

Clause 14 in Report No. 11 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 28, 2018.

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Upper York Sewage Solutions Health Impact Assessment and Traditional Ecological Knowledge Study

Committee of the Whole recommends adoption of the following recommendations contained in the report dated June 6, 2018 from the Commissioner of Environmental Services, subject to agreement between the Region and the Chippewas of Georgina Island First Nation regarding participation in a Traditional Ecological Knowledge study:

1. Council authorize the Commissioner of Environmental Services to enter into a contract with Skelton Brumwell & Associates Inc. pursuant to section 3.3 of the Purchasing Bylaw in order to conduct the Traditional Ecological Knowledge study which will be incorporated into an ongoing Health Impact Assessment, for a cost of \$427,978.50, excluding taxes.
2. Council authorize an amendment to an existing contract with Intrinsik Corp. to increase the scope of the assignment and increase the contract price for an ongoing Health Impact Assessment by \$86,625.00, excluding taxes, pursuant to section 12.2 of the Purchasing Bylaw in order to adopt information from the Traditional Ecological Knowledge study to incorporate into the Health Impact Assessment, as requested by the Chippewas of Georgina Island First Nation.
3. Council receive for information that, pursuant to authority under the Delegation Bylaw, as amended, the Commissioner of Environmental Services intends to execute a Community Capacity Funding Agreement with the Chippewas of Georgina Island First Nation in the amount of \$175,000.00, plus honoraria to a maximum of \$28,000.00, for a total cost of \$203,000.00 excluding taxes, in order to facilitate the First Nation's participation in the Traditional Ecological Knowledge study.

Report dated June 6, 2018 from the Commissioner of Environmental Services now follows:

1. Recommendations

It is recommended that, subject to agreement between the Region and the Chippewas of Georgina Island First Nation regarding participation in a Traditional Ecological Knowledge study:

1. Council authorize the Commissioner of Environmental Services to enter into a contract with Skelton Brumwell & Associates Inc. pursuant to section 3.3 of the Purchasing Bylaw in order to conduct the Traditional Ecological Knowledge study which will be incorporated into an ongoing Health Impact Assessment, for a cost of \$427,978.50, excluding taxes.
2. Council authorize an amendment to an existing contract with Intrinsic Corp. to increase the scope of the assignment and increase the contract price for an ongoing Health Impact Assessment by \$86,625.00, excluding taxes, pursuant to section 12.2 of the Purchasing Bylaw in order to adopt information from the Traditional Ecological Knowledge study to incorporate into the Health Impact Assessment, as requested by the Chippewas of Georgina Island First Nation.
3. Council receive for information that, pursuant to authority under the Delegation Bylaw, as amended, the Commissioner of Environmental Services intends to execute a Community Capacity Funding Agreement with the Chippewas of Georgina Island First Nation in the amount of \$175,000.00, plus honoraria to a maximum of \$28,000.00, for a total cost of \$203,000.00 excluding taxes, in order to facilitate the First Nation's participation in the Traditional Ecological Knowledge study.

2. Purpose

This report seeks Council authority to enter into an agreement with Skelton Brumwell & Associates Inc. to gather and document Traditional Ecological Knowledge. Information from the Traditional Ecological Knowledge study will be used to supplement a Health Impact Assessment. Assignment of the work to Skelton Brumwell & Associates is requested under section 3.3 of the Purchasing Bylaw, that allows Council to authorize a purchase or method of procurement where to do so would be in the best interests of the Region.

This report also seeks Council authority to increase the contract price payable to Intrinsic Corp. beyond the scope change provisions provided for in section 12.2 of the Purchasing Bylaw to facilitate integration of findings of the Traditional Ecological Knowledge study into the Health Impact Assessment, which was not provided for in the original contract.

The recommendations in this report are subject to agreement being reached between the Region and the Chippewas of Georgina Island First Nation on the scope of the Traditional Ecological Knowledge study. Regional staff have been working to formalize these efforts with the Chippewas of Georgina Island First Nation. To date, agreement on the Traditional Ecological Knowledge study has not been achieved.

3. Background and Previous Council Direction

The Ministry asked the Region to complete a Health Impact Assessment

While satisfied with the Region's Upper York Sewage Solutions environmental assessment including statutory consultation with Indigenous peoples, in March 2017, the Ministry of the Environment and Climate Change asked the Region to complete a Health Impact Assessment following discussions between the Ministry and the Chippewas of Georgina Island First Nation. The Chippewas of Georgina Island First Nation also requested a separate Traditional Ecological Knowledge study.

The purpose of a Health Impact Assessment is to evaluate the potential health impacts of a plan, project or policy before it is built or implemented. It can also help identify measures to mitigate negative impacts and enhance positive impacts.

Traditional Ecological Knowledge refers to a cumulative Indigenous body of knowledge, belief and practice that is handed down through generations by way of traditional songs, stories and beliefs.

Work on the Health Impact Assessment is ongoing and a separate Traditional Ecological Knowledge study is proposed to be completed

The Region retained Intrinsic Corp. to conduct the Health Impact Assessment work in July 2017. Since initiating the work, there have been several meetings with the Chippewas of Georgina Island First Nation in various formats on coordination of the Health Impact Assessment work and the process to obtain Traditional Ecological Knowledge.

The Traditional Ecological Knowledge study and the Health Impact Assessment are proposed to be carried out as separate studies; it is anticipated that the results of the Traditional Ecological Knowledge study will inform the Health Impact Assessment.

4. Analysis and Implications

Information obtained from Traditional Ecological Knowledge serves to broaden understandings and identify opportunities for integration

The Traditional Ecological Knowledge study will support the Chippewas of Georgina Island First Nation in obtaining and recording Traditional Ecological Knowledge from their community. The study will also provide an important link to integrate Traditional Ecological Knowledge into the Health Impact Assessment.

Integration of Traditional Ecological Knowledge with the Health Impact Assessment is proposed to support the following:

- The Traditional Ecological Knowledge study collects information with respect to potential health determinants.
- From the information gathered through the Traditional Ecological Knowledge study, field studies will be completed to confirm project-specific information with respect to the Health Impact Assessment.
- The final Traditional Ecological Knowledge study documentation will summarize all relevant information to be integrated into the Health Impact Assessment.

The Region is offering to fund the Traditional Ecological Knowledge study

The Region is offering to retain a third-party consultant to complete the Traditional Ecological Knowledge study and provide required information for the Health Impact Assessment.

The Region acknowledges that while it is funding an effort to obtain this information and that it will have access to the information for the current project, the Traditional Ecological Knowledge will remain the intellectual and cultural property of the First Nation.

York Region invited Skelton Brumwell & Associates Inc. to submit a proposal to conduct the Traditional Ecological Knowledge study

A Traditional Ecological Knowledge study is a rigorous undertaking that requires a high degree of trust with the Chippewas of Georgina Island First Nation and

unique expertise to work directly with the First Nation to ensure that the Knowledge Keepers will be well represented and information will be accurately documented and field verified.

Skelton Brumwell & Associates Inc. has extensive experience conducting Traditional Ecological Knowledge studies, including engaging First Nations, and has established a relationship with the Chippewas of Georgina Island First Nation. Additionally, a key staff member of Skelton Brumwell & Associates Inc. is also a member of an Anishnawbe First Nation community with extensive knowledge of First Nation culture and traditions.

After reviewing other Traditional Ecological Knowledge service providers in the industry, staff concluded that it is in the Region's best interests to engage Skelton Brumwell & Associates Inc. given their unique experience and staff resources. Section 3.3 of the Purchasing Bylaw allows Council to authorize any purchase or method of procurement where to do so would be in the best interests of the Region.

The Region invited Skelton Brumwell & Associates Inc. to submit a proposal to gather and document Traditional Ecological Knowledge data and assist with using this Traditional Ecological Knowledge to inform the Health Impact Assessment. The scope of this unique assignment includes:

- Developing a communications strategy to inform the Chippewas of Georgina Island First Nation of the project.
- Adding information to the existing inventory of all environmental features and functions identified during the environmental assessment process.
- Interviewing and documenting discussions with the First Nation Knowledge Keepers, including Elders and resource users.
- Field verifying Traditional Ecological Knowledge and gathering baseline data regarding Traditional Ecological Knowledge elements as well as Health Impact Assessment considerations.
- Providing and integrating required information with the Health Impact Assessment.
- Communicating all gathered information to all parties of interest with culturally appropriate presentation and documentation.
- Developing an integration plan for close dialogue among the Region, Skelton Brumwell & Associates Inc. and Intrinsic Corp. team members as

well as monitoring and updating the process as the study proceeds to ensure timely and appropriate integration of all collected information.

Skelton Brumwell's proposal demonstrates the expertise and engagement approach required for the Traditional Ecological Knowledge study

Skelton Brumwell proposed a project team that provides a diverse range of engineering, planning and environmental consulting services to federal and provincial government agencies, municipalities and First Nations. The team brings unique expertise and sensitivity to Indigenous culture and affairs.

In developing the proposal, Skelton Brumwell engaged the Chippewas of Georgina Island First Nation and developed a work plan to guide the process of the Traditional Ecological Knowledge study, which outlines work components and, involvement and commitment from the First Nation. The steps in the work plan will also allow the Region and the Health Impact Assessment consultant to be fully engaged in the Traditional Ecological Knowledge study process to confirm that information addresses the needs of the Health Impact Assessment.

The consultant's proposal includes a cost of \$427,978.50, excluding taxes, to complete the Traditional Ecological Knowledge study and assist in integrating the information into the Health Impact Assessment. Given the complexity of the Traditional Ecological Knowledge study and its unique requirements to effectively engage the First Nation, staff concluded that the proposal from Skelton Brumwell & Associates Inc. provides the Region with an opportunity to enhance the relationship with the First Nation and offers good value for money with reasonable rates for services.

Opportunity for Chippewas of Georgina Island First Nation to manage their Traditional Ecological Knowledge

As a necessity and because Traditional Ecological Knowledge belongs to the First Nation, this study will require comprehensive engagement with the First Nation, including staff and members, to gather relevant information.

With First Nation staff already engaged on pre-existing commitments, these types of requirements constitute significant effort to the First Nation, making it advantageous for them to develop internal resources and capacity to effectively participate in the Traditional Ecological Knowledge study. Additionally, as a demonstration of respect and appreciation towards First Nation Elders, an honorarium will be provided to Elders for their time and expertise, at a predetermined rate established by the First Nation in addition to small traditional gifts.

Under these unique circumstances, staff are satisfied that a reasonable amount of Community Capacity Funding and honorarium should be provided to ensure dedicated resources and participation. Skelton Brumwell & Associates Inc. has recommended that capacity funding of \$175,000.00, excluding taxes, be provided to the First Nation along with a daily honorarium amount of \$300.00 per person, plus expenses, for selected First Nation members who are invited to attend interviews and field verification work.

Subject to agreement between the Region and the Chippewas of Georgina Island First Nation, the written agreement to provide this funding will be executed by the Commissioner of Environmental Services under the delegated authority provided in Schedule "A" of the Regional Delegation Bylaw, namely Section 1, relating to agreements with federal or provincial governments, municipalities, agencies, institutions and community partners for Regional undertakings, program delivery and administration. Adequate Capital Spending Authority and budget are included in the approved Environmental Services Capital Plan.

Integrating the Traditional Ecological Knowledge study requires additional efforts from the ongoing Health Impact Assessment team led by Intrinsic Corp.

To ensure the Traditional Ecological Knowledge study findings are integrated in the proper context into the Health Impact Assessment, the Health Impact Assessment team will be actively participating in the Traditional Ecological Knowledge study. Representatives of the Health Impact Assessment team will be present at many of the Traditional Ecological Knowledge interviews with Knowledge Keepers, participate in First Nation community meetings and Traditional Ecological Knowledge workshops and monitor field work as required. Participation in the Traditional Ecological Knowledge study and integration of the findings into the Health Impact Assessment was not in the original scope of work for Intrinsic Corp. This work requires significant additional effort and resources to understand and carefully consider the information generated from the Traditional Ecological Knowledge study for the purposes of the Health Impact Assessment.

5. Financial Considerations

In the summer of 2017, the Region retained Skelton Brumwell & Associates Inc. to develop a work plan proposal through engagement with the Chippewas of Georgina Island First Nation to guide the process of the Traditional Ecological Knowledge study for a cost of \$47,274.45, excluding taxes.

Skelton Brumwell & Associates Inc. has estimated a total cost of \$427,978.50, excluding taxes, for the services required to conduct the Traditional Ecological

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Knowledge study and incorporate its findings into the Health Impact Assessment. Given the comprehensive engagement effort with the Chippewas of Georgina Island First Nation, along with the requirement for four seasons of field verification, the cost for services represents good value for the Region.

In consultation with the Chippewas of Georgina Island First Nation and reference to practices in other industries such as mining, Skelton Brumwell & Associates Inc. recommended a one-time project-specific Community Capacity Funding of \$175,000.00, excluding taxes, to help the First Nation build capacity and provide required resources to accommodate the needs of both the Health Impact Assessment and the Traditional Ecological Knowledge study. In addition, a total honorarium fee of \$28,000, excluding taxes, for selected First Nation members who are invited to attend interviews, workshops and field verification is included at a daily rate of \$300.00 per person per day plus expenses.

In addition to the existing budget of \$200,537.00, excluding taxes for Intrinsic Corp. to conduct the Health Impact Assessment, an additional budget increase of \$86,625.00, excluding taxes will allow Intrinsic Corp. to participate in and incorporate Traditional Ecological Knowledge study findings into the completed Health Impact Assessment.

Details of the above-mentioned costs are shown in Table 1 below.

Table 1
Health Impact Assessment and Traditional Ecological Knowledge Study
Cost Summary

Description of Work	Cost
Existing Skelton Brumwell & Associates Inc. Service Fees to develop Traditional Ecological Knowledge Study Work Plan Proposal	\$47,274.45
Skelton Brumwell & Associates Inc. Service Fees for Traditional Ecological Knowledge Study	\$427,978.50
Chippewas of Georgina Island First Nation Community Capacity Funding	\$175,000.00
Honoraria (assuming 70 person days at a rate of \$300 per person per day plus expenses)	\$28,000.00
Existing Intrinsic Corp. Additional Service Fees for Health Impact Assessment	\$200,537.00
Intrinsic Corp. Additional Service Fees for Integrating Traditional Ecological Knowledge Study with Health Impact Assessment	\$86,625.00
Total	\$965,414.95

Adequate Capital Spending Authority and budget are included in the approved Environmental Services Capital Plan.

6. Local Municipal Impact

Undertaking this study is the first of its kind within York Region and supports the First Nation to document their Traditional Ecological Knowledge

The Traditional Ecological Knowledge study is the first of its kind within York Region and supports working with the Chippewas of Georgina Island First Nation in documenting a body of Traditional Ecological Knowledge.

7. Conclusion

The Ministry asked the Region to complete a Health Impact Assessment

In March 2017, the Ministry asked the Region to complete a Health Impact Assessment and the Chippewas of Georgina Island First Nation requested a Traditional Ecological Knowledge study.

The Region initiated the Health Impact Assessment study in July 2017 after receiving the request. Discussions with the Chippewas of Georgina Island First Nation helped establish a proposed process to complete the Traditional Ecological Knowledge study.

The Traditional Ecological Knowledge study will include Community Capacity Funding and honoraria for First Nation members to provide resources and capacity for the community to effectively participate in the Traditional Ecological Knowledge study. Subject to agreement between the Region and the Chippewas of Georgina Island First Nation, a written agreement to provide this funding will be executed by the Commissioner of Environmental Services under the delegated authority provided in Schedule "A" of the Regional Delegation Bylaw.

Skelton Brumwell & Associates Inc. submitted a proposal that demonstrated the unique expertise and engagement approach required to complete the Traditional Ecological Knowledge study

It is recommended that the Region retains Skelton Brumwell & Associates Inc. at a total cost of \$427,978.50, excluding taxes, to complete the Traditional

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Ecological Knowledge study, including comprehensive engagement with the Chippewas of Georgina Island First Nation.

This recommendation also includes extension of the existing purchase order for the Health Impact Assessment study being completed by Intrinsic Corp. to allow for integration of Traditional Ecological Knowledge into the Health Impact Assessment for a total additional cost of \$86,625.00, excluding taxes.

Regional staff have been working to formalize these efforts with the Chippewas of Georgina Island First Nation. To date, full agreement has not been achieved. The recommendations in this report are subject to agreement between the Region and the Chippewas of Georgina Island First Nation on the Traditional Ecological Knowledge study.

Adequate Capital Spending Authority and budget are included in the approved Capital Plan.

For more information on this report, please contact Mike Rabeau, Director, Capital Planning and Delivery at 1-877-464-9675 ext. 75157.

The Senior Management Group has reviewed this report.

June 6, 2018

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