

Appendix I

Indigenous Communities Consultation Record



Greenhouse Road Reconstruction and Extension
Indigenous Communities Consultation Record

Indigenous Communities - Comment Tracking							
Indigenous Community	Date	Name	Response Method	Message	Outgoing Study Team Response	Response Date (If applicable)	Action/Notes
Six Nations of the Grand River (SNGR)	N/A	Dawn LaForme	Email	N/A	Good Morning Dawn, The Township is undertaking an Environmental Assessment for the extension and urbanization of Greenhouse Road in Breslau. I've attached the notice of study commencement as well as the public consultation centre notice, which both provide additional information on the project. Can you please advise if the Six Nations of the Grand River are interested in reviewing any archeological reporting as well as attending any field work? I apologize for not getting this project notice over to you sooner. Please reach out with any questions or concerns. Thank you, Ryan Tucker	2023-04-12	Issued the Notice of Commencement and Notice of Public Consultation Centre
Six Nations of the Grand River (SNGR)	N/A	Dawn LaForme	Email	N/A	Good Morning Dawn, I wanted to reach out again to see if the Six Nations of the Grand River are interested in reviewing any archeological reporting as well as attending any field work in relation to the Greenhouse Road Reconstructiton project? Thank you, Ryan Tucker	2023-07-06	
Six Nations of the Grand River (SNGR)	2023-07-06	Tanya Hill-Montour	Email	Good morning Ryan SNGREC has interest in the reviewing the Archaeological assessments. Not sure the status of this project Nia'wen ko:wa (thankyou) Tanya Hill-Montour SNGR Archaeological Supervisor 226.388.0665	Good Morning Tanya, I appreciate the response back on the project. The project team has undertaken a stage 1 archaeological review for the site, and I have the report still in draft form. I will have my consultant send the report for your review and comments. We do not have any archaeological field work planned at this time, but I will keep you informed if any is required. Please let me know if you require any additional information on the project. Thank you, Ryan Tucker	2023-07-06	
Six Nations of the Grand River (SNGR)	2023-07-06	Tanya Hill-Montour	Email	Ryan, Super, yes I will review the assessment at no cost, have it send to me. Thanks for the quick response ☺ Nia'wen ko:wa (thankyou) Tanya Hill-Montour		N/A	Stage 1 Archaeological Assessment Report shared with SNGR on July 6, 2023 via separate email
Six Nations of the Grand River (SNGR)	N/A	Tanya Hill-Montour	Email	N/A	Tanya, I've attached the Stage 1AA for your review. Please let us or Ryan know if you have any questions at all. Thanks, and have a great night, Steve	2023-07-06	
Six Nations of the Grand River (SNGR)	N/A	Tanya Hill-Montour	Email	N/A	Good Morning Tanya, I just wanted to reach out to see if your team has had a chance to review the stage 1 archaeological reporting for Greenhouse Road? I am attempting to bring a recommendation report to Woolwich Council in September, and your comments on the archaeological reporting would be appreciated. Thank you, Ryan Tucker	2023-08-22	
Six Nations of the Grand River (SNGR)	2023-08-22	Tanya Hill-Montour	Email	Good morning Ryan , Thank you for reaching out and following up. At this time, SNGREC has no comments or concern upon review of the stage 1 AA Greenhouse Road report. We do have interest in participation of the stage 2. Nia'wen ko:wa (thankyou) Tanya Hill-Montour	Good Morning Tanya, Thank you for getting back to me. If we undertake any stage 2 work for Greenhouse Road I will reach out ahead of time and coordinate to have field liaisons present. Thank you, Ryan Tucker	2023-08-22	No comments on the Stage 1 Archaeological Assessment Report. The Township will engage SNGR if any future stage 2 work is undertaken for the Project.
Six Nations of the Grand River (SNGR)	N/A	Dawn LaForme	Email	N/A	Good Morning Dawn, Please find attached the notice of study completion for the Greenhouse Road Reconstruction and Extension Environmental Assessment project. The project file will be available for review starting on Friday March 28th on the Townships engagement platform (https://www.engagewr.ca/greenhouseroad-ea). Should any archaeological investigation work be required for the project during detailed design and construction, I will make sure to contact you to discuss having a field liaison representative attend the archaeological field works. Please let me know if you have any questions or concerns about the project. Thank you, Ryan Tucker	2025-03-24	Issued the Notice of Study Completion prior to commencement of the 30-day review
Six Nations of the Grand River (SNGR)	2025-03-24	Tanya Hill-Montour	Email	Thank you Ryan, no questions at this time Nia'wen ko:wa (thankyou) Tanya Hill-Montour		N/A	
Mississaugas of the Credit First Nation (MCFN)	N/A	Adam LaForme	Email	N/A	Good Morning Adam, The Township is undertaking an Environmental Assessment for the extension and urbanization of Greenhouse Road in Breslau. I've attached the notice of study commencement as well as the public consultation centre notice, which both provide additional information on the project. Can you please advise if the Mississaugas of the Credit First Nation are interested in reviewing any archeological reporting as well as attending any field work? I apologize for not getting this project notice over to you sooner. Please reach out with any questions or concerns. Thank you, Ryan Tucker, P.Eng.	2023-04-12	Issued the Notice of Commencement and Notice of Public Consultation Centre

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Mississaugas of the Credit First Nation (MCFN)	2023-04-12	Adam LaForme	Email	Good Afternoon Ryan, Thank you for providing the project information and confirming MCFN's interest in this project. MCFN would like to participate by reviewing all Archaeological Assessments associated with the project and by having Field Liaisons Representatives participate in the Archaeological Fieldwork. Please find attached the agreements that cover MCFN's participation in the upcoming fieldwork and the review of Archaeological reports related to the project. The costs associated with this involvement reflect a number of expenses not visible at first glance: payment for the FLRs themselves, Meals, Mileage, operational costs for DOCA, and efforts to engage the community to garner feedback on development projects. If you could please fill in the additional required information, highlighted in yellow, and return to us a signed copy so that we may arrange for FLR participation on your project, that would be greatly appreciated. Once signed agreements are in place, DOCA generally arranges scheduling and other related matters directly with the consultant conducting the fieldwork, unless you prefer otherwise. If you have any questions or concerns about this process please contact me. Kind Regards, Adam LaForme (he/him) Archaeological Operations Supervisor	Good Afternoon Adam, Thank you for providing the draft agreements for Township review. Previously, the Township negotiated the attached agreement when conducting field work for the Breslau Connector Road project. I'm wondering if the MCFN would be willing to adjust the current FLR requirement as per the previous agreement to 1 FLR on site for up to 9 people? I also didn't see a mileage rate on the updated agreement. Is the mileage lumped into the hourly rate now? Thank you, Ryan Tucker, P.Eng.	2023-04-28	
Mississaugas of the Credit First Nation (MCFN)	2023-05-05	Adam LaForme	Email	Good Afternoon Ryan, Apologies for the delayed response. Yes we would be willing to reduce the number of FLRs required to one for up to 9 people. Yes Mileage is lumped into the hourly rate now as is any overtime or holiday rates. If you have any other questions please feel free to contact me. Kind Regards, Adam LaForme (he/him)	Adam, Thank you for getting back to me. I'm wondering if you would be available for a quick call this week to discuss the MCFN's engagement on Township projects? Thank you, Ryan Tucker, P.Eng.	2023-05-23	
Mississaugas of the Credit First Nation (MCFN)	2023-05-23	Adam LaForme	Email	Good Afternoon Ryan, I am available to talk at any time tomorrow. Kind Regards, Adam LaForme (he/him) Archaeological Operations Supervisor	Good Afternoon Adam, Would 3:30pm work? I can call you on your cell phone if that works for you? Thank you, Ryan Tucker, P.Eng.	2023-05-23	
Mississaugas of the Credit First Nation (MCFN)	2023-05-23	Adam LaForme	Email	3:30 pm works great. Thank you, Adam LaForme (he/him) Archaeological Operations Supervisor	Good Afternoon Adam, Thank you for taking the time last week to discuss the FLR and Document Review agreements. I wanted to follow up to see if you have had a chance to discuss potentially undertaking a yearly FLR and Document Review agreement that would cover all Township projects needing Indigenous Consultation? Thank you, Ryan Tucker, P.Eng.	2023-05-31	
Mississaugas of the Credit First Nation (MCFN)	N/A	Adam LaForme	Email	N/A	Good Morning Adam, I'm just reaching out again to see if you have been able to discuss a yearly agreement with your supervisors? I would like to move forward with the agreements, as we have at least one stage 1 archaeological report to review with the MCFN at this time. Thank you, Ryan Tucker, P.Eng.	2023-06-13	
Mississaugas of the Credit First Nation (MCFN)	N/A	Adam LaForme	Email	N/A	Good Morning Adam, I hope this email finds you well. I'm still wanting to move forward with the FLR and document review agreements. Have you had a chance to discuss with your supervisors a standard agreement with the Township? Thank you, Ryan Tucker	2023-06-27	
Mississaugas of the Credit First Nation (MCFN)	2023-06-27	Adam LaForme	Email	Good Morning Ryan, We will not be able to proceed with one agreement for all projects. However we can agree on a template agreement, that would get signed for each individual project. Thank you, Adam LaForme (he/him) Archaeological Operations Supervisor	Good Morning Adam, Please find attached the signed document review agreement in relation to Greenhouse Road. Can you please sign and send back the fully executed version. If we need to undertake any field work, I will provide the FLR agreement at that time. I will also work to issue you a purchase order for the Stage 1 Arch review, which is the only document for MCFN review at this time for Greenhouse Road.	2023-06-27	Separate formal agreement developed.
Mississaugas of the Credit First Nation (MCFN)	N/A	Adam LaForme	Email	[Refer to Outgoing Study Team Response]	Good Morning Adam, I'm just following up to see if you have had a chance to get the document review agreement signed on your end? I need the executed agreement in order to issue a purchase order. Thank you, Ryan Tucker	2023-07-06	
Mississaugas of the Credit First Nation (MCFN)	2023-07-19	Adam LaForme	Email	Good Morning Ryan, Apologies for the delay. Please find the attached signed agreement for your records. Kind regards, Adam LaForme (he/him)	Good Morning Adam, Thank you for providing the executed agreement. Can you please let me know who I should coordinate with for the stage 1 archaeological review, and I will get them the draft report. I will also work to get a purchase order issued for the review as well. Thank you, Ryan Tucker	2023-07-19	
Mississaugas of the Credit First Nation (MCFN)	2023-07-19	Adam LaForme	Email	Hi Ryan, You can send the report to me. I will have one of our licensed Archaeologist review it. Thank you, Adam LaForme (he/him)	Adam, Please find attached the draft stage 1 archaeological reporting for Greenhouse Road. Please let me know if you have any comments or concerns. Thank you, Ryan Tucker	2023-07-19	Stage 1 Archaeological Assessment Report was shared for feedback.
Mississaugas of the Credit First Nation (MCFN)	2023-08-25	Adrian Blake	Email	Good afternoon Ryan, Thank you for sharing this Stage 1 archaeological report with us at MCFN-DOCA. I have finished reviewing this report on behalf of the Nation and do not have any concerns or comments for you about the contents of the report. Do you know yet if the lands to be impacted by the restoration have been identified yet, and if they overlap with areas of archaeological potential as identified in the report?	Good Afternoon Adrian, I appreciate your comments on the stage 1 archaeological assessment. Reconstruction works for Greenhouse Road are not proposed outside of the disturbed areas identified in the stage 1 reporting. Should road widening occur south of Kramp Road in the future, additional archaeological work will be required at that time. Thank you, Ryan Tucker	2023-08-25	The Township will engage MCFN if any future stage 2 work is undertaken for the Project.

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Mississaugas of the Credit First Nation (MCFN)	2023-08-30	Adrian Blake	Email	Ryan, Thank you for this information. I will file the project away now that there is no more planned archaeology work. Best regards, Adrian Blake, MSc. (he/him) Field Archaeologist	N/A	N/A	
Mississaugas of the Credit First Nation (MCFN)		Adam LaForme		N/A	Good Morning Adam, Please find attached the notice of study completion for the Greenhouse Road Reconstruction and Extension Environmental Assessment project. The project file will be available for review starting on Friday March 28th on the Townships engagement platform (https://www.engagewr.ca/greenhouseroad-ea). Should any archaeological investigation work be required for the project during detailed design and construction, I will make sure to contact you to discuss having a field liaison representative attend the archaeological field works. Please let me know if you have any questions or concerns about the project. Thank you, Ryan Tucker Engineering Project Supervisor	2025-03-24	Issued the Notice of Study Completion prior to commencement of the 30-day review
Haudenosaunee Development Institute	N/A	info@hdi.land	Email	N/A	Good Morning, The Township is undertaking an Environmental Assessment for the extension and urbanization of Greenhouse Road in Breslau. I've attached the notice of study commencement as well as the public consultation centre notice, which both provide additional information on the project. Can you please advise if the Haudenosaunee Development Institute is interested in reviewing any archeological reporting as well as attending any field work? I apologize for not getting this project notice over to you sooner. Please reach out with any questions or concerns. Thank you, Ryan Tucker	2023-07-06	Issued the Notice of Commencement and Notice of Public Consultation Centre
Haudenosaunee Development Institute	N/A	info@hdi.land	Email	N/A	Good Morning, I'm just following up on my original correspondence from July to see if HDI has any interest in the Environmental Assessment being undertaken for Greenhouse Road in Breslau, Ontario. I've attached the notices issued for the project to date. Thank you, Ryan Tucker	2023-08-31	
Haudenosaunee Development Institute	2023-08-31	Joshua Detlor	Email	Good Afternoon Ryan, We can confirm receipt of your communications of July 6, 2023 and August 31, 2023 regarding the Municipal Class Environmental Assessment for the Greenhouse Road Reconstruction and Extension Project in Breslau, Ontario. Given that the Haudenosaunee Confederacy Chiefs Council (HCCC) has vested the Haudenosaunee Development Institute (HDI) with the authority to represent the Haudenosaunee on matters relating to land development, it is indeed crucial that HDI participate in this process. As part of this process, we request the Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist for First Nation and Métis Community Interest as well as any supporting documentation that substantiates the Town of Woolwich's positions arising from this checklist. Such materials are essential for our comprehensive understanding of your stance and the measures you have taken to protect and consider the Treaty rights and interests of the Haudenosaunee. We anticipate meaningful engagement on the Environmental Assessment and its implications for Haudenosaunee Treaty rights. Please forward the requested documents at your earliest convenience. Sincerely, Joshua "Sategat" Detlor Policy and Technical Analyst Detlor Law <L-2023-09-12-Township of Woolwich_Greenhouse Rd MCEA_HDI-60683946.pdf>	Good morning Joshua, Thank you for confirming receipt of previous communications. Please find attached letter with the requested checklist and additional project information. The supporting draft Project File documentation summarized in the letter can be downloaded at the link below. Download Link - Draft Project File We look forward to hearing back from you. Thank you, Samantha Zandvliet	2023-09-12	Provided checklist and draft Project File for review
Haudenosaunee Development Institute	2023-09-22	Joshua Detlor	Email	Greetings, I am writing to you on behalf of the Haudenosaunee Development Institute to express significant concerns about the GreenHouse Road Reconstruction Project, which falls under the area historically covered by the Nanfan Treaty of 1701. We have received the Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist that you have shared, and we find it deeply concerning that the Town of Woolwich has created this checklist without engaging the Haudenosaunee. We would like to inquire how the Town of Woolwich undertook the necessary engagement on the checklist without involving us. Your responses to the questions posed by the checklist indicate a significant lack of understanding of Haudenosaunee rights and interests. Your project is in close proximity to the Grand River, a significant water body, alongside other pertinent natural features, and covers areas that impact our treaty rights. Furthermore, we have no evidence to suggest that any of the subject land has been legally surrendered by the Haudenosaunee. We wish to conduct a treaty rights-based environmental review. However, the Province of Ontario has not provided the necessary resources for such an initiative to be meaningful, particularly in the light of historical inequities. In addition to the Greenhouse Road Reconstruction, we note that there has been no engagement with the Haudenosaunee on other ongoing projects such as: 1.Barnswallow Drive Reconstruction Project 2.Breslau Wet Well Upgrades - Class Environmental Assessment 3.Consolidated Operations and Maintenance Facility - Class Environmental Assessment 4.Duke Street Reconstruction 5.East Side Lands Sanitary Servicing Class Environmental Assessment 6.George Street, High Street and Charles Street Reconstruction Project 7.Greenhouse Road Reconstruction and Extension Project - Class Environmental Assessment 8.Greenhouse Road Structure 400172 Environmental Assessment 9.Halter Avenue, Isley Drive and Notre Dame Avenue Reconstruction Project 10.Industrial Drive Reconstruction 11.Jigs Hollow Road Improvement 12.Peel Street Bridge Pedestrian Conversion 13.Three Bridges Road and Henry Street - 2023 Paving Program 14.Union Street and Howard Avenue - 2023 Paving Program 15.Water Street and Young Street Inflow and Infiltration Remediation Project The current Township of Woolwich is within areas historically delineated by the original Waterloo historic boundary. The acquisition of Waterloo Township as Block 2 involved a process fraught with illegality and fraud, contravening the law against perpetuities and thus rendering any subsequent land dispositions null and void. Given the nature of these historic transactions, it is abundantly clear that this land was never surrendered by the Haudenosaunee. We have never relinquished the use of the land or our right to acquire property on it. This reality mandates the highest level of engagement, especially considering that both Nanfan and Haldimand rights are at play. By sending this message, we formally put on the record our concerns and insistence for immediate and meaningful engagement. We wish to sit down and discuss these matters and how they may be reconciled in detail. Kindly share three possible dates and times for such a meeting at your earliest convenience Sincerely, Joshua Detlor Policy and Technical Analyst Detlor Law	Good Morning Mr. Detlor, I appreciate your correspondence in relation to meaningful engagement on Township of Woolwich capital projects. I will discuss your request for a meeting internally, and provide you some available dates later this week. Thank you, Ryan Tucker	2023-09-25	Township to provide potential meeting dates with HDI
Haudenosaunee Development Institute	2023-09-25	Joshua Detlor	Email	Good morning Ryan, Thank you for confirming receipt of our message, we look forward to further updates. My regards, Joshua Detlor.	Good Afternoon Mr. Detlor, I've provided a few dates and times below that the Township is available to meet and discuss engagement on Township capital projects. 1.October 17th – Afternoon 2.October 18th – Afternoon 3.October 19th – Afternoon 4.October 23rd – Morning Please let me know if any of the above dates work and I can work to arrange a virtual meeting. If your preference is for an in-person meeting, please let me know your preferred location and we can work to arrange a date and time. Thank you, Ryan Tucker	2023-10-10	Township to schedule meeting once acceptable dates provided by HDI

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Haudenosaunee Development Institute	2023-10-10	Joshua Detlor	Email	Greetings Ryan, Thank you for this communique. I can confirm receipt of the dates and times you have provided. I will discuss internally and get back to you once we have decided on an amicable date. Regards, Joshua Detlor.		N/A	
Haudenosaunee Development Institute	2023-10-13	Joshua Detlor	Email	Good Afternoon Ryan, I hope this finds you well. After some internal dialogue, we have identified Thursday, November 2nd, at 10am as the date and time that works best for our team. This meeting would be in-person and could take place at any of the Town of Woolwich's offices within the Region. Please let us know if this would be amicable to you and your team for this necessary meeting. Regards, Joshua Detlor Ecologist Detlor Law	Good Afternoon Mr. Detlor, I am very well, thanks, and hope you are as well. I appreciate you providing a date and time that works for HDI to meet, unfortunately the Township is undertaking an emergency training exercise for management staff during your proposed date and time. I've provided additional dates and times that would work for the Township, hopefully one of these will also work for HDI. 1.November 1st – 9am to 11am, or 1pm to 3pm 2.November 7th – 9am to 11am 3.November 8th – 9am to 11am 4.November 9th – 9am to 11am Thank you, Ryan Tucker	2023-10-13	Township to schedule meeting once acceptable dates provided by HDI
Haudenosaunee Development Institute	2023-10-13	Joshua Detlor	Email	Good afternoon Ryan, Thank you for getting back so quickly! November 1st from 9am to 11am works well for us. We look forward to a fruitful meeting. Regards, Joshua Detlor Ecologist Detlor Law	Good Afternoon Mr. Detlor, I appreciate your confirmation that HDI is available on November 1st, from 9am to 11am. I will send out a meeting invite to the recipients of this email. Would it be possible for you to provide an agenda ahead of the meeting, so that we ensure that topics are not missed? The Township looks forward to meeting representatives from HDI and having a productive first meeting. Thank you, Ryan Tucker	2023-10-13	Township to coordinate meeting with HDI
Haudenosaunee Development Institute	2023-10-13	Joshua Detlor	Email	Greetings Ryan, I can confirm receipt of your meeting invite for November 1st from 9am to 11am. I will discuss internally the creation of a tentative agenda to help guide our first meeting. Regards, Joshua Detlor Ecologist Detlor Law		N/A	
Haudenosaunee Development Institute	2023-10-17	Joshua Detlor	Email	Greetings Ryan, Please find below the agenda for our upcoming November 1st, 9-11am meeting: 1.Opening 2.Brief overview of Haudenosaunee Treaty Rights 3.Brief overview of the Town's obligation to engage with the Haudenosaunee 4.Acknowledging the present and historical lack of engagement 5.General overview of capital projects planned or being undertaken by the Town and specifically the Greenhouse Road Reconstruction project 6.Rights-based engagement with First Nation and Métis Communities under the municipal class EA companion guide 7.Issues arising from the Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist for First Nation and Métis Community Interest for the Greenhouse Road Reconstruction project 1.How and when is this taking place—is the Greenhouse Road Reconstruction Projecg going to be placed on hold until it is 8.Advancing reconciliation 9.Next meeting 10.Closing Regards, Joshua Detlor Ecologist Detlor Law	Good Afternoon Mr. Detlor, Thank you for your October 17th email. The Township looks forward to meeting with yourself and fellow representatives from HDI on November 1, 2023 at the Township's main office (located at 24 Church Street West, Elmira, ON). Given that this is the first meeting, the Township would be grateful if you can advise whether HDI intends to be joined by legal counsel. If so, the Township will need to know in advance, as the Township would then need to ask it's external legal counsel to join the meeting to provide assistance with specialized legal issues that HDI's legal counsel may raise. The Township has also reviewed the proposed agenda provided in your October 17th email. The Township of Woolwich is committed to advancing reconciliation. Further, Township officials will be receptive, and are happy to listen to HDI's overview of the HCCC/HDI's history, contemporary governance, and asserted rights. However, in response to the proposed agenda, please note that: 1.For the purposes of the November 1st meeting, the Township is not prepared to engage with HDI representatives in relation to all capital projects listed below. 2.Rather, the Township is prepared to consult with HDI representatives in relation to the specific Greenhouse Road Reconstruction project, in line with the procedural consultation delegation of MECP, being the Crown decision-maker in the Municipal Class Environmental Assessment context. 3.The Township is also interested in discussing the potential for entering Field Liaison Review agreements with the Township in the Municipal Class EA context to facilitate on-the-ground archeological investigations. The Township has entered like agreements with other Indigenous communities and groups. The Township looks forward to having a productive first meeting. Thank you, Jared Punne, C.E.T. Good afternoon Mr. Detlor,	2023-10-25	
Haudenosaunee Development Institute	2023-10-25	Joshua Detlor	Email	Greetings Jared, Thank you for this communique! I can advise that I do not intend to be joined by legal counsel at our November 1st meeting. Now onto your comments regarding the agenda. Firstly, we are in agreement with respect to the scope of our upcoming November 1st meeting—engagement regarding the Greenhouse Road Reconstruction project and not the entire capital projects list. Concerning your Field Liaison Review comment, we have a Monitoring Agreement which I believe touches on many of the same areas. I will bring a template copy of the Monitoring Agreement as a starting point for discussion. We likewise look forward to a fruitful first meeting. With kindness, Joshua Detlor Ecologist	Good afternoon Mr. Detlor, Thank you for your response and clarity. Sincerely, Jared Puppe, C.E.T. Director of Infrastructure Services Township of Woolwich	2023-10-25	

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Indigenous Community	Date	Name	Response Method	Message	Outgoing Study Team Response	Response Date (If applicable)	Action/Notes
Haudenosaunee Development Institute	2023-11-01	Joshua Detlor, Raechelle Williams, Todd Williams, Aaron Detlor (virtual), Kasey Atcheynum (virtual)	In Person Meeting	Minutes from Meeting: November 1, 2023 – 9:00 am to 11:00 am – Doodle Hummel Boardroom, 2nd Floor Minutes – Township of Woolwich and HDI Initial Meeting Attendees: Jared Puppe, Township of Woolwich Ryan Tucker, Township of Woolwich Joshua Detlor, HDI Raechelle Williams, HDI Todd Williams, HDI Aaron Detlor, HDI – Virtual Kasey Atcheynum, HDI – Virtual 1.Opening •Joshua provided an opening for the meeting, spoken in Mohawk •Ryan provided brief housekeeping items (emergency procedures and washroom facilities) 2.Brief overview of Haudenosaunee Treaty Rights •Joshua provided explained that HDI asserts that there are information in relation to the two (2) treaties that would relate to projects undertaken within the Township of Woolwich •1701 Nanfan Treaty – undertaken to provide economic use and benefit •1784 Haldimand Treaty – undertaken to provide a place to live 3.Brief overview from HDI of the Town’s obligation to engage with the Haudenosaunee •HDI has concerns that the Township of Woolwich has not been engaging on capital projects, based on the Provincial Policy Statement (section 1.2.2) •Provincial Policy Statement (section 1.2.2) – “Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.” •The Township informed HDI that it typically receives a letter of acknowledgement when undertaking environmental assessments, which directs which Indigenous Communities to engage through the project, Township will provide the acknowledgement letter for Greenhouse Road to HDI for their review. •HDI provided an example on a planning item that they were not consulted on, being the Townships Official Plan •HDI provided an example on a planning item that they were not consulted on, being the Townships Official Plan •Township discussed the Region of Waterloo’s Official Plan, explained that the Region usually takes the lead on Indigenous engagement, and explained that Woolwich’s Official Plan is a part of that overall process 4.Greenhouse Road Reconstruction project overview •HDI brought up specific species that have cultural heritage significance to the Haudenosaunee •Snapping turtles are used to construct traditional instruments (rattles) •Seeds from Mayapple flowers are used for rattles as well •The Haudenosaunee were the first to utilize sugar maple sap •Urbanization has pushed traditional pickers to move north to find suitable harvest areas •Every species is a part of Mother Earth and impacts to the natural environment can have unanticipated impacts 5.Rights-based engagement with First Nation and Métis Communities under the municipal class EA companion guide •Greenhouse Road Reconstruction Project engagement oHDI requested an update on the project status/engagement moving forward oThe Township intends to move forward with engaging HDI to ensure that HDI’s asserted and/or existing Treaty and/or Aboriginal Rights are understood and accommodations can be made for their relation to the Greenhouse Road Class EA project 6.Issues arising from the Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist for First Nation and Métis Community Interest for the Greenhouse Road Reconstruction project •The Township originally misunderstood the request to provide the MCEA checklist, and issued a filled in checklist to HDI following the request •Moving forward, the Township will consult Indigenous communities and complete the checklist with input Indigenous communities. This will provide additional details to the project team that may impact the overall project. 7.Advancing reconciliation •HDI discussed meeting based engagement, which would require capacity funding (costs to be discussed at a later date) •HDI discussed field monitors and associated agreement (HDI to provide previous agreement with the Township, as well as a new drafted agreement for Greenhouse Road) 8.Next meeting •Next meeting scheduled for November 23rd, 2023 9am to 11am at Woolwich Administration Building •The Township voiced willingness to attend the meeting at a venue of HDI’s choosing, understanding the HDI came to Woolwich for the first meeting. 9.Closing •Joshua provided a closing for the meeting, spoken in Mohawk		N/A	
Haudenosaunee Development Institute	2023-11-02	Joshua Detlor	Email	Greetings Jared and Ryan, I hope this finds you well! I am grateful for our productive meeting towards meaningful engagement earlier today. On a personal note, I also commend your individual commitments to learning. I can confirm that the Township of Woolwich has acknowledged the need and expressed a willingness for engagement with HDI regarding the Greenhouse Road Reconstruction project. I can also confirm that the Township acknowledged the need to provide resourcing for engagement to be meaningful; the specifics of which are to be discussed at a subsequent meeting. I can confirm that the Township has expressed interest in entering a Monitoring Agreement with HDI; which will also be discussed at a subsequent meeting. The most recent Monitoring Agreement template is attached below. Raechelle has also offered to share a previous Monitoring Agreement between HDI and the Township; which can be sent as a reply to this email. I can confirm that the Township of Woolwich has offered to provide the documentation shared with them by the Ontario Ministry of Environment, Conservation, and Parks regarding engagement mandates for the Greenhouse Road Reconstruction Project; which can be sent as a reply to this email. I can confirm that a date for our next meeting has been set for November 23rd, 2023 from 9am-11am at the same location as the November 1st meeting. I look forward to continuing the process of engagement together. With Kindness, Joshua Detlor Ecologist Detlor Law	Good Morning Mr. Detlor, Thank you for meeting with Township staff on November 1st, and sharing HDI’s comments in relation to the nations that HDI represents, the rights asserted by HDI, and the Greenhouse Road Class EA project generally. Thank you as well for providing a copy of the proposed capacity assistance Agreement. Further to the November 1st meeting, please see the following enclosures: i. Draft Meeting Minutes of the November 1, 2023 meeting (please provide any comments to the Township by November 21st, if possible); and ii. Copy of the MECP Acknowledgement letter for the Greenhouse Road project; and iii. A revised copy of the proposed Greenhouse Road Class EA-related Agreement between HDI and the Township with respect to capacity assistance for Field Liaison Representative monitoring and archeological report reviews. The Agreement provided by HDI has been reviewed by Township staff, along with the Township’s external legal counsel. Proposed revisions are provided for HDI’s review. Note: Two versions of the revised copy are provided, including a copy showing track changes, and a copy with track changes accepted for ease of review. As discussed at the November 1st meeting, Township staff are happy to meet with HDI representatives on November 23rd at Township Offices, as planned. However, please note: i. With respect to substantive discussions, Township staff will only be prepared to discuss the Greenhouse Road Class EA, and the continued negotiation of the prooosed ii. Further, as indicated before the November 1st meeting, Township staff understand that it is the mutual desire of both HDI and the Township not to include legal counsel Accordingly, please confirm that legal counsel for HDI will not be in attendance once again (as he temporarily was). Should HDI wish to invite legal counsel to the November 23rd meeting, the Township’s external legal counsel will also be required to attend. Should legal counsel join a meeting notwithstanding another ‘no legal counsel’ agreement, Township staff will be required to end the meeting. iii. Finally, there were discussions at the November 1st meeting in relation to on-going ‘meeting-based engagement,’ and associated capacity funding. While the Township is willing to provide funding for Field Liaison Representative monitoring and the review of Project-related archeological reports, the Township is not able to provide capacity funding for continued meetings. Should the need for a subsequent ad hoc meeting (i.e., a meeting unrelated to the negotiation of the proposed FLR/AR Agreement) arise during the course of the Project, the Township may consider a subsequent meeting. The Township looks forward to receiving comments from HDI in relation to the revised draft Agreement. The Township also looks forward to participating in another productive meeting on November 23, 2023. Thank you, Ryan Tucker	2023-11-16	
Haudenosaunee Development Institute	2023-11-09	Raechelle Williams	Email	Sge:no Jared, Please disregard the section of HDI sharing a past agreement with the Town of Woolwich. During my search through my emails I realized I had mistaken your Township with the Township of Wellesley, which is who we had entered into an agreement with in the past. Please note, this framework and monitoring agreement we enter will be the first process towards building a relationship with a Nation and Township. Nya:weh, Raechelle Williams HDI Environmental Supervisor Haudenosaunee Development Institute		N/A	

Greenhouse Road Reconstruction and Extension
Indigenous Communities Consultation Record

Indigenous Community	Date	Name	Response Method	Message	Outgoing Study Team Response	Response Date (If applicable)	Action/Notes
Haudenosaunee Development Institute	2023-11-16	Joshua Detlor	Email	Greetings Ryan, I can confirm receipt of this message. We are discussing internally. Regards, Joshua Detlor Ecologist		N/A	
Haudenosaunee Development Institute	2023-11-17	Aaron Detlor	Email	Good Afternoon Mr. Tucker: Thank you for your email of November 16, 2023. I can confirm that we have not agreed or stated that it is the desire of HDI to not include legal counsel where and when HDI deems it necessary and appropriate. The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on: Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit. Can you please advise if the Crown has advised that Crown duties are triggered in relation to this project. Also please advise that we are specifically asking the Crown to participate commencing immediately as they appear to have delegated without ensuring the funding has been put in place to make engagement meaningful. For greater clarity the EA process is unable to address a rights based engagement unless the EA process can accommodate and mitigate issues related to infringements of rights and interests. I am unaware of any capacity within the EA process to assess rights, the value of rights and/or the compensation or justification to make the infringement of rights lawful. Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows: 1.In Phase 1 was any discretionary engagement undertaken to understand the problem in the context of Haudenosaunee rights and issues? 2.In Phase 2 was engagement undertaken with the Haudenosaunee to properly and accurately inventory social, economic and environmental matters which necessarily include Haudenosaunee rights and interests 3.In Phase 2 I would like to know how and when alternative solutions were identified in the context of Haudenosaunee rights and interests as captured by impacts on the environment and the mitigating measures that have been identified and communicated 4.In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee Can you advise if the Companion Guide/User Manual First Nation checklist was completed and if so please provide a copy. For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach. For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach. If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights. Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received. I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation. I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process? Even if it were to be given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice (https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process) or the Province's guidance set out at: Environmental assessments: consulting Indigenous communities (https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities). If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out an clarify any issues that require attention. Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required Finally if Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate. Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email. We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above. Regards, Aaron Detlor p.s. I am available to discuss the above with your external counsel if and when they are retained. pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meet its PPS and Growth Plan obligations on this project	Mr. Detlor, SmithValeriot Law Firm LLP is legal counsel for the Corporation of the Township of Woolwich. I am assisting with this matter, along with my colleague, Kevin Thompson (carbon copied). We have reviewed your correspondence to Ryan Tucker, dated November 17, 2023, in response to his email to Josh Detlor, dated November 16, 2023. While substantive comments will be forthcoming, please note the following. Given that HDI was aware that legal counsel was engaged (see the comments of Mr. Tucker in his November 16, 2023 email), please note that directly corresponding with Township staff (a represented party) is both inappropriate, and in violation of Rule 7.2-6 of the Rules of Professional Conduct. Please ensure that all future correspondence from HDI's legal counsel is sent directly to our offices, barring which our offices will need to notify the LSO. With respect to your comments regarding the inappropriate inclusion of legal counsel in the November 1st meeting, we would note the following: i)On October 25, 2023, Jared Puppe sent an email to Josh Detlor, stating: ... the Township would be grateful if you can advise whether HDI intends to be joined by legal counsel. If so, the Township will need to know in advance, as the Township would then need to ask it's external legal counsel to join the meeting to provide assistance with specialized legal issues that HDI's legal counsel may raise.. ii)On October 25, 2023, Josh Detlor sent an email to Jared Puppe, stating: ... I can advise that I do not intend to be joined by legal counsel at our November 1st meeting... iii)While Mr. Thompson and I did not attend the meeting given this assurance, we are advised that you inappropriately attended the meeting, leaving our client in a situation where only one (1) party was joined by legal counsel. The Township remains happy to meet with HDI officials: (i) to consult with respect to the Greenhouse Road EA project pursuant to the MECP delegation; and (ii) to negotiate the terms of an agreement re. capacity assistance for FLR participation, and the review of archeological reports. Note, however, that the Township is not The Township remains happy to meet with HDI officials: (i) to consult with respect to the Greenhouse Road EA project pursuant to the MECP delegation; and (ii) to negotiate the terms of an agreement re. capacity assistance for FLR participation, and the review of archeological reports. Note, however, that the Township is not prepared to discuss any further matters at this time. Furthermore, if you (or any other LSO licensees) plan to attend such a meeting, lawyers from our offices will need to attend. Given that we understood that lawyers would not be attending these meetings, we are unable to attend the meeting scheduled for November 23, 2023: i.e., we have a scheduling conflict. Accordingly, if legal counsel intends to participate (which appears to be the case given your email), the November 23rd meeting will need to be rescheduled. Thank you, Jamie	2023-11-11	
Haudenosaunee Development Institute	2023-11-22	Jamie Cockburn	Email	Mr. Detlor, I write further to my email of November 20, 2023. Can you please advise whether the meeting is proceeding tomorrow: i.e., whether HDI officials intend to attend at Township offices without legal counsel to discuss the Greenhouse Road Class EA project? Again, if you or other legal counsel intend(s) to attend, we will need to reschedule. If this is the case, we would be grateful if you can please provide available dates for yourself and participating HDI officials. Thank you, Jamie		N/A	Meeting did not occur
Haudenosaunee Development Institute	2023-11-22	Joshua Detlor	Email	Greetings Ryan, I hope this finds you well. On November 17th, 2023, HDI outlined several concerns related to the lack of meaningful, rights-based engagement on behalf of the Township of Woolwich regarding the Greenhouse Road Reconstruction Project. I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique. I am proposing that we reschedule the upcoming November 23rd, 2023 meeting, as HDI team members and legal counsel who would like to be involved in the process of ameliorating the unfortunate circumstances created by the Township are unable to attend on November 23rd. We can sit down and have a meeting when we have a response to the Township's failure to engage meaningfully and in a rights-based manner. By the Township's current approach, we have no resources available to attend the meetings that are being contemplated, we have been given no indication that the Township will provide resourcing to make engagement meaningful. This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement. HDI remains committed to meaningful, rights-based engagement on all projects impairing, infringing, or otherwise impacting Haudenosaunee Treaty rights; including the proposed Greenhouse Road Reconstruction project. Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.	Good Morning Josh, The Township responded to the correspondence from your solicitor, Mr. Aaron Detlor, on November 28th, 2023. To date, we have not received any written comments on the draft agreement provided to HDI for capacity funding in relation to archaeological fieldwork and document review. The Township has engaged with HDI via written correspondence and an in-person meeting, and has agreed, in principal, to provide certain funding to aid in document and field oversight for archaeological works associated with the Greenhouse Road Reconstruction and Extension project. Unfortunately, HDI does not seem interested in moving forward with entering into an agreement with the Township, as HDI represents that the Township will use the agreement in place of meaningful engagement (despite language in the draft agreement stating otherwise), and HDI continues to demand capacity funding to finance on-going correspondence and meeting-related engagement (which the Township cannot provide). The Township remains willing to meet with HDI officials. Can you please provide some dates and times that HDI would be available to undertake another meeting, as you suggested in your email? I will work to coordinate with Township and legal staff and determine what date works for all parties. Also, please advise if you would like to undertake the meeting virtually, or in person, and the preferred venue. The Township of Woolwich requests formal correspondence from HDI that specifically describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDI's concerns with the project. Thank you, Ryan Tucker	2023-12-07	
Haudenosaunee Development Institute	2023-12-07	Aaron Detlor	Email	To date there has been no engagement where funding has not been provided to make discussions meaningful Aaron		N/A	

Greenhouse Road Reconstruction and Extension
Indigenous Communities Consultation Record

Indigenous Community	Date	Name	Response Method	Message	Outgoing Study Team Response	Response Date (If applicable)	Action/Notes
Haudenosaunee Development Institute	2023-12-07	Aaron Detlor	Email	Dear Mr Tucker We are not asserting anything ..we hold established s35 protected rights over the subject area and have not surrendered our interests 8n the land. We have advise that the proposed project will disturb our rights contrary to treaty promises. If anyone is 'asserting' anything it is Woolwich who have provided no evidence of any delegation from the Crown or evidence that we have surrendered our interests in the and to the land . This land belongs to the Haudenosaunee and Woolwich have not proved otherwise. We are happy to sit down with Woolwich so it can provide us with evidence of its assertion that it has the authority to impair Haudenosaunee rights We look forward to hearing from Woolwich and receiving the delegation of authority to engage from the Federal and Provincial Crown as well as the prima facie assessments Also we will take all of the phase 2 work that was undertaken on the treaties that was required to be undertaken at phase 2 of the mcea		N/A	
Haudenosaunee Development Institute	2023-12-07	Aaron Detlor	Email	If Woolwich can't fund engagement then engagement will not proceed ...we are not obligated to pay out of our pockets for Woolwich or the crown to meet their obligations And if there is no engagement then Woolwich cannot legally proceed with the project		N/A	
Haudenosaunee Development Institute	2023-12-07	Aaron Detlor	Email	Aaron Josh Send off a note to Mr Tucker that we will be exercising treaty rights how and when we deem appropriate over the subject areas If they need notice as to how and when we will be exercising rights then confirm with me Tucker who we should notify Thanks Aaron		N/A	
Haudenosaunee Development Institute	2023-12-07	Joshua Detlor	Email	Dear Mr. Tucker, I am writing on behalf of the Haudenosaunee Development Institute (HDI) concerning the Greenhouse Road Reconstruction and Extension project. Please be informed that the Haudenosaunee will exercise our established s35 protected Treaty rights over the affected areas of this project as deemed appropriate by our governance. The exercise of these rights is integral to our sovereignty and stewardship of the land. Our rights in these lands are non-negotiable and unyielding. If the Township of Woolwich requires specific details on the timing or nature of the exercise of Treaty rights, please direct your inquiries to Aaron Detlor. It is our expectation that the Township will meaningfully engage with us in a manner that fully acknowledges and respects our Treaty rights. We trust that this notification is received with the seriousness it warrants, and we look forward to constructive, meaningful engagement on this matter. Sincerely, Joshua Detlor Ecologist		N/A	
Haudenosaunee Development Institute	2023-12-18	Aaron Detlor	Email	Dear Mr. Tucker and Mr. Brenneman: Attached please find the Municipal Engineers Association - Municipal Class Environmental Assessment User Guide. Please note that the Town of Woolwich has failed to engage consistent with the User Guide and in particular A.3.7. At the same time the Township of Woolwich has failed to engage consistent with the Provincial Policy Statement (1.2.2) and/or for example the Greater Golden Horseshoe Growth Plan. We can advise that we are opposed to the project in its entirety where the project will impair, infringe, and interfere with established s.35 rights held by the Haudenosaunee which include but are not limited to free and undisturbed use of the subject lands. On this particular parcel of land we have no indication that the Township Woolwich has come into lawful possession of the property on which the project is proposed. We remain open to sitting down with the Town of Woolwich to discuss how and when funding will be provided to undertake the Indigenous Communities Consultation Plan which we understand should be "flexible and take into consideration the preferences of Indigenous Communities with respect to consultation ..." As discussed funding is required for our participation to be meaningful and we are prepared to discuss how and when funding will be provided by Woolwich and/or the Province of Ontario. Regards, R. Aaron Detlor		N/A	
Haudenosaunee Development Institute	2023-12-18	Aaron Detlor	Email	Good Evening Mr. Brenneman: As a follow up I can advise that I am now in possession of the MCEA User Guide and in particular "Section 2 MCEA User Guide Notes". I would be happy to sit down with you and your counsel (Mr. Cockburn and Mr. Thompson) for an hour or so, free of charge, and walk them through the User Guide Notes including the MEA Clarification March 2023 Enhanced Consultation and Best Practices. In relation to this matter please provide us with a copy of the correspondence or email from the Township of Woolwich to the Regional EA Coordinator. I would also draw your attention to the MCEA User Guide Notes at page 9 which I have reproduced for your ease of reference: A.3.7.5 It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly. Again in the spirit of the season I would be happy to walk Mr. Tucker and his counsel through the MCEA User Guide at your offices. Regards, Aaron Detlor	Mr. Detlor, We have reviewed your emails sent to Ryan Tucker and David Brenneman on December 18, 2023. Please refrain from sending correspondence from counsel to Township staff (including previously uninvolved personnel such as Mr. Brenneman). All future correspondence from counsel should be directed to myself and Mr. Thompson. Our offices will provide a substantive response to your comments in due course. Thank you, Jamie	2023-12-19	
Haudenosaunee Development Institute	2023-12-19	Aaron Detlor	Email	Dear Mr. Cockburn: Thank you for your email. I am not sending the Township of Woolwich correspondence by way of my role as counsel. I am sending as Kanienkehaka (Mohawk) and as a delegate of the Haudenosaunee Confederacy Chiefs Council. As a treaty beneficiary and rights holder I am taking an approach to engagement that the PPS and the MCEA have clearly set out and which are directed at advancing the goals of reconciliation. For greater certainty and clarity I have not been retained by to act on any matter. I will continue to communicate with the Township of Woolwich as our treaty relationship requires. If the Township of Woolwich wishes to forward my emails to your attention in the belief that retaining your firm is the best approach to advancing a treaty based relationship then I will leave it to the Township's judgement but will reserve the right to point out that this approach appears to run contrary to the letter and spirit of, inter alia, the MCEA User Guide. Again I am available to sit down with you at your convenience and walk you through the User Guide, the relevant legislation and the applicable jurisprudence. Seasons greetings, Karihwahyontari Aaron Detlor	Mr. Detlor, Thank you for your email. We note that: i)You are listed with the Law Society of Ontario as a lawyer licensee: LSO# 40420W; ii)Rule 7.2-6 of the Rules of Professional Conduct dictates that lawyer licensees cannot communicate with an entity if they are represented by a legal practitioner; iii)Whether or not a lawyer licensee is retained by the entity for whom they speak is not relevant to the operation of Rule 7.2-6; as you know, the requirements of the Rules of Professional Conduct regulate the conduct of lawyer licensees even when they are not acting for a client; iv)As the Township has not consented to you communicating directly with staff (and in fact, has demanded that you direct such correspondence to the Township's counsel), you are in breach of Rule 7.2-6 of the Rules of Professional Conduct. Given the foregoing, you (and all other lawyer licensees associated with HDI) are directed to direct all future correspondence to our offices' attention, barring which a report will need to be filed with the Law Society of Ontario. Your anticipated cooperation is appreciated. Jamie Cockburn	2024-01-09	

Greenhouse Road Reconstruction and Extension
Indigenous Communities Consultation Record

Indigenous Community	Date	Name	Response Method	Message	Outgoing Study Team Response	Response Date (If applicable)	Action/Notes
Haudenosaunee Development Institute	2024-01-10	Aaron Detlor	Email	Good Afternoon Can we please have a copy of the Township's decision to retain your firm. Note as well that 7.2-6 refers to a 'person' and not an entity and I am not certain that a creature of the Crown can delegate its engagement obligations to legal counsel without first having undertaken some type of prima facie assessment. In any event, if you would like to jointly raise this with the LSO I would be pleased to participate. I would like to understand how and when the Rules of Professional conduct could be interpreted to remove by "Indian status" where this type of disenfranchisement has been attempted on a number of occasions. Regardless we still have no substantive response from you or the Township on the refusal to follow the MCEA process including Section 2 Notes which confirm that: A.3.7.5 It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly. Regards, Aaron Detlor		N/A	
Haudenosaunee Development Institute	2024-01-30	Aaron Detlor	Email	Good Afternoon: We await your reply as to how and when engagement will be commenced on this Project and we renew our request further to A.3.7.5. We note specifically that the subject lands have not been surrendered. I believe you advised on or about December 19, 2024 that your office would provide a substantive response in "due course". I think we may have a differing understanding of the definition of "due course". We patiently await your response in the context of the 400 or so years we have been waiting for for the Crown to act honourably. Regards, Aaron Detlor		N/A	
Haudenosaunee Development Institute	2024-01-30	Aaron Detlor	Email	Good Afternoon To further assist you and your client with respect to the drafting of substantive response I have attached the following for your ease of reference: https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Indigenous-Relations/Indigenous-Municipal_Relationship_Agreements_Guidance_Document_20211129.pdf Regards, Aaron Detlor	Aaron, Ryan Tucker has prepared a response to Josh, which you were copied on this morning. We are hoping that productive dialogue and meaningful consultation may continue at the staff level, and that our firm will only be involved as needed. Should you have any question, by all means reach out to us, but Staff have now had the chance to put together a fulsome response based on the information we have to-date from HDI, and we expect that ongoing consultation can occur with minimal involvement from us. Regards, Kevin Thompson	2024-02-23	
Haudenosaunee Development Institute	2024-02-23	Joshua Detlor	Email	Good Morning Josh, The Township also remains committed to meaningful engagement on the Greenhouse Road Environmental Assessment project. To ensure that HDI is in possession of all of the project documentation, I have set up an online repository that will allow HDI to download all reports and notices for the project, please see details below. FTP Download Instructions 1.Go to ftp.woodrich.ca (please use filezilla client or use ftp on command line base utility), a user name and password box will appear. Enter the username: GHRoad and password: HDIaccess 2.Follow the instructions on the screen. To view this FTP site in Windows Explorer, click Page, and then click Open FTP Site in Windows Explorer." 3.Once the new Windows Explorer screen has opened, copy the information from your system and paste it into the FTP site window. If you have any issues with access please feel free to reach out and the Township will work to troubleshoot or provide the documents a different way. Greenhouse Road Environmental Assessment Documents Provided for HDI Review and Comment 1.Conceptual Drawings 2.Desktop Cultural Heritage Screening Report 3.Environmental Impact Study 4.Fluvial Geomorphological Assessment 5.Greenhouse Road Public Consultation Centre Presentation 6.Notice of Study Commencement 7.Notice of Public Consultation Centre 8.Stage 1 Archaeological Report 9.Stormwater Management Memorandum Since HDI has not previously provided written specific treaty right infringements that the Greenhouse Road project presents, the Township has taken the liberty to address concerns raised during the in-person meeting that took place on November 1st, 2023. Specific concerns raised were the impact to species that have cultural heritage significance to the Haudenosaunee, specifically Snapping Turtles, Sugar Maple Trees, as well as Mayapple Flowers. Concerns were also raised regarding general urbanization in southern Ontario that has required Haudenosaunee traditional pickers to move further north in order to find suitable harvest areas. Snapping Turtles As per the Environmental Impact Study completed by AECOM, dated March 2023, snapping turtle habitat, including nesting and overwintering areas are outside of the Construction Disturbance Area and are not anticipated to be impacted by the reconstruction and extension of Greenhouse Road. As part of the initial terms of reference for the consultant selection, wildlife passages are to be considered for areas identified as turtle breeding habitat. Further detail on proposed wildlife passage is included in the Environmental Impact Study, which is referenced below. As discussed in Section 7.3 of the EIS, a wildlife passage was recommended where a culvert installation will be required at Water Crossing 03 (WC03; shown on Figure A6 of the EIS) as a result of the road extension. This culvert can also provide eco-passages opportunities for wildlife. Including these eco-passages could retain linkage and maintain wildlife movement corridors (west to east across the extended portion of Greenhouse Road) and limit wildlife-vehicle collisions. An eco-passages in this location could maintain west-east connectivity beyond the Study Area at the landscape level. It is recommended that a large, open bottom box culvert (at least 3 metres high by 2 metres wide) with natural substrate is installed at the WC03 crossing to allow for a variety of wildlife to use the ecopassage, including large mammals, if possible based on the topography and road design. If this is not possible, a smaller ecopassage (for example a box culvert that is 1 metre high by 1 m wide) may be considered for mid-sized to small mammals, as well as herpetofauna. Permanent fencing should be installed to direct wildlife towards the ecopassage but avoid inadvertently directing wildlife towards the rail corridor to the south. Additionally, if rehabilitations or extensions for the existing culvert at Watercrossing 01 (WC01; shown on Figure A6 of the EIS) are required for the road reconstruction, it is recommended that wildlife ecopassage design is incorporated to facilitate wildlife movement, such as an installation of a dry bench placed over the water mark integrated in the tunnel that has access to dry ground at both entrances of the culvert (Ministry of Natural Resources and Forestry, 2016). If HDI has any further concerns or other suggestions to address impacts to snapping turtles on the project please provide additional comments to the project team. Sugar Maples The Township understands that the extension of Greenhouse Road would require the removal of existing trees along the corridor. Any tree removal on the project is recommended to be replaced at a minimum 4:1 ratio on the project site. If the site can not accommodate the 4:1 ratio, another site in close proximity to Greenhouse Road will be planted with the additional trees. The Township will look to prioritize the replanting of Sugar Maples, where appropriate, understanding that a variety of species provides for a more robust ecosystem and avoids the spread of disease. A tree inventory and tree preservation plan will be developed during detail design. The tree inventory will identify tree species to be removed, retained and protected. The Township has requested that AECOM review the proposed number of sugar maples to be removed, and determine if alignment changes may allow any of them to be saved. Mayapple Flowers The project team has not identified Mayapple Flowers as being present within the Construction Disturbance Area, and as such no impacts are anticipated. Traditional Harvesting/Picking The Township would be interested in understanding the practice of harvesting/picking undertaken within the Greenhouse Road study area. This information will allow the Township to review and provide potential mitigation options to ensure that the Haudenosaunee are able to continue any harvesting/picking practices within the study area. Currently, it is the Townships understanding that the Greenhouse Road project area is not currently frequented by the Haudenosaunee, or used for hunting/fishing or gathering efforts. If the Haudenosaunee do frequent the Greenhouse Road project area for hunting/fishing or gathering activities, additional information would be helpful for the project team to better understand how the project area is used, and would also allow for mitigation options to be explored. Although HDI previously rescinded the initial offer to undertake an agreement to provide funding in relation to field liaison representation as well as document review for the project, the Township is still interested in moving forward with this aspect of the engagement with HDI, and would look for HDI to provide comments on the draft agreement, which I have attached to this email. The Township appreciates that the initial draft of the agreement was untenable to HDI and hopes that through continued dialogue that an agreement can be reached to provide funding which would allow for archaeological field representation as well as archaeological document review for the Greenhouse Road Environmental Assessment project. Where the Township is not able to provide fee based remuneration for meeting based consultation on the project, which is how HDI has described further engagement on the Greenhouse Road project, the Township is willing to provide certain accommodations to address HDI's concerns on the project. As mentioned above, one form of accommodation could be to increase replanting of Sugar Maples within the project area, or other nearby locations, understanding the cultural significance of these trees to the community. Also, the installation of wildlife passages, were deemed appropriate, has the potential to decrease snapping turtle mortality prior to potential harvesting activities by the Haudenosaunee. If the above accommodation efforts are still untenable to HDI, the Township requests that HDI provide a breakdown of anticipated fees that would ensure that HDI is able to engage effectively on the project. As noted, the Township is not in a position to provide fee-based funding for meeting based consultation, or funding beyond that for field liaison representation and document review, which the Township remains willing to negotiate. However, if HDI provides an overview of anticipated fees, the Township can see whether any existing Township resources can be used to alleviate any financial burden on HDI. Please appreciate that the Township has not received broad fee requests in the past to undertake engagement on Environmental Assessments and must undertake due diligence when faced with funding requests. Should HDI wish to undertake further in person meetings regarding the Greenhouse Road Environmental Assessment, the Township is willing to come to your offices, in an effort to reduce the burden on HDI, or to undertake the meetings virtually in an effort to reduce overall greenhouse gas impacts to the overall environment. The Township is committed to ensuring that HDI has the opportunity to provide fulsome comments on the Greenhouse Road project. Understanding that the Township would like to move forward with detailed design for the Greenhouse Road Project in 2024, the Township is currently working towards issuing a notice of study completion by June of 2024. The Township looks forward to hearing back from HDI on the Greenhouse Road Environmental Assessment project. Thank you, Ryan Tucker	Good morning Mr. Tucker: Mr. J. Detlor is no longer the point of contact on this matter. Please forward any further correspondence to my attention. Regards Aaron Detlor	2024-02-23	

Greenhouse Road Reconstruction and Extension
Indigenous Communities Consultation Record

Indigenous Community	Date	Name	Response Method	Message	Outgoing Study Team Response	Response Date (If applicable)	Action/Notes
Haudenosaunee Development Institute	2024-02-23	Aaron Dettlor	Email	Dear Mr. Tucker. I believe that specific treaty impairments have been identified and that you have knowledge both real and constructive of the treaty rates of the Haudenosaunee which include free and undisturbed use of the subject lands. If you have any information indicating that Haudenosaunee rights have been surrendered by the Haudenosaunee at any point then please provide. This would include any information that surrenders rights confirmed by the Haldimand Deed. I I'm making this request in further instead of the inventory that was supposed to be done with respect to this file. Regards Aaron Dettlor		N/A	
Haudenosaunee Development Institute	2024-02-23	Aaron Dettlor	Email	Good Afternoon Mr. Tucker: Thank you for your email. As we have indicated on numerous occasions we can confirm that no resources have been provided to allow the review of the subject materials . The approach that has been undertaken to date has not complied with section A.3.7 of the MCEA User Guide and in particular at page 82 where you will be unable to provide any "information regarding any financial assistance provided by the proponents to engage participation by Indigenous Communities in the consultation." Subject to an actual engagement that meets the MCEA User Guide we will be issuing a request for s.16 order on this matter where Woolwich has refused to engage in good faith. I would also like to once again advise that we have in fact advised on specific infringements which you are characterizing (improperly) as treaty rights. As we have already indicated the Haudenosaunee hold the right to free and undisturbed use of the subject lands on the plain language of the treaty of 1701 and Haldimand Deed which we can supplement with oral evidence from our Chiefs and Clanmothers. If you would like to meet them to review this information we would be pleased to set up a meeting. Please contact me at your convenience on your available dates as well as your commitment to cover the costs of meeting. I understand that you have no understanding and/or interpretation of the treaty that differs from ours where Woolwich is obviously not the Crown and where Woolwich has done nothing in the way of researching or informing itself as to the nature of the rights which are protected, in part, in Canadian law by s.35 of the Constitution Act, 1982. If Woolwich believes that it is lawfully capable of advancing then please provide us with the documents and information relied upon to form the treaty interpretation. This would include Woolwich's information related to the discharge of fiduciary duties which arises in the case of a breach of established rights and interests. It will be interesting to hear from Woolwich how it is going to inventory this right, as is required by the MCEA at Phase 2 of any MCEA. In terms of licensing issues can you please advise who the engineer of record is on this project. Also I believe that you should have benign touch with your MECF Regional EA Coordinator by this juncture with respect to obtaining guidance on the engagement that is required under the MCEA User Guide (which you seem more than prepared to ignore). Can you please provide the name and the contact information for your MECF Regional EA Coordinator. Finally we are preparing to advise the Chiefs and Clanmothers on the approach taken to date and how Woolwich refuses to comply with the MCEA process which includes funding for engagement. The Chiefs and Clanmothers have advised at this point and without any specific instruction or authority from the HCOC that it would be there preference to simply take up residence on the subject site and continue to exercise treaty rights as guaranteed by treaty and s. 35 of the Constitution Act, 1982. Regards, Aaron Dettlor https://www.ontario.ca/page/considering-climate-change-environmental-assessment-process#:~:text=A%20climate%20change%20consideration%20during,negative%20impacts%20on%20carbon%20sinks A.2.8.3	Good Afternoon Mr. Dettlor, Thank you for your emails this past Friday. As requested, the Township will certainly direct further correspondence to your attention, rather than Josh Dettlor. Further to my email on Friday, February 23, 2024, the Township remains committed to meaningful engagement with HDI in relation to the Greenhouse Road Environmental Assessment project. As such, the Township would be grateful if HDI can provide specific comments in relation to any Aboriginal or Treaty rights that the project may infringe. The Township would also welcome HDI's comments on the proposed mitigation strategies detailed in my February 23rd email. If HDI would like to meet to discuss the proposed strategies, or to discuss or receive further explanations in relation to the specific Greenhouse Road Environmental Assessment project and its potential impacts, the Township would certainly be willing schedule another in-person or virtual meeting. While the Township is not in a position to provide any funding for engagement meetings, the Township could see whether existing Township resources can be used to alleviate any financial burden if HDI provides a detailed overview of the purposes of the requested funding. Regarding your comments in relation to legal title of Township lands, please note that the Township is not in a position to address questions of title. HDI is encouraged to bring any questions or concerns in relation to legal title to public lands within the Township to the relevant ministries and departments of the Governments of Ontario and Canada. There is no Engineer of Record for the Greenhouse Road Environmental Assessment. As requested, the MECF contact that the Township has been coordinating with on the Greenhouse Road Environmental Assessment project is as follows: Joan Del Villar Cúlcas (she/her) Regional Environmental Planner Project Review Unit Environmental Assessment Branch Ontario Ministry of the Environment, Conservation and Parks Joan.delvillarcuicas@ontario.ca Phone: 365-889-1180 Finally, the Township remains willing to negotiate an agreement with HDI to provide specified funding for field liaison monitoring and archeological document review, as the Township has done with other Indigenous groups. The Township would be grateful if HDI can provide comments on the draft agreement circulated by the Township in November 2023, and any proposed revisions. The Township looks forward to hearing back from HDI on the Greenhouse Road Environmental Assessment project. Thank you, Ryan Tucker	2024-02-26	
Haudenosaunee Development Institute	2024-02-26	Aaron Dettlor	Email	sge:no Jared, Please disregard the section of HDI sharing a past agreement with the Town of Woolwich. During my search through my emails I realized I had mistaken your Township with the Township of Wellesley, which is who we had entered into an agreement		N/A	
Haudenosaunee Development Institute	N/A	info@hdi.land	Email	N/A	Good Morning, Please find attached the notice of study completion for the Greenhouse Road Reconstruction and Extension Environmental Assessment project. The project file will be available for review starting on Friday March 28th on the Townships engagement platform (https://www.engagewr.ca/greenhouseroad-ea). Should any archaeological investigation work be required for the project during detailed design and construction, I will make sure to contact you to discuss having a field liaison representative attend the archaeological field works. Please let me know if you have any questions or concerns about the project. Thank you, Ryan Tucker Engineering Project Supervisor	2025-03-24	Issued the Notice of Study Completion prior to commencement of the 30-day review



Six Nations of the Grand River



From: Ryan Tucker <rtucker@woolwich.ca>
Sent: Thursday, July 6, 2023 9:00 AM
To: dlaforme@sixnations.ca
Subject: RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Dawn,

I wanted to reach out again to see if the Six Nations of the Grand River are interested in reviewing any archeological reporting as well as attending any field work in relation to the Greenhouse Road Reconstructon project?

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Ryan Tucker
Sent: Wednesday, April 12, 2023 11:27 AM
To: dlaforme@sixnations.ca
Subject: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Dawn,

The Township is undertaking an Environmental Assessment for the extension and urbanization of Greenhouse Road in Breslau. I've attached the notice of study commencement as well as the public consultation centre notice, which both provide additional information on the project. Can you please advise if the Six Nations of the Grand River are interested in reviewing any archeological reporting as well as attending any field work? I apologize for not getting this project notice over to you sooner.

Please reach out with any questions or concerns.

Thank you,



Ryan Tucker, P.Eng.
Engineering Project Supervisor
Township of Woolwich
24 Church Street West, P.O. Box 158
Ph: (519) 669-1647 ext. 6048
Fx: (519) 669-4669
E-mail – rtucker@woolwich.ca
www.woolwich.ca

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From: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>
Sent: Thursday, July 6, 2023 9:32 AM
To: Ryan Tucker
Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Ryan,

Super, yes I will review the assessment at no cost, have it send to me. Thanks for the quick response 😊

Nia':wen ko:wa (thankyou)

Tanya Hill-Montour
SNGR Archaeological Supervisor
226.388.0665

From: Ryan Tucker <rtucker@woolwich.ca>
Sent: Thursday, July 6, 2023 9:29 AM
To: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>
Subject: [External] RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Tanya,

I appreciate the response back on the project. The project team has undertaken a stage 1 archaeological review for the site, and I have the report still in draft form. I will have my consultant send the report for your review and comments. We do not have any archaeological field work planned at this time, but I will keep you informed if any is required.

Please let me know if you require any additional information on the project.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>
Sent: Thursday, July 6, 2023 9:23 AM
To: Ryan Tucker <rtucker@woolwich.ca>

Subject: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

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Good morning Ryan

SNGREC has interest in the reviewing the Archaeological assessments. Not sure the status of this project

Nia':wen ko:wa (thankyou)

Tanya Hill-Montour
SNGR Archaeological Supervisor
226.388.0665

From: Dawn LaForme <dlaforme@sixnations.ca>

Sent: Thursday, July 6, 2023 9:15 AM

To: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>

Subject: FW: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Please read message below .. original email is attached which I received in April which contains information about the project

I believe I was off most of the week at that time of the original email

Thank you kindly,

***Dawn LaForme**, Secretary/Receptionist, Six Nations Lands & Resources (519) 753-0665*

—

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: Thursday, July 6, 2023 9:00 AM

To: Dawn LaForme <dlaforme@sixnations.ca>

Subject: [External] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Dawn,

I wanted to reach out again to see if the Six Nations of the Grand River are interested in reviewing any archeological reporting as well as attending any field work in relation to the Greenhouse Road Reconstruction project?

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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Subject: FW: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre
Attachments: RPT-DRAFT-06July2023_St1AAGreenhouseRd.pdf

From: Buckley, Steve <steve.buckley@aecom.com>
Sent: Thursday, July 6, 2023 7:33 PM
To: Ryan Tucker <rtucker@woolwich.ca>; tanyahill-montour@sixnations.ca
Cc: Zandvliet, Samantha <Samantha.Zandvliet@aecom.com>
Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Hi Ryan;

Great, that sounds good from our end. Tanya, I've attached the Stage 1AA for your review.

Please let us or Ryan know if you have any questions at all.

Thanks, and have a great night,

Steve Buckley, P.Eng
Project Engineer,
Community Infrastructure

D +1-519-650-5313 (not active)
M +1-519-722-5834
steve.buckley@aecom.com

AECOM
50 Sportsworld Crossing Road
Suite 290, West Entrance
Kitchener, Ontario, N2P 0A4, Canada
T +1-519-650-5313
aecom.com

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Steve

From: Ryan Tucker <rtucker@woolwich.ca>
Sent: Thursday, July 6, 2023 9:35 AM
To: Buckley, Steve <steve.buckley@aecom.com>
Cc: Zandvliet, Samantha <Samantha.Zandvliet@aecom.com>
Subject: FW: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

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Report Suspicious

Good Morning Steve,

I sent another follow-up email to the Six Nations of the Grand River and I received a response, see below. Can you please provide the draft stage 1 archaeological reporting to Tanya for their review?

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>

Sent: Thursday, July 6, 2023 9:23 AM

To: Ryan Tucker <rtucker@woolwich.ca>

Subject: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

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Good morning Ryan

SNGREC has interest in the reviewing the Archaeological assessments. Not sure the status of this project

Nia':wen ko:wa (thankyou)

Tanya Hill-Montour
SNGR Archaeological Supervisor
226.388.0665

From: Dawn LaForme <dlaforme@sixnations.ca>

Sent: Thursday, July 6, 2023 9:15 AM

To: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>

Subject: FW: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Please read message below .. original email is attached which I received in April which contains information about the project

I believe I was off most of the week at that time of the original email

Thank you kindly,

Dawn LaForme, Secretary/Receptionist, Six Nations Lands & Resources (519) 753-0665

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: Thursday, July 6, 2023 9:00 AM

To: Dawn LaForme <dlaforme@sixnations.ca>

Subject: [External] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Dawn,

I wanted to reach out again to see if the Six Nations of the Grand River are interested in reviewing any archeological reporting as well as attending any field work in relation to the Greenhouse Road Reconstruction project?

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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Zandvliet, Samantha

From: Ryan Tucker <rtucker@woolwich.ca>
Sent: Tuesday, August 22, 2023 10:39 AM
To: Tanya Hill-Montour
Cc: Buckley, Steve; Zandvliet, Samantha
Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

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Good Morning Tanya,

Thank you for getting back to me. If we undertake any stage 2 work for Greenhouse Road I will reach out ahead of time and coordinate to have field liaisons present.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>
Sent: Tuesday, August 22, 2023 10:34 AM
To: Ryan Tucker <rtucker@woolwich.ca>
Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good morning Ryan ,

Thank you for reaching out and following up. At this time, SNGREC has no comments or concern upon review of the stage 1 AA Greenhouse Road report. We do have interest in participation of the stage 2.

Nia':wen ko:wa (thankyou)

Tanya Hill-Montour
SNGR Archaeological Supervisor

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: Tuesday, August 22, 2023 9:37 AM

To: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>

Subject: [External] RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Tanya,

I just wanted to reach out to see if your team has had a chance to review the stage 1 archaeological reporting for Greenhouse Road? I am attempting to bring a recommendation report to Woolwich Council in September, and your comments on the archaeological reporting would be appreciated.

Thank you,

Ryan Tucker

Engineering Project Supervisor

Infrastructure Services

Office: 519-669-6048

Toll Free: 1-877-969-0094



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From: Ryan Tucker

Sent: Thursday, July 6, 2023 9:29 AM

To: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Tanya,

I appreciate the response back on the project. The project team has undertaken a stage 1 archaeological review for the site, and I have the report still in draft form. I will have my consultant send the report for your review and comments. We do not have any archaeological field work planned at this time, but I will keep you informed if any is required.

Please let me know if you require any additional information on the project.

Thank you,

Ryan Tucker

Engineering Project Supervisor

Infrastructure Services

Office: 519-669-6048

Toll Free: 1-877-969-0094



From: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>
Sent: Thursday, July 6, 2023 9:23 AM
To: Ryan Tucker <rtucker@woolwich.ca>
Subject: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

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Good morning Ryan

SNGREC has interest in the reviewing the Archaeological assessments. Not sure the status of this project

Nia':wen ko:wa (thankyou)

Tanya Hill-Montour
SNGR Archaeological Supervisor
226.388.0665

From: Dawn LaForme <dlaforme@sixnations.ca>
Sent: Thursday, July 6, 2023 9:15 AM
To: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>
Subject: FW: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Please read message below .. original email is attached which I received in April which contains information about the project

I believe I was off most of the week at that time of the original email

Thank you kindly,
Dawn LaForme, Secretary/Receptionist, Six Nations Lands & Resources (519) 753-0665

From: Ryan Tucker <rtucker@woolwich.ca>
Sent: Thursday, July 6, 2023 9:00 AM
To: Dawn LaForme <dlaforme@sixnations.ca>
Subject: [External] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Dawn,

I wanted to reach out again to see if the Six Nations of the Grand River are interested in reviewing any archeological reporting as well as attending any field work in relation to the Greenhouse Road Reconstruction project?

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Study Completion

From: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>
Sent: March 25, 2025 8:37 AM
To: Ryan Tucker <rtucker@woolwich.ca>; Dawn LaForme <dlaforme@sixnations.ca>
Subject: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Study Completion

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Thank you Ryan, no questions at this time

Nia':wen ko:wa (thankyou)

Tanya Hill-Montour

Six Nations of the Grand River Archaeological Supervisor
226.388.0665

From: Ryan Tucker <rtucker@woolwich.ca>
Sent: March 24, 2025 9:04 AM
To: Dawn LaForme <dlaforme@sixnations.ca>
Cc: Tanya Hill-Montour <tanyahill-montour@sixnations.ca>
Subject: [External] Greenhouse Road Environmental Assessment Project - Notice of Study Completion

Good Morning Dawn,

Please find attached the notice of study completion for the Greenhouse Road Reconstruction and Extension Environmental Assessment project. The project file will be available for review starting on Friday March 28th on the Townships engagement platform (<https://www.engagewr.ca/greenhouseroad-ea>).

Should any archaeological investigation work be required for the project during detailed design and construction, I will make sure to contact you to discuss having a field liaison representative attend the archaeological field works.

Please let me know if you have any questions or concerns about the project.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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TOWNSHIP OF WOOLWICH
NOTICE OF EA COMPLETION
GREENHOUSE ROAD RECONSTRUCTION
AND EXTENSION PROJECT
MUNICIPAL CLASS ENVIRONMENTAL
ASSESSMENT – SCHEDULE ‘B’



The Township of Woolwich has completed a Municipal Class Environmental Assessment study for the reconstruction of Greenhouse Road from Highway 7 (Victoria Street North) to the Metrolinx Rail Corridor, in Breslau. This includes the extension of Greenhouse Road south of Kramp Road to the Metrolinx Corridor. The study has evaluated various alternatives for the cross-section design of the upgraded roadway. The intent of the project is to fully urbanize Greenhouse Road in this area to service existing and future development within the Breslau Settlement Area.

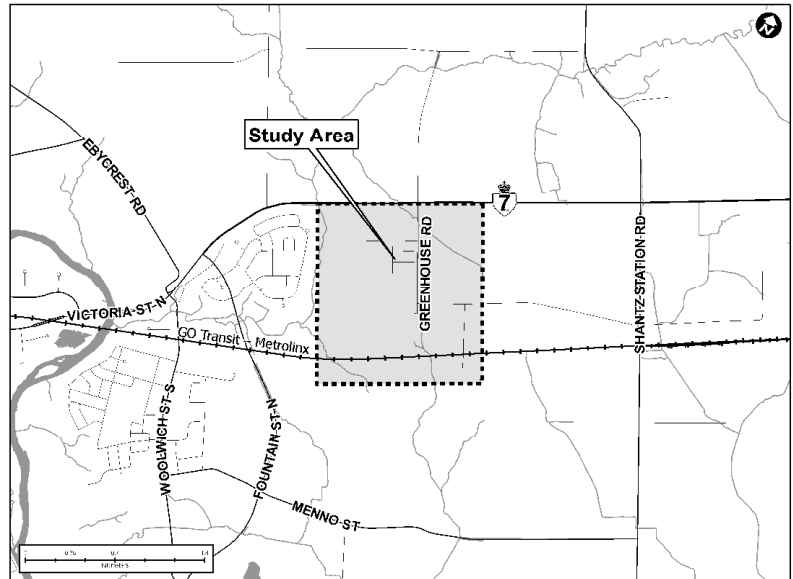


Figure 1. Greenhouse Road Study Area

Key elements of the preferred solution for the reconstruction and extension includes:

- A two-lane urbanized roadway (9 metres in width) within the built 20 metre right-of-way
- Sidewalks (1.8 metres in width) on each side of the roadway
- A culvert upgrade at the watercourse crossing location south of Kramp Road
- Stormwater management controls to provide storage and infiltration

The east boulevard of Greenhouse Road within the studied section may also be removed and widened in the future to the full 26 m right-of-way width, pending growth.

The study has been conducted in accordance with Schedule ‘B’ requirements of the Municipal Engineers Association "Municipal Class Environmental Assessment" manual (as recently amended in 2015) which is approved under the Ontario Environmental Assessment Act.

The Project File documenting the planning process is available for public review and comment for a period of 30 calendar days starting on **March 28th** and ending on **April 28th**. To facilitate public review of this document, the Project File report is available on the Township of Woolwich's Engage webpage: www.engagewr.ca/greenhouseroad-ea. All comments and concerns should be sent directly to the contacts below:

Ryan Tucker, P.Eng.

Engineering Project Supervisor
Woolwich Township
24 Church Street West, P.O. Box 158
Elmira, Ontario, N3B 2Z6
Phone: 519-669-1647 ext. 6048
Email: rtucker@woolwich.ca

Samantha Zandvliet, MPI

Environmental Planner
AECOM Canada ULC
50 Sportsworld Crossing Road
Suite 290, West Entrance
Kitchener, Ontario, N2P 0A4
Phone: 437-428-7519
Email: samantha.zandvliet@aecom.com

In addition, a request to the Minister of the Environment, Conservation and Parks for an order imposing additional conditions or requiring a comprehensive environmental assessment may be made on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests should include your full name and contact information.

Requests should specify what kind of order is being requested (additional conditions or a comprehensive environmental assessment), explain how an order may prevent, mitigate or remedy potential adverse impacts, and can include supporting information.

The request should be sent to:

Minister of the Environment, Conservation and Parks

Ministry of Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario M7A 2J3
Email: minister.mecp@ontario.ca

Director, Environmental Assessment Branch

Ministry of Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario M4V 1P5
Email: EABDirector@ontario.ca

Requests should also be sent to the Township of Woolwich by mail or e-mail. Please visit the ministry's website for more information on requests for orders under section 16 of the Environmental Assessment Act at: <https://www.ontario.ca/page/class-environmental-assessments-part-ii-order>

All personal information included in your request – such as name, address, telephone number and property location – is collected, under the authority of section 30 of the Environmental Assessment Act and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the Freedom of Information and Protection of Privacy Act (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

This notice first issued on March 24, 2025.



Mississaugas of the Credit First Nation



From: Ryan Tucker <rtucker@woolwich.ca>
Sent: Friday, August 25, 2023 2:57 PM
To: Adrian Blake
Cc: Adam LaForme; Buckley, Steve; Zandvliet, Samantha
Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

This Message Is From an External Sender

This message came from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Report Suspicious

Good Afternoon Adrian,

I appreciate your comments on the stage 1 archaeological assessment. Reconstruction works for Greenhouse Road are not proposed outside of the disturbed areas identified in the stage 1 reporting. Should road widening occur south of Kramp Road in the future, additional archaeological work will be required at that time.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Adrian Blake <Adrian.Blake@mncfn.ca>
Sent: Friday, August 25, 2023 2:44 PM
To: Ryan Tucker <rtucker@woolwich.ca>
Cc: Adam LaForme <Adam.LaForme@mncfn.ca>
Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good afternoon Ryan,

Thank you for sharing this Stage 1 archaeological report with us at MCFN-DOCA. I have finished reviewing this report on behalf of the Nation and do not have any concerns or comments for you about the contents of the report.

Do you know yet if the lands to be impacted by the restoration have been identified yet, and if they overlap with areas of archaeological potential as identified in the report?

Regards,
Adrian Blake, MSc. (he/him)
Field Archaeologist



Department of Consultation and Accommodation (DOCA)
Mississaugas of the Credit First Nation (MCFN)
4065 Highway 6 North, Hagersville, ON N0A 1H0
M: 905-979-3862
<http://www.mncfn.ca>

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From: Ryan Tucker <rtucker@woolwich.ca>
Sent: Wednesday, July 19, 2023 10:49 AM
To: Adam LaForme <Adam.LaForme@mncfn.ca>
Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Adam,

Please find attached the draft stage 1 archaeological reporting for Greenhouse Road. Please let me know if you have any comments or concerns.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Adam LaForme <Adam.LaForme@mncfn.ca>
Sent: Wednesday, July 19, 2023 10:44 AM
To: Ryan Tucker <rtucker@woolwich.ca>
Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Hi Ryan,

You can send the report to me. I will have one of our licensed Archaeologist review it.

Thank you,

Adam LaForme (he/him)
Archaeological Operations Supervisor



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell 289-527-2763

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: July 19, 2023 10:13 AM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Adam,

Thank you for providing the executed agreement. Can you please let me know who I should coordinate with for the stage 1 archaeological review, and I will get them the draft report. I will also work to get a purchase order issued for the review as well.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Adam LaForme <Adam.LaForme@mncfn.ca>

Sent: Wednesday, July 19, 2023 10:04 AM

To: Ryan Tucker <rtucker@woolwich.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Ryan,

Apologies for the delay.

Please find the attached signed agreement for your records.

Kind regards,

Adam LaForme (he/him)
Archaeological Operations Supervisor



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell 289-527-2763

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: July 6, 2023 8:41 AM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Adam,

I'm just following up to see if you have had a chance to get the document review agreement signed on your end? I need the executed agreement in order to issue a purchase order.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Ryan Tucker

Sent: Tuesday, June 27, 2023 11:34 AM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Adam,

Please find attached the signed document review agreement in relation to Greenhouse Road. Can you please sign and send back the fully executed version. If we need to undertake any field work, I will provide the FLR agreement at that time.

I will also work to issue you a purchase order for the Stage 1 Arch review, which is the only document for MCFN review at this time for Greenhouse Road.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Adam LaForme <Adam.LaForme@mncfn.ca>

Sent: Tuesday, June 27, 2023 9:55 AM

To: Ryan Tucker <rtucker@woolwich.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Ryan,

We will not be able to proceed with one agreement for all projects.

However we can agree on a template agreement, that would get signed for each individual project.

Thank you,

Adam LaForme (he/him)
Archaeological Operations Supervisor



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell 289-527-2763

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: June 27, 2023 9:20 AM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Adam,

I hope this email finds you well. I'm still wanting to move forward with the FLR and document review agreements. Have you had a chance to discuss with your supervisors a standard agreement with the Township?

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Ryan Tucker

Sent: Thursday, June 15, 2023 9:50 AM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Adam,

I'm just reaching out again to see if you have been able to discuss a yearly agreement with your supervisors?

I would like to move forward with the agreements, as we have at least one stage 1 archaeological report to review with the MCFN at this time.

Thank you,



Ryan Tucker, P.Eng.
Engineering Project Supervisor
Township of Woolwich
24 Church Street West, P.O. Box 158
Ph: (519) 669-1647 ext. 6048
Fx: (519) 669-4669
E-mail – rtucker@woolwich.ca
www.woolwich.ca

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From: Ryan Tucker

Sent: Wednesday, May 31, 2023 2:34 PM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Afternoon Adam,

Thank you for taking the time last week to discuss the FLR and Document Review agreements.

I wanted to follow up to see if you have had a chance to discuss potentially undertaking a yearly FLR and Document Review agreement that would cover all Township projects needing Indigenous Consultation?

Thank you,



Ryan Tucker, P.Eng.
Engineering Project Supervisor
Township of Woolwich
24 Church Street West, P.O. Box 158
Ph: (519) 669-1647 ext. 6048
Fx: (519) 669-4669
E-mail – rtucker@woolwich.ca
www.woolwich.ca

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From: Adam LaForme <Adam.LaForme@mncfn.ca>

Sent: Tuesday, May 23, 2023 2:05 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: communications <communications@mncfn.ca>; Abby LaForme <Abby.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

3:30 pm works great.

Thank you,

Adam LaForme (he/him)
Archaeological Operations Supervisor



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell 289-527-2763

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: May 23, 2023 2:00 PM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Cc: communications <communications@mncfn.ca>; Abby LaForme <Abby.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Afternoon Adam,

Would 3:30pm work? I can call you on your cell phone if that works for you?

Thank you,



Ryan Tucker, P.Eng.
Engineering Project Supervisor
Township of Woolwich
24 Church Street West, P.O. Box 158
Ph: (519) 669-1647 ext. 6048
Fx: (519) 669-4669
E-mail – rtucker@woolwich.ca
www.woolwich.ca

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From: Adam LaForme <Adam.LaForme@mncfn.ca>

Sent: Tuesday, May 23, 2023 1:58 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: communications <communications@mncfn.ca>; Abby LaForme <Abby.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Afternoon Ryan,

I am available to talk at any time tomorrow.

Kind Regards,

Adam LaForme (he/him)
Archaeological Operations Supervisor



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell 289-527-2763

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: May 23, 2023 1:43 PM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Cc: communications <communications@mncfn.ca>; Abby LaForme <Abby.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Adam,

Thank you for getting back to me. I'm wondering if you would be available for a quick call this week to discuss the MCFN's engagement on Township projects?

Thank you,



Ryan Tucker, P.Eng.
Engineering Project Supervisor
Township of Woolwich
24 Church Street West, P.O. Box 158
Ph: (519) 669-1647 ext. 6048
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E-mail – rtucker@woolwich.ca
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From: Adam LaForme <Adam.LaForme@mncfn.ca>

Sent: Friday, May 5, 2023 2:09 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: communications <communications@mncfn.ca>; Abby LaForme <Abby.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Afternoon Ryan,

Apologies for the delayed response.

Yes we would be willing to reduce the number of FLRs required to one for up to 9 people. Yes Mileage is lumped into the hourly rate now as is any overtime or holiday rates.

If you have any other questions please feel free to contact me.

Kind Regards,

Adam LaForme (he/him)
Archaeological Operations Supervisor



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell 289-527-2763

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: April 28, 2023 1:56 PM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Cc: communications <communications@mncfn.ca>; Abby LaForme <Abby.LaForme@mncfn.ca>

Subject: RE: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Afternoon Adam,

Thank you for providing the draft agreements for Township review. Previously, the Township negotiated the attached agreement when conducting field work for the Breslau Connector Road project. I'm wondering if the MCFN would be willing to adjust the current FLR requirement as per the previous agreement to 1 FLR on site for up to 9 people? I also didn't see a mileage rate on the updated agreement. Is the mileage lumped into the hourly rate now?

Thank you,



Ryan Tucker, P.Eng.
Engineering Project Supervisor
Township of Woolwich
24 Church Street West, P.O. Box 158
Ph: (519) 669-1647 ext. 6048
Fx: (519) 669-4669
E-mail – rtucker@woolwich.ca
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From: Adam LaForme <Adam.LaForme@mncfn.ca>

Sent: Wednesday, April 12, 2023 12:22 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: communications <communications@mncfn.ca>; Abby LaForme <Abby.LaForme@mncfn.ca>

Subject: [EXT] RE: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon Ryan,

Thank you for providing the project information and confirming MCFN's interest in this project. MCFN would like to participate by reviewing all Archaeological Assessments associated with the project and by having Field Liaisons Representatives participate in the Archaeological Fieldwork.

Please find attached the agreements that cover MCFN's participation in the upcoming fieldwork and the review of Archaeological reports related to the project. The costs associated with this involvement reflect a number of expenses not visible at first glance: payment for the FLRs themselves, Meals, Mileage, operational costs for DOCA, and efforts to engage the community to garner feedback on development projects. If you could please fill in the additional required information, highlighted in yellow, and return to us a signed copy so that we may arrange for FLR participation on your project, that would be greatly appreciated.

Once signed agreements are in place, DOCA generally arranges scheduling and other related matters directly with the consultant conducting the fieldwork, unless you prefer otherwise.

If you have any questions or concerns about this process please contact me.

Kind Regards,

Adam LaForme (he/him)
Archaeological Operations Supervisor



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell 289-527-2763

From: Ryan Tucker <rtucker@woolwich.ca>

Sent: April 12, 2023 11:22 AM

To: Adam LaForme <Adam.LaForme@mncfn.ca>

Cc: communications <communications@mncfn.ca>

Subject: Greenhouse Road Environmental Assessment Project - Notice of Commencement and Public Consultation Centre

Good Morning Adam,

The Township is undertaking an Environmental Assessment for the extension and urbanization of Greenhouse Road in Breslau. I've attached the notice of study commencement as well as the public consultation centre notice, which both provide additional information on the project. Can you please advise if the Mississaugas of the Credit First Nation are interested in reviewing any archeological reporting as well as attending any field work? I apologize for not getting this project notice over to you sooner.

Please reach out with any questions or concerns.

Thank you,



Ryan Tucker, P.Eng.
Engineering Project Supervisor
Township of Woolwich
24 Church Street West, P.O. Box 158
Ph: (519) 669-1647 ext. 6048
Fx: (519) 669-4669
E-mail – rtucker@woolwich.ca
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From: Ryan Tucker <rtucker@woolwich.ca>
Sent: March 24, 2025 9:08 AM
To: adam.laforme@mncfn.ca
Cc: communications; Abby LaForme
Subject: Greenhouse Road Environmental Assessment Project - Notice of Study Completion
Attachments: Notice of Study Completion_Greenhouse Road MCEA.pdf

Good Morning Adam,

Please find attached the notice of study completion for the Greenhouse Road Reconstruction and Extension Environmental Assessment project. The project file will be available for review starting on Friday March 28th on the Townships engagement platform (<https://www.engagewr.ca/greenhouseroad-ea>).

Should any archaeological investigation work be required for the project during detailed design and construction, I will make sure to contact you to discuss having a field liaison representative attend the archaeological field works.

Please let me know if you have any questions or concerns about the project.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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TOWNSHIP OF WOOLWICH
NOTICE OF EA COMPLETION
GREENHOUSE ROAD RECONSTRUCTION
AND EXTENSION PROJECT
MUNICIPAL CLASS ENVIRONMENTAL
ASSESSMENT – SCHEDULE ‘B’



The Township of Woolwich has completed a Municipal Class Environmental Assessment study for the reconstruction of Greenhouse Road from Highway 7 (Victoria Street North) to the Metrolinx Rail Corridor, in Breslau. This includes the extension of Greenhouse Road south of Kramp Road to the Metrolinx Corridor. The study has evaluated various alternatives for the cross-section design of the upgraded roadway. The intent of the project is to fully urbanize Greenhouse Road in this area to service existing and future development within the Breslau Settlement Area.

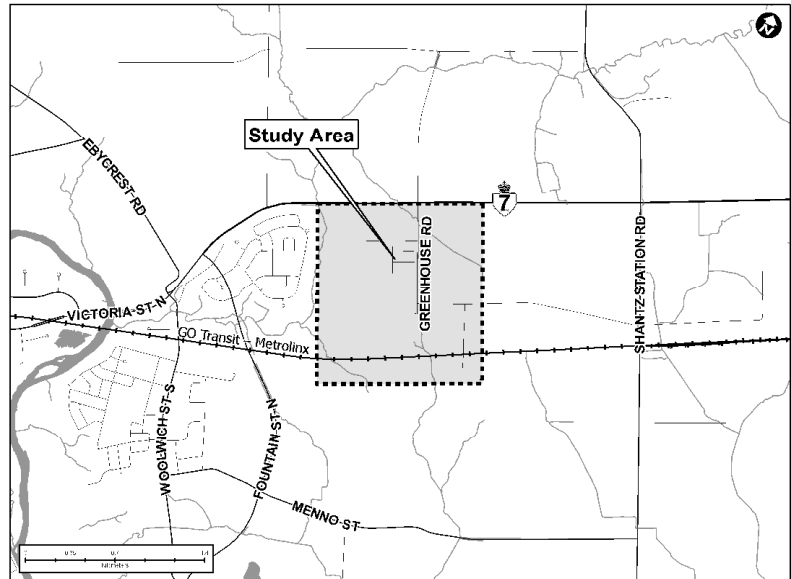


Figure 1. Greenhouse Road Study Area

Key elements of the preferred solution for the reconstruction and extension includes:

- A two-lane urbanized roadway (9 metres in width) within the built 20 metre right-of-way
- Sidewalks (1.8 metres in width) on each side of the roadway
- A culvert upgrade at the watercourse crossing location south of Kramp Road
- Stormwater management controls to provide storage and infiltration

The east boulevard of Greenhouse Road within the studied section may also be removed and widened in the future to the full 26 m right-of-way width, pending growth.

The study has been conducted in accordance with Schedule ‘B’ requirements of the Municipal Engineers Association "Municipal Class Environmental Assessment" manual (as recently amended in 2015) which is approved under the Ontario Environmental Assessment Act.

The Project File documenting the planning process is available for public review and comment for a period of 30 calendar days starting on **March 28th** and ending on **April 28th**. To facilitate public review of this document, the Project File report is available on the Township of Woolwich's Engage webpage: www.engagewr.ca/greenhouseroad-ea. All comments and concerns should be sent directly to the contacts below:

Ryan Tucker, P.Eng.

Engineering Project Supervisor
Woolwich Township
24 Church Street West, P.O. Box 158
Elmira, Ontario, N3B 2Z6
Phone: 519-669-1647 ext. 6048
Email: rtucker@woolwich.ca

Samantha Zandvliet, MPI

Environmental Planner
AECOM Canada ULC
50 Sportsworld Crossing Road
Suite 290, West Entrance
Kitchener, Ontario, N2P 0A4
Phone: 437-428-7519
Email: samantha.zandvliet@aecom.com

In addition, a request to the Minister of the Environment, Conservation and Parks for an order imposing additional conditions or requiring a comprehensive environmental assessment may be made on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests should include your full name and contact information.

Requests should specify what kind of order is being requested (additional conditions or a comprehensive environmental assessment), explain how an order may prevent, mitigate or remedy potential adverse impacts, and can include supporting information.

The request should be sent to:

Minister of the Environment, Conservation and Parks

Ministry of Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario M7A 2J3
Email: minister.mecp@ontario.ca

Director, Environmental Assessment Branch

Ministry of Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario M4V 1P5
Email: EABDirector@ontario.ca

Requests should also be sent to the Township of Woolwich by mail or e-mail. Please visit the ministry's website for more information on requests for orders under section 16 of the Environmental Assessment Act at: <https://www.ontario.ca/page/class-environmental-assessments-part-ii-order>

All personal information included in your request – such as name, address, telephone number and property location – is collected, under the authority of section 30 of the Environmental Assessment Act and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the Freedom of Information and Protection of Privacy Act (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

This notice first issued on March 24, 2025.



**Haudenosaunee Confederacy
Chiefs Council/ Haudenosaunee
Development Institute**



From: Aaron Detlor <aaron@detlorlaw.com>
Sent: February 26, 2024 3:30 PM
To: Ryan Tucker; Joan.delvillarcuicas@ontario.ca
Cc: Aaron Detlor; Josh Detlor; Jake Linklater; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Jared Puppe; Kevin Thompson; Jamie Cockburn
Subject: Re: [EXT] Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Mr. Tucker:

Thank you for your email.

The Township, as I read the MCEA, is obligated to provide funding for engagement. Unfortunately we do not have the capacity to work on Township matters for free so that the Township can benefit from our free labour.

We can confirm once again that the proposed project will impair infringe and otherwise interfere with established rights and interests.

Where the proponent is incapable of fulfilling the mandate set out in the MCEA I understand that you are supposed to get in touch with your Regional EA Coordinator. Please forward this email to your Regional EA Coordinator and I will follow up with that person.

We are unable to comment on anything specific related to mitigation that you have provided.. I do note that you have not mentioned treaty rights anywhere which is a glaring omission

If the Township is unable to comment on legal title then we will assume that the Township agrees that it does not hold lawful title. Please be advised that this is a specific obligation of any EA under Phase 2 to inventory ownership of land of prospective projects. Again we do not know how or why Woolwich is ignoring its obligations under Phase 2.

Please refrain from referring to the Haudenosaunee as an 'Indigenous group' by inference. We are not a 'group' and we are not indigenous.

I note that Ms. Joan Del Villar Cuicas is not a Regional MECP EA Coordinator.

As no engagement has been undertaken that would uphold the honour of the Crown (either by way of the MCEA or other process) we understand that the proposed project will not proceed.

Further to A.3.7 on page 81 of User Guide you must develop a plan for how indigenous communities will be consulted. We have asked for this plan but it has not been provided to date.

Regards,

Aaron Detlor

Please include our objections in your Consultation Record which include the failure to undertake a consultation plan further to A.3.7

We intend to rely on this email in terms of any section 16 order that may be necessary given the impact of this project on established treaty rights and the failure of the Crown to uphold its honour.
MCEA User Guide

A.3.7 Indigenous Communities

- information regarding any financial assistance provided by the proponent to enable participation by Indigenous Communities in the consultation;

Page 87

5. Indigenous Peoples

Proponents proceeding pursuant to the MCEA are required to consult with interested persons and with Indigenous Communities who may be affected by a proposed undertaking. Municipalities are directed to contact the ministry for direction on consultation with Indigenous Communities. For more information, see Part A.3.7.

As part of the assessment process, proponents need to consider the potential for the project to impact:

- Reserve lands and/or Indigenous Traditional Land Use Areas
- Aboriginal or treaty rights and claims
- Use of land and resources for traditional purposes
- Aboriginal Peoples' industry and economic opportunities
- Archaeological sites

The following needs to be included in your records as well in terms of the Phase 2 inventory of environmental factors

Block 2
Waterloo Township

A document described as a Power of Attorney, dated November 2, 1796, was signed by thirty-six Mohawk, Oneida (pro-British Oneida), Seneca, Onondaga and Cayuga Indians who did not read or write English.

It authorized Joseph Brant to surrender in trust to the Crown Block 2 to be sold to parties nominated by Brant for the purpose of establishing a continuous annuity for the perpetual benefit of the Five Nations represented by the signatories.

Richard Beasley was nominated by Joseph Brant to be the purchaser of Waterloo Township - Block 2, containing approximately 94,012 acres. On May 10, 1798, Beasley, James Wilson and St. John Baptiste Rousseau entered into a mortgage for Block 2 wherein they agreed to pay £8,887 with 6% interest for 1,000 years without touching the principal. Beasley, Wilson and Rousseau could not afford to make the payments.

On August 12, 1802, the Six Nations Council approved the cancellation of the May 10, 1798 mortgage from Beasley and Associates for Block 2. However, on July 18, 1800 Richard Beasley had begun subdividing Block 2 and sold 3,150 acres to George Bechtel and his brother-in-law John Bean 3,600 acres for a total of \$3,000.00.

In another transaction on November 28, 1803, Beasley concluded an agreement with Mennonite agents Samuel Bricker and Daniel Erb who agreed to pay Beasley £10,000 with 6% interest from March 1, 1804 for 60,000 acres in Block 2.

The Executive Council ratified Beasley's agreement with Mennonite agents Daniel Erb and Jacob Erb provided: 1, the trust money is not to be loaded with any Expense whatever: 2, the capital should be invested in the purchase of Three per Cent Consolidated Bank Annuities in the Names of Trustees for the benefit of the Five Nations: 3, the Deputy-Superintendent General for the Indian Department for the time being, should in the presence of such Military Officer or Officers as Your Excellency should be pleased to direct, annually distribute the Dividends among the Five Nations, in such manner as shall be found equitable.

In 1805 Daniel Erb and Jacob Erb remitted their final payment to William Claus the superintendent for the Indian Department. On June 29, 1805 the Pennsylvania Mennonites received title to 60,000 acres in Block 2.

Issues

The original mortgage was illegal and basically a fraud in that it contravened the law against perpetuities.

Any land dispositions subsequent to the 1802 should be considered null and void further to the cancellation of the mortgage.

Contrary to the terms of the Executive Council allowing the sale to proceed with the Daniel and Jacob Erb, William Claus siphoned off £1,998.14.2 in expenses from the principal amount. The remainder was supposedly invested with Thomas Coutts & Co. in London England.

In 1855 Secretary of State George Grey transferred Six Nations investments in Coutts and Company to the Receiver General to finance the infrastructure of Canada with no benefit to the Six Nations Indians.

The funds from the Pennsylvania Mennonite purchase of Block 2 form a part of this inquiry.

On Feb 26, 2024, at 2:08 PM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Afternoon Mr. Detlor,

Thank you for your emails this past Friday. As requested, the Township will certainly direct further correspondence to your attention, rather than Josh Detlor.

Further to my email on Friday, February 23, 2024, the Township remains committed to meaningful engagement with HDI in relation to the Greenhouse Road Environmental Assessment project. As such, the Township would be grateful if HDI can provide specific comments in relation to any Aboriginal or Treaty rights that the project may infringe. The Township would also welcome HDI's comments on the proposed mitigation strategies detailed in my February 23rd email.

If HDI would like to meet to discuss the proposed strategies, or to discuss or receive further explanations in relation to the specific Greenhouse Road Environmental Assessment project and its potential impacts, the Township would certainly be willing schedule another in-person or virtual meeting.

While the Township is not in a position to provide any funding for engagement meetings, the Township could see whether existing Township resources can be used to alleviate any financial burden if HDI provides a detailed overview of the purposes of the requested funding.

Regarding your comments in relation to legal title of Township lands, please note that the Township is not in a position to address questions of title. HDI is encouraged to bring any questions or concerns in relation to legal title to public lands within the Township to the relevant ministries and departments of the Governments of Ontario and Canada.

There is no Engineer of Record for the Greenhouse Road Environmental Assessment.

As requested, the MECP contact that the Township has been coordinating with on the Greenhouse Road Environmental Assessment project is as follows:

Joan Del Villar Cuicas (she/her)
Regional Environmental Planner
Project Review Unit | Environmental Assessment Branch
Ontario Ministry of the Environment, Conservation and Parks
Joan.delvillarcuicas@ontario.ca | Phone: 365-889-1180

Finally, the Township remains willing to negotiate an agreement with HDI to provide specified funding for field liaison monitoring and archeological document review, as the Township has done with other Indigenous groups. The Township would be grateful if HDI can provide comments on the draft agreement circulated by the Township in November 2023, and any proposed revisions.

The Township looks forward to hearing back from HDI on the Greenhouse Road Environmental Assessment project.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048

Toll Free: 1-877-969-0094

<image001.jpg>

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This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Aaron Detlor <aaron@detlorlaw.com>

Sent: Friday, February 23, 2024 1:39 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Josh Detlor <josh@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Jared Puppe <JPuppe@woolwich.ca>; Kevin Thompson <kthompson@svlaw.ca>; Jamie Cockburn <jcockburn@svlaw.ca>

Subject: [EXT] Re: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Good Afternoon Mr. Tucker:

Thank you for your email.

As we have indicated on numerous occasions we can confirm that no resources have been provided to allow the review of the subject materials .

The approach that has been undertaken to date has not complied with section A.3.7 of the MCEA User Guide and in particular at page 82 where you will be unable to provide any **“information regarding any financial assistance provided by the proponents to engage participation by Indigenous Communities in the consultation:”**

Subject to an actual engagement that meets the MCEA User Guide we will be issuing a request for s.16 order on this matter where Woolwich has refused to engage in good faith.

I would also like to once again advise that we have in fact advised on specific infringements which you are characterizing (improperly) as treaty rights.

As we have already indicated the Haudenosaunee hold the right to free and undisturbed use of the subject lands on the plain language of the treaty of 1701 and Haldimand Deed which we can supplement with oral evidence from our Chiefs and Clanmothers.

If you would like to meet them to review this information we would be pleased to set up a meeting. Please contact me at your convenience on your available dates as well as your commitment to cover the costs of meeting.

I understand that you have no understanding and/or interpretation of the treaty that differs from ours where Woolwich is obviously not the Crown and where Woolwich has done nothing in the way of researching or informing itself as to the nature of the rights which are protected, in part, in Canadian law by s.35 of the Constitution Act, 1982. If Woolwich believes that it has a differing interpretation that it is lawfully capable of advancing then please provide us with the documents and information relied upon to form the treaty interpretation. This would include Woolwich's information related to the discharge of fiduciary duties which arises in the case of a breach of established rights and interests. It will be interesting to hear from Woolwich how it is going to inventory this right, as is required by the MCEA at Phase 2 of any MCEA.

In terms of licensing issues can you please advise who the engineer of record is on this project.

Also I believe that you should have benign touch with your MECP Regional EA Coordinator by this juncture with respect to obtaining guidance on the engagement that is required under the MCEA User Guide (which you seem more than prepared to ignore). Can you please provide the name and the contact information for your MECP Regional EA Coordinator.

Finally we are preparing to advise the Chiefs and Clanmothers on the approach taken to date and how Woolwich refuses to comply with the MCEA process which includes funding for engagement. The Chiefs and Clanmothers have advised at this point and without any specific instruction or authority from the HCCC that it would be there preference to simply take up residence on the subject site and continue to exercise treaty rights as guaranteed by treaty and s. 35 of the Constitution Act, 1982.

Regards,

Aaron Detlor

<https://www.ontario.ca/page/considering-climate-change-environmental-assessment-process#:~:text=A%20climate%20change%20consideration%20during,negative%20impacts%20on%20carbon%20sinks>

A.2.8.3

On Feb 23, 2024, at 11:20 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Morning Josh,

The Township also remains committed to meaningful engagement on the Greenhouse Road Environmental Assessment project. To ensure that HDI is in possession of all of the project documentation, I have set up an online repository that will allow HDI to download all reports and notices for the project, please see details below.

FTP Download Instructions

1. Go to <ftp.woolwich.ca> (please use filezilla client or use ftp on command line base utility), a user name and password box will appear. Enter the **username: GHRoad** and **password: HDIaccess**
2. Follow the instructions on the screen. ***To view this FTP site in Windows Explorer, click Page, and then click Open FTP Site in Windows Explorer.***
3. Once the new Windows Explorer screen has opened, copy the information from your system and paste it into the FTP site window.

If you have any issues with access please feel free to reach out and the Township will work to troubleshoot or provide the documents a different way.

Greenhouse Road Environmental Assessment Documents Provided for HDI Review and Comment

1. Conceptual Drawings
2. Desktop Cultural Heritage Screening Report

3. Environmental Impact Study
4. Fluvial Geomorphological Assessment
5. Greenhouse Road Public Consultation Centre Presentation
6. Notice of Study Commencement
7. Notice of Public Consultation Centre
8. Stage 1 Archaeological Report
9. Stormwater Management Memorandum

Since HDI has not previously provided written specific treaty right infringements that the Greenhouse Road project presents, the Township has taken the liberty to address concerns raised during the in-person meeting that took place on November 1st, 2023. Specific concerns raised were the impact to species that have cultural heritage significance to the Haudenosaunee, specifically Snapping Turtles, Sugar Maple Trees, as well as Mayapple Flowers. Concerns were also raised regarding general urbanization in southern Ontario that has required Haudenosaunee traditional pickers to move further north in order to find suitable harvest areas.

Snapping Turtles

As per the Environmental Impact Study completed by AECOM , dated March 2023, snapping turtle habitat, including nesting and overwintering areas are outside of the Construction Disturbance Area and are not anticipated to be impacted by the reconstruction and extension of Greenhouse Road. As part of the initial terms of reference for the consultant selection, wildlife passages are to be considered for areas identified as turtle breeding habitat. Further detail on proposed wildlife passage is included in the Environmental Impact Study, which is referenced below.

As discussed in Section 7.3 of the EIS, a wildlife passage was recommended where a culvert installation will be required at Water Crossing 03 (WC03; shown on Figure A6 of the EIS) as a result of the road extension. This culvert can also provide eco-passage opportunities for wildlife. Including these eco-passages could retain linkage and maintain wildlife movement corridors (west to east across the extended portion of Greenhouse Road) and limit wildlife-vehicle collisions. An eco-passage in this location could maintain west-east connectivity beyond the Study Area at the landscape level. It is recommended that a large, open bottom box culvert (at least 3 metres high by 2 metres wide) with natural substrate is installed at the WC03 crossing to allow for a variety of wildlife to use the ecopassage, including large mammals, if possible based on the topography and road design. If this is not possible, a smaller ecopassage (for example a box culvert that is 1 metre high by 1 m wide) may be considered for mid-sized to small mammals, as well as herpetofauna. Permanent fencing should be installed to direct wildlife towards the ecopassage but avoid inadvertently directing wildlife towards the rail corridor to the south.

Additionally, if rehabilitations or extensions for the existing culvert at Watercrossing 01 (WC01; shown on Figure A6 of the EIS) are required for the road reconstruction, it is recommended that wildlife ecopassage design is incorporated to facilitate wildlife movement, such as an installation of a dry bench placed over the water mark integrated in the tunnel that has access to dry ground at both entrances of the culvert (Ministry of Natural Resources and Forestry, 2016).

If HDI has any further concerns or other suggestions to address impacts to snapping turtles on the project please provide additional comments to the project team.

Sugar Maples

The Township understands that the extension of Greenhouse Road would require the removal of existing trees along the corridor. Any tree removal on the project is recommended to be replaced at a minimum 4:1 ratio on the project site. If the site can not accommodate the 4:1 ratio, another site in close proximity to Greenhouse Road will be planted with the additional trees. The Township will look to prioritize the replanting of Sugar Maples, where appropriate, understanding that a variety of species provides for a more robust ecosystem and avoids the spread of disease. A tree inventory and tree preservation plan will be developed during detail design. The tree inventory will identify trees species to be removed, retained and protected. The Township has requested that AECOM review the proposed number of sugar maples to be removed, and determine if alignment changes may allow any of them to be saved.

Mayapple Flowers

The project team has not identified Mayapple Flowers as being present within the Construction Disturbance Area, and as such no impacts are anticipated.

Traditional Harvesting/Picking

The Township would be interested in understanding the practice of harvesting/picking undertaken within the Greenhouse Road study area. This information will allow the Township to review and provide potential mitigation options to ensure that the Haudenosaunee are able to continue any harvesting/picking practices within the study area. Currently, it is the Townships understanding that the Greenhouse Road project area is not currently frequented by the Haudenosaunee, or used for hunting/fishing or gathering efforts. If the Haudenosaunee do frequent the Greenhouse Road project area for hunting/fishing or gathering activities, additional information would be helpful for the project team to better understand how the project area is used, and would also allow for mitigation options to be explored.

Although HDI previously rescinded the initial offer to undertake an agreement to provide funding in relation to field liaison representation as well as document review for the project, the Township is still interested in moving forward with this aspect of the engagement with HDI, and would look for HDI to provide comments on the draft agreement, which I have attached to this email. The Township appreciates that the initial draft of the agreement was untenable to HDI and hopes that through continued dialogue that an agreement can be reached to provide funding which would allow for archaeological field representation as well as archaeological document review for the Greenhouse Road Environmental Assessment project.

Where the Township is not able to provide fee based remuneration for meeting based consultation on the project, which is how HDI has described further engagement on the Greenhouse Road project, the Township is willing to provide certain accommodations to address HDIs concerns on the project. As mentioned above, one form of accommodation could be to increase replanting of Sugar Maples within the project area, or other nearby locations, understanding the cultural significance of these trees to the community. Also, the installation of wildlife passages, were deemed appropriate, has the potential to decrease snapping turtle mortality prior to potential harvesting activities by the Haudenosaunee.

If the above accommodation efforts are still untenable to HDI, the Township requests that HDI provide a breakdown of anticipated fees that would ensure that HDI is able to engage effectively on the project. As noted, the Township is not in a position to provide fee-based funding for meeting based consultation, or funding beyond that for field liaison representation and document review, which the Township remains willing to negotiate. However, if HDI provides an overview of anticipated fees, the Township can see whether any existing Township resources can be used to alleviate any financial burden on HDI. Please appreciate that the Township has not received broad fee requests in the past to undertake engagement on Environmental Assessments and must undertake due diligence when faced with funding requests.

Should HDI wish to undertake further in person meetings regarding the Greenhouse Road Environmental Assessment, the Township is willing to come to your offices, in an effort to reduce the burden on HDI, or to undertake the meetings virtually in an effort to reduce overall greenhouse gas impacts to the overall environment.

The Township is committed to ensuring that HDI has the opportunity to provide fulsome comments on the Greenhouse Road project. Understanding that the Township would like to move forward with detailed design for the Greenhouse Road Project in 2024, the Township is currently working towards issuing a notice of study completion by June of 2024.

The Township looks forward to hearing back from HDI on the Greenhouse Road Environmental Assessment project.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

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This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings Ryan,

I hope this finds you well.

On November 17th, 2023, HDI outlined several concerns related to the lack of meaningful, rights-based engagement on behalf of the Township of Woolwich regarding the Greenhouse Road Reconstruction Project.

I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

I am proposing that we reschedule the upcoming November 23rd, 2023 meeting, as HDI team members and legal counsel who would like to be involved in the process of ameliorating the unfortunate circumstances created by the Township are unable to attend on November 23rd.

We can sit down and have a meeting when we have a response to the Township's failure to engage meaningfully and in a rights-based manner. By the Township's current approach, we have no resources available to attend the meetings that are being contemplated, we have been given no indication that the Township will provide resourcing to make engagement meaningful.

This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (<https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.>), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating

Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement .

HDI remains committed to meaningful, rights-based engagement on all projects impairing, infringing, or otherwise impacting Haudenosaunee Treaty rights; including the proposed Greenhouse Road Reconstruction project.

Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.

Regards,
Joshua Detlor,
Ecologist

On Nov 17, 2023, at 1:58 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon Mr. Tucker:

Thank you for your email of November 16, 2023.

I can confirm that we have not agreed or stated that it is the desire of HDI to not include legal counsel where and when HDI deems it necessary and appropriate.

The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Can you please advise if the Crown has advised that Crown duties are triggered in relation to this project. Also please advise that we are specifically asking the Crown to participate commencing immediately as they appear to have delegated without ensuring the funding has been put in place to make engagement meaningful.

For greater clarity the EA process is unable to address a rights based engagement unless the EA process can accommodate and mitigate issues related to infringements of rights and interests. I am unaware of any capacity within the EA process to assess rights, the value of rights and/or the compensation or justification to make the infringement of rights lawful.

Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

1. In Phase 1 was any discretionary engagement undertaken to understand the problem in the context of Haudenosaunee rights and issues?
2. In Phase 2 was engagement undertaken with the Haudenosaunee to properly and accurately inventory social, economic and environmental matters which necessarily include Haudenosaunee rights and interests
3. In Phase 2 I would like to know how and when alternative solutions were identified in the context of Haudenosaunee rights and interests as captured by impacts on the environment and the mitigating measures that have been identified and communicated

4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee
Can you advise if the Companion Guide/IUser Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

Even if it were to given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice (<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province's guidance set out at:

Environmental assessments: consulting Indigenous communities (<https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>).

If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meet its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker
<rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of
Woolwich_Greenhouse Road Reconstruction and
Expansion MCEA.pdf>

<2023-11-10 - HDI Capacity Assistance Agreement re. Greenhouse Road Class EA.docx>

Ryan Tucker

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: February 23, 2024 1:39 PM
To: Ryan Tucker
Cc: Josh Detlor; Jake Linklater; Chazz Pitts; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Jared Puppe; Kevin Thompson; Jamie Cockburn
Subject: [EXT] Re: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Mr. Tucker:

Thank you for your email.

As we have indicated on numerous occasions we can confirm that no resources have been provided to allow the review of the subject materials .

The approach that has been undertaken to date has not complied with section A.3.7 of the MCEA User Guide and in particular at page 82 where you will be unable to provide any **“information regarding any financial assistance provided by the proponents to engage participation by Indigenous Communities in the consultation:”**

Subject to an actual engagement that meets the MCEA User Guide we will be issuing a request for s.16 order on this matter where Woolwich has refused to engage in good faith.

I would also like to once again advise that we have in fact advised on specific infringements which you are characterizing (improperly) as treaty rights.

As we have already indicated the Haudenosaunee hold the right to free and undisturbed use of the subject lands on the plain language of the treaty of 1701 and Haldimand Deed which we can supplement with oral evidence from our Chiefs and Clanmothers.

If you would like to meet them to review this information we would be pleased to set up a meeting. Please contact me at your convenience on your available dates as well as your commitment to cover the costs of meeting.

I understand that you have no understanding and/or interpretation of the treaty that differs from ours where Woolwich is obviously not the Crown and where Woolwich has done nothing in the way of researching or informing itself as to the nature of the rights which are protected, in part, in Canadian law by s.35 of the Constitution Act, 1982. If Woolwich believes that it has a differing interpretation that it is lawfully capable of advancing then please provide us with the documents and information relied upon to form the treaty interpretation. This would include Woolwich's information related to the discharge of fiduciary duties which arises in the case of a breach of established rights and interests. It will be

interesting to hear from Woolwich how it is going to inventory this right, as is required by the MCEA at Phase 2 of any MCEA.

In terms of licensing issues can you please advise who the engineer of record is on this project.

Also I believe that you should have benign touch with your MECP Regional EA Coordinator by this juncture with respect to obtaining guidance on the engagement that is required under the MCEA User Guide (which you seem more than prepared to ignore). Can you please provide the name and the contact information for your MECP Regional EA Coordinator.

Finally we are preparing to advise the Chiefs and Clanmothers on the approach taken to date and how Woolwich refuses to comply with the MCEA process which includes funding for engagement. The Chiefs and Clanmothers have advised at this point and without any specific instruction or authority from the HCCC that it would be there preference to simply take up residence on the subject site and continue to exercise treaty rights as guaranteed by treaty and s. 35 of the Constitution Act, 1982.

Regards,

Aaron Detlor

<https://www.ontario.ca/page/considering-climate-change-environmental-assessment-process#:~:text=A%20climate%20change%20consideration%20during,negative%20impacts%20on%20carbon%20sinks>

A.2.8.3

On Feb 23, 2024, at 11:20 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Morning Josh,

The Township also remains committed to meaningful engagement on the Greenhouse Road Environmental Assessment project. To ensure that HDI is in possession of all of the project documentation, I have set up an online repository that will allow HDI to download all reports and notices for the project, please see details below.

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9. Stormwater Management Memorandum

Since HDI has not previously provided written specific treaty right infringements that the Greenhouse Road project presents, the Township has taken the liberty to address concerns raised during the in-person meeting that took place on November 1st, 2023. Specific concerns raised were the impact to species that have cultural heritage significance to the Haudenosaunee, specifically Snapping Turtles, Sugar Maple Trees, as well as Mayapple Flowers. Concerns were also raised regarding general urbanization in southern Ontario that has required Haudenosaunee traditional pickers to move further north in order to find suitable harvest areas.

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If HDI has any further concerns or other suggestions to address impacts to snapping turtles on the project please provide additional comments to the project team.

Sugar Maples

The Township understands that the extension of Greenhouse Road would require the removal of existing trees along the corridor. Any tree removal on the project is recommended to be replaced at a minimum 4:1 ratio on the project site. If the site can not accommodate the 4:1 ratio, another site in close proximity to Greenhouse Road will be planted with the additional trees. The Township will look to prioritize the replanting of Sugar Maples, where appropriate, understanding that a variety of species provides for a more robust ecosystem and avoids the spread of disease. A tree inventory and tree preservation plan will be developed during detail design. The tree inventory will identify trees species to be removed, retained and protected. The Township has requested that AECOM review the proposed number of sugar maples to be removed, and determine if alignment changes may allow any of them to be saved.

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The project team has not identified Mayapple Flowers as being present within the Construction Disturbance Area, and as such no impacts are anticipated.

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The Township would be interested in understanding the practice of harvesting/picking undertaken within the Greenhouse Road study area. This information will allow the Township to review and provide potential mitigation options to ensure that the Haudenosaunee are able to continue any harvesting/picking practices within the study area. Currently, it is the Townships understanding that the Greenhouse Road project area is not currently frequented by the Haudenosaunee, or used for hunting/fishing or gathering efforts. If the Haudenosaunee do frequent the Greenhouse Road project area for hunting/fishing or gathering activities, additional information would be helpful for the project team to better understand how the project area is used, and would also allow for mitigation options to be explored.

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Where the Township is not able to provide fee based remuneration for meeting based consultation on the project, which is how HDI has described further engagement on the Greenhouse Road project, the Township is willing to provide certain accommodations to address HDIs concerns on the project. As mentioned above, one form of accommodation could be to increase replanting of Sugar Maples within the project area, or other nearby locations, understanding the cultural significance of these trees to the community. Also, the installation of wildlife passages, were deemed appropriate, has the potential to decrease snapping turtle mortality prior to potential harvesting activities by the Haudenosaunee.

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burden on HDI. Please appreciate that the Township has not received broad fee requests in the past to undertake engagement on Environmental Assessments and must undertake due diligence when faced with funding requests.

Should HDI wish to undertake further in person meetings regarding the Greenhouse Road Environmental Assessment, the Township is willing to come to your offices, in an effort to reduce the burden on HDI, or to undertake the meetings virtually in an effort to reduce overall greenhouse gas impacts to the overall environment.

The Township is committed to ensuring that HDI has the opportunity to provide fulsome comments on the Greenhouse Road project. Understanding that the Township would like to move forward with detailed design for the Greenhouse Road Project in 2024, the Township is currently working towards issuing a notice of study completion by June of 2024.

The Township looks forward to hearing back from HDI on the Greenhouse Road Environmental Assessment project.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

[Woolwich.ca](https://www.woolwich.ca) | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings Ryan,

I hope this finds you well.

On November 17th, 2023, HDI outlined several concerns related to the lack of meaningful, rights-based engagement on behalf of the Township of Woolwich regarding the Greenhouse Road Reconstruction Project.

I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

I am proposing that we reschedule the upcoming November 23rd, 2023 meeting, as HDI team members and legal counsel who would like to be involved in the process of ameliorating the unfortunate circumstances created by the Township are unable to attend on November 23rd.

We can sit down and have a meeting when we have a response to the Township's failure to engage meaningfully and in a rights-based manner. By the Township's current approach, we have no resources available to attend the meetings that are being contemplated, we have been given no indication that the Township will provide resourcing to make engagement meaningful.

This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (<https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.>), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating

Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement .

HDI remains committed to meaningful, rights-based engagement on all projects impairing, infringing, or otherwise impacting Haudenosaunee Treaty rights; including the proposed Greenhouse Road Reconstruction project.

Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.

Regards,
Joshua Detlor,
Ecologist

On Nov 17, 2023, at 1:58 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon Mr. Tucker:

Thank you for your email of November 16, 2023.

I can confirm that we have not agreed or stated that it is the desire of HDI to not include legal counsel where and when HDI deems it necessary and appropriate.

The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Can you please advise if the Crown has advised that Crown duties are triggered in relation to this project. Also please advise that we are specifically asking the Crown to participate commencing immediately as they appear to have delegated without ensuring the funding has been put in place to make engagement meaningful.

For greater clarity the EA process is unable to address a rights based engagement unless the EA process can accommodate and mitigate issues related to infringements of rights and interests. I am unaware of any capacity within the EA process to assess rights, the value of rights and/or the compensation or justification to make the infringement of rights lawful.

Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

1. In Phase 1 was any discretionary engagement undertaken to understand the problem in the context of Haudenosaunee rights and issues?
2. In Phase 2 was engagement undertaken with the Haudenosaunee to properly and accurately inventory social, economic and environmental matters which necessarily include Haudenosaunee rights and interests
3. In Phase 2 I would like to know how and when alternative solutions were identified in the context of Haudenosaunee rights and interests as captured by impacts on the environment and the mitigating measures that have been identified and communicated
4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/ User Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

Even if it were to given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice (<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province's guidance set out at:

Environmental assessments: consulting Indigenous communities (<https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>).

If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meets its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

<2023-11-10 - HDI Capacity Assistance Agreement re. Greenhouse Road Class EA.docx>

Ryan Tucker

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: February 23, 2024 12:10 PM
To: Ryan Tucker
Cc: Josh Detlor; Jake Linklater; Chazz Pitts; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Kasey Atcheynum; Jared Puppe; Kevin Thompson; Jamie Cockburn
Subject: [EXT] Re: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario
Attachments: image001.jpg
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Tucker.

I believe that specific treaty impairments have been identified and that you have knowledge both real and constructive of the treaty rates of the Haudenosaunee which include free and undisturbed use of the subject lands.

If you have any information indicating that Haudenosaunee rights have been surrendered by the Haudenosaunee at any point then please provide.

This would include any information that surrenders rights confirmed by the Haldimand Deed.

I'm making this request in further instead of the inventory that was supposed to be done with respect to this file.

Regards

Aaron Detlor

On Fri, Feb 23, 2024, 11:20 a.m. Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Morning Josh,

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Thank you,

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Engineering Project Supervisor

Infrastructure Services

Office: 519-669-6048

Toll Free: 1-877-969-0094



Woolwich.ca | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

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From: Josh Detlor <josh@detlorlaw.com>
Sent: Wednesday, November 22, 2023 5:07 PM
To: Ryan Tucker <rtucker@woolwich.ca>
Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

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Ecologist

On Nov 17, 2023, at 1:58 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon Mr. Tucker:

Thank you for your email of November 16, 2023.

I can confirm that we have not agreed or stated that it is the desire of HDI to not include legal counsel where and when HDI deems it necessary and appropriate.

The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated

consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Can you please advise if the Crown has advised that Crown duties are triggered in relation to this project. Also please advise that we are specifically asking the Crown to participate commencing immediately as they appear to have delegated without ensuring the funding has been put in place to make engagement meaningful.

For greater clarity the EA process is unable to address a rights based engagement unless the EA process can accommodate and mitigate issues related to infringements of rights and interests. I am unaware of any capacity within the EA process to assess rights, the value of rights and/or the compensation or justification to make the infringement of rights lawful.

Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

1. In Phase 1 was any discretionary engagement undertaken to understand the problem in the context of Haudenosaunee rights and issues?
2. In Phase 2 was engagement undertaken with the Haudenosaunee to properly and accurately inventory social, economic and environmental matters which necessarily include Haudenosaunee rights and interests
3. In Phase 2 I would like to know how and when alternative solutions were identified in the context of Haudenosaunee rights and interests as captured by impacts on the environment and the mitigating measures that have been identified and communicated
4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/ User Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as ‘consultation’ in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as ‘consultation’ or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects . For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

Even if it were to given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice

(<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province’s guidance set out at:

Environmental assessments: consulting Indigenous communities
(<https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>).

If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly

Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meet its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road
Reconstruction and Expansion MCEA.pdf>

Ryan Tucker

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: February 23, 2024 12:08 PM
To: Ryan Tucker
Cc: Josh Detlor; Jake Linklater; Chazz Pitts; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Kasey Atcheynum; Jared Puppe; Kevin Thompson; Jamie Cockburn
Subject: [EXT] Re: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario
Attachments: image001.jpg
Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Mr. Tucker:

Mr. J. Detlor is no longer the point of contact on this matter. Please forward any further correspondence to my attention.

Regards

Aaron Detlor

On Fri, Feb 23, 2024, 11:20 a.m. Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Morning Josh,

The Township also remains committed to meaningful engagement on the Greenhouse Road Environmental Assessment project. To ensure that HDI is in possession of all of the project documentation, I have set up an online repository that will allow HDI to download all reports and notices for the project, please see details below.

FTP Download Instructions

1. Go to <ftp.woolwich.ca> (please use filezilla client or use ftp on command line base utility), a user name and password box will appear. Enter the **username: GHRoad** and **password: HDIaccess**
2. Follow the instructions on the screen. ***To view this FTP site in Windows Explorer, click Page, and then click Open FTP Site in Windows Explorer.***
3. Once the new Windows Explorer screen has opened, copy the information from your system and paste it into the FTP site window.

If you have any issues with access please feel free to reach out and the Township will work to troubleshoot or provide the documents a different way.

Greenhouse Road Environmental Assessment Documents Provided for HDI Review and Comment

1. Conceptual Drawings
2. Desktop Cultural Heritage Screening Report
3. Environmental Impact Study
4. Fluvial Geomorphological Assessment
5. Greenhouse Road Public Consultation Centre Presentation
6. Notice of Study Commencement
7. Notice of Public Consultation Centre
8. Stage 1 Archaeological Report
9. Stormwater Management Memorandum

Since HDI has not previously provided written specific treaty right infringements that the Greenhouse Road project presents, the Township has taken the liberty to address concerns raised during the in-person meeting that took place on November 1st, 2023. Specific concerns raised were the impact to species that have cultural heritage significance to the Haudenosaunee, specifically Snapping Turtles, Sugar Maple Trees, as well as Mayapple Flowers. Concerns were also raised regarding general urbanization in southern Ontario that has required Haudenosaunee traditional pickers to move further north in order to find suitable harvest areas.

Snapping Turtles

As per the Environmental Impact Study completed by AECOM, dated March 2023, snapping turtle habitat, including nesting and overwintering areas are outside of the Construction Disturbance Area and are not anticipated to be impacted by the reconstruction and extension of Greenhouse Road. As part of the initial terms of reference for the consultant selection, wildlife passages are to be considered for areas identified as turtle breeding habitat. Further detail on proposed wildlife passage is included in the Environmental Impact Study, which is referenced below.

As discussed in Section 7.3 of the EIS, a wildlife passage was recommended where a culvert installation will be required at Water Crossing 03 (WC03; shown on Figure A6 of the EIS) as a result of the road extension. This culvert can also provide eco-passage opportunities for wildlife. Including these eco-passages could retain linkage and maintain wildlife movement corridors (west to east across the extended portion of Greenhouse Road) and limit wildlife-vehicle collisions. An eco-passage in this location could maintain west-east connectivity beyond the Study Area at the landscape level. It is recommended that a large, open bottom box culvert (at least 3 metres high by 2 metres wide) with

natural substrate is installed at the WC03 crossing to allow for a variety of wildlife to use the ecopassage, including large mammals, if possible based on the topography and road design. If this is not possible, a smaller ecopassage (for example a box culvert that is 1 metre high by 1 m wide) may be considered for mid-sized to small mammals, as well as herpetofauna. Permanent fencing should be installed to direct wildlife towards the ecopassage but avoid inadvertently directing wildlife towards the rail corridor to the south.

Additionally, if rehabilitations or extensions for the existing culvert at Watercrossing 01 (WC01; shown on Figure A6 of the EIS) are required for the road reconstruction, it is recommended that wildlife ecopassage design is incorporated to facilitate wildlife movement, such as an installation of a dry bench placed over the water mark integrated in the tunnel that has access to dry ground at both entrances of the culvert (Ministry of Natural Resources and Forestry, 2016).

If HDI has any further concerns or other suggestions to address impacts to snapping turtles on the project please provide additional comments to the project team.

Sugar Maples

The Township understands that the extension of Greenhouse Road would require the removal of existing trees along the corridor. Any tree removal on the project is recommended to be replaced at a minimum 4:1 ratio on the project site. If the site can not accommodate the 4:1 ratio, another site in close proximity to Greenhouse Road will be planted with the additional trees. The Township will look to prioritize the replanting of Sugar Maples, where appropriate, understanding that a variety of species provides for a more robust ecosystem and avoids the spread of disease. A tree inventory and tree preservation plan will be developed during detail design. The tree inventory will identify trees species to be removed, retained and protected. The Township has requested that AECOM review the proposed number of sugar maples to be removed, and determine if alignment changes may allow any of them to be saved.

Mayapple Flowers

The project team has not identified Mayapple Flowers as being present within the Construction Disturbance Area, and as such no impacts are anticipated.

Traditional Harvesting/Picking

The Township would be interested in understanding the practice of harvesting/picking undertaken within the Greenhouse Road study area. This information will allow the Township to review and provide potential mitigation options to ensure that the Haudenosaunee are able to continue any harvesting/picking practices within the study area. Currently, it is the Townships understanding that the Greenhouse Road project area is not currently frequented by the Haudenosaunee, or used for hunting/fishing or gathering efforts. If the Haudenosaunee do frequent the Greenhouse Road project area for hunting/fishing or gathering activities, additional information would be helpful for the project team to better understand how the project area is used, and would also allow for mitigation options to be explored.

Although HDI previously rescinded the initial offer to undertake an agreement to provide funding in relation to field liaison representation as well as document review for the project, the Township is still interested in moving forward with this aspect of the engagement with HDI, and would look for HDI to provide comments on the draft agreement, which I have attached to this email. The Township appreciates that the initial draft of the agreement was untenable to HDI and hopes that through continued dialogue that an agreement can be reached to provide funding which would allow for archaeological field representation as well as archaeological document review for the Greenhouse Road Environmental Assessment project.

Where the Township is not able to provide fee based remuneration for meeting based consultation on the project, which is how HDI has described further engagement on the Greenhouse Road project, the Township is willing to provide certain accommodations to address HDIs concerns on the project. As mentioned above, one form of accommodation could be to increase replanting of Sugar Maples within the project area, or other nearby locations, understanding the cultural significance of these trees to the community. Also, the installation of wildlife passages, were deemed appropriate, has the potential to decrease snapping turtle mortality prior to potential harvesting activities by the Haudenosaunee.

If the above accommodation efforts are still untenable to HDI, the Township requests that HDI provide a breakdown of anticipated fees that would ensure that HDI is able to engage effectively on the project. As noted, the Township is not in a position to provide fee-based funding for meeting based consultation, or funding beyond that for field liaison representation and document review, which the Township remains willing to negotiate. However, if HDI provides an overview of anticipated fees, the Township can see whether any existing Township resources can be used to alleviate any financial burden on HDI. Please appreciate that the Township has not received broad fee requests in the past to undertake engagement on Environmental Assessments and must undertake due diligence when faced with funding requests.

Should HDI wish to undertake further in person meetings regarding the Greenhouse Road Environmental Assessment, the Township is willing to come to your offices, in an effort to reduce the burden on HDI, or to undertake the meetings virtually in an effort to reduce overall greenhouse gas impacts to the overall environment.

The Township is committed to ensuring that HDI has the opportunity to provide fulsome comments on the Greenhouse Road project. Understanding that the Township would like to move forward with detailed design for the Greenhouse Road Project in 2024, the Township is currently working towards issuing a notice of study completion by June of 2024.

The Township looks forward to hearing back from HDI on the Greenhouse Road Environmental Assessment project.

Thank you,

Ryan Tucker

Engineering Project Supervisor

Infrastructure Services

Office: 519-669-6048

Toll Free: 1-877-969-0094



[Woolwich.ca](https://www.woolwich.ca) | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts

<chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings Ryan,

I hope this finds you well.

On November 17th, 2023, HDI outlined several concerns related to the lack of meaningful, rights-based engagement on behalf of the Township of Woolwich regarding the Greenhouse Road Reconstruction Project.

I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

I am proposing that we reschedule the upcoming November 23rd, 2023 meeting, as HDI team members and legal counsel who would like to be involved in the process of ameliorating the unfortunate circumstances created by the Township are unable to attend on November 23rd.

We can sit down and have a meeting when we have a response to the Township's failure to engage meaningfully and in a rights-based manner. By the Township's current approach, we have no resources available to attend the meetings that are being contemplated, we have been given no indication that the Township will provide resourcing to make engagement meaningful.

This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (<https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.>), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating

Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement .

HDI remains committed to meaningful, rights-based engagement on all projects impairing, infringing, or otherwise impacting Haudenosaunee Treaty rights; including the proposed Greenhouse Road Reconstruction project.

Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.

Regards,
Joshua Detlor,
Ecologist

On Nov 17, 2023, at 1:58 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon Mr. Tucker:

Thank you for your email of November 16, 2023.

I can confirm that we have not agreed or stated that it is the desire of HDI to not include legal counsel where and when HDI deems it necessary and appropriate.

The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

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Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

1. In Phase 1 was any discretionary engagement undertaken to understand the problem in the context of Haudenosaunee rights and issues?
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4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/User Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as ‘consultation’ in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as ‘consultation’ or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

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(<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province’s guidance set out at:

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If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly

Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meets its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

Good Afternoon

To further assist you and your client with respect to the drafting of substantive response I have attached the following for your ease of reference:

https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Indigenous-Relations/Indigenous-Municipal_Relationship_Agreements_Guidance_Document_20211129.pdf

Regards,

Aaron Detlor

On Jan 30, 2024, at 1:44 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon:

We await your reply as to how and when engagement will be commenced on this Project and we renew our request further to A.3.7.5. We note specifically that the subject lands have not been surrendered.

I believe you advised on or about December 19, 2024 that your office would provide a substantive response in “due course”. I think we may have a differing understanding of the definition of “due course”. We patiently await your response in the context of the 400 or so years we have been waiting for the Crown to act honourably.

Regards,

Aaron Detlor

On Jan 10, 2024, at 8:33 AM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon

Can we please have a copy of the Township’s decision to retain your firm.

Note as well that 7.2-6 refers to a ‘person’ and not an entity and I am not certain that a creature of the Crown can delegate its engagement obligations to legal counsel without first having undertaken some type of prima facie assessment.

In any event, if you would like to jointly raise this with the LSO I would be pleased to participate.

I would like to understand how and when the Rules of Professional conduct could be interpreted to remove by "Indian status" where this type of disenfranchisement has been attempted on a number of occasions.

Regardless we still have no substantive response from you or the Township on the refusal to follow the MCEA process including

Section 2 Notes which confirm that:

A.3.7.5

It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly.

Regards,

Aaron Detlor

On Jan 9, 2024, at 8:04 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

Thank you for your email.

We note that:

- i) You are listed with the Law Society of Ontario as a lawyer licensee: LSO# 40420W;
- ii) [Rule 7.2-6 of the Rules of Professional Conduct](#) dictates that lawyer licensees cannot communicate with an entity if they are represented by a legal practitioner;
- iii) Whether or not a lawyer licensee is retained by the entity for whom they speak is not relevant to the operation of Rule 7.2-6; as you know, the requirements of the *Rules of Professional Conduct* regulate the conduct of lawyer licensees even when they are not acting for a client;

- iv) As the Township has not consented to you communicating directly with staff (and in fact, has demanded that you direct such correspondence to the Township's counsel), you are in breach of Rule 7.2-6 of the *Rules of Professional Conduct*.

Given the foregoing, you (and all other lawyer licensees associated with HDI) are directed to direct all future correspondence to our offices' attention, barring which a report will need to be filed with the Law Society of Ontario.

Your anticipated cooperation is appreciated.

Jamie Cockburn

Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)

Direct Line: (519) 837-2100 Ext 364

SmithValeriot Law Firm LLP

245 Hanlon Creek Boulevard

Unit 102

Guelph, ON N1C 0A1

Phone: 519 837 2100

Fax: 519 837 1617

Toll Free: 800 746 0685

www.svlaw.ca

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From: Aaron Detlor <aaron@detlorlaw.com>

Sent: Tuesday, December 19, 2023 11:05 PM

To: Jamie Cockburn <jcockburn@svlaw.ca>; DBrenneman@woolwich.ca

Cc: Aaron Detlor <aaron@detlorlaw.com>; Kevin Thompson <kthompson@svlaw.ca>; Patricia Peter <ppeter@svlaw.ca>; Ryan Tucker <rtucker@woolwich.ca>; David Brenneman <dbrenneman@woolwich.ca>; Jared Puppe <JPuppe@woolwich.ca>; Rick Saul <saulrick@gmail.com>; Brian Doolittle <ganowa@me.com>; Tracey General <traceyghdi@gmail.com>; Tekarihogen Allen McNaughton <oroniataka4@aol.com>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Dear Mr. Cockburn:

Thank you for your email. I am not sending the Township of Woolwich correspondence by way of my role as counsel. I am sending as Kanienkehaka (Mohawk) and as a delegate of the Haudenosaunee Confederacy Chiefs Council. As a treaty beneficiary and rights holder I am taking an approach to engagement that the PPS and the MCEA have clearly set out and which are directed at advancing the goals of reconciliation. For greater certainty and clarity I have not been retained by to act on any matter.

I will continue to communicate with the Township of Woolwich as our treaty relationship requires.

If the Township of Woolwich wishes to forward my emails to your attention in the belief that retaining your firm is the best approach to advancing a treaty based relationship then I will leave it to the

Township's judgement but will reserve the right to point out that this approach appears to run contrary to the letter and spirit of, inter alia, the MCEA User Guide. Again I am available to sit down with you at your convenience and walk you through the User Guide, the relevant legislation and the applicable jurisprudence.

Seasons greetings,

Karihwahyontari
Aaron Detlor

On Dec 19, 2023, at 2:01 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

We have reviewed your emails sent to Ryan Tucker and David Brenneman on December 18, 2023.

Please refrain from sending correspondence from counsel to Township staff (including previously uninvolved personnel such as Mr. Brenneman). All future correspondence from counsel should be directed to myself and Mr. Thompson.

Our offices will provide a substantive response to your comments in due course.

Thank you,

Jamie

Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)

Direct Line: (519) 837-2100 Ext 364

SmithValeriote Law Firm LLP

245 Hanlon Creek Boulevard

Unit 102

Guelph, ON N1C 0A1

Phone: 519 837 2100

Fax: 519 837 1617

Toll Free: 800 746 0685

www.svlaw.ca

Please be advised that our offices will be closed for the holidays at **5:00 PM Friday, December 22, 2023, and will reopen on Tuesday, January 2, 2024.**

This email message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any retention, distribution, copying or disclosure, other than by the intended recipient, is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Aaron Detlor <aaron@detlorlaw.com>

Sent: Monday, December 18, 2023 9:52 PM

To: Ryan Tucker <rtucker@woolwich.ca>; DBrenneman@woolwich.ca

Cc: Aaron Detlor <aaron@detlorlaw.com>; Josh Detlor <josh@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Raechelle Williams

<raechellewilliams@hdi.land>; Tracey General <traceyghdi@gmail.com>; Jared Puppe <JPuppe@woolwich.ca>; Jamie Cockburn <jcockburn@svlaw.ca>; Kevin Thompson <kthompson@svlaw.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Good Evening Mr. Brenneman:

As a follow up I can advise that I am now in possession of the MCEA User Guide and in particular "Section 2 MCEA User Guide Notes". I would be happy to sit down with you and your counsel (Mr. Cockburn and Mr. Thompson) for an hour or so, free of charge, and walk them through the User Guide Notes including the MEA Clarification March 2023 Enhanced Consultation and Best Practices.

In relation to this matter please provide us with a copy of the correspondence or email from the Township of Woolwich to the Regional EA Coordinator.

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Again in the spirit of the season I would be happy to walk Mr. Tucker and his counsel through the MCEA User Guide at your offices.

Regards,

Aaron Detlor

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Attached please find the Municipal Engineers Association - Municipal Class Environmental Assessment User Guide.

Please note that the Town of Woolwich has failed to engage consistent with the User Guide and in particular A.3.7. At the same time the Township of Woolwich has failed to engage consistent with the Provincial Policy Statement (1.2.2) and/or for example the Greater Golden Horseshoe Growth Plan.

We can advise that we are opposed to the project in its entirety where the project will impair, infringe, and interfere with established s.35 rights held by the Haudenosaunee which include but are not limited to free and undisturbed use of the subject lands. On this particular parcel of land we have no indication that the Township Woolwich has come into lawful possession of the property on which the project is proposed.

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As discussed funding is required for our participation to be meaningful and we are prepared to discuss how and when funding will be provided by Woolwich and/or the Province of Ontario.

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<2023 Amended Municipal Class Environmental Assessment.pdf>

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The Township of Woolwich requests formal correspondence from HDI that specifically describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal

and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDI's concerns with the project.

Thank you,

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Engineering Project Supervisor
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Toll Free: 1-877-969-0094

[<image001.jpg>](#)

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From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

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Greetings Ryan,

I hope this finds you well.

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I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

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3. In Phase 2 I would like to know how and when alternative solutions were identified in the context of Haudenosaunee rights and interests as captured by impacts on the environment and the mitigating measures that have been identified and communicated
4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/IUser Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to

hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

Even if it were to given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice (<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province's guidance set out at:

Environmental assessments: consulting Indigenous communities (<https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>).

If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out an clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meets its PPS and Growth Plan obligations on this project

Ryan Tucker

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: January 10, 2024 8:33 AM
To: Jamie Cockburn
Cc: Kevin Thompson; Patricia Peter; Ryan Tucker; David Brenneman; Jared Puppe; Jake Linklater; Josh Detlor
Subject: Re: [EXT] Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon

Can we please have a copy of the Township's decision to retain your firm.

Note as well that 7.2-6 refers to a 'person' and not an entity and I am not certain that a creature of the Crown can delegate its engagement obligations to legal counsel without first having undertaken some type of prima facie assessment.

In any event, if you would like to jointly raise this with the LSO I would be pleased to participate.

I would like to understand how and when the Rules of Professional conduct could be interpreted to remove by "Indian status" where this type of disenfranchisement has been attempted on a number of occasions.

Regardless we still have no substantive response from you or the Township on the refusal to follow the MCEA process including

Section 2 Notes which confirm that:

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It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly.

Regards,

Aaron Detlor

Good Afternoon:

We await your reply as to how and when engagement will be commenced on this Project and we renew our request further to A.3.7.5. We note specifically that the subject lands have not been surrendered.

I believe you advised on or about December 19, 2024 that your office would provide a substantive response in “due course”. I think we may have a differing understanding of the definition of “due course”. We patiently await your response in the context of the 400 or so years we have been waiting for the Crown to act honourably.

Regards,

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Regards,

Aaron Detlor

On Jan 9, 2024, at 8:04 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

Thank you for your email.

We note that:

- i) You are listed with the Law Society of Ontario as a lawyer licensee: LSO# 40420W;
- ii) [Rule 7.2-6 of the Rules of Professional Conduct](#) dictates that lawyer licensees cannot communicate with an entity if they are represented by a legal practitioner;
- iii) Whether or not a lawyer licensee is retained by the entity for whom they speak is not relevant to the operation of Rule 7.2-6; as you know, the requirements of the *Rules of Professional Conduct* regulate the conduct of lawyer licensees even when they are not acting for a client;
- iv) As the Township has not consented to you communicating directly with staff (and in fact, has demanded that you direct such correspondence to the Township's counsel), you are in breach of Rule 7.2-6 of the *Rules of Professional Conduct*.

Given the foregoing, you (and all other lawyer licensees associated with HDI) are directed to direct all future correspondence to our offices' attention, barring which a report will need to be filed with the Law Society of Ontario.

Your anticipated cooperation is appreciated.

Jamie Cockburn

Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)

Direct Line: (519) 837-2100 Ext 364

SmithValeriot Law Firm LLP

245 Hanlon Creek Boulevard

Unit 102

Guelph, ON N1C 0A1

Phone: 519 837 2100

Fax: 519 837 1617

Toll Free: 800 746 0685

www.svlaw.ca

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From: Aaron Detlor <aaron@detlorlaw.com>

Sent: Tuesday, December 19, 2023 11:05 PM

To: Jamie Cockburn <jcockburn@svlaw.ca>; DBrenneman@woolwich.ca

Cc: Aaron Detlor <aaron@detlorlaw.com>; Kevin Thompson <kthompson@svlaw.ca>; Patricia Peter <ppeter@svlaw.ca>; Ryan Tucker <rtucker@woolwich.ca>; David Brenneman <dbrenneman@woolwich.ca>; Jared Puppe <JPuppe@woolwich.ca>; Rick Saul <saulrick@gmail.com>; Brian Doolittle <ganowa@me.com>; Tracey General <traceyghdi@gmail.com>; Tekarihogen Allen McNaughton <oroniateka4@aol.com>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Dear Mr. Cockburn:

Thank you for your email. I am not sending the Township of Woolwich correspondence by way of my role as counsel. I am sending as Kanienkehaka (Mohawk) and as a delegate of the Haudenosaunee Confederacy Chiefs Council. As a treaty beneficiary and rights holder I am taking an approach to engagement that the PPS and the MCEA have clearly set out and which are directed at advancing the goals of reconciliation. For greater certainty and clarity I have not been retained by to act on any matter.

I will continue to communicate with the Township of Woolwich as our treaty relationship requires.

If the Township of Woolwich wishes to forward my emails to your attention in the belief that retaining your firm is the best approach to advancing a treaty based relationship then I will leave it to the Township's judgement but will reserve the right to point out that this approach appears to run contrary to the letter and spirit of, inter alia, the MCEA User Guide. Again I am available to sit down with you at your convenience and walk you through the User Guide, the relevant legislation and the applicable jurisprudence.

Seasons greetings,

Karihwahyontari
Aaron Detlor

On Dec 19, 2023, at 2:01 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

We have reviewed your emails sent to Ryan Tucker and David Brenneman on December 18, 2023.

Please refrain from sending correspondence from counsel to Township staff (including previously uninvolved personnel such as Mr. Brenneman). All future correspondence from counsel should be directed to myself and Mr. Thompson.

Our offices will provide a substantive response to your comments in due course.

Thank you,

Jamie

Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)

Direct Line: (519) 837-2100 Ext 364

SmithValeriotte Law Firm LLP

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Toll Free: 800 746 0685

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Please be advised that our offices will be closed for the holidays at **5:00 PM Friday, December 22, 2023, and will reopen on Tuesday, January 2, 2024.**

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Sent: Monday, December 18, 2023 9:52 PM

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<image001.jpg>

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4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/User Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

Even if it were to given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice

(<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province's guidance set out at:

Environmental assessments: consulting Indigenous communities

(<https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>).

If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meet its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

On Jan 9, 2024, at 8:04 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

Thank you for your email.

We note that:

- i) You are listed with the Law Society of Ontario as a lawyer licensee: LSO# 40420W;
- ii) [Rule 7.2-6 of the Rules of Professional Conduct](#) dictates that lawyer licensees cannot communicate with an entity if they are represented by a legal practitioner;
- iii) Whether or not a lawyer licensee is retained by the entity for whom they speak is not relevant to the operation of Rule 7.2-6; as you know, the requirements of the *Rules of Professional Conduct* regulate the conduct of lawyer licensees even when they are not acting for a client;
- iv) As the Township has not consented to you communicating directly with staff (and in fact, has demanded that you direct such correspondence to the Township's counsel), you are in breach of Rule 7.2-6 of the *Rules of Professional Conduct*.

Given the foregoing, you (and all other lawyer licensees associated with HDI) are directed to direct all future correspondence to our offices' attention, barring which a report will need to be filed with the Law Society of Ontario.

Your anticipated cooperation is appreciated.

Jamie Cockburn



Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)
Direct Line: (519) 837-2100 Ext 364

SmithValeriot Law Firm LLP
245 Hanlon Creek Boulevard
Unit 102
Guelph, ON N1C 0A1

Phone: 519 837 2100
Fax: 519 837 1617
Toll Free: 800 746 0685
www.svlaw.ca

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From: Aaron Detlor <aaron@detlorlaw.com>

Sent: Tuesday, December 19, 2023 11:05 PM

To: Jamie Cockburn <jcockburn@svlaw.ca>; DBrenneman@woolwich.ca

Cc: Aaron Detlor <aaron@detlorlaw.com>; Kevin Thompson <kthompson@svlaw.ca>; Patricia Peter <ppeter@svlaw.ca>; Ryan Tucker <rtucker@woolwich.ca>; David Brenneman <dbrenneman@woolwich.ca>; Jared Puppe <JPuppe@woolwich.ca>; Rick Saul <saulrick@gmail.com>;

Brian Doolittle <ganowa@me.com>; Tracey General <traceyghdi@gmail.com>; Tekarihogen Allen McNaughton <orionateka4@aol.com>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Dear Mr. Cockburn:

Thank you for your email. I am not sending the Township of Woolwich correspondence by way of my role as counsel. I am sending as Kanienkehaka (Mohawk) and as a delegate of the Haudenosaunee Confederacy Chiefs Council. As a treaty beneficiary and rights holder I am taking an approach to engagement that the PPS and the MCEA have clearly set out and which are directed at advancing the goals of reconciliation. For greater certainty and clarity I have not been retained by to act on any matter.

I will continue to communicate with the Township of Woolwich as our treaty relationship requires.

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Seasons greetings,

Karihwahyontari
Aaron Detlor

On Dec 19, 2023, at 2:01 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

We have reviewed your emails sent to Ryan Tucker and David Brenneman on December 18, 2023.

Please refrain from sending correspondence from counsel to Township staff (including previously uninvolved personnel such as Mr. Brenneman). All future correspondence from counsel should be directed to myself and Mr. Thompson.

Our offices will provide a substantive response to your comments in due course.

Thank you,

Jamie

Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)

Direct Line: (519) 837-2100 Ext 364

SmithValeriotte Law Firm LLP

245 Hanlon Creek Boulevard

Unit 102

Guelph, ON N1C 0A1

Phone: 519 837 2100

— Please be advised that our offices will be closed for the holidays at **5:00 PM Friday, December 22, 2023, and will reopen on Tuesday, January 2, 2024.**

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Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Good Evening Mr. Brenneman:

As a follow up I can advise that I am now in possession of the MCEA User Guide and in particular "Section 2 MCEA User Guide Notes". I would be happy to sit down with you and your counsel (Mr. Cockburn and Mr. Thompson) for an hour or so, free of charge, and walk them through the User Guide Notes including the MEA Clarification March 2023 Enhanced Consultation and Best Practices.

In relation to this matter please provide us with a copy of the correspondence or email from the Township of Woolwich to the Regional EA Coordinator.

I would also draw your attention to the MCEA User Guide Notes at page 9 which I have reproduced for your ease of reference:

A.3.7.5

It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly.

Again in the spirit of the season I would be happy to walk Mr. Tucker and his counsel through the MCEA User Guide at your offices.

Regards,

Aaron Detlor

On Dec 18, 2023, at 2:14 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Dear Mr. Tucker and Mr. Brenneman:

Attached please find the Municipal Engineers Association - Municipal Class Environmental Assessment User Guide.

Please note that the Town of Woolwich has failed to engage consistent with the User Guide and in particular A.3.7. At the same time the Township of Woolwich has failed to engage consistent with the Provincial Policy Statement (1.2.2) and/or for example the Greater Golden Horseshoe Growth Plan.

We can advise that we are opposed to the project in its entirety where the project will impair, infringe, and interfere with established s.35 rights held by the Haudenosaunee which include but are not limited to free and undisturbed use of the subject lands. On this particular parcel of land we have no indication that the Township Woolwich has come into lawful possession of the property on which the project is proposed.

We remain open to sitting down with the Town of Woolwich to discuss how and when funding will be provided to undertake the Indigenous Communities Consultation Plan which we understand should be **“flexible and take into consideration the preferences of Indigenous Communities with respect to consultation ...”**

As discussed funding is required for our participation to be meaningful and we are prepared to discuss how and when funding will be provided by Woolwich and/or the Province of Ontario.

Regards,

R. Aaron Detlor

<2023 Amended Municipal Class Environmental Assessment.pdf>

On Dec 7, 2023, at 11:36 AM, Ryan Tucker
<rtucker@woolwich.ca> wrote:

Good Morning Josh,

The Township responded to the correspondence from your solicitor, Mr. Aaron Detlor, on November 28th,

2023. To date, we have not received any written comments on the draft agreement provided to HDI for capacity funding in relation to archaeological fieldwork and document review.

The Township has engaged with HDI via written correspondence and an in-person meeting, and has agreed, in principal, to provide certain funding to aid in document and field oversight for archaeological works associated with the Greenhouse Road Reconstruction and Extension project. Unfortunately, HDI does not seem interested in moving forward with entering into an agreement with the Township, as HDI represents that the Township will use the agreement in place of meaningful engagement (despite language in the draft agreement stating otherwise), and HDI continues to demand capacity funding to finance on-going correspondence and meeting-related engagement (which the Township cannot provide).

The Township remains willing to meet with HDI officials. Can you please provide some dates and times that HDI would be available to undertake another meeting, as you suggested in your email? I will work to coordinate with Township and legal staff and determine what date works for all parties. Also, please advise if you would like to undertake the meeting virtually, or in person, and the preferred venue.

The Township of Woolwich requests formal correspondence from HDI that specifically describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDI's concerns with the project.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

[Woolwich.ca](https://www.woolwich.ca) | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>
Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings Ryan,

I hope this finds you well.

On November 17th, 2023, HDI outlined several concerns related to the lack of meaningful, rights-based engagement on behalf of the Township of Woolwich regarding the Greenhouse Road Reconstruction Project.

I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

I am proposing that we reschedule the upcoming November 23rd, 2023 meeting, as HDI team members and legal counsel who would like to be involved in the process of ameliorating the unfortunate circumstances created by the Township are unable to attend on November 23rd.

We can sit down and have a meeting when we have a response to the Township's failure to engage meaningfully and in a rights-based manner. By the Township's current approach, we have no resources available to attend the meetings that are being contemplated, we have been given no indication that the Township will provide resourcing to make engagement meaningful.

This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (<https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.>), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating

Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement .

HDI remains committed to meaningful, rights-based engagement on all projects impairing, infringing, or otherwise impacting Haudenosaunee Treaty rights; including the proposed Greenhouse Road Reconstruction project.

Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.

Regards,
Joshua Detlor,
Ecologist

On Nov 17, 2023, at 1:58 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon Mr. Tucker:

Thank you for your email of November 16, 2023.

I can confirm that we have not agreed or stated that it is the desire of HDI to not include legal counsel where and when HDI deems it necessary and appropriate.

The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Can you please advise if the Crown has advised that Crown duties are triggered in relation to this project. Also please advise that we are specifically asking the Crown to participate commencing immediately as they appear to have delegated without ensuring the funding has been put in place to make engagement meaningful.

For greater clarity the EA process is unable to address a rights based engagement unless the EA process can accommodate and mitigate issues related to infringements of rights and interests. I am unaware of any capacity within the EA process to assess rights, the value of rights and/or the compensation or justification to make the infringement of rights lawful.

Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

1. In Phase 1 was any discretionary engagement undertaken to understand the problem in the context of

Haudenosaunee rights and issues?

2. In Phase 2 was engagement undertaken with the Haudenosaunee to properly and accurately inventory social, economic and environmental matters which necessarily include Haudenosaunee rights and interests
3. In Phase 2 I would like to know how and when alternative solutions were identified in the context of Haudenosaunee rights and interests as captured by impacts on the environment and the mitigating measures that have been identified and communicated
4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/IUser Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine

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Regards,

Aaron Detlor

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Ryan Tucker

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: December 19, 2023 11:05 PM
To: Jamie Cockburn; David Brenneman
Cc: Aaron Detlor; Kevin Thompson; Patricia Peter; Ryan Tucker; David Brenneman; Jared Puppe; Rick Saul; Brian Doolittle; Tracey General; Tekarihogen Allen McNaughton
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Cockburn:

Thank you for your email. I am not sending the Township of Woolwich correspondence by way of my role as counsel. I am sending as Kanienkehaka (Mohawk) and as a delegate of the Haudenosaunee Confederacy Chiefs Council. As a treaty beneficiary and rights holder I am taking an approach to engagement that the PPS and the MCEA have clearly set out and which are directed at advancing the goals of reconciliation. For greater certainty and clarity I have not been retained by to act on any matter.

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Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)

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Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

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Greetings Ryan,

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Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement .

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Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.

Regards,
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Ecologist

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The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

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Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

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If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

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I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

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If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

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On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

From: Jamie Cockburn <jcockburn@svlaw.ca>
Sent: December 19, 2023 2:02 PM
To: Aaron Detlor
Cc: Kevin Thompson; Patricia Peter; Ryan Tucker; David Brenneman; Jared Puppe
Subject: RE: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Detlor,

We have reviewed your emails sent to Ryan Tucker and David Brenneman on December 18, 2023.

Please refrain from sending correspondence from counsel to Township staff (including previously uninvolved personnel such as Mr. Brenneman). All future correspondence from counsel should be directed to myself and Mr. Thompson.

Our offices will provide a substantive response to your comments in due course.

Thank you,

Jamie



Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)
Direct Line: (519) 837-2100 Ext 364

SmithValeriot Law Firm LLP
245 Hanlon Creek Boulevard
Unit 102
Guelph, ON N1C 0A1

Phone: 519 837 2100
Fax: 519 837 1617
Toll Free: 800 746 0685
www.svlaw.ca



Please be advised that our offices will be closed for the holidays at **5:00 PM Friday, December 22, 2023, and will reopen on Tuesday, January 2, 2024.**

This email message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any retention, distribution, copying or disclosure, other than by the intended recipient, is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: Monday, December 18, 2023 9:52 PM
To: Ryan Tucker <rtucker@woolwich.ca>; DBrenneman@woolwich.ca
Cc: Aaron Detlor <aaron@detlorlaw.com>; Josh Detlor <josh@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Raechelle Williams <raechellewilliams@hdi.land>; Tracey General <traceyghdi@gmail.com>; Jared Puppe <JPuppe@woolwich.ca>; Jamie Cockburn <jcockburn@svlaw.ca>; Kevin

Thompson <kthompson@svlaw.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Good Evening Mr. Brenneman:

As a follow up I can advise that I am now in possession of the MCEA User Guide and in particular "Section 2 MCEA User Guide Notes". I would be happy to sit down with you and your counsel (Mr. Cockburn and Mr. Thompson) for an hour or so, free of charge, and walk them through the User Guide Notes including the MEA Clarification March 2023 Enhanced Consultation and Best Practices.

In relation to this matter please provide us with a copy of the correspondence or email from the Township of Woolwich to the Regional EA Coordinator.

I would also draw your attention to the MCEA User Guide Notes at page 9 which I have reproduced for your ease of reference:

A.3.7.5

It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly.

Again in the spirit of the season I would be happy to walk Mr. Tucker and his counsel through the MCEA User Guide at your offices.

Regards,

Aaron Detlor

On Dec 18, 2023, at 2:14 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Dear Mr. Tucker and Mr. Brenneman:

Attached please find the Municipal Engineers Association - Municipal Class Environmental Assessment User Guide.

Please note that the Town of Woolwich has failed to engage consistent with the User Guide and in particular A.3.7. At the same time the Township of Woolwich has failed to engage consistent with the Provincial Policy Statement (1.2.2) and/or for example the Greater Golden Horseshoe Growth Plan.

We can advise that we are opposed to the project in its entirety where the project will impair, infringe, and interfere with established s.35 rights held by the Haudenosaunee which include but are not limited to free and undisturbed use of the subject lands. On this particular parcel of land we have no indication that the Township Woolwich has come into lawful possession of the property on which the project is proposed.

We remain open to sitting down with the Town of Woolwich to discuss how and when funding will be provided to undertake the Indigenous Communities Consultation Plan which we understand should be

“flexible and take into consideration the preferences of Indigenous Communities with respect to consultation ...”

As discussed funding is required for our participation to be meaningful and we are prepared to discuss how and when funding will be provided by Woolwich and/or the Province of Ontario.

Regards,

R. Aaron Detlor

<2023 Amended Municipal Class Environmental Assessment.pdf>

On Dec 7, 2023, at 11:36 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Morning Josh,

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The Township has engaged with HDI via written correspondence and an in-person meeting, and has agreed, in principal, to provide certain funding to aid in document and field oversight for archaeological works associated with the Greenhouse Road Reconstruction and Extension project. Unfortunately, HDI does not seem interested in moving forward with entering into an agreement with the Township, as HDI represents that the Township will use the agreement in place of meaningful engagement (despite language in the draft agreement stating otherwise), and HDI continues to demand capacity funding to finance on-going correspondence and meeting-related engagement (which the Township cannot provide).

The Township remains willing to meet with HDI officials. Can you please provide some dates and times that HDI would be available to undertake another meeting, as you suggested in your email? I will work to coordinate with Township and legal staff and determine what date works for all parties. Also, please advise if you would like to undertake the meeting virtually, or in person, and the preferred venue.

The Township of Woolwich requests formal correspondence from HDI that specifically describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDI's concerns with the project.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

[Woolwich.ca](https://www.woolwich.ca) | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

From: Josh Detlor <josh@detlorlaw.com>
Sent: Wednesday, November 22, 2023 5:07 PM
To: Ryan Tucker <rtucker@woolwich.ca>
Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

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Ryan Tucker

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Sent: December 18, 2023 2:15 PM
To: Ryan Tucker; David Brenneman
Cc: Aaron Detlor; Josh Detlor; Jake Linklater; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Jared Puppe; Jamie Cockburn; Kevin Thompson
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)
Attachments: 2023 Amended Municipal Class Environmental Assessment.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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Infrastructure Services
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Toll Free: 1-877-969-0094

<image001.jpg>

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This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

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Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

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4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/IUser Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of

the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

Even if it were to given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice

(<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province's guidance set out at:

Environmental assessments: consulting Indigenous communities

(<https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>).

If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meets its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

On Dec 18, 2023, at 9:52 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Evening Mr. Brenneman:

As a follow up I can advise that I am now in possession of the MCEA User Guide and in particular "Section 2 MCEA User Guide Notes". I would be happy to sit down with you and your counsel (Mr. Cockburn and Mr. Thompson) for an hour or so, free of charge, and walk them through the User Guide Notes including the MEA Clarification March 2023 Enhanced Consultation and Best Practices.

In relation to this matter please provide us with a copy of the correspondence or email from the Township of Woolwich to the Regional EA Coordinator.

I would also draw your attention to the MCEA User Guide Notes at page 9 which I have reproduced for your ease of reference:

A.3.7.5

It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly.

Again in the spirit of the season I would be happy to walk Mr. Tucker and his counsel through the MCEA User Guide at your offices.

Regards,

Aaron Detlor

On Dec 18, 2023, at 2:14 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Dear Mr. Tucker and Mr. Brenneman:

Attached please find the Municipal Engineers Association - Municipal Class Environmental Assessment User Guide.

Please note that the Town of Woolwich has failed to engage consistent with the User Guide and in particular A.3.7. At the same time the Township of Woolwich has failed to engage consistent with the Provincial Policy Statement (1.2.2) and/or for example the Greater Golden Horseshoe Growth Plan.

We can advise that we are opposed to the project in its entirety where the project will impair, infringe, and interfere with established s.35 rights held by the Haudenosaunee which include but are not limited to free and undisturbed use of the subject lands. On this particular parcel of land we have no indication that the Township Woolwich has come into lawful possession of the property on which the project is proposed.

We remain open to sitting down with the Town of Woolwich to discuss how and when funding will be provided to undertake the Indigenous Communities Consultation Plan which we understand should be “**flexible and take into consideration the preferences of Indigenous Communities with respect to consultation ...**”

As discussed funding is required for our participation to be meaningful and we are prepared to discuss how and when funding will be provided by Woolwich and/or the Province of Ontario.

Regards,

R. Aaron Detlor

<2023 Amended Municipal Class Environmental Assessment.pdf>

On Dec 7, 2023, at 11:36 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Morning Josh,

The Township responded to the correspondence from your solicitor, Mr. Aaron Detlor, on November 28th, 2023. To date, we have not received any written comments on the draft agreement provided to HDI for capacity funding in relation to archaeological fieldwork and document review.

The Township has engaged with HDI via written correspondence and an in-person meeting, and has agreed, in principal, to provide certain funding to aid in document and field oversight for archaeological works associated with the Greenhouse Road Reconstruction and Extension project. Unfortunately, HDI does not seem interested in moving forward with entering into an agreement with the Township, as HDI represents that the Township will use the agreement in place of meaningful engagement (despite language in the draft agreement stating otherwise), and HDI continues to demand capacity funding to finance on-going correspondence and meeting-related engagement (which the Township cannot provide).

The Township remains willing to meet with HDI officials. Can you please provide some dates and times that HDI would be available to undertake another meeting, as you suggested in your email? I will work to coordinate with Township and legal staff and determine what date works for all parties. Also, please advise if you would like to undertake the meeting virtually, or in person, and the preferred venue.

The Township of Woolwich requests formal correspondence from HDI that specifically describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDI's concerns with the project.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

[<image001.jpg>](#)

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This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings Ryan,

I hope this finds you well.

On November 17th, 2023, HDI outlined several concerns related to the lack of meaningful, rights-based engagement on behalf of the Township of Woolwich regarding the Greenhouse Road Reconstruction Project.

I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

I am proposing that we reschedule the upcoming November 23rd, 2023 meeting, as HDI team members and legal counsel who would like to be involved in the process of ameliorating the unfortunate circumstances created by the Township are unable to attend on November 23rd.

We can sit down and have a meeting when we have a response to the Township's failure to engage meaningfully and in a rights-based manner. By the Township's current approach, we have no resources available to attend the meetings that are being contemplated, we have been given no indication that the Township will provide resourcing to make engagement meaningful.

This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (<https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.>), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating

Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement .

HDI remains committed to meaningful, rights-based engagement on all projects impairing, infringing, or otherwise impacting Haudenosaunee Treaty rights; including the proposed Greenhouse Road Reconstruction project.

Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.

Regards,
Joshua Detlor,
Ecologist

On Nov 17, 2023, at 1:58 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon Mr. Tucker:

Thank you for your email of November 16, 2023.

I can confirm that we have not agreed or stated that it is the desire of HDI to not include legal counsel where and when HDI deems it necessary and appropriate.

The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Can you please advise if the Crown has advised that Crown duties are triggered in relation to this project. Also please advise that we are specifically asking the Crown to participate commencing immediately as they appear to have delegated without ensuring the funding has been put in place to make engagement meaningful.

For greater clarity the EA process is unable to address a rights based engagement unless the EA process can accommodate and mitigate issues related to infringements of rights and interests. I am unaware of any capacity within the EA process to assess rights, the value of rights and/or the compensation or justification to make the infringement of rights lawful.

Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

1. In Phase 1 was any discretionary engagement undertaken to understand the problem in the context of Haudenosaunee rights and issues?
2. In Phase 2 was engagement undertaken with the Haudenosaunee to properly and accurately inventory social, economic and environmental matters which necessarily include Haudenosaunee rights and interests
3. In Phase 2 I would like to know how and when alternative solutions were identified in the context of Haudenosaunee rights and interests as captured by impacts on the environment and the mitigating measures that have been identified and communicated
4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/IUser Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee

hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

Even if it were to given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice (<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province's guidance set out at:

Environmental assessments: consulting Indigenous communities (<https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>).

If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meet its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

Ryan Tucker

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: January 10, 2024 8:33 AM
To: Jamie Cockburn
Cc: Kevin Thompson; Patricia Peter; Ryan Tucker; David Brenneman; Jared Puppe; Jake Linklater; Josh Detlor
Subject: Re: [EXT] Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon

Can we please have a copy of the Township's decision to retain your firm.

Note as well that 7.2-6 refers to a 'person' and not an entity and I am not certain that a creature of the Crown can delegate its engagement obligations to legal counsel without first having undertaken some type of prima facie assessment.

In any event, if you would like to jointly raise this with the LSO I would be pleased to participate.

I would like to understand how and when the Rules of Professional conduct could be interpreted to remove by "Indian status" where this type of disenfranchisement has been attempted on a number of occasions.

Regardless we still have no substantive response from you or the Township on the refusal to follow the MCEA process including

Section 2 Notes which confirm that:

A.3.7.5

It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly.

Regards,

Aaron Detlor

On Jan 9, 2024, at 8:04 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

Thank you for your email.

We note that:

- i) You are listed with the Law Society of Ontario as a lawyer licensee: LSO# 40420W;
- ii) [Rule 7.2-6 of the Rules of Professional Conduct](#) dictates that lawyer licensees cannot communicate with an entity if they are represented by a legal practitioner;
- iii) Whether or not a lawyer licensee is retained by the entity for whom they speak is not relevant to the operation of Rule 7.2-6; as you know, the requirements of the *Rules of Professional Conduct* regulate the conduct of lawyer licensees even when they are not acting for a client;
- iv) As the Township has not consented to you communicating directly with staff (and in fact, has demanded that you direct such correspondence to the Township's counsel), you are in breach of Rule 7.2-6 of the *Rules of Professional Conduct*.

Given the foregoing, you (and all other lawyer licensees associated with HDI) are directed to direct all future correspondence to our offices' attention, barring which a report will need to be filed with the Law Society of Ontario.

Your anticipated cooperation is appreciated.

Jamie Cockburn



Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)
Direct Line: (519) 837-2100 Ext 364

SmithValeriot Law Firm LLP
245 Hanlon Creek Boulevard
Unit 102
Guelph, ON N1C 0A1

Phone: 519 837 2100
Fax: 519 837 1617
Toll Free: 800 746 0685
www.svlaw.ca

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From: Aaron Detlor <aaron@detlorlaw.com>

Sent: Tuesday, December 19, 2023 11:05 PM

To: Jamie Cockburn <jcockburn@svlaw.ca>; DBrenneman@woolwich.ca

Cc: Aaron Detlor <aaron@detlorlaw.com>; Kevin Thompson <kthompson@svlaw.ca>; Patricia Peter <ppeter@svlaw.ca>; Ryan Tucker <rtucker@woolwich.ca>; David Brenneman <dbrenneman@woolwich.ca>; Jared Puppe <JPuppe@woolwich.ca>; Rick Saul <saulrick@gmail.com>;

Brian Doolittle <ganowa@me.com>; Tracey General <traceyghdi@gmail.com>; Tekarihogen Allen McNaughton <orionateka4@aol.com>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Dear Mr. Cockburn:

Thank you for your email. I am not sending the Township of Woolwich correspondence by way of my role as counsel. I am sending as Kanienkehaka (Mohawk) and as a delegate of the Haudenosaunee Confederacy Chiefs Council. As a treaty beneficiary and rights holder I am taking an approach to engagement that the PPS and the MCEA have clearly set out and which are directed at advancing the goals of reconciliation. For greater certainty and clarity I have not been retained by to act on any matter.

I will continue to communicate with the Township of Woolwich as our treaty relationship requires.

If the Township of Woolwich wishes to forward my emails to your attention in the belief that retaining your firm is the best approach to advancing a treaty based relationship then I will leave it to the Township's judgement but will reserve the right to point out that this approach appears to run contrary to the letter and spirit of, inter alia, the MCEA User Guide. Again I am available to sit down with you at your convenience and walk you through the User Guide, the relevant legislation and the applicable jurisprudence.

Seasons greetings,

Karihwahyontari
Aaron Detlor

On Dec 19, 2023, at 2:01 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

We have reviewed your emails sent to Ryan Tucker and David Brenneman on December 18, 2023.

Please refrain from sending correspondence from counsel to Township staff (including previously uninvolved personnel such as Mr. Brenneman). All future correspondence from counsel should be directed to myself and Mr. Thompson.

Our offices will provide a substantive response to your comments in due course.

Thank you,

Jamie

—
Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)

Direct Line: (519) 837-2100 Ext 364

SmithValeriote Law Firm LLP

245 Hanlon Creek Boulevard

Unit 102

Guelph, ON N1C 0A1

Phone: 519 837 2100

— Please be advised that our offices will be closed for the holidays at **5:00 PM Friday, December 22, 2023, and will reopen on Tuesday, January 2, 2024.**

This email message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. Any retention, distribution, copying or disclosure, other than by the intended recipient, is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

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Sent: Monday, December 18, 2023 9:52 PM
To: Ryan Tucker <rtucker@woolwich.ca>; DBrenneman@woolwich.ca
Cc: Aaron Detlor <aaron@detlorlaw.com>; Josh Detlor <josh@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Raechelle Williams <raechellewilliams@hdi.land>; Tracey General <traceyghdi@gmail.com>; Jared Puppe <JPuppe@woolwich.ca>; Jamie Cockburn <jcockburn@svlaw.ca>; Kevin Thompson <kthompson@svlaw.ca>
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

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In relation to this matter please provide us with a copy of the correspondence or email from the Township of Woolwich to the Regional EA Coordinator.

I would also draw your attention to the MCEA User Guide Notes at page 9 which I have reproduced for your ease of reference:

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Again in the spirit of the season I would be happy to walk Mr. Tucker and his counsel through the MCEA User Guide at your offices.

Regards,

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We remain open to sitting down with the Town of Woolwich to discuss how and when funding will be provided to undertake the Indigenous Communities Consultation Plan which we understand should be **“flexible and take into consideration the preferences of Indigenous Communities with respect to consultation ...”**

As discussed funding is required for our participation to be meaningful and we are prepared to discuss how and when funding will be provided by Woolwich and/or the Province of Ontario.

Regards,

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Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

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Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

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Greetings Ryan,

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I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

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This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (<https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.>), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating

Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement .

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Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.

Regards,
Joshua Detlor,
Ecologist

On Nov 17, 2023, at 1:58 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Afternoon Mr. Tucker:

Thank you for your email of November 16, 2023.

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The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Can you please advise if the Crown has advised that Crown duties are triggered in relation to this project. Also please advise that we are specifically asking the Crown to participate commencing immediately as they appear to have delegated without ensuring the funding has been put in place to make engagement meaningful.

For greater clarity the EA process is unable to address a rights based engagement unless the EA process can accommodate and mitigate issues related to infringements of rights and interests. I am unaware of any capacity within the EA process to assess rights, the value of rights and/or the compensation or justification to make the infringement of rights lawful.

Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

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Haudenosaunee rights and issues?

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Can you advise if the Companion Guide/IUser Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine

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Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

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Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above
with your external counsel if
and when they are retained.

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about the failure of
Woolwich Township to meets its PPS
and Growth Plan obligations on this
project

On Nov 16, 2023, at
11:47 AM, Ryan Tucker
<rtucker@woolwich.ca
> wrote:

<Acknowledgement
Letter_Township of
Woolwich_Greenhouse
Road Reconstruction
and Expansion
MCEA.pdf>

Ryan Tucker

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: December 19, 2023 11:05 PM
To: Jamie Cockburn; David Brenneman
Cc: Aaron Detlor; Kevin Thompson; Patricia Peter; Ryan Tucker; David Brenneman; Jared Puppe; Rick Saul; Brian Doolittle; Tracey General; Tekarihogen Allen McNaughton
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Cockburn:

Thank you for your email. I am not sending the Township of Woolwich correspondence by way of my role as counsel. I am sending as Kanienkehaka (Mohawk) and as a delegate of the Haudenosaunee Confederacy Chiefs Council. As a treaty beneficiary and rights holder I am taking an approach to engagement that the PPS and the MCEA have clearly set out and which are directed at advancing the goals of reconciliation. For greater certainty and clarity I have not been retained by to act on any matter.

I will continue to communicate with the Township of Woolwich as our treaty relationship requires.

If the Township of Woolwich wishes to forward my emails to your attention in the belief that retaining your firm is the best approach to advancing a treaty based relationship then I will leave it to the Township's judgement but will reserve the right to point out that this approach appears to run contrary to the letter and spirit of, inter alia, the MCEA User Guide. Again I am available to sit down with you at your convenience and walk you through the User Guide, the relevant legislation and the applicable jurisprudence.

Seasons greetings,

Karihwahyontari
Aaron Detlor

On Dec 19, 2023, at 2:01 PM, Jamie Cockburn <jcockburn@svlaw.ca> wrote:

Mr. Detlor,

We have reviewed your emails sent to Ryan Tucker and David Brenneman on December 18, 2023.

Please refrain from sending correspondence from counsel to Township staff (including previously uninvolved personnel such as Mr. Brenneman). All future correspondence from counsel should be directed to myself and Mr. Thompson.

Our offices will provide a substantive response to your comments in due course.

Thank you,

Jamie

Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)

Direct Line: (519) 837-2100 Ext 364

SmithValeriote Law Firm LLP

245 Hanlon Creek Boulevard

Unit 102

Guelph, ON N1C 0A1

Phone: 519 837 2100

Fax: 519 837 1617

Toll Free: 800 746 0685

www.svlaw.ca

Please be advised that our offices will be closed for the holidays at **5:00 PM Friday, December 22, 2023, and will reopen on Tuesday, January 2, 2024.**

This email message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any retention, distribution, copying or disclosure, other than by the intended recipient, is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Aaron Detlor <aaron@detlorlaw.com>

Sent: Monday, December 18, 2023 9:52 PM

To: Ryan Tucker <rtucker@woolwich.ca>; DBrenneman@woolwich.ca

Cc: Aaron Detlor <aaron@detlorlaw.com>; Josh Detlor <josh@detlorlaw.com>; Jake Linklater

<jake@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Raechelle Williams

<raechellewilliams@hdi.land>; Tracey General <traceyghdi@gmail.com>; Jared Puppe

<JPuppe@woolwich.ca>; Jamie Cockburn <jcockburn@svlaw.ca>; Kevin Thompson

<kthompson@svlaw.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Good Evening Mr. Brenneman:

As a follow up I can advise that I am now in possession of the MCEA User Guide and in particular "Section 2 MCEA User Guide Notes". I would be happy to sit down with you and your counsel (Mr. Cockburn and Mr. Thompson) for an hour or so, free of charge, and walk them through the User Guide Notes including the MEA Clarification March 2023 Enhanced Consultation and Best Practices.

In relation to this matter please provide us with a copy of the correspondence or email from the Township of Woolwich to the Regional EA Coordinator.

I would also draw your attention to the MCEA User Guide Notes at page 9 which I have reproduced for your ease of reference:

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It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly.

Again in the spirit of the season I would be happy to walk Mr. Tucker and his counsel through the MCEA User Guide at your offices.

Regards,

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On Dec 18, 2023, at 2:14 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Dear Mr. Tucker and Mr. Brenneman:

Attached please find the Municipal Engineers Association - Municipal Class Environmental Assessment User Guide.

Please note that the Town of Woolwich has failed to engage consistent with the User Guide and in particular A.3.7. At the same time the Township of Woolwich has failed to engage consistent with the Provincial Policy Statement (1.2.2) and/or for example the Greater Golden Horseshoe Growth Plan.

We can advise that we are opposed to the project in its entirety where the project will impair, infringe, and interfere with established s.35 rights held by the Haudenosaunee which include but are not limited to free and undisturbed use of the subject lands. On this particular parcel of land we have no indication that the Township Woolwich has come into lawful possession of the property on which the project is proposed.

We remain open to sitting down with the Town of Woolwich to discuss how and when funding will be provided to undertake the Indigenous Communities Consultation Plan which we understand should be **“flexible and take into consideration the preferences of Indigenous Communities with respect to consultation ...”**

As discussed funding is required for our participation to be meaningful and we are prepared to discuss how and when funding will be provided by Woolwich and/or the Province of Ontario.

Regards,

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<2023 Amended Municipal Class Environmental Assessment.pdf>

On Dec 7, 2023, at 11:36 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Morning Josh,

The Township responded to the correspondence from your solicitor, Mr. Aaron Detlor, on November 28th, 2023. To date, we have not

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The Township has engaged with HDI via written correspondence and an in-person meeting, and has agreed, in principal, to provide certain funding to aid in document and field oversight for archaeological works associated with the Greenhouse Road Reconstruction and Extension project. Unfortunately, HDI does not seem interested in moving forward with entering into an agreement with the Township, as HDI represents that the Township will use the agreement in place of meaningful engagement (despite language in the draft agreement stating otherwise), and HDI continues to demand capacity funding to finance on-going correspondence and meeting-related engagement (which the Township cannot provide).

The Township remains willing to meet with HDI officials. Can you please provide some dates and times that HDI would be available to undertake another meeting, as you suggested in your email? I will work to coordinate with Township and legal staff and determine what date works for all parties. Also, please advise if you would like to undertake the meeting virtually, or in person, and the preferred venue.

The Township of Woolwich requests formal correspondence from HDI that specifically describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDI's concerns with the project.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

[Woolwich.ca](https://www.woolwich.ca) | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>
Sent: Wednesday, November 22, 2023 5:07 PM
To: Ryan Tucker <rtucker@woolwich.ca>
Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings Ryan,

I hope this finds you well.

On November 17th, 2023, HDI outlined several concerns related to the lack of meaningful, rights-based engagement on behalf of the Township of Woolwich regarding the Greenhouse Road Reconstruction Project.

I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

I am proposing that we reschedule the upcoming November 23rd, 2023 meeting, as HDI team members and legal counsel who would like to be involved in the process of ameliorating the unfortunate circumstances created by the Township are unable to attend on November 23rd.

We can sit down and have a meeting when we have a response to the Township's failure to engage meaningfully and in a rights-based manner. By the Township's current approach, we have no resources available to attend the meetings that are being contemplated, we have been given no indication that the Township will provide resourcing to make engagement meaningful.

This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (<https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.>), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating

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Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

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On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

Ryan Tucker

From: Jamie Cockburn <jcockburn@svlaw.ca>
Sent: December 19, 2023 2:02 PM
To: Aaron Detlor
Cc: Kevin Thompson; Patricia Peter; Ryan Tucker; David Brenneman; Jared Puppe
Subject: RE: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Detlor,

We have reviewed your emails sent to Ryan Tucker and David Brenneman on December 18, 2023.

Please refrain from sending correspondence from counsel to Township staff (including previously uninvolved personnel such as Mr. Brenneman). All future correspondence from counsel should be directed to myself and Mr. Thompson.

Our offices will provide a substantive response to your comments in due course.

Thank you,

Jamie



Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)
Direct Line: (519) 837-2100 Ext 364

SmithValeriot Law Firm LLP
245 Hanlon Creek Boulevard
Unit 102
Guelph, ON N1C 0A1

Phone: 519 837 2100
Fax: 519 837 1617
Toll Free: 800 746 0685
www.svlaw.ca



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Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

[Woolwich.ca](https://www.woolwich.ca) | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

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Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

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p.s. I am available to discuss the above with your external counsel if and when they are retained.

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<rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of
Woolwich_Greenhouse Road Reconstruction and
Expansion MCEA.pdf>

Ryan Tucker

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: December 18, 2023 2:15 PM
To: Ryan Tucker; David Brenneman
Cc: Aaron Detlor; Josh Detlor; Jake Linklater; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Jared Puppe; Jamie Cockburn; Kevin Thompson
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario (Project)
Attachments: 2023 Amended Municipal Class Environmental Assessment.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tucker and Mr. Brenneman:

Attached please find the Municipal Engineers Association - Municipal Class Environmental Assessment User Guide.

Please note that the Town of Woolwich has failed to engage consistent with the User Guide and in particular A.3.7. At the same time the Township of Woolwich has failed to engage consistent with the Provincial Policy Statement (1.2.2) and/or for example the Greater Golden Horseshoe Growth Plan.

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The Township of Woolwich requests formal correspondence from HDI that specifically describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDI's concerns with the project.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

Woolwich.ca | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

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<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

On Dec 18, 2023, at 9:52 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Good Evening Mr. Brenneman:

As a follow up I can advise that I am now in possession of the MCEA User Guide and in particular “Section 2 MCEA User Guide Notes”. I would be happy to sit down with you and your counsel (Mr. Cockburn and Mr. Thompson) for an hour or so, free of charge, and walk them through the User Guide Notes including the MEA Clarification March 2023 Enhanced Consultation and Best Practices.

In relation to this matter please provide us with a copy of the correspondence or email from the Township of Woolwich to the Regional EA Coordinator.

I would also draw your attention to the MCEA User Guide Notes at page 9 which I have reproduced for your ease of reference:

A.3.7.5

It is not unusual for Indigenous Nations and Communities to request financial assistance to cover their express for reviews, site observers and meetings expenses and related project costs. Proponents should be prepared to provide funding to

compensate for reasonable expenses. If a proponent does not feel that the requested expense is appropriate, they should discuss the matter with the Indigenous Community, and if not satisfied with outcome, advise their MECP Regional EA Coordinator accordingly.

Again in the spirit of the season I would be happy to walk Mr. Tucker and his counsel through the MCEA User Guide at your offices.

Regards,

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Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<image001.jpg>

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Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>
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Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meet its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

Jamie Cockburn

From: Josh Detlor <josh@detlorlaw.com>
Sent: December 7, 2023 4:45 PM
To: Ryan Tucker
Cc: Aaron Detlor; Jake Linklater; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Kasey Atcheynum; Jared Puppe; Jamie Cockburn; Kevin Thompson
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Dear Mr. Tucker,

I am writing on behalf of the Haudenosaunee Development Institute (HDI) concerning the Greenhouse Road Reconstruction and Extension project.

Please be informed that the Haudenosaunee will exercise our established s35 protected Treaty rights over the affected areas of this project as deemed appropriate by our governance. The exercise of these rights is integral to our sovereignty and stewardship of the land. Our rights in these lands are non-negotiable and unyielding.

If the Township of Woolwich requires specific details on the timing or nature of the exercise of Treaty rights, please direct your inquiries to Aaron Detlor. It is our expectation that the Township will meaningfully engage with us in a manner that fully acknowledges and respects our Treaty rights.

We trust that this notification is received with the seriousness it warrants, and we look forward to constructive, meaningful engagement on this matter.

Sincerely,

Joshua Detlor
Ecologist
Haudenosaunee Development Institute

On Dec 7, 2023, at 3:41 PM, Aaron Detlor <aaron@detlorlaw.com> wrote:

Send off a note to Mr Tucker that we will be exercising treaty rights how and when we deem appropriate over the subject areas

If they need notice as to how and when we will be exercising rights then confirm with me Tucker who we should notify

Jamie Cockburn

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: December 7, 2023 3:39 PM
To: Ryan Tucker
Cc: Josh Detlor; Jake Linklater; Chazz Pitts; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Kasey Atcheynum; Jared Puppe; Jamie Cockburn; Kevin Thompson
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario
Attachments: image001.jpg

If Woolwich can't fund engagement then engagement will not proceed ...we are not obligated to pay out of our pockets for Woolwich or the crown to meet their obligations

And if there is no engagement then Woolwich cannot legally proceed with the project

Aaron

On Thu, Dec 7, 2023, 11:37 a.m. Ryan Tucker <rtucker@woolwich.ca> wrote:

Jamie Cockburn

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: December 7, 2023 3:37 PM
To: Ryan Tucker
Cc: Josh Detlor; Jake Linklater; Chazz Pitts; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Kasey Atcheynum; Jared Puppe; Jamie Cockburn; Kevin Thompson
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario
Attachments: image001.jpg

Dear Mr Tucker

We are not asserting anything ..we hold established s35 protected rights over the subject area and have not surrendered our interests 8n the land. We have advise that the proposed project will disturb our rights contrary to treaty promises.

If anyone is 'asserting' anything it is Woolwich who have provided no evidence of any delegation from the Crown or evidence that we have surrendered our interests in the and to the land .

This land belongs to the Haudenosaunee and Woolwich have not proved otherwise.

We are happy to sit down with Woolwich so it can provide us with evidence of its assertion that it has the authority to impair Haudenosaunee rights

We look forward to hearing from Woolwich and receiving the delegation of authority to engage from the Federal and Provincial Crown as well as the prima facie assessments

Also we will take all of the phase 2 work that was undertaken on the treaties that was required to be undertaken at phase 2 of the mcea

Aaron

Jamie Cockburn

From: Aaron Detlor <aaron@detlorlaw.com>
Sent: December 7, 2023 3:30 PM
To: Ryan Tucker
Cc: Josh Detlor; Jake Linklater; Chazz Pitts; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Kasey Atcheynum; Jared Puppe; Jamie Cockburn; Kevin Thompson
Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario
Attachments: image001.jpg

To date there has been no engagement where funding has not been provided to make discussions meaningful

Aaron

From: Ryan Tucker <rtucker@woolwich.ca>
Sent: December 7, 2023 11:37 AM
To: Josh Detlor
Cc: Aaron Detlor; Jake Linklater; Chazz Pitts; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Kasey Atcheynum; Jared Puppe; Jamie Cockburn; Kevin Thompson
Subject: RE: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Good Morning Josh,

The Township responded to the correspondence from your solicitor, Mr. Aaron Detlor, on November 28th, 2023. To date, we have not received any written comments on the draft agreement provided to HDI for capacity funding in relation to archaeological fieldwork and document review.

The Township has engaged with HDI via written correspondence and an in-person meeting, and has agreed, in principal, to provide certain funding to aid in document and field oversight for archaeological works associated with the Greenhouse Road Reconstruction and Extension project. Unfortunately, HDI does not seem interested in moving forward with entering into an agreement with the Township, as HDI represents that the Township will use the agreement in place of meaningful engagement (despite language in the draft agreement stating otherwise), and HDI continues to demand capacity funding to finance on-going correspondence and meeting-related engagement (which the Township cannot provide).

The Township remains willing to meet with HDI officials. Can you please provide some dates and times that HDI would be available to undertake another meeting, as you suggested in your email? I will work to coordinate with Township and legal staff and determine what date works for all parties. Also, please advise if you would like to undertake the meeting virtually, or in person, and the preferred venue.

The Township of Woolwich requests formal correspondence from HDI that specifically describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDI's concerns with the project.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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Jamie Cockburn

From: Ryan Tucker <rtucker@woolwich.ca>
Sent: November 28, 2023 3:18 PM
To: Aaron Detlor
Cc: Josh Detlor; Jake Linklater; Chazz Pitts; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General; Kasey Atcheynum; Jared Puppe; Jamie Cockburn; Kevin Thompson
Subject: RE: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario
Attachments: Township of Woolwich_Greenhouse Rd MCEA_HDI_Updated After Meeting.pdf

Good Afternoon Mr. Detlor,

I've reviewed your correspondence from November 17th, 2023, and can offer the following response.

The Township has not been specifically advised that the Crown's duty to consult has been triggered on this project, but have been informed that the MECP is delegating the procedural aspects of rights-based consultation through their letter of acknowledgement for the Greenhouse Road Reconstruction and Extension Environmental Assessment project.

The acknowledgement letter from the MECP lists specific contact information for MECP staff.

You may wish to engage the MECP directly with your concerns. Contact information from the MECP acknowledgement letter is included below.

Director, Environmental Assessment Branch
Ministry of Environment, Conservation and Parks
135 St. Clair Ave. W, 1st Floor
Toronto ON, M4V 1P5
EABDirector@ontario.ca

Joan Del Villar C
Regional Environmental Planner – West Central Region
joan.delvillarcuicas@ontario.ca

The Township previously provided HDI with the notice of study commencement on July 6, 2023, and did not receive a response. Additional correspondence was also sent on August 31st, 2023, to which the Township did receive a response from HDI, at which point the Township worked to initiate engagement with HDI. As the Township had proceeded to Phase 2 of the Environmental Assessment process when HDI responded with interest, the Township would be interested in understanding any concerns HDI may have with the project. The project team will work with the HDI to address any concerns brought to our attention that would negatively impact asserted Aboriginal and/or Treaty rights.

The Township is still within Phase 2 of the Environmental Assessment project for Greenhouse Road, and would welcome the chance to discuss social, economic and environmental matters, as well as working on alternative solutions that would mitigate HDIs rights-based concerns with the project. The Township is open to exploring alternate solutions that would address HDIs concerns. So you are aware, all draft project reporting was provided to HDI on September 12, 2023, to which no formal comments have been provided to the Township.

The Companion Guide/User Manual First Nation checklist was completed and provided to HDI previously, as part of the September 12, 2023 correspondence package. The checklist was also discussed at the meeting between

the Township and HDI on November 1st, 2023. Based on the discussions that occurred at the meeting, the updated checklist has been attached to this correspondence.

The Township of Woolwich is currently working to engage HDI to understand the specific asserted Aboriginal and/or Treaty rights being impacted by the Greenhouse Road Reconstruction and Extension project. The Township is open to making changes on the project that would mitigate HDIs rights-based concerns with the project. As stated previously, the Township provided written correspondence with HDI on July 7th, and August 31st, 2023 regarding the Greenhouse Road Reconstruction and Extension Environmental Assessment. Additional project information was provided to HDI on September 12, 2023, and the Township had an in person meeting with HDI staff on November 1st, 2023.

I don't understand your assertion that the Township will utilize the HDI FLR/Archeological Review Agreement in the place of actual engagement. I would direct you to clause 6. In the draft Agreement circulated earlier in November that specifically states:

6. The Parties agree that this Agreement is one (1) part of the consultation and/or engagement process, and does not in and of itself entirely satisfy consultation and/or engagement requirements of the provincial Crown (as represented by MECP).

The Township is still open to entering into an agreement with HDI, and are waiting for HDIs comments on the draft FLR/Archeological Review Agreement.

The Township of Woolwich requests formal correspondence from HDI that describes how the Greenhouse Road Reconstruction and Extension Project negatively impacts their asserted Aboriginal and/or Treaty rights. With this information, the project team can work with HDI to address and mitigate HDIs concerns with the project.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 22, 2023 5:07 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings Ryan,

I hope this finds you well.

On November 17th, 2023, HDI outlined several concerns related to the lack of meaningful, rights-based engagement on behalf of the Township of Woolwich regarding the Greenhouse Road Reconstruction Project.

I have waited and can confirm that at this time we have received no response from the Township indicating that it intends to engage meaningfully with the Haudenosaunee in a rights-based manner that would allow the project to proceed legally. I can also confirm that we received no response to the questions posed in the November 17th communique.

I am proposing that we reschedule the upcoming November 23rd, 2023 meeting, as HDI team members and legal counsel who would like to be involved in the process of ameliorating the unfortunate circumstances created by the Township are unable to attend on November 23rd.

We can sit down and have a meeting when we have a response to the Township's failure to engage meaningfully and in a rights-based manner. By the Township's current approach, we have no resources available to attend the meetings that are being contemplated, we have been given no indication that the Township will provide resourcing to make engagement meaningful.

This stands in stark contrast to the approach taken by other municipal entities. This also stands in stark contrast to the statements made by the Township of Woolwich regarding Indigenous Reconciliation (<https://www.woolwich.ca/en/living-here/edib.aspx#:~:text=Territorial%20Acknowledgement&text=%22Woolwich%20Township%20is%20situated%20on,we%20share%20this%20land%20today.>), where the Township's proposal would not promote healing and reconciliation. The approach taken to date is perpetuating

Furthermore, we have received no engagement on the Reconciliation Action Partnership (RAP) or any of its subcommittees. We must also make clear that the RAP process is not an adequate substitute for the Township's obligations arising from (but not limited to) the MCEA Process and Provincial Policy Statement .

HDI remains committed to meaningful, rights-based engagement on all projects impairing, infringing, or otherwise impacting Haudenosaunee Treaty rights; including the proposed Greenhouse Road Reconstruction project.

Once again we wish to reconfirm that the proposed project will have a significant, serious, and ongoing negative impact on the established rights of the Haudenosaunee.

Regards,
Joshua Detlor,
Ecologist

Jamie Cockburn

From: Jamie Cockburn
Sent: November 22, 2023 10:33 AM
To: aaron@detlorlaw.com
Cc: Ryan Tucker; 'Jared Puppe'; Kevin Thompson; Patricia Peter
Subject: RE: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Mr. Detlor,

I write further to my email of November 20, 2023.

Can you please advise whether the meeting is proceeding tomorrow: i.e., whether HDI officials intend to attend at Township offices without legal counsel to discuss the Greenhouse Road Class EA project?

Again, if you or other legal counsel intend(s) to attend, we will need to reschedule.

If this is the case, we would be grateful if you can please provide available dates for yourself and participating HDI officials.

Thank you,

Jamie



Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)
Direct Line: (519) 837-2100 Ext 364

SmithValeriot Law Firm LLP
245 Hanlon Creek Boulevard
Unit 102
Guelph, ON N1C 0A1

Phone: 519 837 2100
Fax: 519 837 1617
Toll Free: 800 746 0685
www.svlaw.ca

WE HAVE MOVED OUR GUELPH LOCATION

Our new address is:

245 Hanlon Creek Boulevard, Unit 102

Guelph, ON N1C 0A1

Our phone numbers remain the same.

This email message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any retention, distribution, copying or disclosure, other than by the intended recipient, is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Jamie Cockburn
Sent: Monday, November 20, 2023 2:46 PM
To: aaron@detlorlaw.com
Cc: Ryan Tucker <rtucker@woolwich.ca>; 'Jared Puppe' <JPuppe@woolwich.ca>; Kevin Thompson <kthompson@svlaw.ca>; Patricia Peter <ppeter@svlaw.ca>
Subject: RE: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Mr. Detlor,

SmithValeriot Law Firm LLP is legal counsel for the Corporation of the Township of Woolwich. I am assisting with this matter, along with my colleague, Kevin Thompson (carbon copied).

We have reviewed your correspondence to Ryan Tucker, dated November 17, 2023, in response to his email to Josh Detlor, dated November 16, 2023.

While substantive comments will be forthcoming, please note the following.

Given that HDI was aware that legal counsel was engaged (see the comments of Mr. Tucker in his November 16, 2023 email), please note that directly corresponding with Township staff (a represented party) is both inappropriate, and in violation of Rule 7.2-6 of the *Rules of Professional Conduct*. Please ensure that all future correspondence from HDI's legal counsel is sent directly to our offices, barring which our offices will need to notify the LSO.

With respect to your comments regarding the inappropriate inclusion of legal counsel in the November 1st meeting, we would note the following:

i) On October 25, 2023, Jared Puppe sent an email to Josh Detlor, stating:

... the Township would be grateful if you can advise whether HDI intends to be joined by legal counsel. If so, the Township will need to know in advance, as the Township would then need to ask it's external legal counsel to join the meeting to provide assistance with specialized legal issues that HDI's legal counsel may raise...

ii) On October 25, 2023, Josh Detlor sent an email to Jared Puppe, stating:

... I can advise that I do not intend to be joined by legal counsel at our November 1st meeting...

iii) While Mr. Thompson and I did not attend the meeting given this assurance, we are advised that you inappropriately attended the meeting, leaving our client in a situation where only one (1) party was joined by legal counsel.

The Township remains happy to meet with HDI officials: (i) to consult with respect to the Greenhouse Road EA project pursuant to the MECP delegation; and (ii) to negotiate the terms of an agreement re. capacity assistance for FLR participation, and the review of archeological reports. Note, however, that the Township is not prepared to discuss any further matters at this time.

Furthermore, if you (or any other LSO licensees) plan to attend such a meeting, lawyers from our offices will need to attend.

Given that we understood that lawyers would not be attending these meetings, we are unable to attend the meeting scheduled for November 23, 2023: i.e., we have a scheduling conflict.

Accordingly, if legal counsel intends to participate (which appears to be the case given your email), the November 23rd meeting will need to be rescheduled.

Thank you,

Jamie



Jamie Cockburn, B.E.S. (Hons.), J.D.(he/him)
Direct Line: (519) 837-2100 Ext 364

SmithValeriot Law Firm LLP
245 Hanlon Creek Boulevard
Unit 102
Guelph, ON N1C 0A1

Phone: 519 837 2100
Fax: 519 837 1617
Toll Free: 800 746 0685
www.svlaw.ca

WE HAVE MOVED OUR GUELPH LOCATION

Our new address is:

245 Hanlon Creek Boulevard, Unit 102

Guelph, ON N1C 0A1

Our phone numbers remain the same.

This email message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any retention, distribution, copying or disclosure, other than by the intended recipient, is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Aaron Detlor <aaron@detlorlaw.com>

Sent: Friday, November 17, 2023 1:58 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aaron@detlorlaw.com>; Josh Detlor <josh@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>;

Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>;

Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General

<traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon Mr. Tucker:

Thank you for your email of November 16, 2023.

I can confirm that we have not agreed or stated that it is the desire of HDI to not include legal counsel where and when HDI deems it necessary and appropriate.

The following is an excerpt from the Crown delegation letter of July 25, 2023 which unfortunately we were not copied on:

Where the Crown's duty to consult is triggered in relation to the proposed project, the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Can you please advise if the Crown has advised that Crown duties are triggered in relation to this project. Also please advise that we are specifically asking the Crown to participate commencing immediately as they appear to have delegated without ensuring the funding has been put in place to make engagement meaningful.

For greater clarity the EA process is unable to address a rights based engagement unless the EA process can accommodate and mitigate issues related to infringements of rights and interests. I am unaware of any capacity within the EA process to assess rights, the value of rights and/or the compensation or justification to make the infringement of rights lawful.

Even if the EA process were to be adopted the EA process would have to properly incorporate Haudenosaunee rights and interests in the EA process and specifically in the framing of the issue and the scoping of rights and interests. In this context my current questions are as follows:

1. In Phase 1 was any discretionary engagement undertaken to understand the problem in the context of Haudenosaunee rights and issues?
2. In Phase 2 was engagement undertaken with the Haudenosaunee to properly and accurately inventory social, economic and environmental matters which necessarily include Haudenosaunee rights and interests
3. In Phase 2 I would like to know how and when alternative solutions were identified in the context of Haudenosaunee rights and interests as captured by impacts on the environment and the mitigating measures that have been identified and communicated
4. In Phase 2 how and when alternative solutions were evaluated and communicated to the Haudenosaunee

Can you advise if the Companion Guide/IUser Manual First Nation checklist was completed and if so please provide a copy.

For greater clarity we have advised that the Crown duty is triggered and as such Woolwich Township is obligated to undertake engagement on a rights based approach.

If a rights based approach is required (as appears to be the case according to the MECP letter) then please advise how and when Woolwich Township has assessed the rights of the Haudenosaunee so that engagement can proceed meaningfully in the context of the s. 35 rights that the Haudenosaunee hold over the subject assessment area as well as the entirety of Woolwich Township. At the same time please advise how and when Woolwich reached out to the Haudenosaunee to clarify on rights, receive feedback on rights, collect information and determine what oral evidence may be available on rights.

Or perhaps Woolwich has reached out to the Province on the above and if so please provide the exchange of correspondence and documents that have been given and received.

I would also like to set out at this moment that the agreements that have been provided to date do not contemplate that they are to be used in the place of actual engagement and we hereby withdrawing our offer to enter into these agreements where it appears that Woolwich will rely on them as 'consultation' in the place of actually undertaking a rights based engagement. For greater clarity these agreements expressly state that they are not implemented or to be used as 'consultation' or relied upon as consultation.

I also note that the delegation provided by the Province is also not limited to proceeding by way of the Greenhouse Road Class EA process. As such I do not know why it should be limited particularly where we are lawfully entitled to consider and contemplate cumulative impacts in relation to specific projects. For instance you have our position on the question of how Woolwich claims to hold a title interest in the subject properties - how and when are we to address these issues if we are limited to an EA process?

Even if it were to given the engagement process Woolwich has clearly not followed the appropriate guidance set out in the Code of Practice (<https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process>) or the Province's guidance set out at:

Environmental assessments: consulting Indigenous communities (<https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>).

If I am mistaken please provide all of the documentation collected in terms of complying with the guidance so that we can set out and clarify any issues that require attention.

Also do you have a copy of the prima facie assessment that should have accompanied the July 22, 2023 correspondence so that we can know the nature and scope of engagement that will be required

Finally If Woolwich is not prepared to fund the engagement process then please ask the Province if the Province is prepared to fund where HDI does not have available resources to participate.

Failing funding to participate engagement cannot proceed and if there is no engagement then your EA and the project can not legally proceed where you have been advised that the project will significantly Impair Haudenosaunee rights and interests. Can you please advise on your contact for the Province of Ontario/MECP so that we can copy them on this email.

We remain open to meeting at your convenience pending a funding agreement. I will also make myself available at HDI's cost to clarify and discuss any of the process related issues set out above.

Regards,

Aaron Detlor

p.s. I am available to discuss the above with your external counsel if and when they are retained.

pps I limited this email to the EA process but we have not forgotten about the failure of Woolwich Township to meet its PPS and Growth Plan obligations on this project

On Nov 16, 2023, at 11:47 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

<Acknowledgement Letter_Township of Woolwich_Greenhouse Road Reconstruction and Expansion MCEA.pdf>

From: Ryan Tucker

Sent: Thursday, November 16, 2023 11:47 AM

To: Josh Detlor <josh@detlorlaw.com>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: RE: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Good Morning Mr. Detlor,

Thank you for meeting with Township staff on November 1st, and sharing HDI's comments in relation to the nations that HDI represents, the rights asserted by HDI, and the Greenhouse Road Class EA project generally. Thank you as well for providing a copy of the proposed capacity assistance Agreement.

Further to the November 1st meeting, please see the following enclosures:

- i. Draft Meeting Minutes of the November 1, 2023 meeting (please provide any comments to the Township by November 21st, if possible); and
- ii. Copy of the MECP Acknowledgement letter for the Greenhouse Road project; and
- iii. A revised copy of the proposed Greenhouse Road Class EA-related Agreement between HDI and the Township with respect to capacity assistance for Field Liaison Representative monitoring and archeological report reviews. The Agreement provided by HDI has been reviewed by Township staff, along with the Township's external legal counsel. Proposed revisions are provided for HDI's review.

Note: Two versions of the revised copy are provided, including a copy showing track changes, and a copy with track changes accepted for ease of review.

As discussed at the November 1st meeting, Township staff are happy to meet with HDI representatives on November 23rd at Township Offices, as planned. However, please note:

- i. With respect to substantive discussions, Township staff will only be prepared to discuss the Greenhouse Road Class EA, and the continued negotiation of the proposed Agreement referenced above.
- ii. Further, as indicated before the November 1st meeting, Township staff understand that it is the mutual desire of both HDI and the Township not to include legal counsel. Accordingly, please confirm that legal counsel for HDI will not be in attendance once again (as he temporarily was). Should HDI wish to invite legal counsel to the November 23rd meeting, the Township's external legal counsel will also be required to attend. Should legal counsel join a meeting notwithstanding another 'no legal counsel' agreement, Township staff will be required to end the meeting.

- iii. Finally, there were discussions at the November 1st meeting in relation to on-going 'meeting-based engagement,' and associated capacity funding. While the Township is willing to provide funding for Field Liaison Representative monitoring and the review of Project-related archeological reports, the Township is not able to provide capacity funding for continued meetings. Should the need for a subsequent ad hoc meeting (i.e., a meeting unrelated to the negotiation of the proposed FLR/AR Agreement) arise during the course of the Project, the Township may consider a subsequent meeting.

The Township looks forward to receiving comments from HDI in relation to the revised draft Agreement. The Township also looks forward to participating in another productive meeting on November 23, 2023.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



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From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, November 1, 2023 11:48 AM

To: Jared Puppe <JPuppe@woolwich.ca>; Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings Jared and Ryan,

I hope this finds you well! I am grateful for our productive meeting towards meaningful engagement earlier today. On a personal note, I also commend your individual commitments to learning.

I can confirm that the Township of Woolwich has acknowledged the need and expressed a willingness for engagement with HDI regarding the Greenhouse Road Reconstruction project. I can also confirm that the Township acknowledged the need to provide resourcing for engagement to be meaningful; the specifics of which are to be discussed at a subsequent meeting.

I can confirm that the Township has expressed interest in entering a Monitoring Agreement with HDI; which will also be discussed at a subsequent meeting. The most recent Monitoring Agreement template is attached below. Raechelle has also offered to share a previous Monitoring Agreement between HDI and the Township; which can be sent as a reply to this email.

I can confirm that the Township of Woolwich has offered to provide the documentation shared with them by the Ontario Ministry of Environment, Conservation, and Parks regarding engagement mandates for the Greenhouse Road Reconstruction Project; which can be sent as a reply to this email.

I can confirm that a date for our next meeting has been set for November 23rd, 2023 from 9am-11am at the same location as the November 1st meeting.

I look forward to continuing the process of engagement together.

With Kindness,
Joshua Detlor
Ecologist
Detlor Law

On Oct 25, 2023, at 4:48 PM, Jared Puppe <JPuppe@woolwich.ca> wrote:

Good afternoon Mr. Detlor,

Thank you for your response and clarity.

Sincerely,

Jared Puppe, C.E.T.
Director of Infrastructure Services
Township of Woolwich
Phone: 519.669.6029
Website: www.woolwich.ca

From: Josh Detlor <josh@detlorlaw.com>

Sent: Wednesday, October 25, 2023 2:25 PM

To: Jared Puppe <JPuppe@woolwich.ca>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Kasey Atcheynum <kasey@detlorlaw.com>; Ryan Tucker <rtucker@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Greetings Jared,

Thank you for this communique!

I can advise that I do not intend to be joined by legal counsel at our November 1st meeting. Now onto your comments regarding the agenda.

Firstly, we are in agreement with respect to the scope of our upcoming November 1st meeting—engagement regarding the Greenhouse Road Reconstruction project and not the entire capital projects list.

Concerning your *Field Liaison Review* comment, we have a Monitoring Agreement which I believe touches on many of the same areas. I will bring a template copy of the Monitoring Agreement as a starting point for discussion.

We likewise look forward to a fruitful first meeting.

With kindness,
Joshua Detlor
Ecologist
Detlor Law

On Oct 25, 2023, at 1:53 PM, Jared Puppe <JPuppe@woolwich.ca> wrote:

Good Afternoon Mr. Detlor,

Thank you for your October 17th email.

The Township looks forward to meeting with yourself and fellow representatives from HDI on November 1, 2023 at the Township's main office (located at 24 Church Street West, Elmira, ON).

Given that this is the first meeting, the Township would be grateful if you can advise whether HDI intends to be joined by legal counsel. If so, the Township will need to know in advance, as the Township would then need to ask it's external legal counsel to join the meeting to provide assistance with specialized legal issues that HDI's legal counsel may raise.

The Township has also reviewed the proposed agenda provided in your October 17th email. The Township of Woolwich is committed to advancing reconciliation. Further, Township officials will be receptive, and are happy to listen to HDI's overview of the HCCC/HDI's history, contemporary governance, and asserted rights. However, in response to the proposed agenda, please note that:

For the purposes of the November 1st meeting, the Township is not prepared to engage with HDI representatives in relation to all capital projects listed below.

Rather, the Township is prepared to consult with HDI representatives in relation to the specific Greenhouse Road Reconstruction project, in line with the procedural consultation delegation of MECP, being the Crown decision-maker in the Municipal Class Environmental Assessment context.

The Township is also interested in discussing the potential for entering Field Liaison Review agreements with the Township in the Municipal Class EA context to facilitate on-the-ground archeological investigations. The Township has entered like agreements with other Indigenous communities and groups.

The Township looks forward to having a productive first meeting.

Thank you,

Jared Puppe, C.E.T.
Director of Infrastructure Services
Township of Woolwich
Phone: 519.669.6029
Website: www.woolwich.ca

From: Josh Detlor <josh@detlorlaw.com>

Sent: Tuesday, October 17, 2023 6:23 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Jared Puppe <JPuppe@woolwich.ca>; Kasey Atcheynum <kasey@detlorlaw.com>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Greetings Ryan,

Please find below the agenda for our upcoming November 1st, 9-11am meeting:

1. Opening
2. Brief overview of Haudenosaunee Treaty Rights
3. Brief overview of the Town's obligation to engage with the Haudenosaunee
4. Acknowledging the present and historical lack of engagement
5. General overview of capital projects planned or being undertaken by the Town and specifically the Greenhouse Road Reconstruction project
6. Rights-based engagement with First Nation and Métis Communities under the municipal class EA companion guide
 1. How and when is this taking place—is the Greenhouse Road Reconstruction Project going to be placed on hold until it is
7. Issues arising from the Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist for First Nation and Métis Community Interest for the Greenhouse Road Reconstruction project
 1. Documents relied upon to create the checklist and how/why the checklist was created without engaging with HDI
8. Advancing reconciliation
9. Next meeting
10. Closing

Regards,
Joshua Detlor
Ecologist
Detlor Law

On Oct 13, 2023, at 2:46 PM, Josh Detlor <josh@detlorlaw.com> wrote:

Greetings Ryan,

I can confirm receipt of your meeting invite for November 1st from 9am to 11am. I will discuss internally the creation of a tentative agenda to help guide our first meeting.

Regards,
Joshua Detlor
Ecologist
Detlor Law

On Oct 13, 2023, at 1:55 PM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Afternoon Mr. Detlor,

I appreciate your confirmation that HDI is available on November 1st, from 9am to 11am. I will send out a meeting invite to the recipients of this email. Would it be possible for you to provide an agenda ahead of the meeting, so that we ensure that topics are not missed?

The Township looks forward to meeting representatives from HDI and having a productive first meeting.

Thank you,

Ryan Tucker

Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<[image001.jpg](#)>

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From: Josh Detlor <josh@detlorlaw.com>

Sent: Friday, October 13, 2023 1:47 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Jared Puppe <JPuppe@woolwich.ca>; Kasey Atcheynum <kasey@detlorlaw.com>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Good afternoon Ryan,

Thank you for getting back so quickly! November 1st from 9am to 11am works well for us. We look forward to a fruitful meeting.

Regards,
Joshua Detlor
Ecologist
Detlor Law

On Oct 13, 2023, at 1:39 PM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Afternoon Mr. Detlor,

I am very well, thanks, and hope you are as well.

I appreciate you providing a date and time that works for HDI to meet, unfortunately the Township is undertaking an emergency training exercise for management staff during your proposed date and time. I've provided additional dates and times that would work for the Township, hopefully one of these will also work for HDI.

1. November 1st – 9am to 11am, or 1pm to 3pm
2. November 7th – 9am to 11am
3. November 8th – 9am to 11am
4. November 9th – 9am to 11am

Thank you,

Ryan Tucker

Engineering Project Supervisor

Infrastructure Services

Office: 519-669-6048

Toll Free: 1-877-969-0094

[<image001.jpg>](#)

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This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Friday, October 13, 2023 1:14 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Jared Puppe <JPuppe@woolwich.ca>; Kasey Atcheynum <kasey@detlorlaw.com>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Good Afternoon Ryan,

I hope this finds you well.

After some internal dialogue, we have identified Thursday, November 2nd, at 10am as the date and time that works best for our team. This meeting would be in-person and could take place at any of the Town of Woolwich's offices within the Region.

Please let us know if this would be amicable to you and your team for this necessary meeting.

Regards,
Joshua Detlor
Ecologist
Detlor Law

On Oct 10, 2023, at 3:09 PM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Afternoon Mr. Detlor,

I've provided a few dates and times below that the Township is available to meet and discuss engagement on Township capital projects.

1. October 17th – Afternoon
2. October 18th – Afternoon
3. October 19th – Afternoon
4. October 23rd – Morning

Please let me know if any of the above dates work and I can work to arrange a virtual meeting. If your preference is for an in-person meeting, please let me know your preferred location and we can work to arrange a date and time.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094

<[image001.jpg](#)>

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This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Monday, September 25, 2023 11:29 AM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Buckley, Steve <steve.buckley@aecom.com>; Grueneis, Karl <Karl.Grueneis@aecom.com>; Zandvliet, Samantha <Samantha.Zandvliet@aecom.com>; Jared Puppe <JPuppe@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Good morning Ryan,

Thank you for confirming receipt of our message, we look forward to further updates.

My regards,
Joshua Detlor.

On Sep 25, 2023, at 9:11 AM, Ryan Tucker <rtucker@woolwich.ca> wrote:

Good Morning Mr. Detlor,

I appreciate your correspondence in relation to meaningful engagement on Township of Woolwich capital projects. I will discuss your request for a meeting internally, and provide you some available dates later this week.

Thank you,

Ryan Tucker

Engineering Project Supervisor

Infrastructure Services

Office: 519-669-6048

Toll Free: 1-877-969-0094

<image001.jpg>

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This email may contain confidential information. If you received this email in error, please notify the sender and delete the email. Please consider the environment before printing.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Friday, September 22, 2023 11:38 AM

To: Zandvliet, Samantha <Samantha.Zandvliet@aecom.com>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Buckley, Steve <steve.buckley@aecom.com>; Grueneis, Karl <Karl.Grueneis@aecom.com>; Ryan Tucker <rtucker@woolwich.ca>

Subject: Re: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

Greetings,

I am writing to you on behalf of the Haudenosaunee Development Institute to express significant concerns about the GreenHouse Road Reconstruction Project, which falls under the area historically covered by the Nanfan Treaty of 1701. We have received the Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist that you have shared, and we find it deeply concerning that the Town of Woolwich has created this checklist without engaging the Haudenosaunee.

We would like to inquire how the Town of Woolwich undertook the necessary engagement on the checklist without involving us. Your responses to the questions posed by the checklist indicate a significant lack of understanding of Haudenosaunee rights and interests. Your project is in close proximity to the Grand River, a significant water body, alongside other pertinent natural features, and covers areas that impact our treaty rights. Furthermore, we have no evidence to suggest that any of the subject land has been legally surrendered by the Haudenosaunee.

We wish to conduct a treaty rights-based environmental review. However, the Province of Ontario has not provided the necessary resources for such an initiative to be meaningful, particularly in the light of historical inequities.

In addition to the Greenhouse Road Reconstruction, we note that there has been no engagement with the Haudenosaunee on other ongoing projects such as:

1. Barnswallow Drive Reconstruction Project
2. Breslau Wet Well Upgrades - Class Environmental Assessment
3. Consolidated Operations and Maintenance Facility - Class Environmental Assessment
4. Duke Street Reconstruction
5. East Side Lands Sanitary Servicing Class Environmental Assessment
6. George Street, High Street and Charles Street Reconstruction Project
7. Greenhouse Road Reconstruction and Extension Project - Class Environmental Assessment
8. Greenhouse Road Structure 400172 Environmental Assessment
9. Halter Avenue, Isley Drive and Notre Dame Avenue Reconstruction Project
10. Industrial Drive Reconstruction
11. Jigs Hollow Road Improvement
12. Peel Street Bridge Pedestrian Conversion
13. Three Bridges Road and Henry Street - 2023 Paving Program
14. Union Street and Howard Avenue - 2023 Paving Program
15. Water Street and Young Street Inflow and Infiltration Remediation Project
16. Westview Court - 2023 Paving Program
17. Vance Road - 2023 Paving Program

The current Township of Woolwich is within areas historically delineated by the original Waterloo historic boundary. The acquisition of Waterloo Township as Block 2 involved a process fraught with illegality and fraud, contravening the law against perpetuities and thus rendering any subsequent land dispositions null and void. Given the nature of these historic transactions, it is abundantly clear that this land was never surrendered by the Haudenosaunee. We have never relinquished the use of the land or our right to acquire property on it. This reality mandates the highest level of engagement, especially considering that both Nanfan and Haldimand rights are at play.

By sending this message, we formally put on the record our concerns and insistence for immediate and meaningful engagement. We wish to sit down and discuss these matters and how they may be reconciled in detail. Kindly share three possible dates and times for such a meeting at your earliest convenience

Sincerely,

Joshua Detlor
Policy and Technical Analyst
Detlor Law

On Sep 12, 2023, at 11:01 AM, Zandvliet, Samantha <Samantha.Zandvliet@aecom.com> wrote:

Good morning Joshua,

Thank you for confirming receipt of previous communications. Please find attached letter with the requested checklist and additional project information.

The supporting draft Project File documentation summarized in the letter can be downloaded at the link below.

[Download Link - Draft Project File](#)

We look forward to hearing back from you.

Thank you,

Samantha Zandvliet
Environmental Planner, Impact Assessment and Permitting
M +1-437-428-7519
samantha.zandvliet@aecom.com

AECOM
45 Goderich Road, Suite 201
Hamilton, ON L8E 4W8, Canada
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aecom.com

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Joshua Detlor
Policy and Technical Analyst
Detlor Law

September 12 2023

Our Reference
60683946

Via Email Only

**Re: Greenhouse Road Reconstruction and Extension Project, Township of Woolwich
Municipal Class Environmental Assessment – Schedule B
Preliminary Assessment Checklist for First Nation and Métis Community Interest**

Dear Joshua Detlor:

Thank you for acknowledging the notices distributed to Haudenosaunee Development Institute (HDI) for the Greenhouse Road Reconstruction and Extension Project.

We understand the importance of HDI's participation in this project. As you have requested, we have enclosed a copy of the *Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist for First Nation and Métis Community Interest* with additional supporting information. We have also provided you a separate hyperlink to download the supporting Project File documentation completed for the Project that is currently under review by various stakeholders:

- Project File Report
- Project File Appendices
 - Appendix A. Environmental Impact Study Report
 - Appendix B. Stormwater Impact Assessment and Conceptual Stormwater Management Design Memorandum
 - Appendix C. Fluvial Geomorphological Assessment Memorandum
 - Appendix D. Stage 1 Archaeological Assessment Report
 - Appendix E. Desktop Cultural Heritage Screening Report
 - Appendix F. Conceptual Drawings
 - Appendix G. Public Consultation Record
 - Appendix H. Agency and Stakeholder Consultation Record
 - Appendix I. Indigenous Communities Consultation Record

Please reach out to the Project Managers from the Township and AECOM identified at the end of this letter should you have any questions or require further information. We are also available to meet and further discuss the Project at your convenience.

The Township plans to proceed with filing of this Municipal Class Environmental Assessment for public review in October, pending Council approval and incorporation of feedback from all key stakeholders, including HDI. The Township is committed to ensuring HDI has the opportunity to participate and can provide additional time to review the provided documentation, if requested.

Ryan Tucker, P.Eng.

Engineering Project Supervisor
Woolwich Township
24 Church Street West, P.O. Box 158
Elmira, Ontario, N3B 2Z6
Phone: 519-669-1647 ext. 6048
Email: rtucker@woolwich.ca

Steve Buckley, P.Eng

Project Engineer
AECOM Canada Ltd.
50 Sportsworld Crossing Road
Suite 290, West Entrance
Kitchener, Ontario, N2P 0A4
Phone: 519-722-5834
Email: steve.buckley@aecom.com

Yours sincerely,



Samantha Zandvliet
Environmental Planner
AECOM Canada Ltd.

cc: Ryan Tucker, Township of Woolwich
Steve Buckley, AECOM
Karl Grueneis, AECOM

Encl: Preliminary Assessment Checklist for First Nation and Métis Community Interest and Additional Project Information

**Municipal Class Environmental Assessment - Companion Guide
(rev 01 – March 28, 2018)**

Preliminary Assessment Checklist: First Nation and Métis Community Interest

	YES	NO
1. Are you aware of concerns from First Nation and Métis communities about your project or a similar project in the area? The types of concerns can range from interested inquiries to environmental complaints, and even to land use concerns. You should consider whether the interest represents on-going, acute and/or widespread concern.		X
2. Is your project occurring on Crown land, or is it close to a water body? Might it change access to either?	X	
3. Is the project located in an open or forested area where hunting or trapping could take place?	X	
4. Does the project involve the clearing of forested land?	X	
5. Is the project located away from developed, urban areas?		X
6. Is your project close to, or adjacent to, an existing reserve? Projects in areas near reserves may be of interest to the First Nation and Métis communities living there.		X
7. Is there potential the project affects First Nations and/or Métis' ability to access areas of significance to them?		X
8. Is the area subject to a land claim? Information about land claims filed in Ontario is available from the Ministry of Aboriginal Affairs; information about land claims filed with the federal government is available from Aboriginal Affairs and Northern Development Canada.		X
9. Does the project have the potential to impact any archaeological sites?	X	
10. Does the project have the potential to impact any cultural heritage sites?	X	

Supporting Information for Checklist Responses

Question 1:

The Township is not aware of any concerns from First Nation and Métis communities about this project or other similar Township projects in the area.

The recent feedback in regard to this project received to date from Mississaugas of the Credit First Nation (MCFN) and Six Nation of the Grand River (SNGR) Elected Council is an interest to participate in any future archaeological assessments, if undertaken.

Question 2:

The proposed Greenhouse Road reconstruction and extension is not located on Crown land or close to major waterbody; however, there are two watercourse crossings, including the Hopewell Creek tributaries and Branch B/Airport Creek that were assessed along the Greenhouse Road right of way and within the larger Study Area. The Project is not anticipated to change access to these features. Greenhouse Road also includes maintenance access to the stormwater

management pond at the northeast corner of the Hopewell Crossing subdivision and to a Union Gas inspection station. Refer to the provided Environmental Impact Study for further information on these features and proposed mitigation measures.

Greenhouse Road is proposed to be reconstructed to an urbanized roadway within the existing right-of-way from Victoria Street North (Highway 7) to south of Kramp Road. The newly proposed Greenhouse Road extension component from south of Kramp Road to the Metrolinx Corridor is also proposed to be constructed where there is currently an unpaved service road to access the rail corridor at this time.

Question 3:

The proposed extension component of the Greenhouse Road project includes forested area and vegetation removal will be required. Background data concerning wildlife and incidental wildlife observations from the fieldwork completed are provided in the Environmental Impact Study. Two Species of Conservation Concern were observed within the Study Area, which included visual observations of a Snapping Turtle and burrows belonging to a species of Terrestrial Crayfish. Refer to the provided Environmental Impact Study for further information on these features and proposed mitigation measures.

Question 4:

Vegetation and tree removal will be required south of Kramp Road and will be limited to the Township's right-of-way for constructing the Greenhouse Road extension. Further details of removals and mitigation measures will be confirmed during preliminary and detailed design when the road plans are finalized.

Question 5:

The Study Area is currently under development with the construction of the Hopewell Crossing subdivision with the objective of making the Greenhouse Road right-of-way urbanized, including the addition of sidewalks.

Question 6:

The Project is not near a reserve. The Indigenous Communities being engaged for this project include HCCC / HDI, MCFN and SNGR (Elected Council).

Question 7:

Indigenous Communities will still be able to access the surrounding Study Area. The proposed Greenhouse Road reconstruction and extension will be limited to the existing right-of-way owned by the Township.

Question 8:

The Township is not aware of any claims associated with these lands. As noted above, the proposed reconstruction and extension will be limited to the existing right-of-way.

Question 9:

The Project does have the potential to impact archaeological resources. Please refer to the Stage 1 Archaeological Assessment Report. The reconstruction works for Greenhouse Road are not proposed outside of the disturbed areas identified in the Stage 1 Archaeological Assessment Report. Should road widening occur south of Kramp Road in the future, additional archaeological work will be required at that time. We welcome HDI's participation in any future archaeological assessments.

Question 10:

The Project does have the potential to impact cultural heritage resources. Please refer to the desktop Cultural Heritage Screening Report. This report identifies a Cultural Heritage Landscape

at 1680 Kramp Road as a potential cultural heritage resource within a parcel boundary adjacent to the proposed Greenhouse Road extension. It has not been designated or included on the Township of Woolwich Municipal Heritage Register. However, the farmhouse at 1680 Kramp Road is located approximately 243 metres east of the proposed road works and adverse impacts are not anticipated. Mitigation measures are being developed to address any potential indirect impacts (e.g., vibration), and these will be reviewed during detailed design.

From: Josh Detlor <josh@detlorlaw.com>

Sent: Thursday, August 31, 2023 1:13 PM

To: Ryan Tucker <rtucker@woolwich.ca>

Cc: Aaron Detlor <aarondetlor@gmail.com>; Aaron Detlor <aaron@detlorlaw.com>; Jake Linklater <jake@detlorlaw.com>; Chazz Pitts <chazz@detlorlaw.com>; Brian Doolittle <ganowa@me.com>; Todd Williams <toddwilliams@hdi.land>; Raechelle Williams <raechellewilliams@hdi.land>; Sharann Martin <sharannmartin@hdi.land>; Tracey General <traceyghdi@gmail.com>; Samantha.Zandvliet@aecom.com

Subject: [EXT] RE: Greenhouse Road Reconstruction Environmental Assessment - Breslau, Ontario

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon Ryan,

We can confirm receipt of your communications of July 6, 2023 and August 31, 2023 regarding the Municipal Class Environmental Assessment for the Greenhouse Road Reconstruction and Extension Project in Breslau, Ontario. Given that the Haudenosaunee Confederacy Chiefs Council (HCCC) has vested the Haudenosaunee Development Institute (HDI) with the authority to represent the Haudenosaunee on matters relating to land development, it is indeed crucial that HDI participate in this process.

As part of this process, we request the *Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist for First Nation and Métis Community Interest* as well as any supporting documentation that substantiates the Town of Woolwich's positions arising from this checklist. Such materials are essential for our comprehensive understanding of your stance and the measures you have taken to protect and consider the Treaty rights and interests of the Haudenosaunee. We anticipate meaningful engagement on the Environmental Assessment and its implications for Haudenosaunee Treaty rights. Please forward the requested documents at your earliest convenience.

Sincerely,

Joshua "Sategat" Detlor

Policy and Technical Analyst

Detlor Law

<L-2023-09-12-Township of Woolwich_Greenhouse Rd MCEA_HDI-60683946.pdf>



THE TOWNSHIP OF
WOOLWICH

BOX 158, 24 CHURCH ST. W.
ELMIRA, ONTARIO N3B 2Z6
TEL. 519-669-1647 / 1-877-969-0094
COUNCIL/CAO/CLERKS FAX 519-6691820
PLANNING/ENGINEERING/BUILDING FAX 519-669-4669
FINANCE/RECREATION/FACILITIES FAX 519-669-9348

November 1, 2023 – 9:00 am to 11:00 am – Dodie Hummel Boardroom, 2nd Floor

Minutes – Township of Woolwich and HDI Initial Meeting

Attendees:

Jared Puppe, Township of Woolwich
Ryan Tucker, Township of Woolwich
Joshua Detlor, HDI
Raechelle Williams, HDI
Todd Williams, HDI
Aaron Detlor, HDI – Virtual
Kasey Atcheynum, HDI – Virtual

1. Opening
 - Joshua provided an opening for the meeting, spoken in Mohawk
 - Ryan provided brief housekeeping items (emergency procedures and washroom facilities)
2. Brief overview of Haudenosaunee Treaty Rights
 - Joshua explained that HDI asserts that there are two (2) treaties that would relate to projects undertaken within the Township of Woolwich
 - 1701 Nanfan Treaty – undertaken to provide economic use and benefit
 - 1784 Haldimand Treaty – undertaken to provide a place to live
3. Brief overview from HDI of the Town's obligation to engage with the Haudenosaunee
 - HDI has concerns that the Township of Woolwich has not been engaging on capital projects, based on the Provincial Policy Statement (section 1.2.2)
 - Provincial Policy Statement (section 1.2.2) – "Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters."
 - The Township informed HDI that it typically receives a letter of acknowledgement when undertaking environmental assessments, which directs which Indigenous Communities to engage through the project, Township will provide the acknowledgement letter for Greenhouse Road to HDI for their review.
 - HDI provided an example on a planning item that they were not consulted on, being the Townships Official Plan
 - Township discussed the Region of Waterloo's Official Plan, explained that the Region usually takes the lead on Indigenous engagement, and explained that Woolwich's Official Plan is a part of that overall process

4. Greenhouse Road Reconstruction project overview
 - HDI brought up specific species that have cultural heritage significance to the Haudenosaunee
 - Snapping turtles are used to construct traditional instruments (rattles)
 - Seeds from Mayapple flowers are used for rattles as well
 - The Haudenosaunee were the first to utilize sugar maple sap
 - Urbanization has pushed traditional pickers to move north to find suitable harvest areas
 - Every species is a part of Mother Earth and impacts to the natural environment can have unanticipated impacts
5. Rights-based engagement with First Nation and Métis Communities under the municipal class EA companion guide
 - Greenhouse Road Reconstruction Project engagement
 - HDI requested an update on the project status/engagement moving forward
 - The Township intends to move forward with engaging HDI to ensure that HDI's asserted and/or existing Treaty and/or Aboriginal Rights are understood in relation to the Greenhouse Road Class EA project
6. Issues arising from the Municipal Class Environmental Assessment Companion Guide Preliminary Assessment Checklist for First Nation and Métis Community Interest for the Greenhouse Road Reconstruction project
 - The Township originally misunderstood the request to provide the MCEA checklist, and issued a filled in checklist to HDI following the request
 - Moving forward, the Township will consult Indigenous communities and complete the checklist with input Indigenous communities. This will provide additional details to the project team that may impact the overall project.
7. Advancing reconciliation
 - HDI discussed meeting based engagement, which would require capacity funding (costs to be discussed at a later date)
 - HDI discussed field monitors and associated agreement (HDI to provide previous agreement with the Township, as well as a new drafted agreement for Greenhouse Road)
8. Next meeting
 - Next meeting scheduled for November 23rd, 2023 9am to 11am at Woolwich Administration Building
 - The Township voiced willingness to attend the meeting at a venue of HDIs choosing, understanding the HDI came to Woolwich for the first meeting.
9. Closing

ENGINEERING SERVICES

Phone: 519-669-1647 / 519-664-2613

Fax: 519-669-4669

www.woolwich.ca

- Joshua provided a closing for the meeting, spoken in Mohawk

From: Ryan Tucker <rtucker@woolwich.ca>
Sent: March 24, 2025 9:15 AM
To: info@hdi.land
Cc: aaron@detlorlaw.com; Josh Detlor; Jake Linklater; Brian Doolittle; Todd Williams; Raechelle Williams; Sharann Martin; Tracey General
Subject: Greenhouse Road Environmental Assessment Project - Notice of Study Completion
Attachments: Notice of Study Completion_Greenhouse Road MCEA.pdf

Good Morning,

Please find attached the notice of study completion for the Greenhouse Road Reconstruction and Extension Environmental Assessment project. The project file will be available for review starting on Friday March 28th on the Townships engagement platform (<https://www.engagewr.ca/greenhouseroad-ea>).

Should any archaeological investigation work be required for the project during detailed design and construction, I will make sure to contact you to discuss having a field liaison representative attend the archaeological field works.

Please let me know if you have any questions or concerns about the project.

Thank you,

Ryan Tucker
Engineering Project Supervisor
Infrastructure Services
Office: 519-669-6048
Toll Free: 1-877-969-0094



[Woolwich.ca](https://www.woolwich.ca) | [EngageWR](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

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TOWNSHIP OF WOOLWICH
NOTICE OF EA COMPLETION
GREENHOUSE ROAD RECONSTRUCTION
AND EXTENSION PROJECT
MUNICIPAL CLASS ENVIRONMENTAL
ASSESSMENT – SCHEDULE ‘B’



The Township of Woolwich has completed a Municipal Class Environmental Assessment study for the reconstruction of Greenhouse Road from Highway 7 (Victoria Street North) to the Metrolinx Rail Corridor, in Breslau. This includes the extension of Greenhouse Road south of Kramp Road to the Metrolinx Corridor. The study has evaluated various alternatives for the cross-section design of the upgraded roadway. The intent of the project is to fully urbanize Greenhouse Road in this area to service existing and future development within the Breslau Settlement Area.

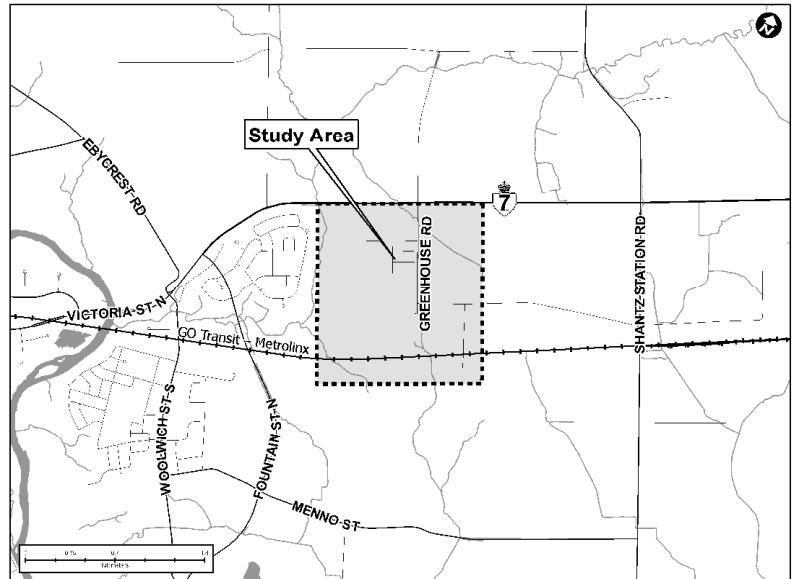


Figure 1. Greenhouse Road Study Area

Key elements of the preferred solution for the reconstruction and extension includes:

- A two-lane urbanized roadway (9 metres in width) within the built 20 metre right-of-way
- Sidewalks (1.8 metres in width) on each side of the roadway
- A culvert upgrade at the watercourse crossing location south of Kramp Road
- Stormwater management controls to provide storage and infiltration

The east boulevard of Greenhouse Road within the studied section may also be removed and widened in the future to the full 26 m right-of-way width, pending growth.

The study has been conducted in accordance with Schedule ‘B’ requirements of the Municipal Engineers Association "Municipal Class Environmental Assessment" manual (as recently amended in 2015) which is approved under the Ontario Environmental Assessment Act.

The Project File documenting the planning process is available for public review and comment for a period of 30 calendar days starting on **March 28th** and ending on **April 28th**. To facilitate public review of this document, the Project File report is available on the Township of Woolwich's Engage webpage: www.engagewr.ca/greenhouseroad-ea. All comments and concerns should be sent directly to the contacts below:

Ryan Tucker, P.Eng.

Engineering Project Supervisor
Woolwich Township
24 Church Street West, P.O. Box 158
Elmira, Ontario, N3B 2Z6
Phone: 519-669-1647 ext. 6048
Email: rtucker@woolwich.ca

Samantha Zandvliet, MPI

Environmental Planner
AECOM Canada ULC
50 Sportsworld Crossing Road
Suite 290, West Entrance
Kitchener, Ontario, N2P 0A4
Phone: 437-428-7519
Email: samantha.zandvliet@aecom.com

In addition, a request to the Minister of the Environment, Conservation and Parks for an order imposing additional conditions or requiring a comprehensive environmental assessment may be made on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests should include your full name and contact information.

Requests should specify what kind of order is being requested (additional conditions or a comprehensive environmental assessment), explain how an order may prevent, mitigate or remedy potential adverse impacts, and can include supporting information.

The request should be sent to:

Minister of the Environment, Conservation and Parks

Ministry of Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario M7A 2J3
Email: minister.mecp@ontario.ca

Director, Environmental Assessment Branch

Ministry of Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario M4V 1P5
Email: EABDirector@ontario.ca

Requests should also be sent to the Township of Woolwich by mail or e-mail. Please visit the ministry's website for more information on requests for orders under section 16 of the Environmental Assessment Act at: <https://www.ontario.ca/page/class-environmental-assessments-part-ii-order>

All personal information included in your request – such as name, address, telephone number and property location – is collected, under the authority of section 30 of the Environmental Assessment Act and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the Freedom of Information and Protection of Privacy Act (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

This notice first issued on March 24, 2025.