



DAVID MAYBERRY
Warden, County of Oxford
21 Reeve Street, Woodstock, ON N4S 7Y3
519.539.9800, ext. 3003 | 1.800.755.0394
www.oxfordcounty.ca

April 23, 2015

The Honourable Kathleen Wynne
Premier of Ontario - premier@ontario.ca

The Honourable Glen Murray
Minister of the Environment and Climate Change - gmurray.mpp@liberal.ola.org

The Honourable David Zimmer
Minister of Aboriginal Affairs - dzimmer.mpp@liberal.ola.org

Premier Wynne, Minister Murray and Minister Zimmer:

I am writing in regard to a recent letter you received from Chief Miskokomon, Chippewas of the Thames First Nation, in regard to the Southwestern Landfill Proposal from Walker Environmental.

In his April 13th, 2015 letters (copies attached), Chief Miskokomon raises significant concern regarding aboriginal and treaty rights of area First Nations and the constitutional obligation of the Province of Ontario. Specifically, he suggests that the Province of Ontario has failed to directly engage appropriate First Nations communities on the Walker proposal. He further suggests that such engagement cannot constitutionally be left to the proposal proponent. Further, notwithstanding the requirement for direct Provincial engagement, I understand that there has not been any meaningful consultation with the proponent as of yet.

Clearly any decision to move forward with the Walker Environmental application for Terms of Reference approval to undertake an Environmental Assessment for the proposal must be withheld until this important constitutional matter is resolved. To the County of Oxford Council and its citizens, this is a further example of Walker Environmental's Terms of Reference failure to completely and thoroughly capture the scope of study that must be included within an Environmental Assessment. As such, we firmly believe that Walker Environmental's submitted Terms of Reference for the Southwestern Landfill Proposal is inadequate and respectfully request its approval be denied by the Minister.

Sincerely yours,

David Mayberry, Warden

Cc: Chief Miskokomon, Chippewas of the Thames First Nation
London District Chiefs Council
Grand Chief, Union of Ontario Indians, Patrick Madahbee
Ontario Regional Vice Chiefs of Ontario, Stan Beardy
Oxford County Council
Don MacLeod, Chief Administrative Officer, Township of Zorra
Mary Ellen Greb, Chief Administrative Officer, Township of South-West Oxford
William Tigert, Chief Administrative Officer, Town of Ingersoll
Peter Crockett, Chief Administrative Officer, County of Oxford

Encl.



Office of the Council
320 Chippewa Road
Muncey, ON N0L 1Y0
Tel: 519-289-5555 Fax: 519-289-2230

CHIPPEWAS OF THE THAMES FIRST NATION



Administration Office
320 Chippewa Road
Muncey, ON N0L 1Y0
Tel: 519-289-5555 Fax: 519-289-2230

April 13th, 2015

Kathleen Wynne, Premier
Province of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Dear Ms. Wynne:

RE: SOUTHWESTERN LANDFILL – REQUEST FOR CANCELLATION

As a rights-bearing First Nation in southern Ontario, we are taking this opportunity to express our disapproval of the proposed landfill at the Carmeuse Lime (Canada) Beachville Operations located at 374681 37th Line (Oxford County Road 6), Zorra Township in Oxford County. Therefore, we request a cancellation to the Terms of Reference for the proposed Landfill site.

While we have had some engagement with the Proponent regarding our concerns about the landfill, aboriginal consultation requirements have not been met by the Crown.

As the Province of Ontario is aware, we recently signed the Big Bear Creek land claim Settlement Agreement and have provisions in our land claim settlement agreement that identifies 5, 120 acres as a lands that the federal government has agreed to add back to the reserve; and the siting of this landfill is within the site selection area for our land claim settlement lands.

Concerns were expressed with the project proponent and it was stated to the proponent that the proposed landfill site fall within our land claim settlement area. Secondly, that future operation of the landfill may impact our aboriginal and treaty rights, given that it is situated on the Thames River, which is our ancestral fishery area. Third, we also mentioned to the proponent that the Chippewas of the Thames First Nation rely on water that is sourced from the Thames River and we have grave concerns about this type of development and its siting in southern Ontario, and the lack of benefits to First Nations in the area given its cumulative effects.

Our aboriginal and treaty rights have been recognized by the courts and the federal Crown. Aboriginal consultation has not been met in this instance, and a number of others, because delegated project proponents do not have the expertise nor mandate to deal with these issues raised, including implementation issues of land claim settlement agreements, and the upholding of s. 35 rights.

Moreover, in our reading of the recent *Keewatin* decision, we feel that the courts have clearly placed the onus of all natural resources issues in the realm of provincial jurisdiction and therefore Ontario must now address and be a partner in the implementation issues of First Nation treaty and land claim settlement agreements in order to uphold s. 35 of the *Constitution Act*.

Further, we also feel that our Big Bear Creek land claim Settlement Agreement, and the land provisions in particular, has provided definitive documentation and recognition to our prior use and occupation of land for a broad geographic area; and so we are now looking to decisions by the Supreme Court whereby some First Nations must be consulted at the strategic or land use planning level. Chippewas of the Thames falls within this category because of its modern land claim agreement and treaties.

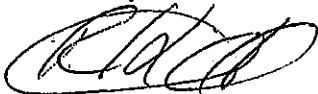
Provincial policy issues regarding waste management, in particular waste originating from the area known as the Golden Horseshoe, is a significant land use planning and decision process that requires something more than project notification and proponent engagement with First Nations in the receiving area. Broader policy approaches by the Crown are needed with First Nations, as we find the Golden Horseshoe leaving its ecological footprint in our land claim settlement agreement area for a second time as a potential user of this new landfill, as we are currently host to the Green Lane Landfill.

We are critical of the provincial approach to these issues because there are larger land use planning decisions and impacts associated with these projects, and we should not have to continue with assertions with each individual proponent for landfill initiatives that are for the same purpose. We feel that it is the Province that must become more informed on our land claim and treaty agreements and that we should not be limited to engaging with individual proponents about our concerns.

In keeping with the *Honour of the Crown*, we are requesting you in your capacity as Minister to place a moratorium on this particular landfill and any others located in our traditional territory. Along with the moratorium we are also looking for a better decision making framework for waste management projects with an appropriate level of dialogue with First Nations in order to engage on these issues at the strategic or land use planning level, and not on a project-by-project basis.

To discuss this matter further, please do not hesitate to contact me at (519) 289-5555.

Sincerely,



Chief R. K. Joe Miskokomon
Chippewas of the Thames First Nation

C: Premier, Ontario, Kathleen Wynne
Minister of Aboriginal Affairs, Ontario, David Zimmer
London District Chiefs Council
Grand Chief, Union of Ontario Indians, Patrick Madahbee
Ontario Regional Vice Chief, Chiefs of Ontario, Stan Beardy
Margaret Lupton, Mayor Zorra Township mlupton@zorra.on.ca
Don MacLeod, Chief Administrative Officer, Zorra Township dmacleod@zorra.on.ca
David Mayberry, Mayor Southwest Oxford Township and Warden County of Oxford mayor@swox.org
Mary Ellen Greb, Chief Administrative Officer, Southwest Oxford Township
Peter Crockett, Chief Administrative Officer, County of Oxford pcrockett@oxfordcounty.ca



Office of the Council
320 Chippewa Road
Muncey, ON N0L 1Y0
Tel: 519-289-5555 Fax: 519-289-2230

CHIPPEWAS OF THE THAMES FIRST NATION



Administration Office
320 Chippewa Road
Muncey, ON N0L 1Y0
Tel: 519-289-5555 Fax: 519-289-2230

April 13th, 2015

Glen Murray, Minister
Environment and Climate Change
Public Information Centre
2nd Floor, Macdonald Block
M2-22 – 900 Bay Street
Toronto ON M7A 1N3

Dear Mr. Murray:

RE: SOUTHWESTERN LANDFILL – REQUEST FOR CANCELLATION

As a rights-bearing First Nation in southern Ontario, we are taking this opportunity to express our disapproval of the proposed landfill at the Carmeuse Lime (Canada) Beachville Operations located at 374681 37th Line (Oxford County Road 6), Zorra Township in Oxford County. Therefore, we request a cancellation to the Terms of Reference for the proposed Landfill site.

While we have had some engagement with the Proponent regarding our concerns about the landfill, aboriginal consultation requirements have not been met by the Crown.

As the Province of Ontario is aware, we recently signed the Big Bear Creek land claim Settlement Agreement and have provisions in our land claim settlement agreement that identifies 5,120 acres as a lands that the federal government has agreed to add back to the reserve; and the siting of this landfill is within the site selection area for our land claim settlement lands.

Concerns were expressed with the project proponent and it was stated to the proponent that the proposed landfill site fall within our land claim settlement area. Secondly, that future operation of the landfill may impact our aboriginal and treaty rights, given that it is situated on the Thames River, which is our ancestral fishery area. Third, we also mentioned to the proponent that the Chippewas of the Thames First Nation rely on water that is sourced from the Thames River and we have grave concerns about this type of development and its siting in southern Ontario, and the lack of benefits to First Nations in the area given its cumulative effects.

Our aboriginal and treaty rights have been recognized by the courts and the federal Crown. Aboriginal consultation has not been met in this instance, and a number of others, because delegated project proponents do not have the expertise nor mandate to deal with these issues raised, including implementation issues of land claim settlement agreements, and the upholding of s. 35 rights.

Moreover, in our reading of the recent *Keewatin* decision, we feel that the courts have clearly placed the onus of all natural resources issues in the realm of provincial jurisdiction and therefore Ontario must now address and be a partner in the implementation issues of First Nation treaty and land claim settlement agreements in order to uphold s. 35 of the *Constitution Act*.

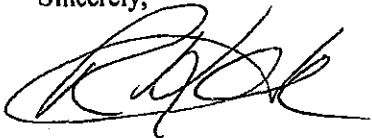
Further, we also feel that our Big Bear Creek land claim Settlement Agreement, and the land provisions in particular, has provided definitive documentation and recognition to our prior use and occupation of land for a broad geographic area; and so we are now looking to decisions by the Supreme Court whereby some First Nations must be consulted at the strategic or land use planning level. Chippewas of the Thames falls within this category because of its modern land claim agreement and treaties.

Provincial policy issues regarding waste management, in particular waste originating from the area known as the Golden Horseshoe, is a significant land use planning and decision process that requires something more than project notification and proponent engagement with First Nations in the receiving area. Broader policy approaches by the Crown are needed with First Nations, as we find the Golden Horseshoe leaving its ecological footprint in our land claim settlement agreement area for a second time as a potential user of this new landfill, as we are currently host to the Green Lane Landfill.

We are critical of the provincial approach to these issues because there are larger land use planning decisions and impacts associated with these projects, and we should not have to continue with assertions with each individual proponent for landfill initiatives that are for the same purpose. We feel that it is the Province that must become more informed on our land claim and treaty agreements and that we should not be limited to engaging with individual proponents about our concerns.

In keeping with the *Honour of the Crown*, we are requesting your support in our request to the Minister of the Environment, in placing a moratorium on this particular landfill and any others located in our traditional territory. Along with the moratorium we are also looking for a better decision making framework for waste management projects with an appropriate level of dialogue with First Nations in order to engage on these issues at the strategic or land use planning level, and not on a project-by-project basis.

Sincerely,



Chief R. K. Joe Miskokomon
Chippewas of the Thames First Nation

C: Minister of the Environment, Ontario, Glen Murray
Minister of Aboriginal Affairs, Ontario, David Zimmer
London District Chiefs Council
Grand Chief, Union of Ontario Indians, Patrick Madahbee
Ontario Regional Vice Chief, Chiefs of Ontario, Stan Beardy
Margaret Lupton, Mayor Zorra Township mlupton@zorra.on.ca
Don MacLeod, Chief Administrative Officer, Zorra Township dmacleod@zorra.on.ca
David Mayberry, Mayor Southwest Oxford Township and Warden County of Oxford mayor@swox.org
Mary Ellen Greb, Chief Administrative Officer, Southwest Oxford Township
Peter Crockett, Chief Administrative Officer, County of Oxford pcrockett@oxfordcounty.ca