

IN THE MATTER OF SERVICES NO. K4450 22 1028
FOR THE MARATHON PALLADIUM PROJECT

TRANSCRIPT OF PROCEEDINGS
held virtually at Toronto
Wednesday, April 6, 2022, at 9:00 a.m.

VOLUME 17
REVISED TRANSCRIPT

BEFORE: Debra Sikora, Panel Chair
Gay Drescher, Panel Member
Laurie Bruce, Panel Member

Arbitration Place © 2022

100 Queen Street, Suite 940
Ottawa, Ontario K1P 1J9
(613) 564-2727

333 Bay Street, Suite 900
Toronto, Ontario M5H 2R2
(416) 861-8720

APPEARANCES:

Drew Anwyll	On behalf of GenPGM
Meghan Rourke	
Jeremy Dart	
Cathryn Moffett	
Hilary Janes	
Jeremy Barretto	
Brian Fraser	EcoMetrix
Dr. Ron Nicholson	
Dr. Rob Foster	Northern Bioscience
Dr. Don Hart	
Jon Pounder	
Sean Capstick	
Frank Babic	
Sheila Daniel	
Suraj Dave	On behalf of Pays
Raymond Belmar	Plat First Nation
Deb King	
Mayor Rick Dumas	On behalf of the town
Daryl Skworchinski	of Marathon
Tracy Zanini	On behalf of Biigtigong Nishnaabeg
Jody Duncan	
Gregory Crooks	On behalf of Stantec
Robert Clavering	On behalf of Environment
Allison Kroeze	and Climate Change Canada
Matthew LeBlanc	
Lynn McCarty	On behalf of Michipicoten
Dean Fitzgerald	First Nation
Kitty Ma	On behalf of Health Canada
Frédéric Valcin	
Luc Pelletier	
Laura Romeo	On behalf of Ministry of Heritage, Sport, Tourism and Culture industries
Courtney Bice	On behalf of Transport Canada

Laura Darby
 Raymond McCarthy
 Andrea Hanson
 Colin Hovi
 Tim Cano

On behalf of Ministry of Northern
 Development, Mines, Natural Resources

Marie-Eve Lenghan

On behalf of NRCan

Sara Libman
 Kevin Morin

On behalf of Citizens for Responsible Industry in
 Northwestern Ontario and Northwatch

Jacinth Gilliam-Price
 Alisdair Brown

On behalf of Ministry of the
 Environment, Conservation and Parks

Victoria Stinson
 Tim Sinclair
 Alexandra Kosmides
 Phil Seeto

On behalf of Métis Nation
 of Ontario

Luc Desroches
 Jason Boivert
 Andrea Osala-Schaaf

On behalf of Impact
 Assessment Agency of Canada

Peter Rasevych

On behalf of Ginoogaming First Nation

Adam St. Clair

On behalf of Dept. Of
 Fisheries and Oceans

Alain Bartleman

On behalf of Biigtigong Nishnaabeg

Also Present:

JoAnne Michano
 Todd Kiersten
 Dave Carruthers

Gavin Fitch

Legal counsel to the Panel

Jason Patchell
 Robert Purdon
 Youssouf Kalogo
 Élyse Maisonneuve-Campbell
 Kierney Leach
 Dominic McRae
 Isabelle Turcotte

Panel manager
 Panel secretariat
 Panel secretariat
 Panel secretariat
 Panel secretariat
 Panel secretariat
 Panel secretariat

Carys Burgess
Tracy Utting
Audrey Rooney
Sophie Regimbald
Jillian Smith
Frank Bohlken
Christine Walsh
Colin Varley
Simone Desmoulin
Lisa Michano Courchene
Paul Driben
Chris Wedeles
Michael Starr
Debbie Boucher

Panel secretariat
Panel secretariat
Panel secretariat
Panel secretariat
Panel secretariat

Sandra Brereton

Court reporter

INDEX

	PAGE
OPENING CEREMONY:.....	2981
PRESENTATION BY TRACY ZANINI AND JODY DUNCAN:.....	2985
PRESENTATION BY PAUL DRIBEN:.....	3021
PRESENTATION BY CHRIS WEDELES:.....	3047
PRESENTATION BY CHIEF DUNCAN MICHANO:.....	3049
PRESENTATION BY CHRIS WEDELES (cont'd):.....	3055
PRESENTATION BY LISA MICHANO-COURCHENE:.....	3116
PRESENTATION BY SIMONE DESMOULIN:.....	3145

1 Virtual proceedings
2 --- Upon resuming on Wednesday, April 6, 2022,
3 at 9:00 a.m.

4 PANEL CHAIR: Welcome to day
5 3 of the community sessions of the public
6 hearing for the Marathon Palladium Project.
7 These sessions are intended to allow
8 Indigenous communities living in close
9 proximity to the project to present their
10 views.

11 My name is Debra Sikora, and
12 I'm the chair of the joint review panel.
13 Joining me are my fellow Panel Members, Gay
14 Drescher to my left, Laurie Bruce to my right.

15 I would like to formally
16 acknowledge that we're participating from
17 Ottawa and have gathered on land that is the
18 traditional unceded territory of the Algonquin
19 Anishinabeg people. In other circumstances we
20 would all be together for this
21 acknowledgement. However, we are all joining
22 from different traditional Indigenous
23 territories. I encourage you all to take a
24 moment to reflect on the land that you are
25 personally on.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 My full opening remarks from
2 day 1 of the public hearing and day 1 of the
3 community sessions can be found in the
4 transcripts and on YouTube, so I won't repeat
5 them in their entirety.

6 The secretariat has been
7 supporting us throughout this hearing. If you
8 have any questions about the process or other
9 general procedural matters, please direct them
10 to the project e-mail found to public
11 registry.

12 Live audio and video streams
13 and video recordings of this hearing will be
14 made available to the public through YouTube.
15 Anyone in the virtual hearing room with their
16 camera or microphones turned on will be
17 captured, and images and recordings of and you
18 and your surroundings will be broadcast on a
19 publicly available YouTube video.

20 If you do have concerns about
21 this, please contact the secretariat. We'll
22 do our best to accommodate any concerns while
23 considering the need to conduct an open and
24 transparent public process.

25 In the event of an emergency

Arbitration Place

(613) 564-2727

(416) 861-8720

1 where you are, please consider your safety
2 first, exit your location if necessary and
3 when it's safe to do so let us know how we can
4 assist, and we'll find time to reschedule a
5 presentation if needed.

6 We plan to take a 15-minute
7 break mid-morning and afternoon, and a
8 one-hour break for lunch.

9 The purpose of the community
10 sessions is to allow Generation PGM to present
11 an overview of the project, including aspects
12 of particular to interest to Indigenous
13 communities, for Indigenous peoples and their
14 experts to share with the panel their views
15 and concerns related to the project, including
16 on the potential environmental and
17 socioeconomic effects of the project and on
18 the location, extent and exercise of
19 Aboriginal or treaty rights that may be
20 affected by the project, and for the panel,
21 Generation PGM and participants to ask
22 questions where appropriate regarding the
23 information shared by Indigenous peoples.

24 Biigtigong Nishnaabeg First
25 Nation will present throughout the day

Arbitration Place

(613) 564-2727

(416) 861-8720

1 beginning with an opening ceremony. If are
2 any questions, we'll do those following the
3 presentations.

4 I do have a few procedural
5 matters to update before I ask if there are
6 others. The panel has accepted Biigtigong
7 Nishnaabeg's April 2nd request to hold
8 documents confidentially, and we have also
9 accepted their request to hold the April 9th
10 session in camera. Details of our decisions
11 will be posted on the public registry.

12 Additionally I wanted to let
13 participants know that Pays Plat First Nation
14 has requested to have an in camera session
15 during the April 8th community session. This
16 request will be posted to the public registry
17 as document CIAR 1238. And I would ask
18 participants if they have any comments to
19 please provide those by 5:00 p.m. today.

20 So with that I'll now ask
21 participants if there are any questions or
22 procedural matters that you would like to
23 raise before we begin.

24 Good morning, Mr. Barretto.

25 MR. BARRETTO: Good morning,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Madam Chair and Panel Members. I do have a
2 procedural request for the panel which would
3 come jointly from Generation PGM and
4 Biigtigong and am prepared to proceed with it
5 now or at whatever time the panel wishes.

6 PANEL CHAIR: Go ahead and
7 proceed now, and then we can always get back
8 to you with any decisions if necessary.

9 MR. BARRETTO: Absolutely.
10 And Madam Court Reporter, just let me know if
11 I'm speaking too quickly.

12 Madam Chair and Panel
13 Members, Biigtigong and Generation PGM jointly
14 request an extension to Generation PGM's
15 undertaking 31 deadline for the reasons I'll
16 explain below.

17 Mr. Bartleman who is counsel
18 for Biigtigong is on the line and is available
19 to make further submissions on behalf of
20 Biigtigong at the end of my submissions.

21 PANEL CHAIR: Thank you.

22 MR. BARRETTO: So to start,
23 on March 31st, 2022 the joint review panel
24 issued undertaking 31. It requires Generation
25 PGM to provide a revised list of commitments.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 This undertaking response is currently due on
2 the last day of the hearing, which is Thursday
3 April 14th, 2022, and that's represented on
4 the undertaking tracker from the panel, which
5 is CIAR 1143.

6 At the hearing session on
7 April 1st, 2022 Generation PGM proposed its
8 approach to completing undertaking 31 to the
9 panel for approval. At that hearing session,
10 Madam Chair, you'll recall that two Indigenous
11 communities requested to be engaged regarding
12 Generation PGM's undertaking 31 response.
13 These were Biigtigong and the Pays Plat First
14 Nation.

15 Generation PGM accepted these
16 requests for engagement at that time.
17 Subsequent to the hearing sessions on March
18 31st and April 1st, 2022, Generation PGM
19 completed its initial engagement with both
20 Biigtigong and the Pays Plat First Nation
21 regarding its approach to completing
22 undertaking 31.

23 With respect to the Pays Plat
24 First Nation, Generation understands that its
25 concerns focus on the environmental matters

Arbitration Place

(613) 564-2727

(416) 861-8720

1 that are highlighted in its presentations to
2 the panel, and GenPGM will consider these
3 concerns, engage further with Pays Plat.

4 With respect to Biigtigong,
5 Biigtigong requested significant and in-person
6 engagement regarding Generation PGM's
7 undertaking 31 response. In particular,
8 Biigtigong asked Generation PGM for three
9 things.

10 First, it asked Generation
11 PGM to discuss and explain its proposed
12 commitments with respect to Biigtigong's
13 issues and concerns expressed during the
14 hearings.

15 Second, it asked Generation
16 PGM to that make its technical experts and
17 team available if there are any additional
18 questions from Biigtigong, its experts or the
19 communities. And third, Biigtigong requested
20 an opportunity to make supplemental closing
21 submissions if necessary with respect to
22 Generation PGM's undertaking 31 response.

23 Madam Chair, Generation PGM
24 has worked with Biigtigong, and we accept
25 these requests, and consequently Generation

Arbitration Place

(613) 564-2727

(416) 861-8720

1 PGM and Biigtigong jointly request that the
2 deadline for responding to undertaking 31 be
3 extended by four weeks from April 14th, 2022
4 to May 12th, 2022.

5 Generation PGM would file its
6 undertaking 31 response as soon as its
7 engagement with Biigtigong is complete. In
8 other words, potentially sooner than May 12th,
9 2022, but Biigtigong has been clear that this
10 four-week period is required.

11 Generation PGM also consents
12 to Biigtigong's request to potentially make
13 supplemental closing submissions regarding
14 Generation's undertaking 31 response on or
15 before the date of the undertaking 31
16 response.

17 To wrap up, Madam Chair,
18 Generation PGM and Biigtigong believe that the
19 proposed undertaking 31 extension will allow
20 the panel and participants to complete all
21 hearing steps within the current hearing
22 schedule, and the hearing schedule is on the
23 record at CIAR 1066. The only exception would
24 be Generation's response to undertaking 31 and
25 Biigtigong's potential supplemental closing

Arbitration Place

(613) 564-2727

(416) 861-8720

1 you are on the line. Good morning.

2 MR. BARTLEMAN: Good morning,
3 Madam Chair. Good morning, members of the
4 panel.

5 And thank you to my friend
6 Mr. Barretto. Yes, Biigtigong consents. This
7 is a joint request, and I believe my friend
8 has outlined and described the concerns of
9 Biigtigong and Generation PGM in requesting
10 this extension.

11 PANEL CHAIR: Thank you very
12 much. Given the -- just the individual
13 request, we'll deal with these probably at the
14 lunch hour if that works Mr. Barretto and Mr.
15 Bartleman, and get back to you, if not sooner,
16 we'll get back to you right away. Okay.

17 MR. BARRETTO: Thank you
18 Madam Chair and Panel Members that works.

19 MR. BARTLEMAN: Thank you,
20 Madam Chair.

21 PANEL CHAIR: Okay. Are
22 there other procedural matters that others
23 would like to raise who are on the line?
24 Okay. Just a bit difficult for me to see
25 hands up, so in case I miss anyone, please let

Arbitration Place

(613) 564-2727

(416) 861-8720

1 me know.

2 But otherwise, thank you
3 again for joining us this morning, and I think
4 I'll be turning it over to Ms. Michano in
5 Biigtigong Nishnaabeg First Nation.

6 Good morning, Ms. Michano.

7 MS. MICHANO: Good morning.
8 Good morning, ladies.

9 All right. From all of us
10 here in the Biigtigong community hall to all
11 of you on Zoom and on YouTube and to the Panel
12 Members, we want to say good morning. Once
13 again, good morning. Good morning. We hope
14 everyone had a good rest and woke up feeling
15 the awesomeness of spring, so we want to take
16 that awesomeness of spring and add some more
17 awesomeness.

18 So with that, we're going to
19 start our day with a smudge using one of our
20 traditional medicines, sage. Todd will be
21 conducting that ceremony, and while he does
22 that, I would like to call upon wonderful, I'm
23 so happy to have Mr. Michael Starr with us. I
24 haven't seen you in such a long time, so I'm
25 very honoured for you to be here. Todd, if

Arbitration Place

(613) 564-2727

(416) 861-8720

1 you want to take couple seconds.

2 OPENING CEREMONY:

3 TODD: (Speaking
4 Nishnaabemwin) Thank you for allowing us to
5 have another day and another day of good
6 discussions and relationships with one
7 another. We got to give thanks to the creator
8 for that and give thanks to the land and the
9 animals and the trues and the plants, and I
10 give thanks to the plants that give up their
11 lives today so that we could smudge. And
12 yeah, I'm going to go around and smudge, and
13 if you don't want to smudge, you can just kind
14 of give me the nod to go by, and if you do,
15 I'll go around. And I ask my good friend to
16 come in to sing. And he's a very gifted
17 singer, and I wanted to kind of showcase and
18 honour his gift that he has because we're very
19 gifted people in our community here in Pic
20 River, so I wanted to do that. Miigwetch.
21 --- (Nishnaabemwin song sung)

22 MS. MICHANO: That's a heck
23 of a lot more awesomeness than I was
24 expecting. Miigwetch, Michael.

25 That was very good for our

Arbitration Place

(613) 564-2727

(416) 861-8720

1 spirits and souls and wonderful to have you
2 with us here and in person, and I know over
3 the last few years we've seen you on Zoom and
4 some variations of that, but Miigwetch for
5 being here. And I just really want you to
6 know that the gift you carry means a lot to
7 your community, and a lot to your nation, and
8 it really helps us in our efforts to take our
9 community forward.

10 So from the bottom of our
11 hearts I want you to know that what you do
12 very much contributes to your community and
13 the welfare of our people. So from the bottom
14 of our hearts Miigwetch to you, Michael.

15 All right. So I just want to
16 take a couple of minutes to capture some of
17 our discussions from yesterday. So yesterday
18 we explored the question, what is Biigtigong
19 land? In doing so we wanted to provide a
20 glimpse into our Nishnaabeg world view,
21 specifically our Biigtigong world view. We
22 sought to express our inherent connection with
23 our lands, our relationship with the world and
24 the cosmos, the essence of our beings. The
25 fundamental purpose and meaning that we have

Arbitration Place

(613) 564-2727

(416) 861-8720

1 derives from our interconnections and our
2 interdependencies upon our traditional lands.

3 It is in this world view that
4 guides our responses to this environmental
5 assessment. In our written submissions we
6 encourage the Crown and others to adopt a
7 holistic interpretation of the term
8 environment that considers our Nishnaabeg
9 world view. This broader view that Biigtigong
10 holds will allow the Crown and the proponent
11 to better understand and consequently
12 meaningfully address the potential impacts of
13 this project on our unceded lands and
14 Aboriginal title rights.

15 Alain provided a high
16 overview of what Aboriginal title means and
17 highlighted relevant court decisions. He
18 further provided a quick overview of the
19 not-so-quick process of our Aboriginal title
20 claim. He explained why Biigtigong is an
21 Aboriginal rights holder, not a stakeholder,
22 and reminded us that we have never
23 surrendered, ceded or extinguished our rights
24 and titles to our exclusive territory.

25 This was followed by Dave

Arbitration Place

(613) 564-2727

(416) 861-8720

1 taking us on a little exploration across our
2 territories. As we followed Dave he showed us
3 maps that showed the activities, alienations
4 that exist on our territory caused by
5 activities such as mining, forestry,
6 municipalities, aggregates, parks and
7 protected areas and so forth. This was
8 overlapped with our cultural data such as our
9 use and occupancy studies, our travel route
10 mapping data just to name a few sources, and
11 we saw very evidently of the potential
12 conflicts and the existing conflicts that
13 exist between these two worlds.

14 So for us, and hopefully for
15 everyone else on this project, it is really
16 important that we do not see this project as a
17 dot. It is very much connected to a bigger
18 network of things. We hope that this
19 information we provided yesterday puts things
20 into context, and we were able to communicate
21 the complexities that Biigtigong Nishnaabeg
22 have to deal with.

23 So once again, the
24 development of this mine is not an isolated
25 matter. As you saw it is connected to the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 very complex issues facing Biigtigong
2 Nishnaabeg.

3 Today we will focus
4 specifically on the impacts from this project
5 looking at the environmental and human health
6 components of it.

7 We would like to start today
8 with our first presentation from Tracy Zanini
9 and Jody Duncan, and many of you know these
10 two individuals as they have been representing
11 Biigtigong in the topic-specific sessions of
12 this hearing. So Tracy and Jody I believe are
13 on Zoom, and they are just going to raise some
14 summaries of some of the more important issues
15 that we identified inside of the
16 topic-specific hearings and looking at some of
17 the mitigations and commitments that we heard.

18 So Jody and -- oh, there you
19 are. All right, Tracy, nice to see you. Good
20 morning. Take it away.

21 PRESENTATION BY TRACY ZANINI AND JODY DUNCAN:

22 MS. ZANINI: Miigwetch. Good
23 morning, Panel Members. Good morning, Madam
24 Chair. For the record, my name is Tracy
25 Zanini on behalf of Biigtigong Nishnaabeg, and

Arbitration Place

(613) 564-2727

(416) 861-8720

1 I'm joined today by colleague Jody Duncan.

2 This morning we would like to
3 take the opportunity to revisit the specific
4 environmental issues and concerns we've
5 presented to the panel to date in the
6 environmental topic-specific sessions. We
7 would like to do so within the context of the
8 community session today to further reflect how
9 the environmental effects of the project are
10 more than just effects to discrete biophysical
11 components of the natural world.

12 As expressed in Biigtigong's
13 presentations yesterday, and as beautifully
14 expressed by JoAnne just now, we will further
15 elaborate today that the effects of the
16 project will be on the environment as a whole,
17 an environment that includes the past, present
18 and future of Biigtigong Nishnaabeg, its
19 culture and its people.

20 With that I would like to
21 pass it over to my colleague, Jody Duncan, to
22 provide further details.

23 MR. DUNCAN: Thank you,
24 Tracy. Good morning, Madam Chair and Panel
25 Members.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 For the record, Jody Duncan
2 on behalf of Biigtigong.

3 First off, I would like to
4 thank you for this opportunity to present to
5 you on behalf of Biigtigong. And as my
6 colleague Tracy mentioned, today we'll be
7 providing you with a summary of the concerns
8 we presented during the topic-specific
9 sessions.

10 Our presentation will be
11 presented orally today, so with that I will
12 jump right into it.

13 So during the purpose and
14 alternative means session, we presented our
15 significant concerns with passive discharge of
16 excess water from the pit lakes to Biigtig
17 Zibi during the post-closure phase of the
18 mine. Once pit lakes are filled, the current
19 design for passive water management during the
20 post-closure phase involves the central pit
21 lake discharging water to the north pit lake,
22 the north pit lake would then discharge
23 passively through an engineered channel
24 underneath the mine rock storage area and then
25 into the Biigtig Zibi.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 The Biigtig is regarded as a
2 sacred river by Biigtigong. It is a resource
3 that is used extensively by the community to
4 exercise their Aboriginal title rights both
5 near the project and in other areas of their
6 exclusive Aboriginal title area. For example,
7 it is contemporarily used by the community for
8 harvesting fish and hunting, as well as to
9 transmit cultural knowledge to younger
10 generations.

11 The health and economic
12 prosperity of the community is closely tied to
13 the health of Biigtig Zibi.

14 The Biigtig is also
15 ecologically important. The fish community of
16 the Pic River is diverse with a variety of
17 cool water and cold water fish species being
18 reported. It supports species at risk,
19 including lake sturgeon and northern brook
20 lamprey, as well as a variety of other
21 culturally important species, including
22 muskie, walleye and northern pike to name a
23 few.

24 As the community has
25 repeatedly expressed, protection of the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Biigtig is of the highest importance to
2 Biigtigong. After the mine is closed, the pit
3 lakes will be permanent features on the
4 community's exclusive title area. And any
5 potential long-term risk that may arise with
6 the effluent quality of the pit lakes would
7 have profound and lasting impacts to the
8 spiritual and cultural heritage and the
9 cultural wellbeing of Biigtigong.

10 Biigtigong considers
11 discharge of the pit lake water to the Biigtig
12 Zibi during the post-closure phase
13 unacceptable and that permitting such a design
14 would result in an adverse impact to the
15 community's Aboriginal title areas and
16 interest.

17 To mitigate this concern,
18 Biigtigong requires that the proponent
19 evaluate alternatives to the current closure
20 design specifically as it relates to water
21 management. Ultimately Biigtigong requires
22 that the proponent direct all pit lake
23 discharges as well as any other
24 project-related discharges required during the
25 construction, operation and closure phases of

Arbitration Place

(613) 564-2727

(416) 861-8720

1 the mine regardless of quality, effluent
2 quality or water quality, to the west away
3 from the Biigtig Zibi.

4 During the subsequent
5 question session and closing remarks from
6 GenPGM, we did not hear a firm commitment to
7 ensure that pit lake discharge will be
8 directed west away from the Biigtig Zibi.
9 However, we look forward to GenPGM's fulsome
10 response to this concern in undertaking 31.

11 During are the aquatic
12 environment topic-specific sessions, we
13 presented a number of concerns related to
14 water quality and water treatment parameters,
15 the sufficiency of water quality monitoring,
16 plans for type 2 rock management and water
17 management in the process solids management
18 facility, stream flow and fish passage in the
19 PSMF, outdated or insufficient baseline data,
20 and the need for community-led environmental
21 programs.

22 With regard to water quality
23 parameters and water treatment parameters, in
24 the EIS we found there was little discussion
25 provided on the concentrations of processing

Arbitration Place

(613) 564-2727

(416) 861-8720

1 plant reagents such as potassium amyl xanthate
2 that GenPGM anticipates seeing in the final
3 effluent discharge to Hare Lake.

4 Biigtigong has also not been
5 provided with substantial or -- with
6 sufficient information on how effective the
7 effluent treatment systems are at removing
8 flotation reagents or the rate at which
9 flotation reagents conflicts (ph) with metals
10 inhibiting their natural degradation. We have
11 not seen commitments from GenPGM to measure
12 the concentrations of flotation reagents in
13 the effluent, the receiving environment or in
14 fish and other aquatic organisms.

15 Biigtigong is concerned with
16 the persistence of these reagents in the
17 effluent or in the downstream environment.
18 Biigtigong will inherit any residual impacts
19 that these reagents may leave on their
20 exclusive title area. We believe that the
21 potential impacts that these reagents may
22 cause must be accounted for and considered
23 as part of the environmental assessment for
24 the project.

25 In order to mitigate this

Arbitration Place

(613) 564-2727

(416) 861-8720

1 concern Biigtigong requires that GenPGM commit
2 to monitoring the concentration of the
3 flotation reagents in effluent and the
4 receiving environment as part of the
5 environmental effects monitoring program for
6 the project.

7 We believe that an adaptive
8 management and trigger response plan for the
9 management of flotation reagents and effluent
10 should also be developed.

11 During closing remarks we
12 heard GenPGM state that these reagents are
13 chemically attached to the minerals of
14 interest, and that the vast majority of these
15 reagents will be retained on the mineral
16 surfaces and the concentrate that is shipped
17 from site or attached to the sulfide minerals
18 impounded in the PSMF. Biigtigong believes is
19 it necessary to confirm this prediction
20 through the completion of the monitoring we
21 have recommended.

22 We look forward to GenPGM's
23 fulsome response to this recommendation in
24 undertaking number 31.

25 With regard to sufficiency of

Arbitration Place

(613) 564-2727

(416) 861-8720

1 water quality modelling, as I mentioned
2 earlier the project is designed so that
3 post-closure overflow from the open pits would
4 discharge passively to the Biigtig. As it is
5 known protection of water quality in the
6 Biigtig is of exceptional importance to
7 Biigtigong, and we believe that separate water
8 quality models for both the north and central
9 pit lakes that consider various rates of pit
10 in-filling and geochemical source terms must
11 be developed.

12 To mitigate this concern,
13 Biigtigong requires that the proponent develop
14 and regularly update a separate pit lake water
15 quality model for both the north pit and
16 central pit lakes. These water quality models
17 should consider various rates of pit lake
18 in-filling, as well as how including and
19 excluding other contact water inputs from the
20 site could affect water quality.

21 During closing remarks we
22 heard GenPGM state that the pit water quality
23 monitoring completed for the EIS was extremely
24 conservative. That it is inclusive all
25 loading sources, and the assumption that full

Arbitration Place

(613) 564-2727

(416) 861-8720

1 mixing in the water quality -- water column in
2 the pits rather than assuming that the poor
3 water quality is isolated to the bottom of the
4 pit and not available for the environment as
5 it is frequently observed.

6 The current water quality
7 modelling includes consideration of long-term
8 pit water quality, as well as long-term water
9 quality associated with the MRSA.
10 Nevertheless as part of the development of the
11 regulatory closure plan, the pit-specific
12 water quality models will be developed over
13 the next several months.

14 We are encouraged to hear
15 that pit lake water quality models will be
16 developed over the next several months, and we
17 look forward to being reflected in GenPGM's
18 undertaking number 31.

19 With regard to water
20 management in the PSMF, we understand that
21 type 2 waste rock and tailings, which is the
22 potentially acid-generating waste rock and
23 tailings, will be stored in the south pit or
24 in cell 2 of the PSMF to prevent oxidization
25 of sulfides and the consequent acidity and

Arbitration Place

(613) 564-2727

(416) 861-8720

1 metal leaching. It is unclear to us as to
2 whether project sequencing presents a risk for
3 the proponent to be unable to store type 2
4 rock under water quickly enough to prevent
5 sulfide oxidation.

6 We are concerned with the
7 management of type 2 rock, in particular the
8 potential for project sequencing to result in
9 type 2 rock requiring temporary means of
10 storage in advance of the PSMF or in south pit
11 being ready to receive these materials.

12 Improper management of type 2
13 rock has the potential to cause adverse water
14 quality impacts depending on how these
15 materials are temporarily stored on-site.
16 Biigtigong requires that the proponent confirm
17 that either project sequencing will not result
18 in any type 2 rock requiring temporary storage
19 during operations, or that type 2 rock
20 requiring temporary storage is accounted for
21 and has a storage location with sufficient
22 capacity for the volume of material and for
23 the volume of leachate that would be collected
24 and redirected to the water management pond as
25 necessary.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 During closing remarks we
2 heard GenPGM state that Generation has
3 detailed plans in place to safely manage type
4 2 or potentially acid-generating mine rock.
5 As an example, type 2 rock will be placed and
6 permanently stored in cell 2A of the PSMF
7 during the first six years of operations.

8 Following the mining of the
9 south pit, the type 2 material rock will be
10 placed in the permanent storage in the south
11 pit as an in pit dump. Related to this,
12 Generation PGM also stated during their
13 closing remarks, all type 2 material will be
14 stored in a saturated state for the long term,
15 an industry standard mitigation practice after
16 the placement within the permanent storage
17 areas.

18 We look forward to GenPGM's
19 more fulsome response to this recommendation
20 in undertaking number 31.

21 With regard to stream flow
22 and fish passage in the PSMF, the PSMF will
23 result in the direct overprinting of fish
24 habitat within the Angler Creek watershed
25 which will reduce the catchment area of the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 watershed and result in indirect effects to
2 the areas downstream by reducing flow.

3 GenPGM has stated that this
4 flow may be as much as -- may be -- that flow
5 may be reduced by as much as 30 percent during
6 operations and that flow would not be restored
7 until the PSMF has been reclaimed and drainage
8 channels established.

9 As we have expressed, Angler
10 Creek is an important area for the exercise of
11 Biigtigong's exclusive Aboriginal title rights
12 within their exclusive title area. Community
13 members currently harvest fish from the mouth
14 of Angler Creek near Lake Superior, swim in
15 its waters Sturdy Cove and use the area for
16 other recreational purposes.

17 The downstream extent of
18 Angler Creek is inhabited by species of
19 importance to the community, including rainbow
20 trout and chinook salmon, in addition to
21 providing nursery and spawning habitat for
22 migratory cold water species from Lake
23 Superior.

24 Biigtigong considers any
25 reduction of fish productivity in Angler

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Creek, specifically result -- cell
2 (indiscernible) activity because of flow
3 reductions unacceptable.

4 Biigtigong recommends that
5 upon the beginning of construction of the
6 PSMF, the proponent supplement flow to Angler
7 Creek to maintain its volumes within 10
8 percent of the mean monthly flow. This
9 supplemental flow should be continued through
10 construction, operation and into closure until
11 the PSMF has been closed to a state that where
12 natural flows in stream have been restored.

13 We did not hear any
14 commitments to this from GenPGM during the
15 closing remarks. However, during the
16 questioning session during the aquatic day, we
17 heard GenPGM state that the project has not
18 considered in any detail the idea of
19 supplementing the flow of Angler Creek, and so
20 we also acknowledge that there isn't really a
21 stable source or supply of water to do that
22 type of supplementation, and as such it's not
23 technically feasible to supplement flows
24 throughout the life of the mine.

25 We look forward to GenPGM's

Arbitration Place

(613) 564-2727

(416) 861-8720

1 more fulsome response to this recommendation
2 in undertaking number 31.

3 With regard to outdated or
4 insufficient baselines for subwatersheds, we
5 expressed concerns that some of the baseline
6 data collected is outdated or absent and that
7 updated data is required to have a current and
8 comprehensive understanding of existing
9 conditions and to share an accurate assessment
10 of potential impacts.

11 For example, the proponent
12 has indicated that no fish and fish habitat
13 characterization events have occurred on
14 Bamos Lake since 2010 and Hare Lake since
15 2013. However, we did hear that additional
16 sampling has been conducted in 2021 and that
17 the results are still being waited on. We
18 look forward to seeing those results.

19 Similarly, the Nation is
20 concerned with outdated fisheries data for
21 impact in subwatersheds of the Biigtig,
22 specifically subwatersheds 101, 102 and 103.

23 GenPGM states that intensive
24 fish surveys were completed up until 2011.
25 However, we understand that no further

Arbitration Place

(613) 564-2727

(416) 861-8720

1 fisheries' surveys have been conducted with
2 the exception of sampling completed in
3 subwatershed 102 in 2020.

4 Proponent's response to IR
5 5-13, CIAR 950, indicates that the vast
6 majority of subwatersheds have not had
7 differential fish and fish habitat (skipped
8 audio) 2013. We believe up-to-date
9 fisheries' data are needed to adequately --
10 are needed to adequately quantify the losses
11 to the fishery and to develop sufficient
12 offsetting and fisheries' compensation
13 measures. In addition, up-to-date baseline
14 data will more accurately characterization the
15 aquatic and fisheries' impacts and therefore
16 more accurately determine post-closure
17 monitoring conditions that may be required.

18 We also maintain that the
19 effects assessment for fish and fish habitat
20 did not include several effects and measurable
21 parameters that are commonly used to assess
22 impacts for mining developments. We are
23 concerned that the effects to fish and fish
24 habitat may arise through sub-lethal effects
25 to fish resulting from contaminants of

Arbitration Place

(613) 564-2727

(416) 861-8720

1 potential concern, changes to water quality
2 parameters that influence fish habitat,
3 alterations to stream morphology and riparian
4 habitats and changes to primary productivity
5 of waterbodies.

6 Biigtigong recommends that
7 GenPGM conduct additional fish tissue sampling
8 in Bamooos Lake to confirm trends of elevated
9 mercury. Further, we recommend the proponent
10 increase the intensity of surface water to
11 sediment and fish and fish habitat sampling in
12 Hare Lake to ensure there is a robust baseline
13 dataset available to support the environmental
14 effects monitoring program. We also recommend
15 the proponent collect additional up-to-date
16 data to adequately characterize impacts to
17 fish and fish habitat, specifically for the
18 Biigtig subwatersheds 101, 102 and 103.

19 Lastly, where there is an
20 anticipated impact to fish and fish habitat,
21 we recommend the proponent assess changes in
22 bank composition for stability as indicated by
23 bank slope and bank vegetation, water quality
24 parameters, other than constituents of
25 potential concern that influence fish habitat,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 including water temperature, dissolved oxygen,
2 total suspended solids, pH, nutrients and
3 primary productivity, that the proponent
4 estimate losses to productivity based on fish
5 condition factors, growth and reproductive
6 condition and that they assess the presence
7 and absence and abundance of fish.

8 We did not hear any firm
9 commitments from GenPGM to update baseline
10 data for the areas that we have recommended
11 beyond the data that was collected in 2021.

12 We look forward to a more
13 fulsome response from GenPGM in undertaking
14 number 31.

15 With regard to community
16 programs. Biigtigong are the stewards and
17 guardians of their exclusive title area, and
18 therefore have a responsibility to ensure that
19 the health and wellbeing of the lands, waters
20 and wildlife are protected and that community
21 members can continue to meaningfully exercise
22 their Aboriginal rights and interests for
23 generations to come.

24 As we have expressed, the
25 development and implementation of a

Arbitration Place

(613) 564-2727

(416) 861-8720

1 quality and aquatic monitoring through life of
2 mine and through closure, including the
3 development and adaptive management measures
4 and associated triggers.

5 We heard during GenPGM's
6 closing remarks that this topic has been
7 discussed with BN and actually with DFO and
8 others, and there is the understanding that
9 certain projects may not qualify -- sorry --
10 that is in regards to fish and fish offsetting
11 complimentary measures. During closing
12 remarks GenPGM noted that they can confirm
13 that a written proposal about how this has
14 been received, and we have had multiple
15 discussions with it -- about it with BN as
16 well as DFO, and we're generally in acceptance
17 and supportive of BN moving forward with the
18 program. Some details we would still like to
19 work out. For example, data sharing, however,
20 we accept the aquatic monitoring program that
21 they have proposed.

22 We find this encouraging and
23 look forward to this being reflected in
24 undertaking number 31.

25 To continue, Biigtigong also

Arbitration Place

(613) 564-2727

(416) 861-8720

1 has a desire to support GenPGM with their
2 requirements to offset and compensate for
3 impacts to fish and fish habitat. The project
4 will result in direct and indirect effects to
5 fish and fish habitat which will result in
6 substantial changes to the aquatic resources
7 of Biigtigong's exclusive title area.

8 As stewards and guardians of
9 the lands and waters it must be ensured that
10 the offsetting and compensation measures for
11 fish and fish habitat align with the interests
12 and priorities of Biigtigong. Biigtigong must
13 be afforded the opportunity to leave -- to
14 lead and have ownership over offsetting and
15 compensation measures for the project.

16 Since 2018 Biigtigong has
17 operated a small scale brook trout hatchery as
18 part the Nation's outdoor curriculum.

19 Approximately 10,000 brook
20 trout eggs are provided by NDMNRF which are
21 then raised in aerated bell jars to provide
22 students the opportunity to learn about and
23 observe the development of fish eggs. Under
24 the current arrangement with NDMNRF,
25 Biigtigong is not authorized to rear these

Arbitration Place

(613) 564-2727

(416) 861-8720

1 fish to later life stages or to stock them in
2 local waterbodies.

3 However, to support the
4 proponent's requirements for offsetting and
5 compensating impacts so fish and fish habitat,
6 Biigtigong envisions expanding the community
7 fish hatchery to allow for rearing the brook
8 trout to later life stages which could then be
9 stocked into local waterbodies.

10 We recommend that GenPGM
11 engage the community in designing a
12 community-led program or complimentary measure
13 for the fish and fish habitat offsetting plan
14 and that they support a community fish
15 hatchery program.

16 We look forward to GenPGM's
17 fulsome response to this recommendation in
18 undertaking number 31.

19 During the human health and
20 human health risk assessment topic session, we
21 presented our concerns with regard to mercury
22 and mercury in fish tissue. Baseline data
23 collection completed to date has shown there
24 is already elevated mercury in many of the
25 waterbodies around the project, including

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Bamoos Lake, Hare Lake and the Biigtig Zibi.

2 These exceedances mean that
3 children under the age of 15 and women of
4 child-bearing age should not be eating fish
5 from these waterbodies in many cases. Mercury
6 is a naturally occurring element with a
7 complex biogeochemical process. We're
8 concerned that the concentration of nutrients
9 in the effluent discharged to Hare Lake may
10 contribute to a more eutrophic environment
11 potentially resulting in an increased rate of
12 mercury methylation and subsequently increased
13 concentrations of mercury in fish tissue.

14 We are concerned that
15 project-related effects such as effluent
16 discharge may also contribute to elevated
17 concentrations of mercury in other areas. The
18 long-term water quality predictions in Angler
19 Creek show that phosphorus may increase over
20 operations and post-closure.

21 As I have mentioned, Angler
22 Creek is an important water body for the
23 community. Biigtigong has zero tolerance for
24 the project to increase the rate of mercury
25 methylation in any waterbody affected by

Arbitration Place

(613) 564-2727

(416) 861-8720

1 project. It is critical to mitigate these
2 risks to the fullest extent feasible and to
3 continuously monitor these conditions as they
4 are highly likely to have detrimental effects
5 on the Aboriginal rights and interests of
6 Biigtigong if left unmanaged. If food sources
7 such a fish were to become inedible or
8 perceived as inedible by community members,
9 this would compromise a traditional food
10 source that Biigtigong relies on.

11 We require that GenPGM
12 conduct monitoring for mercury and
13 methylmercury in surface water, groundwater,
14 sediment, benthic invertebrates and fish
15 tissue of species of interest to Biigtigong in
16 all waterbodies where an increase in nutrients
17 is predicted because of the project.

18 Given the importance of the
19 Biigtig to Biigtigong and acknowledging the
20 already elevated concentrations of mercury in
21 fish tissue that have been observed there, we
22 also recommend that the monitoring program be
23 extended to include this traditionally
24 important water course.

25 GenPGM did not make any

Arbitration Place

(613) 564-2727

(416) 861-8720

1 remarks directly related to this mitigation,
2 only stating that GenPGM will monitor in
3 consultation with Indigenous communities all
4 these pathways to verify the assessment's
5 conclusions. However, during GenPGM's
6 presentation during the human health topic
7 session, they noted there are specific
8 commitments to monitor mercury in the aquatic
9 environment which is noted to be of particular
10 concern, and there's commitments to assess the
11 results of these monitoring programs with
12 respect to human health.

13 We look forward to this
14 commitment being reflected in undertaking 31.

15 Also in relation to mercury,
16 we have concerns that flooding of the water
17 management and storm water management ponds
18 may result in methylmercury production.
19 Methylmercury production resulting from the
20 impoundment of water has been well-documented,
21 mainly related to studies completed on
22 hydroelectric developments as well as research
23 conducted at the experimental lakes in
24 northwestern Ontario. This process is
25 primarily attributable to the flooding of

Arbitration Place

(613) 564-2727

(416) 861-8720

1 large quantities of organic matter such as
2 vegetation and soil surface layers that
3 contain inorganic mercury.

4 We recommend that GenPGM
5 implement best management practices to prevent
6 mercury methylation within the water
7 management and storm water management ponds by
8 stripping organic soils in advance of flooding
9 these areas.

10 We did not hear any remarks
11 related to this recommendation and look
12 forward to GenPGM's fulsome response in
13 undertaking number 31.

14 During the accidents and
15 malfunctions day, we provided you with our
16 concerns and our requirement for independent
17 oversight of the tailings dam construction,
18 inspection and maintenance, as well as the
19 need for transparency in sharing of
20 information related to the dams.

21 Any sort of failure of the
22 PSMF would have catastrophic and profound
23 impacts on Biigtigong. We provided you with
24 examples of the impacts that the Mount Polley
25 disaster had on the First Nations community of

Arbitration Place

(613) 564-2727

(416) 861-8720

1 British Columbia. The majority of impacted
2 Indigenous communities in this case reported
3 impacts to their personal fishing practices,
4 increases in emotional stress and
5 intercommunity tension.

6 We believe that should a
7 catastrophic failure of the PSMF occur, the
8 impacts experienced by those First Nations
9 communities in BC would be quite similar to
10 the impacts experienced by Biigtigong.

11 We maintain the design,
12 construction and closure of the PSMF must be
13 done with that oversight from an observational
14 body consisting of independent third party
15 experts with knowledge of the challenges and
16 risks faced by the project, in other words, an
17 independent tailings review board.

18 We require that an
19 independent tailings review board be
20 established to oversee the design,
21 construction and closure of the process solids
22 management facility and that Biigtigong be
23 engaged in this process.

24 In GenPGM's closing remarks
25 we heard them say that in regards to the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 tailings review board, we heard from BN that
2 their request for ITRB. Gen agrees with this
3 recommendation; that it should be established.
4 A review of the dam design and routine
5 inspections by a third party are important and
6 adds an extra level of safety to ensure that
7 dam failure never occurs.

8 We're encouraged to hear this
9 and look forward this to commitment being
10 reflected in undertaking number 31.

11 Related to this the *Lakes and*
12 *Rivers Improvement Act* governs the design,
13 construction, operation, maintenance and
14 safety of dams in Ontario. GenPGM will be
15 required to obtain permits under the *Lakes and*
16 *Rivers Improvement Act*, and as part of this
17 process permitting process will be required to
18 complete a dam safety review which is a series
19 of inspections, background reviews and
20 technical assessments completed at a regular
21 frequency by a third party engineering firm.

22 An essential part of the dam
23 safety review is the dam breach assessment
24 which has the purpose of determining and
25 evaluating a hypothetical dam breach under a

Arbitration Place

(613) 564-2727

(416) 861-8720

1 series of particular scenarios and site
2 conditions. Biigtigong requires that GenPGM
3 commit to sharing the results of their third
4 party dam breach assessment with the Nation.

5 Sharing of this information
6 will ensure that Biigtigong is fully informed
7 on the potential impacts of the project, even
8 those that may be considered very low
9 probability, and allow us to provide GenPGM
10 with recommendations on how to protect
11 important traditional resources if such a
12 catastrophic event were to occur.

13 In their closing remarks we
14 heard GenPGM state:

15 "As Mr. Hall mentioned, the
16 dam breach assessment for the PSMF is
17 currently underway. This will inform the
18 hazard potential classification for the PSMF
19 embankments to support the permitting of the
20 facility should the project be approved to
21 proceed beyond this. GenPGM confirms that it
22 will inform BN of the dam design review
23 inspections through our establishment
24 environmental committee."

25 We're encouraged to hear this

Arbitration Place

(613) 564-2727

(416) 861-8720

1 and look forward to commitment being reflected
2 in undertaking number 31.

3 Lastly, during the
4 environmental monitoring systems
5 topic-specific session, we presented to you
6 the need for Biigtigong to be extensively
7 engaged in and lead end land use planning for
8 the site.

9 As we have discussed
10 extensively, the project will result in direct
11 and indirect effects to the terrestrial and
12 aquatic environments of Biigtigong's exclusive
13 title area. These effects will result in
14 terrestrial and aquatic habitats on the site
15 being appreciably different after closure than
16 those currently present.

17 In addition to this the PSMF,
18 MRSA and pit lakes will be permanent features
19 on the exclusive title area of Biigtigong long
20 after the mine is closed. This will
21 fundamentally change the way that Biigtigong
22 is able to use the area to exercise their
23 Aboriginal rights and interests both
24 contemporarily and long-term.

25 Following closure, the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 habitats present will be in earlier stages of
2 succession than they are today. The
3 vegetation and wildlife communities and their
4 locations on the landscape may differ. The
5 abundance of species will change both in terms
6 of an increase and decrease. New ecosites may
7 be introduced to the landscape, and the
8 patterns that wildlife follow when moving
9 across the landscape may be different. And
10 although this post-closure landscape will be
11 different than the current conditions we
12 observe, this is not to say the project cannot
13 be closed and the landscape reclaimed in such
14 a way that it provides species and habitats
15 that allow Biigtigong to continue to exercise
16 their Aboriginal rights and interest in a way
17 that is similar to today.

18 We believe that end land use
19 planning is the mechanism that will ensure the
20 site is reclaimed in a way that supports
21 Biigtigong's long-term use of the area for
22 traditional activities such as trapping,
23 harvesting, gathering, fishing and ceremony.

24 Considering the project and
25 many of its effects occur entirely within

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Biigtigong's exclusive title area, it must be
2 ensured that the project is closed in such a
3 way that it will provide end land uses that
4 are of benefit to Biigtigong. A crucial
5 aspect of this will be ensuring that the end
6 land use plan reflects the cultural knowledge,
7 ecological knowledge and stewardship values of
8 Biigtigong.

9 To this extent, Biigtigong
10 requires that GenPGM engage with us
11 extensively on and facilitate Biigtigong's
12 leading of end land use planning for the
13 project site. We believe this is necessary to
14 ensure the site is closed in such a way that
15 it supports habitats and species of interest
16 to the Nation. The end land use plan must be
17 informed by Biigtigong's input through the
18 completion of end land use surveys and other
19 forms of engagement with the community and
20 must be updated periodically during the
21 consultation period for each closure plan
22 amendment.

23 GenPGM must also make efforts
24 to obtain feedback from the entire community,
25 including youth, women, elders, land users,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 knowledge holders and leadership to ensure
2 that the end land use objectives reflect the
3 collective values of the community.

4 In regard to this, GenPGM
5 made the following remarks during their
6 closing statements:

7 "BN representatives spoke
8 about the need for environmental protection
9 and BN leading the end land use planning to
10 inform the post-closure landscape. Gen shares
11 these goals. We're engaged with BN to ensure
12 the end land use objectives reflect the values
13 and interests of the community."

14 We're encouraged to hear
15 this, and we look forward to this being
16 reflected in GenPGM's response to undertaking
17 number 31.

18 Thank you. And with that I
19 would like to -- that concludes our summary of
20 the environmental concerns we have presented,
21 and with that I would like to pass it back to
22 my colleague, Tracy. Thank you, panel members
23 and chair.

24 PANEL CHAIR: Thank you, Mr.
25 Duncan. Very much appreciate that

Arbitration Place

(613) 564-2727

(416) 861-8720

1 presentation. Good morning, Ms. Zanini.

2 MS. ZANINI: Good morning,
3 Madam Chair. Thank you for the opportunity to
4 revisit the environmental issues and concerns
5 that we presented to date.

6 For the record, I would like
7 to remind the panel that these issues were
8 detailed in Biigtigong's written submission
9 which is registry Document 1093.

10 Just to conclude, we would
11 like to identify that the issues and concerns
12 raised here are reflective of the great
13 importance of the land, the waters, the
14 species and the resources within Biigtigong's
15 exclusive Aboriginal title area, and that we
16 have highlighted significant areas, including
17 but certainly not limited to the Biigtig Zibi
18 or Pic River, as well as the Angler Creek
19 ecosystem, and you'll hear more about all of
20 these issues of importance throughout the
21 remainder of Biigtigong's community sessions.

22 JoAnne, I would like to pass
23 it back to you and the Biigtigong community
24 hall for the continuation of our presentation.
25 Thank you so much.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 PANEL CHAIR: Thank you, Ms.
2 Zanini.

3 MS. MICHANO: Thank you,
4 Tracy and Jody, for raising these issues and
5 summarizing them for us.

6 We would like to continue now
7 with our second presentation. I will ask
8 David Carruthers to come up and allow him to
9 do all the introductions and all the
10 summaries. This is how you delegate and pass
11 the buck.

12 MR. CARRUTHERS: Thank you,
13 JoAnne. For the record, I'm David Carruthers.

14 Yesterday in my presentation
15 I showed some of the results from our cultural
16 studies. Back in 2012 when we were looking at
17 the Stillwater project, we had documented that
18 in a 5-kilometre radius from the Stillwater
19 footprint, which is today the Generation mine
20 footprint, there was 63 harvesters had
21 recorded over a thousand use and occupancy
22 features in that area. Certainly -- that was
23 2012.

24 Things have certainly
25 changed, and if you looked at that data today,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 it would certainly be considerably more.
2 Since that time we have done a travel route
3 study in 2019 which has documented more use in
4 that area, and more recently in 2020 we
5 completed an oral history and mapping project
6 of the Angler area which we will show in
7 Saturday's presentations.

8 Nevertheless, the amount of
9 use is considerable. It is limited, though,
10 the 63 harvesters and thousand features, to a
11 5-kilometre radius. It didn't look at what
12 are the uses within the pathways of the mine.
13 Certainly if we extended that geographic
14 boundary south to the mouth of the Biigtig,
15 the number would be probably double that.

16 The question that came up
17 routinely in discussions -- and this is sort
18 of an engineering technical exercise -- is,
19 what is the value of that? And we struggled
20 internally quite a bit about how to define
21 value. But from an engineering perspective
22 the easy way to answer that is a dollar value.
23 And we engaged Professor Paul Driben from
24 Lakehead University to engage and sort of
25 wrestle with that concept of what is the value

Arbitration Place

(613) 564-2727

(416) 861-8720

1 of what is being harvested within that
2 5-kilometre radius.

3 So without stealing Professor
4 Driben's thunder, I will pass over to Dr.
5 Driben. Maybe we can pull up as well the --
6 there's a presentation. It's the harvesting
7 presentation. I'm wondering if the panel
8 secretariat could pull that up for Dr. Driben,
9 and Paul, I will ask if you could turn your
10 camera on and microphone, and I'll pass it
11 over to you.

12 PANEL CHAIR: Thank you.
13 We'll be just one moment. Sorry about that.

14 Good morning, Mr. Driben. I
15 hope we've got the right presentation up for
16 you, and you can let us know when to advance
17 your slides.

18 DR. DRIBEN: Sure, I'll be
19 glad to do that.

20 PANEL CHAIR: Go ahead.

21 PRESENTATION BY PAUL DRIBEN:

22 DR. DRIBEN: Thank you very
23 much members of the panel and attendees.

24 My name is Paul Driben, and
25 I'm professor emeritus of anthropology at

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Lakehead University in Thunder Bay Ontario
2 where I lectured for 39 years. I received a
3 bachelor of arts in psychology from the
4 University of Winnipeg in 1967, a masters of
5 arts in anthropology at the University of
6 Manitoba in 1969 and a PhD in anthropology
7 from the University of Minnesota in 1976.

8 In addition to lecturing, I
9 served as director of the Lakehead University
10 native studies program, chairman of the
11 department of anthropology, director of the
12 eastern arctic business development program
13 and chairman of the international committee
14 for the study of Jesuit relations concerning
15 the Lake Superior Ojibwe.

16 Our principal research
17 interest is Anishinaabe society and culture.
18 Along with dozens of technical reports and
19 scholarly articles, I've written five books,
20 three of these about Ojibwe-speaking
21 Anishinaabe.

22 I began my career in
23 anthropology as an ethnologist, a kind of
24 amanuensis of the lesser known peoples of the
25 world.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 That was more than 50 years
2 ago when I was taught by my professors that
3 the best way to understand the principles that
4 govern the lives of people with seemingly
5 strange and unusual customs is to embrace
6 their way of life. So this calls for
7 fieldwork, which means living with others,
8 joining them in their daily activities, mostly
9 mundane but sometimes extraordinary, and
10 questioning them about the rules that govern
11 their behaviour.

12 Although I have undertaken
13 fieldwork with Inuit and Métis people, my
14 principal teachers have been Anishinaabe.
15 During the past 50 years, I've conducted
16 fieldwork in 18 Ojibwe-speaking and
17 (indiscernible)-speaking communities. There
18 the focus of my work has been on understanding
19 the social, economic, political and
20 philosophical principles what the Anishinaabe
21 refer to as Anishinaabe (Nishnaabemwin word),
22 which means living in the Anishinaabe way.
23 Much of this work was done in northern
24 communities accessible only by air where
25 Anishinaabe, contemporary Anishinaabe, live in

Arbitration Place

(613) 564-2727

(416) 861-8720

1 a way that mirror the lives of their
2 ancestors, although certainty as 20th Century
3 people, otherwise my fieldwork was in
4 Anishinaabe communities that are linked to the
5 largest society by road.

6 In February 2012 I was
7 retained by the Ojibwes of the Pic River First
8 Nation to prepare an expert anthropological
9 report that described the economic, social,
10 cultural and spiritual importance of living
11 off the land among the Biigtigong Nishnaabeg
12 whose band territory on the north shore of
13 Lake Superior includes the site of what was
14 the proposed Stillwater mine at the time.

15 Now, at that time Anishinaabe
16 had been by that teachers for about 40 years,
17 and it's what I and others had learned in the
18 field about living in the Anishinaabe way that
19 informed my analysis. I also relied on the
20 minutes of 13 recently completed meetings in
21 which the Biigtigong Nishnaabeg discussed
22 their concerns about the ecological impacts of
23 the proposed mine, a synopsis of the issues
24 raised in Professor Chantelle Richmond's
25 collaborative health research in the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 community, the contents of a series of
2 interviews about Anishinaabe (Nishnaabemwin
3 word) that I conducted with Biigtigong elders
4 and foragers in June 2011 and the results of a
5 harvesting study which I'm going highlight
6 today that was administered under my direction
7 to 28 of the 63 foragers whose land use
8 biographies indicated that they foraged in the
9 vicinity of the proposed Stillwater mine.

10 If I could see the first
11 slide, please. Let's see the second one,
12 then.

13 Yes, now, we see the
14 footprint of the mine here, and you see the
15 endeavours that are undertaken, the various
16 land use and occupation endeavours that are
17 undertaken.

18 But my interest is more in
19 not the specific endeavours, where the
20 endeavours are undertaken -- although I do
21 that in my own research as well -- but here I
22 was primarily interested in numbers of kills,
23 the value of the kill, as I could convert it,
24 and that's what I'm going to talk about from
25 now on.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Could I have next slide,
2 please.

3 Yeah. Here are the 63 --
4 this is the names of the 63 foragers, which is
5 the technical term that anthropologists use
6 for people who hunt, trap and fish and gather.
7 So these are the 63 foragers who were
8 operating there in 2012.

9 Next slide, please.

10 And it says -- as it says
11 here I interviewed, or the survey was
12 conducted with 28 of the 63 individuals. Now,
13 the survey was conducted -- I did six surveys,
14 if I recall correctly, and I think I do. I
15 did six surveys on my own training the
16 Biigtigong staff to conduct these interviews
17 which they did with the 28 individuals.

18 Next slide, please.

19 Again, that's a repeat of the
20 earlier one, so we can go on to next one.

21 And these are the various
22 species and other endeavours that the -- that
23 the Biigtigong Anishinaabe undertook on the
24 land in that location.

25 Next one, please. Next

Arbitration Place

(613) 564-2727

(416) 861-8720

1 slide, please. Okay.

2 And here I want to talk about
3 this slide because what I did here is I --
4 when I interview -- when the data was
5 collected, when the (garbled audio) was
6 collected, I knew beforehand what the species
7 were that the members of the community went
8 after from my own experience and from their
9 experience as well.

10 So you have large game and
11 small game, you have waterfowl, and you have
12 blueberries. And what I did hear is from the
13 28 people -- I know what the average live
14 weight of a moose and a caribou and so on is
15 from previous experience. These are all --
16 this is -- these numbers are from the
17 scientific literature.

18 So if you look up the average
19 live weight of a moose today, you'll find it,
20 and then you are going to find the edible
21 weight which is the proportion of the live
22 weight. I have the number harvested, the
23 total edible weight, the cash value.

24 Now, that's an interesting
25 thing. How do I figure out what the cash

Arbitration Place

(613) 564-2727

(416) 861-8720

1 value of something is? I go to this nearest
2 place that I can replace that food. So if I
3 have a moose, I have to go to the nearest
4 place that I can replace that beef with other
5 beef. The nearest place in this case was the
6 store in Marathon. So I went to the --
7 there's a fairly large store there, like a
8 Metro store we have here. I went there, and I
9 gathered the prices that they had on that
10 particular day for the equivalence.

11 Like, let's say for instance
12 you have hare. Well, the equivalent to that
13 would be chicken, partridge/chicken,
14 ducks/chicken, moose and caribou that would be
15 beef and so on. And in that way I was able to
16 get a dollar value per pound of the various
17 species so that when you add it all up, you
18 see that the cash replacement value of these
19 animals is staggering because by the time you
20 get to the end we're looking at almost \$3
21 million or \$2.8 million of cash replacement
22 value in 2012 dollars.

23 Could I have the next slide,
24 please. Okay. Now, this slide deals
25 specifically with the furbearers here.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Now, I should also point out
2 that furbearers are also eaten so that on the
3 -- when you consider furbearers such as beaver
4 for instance, you also have to consider that
5 they are food. Also, lynx is sometimes eaten
6 as well; although I haven't seen that in this
7 community. But beaver certainly can be eaten;
8 it's quite tasty in my experience.

9 So what happens here is these
10 values are independent of the cash value of
11 the pelt. So I have the cash value of the
12 pelt here, specifically, and then I have the
13 grand total, and that's just about \$5.5
14 million in 2012 dollars, so that's just the
15 value of the pelt, not the food.

16 Could we go on to the next
17 slide, please.

18 Okay. So here now we have
19 the totals. And the totals, and divided by
20 the number of -- what I wanted you to hear --
21 sorry, what I wanted to do here is determine
22 the average annual cash equivalent income of
23 the foragers who were operated in the area,
24 and I did. And their average annual cash
25 income is just over \$7.5 thousand per annum in

Arbitration Place

(613) 564-2727

(416) 861-8720

1 2012 dollars.

2 Could I have the next slide,
3 please.

4 Okay. So now here's the
5 conclusions. If we have that amount per year,
6 and you consider that 63 of the foragers there
7 have foraged within 5 kilometres of the
8 intended site, the annual total would be in
9 the neighbourhood of \$500,000 per forager per
10 year for all the foragers on average.

11 Could I have the next one,
12 please.

13 Now, it takes about five
14 years for a forager to transition to new
15 hunting and trapping grounds. That is not an
16 experienced forager; that's a forager with
17 experience. How do I know that? Well, you
18 know that because in other areas, other
19 jurisdictions where I've worked where there
20 are floods or other disasters of one sort or
21 another, you can look at the fur returns
22 before the flood, and you can look at the fur
23 returns after the flood, and you can see
24 exactly how long it takes for people who
25 transition from one area within this were band

Arbitration Place

(613) 564-2727

(416) 861-8720

1 territory to another area within their band
2 territory how long it takes them to recover.
3 And in my experience and the experience of
4 other ethnologists such as myself, it
5 generally takes about five years for
6 harvesters to transition to new hunting
7 grounds. You might wonder why it takes that
8 length of time.

9 Well, the reason is this.
10 I'm going to draw an analogy here. When I do
11 my work, I'm interested in words. So I read,
12 and I study the words, and I do my work. It's
13 important for me that all the words are in
14 order, that they are not mixed up.

15 Now, imagine that you're on
16 the land, and it's the same situation. You're
17 looking at the environment as a book. When
18 you change it, you move all the words around,
19 so now it's hard to read the sentences. It's
20 hard to understand what's going on in the
21 environment, especially at the beginning.
22 Now, as time passes, you get better and better
23 at it. So on average ethnologists have
24 determined in northern Ontario, northwestern
25 Ontario it's about five years. I think it

Arbitration Place

(613) 564-2727

(416) 861-8720

1 will take in this area a little bit longer
2 because of the nature of the hunting, trapping
3 -- the trapping territories in this area.

4 Now, could I have the next
5 slide, please. Thank you.

6 So add a year to that. I
7 believe that they would be able to transition
8 successfully within six years, and they will
9 go up to their productivity.

10 Now, there's going to be
11 another element here that's not mentioned, and
12 that's that some people will not pursue it;
13 they will just stop because it will become too
14 difficult for them. Some people have to stop
15 anyways because of age, but others will be
16 starting, and if it works properly, you have a
17 constant flow of people which they have had
18 since time out of mine.

19 Could I have the next slide,
20 please.

21 Oh, yes. Now, this is
22 calculation -- I did not do these
23 calculations. These calculations were done --
24 I believe I didn't do the calculations. These
25 calculations were done by David and his

Arbitration Place

(613) 564-2727

(416) 861-8720

1 colleagues, so I wouldn't mind turning it over
2 to them for just a couple of minutes while
3 they could talk about the last three slides.
4 I know I'm surprising him with this, but I
5 hope he's up for it. Would that be okay?

6 PANEL CHAIR: It's fine from
7 our perspective.

8 MR. CARRUTHERS: Thanks,
9 Professor Driben. Thanks for putting me on
10 the spot.

11 DR. DRIBEN: Sorry, for
12 hanging you out there, David.

13 MR. CARRUTHERS: This slide
14 shows the results of your research with the
15 idea it takes, you know, six years, and with
16 the idea that there was a stepping down that
17 each year about 20 percent would be
18 successfully relocated elsewhere. And we just
19 stepped it down over a six-year period, and we
20 looked at the total value of harvesting per
21 year what would happen at over \$7,500 per
22 forager per year.

23 What we wanted to do was to
24 look at that transition period. What is the
25 value of harvesting over that time? And it

Arbitration Place

(613) 564-2727

(416) 861-8720

1 came out to be \$1.4 million, and that's sort
2 of the gap or the transition phase in order
3 for those harvesters to relocate successfully
4 elsewhere based on your observations.

5 Now, I know it's a pretty
6 crude estimate, but nevertheless that was the
7 dollar value that kind of answered the
8 question, what is the value in terms of
9 dollars for the impacts to those 63
10 harvesters.

11 Can I pass it over to you,
12 Dr. Driben?

13 DR. DRIBEN: Sure. Thanks,
14 David. I really appreciate that.

15 Okay. Could I see the next
16 slide, please. Ah, it's over.

17 Now, let me continue then.

18 What the contents of the
19 tables don't demonstrate, and this is very
20 important, is other than economic significance
21 of the harvest.

22 Now, the economic
23 significance, I don't want to underplay that.
24 The economic significance is well, surprising.
25 If you were an uninitiated person and you had

1 harvest are given away as presents to
2 relatives and friends.

3 In the middle of the 19th
4 Century Johann Kohl, a German geographer who
5 travelled the Anishinaabe on the south shore
6 of Lake Superior, wrote this. He said:

7 "As a universal value rule
8 next to the liar, no one is despised by the
9 Indians as the greedy miser. As long as a man
10 has anything according to the moral law of the
11 Indians, he must share it with those who want.
12 And no one can attain any degree of respect
13 among them who does not do so most liberally."

14 Sharing, in other words, is
15 part and parcel of living off the land, and
16 it's part and parcel of Anishinaabe cultural
17 tradition that goes back to the beginning of
18 time.

19 Biigtigong foragers abide by
20 that custom. They share as well, regularly
21 sharing what they take from the land with
22 relatives and friend other -- relatives and
23 friends. In fact, should a Biigtigong forger
24 refuse to engage in this sort of
25 redistribution, he would likely become the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 accord with the seasons fostering regular and
2 recurrent interaction over time.

3 You know, I had a personal
4 experience that is relevant to this, I think,
5 during the past years, during COVID. My wife
6 asked me why I didn't contact my boyfriends,
7 the ones I regularly saw before COVID began.
8 And I told her that in my cohort of men,
9 unless we had something to do together, we
10 weren't going to phone each other. We were
11 going to do something, to get together to do
12 something.

13 In the old days it used to be
14 hunting. It could be playing pool. It could
15 be watching a sporting event. But there was
16 an activity that we were going to undertake.
17 Among the Anishinaabe, that activity is
18 hunting. People will ask you to go hunting.
19 People will tell you when they are going
20 hunting. People will talk about it at night,
21 more hunting than fishing and trapping, but
22 they will talk about it a lot. So the social
23 significance is important. Also you have to
24 understand that the more that a forager has to
25 give away, the more respected he will be in

Arbitration Place

(613) 564-2727

(416) 861-8720

1 the community. The more you give, the more
2 respect you get.

3 So sociologically the
4 harvests are extremely important binding
5 individuals to one another, binding family
6 members together into a cohesive family unit
7 and then binding the cohesive family units
8 into a cohesive social whole, a community.

9 The cultural significance is
10 not quite the same as the social significance,
11 and it's important as well to the people.
12 Although foraging is not the only activity
13 through which Biigtigong people establish
14 their cultural identities, the importance of
15 the endeavours that I've identified in the
16 formation of their cultural identities cannot
17 and should not be -- it shouldn't be
18 underestimated.

19 The fact of the matter is the
20 pursuit of natural resources harvest continue
21 to provide -- continues to provide to those
22 who engage in these activities and who benefit
23 from the activities with the ability to
24 establish and maintain a cultural identity
25 that is uniquely Anishinaabe.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Ruth Benedict put it this way
2 almost a hundred years ago:

3 "From his earliest years a
4 boy is trained in the responsibility of
5 hunting, is taught the techniques, and is
6 early though gradually thrust upon his own
7 initiative. Serious inroads are made upon a
8 fast occupational dichotomy because of respect
9 for ability and stress upon individualism.
10 There are numerous women with an aptitude for
11 pursuits that are culturally defined as
12 masculine, but the behaviour of these women is
13 never taken to be characteristically feminine.
14 The cultural view of the normal woman remains
15 unchallenged and finds expression in the
16 training that is usual for girls.

17 "The attitude towards men's
18 work, on the other hand, permits no leniency.
19 Boys are consistently trained to categorical
20 male consciousness, urged to occupy themselves
21 with men's work, stimulated with variety of
22 incentives and in every way taught to
23 distinguish themselves from women. Each man
24 is measured against an absolute standard of
25 masculine behaviour, and he is judged

Arbitration Place

(613) 564-2727

(416) 861-8720

1 accordingly. A man's personal honour rests
2 upon exclusive devotion to masculine skills,
3 and a man would dishonour and betray his
4 masculinity by venturing out of his field."

5 You know, what I've learned
6 is that while contemporary Anishinaabe look as
7 if they are westernized; they appear to be
8 westernized; they are not. They remain true
9 internally to their cultural heritage, and
10 living off the land is the major component of
11 that cultural heritage. If they don't have
12 the access to the territory, if they don't
13 have access to the land, it's impossible for
14 them to undertake the activities that will
15 allow them to realize their place in society
16 as a woman and as a man or as a boy and a girl
17 growing up to be woman and man and as an
18 elder.

19 So all living off the land is
20 extremely important in the formation and
21 maintenance of a cultural identity among
22 Nishnaabeg, and we could of course draw
23 analogies to our own society as well, in fact,
24 all societies.

25 Now, finally I want to

Arbitration Place

(613) 564-2727

(416) 861-8720

1 comment on this. Along with the fact that the
2 harvesting activities that I've spoken about
3 merit special attention because they are their
4 social and economic and cultural importance.

5 There's another importance in
6 the community too, and that's that these
7 activities also have a spiritual dimension.
8 And that spiritual dimension is revealed in
9 myths and legends and folktales that inform us
10 that when Anishinaabe are out on the land,
11 when they're looking at resources, those
12 resources are not the same resources that we
13 look at from the western point of view.

14 From the western point of
15 view a moose is a rightless resource, but from
16 -- just like minerals, it's a rightless
17 resource, but those -- both of those minerals
18 and moose are alive from an Anishinaabe point
19 of view, and consequently those resources have
20 rights that are equivalent to the rights of
21 humans.

22 So from the Anishinaabe point
23 of view there's two categories, humans and
24 other than humans, both persons and both have
25 rights.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 And that's reflective, as I
2 said, in Anishinaabe narratives that have gone
3 on since time out of mine. Humans must not be
4 arrogant in going after these resources, these
5 other than human persons. They must have
6 attitudes of respect to them. The recipient
7 of a blessing.

8 So game animals from
9 Anishinaabe point of view are pictured as
10 pitting a hunter and freely giving themselves
11 to him, but to do this non-animals, above all
12 other than human persons, must be respected.

13 And when you think about
14 that, what it all boils down to is that from a
15 western perspective we could say easily that
16 Anishinaabe have an environmental ethic, and
17 that ethic has to do with the way in which
18 they interact with animals and the way in
19 which animals interact with them.

20 Having said that, I'll turn
21 it back over to David. Thank you.

22 PANEL CHAIR: Thank you
23 Professor Driben.

24 DR. DRIBEN: My pleasure.

25 MR. CARRUTHERS: Thank you,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Professor Driben. It was nice to see you
2 again.

3 I think we might propose a
4 break. I know Professor Driben has other
5 engagements this afternoon, but I'm wondering
6 if -- before we break if there was any
7 questions for Professor Driben, we could do
8 that now. But panel certainly that's up to
9 you to decide on the schedule.

10 PANEL CHAIR: I'll just take
11 a moment, see if there are any questions.
12 Thank you, Mr. Carruthers.

13 MR. CARRUTHERS: Okay.

14 PANEL CHAIR: Thank you. I
15 think we don't have any specific questions for
16 Professor Driben, really appreciate your
17 presentation. And Mr. Carruthers, that would
18 be good to take a break. We've got some
19 housekeeping items to do here. Can I just
20 take one second, see how long we should break
21 for. I'll be right back to you, just a
22 moment.

23 If it's okay, we would like
24 to return at 11:00 a.m. to resume the
25 presentation, if that works for Biigtigong

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Nishnaabeg First Nations.

2 MR. CARRUTHERS: That works
3 for us. Thank you.

4 PANEL CHAIR: Okay. Thank
5 you. See you back here at 11:00. Thank you.

6 --- Recess taken at 10:35 a.m.

7 --- Upon resuming at 11:03 a.m.

8 PANEL CHAIR: Welcome back,
9 everyone. Thank you very much for the longer
10 break this morning, much appreciated.

11 I think I will turn it back
12 to Ms. Michano.

13 MS. MICHANO: Hello again.
14 We're going to move on to our second (sic)
15 presentation today which will be provided by
16 Chief Michano and Chris Wedeles, who is our
17 biologist. So they are going to speak
18 specifically on wildlife looking at the issue
19 of caribou and moose, and I just want to take
20 a few seconds here to talk about our
21 relationship specifically with those two
22 particular animals.

23 When I look back at my
24 grandfather's era and I read the memoirs of
25 some of our elders going back in that era, we

Arbitration Place

(613) 564-2727

(416) 861-8720

1 see caribou all over the place, so many
2 references to caribou and having caribou a
3 very major part of our lives, and we see over
4 time and industry coming into our territory
5 that the relationship with caribou and our
6 relationship with caribou and the significance
7 of caribou in our daily lives was very much
8 impacted by industry. And we saw the
9 disappearance of that caribou and the broken
10 relationship we had with caribou. We have
11 smoothed that over to moose, not because we
12 wanted to but because that's what's happened
13 in the natural environment.

14 So with that I would like to
15 introduce Chief Michano, and Chris I believe
16 you are on Zoom.

17 MR. WEDELES: Hi JoAnne, can
18 you hear me?

19 MS. MICHANO: So we're going
20 to give it to you, and you're going to take it
21 away Chris and Duncan.

22 MR. WEDELES: Okay. That's
23 great. Is the presentation up?

24 PANEL CHAIR: We'll just get
25 that for you. Just one moment, please. Thank

Arbitration Place

(613) 564-2727

(416) 861-8720

1 you.

2 PRESENTATION BY CHRIS WEDELES:

3 MR. WEDELES: Thanks a lot.

4 So we're actually going to
5 focus on caribou in our presentation this
6 morning.

7 Thanks for the introduction,
8 JoAnne, and good morning, members of the panel
9 and to others listening.

10 For the record my name is
11 Chris Wedeles. I'll spell my last name,
12 W-E-D-E-L-E-S. I would like to thank the
13 panel for providing us the opportunity to talk
14 about caribou this morning.

15 I'm speaking to you today
16 from my home office just outside the village
17 of Erin, which is about 110 kilometres
18 northwest of downtown Toronto.

19 I would like to acknowledge
20 that Aboriginal peoples have inhabited this
21 land through the ages. I'm speaking to you
22 today from the territory of the Anishnabeg,
23 Huron Wendat, Haudenosaunee and Ojibwe,
24 Chippewa peoples. This land is also part of
25 the treaty and territorial lands of the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Mississaugas of the Credit River First Nation.

2 I recognize the significance
3 of the fact that I'm going to be speaking to
4 you today on a topic of importance to
5 Biigtigong Nishnaabeg from the lands of
6 several First Nations who are trying to
7 maintain their own ties to their ancestral
8 roots here.

9 Can I have the next slide,
10 please.

11 Our presentation this morning
12 will begin with Chief Michano speaking for a
13 bit about how caribou fit into the culture and
14 history of Biigtigong. After that, I'll
15 provide a brief statement on the hearings
16 related to caribou, and then speak on some
17 inter-related topics to hopefully provide some
18 context on caribou ecology, nationally,
19 provincially and more locally specific to the
20 Lake Superior range.

21 I suspect many of you have
22 heard a lot about Lake Superior caribou over
23 the last while, but I'm not sure if the
24 broader spatial and ecological context and
25 setting has been thoroughly explained, and I

Arbitration Place

(613) 564-2727

(416) 861-8720

1 think it's important to understand how caribou
2 are faring in Canada and in Ontario to provide
3 setting for discussions on the Lake Superior
4 caribou.

5 I'll then provide some
6 institutional and policy context and end by
7 presenting the key points of the caribou
8 stewardship strategy that Biigtigong is
9 developing.

10 So now I'm going to ask Chief
11 Michano to give some background on
12 Biigtigong's cultural links.

13 PRESENTATION BY CHIEF DUNCAN MICHANO:

14 CHIEF DUNCAN MICHANO:
15 Miigwetch, Chris.

16 I would like to thank the
17 panel for giving us an opportunity to speak
18 here, and I would like to thank all the
19 participants -- I see a whole list of them
20 there -- who've taken the time to listen in on
21 these hearings because I think they are
22 important.

23 I'm speaking to you from
24 Vancouver. I'm sitting in a hotel room, so
25 the conditions are not ideal for this and

Arbitration Place

(613) 564-2727

(416) 861-8720

1 there may be some background noise
2 occasionally, and you'll have to excuse me for
3 that.

4 Again, my name is Chief
5 Michano. I'm chief of Biigtigong. My clan is
6 (speaking Nishnaabemwin). I'm going to speak
7 a bit about -- a little bit about the history
8 and some of the importance of caribou to our
9 people historically.

10 As JoAnne has mentioned in
11 her opening remarks there, when you look at
12 and listen to all the documents that our
13 elders in the 1950s produced with a young lady
14 at that time called Jocelyn Lacour(ph), she
15 taped and interviewed a lot of our people, you
16 begin to understand just important the caribou
17 were to our people. You hear the songs that
18 they sang about caribou. You don't hear them
19 singing songs about moose. There was no
20 moose. They sang the songs about caribou
21 because the caribou was important to them as a
22 food source and as a clothing source. So the
23 caribou were important to them.

24 The first moose on the --
25 that I'm aware of when looking at all the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 documents was shot in Mobert actually around
2 the turn of the Century, my guy called
3 (Nishnaabemwin word), a relative of mine
4 actually.

5 So around the turn of the
6 century moose started showing up, and why were
7 they showing up, again possibly because of the
8 building of the railroad. The development and
9 the infrastructure that was being put and in
10 particular linear infrastructure that being
11 put into place that allowed for the movement
12 of wolves and moose.

13 And I was talking to one of
14 our elders called Collet Goodchild, she's
15 passed on now, and she was about my age. We
16 were a few months difference. And I was
17 talking to her one time; she was telling me
18 and talking to me about listening to her
19 mother when she was a young girl and listening
20 to her mother and one of the other elders
21 talking about caribou and saying what we're
22 going to do now, no more caribou. I guess we
23 got to hunt moose.

24 So the caribou was important
25 and from my own experience in the early 50s, I

Arbitration Place

(613) 564-2727

(416) 861-8720

1 used to hear, you know, rumours, so-and-so
2 caught a caribou, so-and-so got a -- killed a
3 caribou. And by the -- 1965 you didn't hear
4 that anymore. Was all moose, moose were
5 everywhere.

6 So -- and then I remember at
7 one time visiting my dad. I had wanted my dad
8 to take me to show me where the cabins were on
9 Jackfish lake because Jackfish area was
10 basically the hunting area for Michano family
11 and the extended Michano family.

12 And we were sitting there --
13 after he showed me where those cabins were, we
14 were sitting there on the rock and eating our
15 lunch and my two sons were with me, and I was
16 looking out over the lake, Jackfish Lake, and
17 I mentioned to him that it must be nice for
18 hunting moose, hey. And he thought for a
19 while, and he said, no, we used to hunt
20 caribou. And then I remembered him telling me
21 a story about him and his uncles -- sorry, him
22 and his brother Stanley, my uncle Stanley, who
23 was the oldest in the family, oldest son in
24 the family, hunting moose in the Jackfish area
25 and killing moose as they were -- killing

Arbitration Place

(613) 564-2727

(416) 861-8720

1 caribou as they were crossing the lake, so the
2 caribou were important to them.

3 And as I mentioned before, by
4 1965 I heard no more of stories of our people
5 hunting caribou. It was all moose. And why
6 was that? Probably because the inroads of
7 development. The more development, the more
8 rules, the more moose, the less caribou, and
9 also with the starting with building of the
10 CPR, well, there was meat hunting by CPR to
11 feed their guys. So the caribou populations
12 were basically decimated, caribou that our
13 people depended on.

14 When I started working in
15 Pukaskwa National Park, there were still 30
16 caribou in there; now there is none. So I'm
17 not going to get into some of the plans.
18 Chris will get into some of the plans that we
19 are trying to put in place with much I guess
20 issues in regards to the province and Canada
21 who are doing basically nothing to ensure that
22 the caribou don't disappear.

23 Biigtigong and at least
24 Michipicoten First Nation are the only First
25 Nations that I'm aware of who have any concern

Arbitration Place

(613) 564-2727

(416) 861-8720

1 for the caribou, and there are still
2 populations on Slate Island, and hopefully we
3 can put plans in place to ensure that the
4 caribou don't disappear. I talked to Chris
5 about this one time, and I would be letting my
6 grandfather down, and I would be letting
7 (indiscernible) child down, and I would
8 letting the whole (indiscernible) down, and I
9 would be letting Moses (indiscernible), and I
10 would be Moses Starr down, and I would be
11 letting Moses Fisher, and I would be letting
12 (indiscernible) down if I didn't try to do
13 something and my own grandfather. If I didn't
14 try to do something to ensure that the caribou
15 didn't disappear from the north shore.

16 It seems already that they've
17 disappeared from the coastal corridor,
18 including Pukaskwa National Park. But they
19 done an awful job, both the province and
20 Canada, in ensuring that caribou doesn't
21 disappear.

22 Miigwetch. Chris, I'll hand
23 it over to you and let you talk about some of
24 our issues and the state of the caribou now
25 and some of our plans. Miigwetch.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 PRESENTATION BY CHRIS WEDELES (cont'd):

2 MR. WEDELES: Thanks, Chief
3 Michano. I've heard Chief Michano speak on
4 that topic a number of times now, and I always
5 find it very poignant.

6 Can I have the next slide,
7 please.

8 Biigtigong would just like to
9 make the following statements on the portions
10 of the hearing that have related to caribou.

11 So Biigtigong is impressed
12 with the acumen and analysis brought by GenPGM
13 and its experts related to caribou.
14 Biigtigong appreciates the diligence and
15 thoroughness that the panel brought to its
16 assessment and inquiries, and Biigtigong is
17 encouraged by the undertakings identified by
18 the panel to date.

19 Especially important to
20 Biigtigong will be the manner in which within
21 range connectivity is facilitated, and the
22 manner in which GenPGM deals with Biigtigong's
23 concerns related to off-site mitigations, and
24 also the concerns we laid to cumulative
25 effects and how they are dealt with.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 In the next few slides I'm
2 going to give some background information on
3 caribou in Canada and its status.

4 So if I could have the next
5 slide, please.

6 We frequently associate
7 caribou with different ecologies and traits
8 depending on where they live, and that's
9 correct. Caribou have a number of different
10 and distinct lifestyles based on their
11 environments. But all caribou in Canada, and
12 all caribou in the world for that matter, are
13 the same species with the scientific or Latin
14 name *rangifer tarandus*.

15 So this single species
16 includes reindeer in Scandinavia that are
17 domestic or semi-domestic.

18 Next slide, please.

19 Vast herds of barren ground
20 caribou that still in some places migrate
21 across Canada's north in the thousands or even
22 tens of thousands.

23 Next slide, please.

24 Boreal caribou such as those
25 in the Lake Superior coast range and these in

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Alberta that I photographed running along a
2 seismic line last year.

3 Next slide, please.

4 And animals like this
5 mountain caribou that live in small groups and
6 migrate altitudinally according to the
7 seasons.

8 Next slide, please.

9 Defining caribou based on
10 their habitat groups and life histories has
11 over the last few decades led ecologists to
12 use a rather bewildering array of terms some
13 of which have overlapping definition. This is
14 because the sort of complex natural of caribou
15 ecology. These terms include subspecies
16 populations, local populations, migratory
17 patterns, herds, meta-herds and so on.

18 But the two terms that are
19 most relevant for our purposes today are the
20 rather obtuse sounding designatable units and
21 the more familiar ranges. A designatable
22 unit, that's a term developed by COSEWIC
23 that's the Committee on the Status of
24 Endangered Wildlife in Canada. The term is
25 used not just for Canada, more generally for

Arbitration Place

(613) 564-2727

(416) 861-8720

1 other species as well, as it combines a number
2 of attributes so that the status of groups
3 within a species can be determined or labelled
4 or categorized.

5 The term is defined as
6 spatially, ecologically or genetically
7 discrete and evolutionary significant units
8 that are irreplaceable parts of biodiversity.
9 This term brings together several components,
10 but the part that I find most striking is a
11 reference to irreplaceable components of
12 biodiversity.

13 So if a designatable unit of
14 a species disappears, a significant component
15 -- a significant part of biodiversity is lost
16 even though the species to which it belongs
17 may persist. The objective part of this term,
18 spatially, ecologically and genetically
19 discrete facilitate use of the concept for
20 assessing the status of species or components
21 -- individual units of a species at risk
22 through examination of the meaningful
23 sub-units.

24 Could I have the next slide,
25 please.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 So there are 12 of these
2 designatable units of caribou that have been
3 identified by COSEWIC ranging from Peary
4 caribou, so those in blue, that live in the
5 northern arctic archipelago, including
6 Ellesmere Island at the far north of Canada to
7 the southern mountain caribou that live in the
8 south of British Columbia. Boreal caribou,
9 the kind that inhabit the Lake Superior coast
10 range are depicted in green on this map, and
11 they have the broadest east/west distribution
12 of any designatable unit of caribou.

13 To my knowledge, caribou
14 along with wolves have the broadest range of
15 any large mammal in Canada. But they are a
16 bit of a conundrum because as much as they
17 have a broad range and their broad range
18 suggests adaptability, they are at the same
19 time fragile in different ways. They have
20 specific habitat needs and are highly
21 susceptible to habitat (indiscernible) such as
22 fragmentation that Chief Michano mentioned,
23 and loss of ecosystem integrity that may make
24 them more susceptible to predation and other
25 negative factors.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 This map shows that the Lake
2 Superior caribou range is a disjunct -- is
3 disjunct from the broader portion of the
4 boreal caribou designatable unit, and I'll
5 talk about those dynamics in a few minutes.

6 COSEWIC identifies several
7 categories of risk depending on how perilous
8 the status of a species, a designatable unit
9 is. Fortunately, most wildlife are not at
10 risk, but a growing number are classified as
11 being somewhere on the at-risk spectrum. The
12 spectrum goes from special concern to
13 threatened, endangered, critically endangered,
14 extirpated and extinct. There are objective
15 criteria used to determine which at-risk
16 category is applicable to any species or
17 designatable unit taking into account its
18 range, its range reduction over time,
19 population decline, number of breeding animals
20 and so on.

21 The most striking thing about
22 the information in this slide is that every
23 caribou designatable unit in Canada is
24 somewhere on the at-risk spectrum. Boreal
25 caribou are identified as threatened. The

Arbitration Place

(613) 564-2727

(416) 861-8720

1 last published estimate of the total number of
2 boreal caribou in Canada was about 3- or
3 4,000, but those data are at least a decade
4 old and the number is likely lower now.

5 Two of the 12 designatable
6 units are identified as special concern. Two,
7 in addition to boreal caribou, are categorized
8 as threatened. Six of the 12 designatable
9 unit are characterized as endangered, and one
10 is extinct. The Dawson caribou was unique to
11 Haida Gwaii or the Queen Charlotte Islands,
12 and it became extinct about a hundred years
13 ago likely due to habitat change and hunting.

14 None of the current 11
15 remaining designatable units are categorized
16 not at risk. And to me that's incredible
17 striking for an animal that's considered a
18 wildlife symbol of Canada.

19 Can I have the next slide,
20 please.

21 The other concept that is
22 important in classifying caribou is range.
23 There are 57 recognized boreal caribou ranges
24 in Canada. Range is a spatial unit, so like a
25 designatable unit, but it is more so based on

Arbitration Place

(613) 564-2727

(416) 861-8720

1 finer geographic and demographic resolution.
2 A range is defined as a geographic area
3 occupied by a group of individuals that are
4 subject to the same influences affecting their
5 vital rate, so like birthrate and recruitment,
6 over a defined timeframe.

7 Consistent with the
8 definition of ranges their spatial delineation
9 is correlated with the contiguity of habitat.
10 So as the landscapes become more homogenous as
11 one goes north, the range seems -- generally
12 seems to become larger.

13 But there is also another
14 phenomenon related to range sizes, and that is
15 that the more caribou in a region are studied,
16 the smaller their ranges tend to be defined.
17 And that's because as more data become
18 available on their demographics and habitat
19 use, the more differences between groups and
20 ranges become apparent.

21 So we see these phenomenon
22 here as the really large ranges are the ones
23 in the north, and the smaller ranges are the
24 more well studied ones that occur in less
25 homogenous landscapes like those in

Arbitration Place

(613) 564-2727

(416) 861-8720

1 northeastern Alberta. Not surprisingly, the
2 smaller ranges are also -- also include those
3 that are geographically isolated like the Lake
4 Superior caribou range.

5 The broad habitat preferences
6 of large areas of old conifer-dominated
7 forests are consistent across their habitats,
8 and as one would expect the smaller the range
9 the more likely it is that it will be in
10 difficult circumstances.

11 Can I have the next slide,
12 please.

13 So this is a graph of the
14 size of the boreal ranges, boreal caribou
15 ranges in Canada. And we see from the graph
16 that the Lake Superior caribou range is among
17 the smallest in the country and only about
18 400,000 hectares in size. This is in
19 comparison to several of the more northern
20 ones that are considerably more than 10
21 million hectares in size.

22 Can I have the next slide,
23 please.

24 Over the last 140 years or so
25 there has been a considerable northward

Arbitration Place

(613) 564-2727

(416) 861-8720

1 recession of caribou in Ontario. The range
2 recession has been sort of in a delayed
3 lockstep with land clearing and settlement.
4 There's a lag between the time of an area
5 opening up, so to speak, and the local
6 disappearance of caribou by a small number
7 decades.

8 This map shows that the
9 estimated southern distribution of caribou in
10 the 1880s was around the Algonquin Park
11 latitude. Although there is another less well
12 published map that I've seen that shows their
13 distribution as far south as Lake St. Clair
14 around 1800.

15 Can I have the next slide,
16 please.

17 It's really interesting to
18 look in particular at the area of the shore at
19 the caribou in the -- along the shore of Lake
20 Superior.

21 Caribou seem to have
22 persisted along the Lake Superior shore much
23 more than a comparable -- much longer than at
24 comparable latitudes in land. And those with
25 a particular interest in Lake Superior will

Arbitration Place

(613) 564-2727

(416) 861-8720

1 note that this map is actually a little bit in
2 error as it shows as caribou have hung around
3 here much longer than the map shows. So why
4 is that? Why have caribou stuck around here
5 not in great numbers as Chief Michano
6 indicated and with a very narrow range along
7 shore of Lake Superior.

8 The most likely reasons are
9 that there has been less disturbance close to
10 Lake Superior than inland. The rugged
11 topography close to the lake offers escape
12 habitat and refuge from predators, and the
13 offshore islands have provided safety and
14 refuge for breeding habitat.

15 Can I have the next slide,
16 please.

17 However, some of these
18 features are a bit of a double-edged sword.
19 Although the Lake Superior caribou range has
20 provided a haven of sorts, it also has
21 liabilities. As it has become isolated from
22 the contiguous ranges further north, it has
23 lost the ability to benefit from immigration
24 from the other ranges. This in spite of the
25 fact that the area between the Lake Superior

Arbitration Place

(613) 564-2727

(416) 861-8720

1 caribou range and those further north has been
2 identified for some management practices that
3 were intended to maintain connectivity.

4 It's now the -- the Lake
5 Superior caribou range is now basically a
6 skinny strip along the lake and several
7 offshore islands. In the last few years when
8 caribou were sighted on the mainland, they
9 were pretty much all seen within a small
10 number of kilometres of the shore. If they
11 had ventured further inland, they were
12 susceptible to predation and other detriments
13 associated with greater levels of disturbance.

14 Over the years there has been
15 more internal disturbance even relatively
16 close to the shore, and we know from
17 scientific studies and traditional knowledge
18 as Chief Michano was expressing that greater
19 levels of disturbance increase the risk of
20 predation and other sources of mortality.

21 While reestablishing caribou
22 along the Lake Superior strip is important, as
23 long as they are restricted to a narrow band,
24 their long term prospects will remain tenuous.

25 Can I have the next slide,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 please.

2 I just wanted to spend a
3 couple minutes on the long term and recent
4 populations of Lake Superior caribou.

5 Caribou have likely lived in
6 the Lake Superior area for thousands of years.
7 They sort of followed the glaciers north and
8 south during successive ice ages, and so when
9 the ice receded and 10,000 years ago, caribou
10 have likely been in the Lake Superior area for
11 that long. For much of that time they have
12 been the only ungula in the forest, again, as
13 Chief Michano was saying as the area would
14 have been dominated by coniferous forest which
15 are not preferred habitat for moose or other
16 ungulates.

17 It's not possible to know the
18 population from thousands of years ago, but
19 it's likely that historically they were
20 present in low to moderate densities based on
21 their ecological relationship with wolves much
22 as is the case now.

23 The graph on this slide shows
24 the recorded observations of caribou or sign
25 not their populations since the 1970s. And

Arbitration Place

(613) 564-2727

(416) 861-8720

1 I'll note that this graph is from GenPGM's
2 submission IR 25, and it's also consistent
3 with my own reading of recent literature. The
4 high number of observations through the 1970s
5 and 90s were mostly a function of high numbers
6 of caribou on the offshore islands. Wolves
7 incursions in the 1990s and 2010s drove the
8 populations down very considerably. The
9 transfer of caribou from Michipicoten to
10 Caribou Island and the Slates in the late
11 2010s likely saved the population. It's
12 likely that there are no caribou left on the
13 mainland based on recently surveys.

14 Can I have the next slide,
15 please.

16 These graphs show -- just
17 show the local breakdown of populations in the
18 Lake Superior caribou range over the last few
19 decades, and they more or less mirror the
20 course or information of the graph on the
21 previous slide.

22 So I'll just ask you to note
23 that the Y-axis on the graphs are very
24 different. For Pukaskwa Park on the top left
25 graph, recent population seems to have peaked

Arbitration Place

(613) 564-2727

(416) 861-8720

1 in the late 1970s and basically declined more
2 or less consistently since then, and there are
3 have been no caribou observed in the park
4 since a lone animal was spotted on a wildlife
5 camera in 2015.

6 Michipicoten Island shown on
7 the top right may have historically had very
8 high numbers of caribou. There are -- there's
9 documentation of that really settlers on --
10 the settlers harvesting caribou extensively
11 from Michipicoten Island.

12 Most recently the population
13 peaked around 700 animals in the early 2010s,
14 but was brought crashing down by wolves to the
15 point that by 2018 there were hardly any
16 animals left, and the remaining ones were
17 rescued by translocation to Caribou Island and
18 the Slates. There are now no caribou on
19 Michipicoten Island.

20 The Slate Island population
21 shown in the lower left was very high in the
22 1980s, abnormally high, with the highest
23 recorded density of woodland caribous in North
24 America. Initial decline after that may have
25 been due to overpopulation and exhaustion of

Arbitration Place

(613) 564-2727

(416) 861-8720

1 resources. But wolf incursions in the 1990s
2 and basically extirpated the local population
3 until it was rejuvenated by translocation of
4 caribou from Michipicoten Island in and around
5 2018.

6 Caribou on Pic Island and the
7 Neys Peninsula, so in the lower right, are
8 likely gone. Perhaps having been as high as
9 80 in the period around the 1970s and 1980s.
10 Not shown on these graphs is Caribou Island
11 which is about 40 kilometres offshore which
12 received translocated caribou from
13 Michipicoten in 2018.

14 A population estimate on
15 Caribou Island is now about 20 to 25 animals,
16 but it's a very small island. It's only about
17 650 hectares, so even with only 20 to 25
18 animals, it's very close to its carrying
19 capacity.

20 So that's a bit of a historic
21 and current state of that caribou situation
22 nationally, provincially and locally.

23 So the bottom line is that
24 caribou are in trouble nationally and
25 provincially. The Ontario range has receded

Arbitration Place

(613) 564-2727

(416) 861-8720

1 by a striking amount. Landscape disturbance
2 is a major cause of range recession. Locally
3 they are gone -- they are most likely gone
4 from the Lake Superior coast range mainland.
5 And they persist on islands only after close
6 call with extirpation in the late 20-teens.

7 Can I have the next slide,
8 please.

9 I would like now to talk
10 about institution or policy context starting
11 with the Ontario scene. So the first policy
12 context is actually not shown on this slide.

13 In the 1990s the Ministry of
14 Natural Resources produced and advocated a
15 policy of forest-harvesting approach that
16 focused on clearing large blocks of forest so
17 that there would be suitable large blocks of
18 habitat available when the forest area is
19 fully regenerated.

20 Beginning in the first decade
21 of the 2000s, largely in response to the
22 province's 2007 *Endangered Species Act* which
23 classified caribou as threatened, a series of
24 policy initiatives have been produced. In
25 2008 Ontario's woodland caribou recovery

Arbitration Place

(613) 564-2727

(416) 861-8720

1 strategy was produced. The stated objectives
2 included protect caribou ranges in support of
3 local caribou survival and recovery, and
4 reduce known threats associated with range
5 recession and local population decline through
6 immediate action on ranges in the Lake
7 Nipigon, central highlands and Lake Superior
8 recovery zones, delineate and establish range
9 management plans for all caribou ranges.

10 To date no range management
11 plans have been produced. Although a series
12 of integrated range assessments have been
13 completed, although not for the Lake Superior
14 caribou range, these assessments provide data
15 that would be used as input to plans, but the
16 assessments themselves are not plans because
17 they are not forward looking. They provide
18 insight into the then present state. They
19 were completed around 2014 I think.

20 They were completed so they
21 could provide insight into the then present
22 state of caribou ranges.

23 In 2009 Ontario's Woodland
24 Caribou Conservation Plan was produced.
25 Specific reference to the Lake Superior

Arbitration Place

(613) 564-2727

(416) 861-8720

1 caribou range was included as:

2 "The Lake Superior coastal
3 population will be managed for population
4 security and persistence. The focus will to
5 be protect and manage habitat and encourage
6 connectivity to caribou populations in the
7 north."

8 Efforts at establishing
9 connectivity to the north were addressed
10 through identification of the zone of
11 discontinuous distribution that attempted to
12 link the Lake Superior caribou range with the
13 ranges farther north such as the Pukaskwa
14 range.

15 But it hasn't worked. There
16 has been only very minor and very occasional
17 presence of caribou identified this zone, and
18 no evidence of meaningful, ecologically
19 meaningful movement of caribou through the
20 zone.

21 The 2009 document also stated
22 the importance of range management in this
23 statement:

24 "Range management is the
25 central element of the caribou conversation

Arbitration Place

(613) 564-2727

(416) 861-8720

1 plan."

2 And again, I note that no
3 range management plans have been produced.

4 Can I have the next slide,
5 please.

6 In 2014 MNRF, Ministry of
7 Natural Resources and Forestry, released the
8 range management policy in support of woodland
9 caribou conservation recovery. The objective
10 was to move toward sufficient range condition
11 in all caribou ranges. However, it explicitly
12 stated that it did not apply to the Lake
13 Superior range and the discontinuous
14 distribution. I believe that may have been in
15 anticipation of development of a policy
16 specific to the Lake Superior caribou range,
17 but as I'll describe in the next slide that
18 has not been achieved.

19 Maybe I'll describe it in
20 slide. In 2014 the Ministry of Natural --
21 MNRF also released a three-part "State of the
22 Woodland Caribou Resource Report," but again,
23 this document did not include reference to or
24 information on the Lake Superior caribou
25 range.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 A policy initiative specific
2 to the Lake Superior caribou range was
3 launched in 2018 with the release of the
4 document "Seeking Advice on the Future of the
5 Lake Superior Caribou Range." The intent of
6 the document was to seek public input to
7 inform the development of a management
8 approach to the Lake Superior caribou range
9 and the discontinuous distribution which will
10 identify and describe Ontario's approach for
11 boreal caribou conservation and recovery in
12 this area.

13 The deadline for input as May
14 the 3, 2018, so that was four years ago. To
15 date no detailed summary of the input has been
16 released and no plan has been produced and to
17 our knowledge even initiated almost four years
18 after the deadline for public input.

19 So our overall conclusion
20 from these initiatives is that Ontario has not
21 met its policy commitments related to the Lake
22 Superior caribou range nor has it provided
23 useful direction for management of the Lake
24 Superior caribou range.

25 Can I have the next slide,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 please.

2 I won't spend as much time on
3 the federal policy initiatives, but I would
4 like to talk about a small number.

5 The key policy initiative by
6 ECCC, that's Environment and Climate Change
7 Canada, has been in the development of the
8 recovery strategy for boreal woodland caribou
9 first produced 2012 and amended slightly in
10 2020. The document built on extensive
11 scientific analyses that quantified the
12 crucial relationship between landscape
13 disturbance and recruitment and identified a
14 key threshold of 65 percent undisturbed land
15 as producing a 60 percent probability of
16 population growth or stability. So a 65
17 percent disturbance threshold was identified
18 as a minimum target in ECCC planning
19 direction.

20 The graph on the right shows
21 a strong negative relationship between
22 recruitment and disturbance, so more
23 disturbance equals lower recruitment.

24 Another very significant
25 piece of the federal policy context is through

Arbitration Place

(613) 564-2727

(416) 861-8720

1 the *Species At Risk Act* or SARA. Although
2 SARA only applies to federal lands, it also
3 provides a means for the provinces and federal
4 government to collaborate to some extent
5 through section 11 of the Act which
6 facilitates the development of conservation
7 agreements between Canada and the provinces.

8 A draft Section 11 agreement
9 has been developed for Ontario and made
10 available for comment by interested parties.
11 We have reviewed the draft and have some very
12 significant concerns that we have communicated
13 to the drafting parties.

14 While it identifies the need
15 to implement a management approach for the
16 Lake Superior caribou range and discontinuous
17 distribution, and that's very good, it also is
18 differential to the provincial approach for
19 caribou management which for the Lake Superior
20 caribou range is as yet undefined and has a
21 poor track record.

22 The provincial caribou
23 strategy also lacks -- as represented in the
24 Section 11 agreement also lacks specificity
25 and has a very protracted time range. We

Arbitration Place

(613) 564-2727

(416) 861-8720

1 believe the Section 11 agreement needs
2 significant modification, and we have
3 expressed this strongly, as well as the fact
4 Biigtigong Nishnaabeg needs to be a partner
5 not just a commenter on caribou management.
6 And I'll speak to that more in a bit.

7 Can I have the next slide,
8 please.

9 The final pieces of the
10 federal context I'll mention is the Pukaskwa
11 management plan and multi-species action plan
12 for the park that attempts to address
13 management of species at risk. The park
14 management plan was produced in 2016, and
15 there have been annual updates on portions of
16 the plan since then. Keep in mind that no
17 caribou had been recorded in the park since
18 2015.

19 The 2016 plan has appropriate
20 case strategies related to honouring
21 relationships the Indigenous people,
22 maintaining wilderness and strengthening the
23 relevance of the park. The caribou-specific
24 items of the plan are rather vague. It speaks
25 about implementation of preferred recovery

Arbitration Place

(613) 564-2727

(416) 861-8720

1 strategies for caribou and embarking on a
2 collaborative effort to protect the coast
3 particularly from Hattie Cove to Michipicoten
4 Harbour.

5 Can I have the next slide,
6 please.

7 So partly in response to the
8 sum of these policy initiatives, Biigtigong
9 Nishnaabeg has realized the importance of
10 developing and leading caribou stewardship in
11 the Lake Superior caribou range.

12 For the next few slides I'm
13 going to speak about the Biigtigong Nishnaabeg
14 caribou stewardship strategy. It's still work
15 in progress, but it will generally consist of
16 the items I will identify in a few slides.

17 So in light of Biigtigong
18 Nishnaabeg's strong cultural ties to caribou,
19 Biigtigong Nishnaabeg's ongoing land claim and
20 asserted rights and territory, the tenuous
21 state of the Lake Superior caribou herd, the
22 lack Ontario's progress in planning and
23 sustainable management of Lake Superior
24 caribou and the uncertain utility of the
25 Section 11 conservation agreement, Biigtigong

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Nishnaabeg is developing a caribou stewardship
2 strategy for the Lake Superior coast range and
3 offshore islands.

4 Can I have the next slide,
5 please.

6 So the goal of the strategy
7 is to establish and secure a self-sustaining
8 population of caribou centered on the
9 northeast portion of Lake Superior with
10 particular emphasis on the area encompassed by
11 the Biigtigong Nishnaabeg exclusive, unshared
12 title lands.

13 Several objectives of the
14 goal are encompassed by this goal -- several
15 objectives of the plan are encompassed by this
16 goal, including contribute to security of Lake
17 Superior coast range by establishing protected
18 and carefully managed caribou populations on
19 the offshore islands, manage caribou
20 populations consistent with the long-term
21 objective of reestablishing viable populations
22 on the mainland focused on the area
23 encompassed by Lake Superior coast range,
24 within the broader framework of Biigtigong
25 Nishnaabeg's ongoing land claim, collaborate

Arbitration Place

(613) 564-2727

(416) 861-8720

1 with other agencies and parties, including
2 governments of Ontario and Canada and other
3 First Nations in securing the caribou
4 population in the Lake Superior coast range,
5 and increase the cultural awareness of caribou
6 and its role in the ecosystem and Indigenous
7 culture among the Biigtigong Nishnaabeg and
8 other residents of the north shore -- north
9 coast of Lake Superior.

10 Can I have the next slide,
11 please.

12 So there are a number of
13 strategies associated with these objectives,
14 and I'll go through them rather quickly.

15 The first strategy is
16 extensive Indigenous involvement, and that
17 will involve leadership or co-management role
18 for Indigenous communities in managing
19 caribou, integration of traditional and
20 community ecological knowledge and increasing
21 Indigenous capacity.

22 A second strategy is to
23 establish and secure island populations,
24 ensure Michipicoten Island is predator free,
25 transfer caribou from Michipicoten Island to

Arbitration Place

(613) 564-2727

(416) 861-8720

1 the Slate Islands and Caribou Island, monitor
2 caribou on all islands and predator control as
3 necessary.

4 So we recognize that predator
5 control is a controversial practice, and
6 Biigtigong hopes that it won't be necessary.
7 But recognizing that wolves are an abundant
8 species and caribou are a threatened species
9 it may be necessary to take the difficult
10 steps to control the wolves should they
11 establish themselves on the offshore islands
12 and endanger caribou populations there.

13 When wolves kill and eat
14 caribou, they are just being wolves, and
15 controlling them would just be an attempt to
16 maintain a threatened species, a threatened
17 community and would be undertaken with respect
18 and not any malice towards wolves.

19 The third strategy is
20 establish -- sorry, maintain island
21 populations at appropriate levels, and that
22 will involve establishing care and capacity
23 for the islands, managing populations to
24 remain under care and capacity by regular
25 monitoring, transfer caribou to mainland

Arbitration Place

(613) 564-2727

(416) 861-8720

1 receiving sites, controlled harvest if
2 necessary and protecting caribou.

3 Can I have the next slide,
4 please.

5 Next strategy is monitoring,
6 and there are several discrete ecological
7 factors that need monitoring. One is the ice
8 conditions. To identify when and if caribou
9 predators could cross to the islands monitor
10 islands for the presence of predators, monitor
11 caribou populations on all the islands and on
12 the mainland.

13 A fifth strategy is
14 reestablishing mainland populations. Identify
15 and prioritize mainland receiving sites,
16 transfer caribou to the mainland, monitor
17 caribou populations on the island and
18 mainland, and ongoing transfer of caribou from
19 islands to the mainland.

20 So the hope is that transfer
21 of caribou from the islands to the mainland
22 will not just be a one-time thing, but as the
23 islands' populations prosper there can be a
24 continual activity as necessary to move
25 caribou from the islands back to the mainland.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Also, you'll probably note
2 that some elements fit into more than one
3 strategy, such as monitoring caribou. It's an
4 element of the monitoring strategy, but it
5 also includes -- which also includes
6 monitoring of other values, but it's also an
7 element of the strategy of reestablishing the
8 mainland population of caribou.

9 Strategy number 6 is protect
10 the caribou. So predator control if
11 necessary, removal of white tailed deer as
12 required. So white tail deer harbour a
13 parasite, a brain worm, that does not harm
14 them, but is very harmful and can be
15 transmitted to caribou. Control moose
16 populations if necessary.

17 There's a rather complex
18 dynamic that Chief Michano spoke about earlier
19 between moose and caribou. An increase in
20 moose abundance as the forest changes and
21 produces habitat more suitable for moose can
22 lead to a greater wolf presence which in turn
23 leads to increased predation on -- wolf
24 predation on caribou. This is a well-studied
25 dynamic and is one of the reasons that caribou

Arbitration Place

(613) 564-2727

(416) 861-8720

1 populations do not do well where forest
2 management is conducted.

3 The last item in this
4 strategy is increased public awareness.

5 Can I have the next slide,
6 please.

7 This strategy number 7 is
8 protect mainland caribou habitat. So this one
9 involves working in collaboration with Ontario
10 and Canada to maintain and improve habitat.
11 Cease industrial forest management in the Lake
12 Superior coast range. So there are at present
13 two large planned cut blocks totalling 8,700
14 hectares in the Lake Superior coast range, one
15 of which is very close to the mine site.
16 Establish a buffer zone along the Lake
17 Superior coast range, control and rehabilitate
18 linear disturbances which are vectors for
19 predators to travel, and improve continuity
20 planning through the discontinuous
21 distribution.

22 Strategy number 8 is increase
23 awareness, so within Indigenous communities,
24 within non-Indigenous communities along the
25 Lake Superior coast and within Ontario's

Arbitration Place

(613) 564-2727

(416) 861-8720

1 population.

2 The ninth strategy is to work
3 in collaboration, so that would involve
4 collaborative efforts with and between
5 governments, collaboration between Indigenous
6 communities and collaboration with resource
7 industries such as GenPGM.

8 The next slide.

9 Address institutional
10 barriers. And so identify and assess what the
11 institutional barriers are, and I've spoken
12 about some of them here, and establish and
13 implement collaborative processes to remove
14 the barriers.

15 And the last strategy is
16 adaptive management, so monitoring of
17 populations and habitats and the success of
18 management measures, incorporation of
19 traditional ecological knowledge, identify
20 reasons for successes and failures and then
21 revise management.

22 So as I've noted, the
23 strategy is still a work in progress, but the
24 key points in the process are reestablish and
25 protect caribou populations on the islands,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 use the island populations as sources to
2 reintroduce caribou to the mainland, protect
3 and monitor the caribou wherever they occur
4 and establish and work with partnerships.

5 So I know there's been a lot
6 of information presented here, and I thank you
7 for your patience in listening to Chief
8 Michano and me, and we're hopeful that the
9 extent possible of support for Biigtigong's
10 caribou strategy from the panel and from
11 others who may be in the audience. Thank you.

12 PANEL CHAIR: Thank you, Mr.
13 Wedeles and Chief Michano. Really appreciate
14 your presentation today.

15 Ms. Michano, I think we're
16 turning it back over to you.

17 MS. MICHANO: Thank you Chris
18 and Duncan, that was amazing. You make us
19 very proud not only as Biigtigong Nishnaabeg
20 but as human beings walking this earth, and I
21 know the audience here in the community hall
22 have been very touched and moved by the
23 passion and the comprehensive analysis and
24 strategies put forward to look specifically at
25 the mitigation strategies around caribou and

Arbitration Place

(613) 564-2727

(416) 861-8720

1 indirectly with wildlife.

2 So we would like to thank you
3 Chris and Duncan. And with that, we're ready
4 for a break, a lunch break I guess, and this
5 afternoon we're going to move right into
6 socioeconomic impacts, mitigations and
7 commitments around that.

8 So with that panel, are you
9 okay for lunch?

10 PANEL CHAIR: Yes, Ms.
11 Michano. Thank you so very much. It's -- why
12 don't we return -- oh, we have a hand up,
13 sorry, Mr. Anwyll. Go ahead.

14 MR. ANWYLL: With your
15 indulgence, Madam Chair, I would like to break
16 with my normal thank yous at the end of the
17 session. If I could steal 97-and-a-half
18 seconds, I would like to personally thank --
19 the presentation today, I think was very good.

20 But specifically I would like
21 to thank Chief Michano and happy that he could
22 share his history. It's always very
23 insightful for his history and his wisdom, and
24 I really do appreciate it.

25 I wanted to say directly to

Arbitration Place

(613) 564-2727

(416) 861-8720

1 the chief that we have heard your community
2 concerns, and you can rest easy that we will
3 be addressing these with all due alacrity, and
4 I wish you to best and safe travels, and I
5 hope to see you soon, sir.

6 PANEL CHAIR: Thank you.

7 MS. MICHANO: Miigwetch,
8 Drew.

9 MR. ANWYLL: I hope you have
10 some bannock. I love my bannock, you know
11 that.

12 MS. MICHANO: Sorry,
13 chairman.

14 PANEL CHAIR: No, thank you
15 so much. How about we return at 1 o'clock,
16 and we'll see everybody back here. Thank you
17 so much for a good morning.

18 --- Recess taken at 11:55 a.m.

19 --- Upon resuming at 1:03 p.m.

20 PANEL CHAIR: Good afternoon,
21 everyone and welcome back.

22 Just before I hand over the
23 presentations back to Ms. Michano, I did want
24 to briefly address the procedural request made
25 this morning by Mr. Barretto and Mr. Bartleman

Arbitration Place

(613) 564-2727

(416) 861-8720

1 on behalf of Generation PGM and Biigtigong
2 Nishnaabeg, and that was that Generation PGM
3 would like to go be given an additional four
4 weeks until May the 12th, 2022 to submit its
5 response to undertaking 31.

6 So what the panel intends to
7 do is invite comment on this request from
8 other participants, and to that end
9 secretariat will be sending an e-mail to all
10 registered participants this afternoon.

11 Given the significance of the
12 response, one thing the panel is considering
13 as well is deferring closing remarks currently
14 schedule for April the 13th until after
15 Generation PGM submits its response to
16 undertaking 31, as Mr. Barretto noted this
17 morning the clock will be stopped during the
18 time it takes for Generation PGM to prepare
19 and submit its response to undertaking 31, so
20 deferring closing remarks should not result in
21 any material delay to the process itself. We
22 invite comments from participants including
23 Generation PGM and Biigtigong on this as well.

24 What we are hoping is that
25 comments on this request and on the potential

Arbitration Place

(613) 564-2727

(416) 861-8720

1 for deferring closing remarks until after the
2 response is filed, we would hope by noon
3 tomorrow, if that works for everyone.

4 Thank you. Mr. Barretto,
5 hand up, thank you.

6 MR. BARRETTO: Thank you for
7 that feedback, Madam Chair, and I will
8 obviously defer to the secretariat's letter
9 coming regarding a comment process and I thank
10 you for processing that so quickly. I'll just
11 say at the outset I only speak on behalf of
12 Generation PGM, is that our strong preference
13 to complete closing remarks per the schedule.

14 Our request this morning was
15 specific to a request by one participant, a
16 very important participant, Biigtigong, for
17 four weeks to do commitments.

18 So in Generation's view we
19 feel it's unnecessary to reschedule closing
20 remarks for 50 participants given that their
21 request only came from one. But that said, we
22 will respect the views from all parties and
23 the panel's ultimate decision, and we may just
24 file submissions in response to the letter.

25 PANEL CHAIR: Thank you, Mr.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Barretto. Appreciate that. Thank you. And
2 with that, Ms. Michano, I think I am handing
3 over to you for this afternoon's presentation.
4 Thank you.

5 MS. MICHANO-COURCHENE: Thank
6 you, chairman. Okay, we're off again.

7 This afternoon, and we hope
8 to have this all done by the afternoon, but we
9 want to focus on the socioeconomic impacts
10 from this project, and in doing that we will
11 also be addressing some of the cumulative
12 impacts.

13 The section on socioeconomic
14 impacts from this particular project are going
15 to be delivered by Lisa Michano-Courchene, our
16 educational, Simone Desmoulin, our director of
17 social services, and Debbie Boucher, chief
18 executive officer. All of these incredible
19 ladies will be speaking specifically to the
20 impacts from this project on today.

21 One of the things that I want
22 to do before I hand the mic over to these
23 ladies is to give a brief historical
24 perspective on the socioeconomic impacts felt
25 by Biigtigong. I would like to start with a

Arbitration Place

(613) 564-2727

(416) 861-8720

1 quote from the 1996 Royal Commission report
2 that noted, quote:

3 "Aboriginal people are at the
4 bottom of almost every available index of
5 socioeconomic wellbeing. Whether they are
6 measuring educational levels, employment
7 opportunities, housing conditions, per capita
8 incomes or any other conditions that give
9 non-Aboriginal Canadians one of the highest
10 standards of living in the world."

11 The conditions experienced by
12 Indigenous communities is a direct result of
13 the dispossession of Indigenous peoples from
14 our lands and livelihoods. The historic
15 practices of displacement from our lands and
16 resources and hence our traditional economies
17 has resulted in an economic dependency on the
18 government. Removing our ability to create
19 economic wealth from our lands was, and
20 continues to be, a strategy to force
21 dependency on the colonial state.

22 The colonial policies mainly,
23 but not only, the *Indian Act* significantly
24 contributes to the economic disparities faced
25 by Biigtigong and other Indigenous groups.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 The relationship between
2 Biigtigong and the Crown has not been a
3 nation-to-nation relationship. It was, and I
4 will argue it remains as such today, as a very
5 colonial relationship where the Crown holds
6 all the power, and this power transcends into
7 the entities and processes controlled by the
8 Crown. These policies infect every area of
9 our lives, child welfare, health, education,
10 land tenure, leadership selection, membership,
11 deaths to name a few.

12 In the words of one of our
13 elders, Herb Nabigon, every aspect of our
14 lives from how we bring our children into the
15 world right through how we bury our dead is
16 impacted from the efforts of the Crown and the
17 systems that support their goals. They have
18 changed the very essence of our being.

19 In addition, one of the most
20 felt and continuous impacts that we
21 continuously deal with is the strategic
22 planned strategies to the genocidal goals of
23 the Crown, the church and the respective
24 institutions and systems. The impacts of
25 residential schools, day cares -- day schools,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 child welfare systems, the removal of our
2 economic base has lead to the social breakdown
3 in mechanisms that we use as a Nishnaabeg
4 people to live our lives.

5 I want to speak a little bit,
6 and I'll do it very quickly because I could be
7 here for hours, and I'm sure no one wants to
8 listen to me for hours, so I will do my best
9 to keep it very quick.

10 I want to speak now coming
11 from, I guess, a first person perspective, and
12 this is very difficult because I really try to
13 speak on behalf of the collective, so the
14 story I'm going to tell is going to come from
15 my perspective, so I just want to share that
16 with you.

17 In 1990 after completing
18 university and a short stint with an emergent
19 tribal council, I returned home and took on
20 the position of band manager. I was 22 years
21 old and thought I knew everything and
22 basically knew nothing. Like I'm sure a lot
23 of us have had that crazy thinking when we're
24 young that we're so great.

25 I came home. At the time we

Arbitration Place

(613) 564-2727

(416) 861-8720

1 had 17 employees, and we did not control
2 anything that was happening in our community.
3 We had a day school here that was controlled
4 by Indian Affairs. We had a daycare that was
5 controlled by community social services and a
6 couple other staff.

7 One of the first things when
8 I came to work here was understanding that we
9 needed a comprehensive strategy, a
10 comprehensive strategic plan. In order to do
11 that, and I'm sure we're all aware that we
12 need to have a really good environmental scan.
13 In order to be successful, we needed and
14 continuously need to do adequate assessments
15 that are based on truth and reality.

16 So moving forward, we engaged
17 the community, and at the time the community
18 was very engaged in this process and wanted to
19 take a look at how do we get out of the mess
20 we're in. So we gathered here in this
21 community hall, and this was one of the most
22 impactful exercises in our history. It was
23 also one of the most painful exercises because
24 it took us to the depths of these issues and
25 problems. And although it was one of the most

Arbitration Place

(613) 564-2727

(416) 861-8720

1 difficult times that we were faced with, it
2 also became one of the most empowering and
3 hopeful exercises and -- yeah, so it was both
4 -- sorry, for kind of emotional times here,
5 excuse me.

6 In this environmental
7 scanning stage, we spoke honestly and
8 truthfully about the conditions and issues in
9 our Nation. We knew that to move beyond the
10 state of our Nation that we needed to go to
11 the truth, our truth. So connected by love
12 and commitment to make our world better for
13 our children and those yet to come, we set out
14 to look within ourselves, our families and
15 community.

16 The socioeconomic conditions
17 were devastating. We were faced by so many
18 traumas, individually and collectively over
19 many generations. The social issues were
20 significant. The levels of sexual abuse and
21 incest were so widespread and impacted so many
22 generations, it appeared that this became the
23 norm inside our families. One of our members
24 shared that it was so normal in his family
25 that they believed sexual abuse and incest was

Arbitration Place

(613) 564-2727

(416) 861-8720

1 high school education.

2 So we knew that in order to
3 move our community forward that we had to
4 address the issue of education. And it was
5 very hard to do that because as we were trying
6 to take a look at control of education, just a
7 few steps over we had a day school that was
8 controlled by Indian Affairs and -- so I don't
9 want to go into those stories, but those
10 stories are horrendous stories also.

11 We had a day care, and again,
12 we had no influence over the day care and how
13 that day care was going to be run, and how it
14 was going to meet the needs of our community.
15 Simple things like taking our traditional food
16 into that day care was not allowed, but boy,
17 we could eat hot dogs. So, you know, hot dogs
18 or moose, didn't make sense.

19 So there were a few services
20 we had here, you know, and they were here, and
21 they just basically caused more trouble than
22 anything else.

23 Housing and infrastructure.
24 I always find it so ironic and funny because
25 my whole life I've heard those myths or

Arbitration Place

(613) 564-2727

(416) 861-8720

1 comments directed to me or, you know, people
2 around us that Indians get everything for
3 free. Everything is free, and the general
4 settler population in Canada for most part
5 have always believed that.

6 And I sit here my whole life
7 as a Nishnaabeg, but I sit here as a leader in
8 -- one of our leaders in the community and
9 coming in here I'm like, what's free? Why
10 does the general population believe this?
11 Free housing, you know, always heard it. You
12 always get free housing. And then come here
13 and take a look at the housing situation and
14 going back to 1990s. We got less than \$33,000
15 every year to look at the issue of housing,
16 that includes serviced lots. So you can't
17 build a house for \$33,000. So we knew we were
18 never going to deal with the gigantic housing
19 list that we had.

20 The housing that we did have
21 in the community had many, many issues. It
22 was inadequate houses, very substandard, no
23 running water. I just love those stories now.
24 I grew up with no running water. I grew up
25 with no indoor toilets. So, you know, I have

Arbitration Place

(613) 564-2727

(416) 861-8720

1 some really great outhouse stories that I just
2 love now.

3 But that's the reality.
4 That's in my world and I'm not sure if that's
5 the same in your world, no running water, you
6 know. And when we talk about water, never
7 mind having running water, having drinkable
8 safe water. That was such a non-issue. Well,
9 maybe it was not that big of an issue because
10 we had clean water. We had streams all over
11 the place, so, you know, as kids we had to go
12 down in minus 40, chop a hole in the ice and
13 fill our pails up, carry them back. So, you
14 know, we had good water at that time because
15 the water was wonderful. There was no
16 development around here. So, you know, that
17 came but not being able to turn on the tap.

18 So our houses were
19 substandard and our houses were overcrowded.
20 So we didn't have a lot of houses here, but
21 there was houses, those two bedroom houses
22 filled three or four families. And on one
23 hand that's not a good thing, but on the other
24 hand there's nothing better than having floor
25 beds with your grandparents and your aunts and

Arbitration Place

(613) 564-2727

(416) 861-8720

1 your uncles and all of us sleeping together on
2 floor beds. That's a beautiful part of that
3 bad housing situation.

4 In addition to that, when we
5 looked at housing, we were forced again with
6 racist policies, primarily the *Indian Act*, and
7 the *Indian Act* prevented us from having home
8 ownership. The concept of home ownership was
9 ripped away from us. Land tenure, and it's
10 still like this today. We cannot own any of
11 the reserve lands that we're on. I could not
12 go in 1990 to a bank like the rest of Canada
13 to get a mortgage. Even if I wanted to, the
14 law prevented me from that. I could not get a
15 personal mortgage unless I decided to go live
16 in Marathon or to Thunder Bay or some place.
17 I wanted to be here in my home. And to sit
18 there and think I cannot get a mortgage
19 because I live on reserve. Like, how messed
20 up is that.

21 And yet the rest of Canada,
22 you know, thinks I'm waiting for free housing.
23 They think that I'm responsible for the
24 housing crisis that faces in my life and in my
25 community's life, and that is not the fact.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 And it has never been the fact, and there is
2 no such thing as free housing, and there never
3 has been.

4 In order for me to get a
5 house, and I don't think the town of Marathon
6 needs to do this, sorry, Mayor Dumas for
7 always saying Marathon, maybe I should pick
8 another community. But another municipality
9 or a city, the councils of those cities and
10 municipalities don't have to go and guarantee
11 a loan for their friggin' citizens. But if I
12 wanted to go to the bank, chief and council --
13 first of all has to recommend that they
14 support this, and then it has to go to the
15 Minister to guarantee it. And if I mess up on
16 my loan, who is going to pay? Not me. What,
17 the school children, the day care? That's how
18 this system was and many of those conditions
19 are still here.

20 So I could go on and on.
21 When we first did our strat planning, this
22 whole community hall, every inch of the wall
23 was filled with problems. And it was so hard
24 being, you know, 22 or whatever I was, 23, and
25 sitting here with our people, and for them to

Arbitration Place

(613) 564-2727

(416) 861-8720

1 education how do you get a job? How do you
2 become employed? You can't become employed.

3 So our economic base off the
4 land was cut off, and then we were cut off
5 from employment. So this concept of lazy
6 Indian; you don't want to work. That's so
7 crazy. We couldn't work because of what we
8 experienced over generations. And you cannot
9 build a society without an economic base. We
10 all know that, and that's something I'm sure
11 everyone takes for granted.

12 So many issues and big
13 issues, and like I said it was very difficult
14 doing that, but at the same time it was one of
15 the most empowering exercises and times of our
16 lives.

17 And when we looked at that
18 and we thought, okay, what do we do here?
19 There's no way we can go outside of our
20 community and look for help. We can't go to
21 the Ministry of Education. We can't go to the
22 Ministry of Transportation. We can't go to
23 the Ministry of Social Services, dot, dot,
24 dot. Because you know what, these are federal
25 responsibility. Here you are in your

Arbitration Place

(613) 564-2727

(416) 861-8720

1 homelands, and you are not a citizen of
2 Ontario, and you are not going to be getting
3 any of the services that Ontario provides to
4 their citizens.

5 Education. Very difficult to
6 very well know that our kids coming here were
7 getting three to four times less money in
8 tuition that the federal government gave us as
9 opposed to what the Crown gave the provincial
10 systems. How do you justify that, and how
11 does that make your heart feel to know that
12 even now in 1990, and I'm sure Lisa is going
13 to speak about this -- I'm sure the situation
14 hasn't changed very much -- but your kids are
15 not worth, they are not worthy as the rest of
16 the children in Ontario.

17 Curriculum. Very hard to go
18 into a school and to hear -- I shouldn't say
19 hear, but to not hear about the colonial
20 history of this country. To go into the
21 school and hear fake, and I mean fake and
22 lies, about how this country was built. And
23 we're sitting here and hearing these teachers
24 who we have no control over tell our children
25 this. Yeah.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 So our response very clearly
2 came that we're going to live inside of the
3 system. We're not going to get help, and we
4 will continuously still for the rest of our
5 lives have to fight these external challenges,
6 these external strategies to look at the
7 extinguishment and the genocidal strategies to
8 remove us from this place. That have the
9 reality, and that is the realty of which we
10 have constantly and still today fight.

11 So knowing that, we took a
12 look at what can we do. We didn't have no
13 resources. We had 17 people; probably 5 of
14 those were controlled by outside entities.

15 So at the time we looked at
16 what is the long-term strategy here. And this
17 was back in 1990, and the long-term strategy
18 was self-determination, was self-government.
19 It was about the repatriation of our lands,
20 our cultural ways, our identity. And so at
21 that point, we decided that we were going to
22 move forward with our Aboriginal title claim,
23 and this was in the early 90s and here we are
24 today. And we're now just at negotiation
25 tables. You know, that was over 40 years

Arbitration Place

(613) 564-2727

(416) 861-8720

1 fighting this claim to move beyond 800 acres,
2 to have control over our education, to have
3 control over our health, to have control over
4 how we take care of our children.

5 So we set out on strategies
6 to do that, and basically put a gate or to put
7 a barrier between us and the external world,
8 and we create a little nest around ourselves
9 so that we could learn to heal, to heal from
10 the intergenerational abuses that were done to
11 us, but that we perpetuated inside our own
12 societies. And we did that -- we did that
13 through looking at our culture.

14 You know, I spoke earlier
15 about how our drums were gone, our ceremonies
16 were gone. You know, my mother talks about
17 her and her children -- not her children, her
18 siblings and her cousins and when a non-native
19 person came to the reserve how my grandmother
20 took them all down to the river bank and made
21 them lay under the grass or took them into an
22 old abandoned house and lined them up against
23 the wall and told them not to make noise
24 because the fear of them being ripped a part
25 and taken.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 And that is not just a story
2 to me. That's a story to many of our people.
3 And I'm fortunate that my grandmothers did
4 what they did and none of my family were
5 subject to residential schools, so to that I'm
6 grateful. However, along with that, the fears
7 that my aunts had by hiding and being afraid
8 to be ripped away from their mothers. That
9 was not good either.

10 One of the pieces I want to
11 address with this too is looking at in order
12 to be self-governing, you need an economic
13 base. There's no way to live in this world
14 without having an economic base. And at the
15 time Indians and economics, forget it. You
16 know, forget it. It was unheard of. There
17 was no space for us in the business world, but
18 this didn't stop us. We pushed and pushed,
19 and I am so blessed and fortunate that when I
20 first came here I worked under the direction
21 of Chief Roy Michano. And if none of you know
22 him, he was incredible, and basically the
23 chief we needed at the time to pull us out of
24 this.

25 So we entered into economics,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 supplies, office supplies, food, everything we
2 had was going to go there.

3 So that's what we did. And
4 it was very difficult when we started our
5 hydro projects because you have taxes in
6 there, education taxes, water taxes, and so we
7 looked at it and said, wow, we got to give
8 this chunk to the Superior Greenstone School
9 Board. And we're sitting there, it's a
10 substantial amount of money. They were, like,
11 how can we do that when the disparity between
12 Biigtigong school here and the provincial
13 school system is already gigantic. Why can't
14 we divert this tax base back to our schools,
15 so we don't have to photocopy pages for our
16 students. So we can offer, you know, teacher
17 wages. So we can offer gym equipment, and our
18 kids don't have to go home and put their old
19 shabby mattresses on their back, carry it
20 through the community, put it on the ground,
21 go and get two sticks from the bush, go and
22 get a skipping rope and kids holding it, and
23 there's your high jump. We want to go through
24 -- play shotput, big boulder off the ground --
25 mind you our girl went to Manitouwadge after

Arbitration Place

(613) 564-2727

(416) 861-8720

1 that and kicked the boys' record, so, you
2 know, good bad and all.

3 So supporting the regional
4 economy and supporting the services and doing
5 our best to support the hospital, to support
6 the recreation facilities and to support the
7 development of new relationships amongst our
8 children and the children of Marathon so that
9 our kids and their kids never ever have to
10 deal with the issues that my generation, my
11 parent's generations. And I think we've been
12 good with that, and Marathon has been good
13 with that, and, you know, we're very happy now
14 that our children have friendships with each
15 other.

16 So those are some of the
17 historical, I guess, socioeconomic issues that
18 we feel here. And it's very difficult to sit
19 here right now or at any point, talking about
20 impacts and being questioned about what does
21 that have to do with the situation.

22 Well, it has everything to do
23 with the situation. This history and the
24 current situations we find ourselves in has
25 everything to do with the proposed Marathon

Arbitration Place

(613) 564-2727

(416) 861-8720

1 PGM mine. We cannot separate them. We cannot
2 look at them in isolation. And we cannot be
3 tempted to say, oh, that's the Crown's
4 responsibility; oh, that's the proponent's
5 responsibility, oh, that's the First Nation's
6 responsibility. It is the responsibility of
7 every entity here to look at the inequalities
8 and the injustices and the racist and
9 systematic systems that this country is built
10 upon.

11 So if we're going to hear --
12 and I'm sure we'll get questions about that,
13 it's fine, to talk about previous stressors,
14 to talk about whose responsibility this is.
15 And that's the problem, is those questions and
16 pushing the buck has lead to the continuous
17 systemic, racist systems that we operate in
18 and the privilege that is around, all around,
19 privilege, and things that are taken for
20 granted.

21 So with that, I would like to
22 now pass this on to education -- sorry, I was
23 just trying to think who was going first --
24 Lisa Michano-Courchene, who is our education
25 director.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 And for me, having Lisa here
2 is significant because Lisa was in elementary
3 school when I came here, and Cindy Fisher was
4 our education director. And Cindy, all was
5 about local control. Cindy was about bringing
6 our elders into our schools and to having our
7 curriculum reflect our people. And Lisa went
8 through that system, and she's sitting here
9 now as our education director, and we thank
10 our community for taking really hard stands on
11 education. Because if they didn't, Lisa
12 Michano, whose from here, born and raised,
13 gone through our systems and gone through a
14 time when cultural revitalization was
15 happening, and so we're very proud that Lisa
16 is here, and she's a product of our system.
17 Sorry, Lisa, for calling you a product not a
18 good word.

19 So Lisa is something that
20 we're very proud of because she came through
21 our system. She came through the hardships,
22 but she was nurtured by love and support of
23 her family and of her community and of her
24 culture, and with that I'm going to pass it
25 over to Lisa Michano, our education director.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Oh, there you are, Lisa.

2 Miigwetch.

3 PRESENTATION BY LISA MICHANO-COURCHENE:

4 MS. MICHANO-COURCHENE:

5 Miigwetch, JoAnne. I hope everybody can hear
6 me. Okay. (Speaking Nishnaabemwin).

7 My English name, Lisa
8 Michano-Courchene, and I sit here, yes, as an
9 education director of the community. And I
10 would like to just start by giving you some
11 context to my background.

12 Although JoAnne did give
13 quite the introduction, I too was one of the
14 individual members of this community who
15 didn't grow up with running water, and I
16 remember during our strat plan, she's like,
17 you were born in the 70s, how did you not get
18 running water. So it's been quite an
19 interesting conversation when we compare our
20 generations. When we think we were the last
21 of certain events in the community, but that's
22 not so.

23 Again, I am a product. I am
24 a product of the community education system in
25 the 80s, and for my high school years I was

Arbitration Place

(613) 564-2727

(416) 861-8720

1 bussed into Marathon High School, and that's
2 where I attended high school. I left the
3 community to attend Lakehead University, and
4 upon return I began my career in education as
5 a teacher. And like I said, it's -- this
6 position is a paid position for me, but it's
7 so much more than that. There's a lot of deep
8 heartfelt purpose to the role I play in the
9 community, and I really have to commend my
10 community, my parents and my grandparents for
11 raising me and making me who I am today.

12 And see, it's different, and
13 I don't mean this in a negative way. But when
14 all is said and done, when the consultants
15 leave, when the industry leaves, when our
16 non-Indigenous employees leave, it's us.
17 We're left behind here. It's our children,
18 because we have that natural connection to the
19 land that we live on. And it's difficult to
20 describe.

21 Yesterday I was able to catch
22 a little bit of the presentations with JP
23 talking about the Pic River. Very, very
24 heartfelt, meaningful river to us.

25 And I remember being a young

Arbitration Place

(613) 564-2727

(416) 861-8720

1 I'm told the secretariat
2 could run the video now.

3 PANEL CHAIR: Yes, just give
4 us a minute or two, thank you.

5 ---(Video playing)

6 MS. MICHANO: That was a very
7 short video we had put together last fall, and
8 it featured our camp, our moose camp
9 specifically, and that's only one key piece to
10 our curriculum. And if you can pull up our
11 slide, our PowerPoint presentation, I'll
12 explain a little further when we talk about
13 curriculum.

14 So go right into I believe
15 it's the third slide. So for the past 10
16 years we've exercised self-determination over
17 the education and in particular the
18 curriculum. We developed a vision statement,
19 and that was to have a community of lifelong
20 learners who balanced the traditional
21 knowledge, skills, and values of their
22 ancestors with the knowledge and skills for
23 the future. And our mission was to work in
24 partnership with parents, families, elders,
25 community to provide meaningful, holistic

Arbitration Place

(613) 564-2727

(416) 861-8720

1 learning experiences that inspire identity,
2 pride and purpose for our students. And we
3 value our language, our land, our identity,
4 collaboration, generosity, honesty, caring and
5 respect.

6 So next slide.

7 Biigtigong Nishnaabeg
8 operates a K to 8 school. We use the Ontario
9 math and language arts curriculum, and we have
10 our locally developed curriculum. We also
11 operate a childcare centre which is also
12 ministry inspected. It's licensed for three
13 infants, five toddlers, 16 preschoolers and 12
14 school-age children for after school
15 programming. There exists an alternative
16 ministry inspected private high school, but
17 there's no space or funding for any of the
18 full-time students. Most of our students are
19 bussed off into Marathon High School.

20 It's supposed to be an
21 in-person learning, but most courses have been
22 developed for independent learning at home due
23 to space requirements. And at times we've
24 been able to run summer seasonal courses
25 delivered for our high school students, and

Arbitration Place

(613) 564-2727

(416) 861-8720

1 But even prior to that I want
2 to -- it's not on the slide so you can just
3 keep that there -- I want to reference a
4 document that, you know, some of you may not
5 be familiar with, but we just had the -- I was
6 listening to the news, and it was 50 years
7 since this document came out, and it was the
8 -- can't see it, but its the "Indian Control
9 of the Indian Education." It was a joint
10 policy paper, and it was presented at the time
11 to the Minister of Indian affairs and Northern
12 development, and it was presented by the
13 National Indian Brotherhood.

14 So this paper was put
15 together, and I just want to read a couple of
16 quotes from that paper because this
17 determination to take control over our
18 education came well before my time, and there
19 are still communities fighting this today.

20 And at the time the National
21 Indian Brotherhood, you know, was very similar
22 to the Assembly of First Nations in that it
23 composed of councils and leadership from
24 across the country. So I'll give you a quote.
25 It says:

Arbitration Place

(613) 564-2727

(416) 861-8720

1 "Living in harmony with
2 nature will ensure preservation of the balance
3 between man and his environment which is
4 necessary for the future of our planet as well
5 as for fostering the climate in which Indian
6 wisdom has always flourished. We want
7 education to give our children the knowledge
8 to understand and be proud of themselves and
9 the knowledge to understand the world around
10 them. The values which we want to pass to our
11 children, values which make our people a great
12 race are not written in any book. They are
13 found in our history, in our legends and in
14 our culture. We must therefore reclaim our
15 right to direct the education of our
16 children."

17 50 years ago that was
18 written, and we've made progress, but we still
19 have a long way to go.

20 But with that in mind, that's
21 what, you know, our community wanted to
22 achieve.

23 Next slide, please.

24 So in early 2013, we
25 re-imagined a change in our curriculum at the

Arbitration Place

(613) 564-2727

(416) 861-8720

1 year.

2 Next slide, please.

3 And again, we want to talk
4 about the rights. How we develop this
5 curriculum, and what firm stand we took. This
6 comes from Article 14 of the *United Nations*
7 *Declaration on Indigenous People*, and
8 basically saying we have the right to
9 establish and control our educational systems
10 and institutions, providing education in our
11 own languages and in a matter appropriate to
12 the cultural methods of teaching and learning.

13 And that indigenous
14 individuals, particularly children, have the
15 right to all levels and forms of education of
16 a state without discrimination.

17 With our curriculum we have
18 big dreams, and we have big plans, and we need
19 access to the land. We want to be able to
20 keep our high school students home. We want
21 to be able to form colleges and universities
22 under our guidance and under our world view
23 and under our leadership.

24 Point 3:

25 "States shall, in conjunction

Arbitration Place

(613) 564-2727

(416) 861-8720

1 with Indigenous people, shall effective
2 measures in order for Indigenous individuals,
3 particularly children, including those living
4 outside their communities to have access when
5 possible to an education in their own culture
6 and provided in their own language." (As
7 read)

8 There are individuals in the
9 town that belong to our community membership
10 who want to bring -- to send their children to
11 the community school, but, you know, there's
12 different barriers in place, including funding
13 for transportation that -- it's not yet
14 recognized.

15 Next slide.

16 Classes for all age groups
17 are currently full except for a preschool and
18 after school programming. This is in regards
19 to the childcare centre. In this case we're a
20 licensed centre. We fall under the guidelines
21 of the Ontario Ministry, and we do have to
22 follow a lot of the guidelines to be licensed
23 and to access funding.

24 Currently the staff consists
25 of an ECE supervisor, three ECE teachers, a

Arbitration Place

(613) 564-2727

(416) 861-8720

1 parent outreach worker, native language and
2 culture teacher and the janitor. The K to 8
3 school in the existing facility has 70
4 students, and the infrastructure includes two
5 portables as well as an aging building but no
6 gym.

7 The staff consists of five
8 teachers, a principal, a special ed teacher,
9 five EAs, a secretary, a land-based
10 coordinator and a half-time maintenance person
11 and janitor. And our special education rate
12 is roughly 35 percent.

13 Next slide. You could skip
14 this one. We talked about the childcare and
15 services at capacity.

16 Before I speak to that -- and
17 Dave is going to jump in whenever he needs to
18 note things that I happen to miss. But when
19 it comes to our curriculum, I just want to
20 back up a little bit in that there's no -- how
21 do I say this -- there should never, ever be a
22 suggestion that, you know, the problems or the
23 impacts that this mine will bring and the
24 strains on our system and the suggestion that,
25 well, you know, how to relieve that, we'll

Arbitration Place

(613) 564-2727

(416) 861-8720

1 just send our kids to town. That's not a
2 question. It's not even up for consideration.
3 You know, we've come so far in taking control
4 over education and determining what our
5 children need to learn that that would be
6 going backwards. It would be going back in
7 time and back in history.

8 Did you want to comment on
9 this one? Skip that one. Next slide.

10 MR. CARRUTHERS: David
11 Carruthers here for the record.

12 I certainly don't want to
13 speak for Lisa. She is the recognized expert
14 in this area. But I just do want to identify
15 how some of the issues that Lisa has been
16 talking about are tethered closely to the
17 undertaking that we're here to discuss today.

18 And certainly the company has
19 recognized the additive nature of stresses
20 that would result from the mine, and that was
21 also mirrored back by the Crown Consultation
22 Team. It was -- we feel like we were heard on
23 those issues, and they acknowledge that even a
24 small increase to the existing strain may have
25 a considerable impact on the current

Arbitration Place

(613) 564-2727

(416) 861-8720

1 conditions of Biigtigong Nishnaabeg members.

2 So I think that's really all
3 that we really wanted to say for, you know,
4 connecting the pathways of impact from this --
5 pathways of impacts from this project to the
6 existing underlying stressors that Lisa has
7 talked about today.

8 MS. MICHANO-COURCHENE: Next
9 slide.

10 Now, I'm sure that there's
11 been a lot of talk about the current approval
12 of the new infrastructure for the elementary
13 school, and, you know, we acknowledge that it
14 is operating beyond capacity, but the plan and
15 the approval for this was well underway before
16 we entered into conversations about a new
17 mine. In fact, it really saddens me because
18 we have kids that are leaving our school who
19 were part of the original visioning session
20 almost six years ago -- actually it was in
21 2014, so seven years ago. They came together,
22 and they visioned a new school, and through
23 numerous barriers, challenges, it was delayed
24 and delayed and delayed, and it saddens me
25 that some of them will go on and never

Arbitration Place

(613) 564-2727

(416) 861-8720

1 experience a school with a gym, never
2 experience a real cafeteria or a place to eat
3 within their school.

4 So -- and as it is, the
5 capacity in human resources is a challenge.
6 And I mentioned before that off reserve
7 members and families, they have an additional
8 challenge to transport their children to
9 community. At the present time we have two
10 family -- three families with five students
11 who are transporting their child back and
12 forth to the community so that they can be
13 part of our school and its unique curriculum.

14 Next slide.

15 And, you know, back to the
16 infrastructure. I was a little bit thrown off
17 by this comment that it's up to us and ISC to
18 have this discussions to, you know, mitigate
19 impacts. Because, in fact, had these
20 conversations been actually looked at, it
21 would have been known that we're part of a
22 self-governing agreement. Our process when it
23 comes to education funding needs to involve
24 Nishnaabeg education system representatives
25 because that's where we fall under.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 I've had the honour to sit as
2 the board of directors for the last five years
3 with 23 other communities in that system, and
4 when we need to negotiate for more money for
5 different programs, that's where we fall
6 under. In fact there's very little
7 conversations when it comes to additional
8 funding, with ISC directly because we utilize,
9 you know, the system that was set up as a
10 self-governing agreement.

11 Next slide. Skip that slide.

12 And again, this just
13 reiterates the fact that the availability of
14 school space in nearby communities may help
15 alleviate this pressure. That's absolutely
16 out of the question because it goes against
17 everything that we fought for education.

18 Next slide, please. We don't
19 need that one either, but it's there to read.

20 Next slide, please.

21 I want to draw a little bit
22 of attention towards special education rates,
23 and, you know, I noted it was 35 percent.
24 I've seen it go as high as 40 percent, and
25 again it's limited funding.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 JoAnne mentioned the
2 discrepancies in funding, and I remember being
3 an administrator. In one of the first couple
4 years, you know, I started looking at the
5 funding and realizing that when it came to
6 funding formulas and how our students were
7 funded, it was roughly 50 percent. I believe
8 the figure at the time when I was doing
9 reports, it was \$6,000. We would get \$6,300
10 per student in our school to operate. And at
11 the time when you would look at the grant for
12 students as it fell under the Ontario Ministry
13 for Education, they were at the time around
14 12,000, so it was roughly half.

15 And during that time, it was
16 our leadership who made the decision that it
17 was unacceptable, but it was a bigger fight,
18 and our leadership committed to any extra
19 funding that they would put back into our
20 system, and they did that year to year to
21 year. You know, fast forward to the situation
22 today; we're still underfunded. Even in a
23 self-governing agreement that was negotiated
24 for, envisioned for quite a few years, we're
25 still at a rate where we're not quite at those

Arbitration Place

(613) 564-2727

(416) 861-8720

1 dialogue on this issue alone, so it's --
2 again, it will be a great impact and a strain
3 on already existing programs.

4 Next slide, please.

5 I've mentioned that the new
6 school was as a -- mentioned as a success of
7 the project's mitigation strategies, but it's
8 really been worked on for quite a few years.
9 It's been an issue for over 30 years.

10 We presently have two
11 portables that were bought because we ran out
12 of space; they were bought used. The lifespan
13 of those portables were 14 years, and we're
14 going on 22 years. So this school, new school
15 venture or design has been worked on probably
16 since I became a teacher.

17 Next slide, please.

18 Now, under my direction also
19 we offer a post-secondary support program, and
20 we fund post-secondary students and assist
21 them with tuition and assist them with
22 supplies and some living allowance. And
23 again, it goes to the comment, and I remember
24 having conversations with some of my close
25 friends who had been ignorant to the ways of,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 you know, this perception that Indians get
2 everything for free.

3 Education is free, you know.
4 But really we set -- we are under the control
5 yet of the government guidelines, and when we
6 get our budget for post-secondary, it might
7 stretch to 40, 40 spots every year, and with
8 our band lists, that has to include everybody,
9 wherever they are living. We get applications
10 for post-secondary as far away as Florida, BC,
11 Saskatchewan, all over the map, and there's
12 only 40 spots. And so we're forced to follow
13 policies that are very strict in the
14 guidelines, and when your name comes up as
15 approved, it's your kick at the can. You need
16 to take it because of the competitiveness of
17 the funding.

18 And I've seen this over the
19 last few years as an administrator with the
20 mill close by that shut down, with the current
21 mine that is operating in the area. Many of
22 our students in grade 12, yeah, they are
23 getting jobs right away. They achieve a grade
24 12 diploma. But when things go sour and, you
25 know, industry closes, they are left kind of

Arbitration Place

(613) 564-2727

(416) 861-8720

1 outdoor education or learning facilities, and
2 the CCT also acknowledged this and has
3 committed to working with us to explore these
4 ideas, but again, no substantive discussions
5 or commitments have taken place to address
6 this.

7 MS. MICHANO-COURCHENE: Okay.
8 Next slide.

9 So -- and just a note about
10 capacity. It's unrealistic and not meaningful
11 to expect Biigtigong Nishnaabeg administrators
12 and staff who are already overtaxed with
13 existing work commitments to chase down
14 federal funding programs. That's one of the
15 sole reasons why we try to move towards a
16 self-governing agreement. I remember early as
17 an administrative in the early years always
18 filling out proposals and grants to get money
19 for a literacy program, to get money for
20 additional special education needs. And
21 that's one of the things that fell on our
22 plate when we operated in those old funding
23 formulas.

24 And it isn't fair. Why
25 should we have to go again, take that route

Arbitration Place

(613) 564-2727

(416) 861-8720

1 suggest that these be adopted as conditions to
2 permitting, and it should all be done like
3 this work. There should be a lot of
4 collaboration. If we're going to address and
5 put things in there that are directly related
6 to education, then as a leader in education in
7 my community, I should be at the table, and
8 our parents should be at the table.

9 The funding commitment to
10 help attract and retain or even getting
11 additional services from occupational
12 therapists, speech therapists, mental health
13 therapists, as well as the educational
14 psychometrists; commitments to create some
15 land-based facilities or structure to help
16 offset the loss of the community trap line and
17 loss of land with such close proximity to the
18 community.

19 Next slide, please.

20 A full assessment of the
21 child care and day care programs and services
22 and commitment to mitigate impacts from the
23 increased demand and pressure. We had
24 originally had plans to expand our day care
25 and to connect it to our proposed new school,

Arbitration Place

(613) 564-2727

(416) 861-8720

1 that's a big area that we want to expand.

2 Next slide, please.

3 I guess to summarize it,
4 because Dave doesn't want to cut me off, but
5 there is a lot of areas that I feel are
6 overlooked and have been overlooked. And
7 around education specifically, we've worked to
8 hard to undue the damage that was done in the
9 guise of education, and we've made so much
10 progress and any stressors to our system is
11 going dampen the progress we made. We have
12 built a system that didn't come from the idea
13 of the teachers and the educator -- education
14 director. That came from community, that came
15 from parents and that came from the children,
16 and it's in line with our elders and their
17 world view and their hopes and dreams of kids'
18 future. So I believe more work has to be done
19 by all involved to come up with plans for
20 these shortcomings.

21 Miigwetch. We'll pass it
22 back to the panel and JoAnne.

23 PANEL CHAIR: Thank you very
24 much Ms. Courchene for your presentation and
25 discussion and video. Very much appreciated.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 MS. MICHANO: Thank you,
2 Lisa. That was very touching and very moving.
3 And Miigwetch and thank you to Biigtigong and
4 to our parents and our community members for
5 going to do the hard work despite the external
6 environment and challenges that are in front
7 of us. Because over the years despite all the
8 things Lisa and I spoke about, we're very
9 proud that we probably have a community now
10 where probably 90 percent of people have grade
11 12. We have a community doctor. We have
12 three or four lawyers. We got three or four
13 nurses, three or four teachers. We have some
14 MBAs. We got some masters in social work. So
15 once we started taking control of all our
16 education inside of this system, we've seen
17 results. So I just wanted to acknowledge that
18 that has occurred and is occurring despite the
19 challenges and obstacles in front of us.

20 And at some point we would
21 like to have our children and the services we
22 provided them to be at core, and to be at par
23 with the same education that your children
24 receive.

25 With that, Miigwetch. Panel

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Chair, we're going to move into our social
2 services, and she will take probably just as
3 long as Lisa did, so I don't know what you
4 want to do with regards to a break now, or do
5 you want to wait for -- she'll probably about
6 an hour or 45 minutes, I'm thinking. So
7 whatever you think is best.

8 PANEL CHAIR: Thank you. Why
9 don't we take a break till 3:00 and come back
10 and continue with the presentations. Would
11 that work for you?

12 MS. MICHANO: Awesome.
13 Absolutely.

14 PANEL CHAIR: Thank you so
15 very much, Ms. Michano, for a very moving
16 afternoon. We really appreciate it. Thank
17 you.

18 MS. MICHANO: Ho, ho, ho.

19 PANEL CHAIR: We'll see you
20 back at 3:00. Thank you.

21 --- Recess taken at 2:41 p.m.

22 --- Upon resuming at 3:03 p.m.

23 PANEL CHAIR: Welcome back,
24 everyone. Thank you, Ms. Michano. Sorry,
25 we're a little bit overdue for our break.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Appreciate our patience, and I will hand it
2 back you to. Thank you.

3 MS. MICHANO: Thank you,
4 panel chairman. And I really like the fact
5 that you mentioned the word patience and me in
6 the same sentence. People watching are going
7 to say, what's that? Thank you.

8 So we're going to move now to
9 looking at social and health services with our
10 education -- not our education, our social
11 services director, Simone Desmoulin, who is on
12 Zoom with David Carruthers, I believe. There
13 she is. Hello, Simone.

14 PRESENTATION BY SIMONE DESMOULIN:

15 MS. SIMONE DESMOULIN: Good
16 afternoon. (Speaking Nishnaabemwin).

17 --- (Reporter interruption)

18 Biigtigong Nishnaabeg is my
19 (Nishnaabemwin word). My English name is
20 Simone Desmoulin. I'm a social services
21 director here at Biigtigong Nishnaabeg. I
22 have been in the field of social services for
23 the last 37 years. I'm starting my
24 thirty-eighth year.

25 I've worked in the field for

Arbitration Place

(613) 564-2727

(416) 861-8720

1 14 -- when I first got out of university in
2 child welfare, and for the past 25 years I was
3 working in treatment and program delivery at a
4 healing lodge located in Biigtigong
5 Nishnaabeg. I've also sat at the chief and
6 leadership table for the last 18 years and
7 have since resigned to work in the community.

8 When I look at the impacts of
9 mining in our community, one of the biggest
10 things I've seen -- and Lisa alluded to this,
11 that we often have young men at 18, 19 going
12 to work at the mine. They are now hitting
13 their 40s and -- mines closed down we've seen
14 them struggle, what am I going to do next,
15 where do I go. So I'm not in a position to
16 re-locate to go work at better mines two weeks
17 and two weeks out with families.

18 It puts stresses on the
19 family in terms of family violence. Stressors
20 in terms of parenting, having to move away
21 from home and coming tomorrow to be a parent
22 for two weeks, in two weeks out. Impacts with
23 mining is the fact that -- and you've heard
24 that repeatedly from the other partners that
25 have spoken already, is the lack of child

Arbitration Place

(613) 564-2727

(416) 861-8720

1 care.

2 When you have to go on a
3 shift at 4 and leave by 5 in morning to go for
4 shift work and not get home till 6 o'clock at
5 night and service is shut down due to
6 restraint at -- open at 8:30 and shut down at
7 4:30, that places a stressors on families.

8 In my work throughout the
9 years in the community we have seen the impact
10 of drug use in terms of different types of
11 drugs. Back in the day we used to worry about
12 cannabis and marijuana and maybe some acid.
13 Now we're looking at drugs that are being used
14 in terms of cocaine, speed and amphetamines,
15 which raise other issues in terms of treatment
16 processes.

17 We look at providing service
18 to our community members, and I'm responsible
19 for the social service aspect of our
20 programming.

21 So I'm going to go to slide
22 3.

23 So the main programming under
24 social services deals with addictions and
25 treatment, family wellbeing program, our child

Arbitration Place

(613) 564-2727

(416) 861-8720

1 wellbeing program, recreation and Northeast
2 Mental Wellness and Crisis Team.

3 Next slide, please.

4 So with addictions. We have
5 one additions worker who is responsible for
6 the implementation of our existing strategic
7 plan. They provide support service to youth,
8 young adults and families affected by
9 substance use and gambling problems. They are
10 responsible for implementing community
11 workshops dealing with substance use.

12 When someone comes in for
13 treatment they are responsible for doing
14 intake screening and assessments for
15 individuals, accessing services and wanting to
16 leave the community for treatment.

17 Upon returning, need to
18 develop plans of care for individuals seeking
19 help for addictions, develop discharge
20 planning, after-care planning and relapse
21 support for clients. During this process they
22 are involved in client advocacy and crisis
23 intervention.

24 Next slide.

25 So having said that, we

Arbitration Place

(613) 564-2727

(416) 861-8720

1 to individuals who have a substance use
2 problem, as well as a mental health challenge
3 such as depression, anxiety. Some may have
4 schizophrenia, social anxiety disorders, which
5 make it a little bit more difficult when
6 trying to stabilize them for treatment.

7 And lot of these treatment
8 programs use evidence-based curriculum such as
9 living in balance, thinking for change,
10 cognitive behavioural therapy, motivational
11 therapy -- for seeking treatment, and they
12 need supportive after-care planning.

13 Next slide, please.

14 One of the things we've seen
15 is increased demand for addiction-related
16 services in our youth ages 16 to 29. We've
17 also been seeing a lot of the guys coming in
18 that are in their 40s, early 40s, wanting
19 treatment. Have been working in the mining
20 sector locally and wanting to look at where
21 can I go for treatment, what are my options.

22 Should an individual require
23 detox services, that because of the challenge
24 we only have one detox centre in Thunder Bay,
25 which is Balmoral Detox Centre which services

Arbitration Place

(613) 564-2727

(416) 861-8720

1 the district of Thunder Bay. This is a 22-bed
2 capacity facility and beds are given out
3 first-come-first-serve basis.

4 Having said that, if I want
5 to get a client into detox we need to call the
6 day they come in to see if there are beds
7 available. We may not secure a bed, then
8 we're stuck with an individual who is going
9 through detox without any medical assistance.
10 We may be able to get a safe bed at the
11 hospital. I'm not sure if Marathon provides
12 that safe bed. That's our nearest hospital.

13 When we talk about safe beds,
14 these people are provided medical care to go
15 through a detoxification.

16 Our alternative detox centre
17 is affiliated with the Sault Ste. Marie
18 hospital, which is in Sault Ste. Marie. It's
19 a 24/7 service with 11-bed capacity. And
20 again having said that, when calling them I
21 was told that we would have to call daily at 7
22 in the morning. If they get a bed they would
23 hold it if we make special arrangements, and
24 it is our ownership to transport that client
25 to the city for service.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Next slide, please.

2 Our treatment centres, once
3 we can find a detox or if they are able to go
4 to treatment without detox, our nearest
5 treatment centre is Dilico Anishnaabek Child
6 and Family Services, 315 kilometres west of
7 Fort William First Nation, and I've been told
8 the wait periods for current treatment with
9 their bed admission is two to three months.

10 Sister Margaret Smith Clinic
11 located in Thunder Bay can also take two or
12 three months, depending on individual clients.

13 As a result of the COVID 19
14 pandemic treatment centres in Blind River,
15 Keewatin, are only accepting
16 individuals from their catchment areas, so
17 that limits our ability
18 our ability to secure
19 treatment for individuals wanting treatment in
20 our area.

21 And if a client wants
22 culturally-specific treatment, Dilico is one
23 traditional Indigenous treatment centre. The
24 nearest ones are in Keewatin, which is outside
25 of Kenora and Fort Frances. But they are

Arbitration Place

(613) 564-2727

(416) 861-8720

1 employment and housing.

2 What we're seeing is in
3 working with individuals currently involved in
4 the mining sector, if they are wanting
5 treatment and they are on sick leave they
6 oftentimes are waiting two to three months to
7 get a treatment bed, then they have another 28
8 days in treatment, or months, and they're
9 having difficulties in terms of requiring a
10 structured plan in terms of their sick leave.

11 Finances. Sometimes they may
12 wait for short term or long term pensions to
13 kick in, two to three months as well, which
14 sometimes will dissuade an individual from
15 seeking treatment when they know they need it
16 or may have been recommended by work to have
17 that treatment service.

18 Next slide, please.

19 Our community currently has
20 no supportive recovery housing to assist
21 individuals in enhancing their recovery
22 journey. Due to lack of housing and make sure
23 to build and staff a recovery home,
24 individuals returning home from the treatment
25 centre often return to environments that are

Arbitration Place

(613) 564-2727

(416) 861-8720

1 not supportive to their recovery process.
2 This is a significant gap in service delivery
3 in the community. This was not addressed in
4 the EA discussions.

5 It's been proven that if
6 somebody has a long-standing addiction then
7 they do require supportive housing so that
8 they can strengthen their recovery and be
9 successful in their recovery journey.

10 When we look at mental health
11 and addiction services and the continuum of
12 care, it's important to assist individuals in
13 maintaining their progress.

14 A part of this maintaining
15 this process is that they need intensive
16 outpatient therapy. This can consist of two
17 to three hours that (indiscernible).

18 Can you move to this next
19 slide, please.

20 Then there's that need for
21 sometimes psychiatric services for
22 dually-diagnosed individuals, if clinically
23 indicated. And that's often a gap in service
24 for a lot of mental health challenges that
25 people experience.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Next slide, please.

2 So with only one addictions
3 worker looking after a case load for
4 Biigtigong Nishnaabeg this is a significant
5 gap in service. Anybody requiring psychiatric
6 services would need to travel to the
7 cities of Thunder Bay or Sault Ste. Marie.

8 This poses a problem as they
9 will need to take time off work for two days
10 to maintain their recovery, that could be
11 anywhere from once a month to every six weeks,
12 and this issue is not addressed in the EA
13 process.

14 As part of that continuum --
15 next slide, please -- as part of the continuum
16 of care for mental health and addiction
17 services, it's important to help individuals
18 in maintaining recovery, and this involves a
19 continuum of care that requires comprehensive
20 evaluation, individual therapy, group therapy,
21 sometimes family therapy to help families
22 reunite and deal with the impacts of substance
23 use and family disruption, psychiatric
24 services, employment services and case
25 management.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 With regards to traditional
2 outpatient worker, we are under stress to meet
3 the needs of individuals dealing with
4 concurrent disorders.

5 Next slide, please.

6 When dealing with concurrent
7 disorders it involves extensive case
8 management. They are also dealing with
9 stressors from working in the mining sector
10 and other industries. We've seen an increase
11 in the related stress symptoms contributing to
12 panic and anxiety disorders, physical health
13 problems and social anxiety. The type of
14 substance use has changed over years with an
15 increase in speed, cocaine, crack cocaine and
16 other addictive drugs.

17 Next slide, please.

18 Under the family wellbeing
19 program, this is geared to any violence
20 against Indigenous women. The program is
21 prevention focused and community led, and will
22 address the route causes of violence, trauma
23 and over-representation of Indigenous children
24 and youth, and child welfare and youth justice
25 systems. This program designed help families

Arbitration Place

(613) 564-2727

(416) 861-8720

1 in crisis and helps communities heal and
2 recover from intergenerational violence and
3 trauma.

4 Next slide, please.

5 So primary responsibilities
6 of our family wellbeing worker is to connect
7 clients to existing services and programs in
8 the community. The ability to design
9 culturally-preventative and holistic supports
10 necessary to support family wellbeing,
11 coordinating family wellness planning,
12 providing counselling services and programs to
13 children, youth, who have been exposed and
14 have experienced violence and ensuring safe
15 places to address crisis/emergency situations
16 to appropriate community planning.

17 Next slide, please.

18 Family violence. They have
19 to proceed wellbeing sessions for both
20 individuals and families. They have to
21 advocate -- systems include family court.
22 They need to provide family-based workshop and
23 life skills. Helping with family action
24 circles, age-appropriate programs for youth
25 who have witnessed or been exposed to

Arbitration Place

(613) 564-2727

(416) 861-8720

1 violence, creating peer supports, prenatal and
2 parenting workshops, addressing and creating
3 supports all community members, including
4 those who identified as non-binary gender, and
5 land-based youth and family programs.

6 In the family wellbeing
7 program we've one community worker.

8 Next slide, please. Next
9 slide, please.

10 A program challenge for
11 family wellbeing is a safe place. And this is
12 to address any crisis or emergency situation
13 where incidences of family violence have
14 occurred. Acts as a surrogate home to family
15 members that have been

16 Exposed to, or experienced
17 family violence. The program offered can
18 provide life skills for families that are
19 wanting to break the cycle of
20 intergenerational trauma and abuse. In
21 situations of violence families often uprooted
22 and forced to relocate to shelter homes away
23 from the community, the nearest home being
24 located in Marathon.

25 The nearest one being in

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Marathon and the increase in population with a
2 new mine, the current shelter home may end up
3 being as capacity with increased case load.

4 Next slide, please.

5 And when we talk of safe
6 homes one of the things we talk about is
7 sometimes it doesn't have to escalate the
8 violence. If we're working with a family and
9 husband and wife are experiencing difficulties
10 and it's starting to escalate to arguing, that
11 safe home can be used as a respite where
12 husband, if he's the one being asked to leave
13 can go and have a cooling off period, the wife
14 can have a cooling off period, and
15 intervention services can be offered, once the
16 situation is has de-escalated.

17 That also includes if the
18 wife -- in the work I've done over the years
19 it's not only men that abuse women. We're
20 seeing a higher incidence of men being abused
21 by women. So that can work in a reverse
22 manner, if the wife needs to leave the home,
23 that she can go and stay in a safe home to
24 cool off and then we could reunite the family
25 with counselling services as needed.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 One of our program challenges
2 with the land-based education recognizes that
3 deep physical, emotional, mental and spiritual
4 connection to the land is part of Indigenous
5 culture having bringing the youth and elders
6 together so that knowledge is passed on to
7 future generations.

8 Lot of those programs include
9 ceremonies, traditional medicines, history of
10 the land, how to be good stewards of the land,
11 et cetera. And these programs often involve
12 reconnecting with one's identity, language,
13 culture and cultural practices.

14 Next slide, please.

15 So the Biigtigong
16 Myn-Zhi-Yaagaming Health Centre currently has
17 reached capacity with regards to space,
18 storage and supplies needed to run land-based
19 programs. We also do not have adequate
20 vehicles to transport families who are not
21 able to provide their own transportation.

22 Having said that, we often
23 work with a lot of single moms who are
24 currently on the system or on welfare having
25 left violent relationships so they don't have

Arbitration Place

(613) 564-2727

(416) 861-8720

1 access to vehicles that -- would need rides to
2 even get out on.

3 Right now at the health
4 centre we currently have one van that services
5 10 workers.

6 Next slide, please.

7 Under child wellbeing
8 program, that is our band representative
9 worker. And the band representative was first
10 acknowledged in law by the *Ontario Child and*
11 *Family Services Act* of 1984. This provided
12 the band representative with the right to be a
13 full party to all child welfare legal
14 proceedings involving First Nation children.

15 The Nishnaabeg communities in
16 Ontario are currently working on the child
17 wellbeing law which recognizes that the band
18 representative is employed by the First Nation
19 and is responsible to address the best
20 interests of First Nations youth and children
21 in all court proceedings or other legal
22 proceedings on behalf of the First Nation.

23 Next slide.

24 Our band representative is
25 responsible for knowing all matters related to

Arbitration Place

(613) 564-2727

(416) 861-8720

1 child welfare within the community. Knowing
2 all families who are vulnerable or in need of
3 supports and children who have been touched by
4 the child welfare system. Advocates on behalf
5 of the child in care ensuring his or her needs
6 are met. Works toward family reunification
7 whenever possible. Understanding the needs of
8 their own community, the First Nation's
9 standards and expectations regarding child
10 wellbeing.

11 Next slide, please.

12 So we currently one full-time
13 band representative. Next slide, please.

14 So the band representative
15 worker currently handles all child welfare
16 cases. She currently manages an active case
17 load of 18 protection files and 10 files that
18 have been identified as high risk.

19 The individuals involved in
20 these child welfare cases involve families who
21 have experienced abuse, neglect, historical
22 family violence and substance use which
23 interfere with parenting capacity in meeting
24 the needs of their children.

25 These numbers may actually be

Arbitration Place

(613) 564-2727

(416) 861-8720

1 slightly higher for our band rep. We're doing
2 a case review just with our in-city
3 off-reserve files tomorrow and -- got 15 on
4 that case list. That does not -- the district
5 files, which is a separate case conference
6 that will be occurring later in this month.

7 Next slide, please.

8 So the current case load
9 involved extensive case management and
10 constant case conferencing with agencies
11 involved. This proves to be a challenge as
12 oftentimes she's unable to meet with
13 off-reserve membership involving child welfare
14 matters.

15 She needs to rely on the
16 agencies involved to provide our First Nation
17 is extensive file histories. The current case
18 load in the community consists mainly of
19 single mothers who have issues with substance
20 use and abusive relationships causing
21 potential risk to their children.

22 Next slide, please.

23 Given magnitude of child
24 protection services and ongoing cases
25 involving single parents who have experienced

Arbitration Place

(613) 564-2727

(416) 861-8720

1 trauma as a result of substance use, physical,
2 mental, emotional, spiritual and sexual abuse,
3 and

4 children having witnessed or
5 been exposed to the trauma with in the home,
6 there is a strong need for mental health
7 services at an individual, family and
8 community level. And the need to have a
9 mental health worker on site and readily
10 available to high risk individuals would help
11 the community build a continuum of care that
12 works from a trauma-informed lens.

13 Next slide, please.

14 Then under recreation we have
15 the recreation coordinator who is responsible
16 for planning and organizing of community
17 programming and social events as well as
18 making recommendations regarding short and
19 long term budget planning for equipment,
20 events and facilities.

21 Next slide, please.

22 She's responsible for
23 promoting physical, emotional, mental and
24 spiritual wellbeing at First Nation level.
25 She's responsible for youth programming such

Arbitration Place

(613) 564-2727

(416) 861-8720

1 as after school clubs, sports, events,
2 community socials, specialized programming for
3 summer day camp programming. She has to
4 ensure equipment is available for youth and
5 elder programming. She promotes healthy
6 living by incorporating land-based programs
7 into activities. She's responsible for
8 program development for the youth centre and
9 proposal writing for the purpose of obtaining
10 funding, or providing supervision of
11 recreational programs and youth workers, and
12 establishing and developing an active
13 recreation committee.

14 Next slide, please.

15 So we only have one
16 recreation coordinator throughout the year.
17 During the summer months youth workers are
18 assigned to assist with summer programming,
19 and that's through our summer employment
20 process for students. We may assistance of
21 one or two students during those months,
22 usually July or August.

23 Next slide, please.

24 So currently the recreation
25 program, worker is responsible for providing

Arbitration Place

(613) 564-2727

(416) 861-8720

1 programming for all age groups. We lack
2 appropriate facilities to run sports programs
3 as the hall is used as a gym during the week
4 for the school. Sporting programs are limited
5 to evening hours when the community hall is
6 not in use. We lack supplies for land-based
7 recreation, including appropriate vehicles for
8 transportation. And I referred to this fact
9 already. Our current vehicle is shared by 10
10 staff.

11 Next slide, please.

12 Northeast Mental Wellness and
13 Crisis Team. It helps to improve access to
14 mental wellness services and supports and
15 create linkages with new and existing services
16 that are responsive to the needs of all
17 individual clients, family and communities.
18 They provide comprehensive client-centered
19 culturally-appropriate community-based
20 wellness services and programs that meet the
21 identified needs of the clients, families and
22 communities.

23 They increase capacity for
24 emergency responses to social crises within
25 communities by providing rapid response

Arbitration Place

(613) 564-2727

(416) 861-8720

1 services in the events of a crisis to assist
2 First Nations to address complex and evolving
3 challenges that require timely and flexible
4 treatment options.

5 Next slide, please.

6 And the mental wellness and
7 crisis team currently services the following
8 four First Nations: Michipicoten First
9 Nation, Netmizaagamig Nishnaabeg, Biigtigong
10 Nishnaabeg. Pawgwasheeng Pays Pat First
11 Nation.

12 Next slide.

13 The Northeast Mental and
14 Wellness and Crisis Team currently has one
15 full-time crisis coordinator and one full-time
16 counselor. They have vacancies of a full-time
17 councillor and a cultural resource counselor.

18 Next slide, please.

19 Due to staff shortages and
20 only two workers servicing an area from
21 Michipicoten First Nation to Pawgwasheeg First
22 Nation results in the program being taxed

23 With responding to crisis
24 situations and having very little time to
25 respond to the mental health

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Counselling that individuals,
2 families and communities require.

3 The workers provide
4 counselling services but at times have to
5 cancel or reschedule appointments when
6 responding to crisis situations.

7 Next slide, please.

8 So in summary, the baseline
9 for almost all community health and social
10 services is at capacity or currently under
11 stress. We will see in the next few slides
12 how the project will be additive to these
13 stressors.

14 Next slide, please.

15 In 2012 VEC report we
16 identified several wellbeing values that
17 needed to be addressed including physical and
18 mental heal services, child care, elder care,
19 drug treatment centres, healing centres,
20 family violence rates, women's health,
21 children's health, consumption of country
22 food, alcohol, drug and other substance use,
23 racism and social services. These were not
24 adequately addressed in the EA.

25 Other things having --

Arbitration Place

(613) 564-2727

(416) 861-8720

1 working in the field as long as I have in the
2 area, I've heard a lot of stories of
3 individuals who have experienced addictions
4 and caught up in the cycle of addictions and
5 feel they have no alternative but to continue
6 working or not take time of work because of
7 inability to adequately manage finances,
8 knowing that a third of the wage
9 (indiscernible) seek services.

10 They deal with systemic
11 racism, even today at the local mine. And
12 simple things as understanding why one grows
13 their hair long and being challenged, like you
14 need to cut your hair without understanding
15 the teachings.

16 And I often think that when
17 people are doing cultural sensitive training
18 it needs to go beyond the norm of just
19 cultural awareness and cultural competence.
20 It needs to be an effort where people are
21 given a full understanding of each person's
22 culture, how to respect and honour people's
23 individual rights to their traditions, values
24 and ceremonies.

25 Next slide, please.

Arbitration Place

(613) 564-2727

(416) 861-8720

1 So you can read the slide on
2 your own, I'm not going to read it out, and we
3 can skip it and move on to the next one.

4 The magnitude of residual
5 adverse effects has been characterized as
6 high.

7 Due to the additional demands
8 that may be placed on community infrastructure
9 and services in the BN community.

10 And if we look at that -- and
11 you've heard Lisa and JoAnne talk about --
12 we're taxed to capacity. We provide the best
13 service that we can do and give to our
14 clientele based on what we have now. But as
15 increased populations come in, new demands
16 come in. It gets difficult to provide quality
17 service when you're putting out fires as
18 opposed to providing sound case management.

19 The Crown Consultation Team
20 also confirms this in their submission to the

21 JRP on March 25:

22 "Although the additive
23 introduced by the Project is difficult to
24 measure, the CCT acknowledges that even a
25 small increase to the existing strain may have

Arbitration Place

(613) 564-2727

(416) 861-8720

1 a considerable impact on the current
2 conditions of Biigtigong Nishnaabeg members."

3 That we see when there's
4 insurges of new industry in the community,
5 that it has an impact on our individuals,
6 primarily some of the women, and what they
7 experience with proponents of different
8 industries the coming in.

9 We see it on family life, the
10 stressors that impact the potential family
11 violence issues, or stressors on the family
12 that need to be addressed. The education
13 system we've heard about that today as well.

14 Next slide, please.

15 In the final report of
16 Canadian's *National Inquiry to Missing and*
17 *Murdered Women*, it was clear about the link
18 between resource extraction and spikes in
19 violence against Indigenous women, girls and
20 two-spirited people. The report called for
21 industry to consider the safety of Indigenous
22 women in project planning to mitigate risk.

23 That's always been at the
24 table. I've sat at focus groups -- inquiry
25 and the capacity of my former work, and it's

Arbitration Place

(613) 564-2727

(416) 861-8720

1 Next slide, please.

2 So the implementation of
3 additional measures to address existing
4 community infrastructure and services capacity
5 restraints would require further and ongoing
6 discussion between Biigtigong Nishnaabeg and
7 is ISC. Such efforts would facilitate the
8 community's ability to address existing
9 concerns and challenges in this regard and
10 would support the possible return of
11 off-reserve members into the community whose
12 return may be facilitated through employment
13 opportunities associated with this project.

14 If you look at that statement
15 we need to be mindful that -- you've heard
16 about the infrastructure at capacity at Pic
17 River, and being at capacity means there's
18 going to be a strain on existing services and
19 that -- members coming into the community will
20 experience difficulties trying to locate
21 housing, transportation for children for
22 education if they have to reside in Marathon
23 (indiscernible) attend school here.

24 It adds to any existing
25 social problems if families have to share

Arbitration Place

(613) 564-2727

(416) 861-8720

1 housing. JoAnne talked about the crowded
2 housing, and it's been known that families
3 living together in First Nations historically
4 have experienced trauma, violence, abuse,
5 physical, spiritual, mental, emotional, sexual
6 abuse, or due to overcrowding.

7 We look at the historical
8 history of colonization and the impacts of
9 colonization and how it impacts the traumas
10 associated with addiction and family violence,
11 abuse and those intergenerational cycles of
12 abuse.

13 This would need to be
14 addressed in a way that meets the community's
15 needs for the betterment of individual family
16 and community life.

17 To date there's been no
18 (indiscernible) law about issues of health,
19 safety and social services between Biigtigong
20 Nishnaabeg and GenPGM or between Biigtigong
21 and Indigenous Services Canada. That dialogue
22 needs to start.

23 There's also no dialogue
24 which (indiscernible) to develop plans to
25 protect health and safety of woman and

Arbitration Place

(613) 564-2727

(416) 861-8720

1 children in the community.

2 There have been strict
3 recommendations in the reports of Indigenous
4 Missing and Murdered Women that do need to be
5 addressed. Tie into that the Truth and
6 Reconciliation Recommendations that further
7 promote the need for dialogue.

8 Having housed the day school
9 here for a number of years, there are a whole
10 new series of issues coming up for community
11 members that are dealing with that form of
12 trying to do residential day school
13 applications, and they are just a trigger and
14 needing more mental health services in this
15 community.

16 I've had women talk to me
17 about how their experiences in those schools
18 have impacted their relationships with males
19 in their life, and you are going to bring a
20 mining sector in with more males. That
21 dialogue needs to happen.

22 Next slide, please.

23 I've already spoken to this
24 slide. If you talk about a larger health
25 centre in addition to the mental health crisis

Arbitration Place

(613) 564-2727

(416) 861-8720

1 team has improved the ability to provide
2 health care in Biigtigong Nishnaabeg. We are
3 were at capacity. Our services are being
4 strained. There are chronic concerns in the
5 community and challenges associated with
6 recruitment of Health Canada care staff.

7 We've expressed those
8 concerns regarding increased project demands
9 on health services and that -- here you state
10 project employees may access health services
11 provided at a accommodations complex and
12 within a nearby towns like Marathon.

13 Tried to access services for
14 community now with mental health in Marathon.
15 They can be put on a waiting list. If they
16 need psychiatric care we have to wait for
17 TeleHealth. Those service don't come quickly.
18 They don't come cheaply, if it's a unpaid
19 service.

20 This hasn't been discussed in
21 length and I really believe that if people are
22 going to provide trauma-informed care to
23 people who have historically undergone abuses
24 that are intergenerational you need workers
25 and counselors and mental health people who

Arbitration Place

(613) 564-2727

(416) 861-8720

1 are aware of the damage and impacts to an
2 individual who has lost that sense of
3 identity, community, cultural values and
4 beliefs, and to know that those traumas don't
5 stop just because the schools have shut down.
6 They continue. And that when people are
7 seeking treatment they (indiscernible)
8 ceremonial way of life that we live that has
9 an added value that isn't offered by an
10 accommodations complex or the nearby towns of
11 Marathon or outside services, as they are not
12 culturally appropriate service to agencies.

13 So this mitigation strategy
14 was not developed with Biigtigong Nishnaabeg
15 and is not a meaningful consultation.

16 Next slide, please.

17 So a note about capacity.
18 It's unrealistic and not meaningful to expect
19 Biigtigong Nishnaabeg administrators, staff,
20 who are already overtaxed with existing work
21 commitments to chase down federal funding,
22 many of which are already being accessed by
23 other programs and services in the community.

24 To prepare an application
25 package and work through the approvals process

Arbitration Place

(613) 564-2727

(416) 861-8720

1 to hopefully get funding at place at some
2 point in the future to help offset project
3 impacts which are the responsibility of GenPGM
4 and the Crowns.

5 In short, responsibilities to
6 address the impacts should not be off-loaded
7 onto the BN administration.

8 If you look at proposal
9 writing and the need for one, looking at
10 pockets of money, if you look at -- it's not
11 only Biigtigong Nishnaabeg First Nation
12 applying for this money. It's all the First
13 Nations in Ontario as well as across Canada if
14 it's a federally funded program. So that
15 process can be lengthy, time consuming and you
16 may not even get the accommodation for program
17 funding.

18 Next slide, please.

19 The following represents
20 issues that are needed to be addressed by the
21 proponent and the Crowns. We respectfully
22 suggest that these be adopted by the joint
23 panel or -- as conditions to permitting.
24 Commitments and complementary measures would
25 be the responsibility of both the proponent

Arbitration Place

(613) 564-2727

(416) 861-8720

1 and the Crowns. All work would be done in
2 collaboration with Biigtigong Nishnaabeg.

3 A women and children wellness
4 and safety plan. This includes funding
5 support to implement the plan, monitor the
6 effectiveness of the plan and amend as needed
7 throughout the life of the mine. A targeted
8 health services plan that would dovetail with
9 our existing community wellness plan. A
10 socioeconomic management and monitoring plan
11 to measure and mitigate the impacts of the
12 project on Biigtigong Nishnaabeg.

13 Next slide, please.

14 Funding commitment for
15 aftercare and treatment recovery home, centre
16 and services in Biigtigong Nishnaabeg.
17 Transportation vehicles to support land-based
18 learning dealing recreation programs. A
19 mandatory advanced cultural sensitivity
20 training the for all mine workers inclusive
21 but not limited to an understanding of
22 residential schools, Truth and Reconciliation
23 Commission, Missing and Murdered Indigenous
24 Women and Girls, et cetera. 7, develop patrol
25 and procedures to address risks associated

Arbitration Place

(613) 564-2727

(416) 861-8720

1 with related sexual harassment violence,
2 harassment and discrimination, which are
3 applicable in the workplace and local
4 communities.

5 Next slide, please.

6 As directed from the targeted
7 health services plan, additional support for
8 one community health nurse, one community
9 mental health worker, three Indigenous human
10 program, elder support, medical transportation
11 programs, equipment to support land-based
12 healing, additional staff to support the
13 Northeast Mental Health Wellness and Crisis
14 Team.

15 Next side.

16 This project is bringing to
17 light many systemic shortcomings and stressors
18 within our community, including
19 infrastructure, social services, emergency
20 response, health and education. The project
21 will exacerbate these stressors, and these
22 issues must be addressed prior to permitting.
23 The responsibility to mitigate is with both
24 the proponent and the Crowns.

25 I'm going to pass it back to

Arbitration Place

(613) 564-2727

(416) 861-8720

1 the panel and JoAnne.

2 PANEL CHAIR: Thank you so
3 very much, Ms. Desmoulin. Really appreciate
4 your presentation today.

5 Ms. Michano, I think we're
6 passing it back to you. Thank you so much.

7 MS. MICHANO: Thank you,
8 Simone and Chairman.

9 We did have another
10 presentation that we were hoping to do today,
11 but we think it's kind of late in the day and
12 people are a bit tired so we would like to
13 move that over to tomorrow morning if that's
14 okay with you. And I'm not sure if you have
15 questions for our presenters today or if that
16 is something you want to do tomorrow because I
17 think both Simone and Lisa could be available
18 tomorrow to answer questions, if that works
19 for you, or if you would prefer to -- or if
20 you have any you can do that now.

21 PANEL CHAIR: Thank you, Ms.
22 Michano. I appreciate the offer of your
23 flexibility. Will you give just a moment with
24 my Panel Members? Thank you very much.
25 --- (DISCUSSION OFF THE RECORD)

Arbitration Place

(613) 564-2727

(416) 861-8720

1 PANEL CHAIR: Thank you, Ms.
2 Michano, for the moment or two. We are very
3 happy to take you up on the offer to re-engage
4 with the presentation tomorrow. We'll look
5 forward to that. And if we do have any
6 questions and you're amenable to that, we can
7 do so after presentations tomorrow, if that
8 works for you as well.

9 MS. MICHANO: Awesome.

10 PANEL CHAIR: Thank you. We
11 so appreciated and have been very moved by
12 your presentations today. Thank you.

13 We will be back here tomorrow
14 morning at 9 a.m.

15 MS. MICHANO: Miigwetch,
16 everyone. Have a good night and good sleep
17 and let's go play in the rain and some
18 puddles.

19 PANEL CHAIR: Good night.
20 Thank you very much.

21 --- Whereupon at 3:55 p.m. the proceedings
22 were adjourned till Thursday, April 7,
23 2022 at 9:00 a.m.