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Staff Report

Infrastructure & Public Works

Report To: Committee of the Whole
Meeting Date: November 14, 2016
Report Number: CSPW.16.149
Subject: Leachate Environmental Assessment Consultation
Prepared by: Jeffery Fletcher, Manager of Solid Waste and Environmental Initiatives

A. Recommendations

THAT Council receive report CSPW.16.14 entitled "Leachate Environmental Assessment Consultation";

THAT Council approve providing technical review capacity to the Saugeen Ojibway Nations' technical review of the leachate management environmental assessment project in the sum of \$8,421 as outlined in the Technical Assessment Budget;

AND THAT Council approve increasing the 2016 Leachate Management Environmental Assessment budget by \$10,000 from \$35,000 for a total of \$45,000;

AND THAT Council approve funding the additional \$10,000 from the Landfill Reserve.

B. Overview

The Town has initiated a municipal class environmental assessment related to the management of landfill leachate. Environmental assessments are subject to consultation. The Saugeen Ojibway Nation (SON) has expressed an interest in this project. In order for the SON to provide informed input they require financial assistance to conduct a technical review of the project.

Town Staff are recommending that the technical review fees be provided to the SON to advance the project through the consultation process.

C. Background

Saugeen Ojibway Nation has expressed a desire to be meaningfully involved in the planning, review and development of the leachate management project. The SON's consultation process has three stages: 1) a technical assessment; 2) consultation and accommodation; and 3) the implementation and monitoring of any agreements.

When a first nations group expresses an interest in an EA the proponent of the EA (the Town in this case) is obligated to provide the group with funding to allow the group to engage their own technical experts and fund related administrative needs.

Following the technical review and depending on SON's findings, there are two general outcomes: 1) the Town will be provided a letter from SON that withdraws any objection to the project proceeding; or 2) a letter of agreement will be established that will outline further review or potential mitigation measures if a project is implemented.

The SON's project review process has a technical focus and their areas of concern are often mutual with the environmental assessment process. However, until their review is complete and the project has been presented to SON, it is difficult to anticipate if additional review will be required or if mitigation outcomes will be a source of additional cost to the project and the Town.

SON's letter regarding the technical review has outlined that the \$8,421 is a budget ceiling amount for the technical review, based on their current understanding of the project.

D. Analysis

Based on the Town's obligation to consult and the position held by the EA approval agency (Ministry of Environmental and Climate Change), the Town must provide this funding to advance the project. Funding related to consultation is identified in the draft 2017 Budget. There is a need to advance the SON technical review prior to the 2017 Budget approval. Therefore, Town Staff recommend that Council increase the 2016 Leachate Management EA budget from \$35,000 to \$45,000. This increase will be used to fund the SON technical review in the amount of \$8,421.

E. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners

F. Environmental Impacts

The SON's interests are often cultural and environmental and their interests often align with the provincial EA process, however they also view the project through a lens of their own historic and contemporary cultural traditions.

G. Financial Impact

In Staff Report CSPW.16.069 Council approved the creation of a new capital program to conduct a Leachate Management EA in the amount of \$35,000. Staff is seeking to add \$10,000 to this 2016 capital program to fund the SON technical review. The original cost of \$35,000 is being funded from the Landfill Reserve; the additional \$10,000 is recommended to come from the Landfill Reserve as well.

An outline of the SON Technical Review – Budget is provided in Attachment 1.

H. In consultation with

Sam Dinsmore, Deputy Treasurer/Manager of Budgets & Accounting

I. Attached

1) Technical Assessment Budget

Respectfully submitted,

Jeffery Fletcher

Jeffery Fletcher, BA
Manager of Solid Waste and Environmental Initiatives

Reg Russwurm

Reg Russwurm, MBA, P.Eng
Director of Infrastructure and Public Works

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CHIEFS AND COUNCILS SAUGEEN OJIBWAY NATION

Chippewas of Saugeen, RR 1, Southampton ON N0H 2L0 519-797-2781
Chippewas of Nawash, 135 Lakeshore Blvd, Neyaashiinigmiing ON N0H 2T0 519-534-1689

October 25, 2016

SENT VIA E-MAIL

BM Ross and Associates Limited.
Engineers and Planners
62 North Street, Goderich, ON
N7A 2T4

Attention: Kelly Vader

Dear Mrs. Vader:

Re: Town of The Blue Mountains Class EA to Address Leachate Management The Blue Mountains Landfill Site

Our office received your email dated August 11, 2016, with respect to the above-named matter. We understand that you are asking the Saugeen Ojibway Nation ("the SON") to provide input related the proposed EA in order to advance your proposed works.

In order for SON to provide informed input into this process we require the opportunity to review the technical assessments that have been completed as part of your application. The information from this technical review assists the SON Environment Office ("the SON EO) and leadership in making decisions about the project relative to our Treaty Rights, cultural heritage and the environment of our Traditional Territory.

There are three stages in the SON's consultation process: 1) a technical assessment of the archaeology, natural heritage and hydrogeology reports, and legal review of the potential impacts of the project on rights and land claims; 2) consultation and accommodation discussions with SON leadership; and 3) the implementation and monitoring of any agreements which arise from the SON leadership discussion.

The SON does not receive funding to participate in the consultation process associated with development. Therefore, it is important for the proponent to understand that expenses, incurred by the SON to participate in the consultation effort are the responsibility of the proponent. A budget to engage our technical experts is provided (Schedule 1), and should you be agreeable to engaging with us, we can proceed with a letter of agreement on this matter.

If at the completion of the technical review the SON EO and leadership determine that no negative impacts will occur within our Territory or that those impacts can be sufficiently mitigated, we will be agreeable to providing a letter withdrawing any objection to proceeding. If the review determines that negative impacts will occur, we will proceed with a draft consultation and accommodation plan and a meeting with the proponent to discuss the matter further.

We hope that we are able to work together moving forward, and I look forward to receiving your response.

Respectfully,
Saugeen Ojibway Nation Environment Office



Doran Ritchie
Land use Planning Coordinator

C. Jeffery Fletcher, Town of Blue Mountains

SCHEDULE 1



Saugeen Ojibway Nation – Environment Office

Technical Assessment – Budget

Class EA- Leachate Management, Town of Blue Mountains

Category	Estimated Cost	Notes
SON Consultant William Armstrong	\$1700	Estimated based on daily rate of \$1200 \$500 1 field visit
Natural Heritage Aquatic/Terrestrial	\$2,500.00	Estimated based on daily rate of \$1300/1.5 days of work \$500 1 field visit
Rights, Land Claims and Fishing Rights Review	\$420.00	Estimated based on hourly rate of \$210 / anticipated 2 hours of work
Engineering	\$2900.00	Estimated based on daily rate of \$1200 @ two days \$500 1 field visit
SON Disbursements		
Mileage and Travel	\$500.00	
SubTotal	\$8020.00	
Administration Fee (5%)	\$401.00	
Estimated Total	\$8421.00	

Please note that the estimated total budget provided is a ceiling amount. Any funds not expended in the process of conducting a technical review will be reimbursed to the proponent.