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# **Standing Committee on Aboriginal Affairs and Northern Development**

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**EVIDENCE**

**Tuesday, February 14, 2012**

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**Chair**

**Mr. Chris Warkentin**



## Standing Committee on Aboriginal Affairs and Northern Development

Tuesday, February 14, 2012

• (1530)

[English]

**The Chair (Mr. Chris Warkentin (Peace River, CPC)):** Colleagues, I'll call this 23rd meeting of the Standing Committee on Aboriginal Affairs and Northern Development to order.

This is a continuation of our study on land use and sustainable economic development.

Colleagues, today we have two witnesses before us. Representing the Chiefs of Ontario, we have Chief Toulouse. We also have, representing the Environmental Careers Organization of Canada, Grant Trump.

I should tell colleagues that Mr. Trump's time is going to be a little bit truncated. He has a flight to catch, so he'll be excusing himself as is necessary.

Chief Toulouse, I believe you have an opening statement. We'll hear from you and then we'll hear from Mr. Trump and then we'll begin the questioning round, starting with a seven-minute round.

Chief, please, we'll turn it over to you. Thank you so much for coming.

**Chief Angus Toulouse (Ontario Regional Chief, Chiefs of Ontario):** *Meegwetch.*

[Witness speaks in his native language]

Good afternoon, committee members.

Thank you for inviting me to provide you with evidence again on this important topic of study.

As was indicated, my name is Angus Toulouse, and I'm the regional chief for the Chiefs of Ontario. As you may know, our organization, the Chiefs of Ontario, is a political forum and a secretariat for collective decision-making, action, and advocacy for 133 first nation communities located within the boundaries of the province of Ontario.

We're guided by our chiefs in assembly, who represent the Anishinabek, the Mushkegowuk, the Ogemawahj, and the Lenape peoples in protecting and exercising their inherent and treaty rights.

I'll begin by speaking about indigenous land use and sustainable economic development issues for first nations generally, but I also want to focus on addressing the recommendation delivered by the House of Commons finance committee in December to privatize reserve lands as a way to reduce poverty amongst first nations.

What first nations have said all along is that we need to see the fulfillment of all of the treaty obligations first. Treaties are more than just historical documents or agreements. They were made to establish the relationship by which first nations would coexist and to grant rights and permissions to the settlers.

Both the written and oral aspects of treaties determined how the lands and resources were to be shared. From treaties and the Constitution, the crown owes first nations the protection of our rights and lands, including rights to cultural protection, education, health care, natural resources, and self-government.

The crown has made practically no progress in fulfilling these obligations. In addition, first nations are currently owed a huge debt from the Canadian successor state because of these unfulfilled treaties and in compensation for the exploitation of our traditional lands. Without first addressing this situation—these unfulfilled obligations and debts—and committing the necessary resources to achieve resolution, the current situation of dependency and poverty will remain, no matter which common law property regime is in place.

Any developments contemplated on our lands require our free, prior, and informed consent. Treaty violations concerning resources often occur with the full knowledge and approval of the Canadian and provincial governments through legislation and regulatory regimes.

First nations most often experience unwillingness on the part of government and industry to engage in true resource-sharing, which leads to conflict situations—as an example, Wahgoshig First Nation just this past month. And Kitchenuhmaykoosib Inninuwug—we know what they've gone through, and what the Matawa first nations in the Ring of Fire are going through now—and Iskatewizaaagan First Nation on the western boundaries of Ontario near Manitoba have witnessed this first hand.

First nations are generally concerned about federal plans to privatize our lands. As I'm sure you're aware, we wonder why the federal government is expending all of this effort on the issue instead of focusing on the fulfilment of obligations long overdue and ensuring that basic human rights are met. These human rights include potable water, housing, health, education, control of resources, as well as cultural and other collectively held human rights.

We've had and we continue to have our historic relationship with the lands and waters, but before continuing further on the topic of imposed notions of land ownership, I think it necessary to explain briefly where we're coming from as the original peoples of this land, how our relationship with this earth managed to thrive for centuries.

• (1535)

The land is the source of our identity as individuals and as peoples. Two years ago our chiefs in assembly adopted the "We Are The Land" declaration and the water declaration to articulate our relationship to the land and waters. The "We Are the Land" declaration states that we have heard the voices of our youth, our women and men, of our spiritual advisors, and of our elders, and they have told us we are the land. What we do to the land we do to ourselves and to our future generations. We were placed here on Turtle Island to be a part of creation. We were given our instructions, our jurisdiction, our laws by the Creator. We draw from the sacred law, traditional law, customary laws. We need to protect the lands, the waters, and all living things for future generations.

The treaties were made to share with the newcomers and are not giving up anything. Surrender was not included in the treaties. We have a responsibility to respect and actively protect the lands and waters for our present well-being and for our future generations. Without our lands, our very existence as indigenous peoples is not possible. This relationship with the lands and waters is what underlies the sustainable approach to economic development.

And what does sustainability mean to us? Sustainability to us must take into account our unique situation and our special and historical connection to the land, in addition to our collectively held human rights connected to the said land. The consequences of failing to consistently safeguard our environment to the highest degree are dire and immediate. Indigenous people are often the first to experience the severe impacts of climate change and environmental racism. First nations will not cast aside opportunities to grow our economies. However, these opportunities must stem from an approach that enshrines respect for Mother Earth and the well-being of current and future generations.

Often we see that economic capitalist systems conflict with our indigenous values. As previously mentioned, our cultures are based on a spiritual connection to the land. The commodification of land was at one time foreign to our way of thinking and certainly goes against our traditional way of thinking.

This brings me to the key point that needs to be understood in any discussion of indigenous lands. The beliefs and value system underpinning the current Canadian economic model are not necessarily shared by the indigenous peoples in this country. The system is based on private property ownership, the buying and selling of lands among individuals and corporations. Lands being held collectively for the benefit of a collective is an alien idea in this world view. This detachment from the land is an alien idea to the indigenous world view. Essentially, this is the core of the first nations' land ownership and designation conflict: the privatization of reserve lands with regard to a fee simple regime on reserve lands would increase investor confidence, making the value of the property comparable to similar developments off reserve, and ultimately enhance economic growth in first nation communities. We believe

that sustainable economic development can occur without succumbing to the damaging and unnecessary western concept of a fee simple approach to the land.

First nations economic development appears to have two options at this point in time. One option is to continue to develop the land base as a collective. The other option risks losing use of the land by adopting a fee simple approach. The Assembly of First Nations chiefs in assembly passed Resolution number 44/2010 - "First Nations' Rejection of a 'Property Ownership Act'". Concerns identified included enabling the potential transfer of first nation lands to those who are not first nations, the erosion of collective rights, the imposition of a foreign conception of land value, and the negation of the constitutionally protected land rights and those that form through treaty.

Further, a first nations property ownership act would create yet another level of jurisdiction over our lands. Reserve populations are comprised of families sharing a common heritage and together suffering the effects of forced assimilation and colonization. Without a land base in common, the process of rebuilding our nations and decolonizing will not be possible. There are numerous legal questions that arise with respect to the privatization of reserve lands. Since these lands are protected mostly by treaty, with associated rights attached to the land, if the land is sold off or mortgaged to an outside party, will those rights continue to apply, and what would the tax implications be?

• (1540)

The federal government has constitutional responsibility under section 91.24 of the British North America Act, which protects the collective titles to the land held by first nations. Therefore the privatization of reserve land would require constitutional amendment. It is also unclear how section 35 rights would be protected under a proposal to privatize our lands. Has an analysis on these potential impacts been completed?

Still more concerning is envisioning how privatization would assist remote communities. Since those lands in the far north tend to lack significant market value and are only of interest to resource extraction companies, how would their problems of poverty and other attendant social ills be helped?

We're concerned that the push to privatize what little land we hold in common is a veiled attempt to continue with the colonizing goal of assimilation under the guise of economic opportunity. Concerns have also been raised that this endeavour is really a way for the government to avoid its obligation to compensate first nations. Instead first nations would be granted the privilege of borrowing against the little bit of land yet to be stolen. This would lead to first nations not only being poverty-stricken but also debt-ridden. Self-sufficiency and other issues need to first be addressed; otherwise indigenous peoples will face assimilation into dominant society.

By way of conclusion, our land is not a commodity. It is sacred. It is something we received from our ancestors and it will go to our future generations. First nations in Ontario believe that reaffirming the treaty relationship should be the foundation from which to address the issue of land use and sustainable economic development. First nations in Ontario have already made clear their priorities and recommendations to Canada in their statement read to Prime Minister Harper during the first nations and crown gathering.

I will reiterate here some of what our nations told the Prime Minister. We have inherent rights and responsibilities that exist in the spirit and intent of the treaties, and these provide for the sustained existence of our nations. When the spirit and intent of the treaties are fully implemented, indigenous peoples will not be faced with the social and economic challenges we see today.

Prior to contact, sovereign indigenous nations—

**The Chair:** Chief, sorry to interrupt, but we are considerably over time from the ten-minute allocation.

**Chief Angus Toulouse:** I only have another 40 more words, Chris.

**The Chair:** Wonderful. I heard the word “conclusion” and then it went on some additional period of time.

**Chief Angus Toulouse:** Let me start the conclusion again, if you don't mind.

**The Chair:** Sure, okay.

**Chief Angus Toulouse:** Okay, since you interrupted me, I just wanted to reiterate what we told the Prime Minister just for the benefit of everybody here, if that's okay with you.

**The Chair:** If you've only got 40 words to finish—

**Chief Angus Toulouse:** You're wasting three or four minutes just interrupting me. I could probably have been done already.

**The Chair:** Thank you, Chief. The last 40 words would be great.

**Chief Angus Toulouse:** That's all I was going to say, Mr. Chairman.

We told the Prime Minister that we have inherent rights and responsibilities that are existing in the spirit and intent of the treaties, and these provide for the sustained existence of our nations. When the spirit and intent of the treaties are fully implemented, indigenous peoples will not be faced with the social and economic challenges we see today. Prior to contact, sovereign indigenous nations prospered in the sharing of lands, air, waters, and fire in a way that respected their collective responsibility to protect Mother Earth.

So we ask that Canada honour the true spirit and intent existing in the treaties, resolve matters of jurisdiction, realize treaty implementation, and exercise the principles established in the United Nations Declaration on the Rights of Indigenous Peoples as key vehicles for conducting and maintaining relationships with indigenous nations.

*Meegwetch.*

•(1545)

**The Chair:** Thank you.

We'll now turn it over to you, Mr. Trump, for ten minutes. Thank you.

**Mr. Grant Trump (President and Chief Executive Officer, Environmental Careers Organization of Canada):** Thank you, Mr. Chair, committee members, and Chief.

It's my pleasure to be here today to talk to you about our favourite project, BEAHR—“building environmental aboriginal human resources”. What I'd like to talk to you about today is the success we've had in including aboriginal people as part of the environmental workforce and potential activities for capacity-building in the future and how these might fit in with the role of this committee.

First of all, ECO Canada is a sector council. We're part of the sector council program the Government of Canada began back in 1992. Our mission is to ensure an adequate supply of people with the appropriate skills and knowledge to meet the environmental human resource needs of the public and private sectors. We have both a qualitative and a quantitative aspect to our mission, which is to ensure that we have enough people and that they have the appropriate skills and knowledge to do the work.

We are an industry-initiated and industry-led group that is a partnership of industry, governments—federal, provincial, municipal, aboriginal—and the academic community across the country. We have about 175,000 members across this country. And indeed, we represent environmental employment in terms of the quality of the people required to do environmental work in Canada.

In 2001 we formed a partnership with the Aboriginal Human Resource Council to develop the BEAHR program. This gave us the authority, then, to look at those particular activities as we moved forward. We identified, as far back as 1997, in an aboriginal training survey we did, that approximately 80% of employers were willing to hire aboriginal environmental practitioners, but 50% of them indicated that they lacked candidates for those positions. Further, 64% said that the people who applied did not have the appropriate skills and knowledge.

That led us then to ask how we could set up a program, in partnership with the aboriginal community, to build that capacity, based on western scientific knowledge and the inclusion of traditional ecological knowledge, and begin to work together.

What we did then was begin to set up these BEAHR training programs in partnership with HRSDC. We were guided by an international steering committee that included the largest aboriginal training centre in the United States, because they've done a tremendous job in this activity. They have some 1600 young aboriginal people in undergraduate programs in environmental science and environmental engineering. Last year, this program graduated more environmental scientists and engineers than all universities in the United States combined. It's very significant.

As a result of that program, and after pulling together some 84 environmental employers and some 77 aboriginal organizations, we went to focus groups. We developed from that six training programs. These training programs were based on the national occupational standards for environmental employment, which are indeed the national standards used for employment across Canada. The programs were developed in such a way that there was detailed documentation of the curriculum for both the instructional staff and the students to ensure that delivery could be done across Canada and that the graduates would all have similar capacity, skills, and knowledge once they completed the program.

The BEAHR training program, of course, is designed for work in the environment sector, which we know is cross-sectoral and multidisciplinary. Because of that cross-sectoral and multidisciplinary nature, we know that individuals work in a variety of sectors of the Canadian economy, from mining to natural gas extraction to a variety of other sectors, including things such as pipelines.

The BEAHR training programs are a series of culturally relevant, skills-based, environmental training programs for aboriginal learners: first nations, Métis, and Inuit. They are designed to be short-term, employment-focused, community-based, inclusive of elder participation to bring the traditional ecological knowledge, national in scope, blended with local knowledge, and of course tied to employment.

• (1550)

The prerequisite for these programs is either grade 8 or grade 10, which is typical of some of the education levels found within the community. We developed six workforce training programs, an environmental monitor coordinator, an environmental site assessment assistant, a local environmental coordinator, a contaminated sites remediation coordinator, a solid waste coordinator, and a land-use planning coordinator, as well as two technical training programs, a certificate in applied environmental techniques, and a certificate in environmental planning and administration. These programs ladder to a college diploma, so we're looking at lifelong learning as part of the entire process.

We do not deliver the programming; the programming is delivered by the existing infrastructure of the public sector trainers—that is, college, university, technical institutions, and CEGEPs across the country—or by indigenous groups or by companies or qualified trainers. We have 34 licensed trainers across the country right now, and the program can be delivered in any part of Canada.

To date, we have 1,131 students registered in the program, and we've graduated 895 students, for a graduation rate of 79%, which is quite significant, considering most of these programs are delivered within the community. There is a 71% employment rate at the end of the educational process, with 75% who have been employed by the community, in order to build capacity within the community. It's a 74% success rate if you include those students who went on to further education.

We have offered this program 97 times in Canada to date. We've offered it in all Canadian provinces and territories with the exception of P.E.I., and with the most abundant being offered in northern Alberta, British Columbia, the Northwest Territories, and the Yukon.

As part of the ECO Canada strategy, we also made a commitment to those young aboriginal Canadians who have made a commitment to us by completing post-secondary education. We have committed 10% of all of our national environmental youth corps funds, and we have placed 67 young aboriginal graduates in long-term employment; further, in a partnership with the Province of Alberta, we have funded a plus-30 internship for aboriginal adults to make that transition into environmental employment.

The second project that we just got involved with some 22 months ago is called the Contaminates Remediation Training Organization of Canada. It's a partnership with HRSDC under the ASEP program and 19 industry aboriginal and academic partners from across the country. The program is appropriately called "Caring for the Land". It's to enhance the employability of aboriginal Candidates through participation in skills development through meaningful training.

In a very short period of time—22 months and 19 months of training—we have done 45 training programs through 32 industry, aboriginal, and educational partners. Our goal was to do 400 interventions with aboriginal people. To date, we have done 2,483 interventions. Our goal was to assess 700 aboriginal people. We have assessed 1,106 aboriginal people. Our goal was to train 600 people. We have trained 785 people.

The vast majority of the training just ended in January 2012—last month. So far, since February 9, we had committed to 400 employed. We are now at 423. With the training just ending and the majority of this training being in the north—as you can well imagine, this is winter, and therefore not a lot of environmental work is being done outside—we anticipate that the employment rate by March will be about 500, and by May and June it will be approximately 600 employed aboriginal people as a result of this program.

Working with aboriginal communities to develop pathways for meaningful, long-term, environment-related employment is critical to the future of Canada. It is the primary goal of the BEAHR training program.

Thank you.

• (1555)

**The Chair:** Thank you, Mr. Trump.

We're going to now begin the questioning.

Colleagues, I'm going to be maintaining the time allotments pretty strenuously, simply because we want to ensure that people do have an opportunity to question Mr. Trump for the duration of his stay. We do know that he has to slip out, but we'll make sure, colleagues, that you get those questions in early, because he will be leaving us early.

Ms. Duncan, we'll begin with you.

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Welcome to both of you.

Welcome, Chief Toulouse.

Chief Toulouse, I would ask you the questions first, and then I have one for Mr. Trump.

Chief, you very clearly raised concerns about the two options for development of first nation lands. Could you elaborate a bit more about what concerns or issues you have with the movement towards fee simple, or that kind of development? We've had a number of leaders in here, some of whom are saying that they would like to go in that direction. Then we've had a number, including you and the national chief, who would prefer to stick with the communal land.

Could you elaborate more on the route that is your preference and the preference of your colleagues in seeking economic development, both on your reserve lands and on your traditional territory?

**Chief Angus Toulouse:** Just to add further, speaking from the perspective of first nations in Ontario, what Dave said and what I'm repeating is let's settle up the treaties. Let's start there; that's foundational.

We have a relationship that still exists today. We still see the sun coming up every morning. As long as the sun shines and those rivers flow—and we know those rivers are still flowing—that treaty still exists.

The treaty is one of peaceful coexistence. But it wasn't intended for us to live in poverty, as we see now. We haven't seen the sharing that needs to be part of the implementation of the treaties.

What we're talking about is resource benefit sharing. This is what the first nations have said. We need to settle that first. We need to ensure that we have an understanding of the relationship before we can see our communities lose their land. This is the worry, that first nations will be coerced, or could be leaving land that is not within the collective control of the first nation community. That, again, would be problematic in terms of moving forward.

What I've heard the leadership say is that if we could settle this understanding and relationship, we could move so much further ahead so much more quickly once we understood what the treaty implementation means.

What I've seen in talking to some of the first nation land managers who have bought into that piece of legislation and policy is that they are sort of an anomaly in Ontario because of their geographical situation close to cities, and their being able to take advantage of the economic situations by creating industrial kinds of parks near huge cities like Sudbury, Sault Ste. Marie, North Bay, and so on.

We're hearing those communities say that what's happening to them is that they initially built a capacity, and they need that capacity to continue to be maintained and sustained. What they're seeing is that as more communities are being added to this First Nations Land Management Act, they're losing capacity. That is, even though they recognize that the work still has to get done, another three or four more will see a reduction in the original six that were given the recognition initially to work on the land management aspects of their communities. That's what they've told me their experience is, that they have been able to deal with a lot of the matters economically.

Again, there is not enough. We have 133 first nation communities in Ontario, and we have only six that have been able to take advantage of the piece of legislation and policy. That says a lot.

The issue around having to surrender and having those policies out there like the comprehensive claims policy is impacting a lot of

the B.C. negotiations. The understanding we had when we had the joint first nations and crown gathering recently was that those were the kinds of policies we have to revisit. Those are the kinds of policies that have to be taken away, if you will, in terms of this notion of extinguishment, this notion of surrender.

There has been none of the peaceful coexistence and sharing, which we've always talked about. That's what we want to go back to, those kinds of policies that clearly do not continue to put us in the poverty situations we have in all of our communities, where we don't have potable water or we don't have good housing—Attawapiskat is a good example—or we don't have education facilities. Again, Attawapiskat and a number of northern first nation communities are really good examples of what we believe is a basic human right that needs to be met. It is something that again speaks to the fiduciary obligation of the federal government as we sign treaties.

• (1600)

I hope I'm addressing the question you posed.

**Ms. Linda Duncan:** I think you've addressed it very well.

**The Chair:** You might have 30 seconds left.

**Ms. Linda Duncan:** Okay, 30 seconds.

Mr. Trump, welcome. I'm well aware of your program, having had the honour of being on your board previously.

I'm wondering if you could give us an example. My experience when I was with you was about the work you did on training on safe drinking water, and what you discovered in the course of setting up those programs in first nations communities that led you to develop the programs the way you did.

**Mr. Grant Trump:** Thank you, Ms. Duncan.

**The Chair:** In 20 seconds or less, please. I think other colleagues will follow up.

**Mr. Grant Trump:** I think as a result of Kashechewan and a variety of the other activities that occurred around aboriginal drinking water, it became very clear that in a lot of cases the traditional provincial mechanisms were not working, nor were the circuit rider programs, and there was a real need to look at the establishment of a federal program to look at how we could develop that capacity. That could include DND, because of all the military bases, and aboriginal, those under federal control.

**The Chair:** Thank you, Mr. Trump. I'm sure there will be colleagues who will follow up on that.

Mr. Rickford, for seven minutes.

**Mr. Greg Rickford (Kenora, CPC):** Thank you, Mr. Chair, and I want to thank the witnesses for coming today.

Mr. Trump, my colleague and I will use our first seven and five minutes respecting your time obligations. And of course Chief Toulouse and I are no strangers. He's joined me on a number of occasions to celebrate our government's unprecedented investments in key critical infrastructure projects across northern Ontario. We have had good relations in those regards.

I want to talk about your program and the important work you do in the context of a specific example, because I think it reminds us of just how important this is.

Earlier today I had an opportunity to meet with the industrial stakeholder involved with the Cliffs project. We spoke briefly before the meeting. This represents one of the largest resource opportunities in northern Ontario, and a golden opportunity for first nations communities to be involved.

One I'm thinking of is Webequie First Nation in the great Kenora riding. We're very enthusiastic about getting involved in the CEAA directive from the Minister of the Environment late this fall. I acknowledge that some of the communities that are involved in the Matawa organization may be at odds with that decision, but I support their desire to go ahead in an effective and efficient manner respecting the opportunities that are there and the support that's been provided so far by our government with respect to infrastructure in this regard.

Could you tell me the critical elements of education and training specifically for the environment? The Cliffs project guy and I spoke today about how the government and this industrial partner are going to be involved in addressing Webequie First Nation's primary concern grant, and that was to have real capacity to participate in these environmental processes, which I can only assume help them grow a better understanding of how the whole project would go. Can you address that and talk about these institutional certificates or the flexibility that you might have to train certain community members to become involved in this important process because this is what the community has asked? Please feel free to use the rest of my time—all four and a half, almost five minutes of it—to fill me in on this important program and the work you do.

• (1605)

**Mr. Grant Trump:** Thank you very much.

I agree with you. I believe it's absolutely critical that we form these partnerships on either publicly funded activities or privately funded energy or mining projects. We need to ensure full participation. I point back to the FCSAP program, the federal contaminated sites action plan, which you are all well aware of, which is some \$3.3 billion for the cleanup of federally owned contaminated sites. I sit on that committee, and 60% of those funds, over \$2 billion, will be spent north of 60.

Our organization's comment to that was if we are going to expend in excess of \$2 billion north of 60, shame on us if we don't leave a legacy of trained aboriginal people who could work in a variety of sectors of the economy.

The issue is partnerships, and you will find that industry is willing to partner. Industry contributed some \$12 million to the project I just referred to. As well, I believe the traditional community and the traditional community college system and education system is willing and able to develop programming based on the actual skill requirements of the individuals.

**Mr. Greg Rickford:** Just to interrupt you there, Mr. Trump, is your organization and the work you do nimble enough to respond to moving from the pre-phase to the actual process where the CEA would begin to train community members, for example? You talked about some institutional certificates, college diplomas, and even university degrees in the United States. How can we make this real for communities staring this kind of process down sooner rather than later?

**Mr. Grant Trump:** We develop and document national occupational standards for environmental employment. We do that in very short order, in partnership with organizations and individuals involved in that. They become the national standard we certify against. For example, we just completed and started the certification of professional meteorologists in Canada, in combination with Environment Canada meteorological services.

We're also the only organization in the world—I won't be able to say this for long—that is ISO-accredited to certify greenhouse gas verifiers and quantifiers. So we document the skills, knowledge, and competency required to do CEAs or a variety of those activities. We then document them. We make them available to the public, and we either develop curriculum or have it developed in order to meet those requirements.

**Mr. Greg Rickford:** I spoke with Bill this morning from the Cliffs project. He's obviously a very sophisticated gentleman in an industry that is complex, to say the least. We talked about not only the development of this project, but balancing the environmental issues and the development of the potentially largest chromite deposit in the world, with a sustainability projected at or near 100 years. So we're talking about a future for first nations communities, primarily a community like Webequie, which most meets the direct connection test in terms of its geographic proximity to the epicentre of mining activity.

How can we work together with a specified number of people from the first nations community in an effort to get some capacity there in a process that's going to be a year long? They absolutely need to have this kind of training.

• (1610)

**Mr. Grant Trump:** We would more than willing to work with any group in order to put that together. Of course, it will take some funding—that goes without saying. But building those partnerships is something we have already done. As a result, I believe our mechanism and our standard operating procedures for documenting national occupational standards can be used in this situation, and it could be done in very quick order.

**Mr. Greg Rickford:** Thank you, Mr. Trump. I encourage you to attend the PDAC convention. There will be a lot of great activity there that includes first nations communities presence in a number of these large-scale projects. I appreciate you.

**The Chair:** Thank you, Mr. Rickford.

Ms. Bennett, you have seven minutes.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Thank you very much, Mr. Chair.

First I need to apologize to the witnesses. Last week as part of the committee hearings I had asked and telegraphed that I'd be able to move a motion. Unfortunately, the committee went in camera. I believe very strongly that we should be carrying out our committee business in public. It is the only way Parliament can hold government to account. So I will read that motion now:

That the Standing Committee on Aboriginal Affairs and Northern Development travel to Attawapiskat First Nation no later than March 1, 2012, in order to review and assess the Government of Canada's response to the urgent situation facing that community.



We believe we need to know what's happening. The court has ordered that the funds be released to prepare those sites. The minister has stated that they were never frozen. I think it's extraordinarily important that this committee find out what is actually happening so we can do our jobs as parliamentarians and be able to find out what is indeed the truth.

I have moved that motion.

**The Chair:** Okay, you read it. I just want to confirm that you've now moved it. I think the clerk will be circulating the text of that motion, because time has been given for it to be moved. We have it in both official languages.

We'll now move to discussion on this. It's a little unorthodox, but you have moved it and you have the right to do that. I have a speaking list that's developing.

Mr. Rickford, you're the first on the speaking list. Ms. Bennett has explained her motion.

**Mr. Greg Rickford:** Thank you, Mr. Chair.

It's a bit unfortunate that we have a time-sensitive witness here. We at least could have respected that and then moved into this.

I'm happy to speak to this on the record for the benefit of the committee and the general public, of course, Mr. Chair.

As I've said before in the House and in media exercises with my colleagues, our government's focus has been, and will continue to be, to deliver results for the issues that were identified with respect to this emergency situation as declared by the community. In fact, we have correspondence just prior to that declaration that supports a cooperative relationship in addressing housing needs.

As that developed, there were three primary exercises that we understood needed to be engaged. They included first bringing emergency supplies to the community; secondly, to retrofit a facility that would, in the short term, provide safe and warm shelter for the community—that was identified in full cooperation with the community; thirdly, an important exercise to deliver 22 homes into the community of Attawapiskat. Of course that exercise is still ongoing. We understand that as recently as this weekend a couple of houses have reached or are on the way to the community. There is a blossoming relationship that we hope will continue to ensure that the lots are prepared.

• (1615)

**Hon. Carolyn Bennett:** Is this about my motion?

**Mr. Greg Rickford:** It most certainly is, and I would appreciate it if I could continue without interruption.

The exercise right now critically is for that process to continue, and to support a relationship where the lots are prepared and our minister—

**Hon. Carolyn Bennett:** Point of order, Mr. Chair.

**The Chair:** Mr. Rickford, I'll recognize the point of order from Ms. Bennett.

**Hon. Carolyn Bennett:** If taking the parliamentary secretary's word for all of this was adequate, we would have done that a long time ago. This is a very specific motion about the committee going on a fact-finding mission—

**The Chair:** Ms. Bennett, that's not a point of order.

How it works now is we've launched into a point in which once people receive the floor, they can endeavour to speak as long as they want. I do implore committee members that we do have witnesses and a time-sensitive committee witness, so if there's a way we can move to the vote expeditiously, that would be helpful for all.

Mr. Rickford, you have the floor.

**Mr. Greg Rickford:** I agree, Mr. Chair. It's an unfortunate changing of the channel at this particular time. We would have been happy to accommodate later, in respect of our important witness here.

That said, this is important context and speaks to the substance of this motion.

Where we are at now, and this is factual, is the leader of the opposition and the member of Parliament for Timmins—James Bay have visited the community. In fact, I understand the leader of the third party and this particular member have visited the community. We are in a process right now of supporting the terms of what we always had said we would live up to. That was, of course, to support the three important exercises that were agreed to.

Furthermore, Mr. Chair, I would suggest respectfully that none of us is in a position at this point to assist with what the community really needs, at least as far as I know, and that is to ensure that those lots are prepared for those houses to continue to come up that road. I'm not aware of the ability of the member who tabled this motion, beyond having a great reputation as a physician, as to whether she can assist with preparing those lots. Right now I would suggest respectfully that this is what Attawapiskat needs. Furthermore, they need the support we're giving them, and if there are challenges with respect to preparing those lots, we would be in a position to provide extra support.

To add to that, Mr. Chair, we have resources for the committee that should be respected. We spoke at great length at subcommittee, and I believe in general committee business we're going to be talking about some trips, and I don't think it's available—

**The Chair:** I'll just cut in there. Obviously you know that subcommittee is in camera.

**Mr. Greg Rickford:** Sorry, yes.

**The Chair:** The vast majority are.

Committee members, I implore you not to speak about something that wasn't on the record.

**Mr. Greg Rickford:** Sorry.

Anyway, we have to respect that and respect the process that is currently under way. For those reasons, Mr. Chair, this side of the table will not be supporting this motion.

Thank you.

**The Chair:** Again, committee members, I am hopeful that we can be done with that and go to the vote.

Ms. Duncan.

**Ms. Linda Duncan:** It's funny how you always say that before we start talking.

**The Chair:** I'm just saying I'm hopeful that my list won't grow as you're speaking.

**Ms. Linda Duncan:** I'm just kidding. Okay.

I want to inform the committee that, cognizant of the fact that I knew our colleague would raise her motion again and try to do it in public, I took the time to actually phone Chief Spence. I thought that I should base my decision on whether or not she would welcome the committee travelling to Attawapiskat. The important thing is whether she would welcome us at this time when she has a lot of issues she is dealing with. She informed me today that she would actually welcome us.

I have been clear with some of the members before that I was leery of going right now because they had a lot on their plate. Given the fact that she would welcome us, I would support the motion. But I have been very clear that I welcome the opportunity for all the members to visit a number of the communities along James Bay. And there might be an opportunity to go to Fort Albany and Kashechewan, as well as Attawapiskat. It certainly fits in with the review we are doing. If we do a tour, given the fact that Chief Spence says she will welcome us, I think we should give due consideration to her invitation.

I'll be recommending that our members support the motion.

**The Chair:** I have another member on the list. However, I think we now have an indication as to how everyone is voting. I'm not sure there's anything additional that needs to be on the record. If there is....

Ms. Hughes.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskaing, NDP):** I just want to reiterate the fact that I think this would be a perfect opportunity for us to get a better understanding. We are dealing with land use and sustainable economic development. What better community to go to than Attawapiskat? Here's a community that has done some economic development. We would have a better view of the land use that was done, what has worked and what hasn't worked in that area. Obviously the fact that the community is in dire need at this point shows that there have been many challenges with being able to develop a mine up there, and the lack of resource sharing that has occurred there. So I would actually support this.

•(1620)

**The Chair:** I appreciate those comments. As the motion is written, though, it would not be part of the study. Therefore, there would have to be some modifications to it.

Let's go to the vote right now so we can get on with the meeting today.

(Motion negated)

**The Chair:** Ms. Bennett, we'll return to your time now, and you will continue with your question. Just for your information, you are about two and a half minutes into your time.

**Hon. Carolyn Bennett:** My question is for Chief Toulouse.

I felt that your putting the resource benefit sharing and actually the focus on the treaties ahead of anything else that can happen was very important. It was quite surprising that only six of the communities

have been able to avail themselves of the First Nations Land Management Act.

Just to start, how many of your communities would be interested in a fee simple model?

**Chief Angus Toulouse:** I can't think of one. As an immediate starting point, no.

**Hon. Carolyn Bennett:** Going back to the treaties and working out resource benefit sharing, what would that process look like?

**Chief Angus Toulouse:** What it would look like is understanding what the spirit and intent of those treaties are and what sharing means, what peaceful co-existence means. As an example, in using Attawapiskat, which is what you were just talking about, the chief and the council and the people would recognize that they have a traditional territory that industry is very interested in. They have the De Beers mines. And yet we see the situation; you've seen the situation. It shouldn't be that way.

We know there is much to be said in terms of the royalties and everything else that everybody else is getting rich off, the traditional territories, and we continue to see the problems.

I was speaking with Chief Spence. She recognizes that they're doing a fair bit of work just on the treaty aspect, what we're talking about right now. That's their starting point and that's where they want to go. I think they've been clear in terms of feeling the brunt of blaming the victim. It's not a starting point as far as the chief is concerned, in terms of moving forward, in terms of what we're talking about, in terms of the kind of sharing that has to take place in terms of the economic benefits.

Just last week I was at a gathering where they honoured two people in all of Canada in terms of what's called the Canadian Aboriginal Business Awards. One of them was Greg Koostachin. Guess where he's from? Attawapiskat. There's a lot to be said in terms of certainly some of the success—at least there's one—but there's just so much more that needs to be there.

So they do have a model. They do have a model in terms of the kind of economic activity that could go on. It's not going to happen with the kind of relationship that's there now in terms of sending a third party to a community that has ideas, that has solutions, that certainly wants to provide those recommendations to its people so that the people can certainly be behind any of the economic development activity.

Right now they're mired in basic infrastructure. That's where they're at. They really want to change the issues around education, the issues around potable water and proper housing for their people.

•(1625)

**The Chair:** Carolyn, you only have 30 seconds left if there's something you would like to pass on.

**Hon. Carolyn Bennett:** No, I think that's fine.

**The Chair:** Thank you.

Mr. Clarke, for seven minutes.

**Mr. Rob Clarke (Desnethé—Mississippi—Churchill River, CPC):** Thank you, Mr. Chair.

I'd like to thank the witnesses for coming here today.

Mr. Trump, we've heard about the costs associated for first nation land managers, from travel to accommodations. There is a gamut of costs associated for them to attend the schooling or the education process. I'm curious about the communities. The problems they're facing right now are that some communities have them. Some may have one, two, or three, hypothetically speaking. How are some of these issues being resolved if one leaves and another one takes over?

This is where I'm going with this. How could other first nation communities reduce the costs associated with the training when one community has it and one doesn't?

**Mr. Grant Trump:** Thank you. I think you've brought up an excellent point.

We've looked at and know about the whole concept of economic development officers in first nations and how they fit within the community. Our organization has strongly supported looking at environment or sustainability development officers. Those individuals would then liaise with the schools, liaise with the band and council, deal with issues around water and waste water and issues around solid waste on reserve and adjacent lands.

If we had an individual there with the appropriate skills and knowledge to do that, it would become a much more permanent position. I believe what you're talking about is this movement of individuals back and forth for two or three months, the high turnover rate. As we all know, that is extremely costly. There is no legacy or knowledge left when that individual moves. By creating an environment or sustainability development officer on reserve, that would allow for that full-time position to allow that capacity-building within it and for the community to take responsibility for its own water/wastes and for its own solid waste and other land issues associated with it.

We also know that when you have individuals like that in particular areas such as reserves, it tends to lead to their working with each other between reserves to look at ways in which they can assist each other or help each other.

We do recognize—and I know you recognize—that with the demographics of aboriginal communities we're talking about a population that's very young. As a result, we have to have these mentors who are going to be able to demonstrate to these people how the environment and those environmental activities fit in with their traditional ecological knowledge and with the elders as it moves. That is going to be, in my opinion, what is going to make a difference for the future.

**Mr. Rob Clarke:** When we talk about retention, keeping the first nations members in their communities or keeping them employed, what suggestions do you have for keeping those first nations land managers in place, keeping them in their jobs?

**Mr. Grant Trump:** Retention strategies no doubt require that you keep the individuals' interest and that they feel as though they're making a real difference within their community.

If you have a defined position in which they are in charge of very specific activities around water, waste water, around solid waste.... Liaising with the schools, I would suggest to you, is going to be a major mechanism to retain staff. It's going to be a major mechanism for them to be able to give presentations to band and council and to

the general community about the importance of environmental activities tied to their solid waste and water and waste water.

I think it's going to be a matter of their need to have that knowledge and know they're making a difference and that the position is secure. Their recommendations will become part of the operation of that particular reserve.

**Mr. Rob Clarke:** After the training, what feedback are you receiving from the managers?

**Mr. Grant Trump:** The feedback we get after they receive training, in most cases, is the fact that we have changed their lives. They did not recognize there were these opportunities for them to do these particular activities.

They're able to now go within their family, within their family unit, within their community, and make a difference in that community.

They may well leave, as you pointed out, but we know—and they've told us—that their plan is to go back to their community and to assist their community. I believe we make a tremendous difference in people's lives. We've heard people say they didn't know they could have such a job, that such an opportunity was available for them, and that they could make a living doing that.

It does make a real difference in people's lives.

• (1630)

**The Chair:** You have two minutes.

**Mr. Rob Clarke:** Once they've looked at the first nations lands management career, how many have gone back to university? What types of courses are they seeing? Are they maintaining that same syllabus? What other careers are they looking at?

**Mr. Grant Trump:** There's a whole variety of careers they can move into, whether they be technical, communications, humanities, social science, science, or engineering.

I believe, as well, that we have to recognize that these folks are indeed looking for what they can do in the future and how they can make a difference. As part of this, the environment is the ideal place for them to demonstrate there can be a difference to the younger people within the community. It contributes to the human health and environment of the entire community. Universities and colleges are open to developing curriculum that will meet the particular needs.

As well, we know that a tremendous amount of environmental work is done on reserve and on traditional lands or near traditional lands or crown lands, whether it be impact assessment work and so on and so forth or land use planning. A lot of those plans just end up in a filing cabinet because no one on reserve has the ability to fully understand the legality and the variety of technical information that's in it.

An individual who had that ability would be able to relay that information to the population within the community and indeed make a difference and find considerable economies, instead of hiring another consultant to deal with the first consultant's work, to interpret that particular work.

**Mr. Rob Clarke:** We're looking at more training. I'm just kind of curious: what are first nations communities doing to try to reduce some of the costs associated with training? Are they looking at training one person, or are they trying to get two people trained for the same dollars? What types of mechanisms are in place right now to try to reduce that cost in order to get more people trained?

**Mr. Grant Trump:** Well, I believe we're looking at it in a realistic fashion, and that is, how many could be employed?

**The Chair:** Just a short answer. Maybe that is the answer.

**Mr. Grant Trump:** That is the answer.

**The Chair:** Thank you. I do apologize; we're trying to keep to our timeframes.

Ms. Hughes, go ahead for five minutes.

**Mrs. Carol Hughes:** Thank you.

Mr. Trump, one of the programs that you're offering is land-use planning. Do you work in conjunction with the National Aboriginal Lands Managers Association, and do they deliver your program?

**Mr. Grant Trump:** They do, and we developed a curriculum for their program.

**Mrs. Carol Hughes:** When they were here, we looked at how many people they had trained. It was 68 since 2005, about ten a year, which isn't really a lot, considering the number of first nations out there. I was just kind of curious about that.

You say closer to home. Kenjgewin Teg, the education program on Manitoulin Island—I'm just trying to get some sense as to whether this would be a good program to deliver these closer to home.

**Chief Angus Toulouse:** Kenjgewin Teg.

**Mrs. Carol Hughes:** That's the one. I was just trying to get some sense as to whether that would be best. It's always best to deliver those programs as close to home as possible, and I understand that you said that you'd be willing to look into that.

Turning to the chief now, you spoke about the need to settle treaty claims as a precondition to moving ahead on development issues. I'm just wondering, do you feel that such a development would help focus the conversation we are engaged in with this committee today? Would this help pave the way to addressing the outstanding human rights issues that you indicated stand in the way as well?

**Chief Angus Toulouse:** Let me just say, in terms of the current policy or legislation, which is the First Nations Land Management Act, it requires first nations to acknowledge federal jurisdiction on reserve lands, which is, again, contrary to what we're just talking about, which is the treaty relationship and the concept of shared responsibilities. What first nations have said is we shouldn't have to relinquish jurisdiction, nor should a first nation be forced to surrender or release a treaty or traditional lands in the interests of economic sustainability. Again, it continues to speak to the immoral and coercive nature that's contrary to the federal fiduciary responsibilities.

What we've said is that there have to be measures that support the capacity of first nations to develop and use their lands effectively and sustainably—not by creating legislation or policy without first nation participation at all stages. It's not going to fix the problem if that

continues; it's just going to worsen the situation. We have enough of our own lawyers and policy analysts who have a legal and policy background to assist in the development of these frameworks or policies on land management. So it doesn't make any sense to exclude us, as first nations leadership, in the kinds of decisions that are going to directly impact us at the community level.

• (1635)

**Mrs. Carol Hughes:** I think we're seeing some of those issues coming more to the forefront with the Keystone project right now. We've got a government that's gone to China to push this forward, and yet we have first nations who are saying “Not on our watch and not on our land”. So the success of that project I think would be questionable at this point.

Land claims is something I wanted to touch base on. Can you maybe enlighten us: are you familiar with how many land claims are actually outstanding right now, just in Ontario?

**Chief Angus Toulouse:** I went to a recent Senate committee on additions to reserves, as an example, which speaks to some of the claims that are there. There are over 140 additions to reserves that need to be addressed.

What I said to the Senate committee was that we need to improve and streamline this federal additions-to-reserve policy and the processes that our first nations are having to endure.

I gave the example of Chief JimBob Marsden, from Alderville. He's had proposals in for additions to reserve since 1996—three excellent business propositions. The last one he put forward was a 25-year guaranteed contract with the Province of Ontario to deliver energy. They've got a FIT contract.

**The Chair:** Thank you, Chief. We've surpassed the time, but I'm sure somebody will follow up with that.

Mr. Payne, for five minutes.

**Mr. LaVar Payne (Medicine Hat, CPC):** Thank you, Chair. I'll try to keep on schedule.

Thank you, witnesses, for coming today. You'll have to pardon me; I'm fighting this cold and I have a bad throat.

Mr. Trump, as part of our study we've heard at committee that land-use planning is certainly critical. ECO Canada offers a land-use planning program as part of their training programs.

I wonder if you could describe the land-use planning you have that offers a different approach from the planning programs that are not geared toward aboriginal learners.

**Mr. Grant Trump:** These particular programs were developed in conjunction with the aboriginal community, so there is a tremendous amount of aboriginal input into it, including elders who take part in all of the programming.

It's not just a matter of looking at the western scientific knowledge that is used in a regulatory framework for developing land-use plans and how that fits together. It is a direct incorporation of traditional ecological knowledge, as well, as part of the whole process, and how a lot of those other non-western scientific activities fit into the development of a land-use plan that's much more compatible with the community.

**Mr. LaVar Payne:** Could you maybe describe some of those planning issues that are unique to first nations and how you've incorporated that into your program?

**Mr. Grant Trump:** I don't have that direct knowledge with respect to specifics, but I can tell you that our staff spends a tremendous amount of time bringing together focus groups from across the country. We'll bring together a variety of aboriginal individuals and college and university faculty and government officials who are involved in the land-use plan, and we'll document those competencies, skills, and knowledge that are required. Then we'll go back to take a very special look and ask what traditional ecological knowledge would fit into those particular areas that may not be tied up in the traditional way. Once we have all of those, we then go to a larger focus group across the country to ensure it is compatible and not inconsistent nationally.

Once that is done, the very next step in our process is that we will actually develop the curriculum. We document the curriculum and then put it out for comment and review. That curriculum goes through a validation process.

We all know that change is the rule and not the exception, and as regulatory requirements change and a variety of new technologies come in for looking at land-use planning and other areas, then we find changes. What we end up doing, then, is that about every four or five years we revisit that curriculum. We take a look at it to make certain it is still current and still meets the requirements.

Keep in mind that we don't just prepare student manuals for this, or curriculum that's used by the students. We actually prepare instructors' manuals as well, so the instructors across the country or the people who are giving the program are all singing from the same song sheet, if you will. As well, we have common powerpoint presentations and so on. Again, these are constantly updated, as we see there is a need for change within the community.

• (1640)

**Mr. LaVar Payne:** Does that mean you'll be going back into focus groups again?

**Mr. Grant Trump:** Absolutely.

**Mr. LaVar Payne:** So when you talk about those focus groups right across the country, you are taking into account all of the differences between each first nation?

**Mr. Grant Trump:** That's correct. We look at the common elements that are in there, and then the instructor's manual would give specific elements, if there are specific elements for different regions of the country.

We are a large country geographically, but we're relatively small economically. As a result, looking at the different climatic conditions within the country as well is important in land management and land use.

**Mr. LaVar Payne:** Okay.

Do I have any time left?

**The Chair:** Yes, you have 40 seconds.

**Mr. LaVar Payne:** Okay, quickly, I'm just following up with one of my colleagues' questions in terms of when someone receives training they're often approached by other municipalities and they go off other ways. Do you have any advice for first nations communities as to how they might retain the services of first nations people who are trained by you, so that they stay in their communities?

**Mr. Grant Trump:** That retention strategy is not dissimilar on first nations from what it is in non-first-nations communities. Our research shows right now that the average young Canadian spends on average 2.2 years in an environmental job in Canada. This is not only in aboriginal communities or in first nations, it is certainly across the country. Retention strategies are going to have to be developed, but I would suggest to you that moving is not always bad.

**The Chair:** Thank you, Mr. Trump.

Mr. Genest-Jourdain, for five minutes.

[*Translation*]

**Mr. Jonathan Genest-Jourdain (Manicouagan, NDP):** Good afternoon.

Mr. Trump, I listened carefully to what you said and I read your document. Although the environment was the more constant theme throughout your remarks, I did notice that the programs delivered or sponsored by your organization are often intended to meet the industry's needs. Is training available to first nations and aboriginal communities with respect to the adverse effects of a possible mining operation or the future use of their land resources, before any development or exploration takes place?

[*English*]

**Mr. Grant Trump:** Certainly not all energy extraction or any sort of industrial activity is going to have positive effects on the environment and can be mitigated. So we indeed do look at those particular activities. We talk to the communities. An awful lot of the activities that you will see within our training programs are looking at cleaning up our past sins. These past sins have created very large projects for the Government of Canada and for private sector companies and they've created tremendous potential environmental effects within aboriginal communities.

I believe we're talking about two entirely separate things here. We're talking about mitigating for new projects and ensuring that those new projects have minimal environmental effect and are dealt with in a positive manner, and that the aboriginal people, who are the people most affected by this, have the awareness to be able to develop those particular programs or to bring a stop to them should they see that those projects are not meeting environmental responsibilities or their concerns. Then we have a whole other set of environmental impacts that are past sins, if you will, and looking at how we can do that contaminated site cleanup activity, which is going to go on for at least the next generation or perhaps two generations and could be a tremendous source of revenue and employment within the communities.

•(1645)

[Translation]

**Mr. Jonathan Genest-Jourdain:** In your remarks, you said that CEGEPs offered programs sponsored by your organization. That means you are active in Quebec right now.

[English]

**Mr. Grant Trump:** We are indeed. We've only offered one program in Quebec to date. Our organization actually accredits university, college, technical institute, and CEGEP programs. We send accreditation teams in and accredit them to national occupational standards. We have already completed one CEGEP in Quebec and I believe we have two more on the list for next year.

[Translation]

**Mr. Jonathan Genest-Jourdain:** The First Nations Land Management Act called for a first nations land manager. In addition to this manager, do you think it would be beneficial for communities to have an expert on sustainable development and environmental effects? Do you believe, on the contrary, that this role could ultimately be fulfilled by the same person?

[English]

**Mr. Grant Trump:** Certainly. There are a variety of other areas within the whole sustainable development area, whether they are with respect to solid waste, waste water, potable water, the natural environment, or wildlife preservation. There are a tremendous number of environmental activities. How is this going to tie in, as well, with new alternative and renewable energy sources and with new ways of doing business? And what aspects can we involve the aboriginal people in?

I'll give you an example. We had open discussions with the National Energy Board. In looking at the north, there is discussion of potential drilling in the Beaufort Sea and all across northern Canada. We know, indeed, that there's a potential for spills. Why not create expertise within the indigenous community to deal with oil spills. They could become the experts in that particular area. They live there. They would be there to respond. They could create that niche market, as the Mohawk have done in high steel or as a variety of other organizations have done in Canada. Safety Boss, in Alberta, has done it with oil-well firefighting.

There is the ability to create that expertise, I believe, within relatively rural remote communities. They may have to go to other places to do that work, but their homes will still be in their homeland. And they'll go home to that, as they do in these other communities.

I believe there is going to be tremendous opportunity.

**The Chair:** Thank you so much.

We'll go to Mr. Wilks, for five minutes.

**Mr. David Wilks (Kootenay—Columbia, CPC):** Thank you both for coming today.

My questions are directed towards Chief Toulouse.

With regard to the ATR process and this government's attempts to rectify the issue, we heard testimony from Gilbert Whiteduck last week. You have raised the issue of the capacity to process a proposal

in a timely and effect way. How do you propose that some of these things be addressed? Could you expound upon that, please?

**Chief Angus Toulouse:** I'll use the example of Chief JimBob Marsden of Alderville. In 1996 he purchased some property right beside his first nations community for economic development purposes. What he was wanting to do initially was open up a golf course, figuring that it was the kind of economic activity they needed in the area. They developed it. They did the necessary feasibility work. They came back to the Department of Indian Affairs, but the way the policy and the manual is—it's an 800-page manual—it allows the bureaucrat at the regional office to not recognize the proposal. The problem is that if it's not a category 1 proposal, there is no legal obligation on the part of government to deal with the issue. So what they do is find a way to set it aside and keep the community spinning.

They continued to spin. They continued to work on it.

For this past one, they have a 25-year FIT contract with the Province of Ontario to sell energy back. What they have is solar power. They have the bank ready with the resources in hand to make the transaction and essentially ensure that the project will proceed. The way the manual is set up, again, allows the bureaucrat to essentially sidestep it and allow them to continue to wait to see what's going to happen. There is no real reason the first nation is being denied. They've been told that they need a bank and that they need the money. They have it.

What they've had are situations where the way the policy is set up, it does not allow Ontario.... It is just Ontario I'm talking about, because Ontario first nations are for some reason unique. They do not have a category 1 kind of proposal in Ontario.

•(1650)

**Mr. David Wilks:** Just to add to that, would working on a provincial level affect the process for additions to reserves? You would be working with the province instead. How do you see that?

**Chief Angus Toulouse:** That's been the problem. As far as we can tell right now, it is the federal government, the Department of Indian Affairs or Aboriginal Affairs—I'm not sure what AANDC stands for, but Indian Affairs is how I will refer to it. They are the ones that continue to prevent the economic development from the first nation communities to take place. Again, these are just a couple of examples that I've used.

In the London area, Chief Miskokomon, on the same thing, had a number of proposals. He's made a number of attempts, wanting to create an economic, industrial park outside of London, recognizing there's a major highway that travels in his neck of the woods that he would like to take advantage of. Again, there is no ability for the policy to acknowledge and accommodate their desire to create this kind of economic opportunity.

**Mr. David Wilks:** If I may, because you spoke about category 1, could we speak to category 2 then, with regard to the proposals on additions to reserves on category 2? Could you provide some detail on how these proposals come about and some of the plans for additional lands once they are added to reserve with regard to category 2?

**The Chair:** I hate to do this, but it will have to be 20 seconds or less.

**Chief Angus Toulouse:** There is no category 1 in Ontario. All we have is category 2.

**The Chair:** Perfect. Thank you.

[*Translation*]

Mr. Jacob, go ahead.

**Mr. Pierre Jacob (Brome—Missisquoi, NDP):** Thank you. I am going to start with a question for Mr. Trump since he has to leave soon.

I would like to know, Mr. Trump, whether your program delivery method takes into account the inability of some land managers to travel for training purposes.

[*English*]

**Mr. Grant Trump:** Yes, we do.

A lot of our training is actually done within the community. We actually offer the training within the community for those particular activities. The problem is getting a critical mass of students. How many students do we have? If we only have three or four it becomes quite expensive to do that. When we're talking about some of this training, which for this particular purpose is relatively short, four weeks to 10 or 15 weeks depending upon the program that goes on, I agree, it's very difficult in some cases to move.

We are looking at how we could, if possible and where appropriate, offer this training through electronic means. ECO Canada has a tremendous amount of experience with offering electronic training. We are partners with 33 universities and 26 colleges across this country in an organization called the Canadian Centre for Environmental Education. We offer a full-blown college diploma laddering to a full-blown baccalaureate degree and a full-blown master's degree, 100% online, no residency requirements. We presently have 851 students taking 3,500 courses.

•(1655)

[*Translation*]

**Mr. Pierre Jacob:** Thank you very much.

I would like to know whether first nations land managers have ever told you they have difficulty obtaining funding for land management training.

[*English*]

**Mr. Grant Trump:** To acquire those training dollars is always difficult. We always run into particular problems. In some cases what we look at is a partnership with industry. If there are some particular activities that are going to happen in relative close proximity, then often industry will help to offset costs for those particular activities. Finding those training dollars is not a simple thing to do within the community, I agree with you.

[*Translation*]

**Mr. Pierre Jacob:** Thank you.

The next question is for Angus Toulouse, the Ontario Regional Chief.

Do you feel the laws and regulations are adequate to protect the health of your community? Can you give us any real-life examples of problems that have come up in your community as a result of existing regulations, as well as ways they could be improved?

[*English*]

**Chief Angus Toulouse:** The regulations and legislation to protect the health of our first nations...we haven't seen it. We have the Indian Act, which has been around since 1876. This is a piece of legislation that was supposed to protect first nations and to ensure the health and well-being and education of our people. Twenty-eight years behind, with a huge gap, I don't think it's there.

What I think we want to keep saying is that we need to support the capacity of first nations to develop and use their lands effectively. The only way we can do that is by doing joint development of policies and legislation. We need to not have unilaterally developed policies and legislation. Trying to impose them on our first nations communities doesn't work.

That's what I've been saying since...well, not I have been saying, but what the first nations leaders have been saying since 1876. My ancestors are coming through me, reminding me that this has been the problem.

Some of the big educators—the global institutions, such as the Schulich School of Business—recognize that we have to change the way curriculum and resource development takes place. They're saying that there is a new way of doing business, and that's recognizing the United Nations Declaration on the Rights of Indigenous Peoples. That's foundational in terms of the curriculum, in terms of the way first nations need to be dealt with. And first nations rights have to be acknowledged and recognized. As people are recognizing how development will take place in Canada, they recognize that things have changed, that we have a—

**The Chair:** Thank you. I'm going to have to jump in here, Chief, and I apologize.

We want to have one last questioner before we let you go, Mr. Trump. We're thankful for your time and appreciate it.

Mr. Seeback.

**Mr. Kyle Seeback (Brampton West, CPC):** Chief, I have a couple of questions for you.

I want to pick up on one of the things you mentioned earlier. You talked about six of 33 first nations entering into the FNLM in Ontario. Is that people who have completed the process, or just the people who have actually applied to enter into the FNLM regime?

**Chief Angus Toulouse:** I just want to correct you. It's six out of 133. There's a big difference between 33 and 133.

**Mr. Kyle Seeback:** I thought I said 133, but....

**Chief Angus Toulouse:** It's six out of 133. To be fair, there are five additional communities that are in some process or part of this first nations land management.

**Mr. Kyle Seeback:** Five are in the process or have applied; six have completed the process. Is that accurate to what you're saying?

• (1700)

**Chief Angus Toulouse:** Yes. Those six that have completed are saying that they have found, since these five have been brought on, that their capacity has diminished, because the pot of resources has not changed. All that happens is that once more are added, those six are going to lose more capacity, and the next five are going to lose more capacity as more first nations....

They have a finite amount of resources specifically for first nations land management—whatever that policy is.

**Mr. Kyle Seeback:** Just to be clear, we're talking about 11, if we combine them, out of 133.

**Chief Angus Toulouse:** Six are operational—

**Mr. Kyle Seeback:** And five are in the process or have applied. Have none of the others applied to be in the FNLM regime?

**Chief Angus Toulouse:** That's as far as I know; that's the only data I have. I haven't talked to all of the 133 communities to tell me which ones had entertained it.

Let me just give you an example. I was chief of my community for six terms. When this came out, there was an interest initially, until we realized what we had to give up, which is essentially allowing federal jurisdiction. We said that doesn't make sense. If this is about us taking over and ensuring that we have the capacity, why are we making it clear that the federal jurisdiction would come in and prevail?

Our council said no; they were not interested. There are many first nations, I would suggest, that have the same kind of issue with the current policy, the way it stands.

**Mr. Kyle Seeback:** You talked a little bit today about ATRs and some of the problems and some of the other experiences. Can part of the problem be generically referred to as third-party encumbrances? Is that an issue that you see comes up frequently in the ATR process?

**Chief Angus Toulouse:** In the specific example that I gave—

**The Chair:** Pardon me. I have to jump in here. I do apologize. We want to be mindful of Mr. Trump's time. I'm going to suspend the meeting for a few minutes so that members can greet Mr. Trump as he's leaving. We'll come back and it will be Mr. Seeback's time to complete. Mr. Trump has a plane to catch.

Thank you so much for being available to us, and thanks so much for your testimony today. We have really appreciated it.

**Mr. Grant Trump:** Thank you so much for having me. It has been my pleasure, and you all have my coordinates. Please feel free to give me a call. I'd be pleased to help you in any way I can.

Thank you.

• (1700)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1705)

**The Chair:** Mr. Seeback, we'll continue the meeting. I do apologize for cutting in there. I just wanted to be mindful of Mr. Trump's time. I do apologize.

Chief, we'll give you some time not on the clock to just refresh where you were, if you recall.

**Mr. Kyle Seeback:** Great. So I was talking briefly about ATRs and issues with third-party encumbrances, things like hydro easements, gas lines, and other things like that.

Have they been an impediment to the ATR process in Ontario, in your experience?

**Chief Angus Toulouse:** I'll use the example of Alderville, since I've used it a couple of times. Chief JimBob Marsden has advised that in his approach, understanding and recognizing that there are municipalities nearby, he has had 100% support of his additions to reserve.

What he's saying now is that since 1996 he has had support, but recently there was an election and he's recognizing that support may not be as total as he has had in the past with his economic development. But he recognizes that's something that he's going to deal with. Again, at some point—I think that's what he's saying—there may be some need to do further work, but in the two proposals and before this last election, he had 100% support.

He recognizes that to go through it again, he doesn't know what level of support he would have, as much as he would love to say that he still has the 100% support of the municipalities nearby where he has the FIT contract.

In Chief Miskokomon's case, it's a little bit more complex. He's saying the municipality is essentially saying there is a tax burden that needs to be met. The first nation has met those things, but what they're saying.... What the chief has said is that he can understand having to cover that for one or two years, but he's saying that we've been going on and on and on, and it's the regional office. He's been in the courts for 17 years trying to get this recognized as an addition to his reserve. He's saying he's been paying and they can't afford it.

He's saying the federal government needs to be the one that picks up after a point in time if there is no movement on their ability to add to the reserve. These are outstanding issues that he's saying are policy issues.

**The Chair:** Thank you.

Mr. Seeback, your time has expired. I do apologize, but that's the reality.

Ms. Hughes, you have five minutes.

**Mrs. Carol Hughes:** Thank you very much.



If you wanted to continue, I'm okay with that. I did have some questions.

Again, it fell with the ATR because we had Margaret Buist, director general of lands and environmental management from the Department of Aboriginal Affairs, who basically indicated that additions to reserve policy and the associated procedures are time-consuming, expensive, and complex. We had Chief Whiteduck talk about that as well and the difficulties and barriers they face in dealing with the Department of Aboriginal Affairs and Northern Development, and he noted that more money for the Department of Aboriginal Affairs and Northern Development is not the solution.

Instead he was saying he felt they could work more effectively and efficiently. Chief Whiteduck told us about the case of I think three-tenths of an acre that took four years to settle. He said nobody has ever asked first nations for input on how to improve Aboriginal Affairs.

Would you like to comment on that, on how important that would be for first nations to have input on some of the challenges they are facing with the Department of Aboriginal Affairs?

**Chief Angus Toulouse:** Absolutely. Legislation without first nation participation at all stages will not fix the existing problem. Let me just say that. It is not going to fix the existing problem if we're not part of the whole process of correcting, improving, and streamlining the federal additions to reserve policy and process.

The biggest problem is that it is a document that's been there for quite some time. I believe that there may have been some minor revisions, again without first nation participation, back in the early part of 2000.

The first nations continue to give examples of how they are chasing their tails because of civil servants interpreting, from their point of view, what the manual says and what the policy says. There is a huge requirement for any community that tries to go through it to have quite the legal capacity to deal with it, because there's a lot of cross-referencing. There is just so much complication, if you will, in trying to ensure that the steps asked for are followed. And when you don't have any capacity at the community level to ensure that you are following every single step the way it is supposed to be done, if you miss a step, or if you fail to recognize a step, it is just a reason to send it back.

This is the experience they have had over and over and over again. Chief Miskokomon tells me, as I said, that they have been in court for 17 years trying to get this matter resolved that would allow the addition to their reserve so that the economic development can take place.

● (1710)

**Mrs. Carol Hughes:** I know, for example, that Thessalon has been trying to come to terms with the government on a land claim. But this has had a negative impact on the Municipality of Huron Shores, as well.

I just want your view on this with respect to the impact on economic development, not only for that first nation but for the community as well. There are other first nations that are in a similar situation. I wonder if you'd like to comment on that, because you talked about the treaty land, and until that is basically resolved....

**Chief Angus Toulouse:** Yes, I recall talking with Chief Bisailon of Thessalon some time ago, and he told me the situation of their economic development project. As soon as people get wind that there is a claim or a potential claim, any land or any business or any kind of development the first nation pursues triples or quadruples. It just puts the cost totally out of reach as soon as they know that a government claim may be settled with the first nation community.

A lot of their economic ventures, ideas, are not as feasible as they once were when there was clear recognition that there was going to be, again, support that would take place with regard to the local economy. In most of the first nation communities there is no real, hard business. They really depend on the local municipality to provide the construction material, housing, or whatever it may be. So there is a huge benefit, but as soon as the municipalities are aware that there is a claim, the property and the businesses that were initially looked at become unfeasible. This is what happens when you prolong the development of a business for more than 15 years. Things will change. Times change. The scenario and the individuals change in relation to the potential joint development or a specific development.

**The Chair:** Thank you, Chief.

Ms. Bennett, we'll go to you now.

The Conservatives have indicated that they'll drop one of their questions for the third round, so we'll go directly to Ms. Bennett. We'll then go to Mr. Rickford, and that will complete the third round.

**Mr. Greg Rickford:** It's Valentine's Day.

**The Chair:** It's Valentine's Day, that's right.

**Hon. Carolyn Bennett:** You're being nice to the red party on Valentine's Day. That's very nice.

**The Chair:** That's right.

**Hon. Carolyn Bennett:** You mentioned third-party management. Seeing that this is a study on land management, I wonder if you would speak to the efficacy of third-party management and whether you think that after the first nations and crown gathering, things like what is going on right now in Attawapiskat are helpful in terms of third-party management, co-management, and your experience in watching what happens in those situations.

● (1715)

**Chief Angus Toulouse:** It's sad, again, to see a first nation being blamed and again being the victim in third-party situations.

A lot of times the federal government invokes the third-party rule when there are insufficient resources at the community level to manage the challenges there. In the case of Attawapiskat, we all know and recognize the huge costs of living, the huge costs of transporting material there for construction.

We all recognize that even way back, when they set up the reserve to begin with, the elders of the day had wanted to pick different spots, something more feasible to the longevity of their existence in the area. They thought that Kashechewan was an example because the waters entered into a bay and this was where they would put the community. Again, that was certainly not with the support of the first nation, but what were they going to do back then when the Indian agent said this was where they were going to build the housing?

It was in the low flood plain. They recognize that 20 or so kilometres up the stream is a much more viable community settlement. They know that. But they haven't been listened to. And again they're going to force infrastructure development in an area that will cause future flooding. This is the nature of what they know, the traditional ecological knowledge of their territory.

That continues to happen, again without the kind of consultation that really needs to take place when the federal government makes unilateral decisions that are going to impact them and also the costs to the community.

The other thing I need to say is that as much as there have been reports of billions of dollars arriving at the first nation communities, and the public wondering how we have the situations we have, it doesn't arrive in the first nation communities. There are 633 first nation communities. There is a huge bureaucracy that has grown over a period of time. I'm not sure if it's 3,000 or 5,000 civil servants. We don't have those kinds of public civil servants in our first nation communities. We wish we did. We would have the capacity to certainly deal with many of the issues and challenges we have.

If you were to add up all of the contribution arrangements that first nations sign with the federal and provincial government, I would bet they don't tally to more than half—and I think I'm being generous when I say half—of what's being purported to be a first nation expenditure.

**The Chair:** You have about 30 seconds.

**Hon. Carolyn Bennett:** I guess in view of the defeated motion I would like to put notice of motion on the table now: that the committee invite Chief Theresa Spence; co-manager Clayton Kennedy; members of the council of Attawapiskat First Nation; Grand Chief Stan Louitt, of the tribal council; third-party manager Jacques Marion, of BDO Canada; and officials from Aboriginal Affairs and Northern Development Canada to appear before the committee and provide an update on the status of efforts to address the state of emergency confronting the community, no later than March 16, 2012.

**The Chair:** If your office would forward that to the clerk, it could be translated and over the appropriate amount of time be distributed to committee members.

Thank you for serving notice of that.

We'll turn to Mr. Rickford as the last questioner of the day. We'll turn it over to you for five minutes.

•(1720)

**Mr. Greg Rickford:** Thank you.

Again, Chief Toulouse, thank you for coming here today. I appreciate very much your input specifically around ATR and

fairness. We all recognize and accept that more work needs to be done in this area, and you and Chief Whiteduck have helped fill out some space. Thank you for that.

I have to say that it's a bit unfortunate that you don't share my view, having shared the stage with me on a number of occasions for critical infrastructure projects in a number of communities in northern Ontario, that there are not robust activities with respect to the province, the federal government, and first nations.

I can only share the sentiments of dozens and dozens of chiefs across northern Ontario, particularly in the great Kenora riding, who are very pleased with the progress we've made in a couple of key areas. I appreciate that you were there to celebrate a number of those, particularly with respect to some of the new schools that have been built in that region. I thank you for that.

I'm just going to finish today by addressing a couple of remarks you made with respect to the Ring of Fire and the Matawa—I think you described it as a “situation” that we would all know.

My understanding might be slightly different, so I want to get a couple of things clarified here.

Chief, have you met with the Cliffs project folks on this matter, yes or no?

**Chief Angus Toulouse:** No.

**Mr. Greg Rickford:** Have you had a chance to sit individually with the communities under this organization with respect to the positions of some communities pertaining to this matter, that a joint review panel ought to be put in place rather than what the minister has directed, which is the comprehensive environmental assessment?

Have you met with the communities individually?

**Chief Angus Toulouse:** Yes.

**Mr. Greg Rickford:** Okay.

Finally, Chief, you probably know, having met with all the chiefs and councils of Matawa, that Webequie, which is at the epicentre of these activities, wants to participate in a comprehensive environmental process, and they've approached me about the plan for that. We were very pleased to hear from Mr. Trump. I think we need to get to work quickly to ensure that community members have the instruments that are available to them to participate in this process.

Do you then support Webequie First Nation's desire to proceed in the comprehensive environmental assessment process?

Yes or no, Chief, is all I need.

**Chief Angus Toulouse:** No, I need to correct the earlier one.

You said “Have you met with communities?” Then you said “Have you met with all of them?”

No, I have not met with all of them, Mr. Rickford. But if I can—

**Mr. Greg Rickford:** Have you met with Webequie? If you haven't, that's fine.

**Chief Angus Toulouse:** What's your question, Greg?

**Mr. Greg Rickford:** My question, Chief, is have you met with Webequie First Nation—

**Chief Angus Toulouse:** Have I met with the council of Webequie? No, I have not.

**Mr. Greg Rickford:** —with respect to this?

**Chief Angus Toulouse:** I have not met with the council of Webequie, no.

**Mr. Greg Rickford:** That's fair enough. I just wanted to know what his position was with respect to the comprehensive environment assessment.

**Chief Angus Toulouse:** I know their position on that, if that's what you're asking me.

**Mr. Greg Rickford:** No.

**The Chair:** Thank you.

Well, I think we've come to the conclusion of the meeting.

Ms. Duncan has a point of order.

**Ms. Linda Duncan:** I think the witness is wanting to elaborate on his answer, and I think he should have the opportunity to do that.

**The Chair:** Unfortunately, the time has now exceeded our.... We have some things we need to get through, and unfortunately, if we start on the fourth round of questioning, we will then be in a position in which we can't complete the—

**Mrs. Carol Hughes:** With all due respect, we have the witness here. I think he should finish his statement, and then we can go to the business.

**The Chair:** I'm certain that if colleagues have questions, we'll have a few minutes with.... Certainly people can meet individually, if they need a clarification. I'm certain that people have that opportunity before votes.

**Hon. Carolyn Bennett:** I would like to think that I'm clear with the—

•(1725)

**The Chair:** Ms. Bennett, I'm sorry. I just need to get through a few things. If there are points of order, I will recognize them. If there's just general conversation, we do need to get through a few things.

**Hon. Carolyn Bennett:** Can we just ask the chief, then, to table the rest of his conversation with the committee?

**The Chair:** Folks, I am trying to be respectful of everybody's time. We're wasting a fair bit of it at this point in time. If colleagues have questions, when you are recognized you can ask them. Please don't turn your microphones on and off individually. It makes it difficult for not only us as a committee to understand what's going on but also the technical teams.

Colleagues, there are a couple of things you need to know. Thursday's meeting is going to be held here. I just want committee members to be mindful of the fact that this room is where we will meet when we are not in teleconference. When we're having teleconferences, we'll probably be at 131 Queen Street. So just continue to be mindful that the room may change, depending on who the witnesses are. It will be here on Thursday. We do have witnesses. We will be meeting as a committee to discuss committee business for the last 15 minutes of that. There's a report from the subcommittee that will be brought forward to the committee. That's the first thing.

The other thing is, colleagues, sad news to share with you that for Marlisa, one of our trusted analysts, this is her last formal meeting. We do appreciate the work she has done for the committee. She tells me she will be available to us if we need her, and Tonina will call her in from time to time.

Thank you for your service. We do want to recognize not only that you have done good service but obviously that you are being recognized within your unit as well. There's a promotion that you've been given, so we want to give you thanks for your time here. Congratulations on your new posting and new position. We know you will do well.

**Some hon. members:** Hear, hear!

**The Chair:** Absolutely. You will be missed. We appreciate your service.

The meeting is adjourned.

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