations to examine the MNR approved water management plan. A summary of the approved WMP and a list of the major changes to the draft WMP will be available for public distribution at the Blind River Area Office of the MNR.

J.6 *First Nations Values*

First Nation peoples have a long history and close relationship with the land and water. There are many values that are considered to be very important to aboriginal peoples, but are often overlooked or not fully appreciated or understood by non-aboriginals. These values include places and things such as sacred sites, burial sites, traditional medicinal plant areas, berry harvesting areas, pictographs, traditional hunting, fishing and trapping areas, homesteads, and gathering places.

The MFN has an ongoing program of values identification. The purpose of this program has been for both the benefit of the First Nation, as well as other government programs, such as Forest Management Planning. For these values to be protected, it is important that they be identified.

First Nations values were reviewed to determine if any values were, are being, or will be affected by levels and flows, as regulated by this WMP. In addition, values were reviewed and updated by First Nations. Sessions involving elders, band members and band historians were held to document and update these values. MFN retains control over disclosure of these values. Any persons requiring or requesting specific information on First Nation values should contact MFN directly. MNR is working with local First Nations on an ongoing basis to continue this dialogue, and facilitate collection and identification of values. This is part of the overall adaptive management strategy for WMPs, in that science or traditional knowledge that is gained during or after the formal WMP process should be considered. If the new information has a level of importance that may require altering any levels or flows, then the WMP amendment process should be implemented.

J.7 *Treaty and Aboriginal Rights*

A common concern voiced by many First Nation members during the planning process has involved matters related to treaty and aboriginal rights. These are of very high importance to First Nation peoples, as well as MNR. However, they are not normally within the scope of this planning process. There are ongoing negotiations among the Federal government, provincial government, and Mississauga First Nations regarding the Land Claim Settlement Agreement and the issue of flooded lands within this area. However, work done as part of this planning process has helped improve relationships, understanding and dialogue between the MFN and the MNR. MNR and

MFN have indicated a willingness to work with each other. Improving such a relationship will only help in the future.

J.8 Availability of First Nation Comments

All written correspondence from the public or First Nations will be kept on file at the Blind River Area Office of the MNR for use during the plan operating period. This information may be included in study documentation, which is made available for public review. Under the *Freedom of Information and Protection of Privacy Act (1987)*, personal information will remain confidential unless prior consent is obtained. However, this information may be used by the MNR to seek public input on other resource management surveys and projects. For further information on this Act, please contact Mr. Tom Mispel-Beyer at (705) 949-1231 ext. 288.

J.9 Community Information Session Questionnaire

The following questionnaire was available for the First Nation to provide comments or information. Some questions were changed specifically to help identify First Nation issues or values.

Blind River Water Management Plan Questionnaire

We are continuing to collect background information for the Blind River Water Management Plan. You can help us by taking a few minutes to respond to the following questions and return the completed form to the address at the end. Thank you for taking the time to provide us with your comments.

1. Do you live or work in the Blind River Watershed? Yes No

If yes - Permanent resident Seasonal resident
 First Nation Recreational (hunt) camp
 Other _____

2. Are you a commercial operator? Yes No

Lodge/motel/hotel <input type="checkbox"/>	Tour Operator <input type="checkbox"/>	Bed and Breakfast <input type="checkbox"/>
Campsite/trailer park <input type="checkbox"/>	Marina <input type="checkbox"/>	Cabins <input type="checkbox"/>
Golf course <input type="checkbox"/>	Private camp <input type="checkbox"/>	Hunting/Trapping <input type="checkbox"/>
Outfitter <input type="checkbox"/>	Float Plane Base <input type="checkbox"/>	Other _____
Retail outlet <input type="checkbox"/>		

3. Are you an industrial operator? Yes No

Sawmill/logging <input type="checkbox"/>	Manufacturing <input type="checkbox"/>	Construction <input type="checkbox"/>
Agricultural <input type="checkbox"/>	Other _____	

4. Is the property you own/lease/visit or work at, on a shoreline of the Blind River system? Yes No

If yes - which lake or section of the Blind River?

5. What are your major interests/activities in the Blind River Watershed?

Recreational Activities

Boating <input type="checkbox"/>	Canoeing <input type="checkbox"/>	Kayaking <input type="checkbox"/>
Water Skiing <input type="checkbox"/>	Birdwatching <input type="checkbox"/>	Hiking <input type="checkbox"/>
Fishing <input type="checkbox"/>	Wildlife viewing <input type="checkbox"/>	Swimming <input type="checkbox"/>
Hunting <input type="checkbox"/>	Snowmobiling <input type="checkbox"/>	Snow Skiing <input type="checkbox"/>
ATVing/Off Road <input type="checkbox"/>	Ice Fishing <input type="checkbox"/>	Other _____

.....
.....
.....

Optional: Name:
Address:.....
E-mail:
Phone:
Date:

Freedom of Information and Privacy Act - Comments
and information collected will be kept on file and, unless otherwise requested, will be available for public review. Under the Freedom of Information and Protection of Privacy Act (1987), personal information will remain confidential unless prior consent is obtained.

Please return to:

Ray Lipinski
Ministry of Natural Resources
62 Queen Ave.
Box 190
Blind River, ON
P0R 1B0

e-mail: raymond.lipinski@mnr.gov.on.

Fax: 705-356-7441