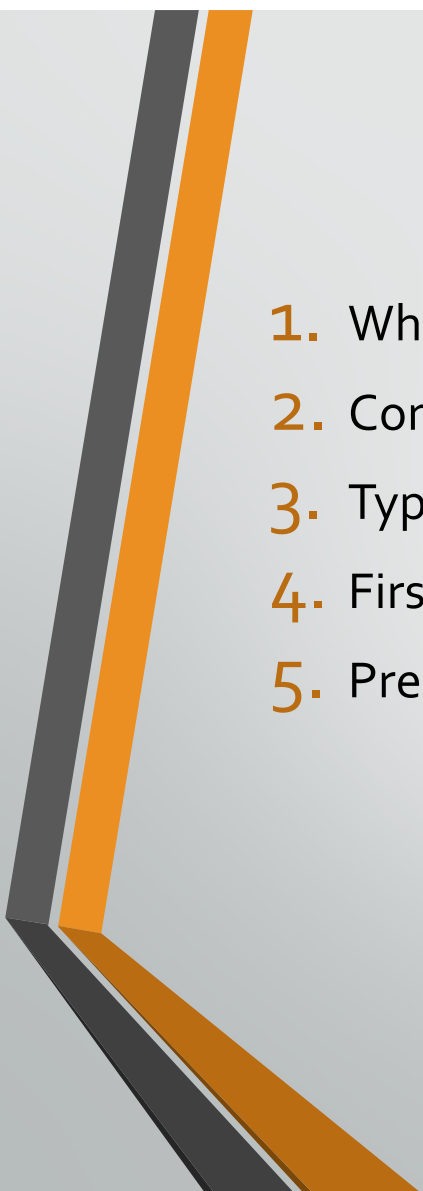




Traditional Land Use Study

An Aamjiwnaang First Nation Perspective

- 
1. Who are the Aamjiwnaang
 2. Community Concerns
 3. Types of Community Notifications
 4. First Nations Jurisdiction
 5. Preliminary Traditional Land Use Study



Aamjiwnaang First Nation

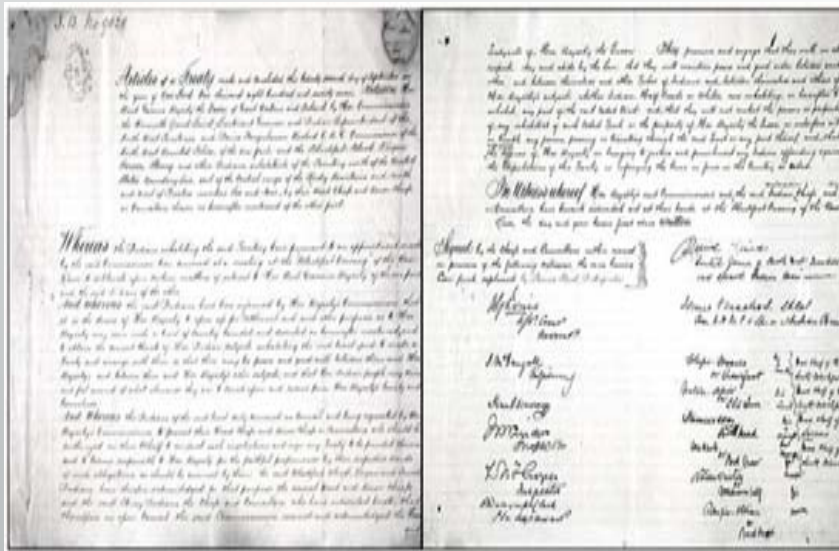
The community of Aamjiwnaang is located on the St. Clair River, three miles south of the southern tip of Lake Huron within Sarnia city limits. There are approximately 2300 band members and approximately 950 live on Aamjiwnaang Territory.

We are descendants of a part of the Anishinabek Nation. Our ancestors occupied southwestern Ontario and the Great Lakes long before contact with the Europeans occurred. Our people have been asserting Aboriginal rights over their traditional territory since time immemorial.

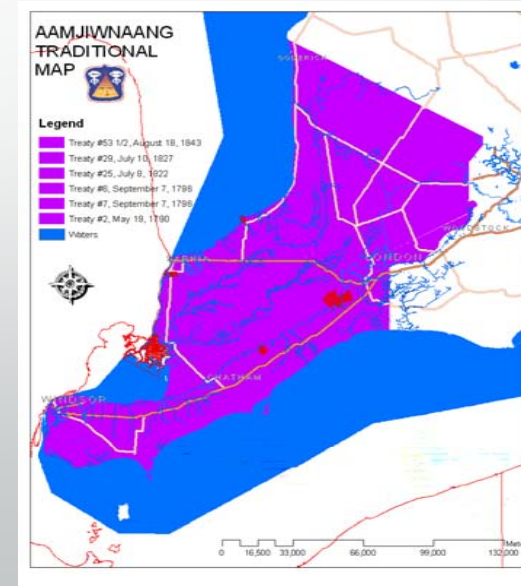
About the Aamjiwnaang People

We use the word Anishinabek to describe ourselves, other names that we have used include Ojibwa and Chippewa.

We have treaty rights to exclusively use and enjoy our reserve lands and we assert our aboriginal harvesting rights in our traditional territory



Traditional Territory



Differing world views:

Eagle Staff Gathering took place on Sept 20, 2013...23 eagle staffs came to Aamjiwnaang for ceremony
In Feb. 2014, 23 eagles return to the St. Clair River. It was said due to the 80% ice cover of the Great Lakes
the eagles are returning because the river is open and water and food are available
Aamjiwnaang believes its because they were honoured and acknowledged in ceremony.



Aamjiwnaang Environment Department

- The Aamjiwnaang Environment Department was established in 2007 with a mandate to:
 - study, preserve, and protect traditional species and their habitat
 - provide technical expertise to Chief and Council regarding Environmental impacts that infringe on aboriginal lands, resources, and treaty rights.
 - to implement community engagement around environmental projects and to provide outreach and education regarding projects proposed in the area.




Cumulative Environmental Impacts

- Within the past few years Aamjiwnaang First Nation has received 52 requests for consultation from companies looking to upgrade and/or expand their facilities within our traditional territory;
- In the last two years there have been pipeline ruptures, air releases of toxic chemicals and spills of hazardous materials in the St. Clair River that have directly impacted our community.

Recent Impacts

- Imperial Oil – pipeline rupture, Anomaly - 1954 – 1,200 litres crude oil Indian Road, rock
- Sun Canadian – pipeline rupture, Anomaly – 1953 – 36,000 litres low sulphur diesel, corrosion
- Enbridge – pipeline replacement due to dent identified as a result of regulatory audit from spill in Marshall Michigan, NEB filing for Line 9 reversal
- Nova – NEB filing for pipeline along south border of Reserve to transport natural gas to their facility from Marcella's shale to support their new expansion plans
- Union Gas – NEB new line installed under St. Clair River due to lease from Nova ended
- Suncor – Benzene Remediation due to pure product leak from benzene line in 2006 still under going remediation, 90,000 m³ of impacted soil and groundwater
- DOW – remediation of soil on TCE(tetrachloroethane), Carbon tetrachloride, pipeline leak



Types of Community Notifications

October 2014

CVECO Reference Card

Assistance Codes

- Code 5** - Incident outside of industry potentially requiring CVECO assistance.
- Code 6** - Full traffic control in designated areas.
- Code 7** - Bomb threat.
- Code 8** - Advised by a member of an internal emergency occurrence. CVECO will take no action under this code.
- Code 9** - Request for municipal fire dept.
- Code 91** - Request for specific industrial fire equipment.
- Code 92** - Request for response by all designated fire departments.

Traffic Control

- Area 1** - Sarnia, west of Indian and north of LaSalle
- Area 2** - St. Clair Township, LaSalle - Blenheim
- Area 3** - Sarnia, east of Indian Rd.
- Area 4** - Point Edward
- Area 5** - St. Clair Township, Blenheim - Whitby



www.caer.ca

Gezhawebag Notification sys... See More

Unlike · Comment · 1

REVIEWS

4.9 ★ 4.9 of 5 stars · 11 reviews

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July 8, 2014 · 1 Review
Like · Comment

Michael Bedford — 5+
July 7, 2014 · 1 Review
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Justin Rondeau — 5+
July 7, 2014 · 1 Review
Like · Comment

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Change the Course

Aamjiwnaang Heritage & Culture Cl...

David Suzuki

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Aamjiwnaang Environment
Posted by Courtney Jackson [?] · October 22

Notice to Community:

Hi everyone,

As you are aware, we are continuing the process of re-starting units following our recent turnaround. Over the next several days periods of intermittent visible flaring are possible as well as an increase in noise levels from the site. As always, we are making every effort to minimize the noise associated with this start up activity as well as the flaring tha... See More

74 people reached Boost Post

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EARLIER IN 2014 HIGHLIGHTS

Aamjiwnaang Environment
Posted by Courtney Jackson [?] · October 20

Notice to Community from Suncor:

Beginning overnight Sunday, October 19, 2014, we will be flaring as part of the continuing start-up activities following our turnaround.

Over the next couple days, community members will notice increased flaring from our main flare and a potential increase in noise levels.

As always, we will make every effort to minimize the need for flaring but it is part of safe and normal start-up activity.

Let me know if you have any questions,
Jennifer Johnson

76 people reached Boost Post

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THIS WEEK

2 Page Likes

63 Post Reach

UNREAD

0 Notifications

0 Messages

Recent

2014

2013

2012

Created


See Your Ad Here

Aamjiwnaang Environment
The Environment Department works under the Environment Committee who works under Aamjiwnaa...

Like Page · 538 people like this page

Promote Page

www.facebook.com/AamjiwnaangEnvironment



This is to advise that Imperial is assisting with the response to a reported spill of petroleum product from a third-party carrier in the vicinity of Indian Rd. and Scott Rd. in Sarnia. As such, Imperial has communicated with CVECO about this incident.

Regards, Jon Harding
Community and Aboriginal Affairs Advisor – Imperial Oil
Limited - Products and Chemicals Ph: 519-339-4015 Fax: 519
339-4491 Email: jon.s.harding@esso.ca

Fri 17/10/2014 4:27 PM

AFN-Code 8 issued

The following is a message from the Noondan Gezhawebag Notification System

Plains Midstream on Plank Road has hazardous materials leak. (Suspected NGL) Emergency crews on site and responding. Wind from the SW at 18 km/h

PLEASE REPLY TO THIS EMAIL IF REQUESTED TO DO SO. OTHERWISE NO ACTION IS REQUIRED.

If you have any further questions, please contact: Wilson Plain Jr. at the Aamjiwnaang Band Office(519) 336-8410

LANXESS Inc. Sarnia Site

LXS Butyl Chemical Leak

Tue 1:44 PM

Oct 28, 2014 16 KB

LANXESS Inc.

Sarnia Site

Emergency Community Alerting Network (E-CAN)


Lanxess has issued a code 9 for a catalyst leak at the facility in the Butyl Polene Unit. Wind from the SSW. City fire department is responding

THIS MESSAGE IS ONLY INTENDED FOR THE USE OF THE INTENDED RECIPIENT AND MAY CONTAIN PRIVILEGED AND/OR CONFIDENTIAL INFORMATION. If you are not the intended recipient, you are hereby notified that any, re-transmission, dissemination, distribution, or other use, is strictly prohibited.

Imperial Oil Flare

Wednesday
October 29, 2014






Tue 11/11/2014 8:10 PM
AFN-Imperial Code 8

The following is a message from the Noondan Gezhawebag Notification System

A code 8 issued for a fire at imperial oil Christina street. fire is in area 2 no further details at this time

PLEASE REPLY TO THIS EMAIL IF REQUESTED TO DO SO. OTHERWISE NO ACTION IS REQUIRED.

If you have any further questions, please contact: Wilson Plain Jr. at the Aamjiwnaang Band Office(519) 336-8410



Tue 11/11/2014 8:42 PM
AFN-Imperial Code

[Please click here to acknowledge receipt of this message](#)

The following is a message from the Noondan Gezhawebag Notification System

A code 6, traffic control, has now been issued related for the fire at Imperial Oil Christina street. The concern is foam going to Vidal Street South.

PLEASE REPLY TO THIS EMAIL IF REQUESTED TO DO SO. OTHERWISE
NO ACTION IS REQUIRED.

If you have any further questions, please contact: Wilson Plain Jr. at the
Aamjiwnaang Band Office(519) 336-8410



Tue 11/11/2014 9:57 PM
AFN-Codes Downgraded


[Please click here to acknowledge receipt of this message](#)

The following is a message from the Noondan Gezhawebag Notification System

Imperial Oil codes 6 and 9 downgraded to Code 8. Vidal Street now open.

PLEASE REPLY TO THIS EMAIL IF REQUESTED TO DO SO. OTHERWISE
NO ACTION IS REQUIRED.

If you have any further questions, please contact: Wilson Plain Jr. at the
Aamjiwnaang Band Office(519) 336-8410



Thu 13/11/2014 1:56 PM
AFN-Code 8 Imperial Oil

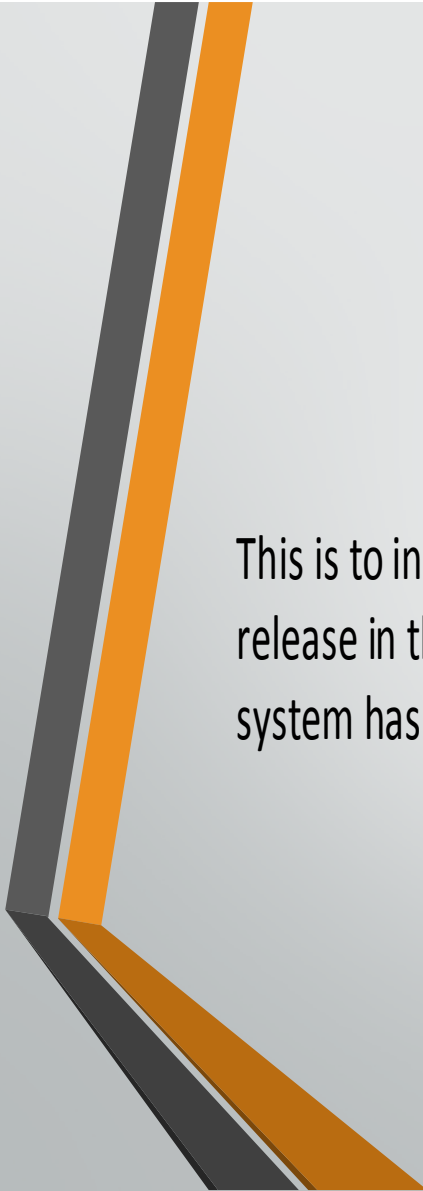
[Please click here to acknowledge receipt of this message](#)

The following is a message from the Noondan Gezhawebag Notification System

A CVECO Code 8 issued for Imperial Oil for fire in Area 3 of the plant. No other details at this time. Incident is being followed up .

PLEASE REPLY TO THIS EMAIL IF REQUESTED TO DO SO. OTHERWISE
NO ACTION IS REQUIRED.

If you have any further questions, please contact: Wilson Plain Jr. at the
Aamjiwnaang Band Office(519) 336-8410



Sat 22/11/2014 11:52 AM
EWS Activated at Imperial

This is to inform you that Imperial Oil emergency response crews are responding to a reported vapour release in the Chemical Plant. CVECO notification has been made and the site emergency warning system has been activated. Further details will be provided as soon as they become available.

Imperial Oil - Sarnia Manufacturing Site
P.O. Box 3004
Sarnia, Ontario
Canada N7T 7M5

News Release

Imperial Oil responded to vapour release

Sarnia – November 22, 2014 - Imperial Oil emergency response crews have responded to a liquid / vapour release at Area 2 of Imperial's Sarnia manufacturing site. The leak was a water stream with traces of hydrocarbon. The incident occurred at approximately 11:30 am today. The leak was isolated and depressured within 30 minutes.

Imperial has sounded its site alarms and has notified the Chemical Valley Emergency Coordinating Organization (CVECO) of an internal abnormal occurrence.

There were no injuries reported.

The exact cause is being investigated by Imperial.


Regulatory authorities have been notified, including Ontario's ministry of the environment. Company officials have also been notified.

As a precaution, Imperial performed air quality monitoring at the fenceline and in the incident vicinity. Results confirmed no measurable contaminants.

Based on what we know, there is no reason to anticipate there will be an impact on production from this incident.

Public inquiries concerning the incident should be directed to **519-339-5666**.

Media inquiries should be directed to Jon Harding at (519) 339-4015 or to the Imperial Oil media line at 403 237-2710.



From: SARNIA POLICE SERVICE DISPATCH <conf-912265398@everbridge.net>
Sent: Monday, December 1, 2014 11:47 AM
To: Dave Johnston
Reply To: SARNIA POLICE SERVICE DISPATCH
Subject: CVECO CODE 8

Sarnia Police Service

Code 8 was issued for laxness, xjf740, they have a medical call, in the butal unit

If you have received this message in error or have any questions please email
mycnn@police.sarnia.on.ca



Community Concerns

Focus Groups - May 2014

Community Environment Concerns

- **Distrust** – fears that all spills are not being reported
- **Cumulative effects** – more analysis to inform policy and to be included as part of the modelling requirements for industry.
- **Noise/Vibration Concerns**
- Is there a Hydrogen Sulphide standard?
- After a while people don't say anything because there is no validation
- Science as a tool to confuse the people
- There needs to be more transparency with the community – warnings to the community of releases to air and the river.
- Perhaps industry sets up in Ontario because the standards are lower

Health Concerns

- **Skin Rashes and irritations** – concern that this directly relates to exposure
- **Asthma** – flare ups with industry stack “burn offs” . **Our Asthma medications** are higher than any other prescribed medication i.e. diabetes or heart according to FNIHB reports
- University of Michigan did a study of the people here and found heavy metals in our blood
- **Headaches – Odours (rotten egg etc.)** often trigger headaches -→ sulphur smells
- **Children are more vulnerable.** Scared for children being exposed to contamination when playing in the parks and on the shores of the St. Clair River.
- **Seeing a lot more cancer deaths now....possible legacy of contamination and pollution many years ago?**
- **We don't want to allow any more emissions from industry. This has been going on for too long. There should be no more excuses.**
- **Cancer care Ontario did a study of this area – there is a high incidence of skin cancers – is this coincidence or proof of exposure?**

Monitoring/Standards Concerns

- For the Shell spill, the Ministry did not go into the area to monitor the air when there was a shelter in place. **This is not good enough for the residents.**
- The federal canister readings are higher than the station monitors
- Even though the OPG coal plant was shut down, we still get emissions from coal plants in the U.S
- Asbestos in Scott Road Landfill and any affect it has on the Environment
- Concerns raised that it has taken too long to get the air standards and now it will take longer to get these new rules in place.
- **Aamjiwnaang community needs better air quality monitoring** – daily and when there is a spill. Increase monitoring program to prevent exposure to pollution, to inform people of a release when it happens.
- The community wants to see more compliance monitoring including the monitoring van (mobile).
- Concerns raised that it has taken too long to get the air standards and now it will take longer to get these new rules in place.
- What about the start-ups and shutdowns for maintenance and other “emergencies”. It seems Companies can spew out anything they want and just tell the community it is ok we are just shutting down.

Ministry of Environment Continues to Fail Aamjiwnaang First Nation

- The Environmental Commissioner of Ontario recently released the 2013/14 Annual Report titled “Managing New Challenges” and specifically identified the air quality impacts on Aamjiwnaang Residents as an area of concern.
 - “since the 1940’s, the area surrounding Aamjiwnaang has developed into one of the most heavily industrialized enclaves in Canada. Widely known as “Chemical Valley”, the area is home to several dozen large industrial facilities, representing **40 per cent of Canada’s entire chemical industry.**”
 - “As a result of this concentration of industrial facilities, Sarnia suffers some of the **worst air pollution in Canada** according to the World Health Organizations 2011 Outdoor Air Pollution Database.”

Environmental Commissioners Report cont.

Shell Spill Incident - Jan. 11, 2013

Shelter in place was issued, community members felt that if any chemical release that the company has responsibility to notify their neighbours. It took an hour for sirens to be sounded.

- Chemicals released adversely affected Aamjiwnaang by reports of the following symptoms;
 - Nausea, red eyes, dizziness, shortness of breath, coughing, and skin irritations
 - Odour was so strong (gas smell) caused headaches

April 26, 2013


- rotten egg smell caused headaches
- One person reported that she was advised by MOE that hydrogen sulphide and sulphur dioxide were released from the Shell facility.

Environment Committee meeting – October 21/14

- AFN's rights to exclusively use and enjoy our reserve lands is adversely affected and is not protected by mandated agencies and their enforcement regulations
- MOE is failing on it's mandate of protecting our air, land and species
- Polluters need to pay for chemical releases
- Need update on standards and guidelines.

Recommendation # 4

"The ECO recommends that the Ministry of the Environment enhance its efforts to eliminate the adverse effects of the industrial facilities within Chemical Valley on the Aamjiwnaang community and the environment."



“Under today’s land use rules, it would be highly unlikely that this type of concentrated industrial development would occur in such close proximity to a residential community. Yet, the Aamjiwnaang First Nation suffers a daily assault on their ancestral land as a result of this disturbing historical legacy, coupled with contemporary indifference.”

- ECO Annual Report 2014

Aamjiwnaang Asserts Jurisdiction Over Traditional Territory

- As Anishinabe peoples, we are subject to Anishinabe law and have a duty under our law to be stewards of our land.
- Our people have a long relationship with our land, including the harvesting of resources, which remains important to our people.
- Fishing, hunting and the gathering of medicines is of special importance to our people, both historically and today.
- Canadian Courts have recognized and affirmed the protection of existing Aboriginal and treaty rights (which are constitutionally protected).
- Our traditional territory is also important to us for its ceremonial and sacred sites. It is also one of our most important laws that the places where our ancestors are buried should not be disturbed.



Aamjiwnaang Asserts Jurisdiction Over Traditional Territory

- Under Canadian law, any action that may potentially affect our Aboriginal and treaty rights, requires that our people be consulted and accommodated.
- In order to address consultation issues Aamjiwnaang has implemented its own consultation process and flow chart to assist proponents.
- Copies available on website: <http://www.aamjiwnaangenvironment.ca/>

Traditional Land Use Study

Aamjiwnaang conducted a preliminary traditional land use study that documents and describes traditional practices carried out by current Aamjiwnaang First Nation ("AFN") members in the proximity of the Line 9 right-of-way, specifically.

The study was limited in scope and extent. Because of the limited focus on the Line 9 right-of-way, only the amount of background research necessary to achieve a historical context was carried out and no in-depth historical, archeological, anthropological and/or ethnographic research was performed. A smaller number of land and resource users were interviewed during the study than would typically be interviewed in a full traditional land use study.

We are presently conducting a full land use study. We have been partnering with the Toronto Zoo for cultural mapping as well.



Traditional Land Use Study

Aamjiwnaang Intervenes In the NEB Process

In 2012 we applied for intervener status in the National Energy Board hearings for Enbridge's Line 9 reversal project.

The National Energy Board approved Enbridge's Line 9 Reversal application on July 27, 2012.

The decision indicated in their view Aamjiwnaang First Nation did not provide specific information respecting traditional activities that it practices in the project area (our territory).

It also stated AFN only made broad assertions about potential impacts of the project and that we did not identify ways in which any potential effects of the project on our interests could be avoided or mitigated

We applied for intervener status again and provided the information in our preliminary land use study that asserted existing aboriginal and treaty rights within the same territory occupied by Line 9.

The NEB, however approved the project and determined that, **"any potential Project impacts on the rights and interests of Aboriginal groups are likely to be minimal and will be appropriately mitigated**

incorrectly focuses on the significance of impacts rather than the potential for the Project to cause them



Traditional Land Use Study

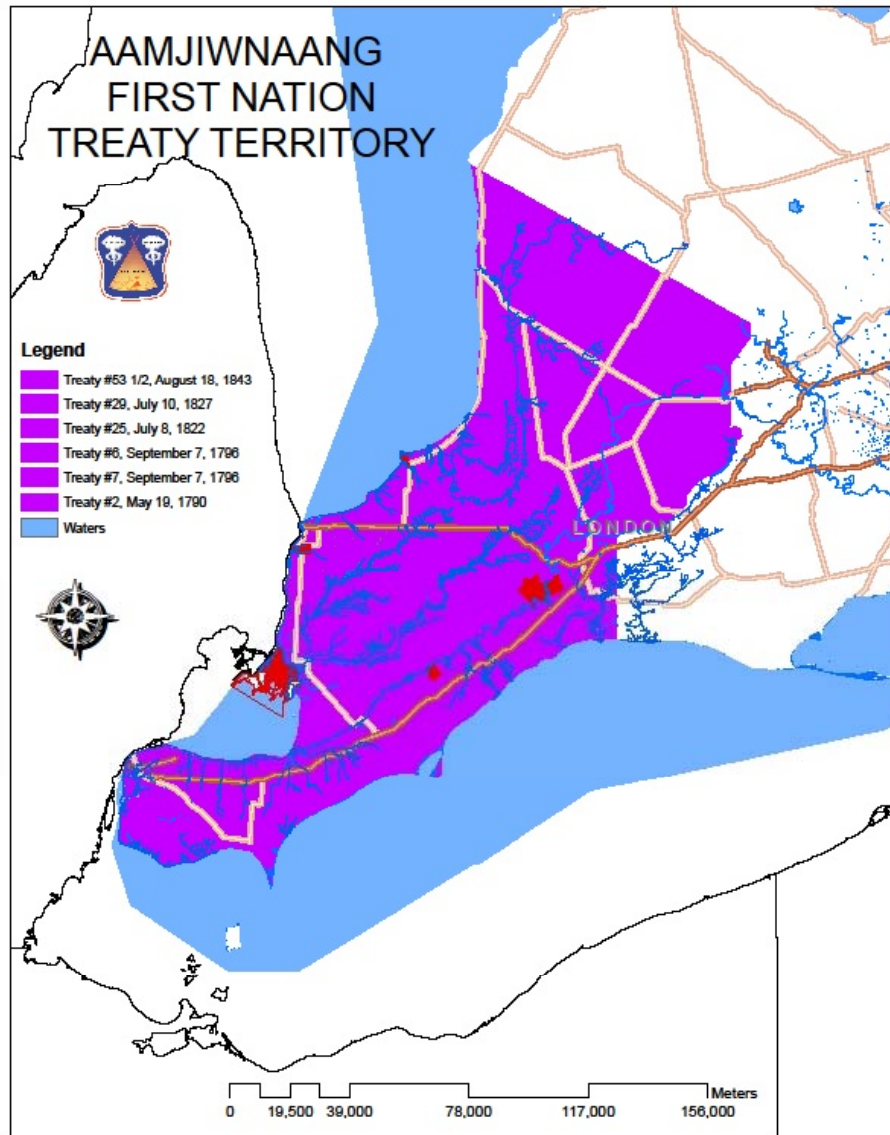
Preliminary research and elder interviews indicate that AFN's ancestors used, occupied, and controlled lands extending from the St. Clair River eastward between Lake Huron and Lake Erie.

AFN's ancestors used lands and resources in a cycle typical of hunter-gatherer societies sometimes referred to as "annual rounds".

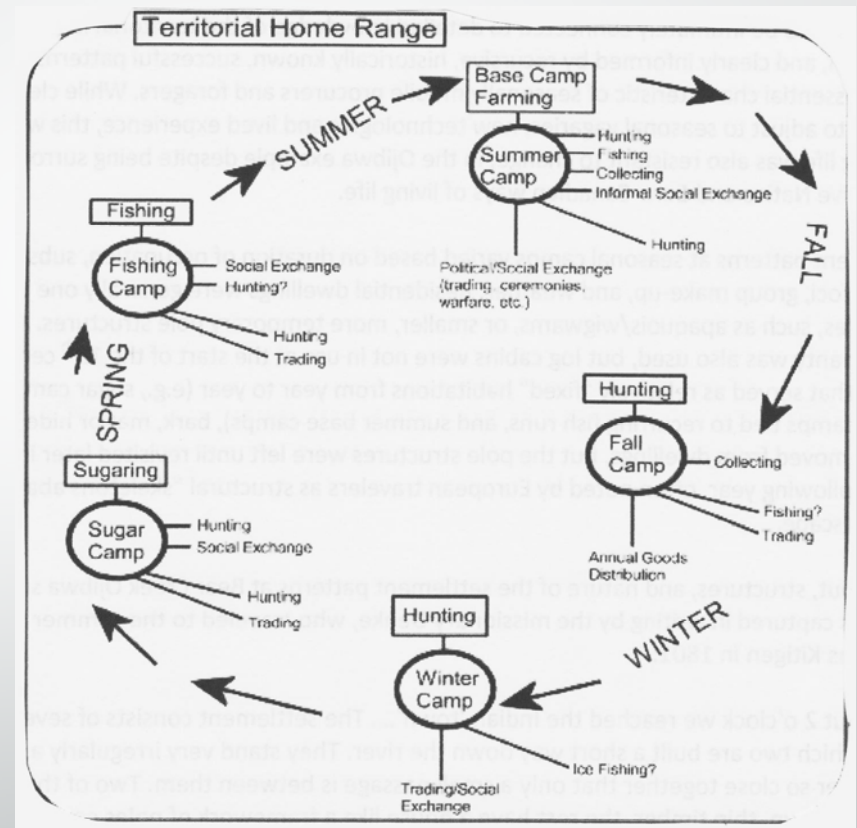
They used the rivers and the lakes for fishing, and low-lying lands and wetlands for trapping muskrats and other furbearing animals.

They would have gathered various berries and medicines and nuts and used trees for wood and bark. They also would have hunted deer over a relatively large area extending well up the peninsula of southwestern Ontario.

AFN author and historian David Plain (2009) describes how the same lands were used by AFN after the War of 1812.



- Dr. Ferris presents a diagram in his May 20, 2009 paper, which focuses on different camps or locations which is reproduced below as Figure 1. For example, Dr. Ferris' diagram includes a "sugar camp", which of course would be located in wooded areas containing maple trees, a "fishing camp", which would be located close to the river where fish spawned, a "summer camp" which may include sites located close to land with favourable agricultural growing conditions, a "fall camp" located near gathering sites, and a "winter camp" strategically located near hunting and trapping grounds that afforded winter fur resources.



Traditional Land Use Study



Fourteen (14) Elders and other AFN land and resource users were interviewed over the course of four days in July 2013. The data from these interviews were collected on video and audio tapes

The locations of land and resource use identified by the interviewees were overlaid on a map of the area

We asked questions about traditional life such as fishing, medicinal plants, family values, habitats and species, important areas, previous land uses, stories.

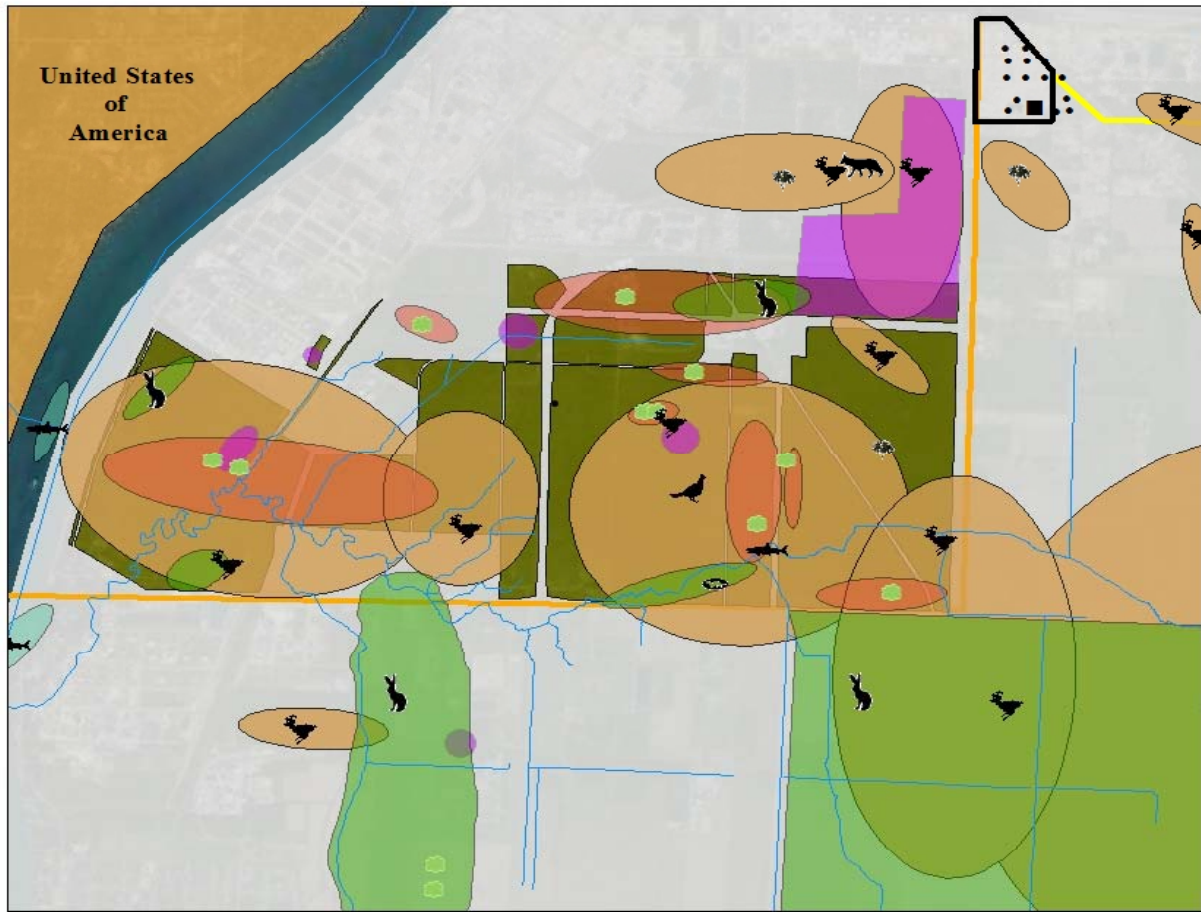
Aamjiwnaang First Nation



Data: GeoBase 2013,
USGS

0 75 150 300 450 600
Kilometers

NAD 1983 UTM Zone 17N
Projection: Transverse Mercator

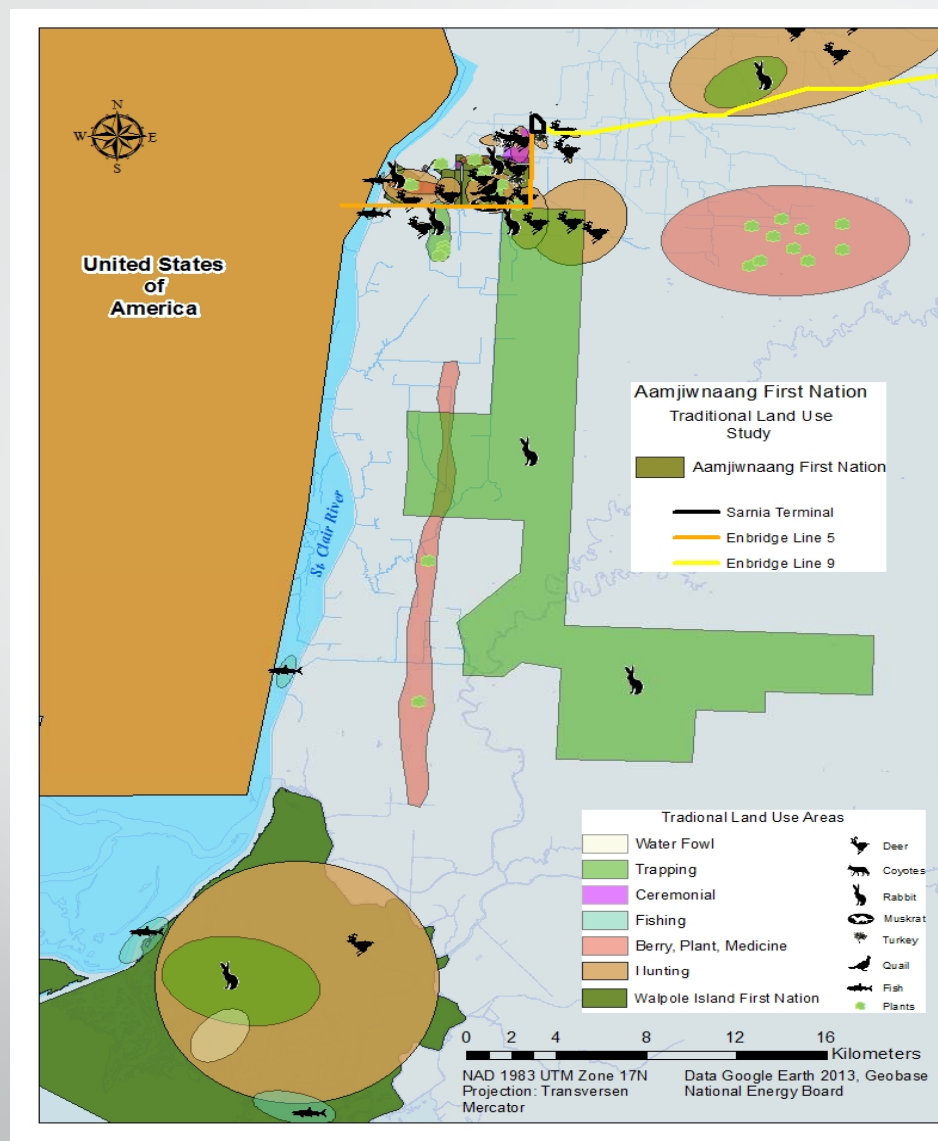


Aamjiwnaang First Nation Traditional Land Use Study

- Aamjiwnaang First Nation
- Sarnia Terminal
- Enbridge Line 5
- Enbridge Line 9
- Plants
- Muskrat
- Fish
- Coyotes
- Deer
- Quail
- Rabbit
- Turkey
- Water Fowl
- Trapping
- Ceremonial
- Fishing
- Berry, Plant, Medicine
- Hunting

Data: Google Earth 2013, Geobase,
National Energy Board

NAD 1983 UTM Zone 17N
Projection: Transverse Mercator



Findings of TLU

- The data gathered and presented indisputably establishes that AFN members continue to teach and carry out an annual round of seasonal land and resource use similar in kind to the annual round followed by their ancestors.
- A number of interviewees identified specific sites and hunting grounds within AFN's traditional territory where they continue to harvest a variety of species of fish, birds, and mammals and gather medicine, maple sap, and other flora, including at sites that are directly adjacent to the Line 9 right-of-way. In addition to providing sustenance, these practices and the land and water bodies they are carried out on have deep spiritual significance to the interviewees.
- AFN members made significant use of lands and resources in their traditional territory, including in close proximity to where Line 9 leaves the Sarnia Terminal and heads eastward. In particular, AFN members hunt, trap, and harvest plants over relatively large areas east of the Sarnia Terminal on both sides of the Line 9 right-of-way. Important and intensive land and resource use is also occurring on AFN's reserve. The locations of current land and resource use, and the users themselves, have been clearly impacted by large-scale industrial development that encircles all four corners of AFN's reserve.
- The environmental effects of spills, leaks, and discharges of crude oil have been well documented. Given the findings set out in this Study, it is my professional opinion that a release of crude oil from Line 9 in this area would directly impact the lands and waters historically used by AFN and would, therefore, carry with it a serious risk of severely impairing the current exercise of rights and traditional practices associated with those lands and waters.
- AFN's membership is severely impacted by on-going industrial and refining operations located around the perimeter of their reserve. These sites continue to affect their quality of life and health. It is my opinion that further development of additional pipelines and facilities will contribute to the already significant negative cumulative effect on their reserve and traditional lands and waters, and will further impair their ability to carry out traditional practices.



Contact Information:

Aamjiwnaang Environment Department
978 Tashmoo Ave.
Sarnia, ON N7T 7H5
(519) 336-8410

Sharilyn Johnston – Environment Coordinator
Christine Rogers – Consultation Worker
Courtney Jackson – Environment Outreach Worker
Bonnie Plain – Administrative Assistant



Any Questions ?

Air Monitoring

An Aamjiwnaang First Nation Perspective