

Regional Municipality of York

# Appendix 7K

## First Nations Consultation



Regional Municipality of York

***Appendix 7K-1***  
***First Nations Consultation Protocol***





**Protocol for First Nations Consultation**  
**for the**  
**Western Vaughan Transportation Improvements Individual Environmental**  
**Assessment (“Western Vaughan Project”)**

The Regional Municipality of York (“York Region”) is, at the direction of the Ontario Minister of the Environment, conducting an Individual Environmental Assessment (IEA) to reduce the level of congestion along the north-south and east-west road corridors within the Western Vaughan transportation study area that are currently congested or are expected to become congested in the future.

York Region is considering a variety of options to address road congestion in the study area, including travel demand management (e.g., “ridesharing” initiatives), transportation systems management (e.g., intersection improvements and traffic signal optimization), a series of road improvements based on the 2002 and 2009 York Region Transportation Master Plans, and a range of public transit improvements such as new rapid transit routes and transit priority lanes. York Region is interested in identifying and addressing potential impacts of the proposed road and intersection improvements on First Nations’ cultural and heritage interests within the Study Area.

York Region has identified the value of developing a formal Protocol to be used to ensure contact is made with First Nations and that effective consultation occurs with First Nations that want to be consulted. Throughout this Protocol, references to “First Nations” shall be interpreted to include First Nations with an interest in the study area, as listed in Attachment A, and related recognized First Nation organizations such as the Chiefs of Ontario where appropriate. This Protocol will be used to facilitate information sharing and consultation in respect of the Western Vaughan Project during the IEA and construction phases.

This Protocol is intended to create a consultation process to identify and address specific cultural and heritage interests that First Nations may have within the Study Area and potential impacts to established or asserted Aboriginal or Treaty rights or Claims within the Study Area. Also, this Protocol establishes a process for addressing identified impacts of the Western Vaughan Project in respect of First Nations human remains or First Nations archaeological sites. It is not intended to alter legal or other requirements of York Region or First Nations that already exist or that could be recognized in the future.

## **1. Notice to First Nations**

York Region will notify First Nations in accordance with this Protocol and the *Code of Practice – Consultation in Ontario’s Environmental Assessment Process* (MOE – June 2007) with respect to the Western Vaughan Project.

Initial notification shall be made by means of a combination of letters and follow-up telephone contact by representatives of York Region. York Region may retain consultants to make initial contact on its behalf but York Region will undertake to be an active participant throughout the consultation process whether or not representatives are acting on its behalf in various capacities.

Notice (initial and subsequent) shall be made to the Chief and Council of respective First Nations. Should the Chief or representatives of Council of a First Nation direct it to do so, York Region will communicate with the nominated representatives of the Chief or Council. So long as the principal communications are with the nominated representative of a First Nation, York Region may, in addition to the principal communication, forward copies of correspondence or project information to the Chief and Council directly.

The First Nations shall be responsible for notifying York Region, in writing, of the identity of, and any changes to the identity of, their nominated representative.

Notification letters sent via regular mail will be considered to have been delivered five calendar days following the date of mailing.

## **2. Special Requirements**

Where, within 60 days of receiving initial notification by York Region, a First Nation identifies to York Region that it has special requirements such as the translation of project documents, York Region should be notified of such requirements in writing. York Region will consider such requests and advise the respective First Nations of the ability of York Region to satisfy such special requirements in a timely manner. York Region will consider such requests in keeping with the spirit of this Protocol and the obligations of York Region to consult with First Nations. Where appropriate, York Region will enter into an agreement with the respective First Nation regarding special requirements.

It is possible that York Region may encounter unexpected First Nation human remains or a First Nation archaeological site through the implementation of the Western Vaughan Project. Should this occur, and should the situation require special expertise and additional First Nations’ resources, York Region will consider this to be a special requirement of the First Nations involved and will support negotiations to reach an agreement on the details of what additional resources will be provided and the circumstances of how these resources may be provided, including the special expertise and additional First Nations’ resources.



Should such an eventuality arise, York Region will work diligently and in good faith to reach an agreement with the First Nations involved regarding the nature and scope of the support required from York Region.

### **3. Review of Information**

First Nations will review information supplied by York Region to determine:

- The need for additional information.
- The need for the active consultation with the First Nation to identify and address any potential impact of the project on the First Nation as set out in this Protocol.

Having reviewed the information supplied by York Region, a First Nation may request a meeting to review and discuss the information with York Region and York Region will arrange to meet at a mutually agreeable date and location.

### **4. Where Additional Information is Required**

- The First Nation will notify York Region in writing of the type and quantity of information required.
- York Region will provide the information, where publicly available and reasonably requested, to the First Nation upon receipt of the written request.
- York Region will provide the First Nation with an expected date of delivery if the requested information is expected to be completed as part of the project, but is not yet available.
- York Region will work cooperatively with the First Nation in obtaining the information requested, where the request is reasonable and if the information is not readily available as part of the project.

### **5. No Requirement for Active Consultation**

Where, following a review of the information provided by York Region, a First Nation has determined that there is no requirement for further active consultation:

- The First Nation may provide York Region with written notification that there is no requirement for active consultation. Where no written notification is provided to York Region regarding a First Nation's active participation, York Region will proceed on the assumption that the First Nation does not wish to participate actively in the consultation process.

- York Region will continue with the Western Vaughan Project as outlined in the information provided by York Region to the First Nation.
- York Region will continue to provide periodic updates regarding the project in order to inform the First Nation of the project status.

## **6. Requirement for Active Consultation**

Where, following review of the information provided by York Region, a First Nation determines that there is a requirement for further active consultation:

- The First Nation will provide York Region with written notification that there is a requirement for active consultation.
- York Region will work with each First Nation requiring consultation to develop a consultation plan as appropriate which will identify time frames, information and presentation requirements, for a joint or individual First Nation process.
- York Region and First Nations will undertake consultation, jointly among all participating First Nations, or on an individual basis, as per the consultation plan described above.

## **7. No Written Response Received by York Region**

If York Region does not receive written notification from a First Nation within 45 days after the required information has been provided to the First Nation by York Region stating (a) that further active consultation is not required or (b) that further active consultation is required as set out in paragraph 6 then it is acknowledged that:

- York Region will continue with the Western Vaughan Project as outlined in the information provided by York Region to the First Nation.
- York Region will continue to provide periodic updates regarding the Western Vaughan Project in order to inform the First Nation that has not responded to York Region of the project status.

## **8. Identification of Potential Impacts to Established or Asserted Aboriginal or Treaty Rights**

Where the consultation process identifies a potential impact of the Western Vaughan Project to an established or asserted Aboriginal or Treaty Right:

- York Region and participating First Nations shall enter into negotiations that aim to develop a solution to mitigate the identified potential impact.

- York Region will seek a resolution from the Provincial or Federal government (as applicable) should York Region not have the jurisdiction to resolve potential impacts related to the Aboriginal or Treaty Right.
- Where the Provincial or Federal governments are referred a matter for resolution, York Region shall continue with development activities in a manner that, as appropriate, mitigates any identified potential impacts of the said development on the established or asserted Aboriginal or Treaty Right(s).

**9. Identification of First Nation Human Remains or First Nation Archaeological Sites**

- (a) The requirements for pre-development archaeological assessment and mitigation of archaeological sites, as established under the provisions and regulations of the Ontario *Heritage Act*, the Ontario *Planning Act*, the Ontario *Environmental Assessment Act* and the Ministry of Culture *Standards and Guidelines for Archaeological Assessment*, shall be considered the baseline for dealing with First Nation archaeological sites. Should a First Nation determine that there is a need for mitigation measures to be undertaken beyond those established by these Acts and Standards:
- York Region and First Nations shall enter into negotiations to develop a mutually agreeable plan to address such matters.
  - York Region will refer the matter to the Provincial government should York Region not have the jurisdiction to resolve such matters.
- (b) The requirements for investigating discoveries of human remains, as established under the provisions of the Ontario *Cemeteries Act*, shall be considered the baseline for dealing with the discovery of First Nations human remains. Should a First Nation determine that there is a need for additional investigative measures to be undertaken:
- York Region and the First Nation shall enter into negotiations to develop a mutually agreeable plan to address such matters.
  - York Region will refer the matter to the Provincial government should York Region not have the jurisdiction to resolve such matters.
- (c) Where an archaeological assessment, or the consultation process, identifies a potential impact to First Nation human remains or a First Nation archaeological site (an archaeological site will be as defined in the Ministry of Culture *Standards and Guidelines for Archaeological Assessment*):

- York Region will halt development activity in the immediate area of First Nation human remains or a First Nation archaeological site and to notify the First Nations, as listed in Attachment A, immediately upon such a discovery. It is understood that, while development activity in the vicinity of such a discovery would be halted, development activity elsewhere would continue.
  - York Region and First Nations will participate in a joint process to determine the cultural identity of the First Nation human remains or a First Nation archaeological site.
  - Where the joint identification process leads to consensus on the cultural identity of the First Nation human remains or archaeological site, the First Nations, associated with the identified cultural group, shall enter into negotiations to develop a solution to mitigate the anticipated impact.
  - Where the joint identification process does not lead to consensus on the cultural identity of the First Nation human remains or archaeological site, York Region and all participating First Nations shall enter into negotiations to develop a solution to mitigate the anticipated impact.
  - York Region will refer the matter to the Provincial government should York Region not have the jurisdiction to resolve anticipated impacts related to the First Nation human remains or a First Nation archaeological site.
- (d) Where previously undiscovered First Nation human remains or First Nation archaeological site(s) are discovered during construction:
- York Region will halt development activity in the immediate area of First Nation human remains or First Nation archaeological site and to notify the First Nations as listed in Attachment A immediately upon such a discovery. It is understood that, while development activity in the vicinity of such a discovery would be halted, development activity elsewhere would continue.
  - York Region and First Nations will participate in a joint process to determine the cultural identity of the First Nation human remains or a First Nation archaeological site.
  - Where the joint identification process leads to consensus on the cultural identity of the First Nation human or archaeological remains, York Region and the First Nations associated with the identified cultural group shall

enter into negotiations to develop a solution to mitigate the anticipated impact.

- Where the joint identification process does not lead to consensus on the cultural identity of the First Nation human remains or archaeological site, York Region and all participating First Nations shall enter into negotiations to develop a solution to mitigate the anticipated impact.
- York Region will refer the matter to the Provincial government should York Region not have the jurisdiction to resolve anticipated impacts related to the First Nation human remains or archaeological site.
- Where the Provincial government is referred a matter for resolution related to First Nation human remains or a First Nation archaeological site, York Region shall continue with development activities in a manner that mitigates any anticipated impacts of the said development on the First Nation human remains or archaeological site.

## **10. Addition of New Participants**

Situations may arise whereby First Nations which were initially involved in a consultation process ceased their involvement during the consultation process. Further, certain First Nations may not initially have participated in the process described by this Protocol. In either case, First Nations with a known historic interest within the boundaries of the Study Area but not active in the consultation process may wish to engage or re-engage, as the case may be, provided:

- The First Nation has a proven historic interest within the boundaries of the Study Area.
- The First Nation presents written notice, including proof of its historic interest within the boundaries of the Study Area, where requested by the participating First Nations or York Region.
- The inclusion of a new First Nation is not objected to by the existing participants in the process described by this Protocol.

## **11. Emergency Situations**

Should a situation arise that could reasonably be considered an emergency involving danger either to property or to human health and safety, York Region may proceed to address the emergency as necessary. Where the presence of an emergency requires action to be taken outside the procedures created by this Protocol, York Region will take reasonable care to (as much as possible) ensure that the spirit of the Protocol is observed during and after the emergency situation. In any event, following the passing of the

emergency situation, York Region will assess the actions taken during the emergency and ensure that appropriate updated information is provided to First Nations being consulted pursuant to this Protocol in order to allow an assessment of what other consultation might be required in such circumstances.

## **12. Elevation of Matters in Dispute**

Should a dispute arise during consultations pursuant to this Protocol, York Region will discuss the nature of the dispute with the First Nation and attempt, in good faith, to reach a resolution that is agreeable to each Party. Should York Region and the First Nation in question be unable to reach an agreement in the normal course, York Region shall work together with the First Nation to decide upon an approach to resolving the dispute. In such circumstances, York Region agrees that it will elevate the matter within its organization and make available, as is reasonable, York Regional Chair and/or members of York Regional Council for discussions with the Chief(s) and Council of the First Nation related to the resolution of the matters in dispute.

## **13. Applicable Law**

This Protocol and the process created thereby shall be governed by the laws of the Province of Ontario and Canada as applicable.



July, 2009

**Attachment A**  
**List of Interested First Nations (as of July 2009)**

- Alderville First Nation
- Beausoleil First Nation
- Chippewas of Georgina Island
- Chippewas of Mnjikaning
- Curve Lake First Nation
- Hiawatha First Nation
- Iroquois Confederacy
- Mississaugas of Scugog Island
- Mississaugas of the New Credit First Nation
- Mohawks of the Bay of Quinte
- Moose Deer Point First Nation
- Nation Huronne Wendat
- Six Nations of the Grand River



## Glossary

- Aboriginal Rights** Rights that certain Aboriginal peoples (First Nations, Inuit and Métis) hold as a result of their ancestors' long-standing use and occupancy of the land.
- Cultural Identity** The identity of the First Nations people or peoples with whom a First Nations Archaeological Site or First Nation Human Remains are most closely associated.

### **First Nation Archaeological Sites**

Sites at which First Nation remains are found. These will be defined in the Ministry of Culture Standards and Guidelines for Archaeological Assessment.

### **First Nation Human Remains**

Remains of First Nations peoples, including remains found at individual and communal burial sites including ossuaries. These will be treated in keeping with the provisions of the Ontario *Cemeteries Act*.

### **Individual Environmental Assessment (“IEA”)**

An environmental assessment undertaken pursuant to Part II of the Ontario *Environmental Assessment Act*. In the case of the Western Vaughan Transportation Improvements IEA, the IEA was ordered undertaken by the Ontario Minister of the Environment.

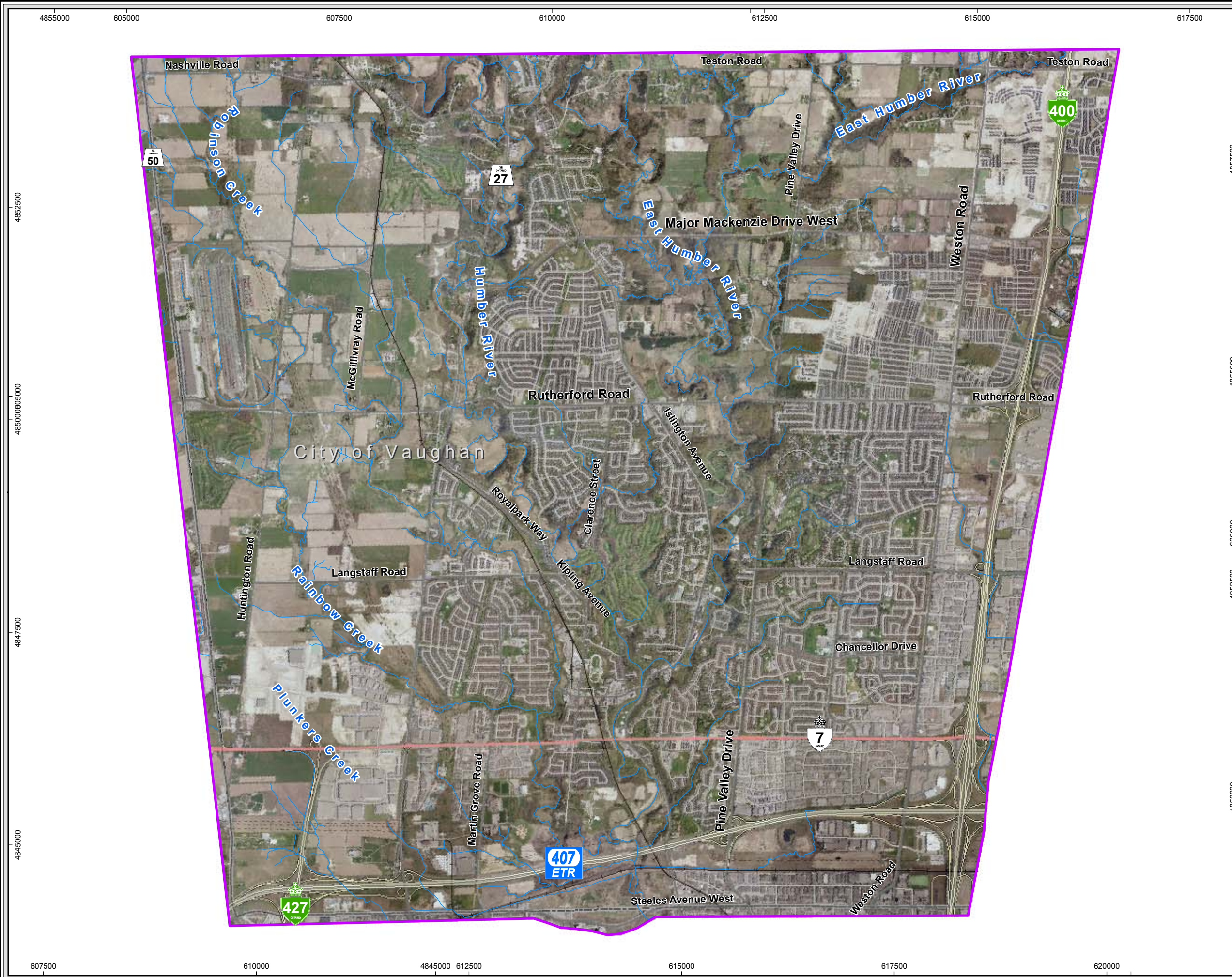
### **Study Area**

The area shown in the attached plan of the Study Area.

### **Treaty Rights**

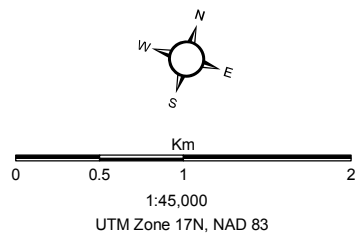
Rights that a First Nation or other Aboriginal People has which are set out in a Treaty with the Canadian federal government (the “Crown”).

Map Document: (N:\projects\0-aecom\60114489\2010\Final\GIS\Spatial\MXDs\Report\MXD\CEAA\ProjectDesc\Chapter3\60114489\StudyArea\_Fig2-1.mxd)  
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- Legend**
- Study Area
  - Watercourse
  - Railway
  - Transmission Line

Basemapping from Ontario Ministry of Natural Resources



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Western Vaughan  
Transportation Improvements IEA  
**Western Vaughan Transportation  
Improvements Study Area**  
September 2010  
Project 60114489



Regional Municipality of York

***Appendix 7K-2***  
***First Nations Preliminary Letter***





December 12, 2007

VIA FACSIMILE AT FIELD(7) AND REGULAR MAIL

FIELD(1)  
FIELD(2)  
FIELD(3)  
FIELD(4)

Attention: FIELD(5)

**Re: First Nation Consultations - Western Vaughan Transportation Improvements Individual Environmental Assessment**

The Regional Municipality of York is beginning an Individual Environmental Assessment for Western Vaughan Transportation Improvements. First Nations Engineering Services Ltd. has been retained by UMA Engineering Ltd. to facilitate and coordinate First Nation consultations as part of this project.

Please find enclosed the "Notice of Study Commencement" which has recently been dispersed to stakeholders within the study area. The Notice of Study Commencement provides an overview of the study area, the environmental assessment process, and the public consultation process to be utilized for this assessment.

Please note that York Region and UMA Engineering will be scheduling the first of the public information sessions for January 2008. The individual environmental assessment process is scheduled for completion in the summer of 2010.

The Regional Municipality of York acknowledges the need to conduct separate consultation sessions with First Nations, in view of the unique concerns, that they may have in regard to the project. In this regard, we ask that the First Nation take the time to review the information and consider the following in relation to the project:

1. Potential for First Nation environmental, archaeological, and Aboriginal or Treaty Rights, concerns, in regard to the project
2. Requirement for the First Nation to participate in the Individual Environmental Assessment
3. The consultation process to be undertaken in regard to the project should the First Nation choose to participate in the consultation process.

**First Nation Consultations  
Western Vaughan Transportation Improvements  
Individual Environmental Assessment**



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Please note that FNESL will be sending additional correspondence and contacting you by telephone to discuss this project further, in the near future.

Please contact Warren Sault, Project Manager, at (519) 445-0040, or via email at [wsault@fnesl.ca](mailto:wsault@fnesl.ca), if you should have any questions, in regard to this project.

Yours truly,  
**First Nations Engineering Services Ltd.**

Warren B. Sault, B.A. E.E.T.  
Project Manager

cc: Arup Mukherjee, P.Eng, Senior Project Manager, Roads, Transportation, and Works Department, Regional Municipality of York  
Barry T. Darch, P.Eng., PMP Manager, Transportation and Roads, Ontario, UMA Engineering Ltd.

Regional Municipality of York

***Appendix 7K-3  
Meeting #1***



April 1, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Attention:

**Re: First Nation Consultations - Western Vaughan Transportation Improvements  
Individual Environmental Assessment**

The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

Please find enclosed a hand-out package on the IEA which was dispersed to attendees at the Public Consultation Centres held on March 10 and 11, 2009. The hand out provides information on the project including:

- the Individual Environmental Assessment process;
- project background;
- congestion in the study area;
- purpose of project;
- noise levels;
- overview of existing conditions;
- natural cover;
- historic Euro-Canadian settlements;
- archaeological sites;
- designated natural areas;
- socio-economic features
- land use designation
- information on road and **transit** improvement alternatives

Please note that the Western Vaughan Transportation Improvements IEA process is scheduled for completion in 2010.

York Region acknowledges the need to conduct separate consultation sessions with First Nations, in view of the unique concerns, that they may have in regard to the project. In this regard, York Region is proposing to conduct a centralized meeting between interested First Nation and York Region representatives on April 22, 2009. The purpose of the meeting would be to provide a preliminary overview of the project and discuss the First Nations' consultation requirements. A Draft

**First Nation Consultation  
Western Vaughan Transportation Improvements  
Individual Environmental Assessment**

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Agenda is enclosed for your review and consideration. The meeting process will be similar to that conducted for the Southeast Collector Trunk Sewer IEA.

First Nations which are invited to attend include:

Alderville First Nation	Mississaugas of Scugog Island First Nation
Beausoleil First Nation	Mississaugas of the New Credit First Nation
Chippewas of Georgina Island	Moose Deer Point First Nation
Chippewas of Mnjikaning	Mohawks of the Bay Quinte
Curve Lake First Nation	Six Nations of the Grand River
Hiawatha First Nation	Iroquois Confederacy
Huron Wendat Nation	

York Region will cover travel expenses and accommodation expenses for two (2) First Nation representatives to attend the meeting. Travel rates are enclosed.

First Nations Engineering Services Ltd. has been retained by AECOM to facilitate and coordinate First Nation consultations, on behalf of York Region. Please contact Warren Sault, Project Manager, at (519) 445-0040 or by email at [wsault@fnesl.ca](mailto:wsault@fnesl.ca), to confirm your representative's attendance, or if you should have any questions.

Yours truly,

Arup Mukherjee, P.Eng, Senior Project Manager, Roads, Transportation, and Works Department,  
Regional Municipality of York

cc: Barry T. Darch, AECOM  
Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.

## **WESTERN VAUGHAN TRANSPORTATION IMPROVEMENTS IEA DRAFT AGENDA**

Meeting Date: April 22, 2009

Time / Location: 8:15 a.m. - 1:00 p.m.  
Casino Rama

Subject: Western Vaughan Transportation Improvements - Preliminary Meeting

Attendees: To Be Determined

8:15 - 9:00	Breakfast
9:00 - 9:10	Welcome Chief Sharon Stinson-Henry (To Be Confirmed)
9:10 - 9:20	Opening Remarks - York Region
9:20 - 9:30	Meeting Participant Introductions
9:30 - 10:30	Western Vaughan Transportation Improvements Project – Overview (IEA Process, Findings of Stage 1 Archaeological Assessment, and Alternatives)
10:30 - 10:45	BREAK
10:45 - 11:45	Western Vaughan Transportation Improvements Project - First Nation Consultation (Draft Protocol)
11:45 - 12:00	Next Steps
12:00 - 1:00	LUNCH



Le 8 avril 2009

**VIA TÉLÉCOPIEUR ET POSTE RÉGULIÈRE**

Attention:

**Objet : Consultations des Premières nations – évaluation environnementale distincte (EED) sur l’amélioration des installations de transport dans la région de Vaughan Ouest.**

La municipalité régionale de York (région de York) effectue une évaluation environnementale distincte (EED) sur l’amélioration des installations de transport dans la région de Vaughan Ouest.

Vous trouverez ci-joint une trousse sur l’EED qui a été remise aux participants des séances de consultation publiques les 10 et 11 mars 2009. Cette trousse contient de l’information sur les sujets suivants :

- le processus d’évaluation environnementale distincte;
- les antécédents du projet;
- l’encombrement dans la zone d’étude;
- le but du projet;
- les niveaux de bruit;
- un aperçu des conditions existantes;
- le couvert naturel;
- la colonisation euro-canadienne;
- les sites archéologiques;
- les régions naturelles désignées;
- les caractéristiques socio-économiques;
- les désignations d’utilisation du sol;
- de l’information sur les solutions de rechange pour améliorer les routes et le transport en commun.

Veuillez noter que le processus d’EED lié à l’amélioration des installations de transport dans la région de Vaughan Ouest devrait prendre fin en 2010.

La région de York reconnaît le besoin de mener des séances de consultation distinctes avec les Premières nations pour aborder les préoccupations particulières qu’elles pourraient avoir concernant ce projet. La région de York propose d’organiser une réunion centralisée entre les

**Consultations des Premières nations  
Amélioration des installations de transport de Vaughan Ouest  
Évaluation environnementale distincte**

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Premières nations intéressées et les représentants de la municipalité le 1 mai 2009. Cette réunion aurait pour but de présenter un aperçu préliminaire du projet et de discuter des exigences liées à la consultation des Premières nations. Vous trouverez ci-joint une ébauche de l'ordre du jour. Le déroulement de la réunion ressemblera à celui de la réunion sur le processus d'EED lié à l'égout principal du collecteur sud-est.

L'invitation est lancée aux Premières nations suivantes :

Première nation d'Alderville	Mississaugas de la Première nation de
Première nation de Beausoleil	Scugog Island
Chippewas de Georgina Island	Mississaugas de la Première nation de New
Chippewas de Mnjikaning	Credit
Première nation de Curve Lake	Première nation Moose Deer Point
Première nation Hiawatha	Mohawks de la Bay Quinte
Nation Huron Wendat	Six Nations de Grand River
	Confédération iroquoise

La région de York couvrira les dépenses de voyage et d'hébergement pour deux (2) représentants de chaque Première nation. Les tarifs de voyage sont ci-joints.

AECOM a retenu les services de la compagnie First Nations Engineering Services Ltd. qui animera et coordonnera les consultations avec les Premières nations, au nom de la région de York. Pour confirmer la présence de vos représentants ou si vous avez des questions, veuillez communiquer avec Warren Sault, gestionnaire de projet, au (519) 445-0040, ou par courriel au [wsault@fnesl.ca](mailto:wsault@fnesl.ca).

Veuillez agréer l'expression de mes sentiments distingués.

Arup Mukherjee, ing., chargé de projet principal, Département des routes, du transport et des travaux publics, Municipalité régionale de York

cc: Barry T. Darch, AECOM  
Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.

## ÉVALUATION ENVIRONNEMENTALE DISTINCTE (EED) SUR L'AMÉLIORATION DES INSTALLATIONS DE TRANSPORT DANS LA RÉGION DE VAUGHAN OUEST ÉBAUCHE D'ORDRE DU JOUR

Date de la réunion : Le 22 avril 2009

Heure / Lieu : 8 h 15 à 13 h  
Casino Rama

Objet : Réunion préliminaire sur l'amélioration des installations de transport dans la région de Vaughan Ouest

Participants : À déterminer

8 h à 9 h	Déjeuner
9 h à 9 h 10	Mot de bienvenue de la chef Sharon Stinson-Henry (à confirmer)
9 h 10 à 9 h 20	Mot d'ouverture – Région de York
9 h 20 à 9 h 30	Présentation des participants à la réunion
9 h 30 à 10 h 30	Projet d'amélioration des installations de transport de Vaughan Ouest – Aperçu (processus d'EED, résultats de l'évaluation archéologique de niveau 1, et solutions de rechange)
10 h 30 à 10 h 45	PAUSE
10 h 45 à 11 h 45	Projet d'amélioration des installations de transport de la région de Vaughan Ouest - Consultation des Premières nations (ébauche de protocole)
11 h 45 à 12 h	Prochaines étapes
12 h à 13 h	DÎNER



Submission Date: May 14, 2009

**NOTES OF MEETING**

**Meeting №:** FNs/WV-2009-01

<b>Time/Date of Meeting</b>	Friday, May 1, 2009 9:00 am – Noon	<b>Location of Meeting.</b>	The Algonquin Boardroom, 3 <sup>rd</sup> Floor, Casino Rama Hotel, Orillia, Ontario
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**AECOM Project/File No.** 5855-039-00

**Attendees:**

**First Nations**

Brenda Ingersoll

Pamela Crowe

Andrew Big Canoe

Wanda Mc Gonigile

Rhonda Coppaway

Margaret Sault

**First Nations Engineering  
Services Ltd.**

Warren Sault

**York Region**

Arup Mukherjee

**AECOM Canada Ltd.**

Ian Dobrindt

Marc Rose

Barry Darch

Rama First Nation (Welcome Only)

Alderville First Nation

Georgina Island First Nation

Hiawatha First Nation

Mississaugas of Scugog First Nation

Mississaugas of the New Credit First Nation

Study Coordinator – First Nations Consultation  
Program

Senior Project Manager

Project Manager – Environmental  
Planning/Stakeholders' Consultation

Senior Environmental Planner/Stakeholders'  
Consultation Facilitator

Consulting Team's Program Manager

**Distribution:**

All Present

Domenic Smarrelli

Dick Gordon

Robert MacDonald

Design Technologist – York Region

Project Manager – Transportation Planning -  
AECOM Canada Ltd.

Senior Archaeologist – Archaeological Services Inc.

**Purpose of Meeting:**

- a) Bring the First Nations attendees up-to-date on the Status of York Region’s Western Vaughan Transportation Improvements Individual Environmental Assessment (IEA) Study – Initiated on June 5, 2007; Projected Completion Date Fall of 2010.
- b) Discuss Issues of High Importance to the First Nations, including but not limited to:
  - The Study’s findings from its Stage 1 Archaeological Investigations. How the First Nations can Interface with the Pending Stage 2 Archaeological Study.
  - Discuss the use of a Protocol to guide how the First Nations and York Region can work effectively with one another. Obtain the First Nations attendees suggestions/comments for revisions to the Protocol.
- c) Discuss the Future Work to be Carried Out on the Western Vaughan Transportation Study. Obtain the First Nations attendees comments/input.
- d) Establish the tentative timelines for future meetings between the First Nations, York Region and York Region’s Consulting Team on the Western Vaughan Transportation Study.

Item No.	Description	Action By
01-01	<p><b>Welcoming Comments – Brenda Ingersoll</b></p> <ul style="list-style-type: none"> <li>• Ms. Ingersoll welcomed the First Nations/York Region/Consulting Team meeting attendees. She said that Rama First Nation was proud to be able to host this important meeting.</li> <li>• She commended York Region for engaging the First Nations on the Western Vaughan Transportation Improvements IEA Program. She stated her confidence in all parties working together in a harmonious and trusting environment for the benefit of both the First Nations as well as the IEA Study.</li> <li>• Ms. Ingersoll said she was well aware that, on previous EA studies, York Region/First Nations worked together to develop a Protocol that could serve as the guidelines on how each party would deal with one another on a specific undertaking. She was delighted to hear that the development of a customized Protocol for this assignment was one of the topics for discussion at this meeting.</li> <li>• In closing Ms. Ingersoll wished all meeting attendees well. She said the Rama First Nations looks forward to hosting future meetings between the First Nations and York Region on this Study.</li> </ul>	
01-02	<p><b>Introduction of the Meeting Attendees</b></p> <ul style="list-style-type: none"> <li>• Each meeting attendee introduced himself/herself. He/she outlined who they were associated with and, if appropriate, their position on the Western Vaughan Study.</li> </ul>	
01-03	<p><b>Introductory Comments – Arup Mukherjee, York Region</b></p> <ul style="list-style-type: none"> <li>• A. Mukherjee said that he was pleased to represent York Region at this initial meeting with First Nations’ representatives on the Western Vaughan Transportation Improvements IEA Study. He pointed out this</li> </ul>	

Item No.	Description	Action By
01-04	<p>was the largest transportation study undertaken to date by York Region.</p> <ul style="list-style-type: none"> <li>• York Region realizes the importance of keeping the First Nations well informed on the status of the Western Vaughan Study. He said York Region appreciates the First Nations' attendees taking time out of their busy schedule to attend this meeting. York Region and the Consulting Team want to ensure that they receive the First Nations' attendees' comments and concerns on this Study. York Region intends to take these comments and concerns into consideration in the decision-making process.</li> <li>• A. Mukherjee noted that the Study was initiated in June 2007 and is targeted for completion in the fall of 2010. He believes that there will be a need for at least three meetings between the First Nations presentations, York Region and the Consulting Team. The second meeting is likely to occur in the fall of this year. The third one in the spring of 2010.</li> <li>• A. Mukherjee outlined the important coordinating role Warren Sault, First Nations Engineering Services Ltd. will play in the consultation program with the First Nations.</li> <li>• A. Mukherjee distributed an Agenda for this first meeting with the First Nations.</li> </ul> <p><b>Overview of Western Vaughan Transportation Improvements IEA Study to Date</b></p> <ul style="list-style-type: none"> <li>• A. Mukherjee used a PowerPoint presentation to outline the progress made on the Study to date. He noted that the Study is being conducted in seven distinct Phases, as will be outlined below.</li> </ul> <p><b>a) The tasks completed to date in the various Phases are as follows:</b></p> <p><u>Stage 1 (of the EA Process) – Purpose of /Rationale for the Undertaking</u></p> <ul style="list-style-type: none"> <li>– Completed</li> <li>– A. Mukherjee noted that the main objective of the Study is to provide a reasonable level of mobility to the public by minimizing road congestion through the Study Area over the planning horizons of 2021 and 2031.</li> <li>– The Study is to address the required improvements in the north-south and east-west arterial roads in the Study Area, as well as the public transit initiatives.</li> </ul> <p><u>Stage 2 – Alternatives to the Undertaking</u></p> <ul style="list-style-type: none"> <li>– A. Mukherjee briefly described the nine alternatives identified. The first six alternatives were identified in the Terms of Reference for the IEA and the remaining three (Alternatives # 7, 8 and 9) were combinations of the other alternatives.</li> <li>– A screening of the nine alternatives was carried out using three transportation related criteria. This resulted in the short-listing of three alternatives for a more in-depth assessment. The short-listed</li> </ul>	<p><b>A. Mukherjee</b></p> <p><b>First Nations/ Region/Consulting Team</b></p> <p><b>FNESL/ A. Mukherjee</b></p> <p><b>Public Attending PCCs # 2009 – 2A &amp; 2B</b></p> <p><b>Region/ Consulting Team</b></p>



Item No.	Description	Action By
	<ul style="list-style-type: none"> <li>– Once again the results of the impact assessment will be reviewed with the Study’s Stakeholders. This will be an appropriate time to meet a third time with the First Nations representatives.</li> <li>– Phase 6 should get underway in November 2009 and be finished in the late spring 2010.</li> </ul> <p><b>d) Phase 7 – Stage 5 – IEA Report Preparation and Submission</b></p> <ul style="list-style-type: none"> <li>– The Consulting Team will prepare a draft of the IEA Report for review/approval by York Region.</li> <li>– The Final IEA Report will be officially submitted, by York Region, to the Minister, Environment, Ontario. At that time a 30-day public review period will be initiated. York Region will advise the First Nations representatives the locations where the IEA Study Report can be reviewed.</li> <li>– The formal Study completion is likely to be in the fall of 2010.</li> </ul>	<p><b>Region/ FNESL/ First Nations Representatives</b></p> <p><b>Consulting Team/ Region</b></p> <p><b>Region</b></p>
01-05	<p><b>Discussion Related to Existing and Potential Archaeological Finds in the Western Vaughan Study Area</b></p> <ul style="list-style-type: none"> <li>• M. Rose stated that Robert MacDonald and his staff at Archaeological Services Inc. have completed their Stage 1 archaeological investigation (literature search/desk-top search). He reviewed the maps with the First Nations attendees: <ul style="list-style-type: none"> <li>– Map showing the existing (known) archaeological sites in the Study Area.</li> <li>– Map which breaks the Study area down into a number of zones namely: <ul style="list-style-type: none"> <li>• Zones of high potential for archaeologically significant findings;</li> <li>• Zones of low potential.</li> </ul> <p>The arterial roads that are subject to improvement under Alternative 8 are shown on this map. M. Rose said that about 65 – 70% of the Study area is in high potential zones, and that all of the improvements fall within the high potential zones. R. MacDonald and his staff will be conducting more focused Stage 1 archaeological investigations of the alternative alignments, and are planning to initiate their Stage 2 Archaeological investigations (sample digging) as soon as possible (the early fall of 2009).</p> </li> </ul> </li> <li>• It was agreed that, as far as the First Nations are concerned, findings could fall into one of two categories – artefacts (cutlery/dishes/bowls/cups/etc.) or burial sites.</li> </ul> <p>A. Big Canoe pointed out that a number of First Nations burial sites have been identified in the general vicinity of the study area, a few examples are:</p>	<p><b>M. Rose/ A. Mukherjee</b></p> <p><b>Archaeological Services Inc.</b></p> <p><b>Region/</b></p>

Item No.	Description	Action By
	<ul style="list-style-type: none"> <li>- Teston Rd./Highway 400 area</li> <li>- Holland Landing and vicinity.</li> </ul> <p>It was agreed by the meeting attendees that all the arterial roads subject to improvements in the Western Vaughan Study Area have potential for First Nations finds. York Region will have to consult with the First Nations on any archaeological finds.</p> <p>I. Dobrindt noted that the Western Vaughan Study Team is well aware of these archaeological concerns and feels it is well positioned to identify significant finds. The probability of identifying such finds is increased by using a professional archaeological team under the direction of R. MacDonald, Archaeological Services Inc.</p> <p>A discussion ensued on the Ontario Cemeteries Act. It was noted that the Coroner has to investigate and declare a site a burial site if it predates the Ontario Cemeteries Act. A. Big Canoe pointed out that the First Nations can often identify the Band involved in a burial plot from the clothing/artefacts buried with the body. For example, one First Nation buries a bowl with the body; the belief being that person will have to eat on his/her way to his/her final destination. This can be used to identify the Band.</p>	<p><b>First Nations/ AS Inc.</b></p> <p><b>Region/Consulting Team/ Archaeological Services Ltd.</b></p> <p><b>First Nations</b></p>
01-06	<p><b>Draft First Nations’/Region Protocol for Western Vaughan Study</b></p> <ul style="list-style-type: none"> <li>• I. Dobrindt noted that the First Nations and York and Durham Regions prepared a Protocol for the Southeast Collector Trunk Sewer IEA Program. He recommended that this Protocol be used as the basis for developing a customized, user-friendly Protocol for the Western Vaughan Study. All attendees agreed to this approach. I. Dobrindt carried out a section by section review of the Protocol in which all parties could provide their comments and input.</li> <li>• I. Dobrindt/M. Rose recorded the comments/suggested revisions to the Protocol. There were a number of points agreed to: <ul style="list-style-type: none"> <li>- The Protocol is meant to be a guideline to govern how the First Nations/Region will deal with each other in an effective manner.</li> <li>- It is meant to be a “Living Document” and, as such, is subject to changes/revisions at any time.</li> <li>- It is not binding on any party on this Study, but rather should be considered as a “Best Practices” type of document.</li> <li>- As far as disputes between the First Nations participants on this Study and York Region are concerned, if they cannot agree on a particular item, then that item will be referred to higher authorities for resolution.</li> </ul> </li> <li>• It was agreed that I. Dobrindt/M. Rose would revise the Protocol to incorporate the agreed upon changes. The revised Protocol would be submitted to W. Sault for distribution to First Nations.</li> <li>• M. Sault suggested that it would be a good idea to have the Chief/Council for the various First Nations review/approval and sign-off on the Protocol. If they do not do so then they will not feel bound by it in any way shape or form. The other First Nations representatives agreed to discuss the possibility of signing off on the Protocol with</li> </ul>	<p><b>First Nations/FNESL/ Region/ Consulting Team</b></p> <p><b>I. Dobrindt/ M. Rose/W. Sault</b></p> <p><b>First Nations/ FNESL</b></p>

Item No.	Description	Action By
	<p>their respective Chiefs/Councils.</p> <p>A. Mukherjee noted that having the Chief/Council sign-off on the Protocol was acceptable to York Region. The Western Vaughan Study will, however, proceed ahead as planned while the Protocol reviews are being carried out by the Chief/Council of the various First Nations. This was acceptable to all meeting attendees.</p>	
<p><b>01-07</b></p>	<p><b>Wrap-up of First Nations/Region Meeting # 2009-01</b></p> <ul style="list-style-type: none"> <li>• A. Mukherjee thanked all the attendees for their constructive comments and participation. He said he hoped that all attendees shared his views that it was a productive and constructive meeting, and provided a good base for future meetings with the First Nations on the Western Vaughan Study.</li> <li>• It was agreed that B. Darch would prepare the Notes for the Meeting and submit them via email to all attendees.</li> <li>• A. Mukherjee noted that the next meeting № FNs/WV – 2009-02) would be arranged by W. Sault and himself. It will likely be held in the late fall of this year (2009).</li> <li>• The First Nations/Region Meeting # FNs/WV – 2009-01 adjourned at noon, Fri., May 1, 2009.</li> </ul>	<p><b>B. Darch/ W. Sault/ A. Mukherjee</b></p>

**Notes of Meeting Prepared by:**

Barry T. Darch, P.Eng, PMP

Consulting Team Program Manager

Western Vaughan Transportation Improvements IEA Program

Tel No. (905) 206-8114

E-mail: [barry.darch@acocom.com](mailto:barry.darch@acocom.com)

Cell: (416) 995-9192



Regional Municipality of York

***Appendix 7K-4  
Meeting #2***





Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief James R. Marsden  
Alderville First Nation  
P.O. Box 46  
11696 2nd Line Rd  
Alderville, ON K0K 2X0

Dear Chief James R. Marsden:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

As per our previous correspondence, The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

As part of the IEA process, the Toronto and Region Conservation Authority (TRCA) is currently conducting Stage II Archaeological Investigations of TRCA owned or managed properties. These investigations have recently identified a historical campsite, located along Major Mackenzie Drive, and the presence of a tool fragment, located along Rutherford Road. Based on a preliminary assessment, the camp site has been identified as being approximately 500 years old and potential Iroquoian in origin. The origins of the tool fragment have not been identified. Please refer to the attached memo, in regard to the Western Vaughan IEA (Regional Municipality of York) – Results of Archaeological Assessment (Stage 2 fieldwork) and map, from the TRCA for further details.

York Region is proposing to conduct a meeting with First Nations and York Region representatives on Friday, January 22, 2010. The purpose of the meeting would be to provide information on the identified archaeological finds; discuss the cultural identity of the finds; and the location of these finds in relation to the recommended alternatives identified as part of the IEA. The Region would also like to present the overall results of the Stage II Archaeological Investigations, along with the recommended alternatives identified (i.e., proposed roads).

First Nations invited to attend include:

Alderville First Nation  
Beausoleil First Nation  
Chippewas of Georgina Island  
Chippewas of Mnjikaning  
Curve Lake First Nation  
Hiawatha First Nation  
Huron Wendat Nation

Mississaugas of Scugog Island First Nation  
Mississaugas of the New Credit First Nation  
Moose Deer Point First Nation  
Mohawks of the Bay Quinte  
Six Nations of the Grand River  
Iroquois Confederacy

York Region will cover travel expenses and accommodation expenses for two First Nation representatives to attend the meeting. Travel rates are enclosed.

First Nations Engineering Services Ltd. has been retained by AECOM to facilitate and coordinate First Nation consultations, on behalf of York Region. Please contact Warren Sault, Project Manager, at (519) 445-0040 or by email at [wsault@fnesl.ca](mailto:wsault@fnesl.ca), to confirm your representative's attendance, or if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arup Mukherjee'.

Arup Mukherjee, P. Eng  
Senior Project Manager, Roads, Transportation & Works Department  
Regional Municipality of York

AM:pc  
Attach.

cc: Barry T. Darch, AECOM  
Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief Rodney Monague Jr.  
Beausoleil First Nation  
1 O-Gema Street Christian Island  
Cedar Point, ON L0K 1R0

Dear Chief Rodney Monague Jr. :

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

As per our previous correspondence, The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

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Arup Mukherjee, P. Eng  
Senior Project Manager, Roads, Transportation & Works Department  
Regional Municipality of York

AM:pc  
Attach.

cc: Barry T. Darch, AECOM  
Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief Donna Big Canoe  
Chippewas of Georgina Island  
P.O. Box 12  
R. R. #2  
Sutton West, ON L0E 1R0

Dear Chief Donna Big Canoe:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

As per our previous correspondence, The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

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Regional Municipality of York

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Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief Sharon Stinson Henry  
Chippewas of Mnjikaning  
5884 Rama Rd.  
Suite 200  
Rama, ON L0K 1T0

Dear Chief Sharon Stinson Henry:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

As per our previous correspondence, The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

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Arup Mukherjee, P. Eng  
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Regional Municipality of York

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Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief Keith Knott  
Curve Lake First Nation  
22 Winookeeda Road  
Curve Lake, ON K0L 1R0

Dear Chief Keith Knott:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

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Regional Municipality of York

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Attach.

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Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief Laurie Carr  
Hiawatha First Nation  
123 Paudash Street R.R. #2  
Keene, ON K0L 2G0

Dear Chief Laurie Carr:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

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Arup Mukherjee, P. Eng  
Senior Project Manager, Roads, Transportation & Works Department  
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Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Mr. Leroy Hill, Secretary  
Iroquois Confederacy  
R. R. #2  
Ohsweken, ON N0A 1M0

Dear Mr. Hill:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

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First Nations invited to attend include:

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Six Nations of the Grand River  
Iroquois Confederacy

York Region will cover travel expenses and accommodation expenses for two First Nation representatives to attend the meeting. Travel rates are enclosed.

First Nations Engineering Services Ltd. has been retained by AECOM to facilitate and coordinate First Nation consultations, on behalf of York Region. Please contact Warren Sault, Project Manager, at (519) 445-0040 or by email at [wsault@fnesl.ca](mailto:wsault@fnesl.ca), to confirm your representative's attendance, or if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arup Mukherjee'.

Arup Mukherjee, P. Eng  
Senior Project Manager, Roads, Transportation & Works Department  
Regional Municipality of York

AM:pc  
Attach.

cc: Barry T. Darch, AECOM  
Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief Bryan LaForme  
Mississaugas of the New Credit First Nation  
R.R. #6  
2789 Mississauga Rd  
Hagersville, ON N0A 1H0

Dear Chief Bryan LaForme:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

As per our previous correspondence, The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

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Senior Project Manager, Roads, Transportation & Works Department  
Regional Municipality of York

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Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief Tracy Gauthier  
Mississaugas of Scugog Island  
22521 Island Road  
Port Perry, ON L9L 1B6

Dear Chief Tracy Gauthier:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

As per our previous correspondence, The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

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Arup Mukherjee, P. Eng  
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Regional Municipality of York

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Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief R. Donald Maracle  
Mohawks of the Bay of Quinte  
13 Old York Road R.R. #1  
Deseronto, ON K0K 1X0

Dear Chief R. Donald Maracle:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

As per our previous correspondence, The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

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Arup Mukherjee, P. Eng  
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Regional Municipality of York

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Attach.

cc: Barry T. Darch, AECOM  
Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief Barron King  
Moose Deer Point First Nation  
P.O. Box 119  
3719 Twelve Mile Bay Rd.  
Mactier, ON P0C 1H0

Dear Chief Barron King:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

As per our previous correspondence, The Regional Municipality of York (York Region) is currently conducting an Individual Environmental Assessment (IEA) for Western Vaughan Transportation Improvements.

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Arup Mukherjee, P. Eng  
Senior Project Manager, Roads, Transportation & Works Department  
Regional Municipality of York

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Attach.

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Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Chief William Montour  
Six Nations of the Grand River  
P.O. Box 5000  
1695 Chiefswood Rd.  
Ohsweken, ON N0A 1M0

Dear Chief William Montour:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

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Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



Transportation Services  
Roads Branch

November 27, 2009

**VIA FACSIMILE AT AND REGULAR MAIL**

Grand Chief Konrad Sioui  
Nation Huroone Wendat  
255 Place Chef Michel Laveau  
Wendake, QC G0A 4V0

Dear Grand Chief Konrad Sioui:

**Re: Western Vaughan Transportation Improvements Individual Environmental Assessment -  
Archaeological Finds**

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Arup Mukherjee, P. Eng  
Senior Project Manager, Roads, Transportation & Works Department  
Regional Municipality of York

AM:pc  
Attach.

cc: Barry T. Darch, AECOM  
Marc Rose, AECOM  
Warren B. Sault, First Nations Engineering Services Ltd.



AECOM  
 300 – 300 Town Centre Boulevard  
 Markham, ON, Canada L3R 5Z6  
 www.aecom.com

905 477 8400 tel  
 905 477 1456 fax

**WESTERN VAUGHAN TRANSPORTATION IMPROVEMENTS IEA (WVTIEA) PROGRAM**

Owner: Regional Municipality of York

**NOTES OF MEETING - FINAL**

Submission Date: March 2, 2010

<b>Consulting Team:</b>	AECOM	<b>Meeting No.</b>	WV/FNs – 2010-02
<b>Time/Date of Meeting</b>	Friday, January 22, 2010 – 9:00am to 1:30 pm	<b>Location of Meeting.</b>	Casino Rama Hotel, Rama, ONTARIO Mississaugas/Algonquin Boardroom 3 <sup>rd</sup> Floor
<b>Regional Project No.</b>	8132	<b>AECOM Project/File No.</b>	60114489

**Purpose of Meeting: Present Current Status Of Western Vaughan IEA Study to the First Nations’ Attendees**

<b><u>Attendees:</u></b>	Shelley Gray Melissa Dokis Krista Coppaway Andrew Big Canoe Lori Ritter Margaret Sault Rhonda Coppaway Sophie Sliwa Karry Sandy Joanna Recollet June Murphy Cathy Crinnion Margie Kenedy Arup Mukherjee Robert MacDonald Marc Rose Greg Smith Barry Darch	Alderville First Nation Curve Lake First Nation Curve Lake First Nation Georgina Island First Nation Hiawatha First Nation Mississauga of the New Credit First Nation Mississaugas of Scugog Island Mississauga of Scugog Island, First Nation Coordinator, Williams Treaty First Nations First Nations Engineering Services Ltd. Toronto Region Area Conservation Authority (TRCA) TRCA TRCA York Region (Western Vaughan Project Manager) Archaeological Services Inc. AECOM, Markham Office AECOM, Mississauga AECOM, Markham Office
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<b>Distribution</b>	All Present Warren Sault Domenic Smarrelli Sue Cumming Ian Dobrindt Dan Minkin Karen Stock	First Nations Engineering Services Ltd. York Region Cumming & Associates AECOM, Markham Office AECOM, Markham Office AECOM, Mississauga Office
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Item No.	Description	Action By
02-01	<b>Welcome/Introductions</b> <ul style="list-style-type: none"> <li>A. Mukherjee welcomed all attendees to the Meeting. He noted that this was the</li> </ul>	

Item No.	Description	Action By
	<p>second meeting between the First Nations, York Region and the Consulting Team. The first Meeting (#WV/FNs-2009-01) was held in this same Conference Room on Friday, May 1, 2009.</p> <ul style="list-style-type: none"> <li>• A. Mukherjee welcomed all attendees, including those that were not at the May 1, 2009 Meeting, specifically:               <ul style="list-style-type: none"> <li>– June Murphy/Cathy Crinnion/Margie Kenedy, Toronto Region Area Conservation Authority (TRCA); and;</li> <li>– Rob MacDonald – Archaeological Services Inc.</li> </ul> </li> </ul> <p>A. Mukherjee said that the TRCA archaeologists had uncovered some First Nations' artifacts on TRCA property, while carrying out Stages 1 and 2 Archaeological Investigations for the Western Vaughan Transportation Improvements Individual Environmental Assessments Study. C, Crinnion, TRCA archaeologist will be presenting the information this morning. He noted that Robert (Rob) MacDonald is with Archaeological Services Inc. (ASI) who have been carrying out Stages 1 and 2 Archaeological Investigations on the Western Vaughan Study. R. MacDonald will be presenting ASI's findings at this Meeting.</p> <ul style="list-style-type: none"> <li>• A. Mukherjee asked each attendee to introduce himself/herself, indicate the First Nation/agency they represent, and their role on the Western Vaughan Study.</li> </ul>	
02-02	<p><b>Current Status of the Western Vaughan Transportation Improvements IEA Study (W.V.T.I.I. E.A. Study)</b></p> <ul style="list-style-type: none"> <li>• A. Mukherjee gave a PowerPoint Presentation to outline the status of the Study. He mentioned that the Study Area is quite extensive, specifically:               <ul style="list-style-type: none"> <li>– South Limit – Steeles Ave.</li> <li>– North Limit – Teston Rd./Nashville Rd.</li> <li>– East Limit – Highway 400</li> <li>– West Limit – Highway 50</li> </ul> </li> <li>• This is an individual EA, rather than a Class EA. A. Mukherjee explained the difference.</li> <li>• <b>Class EA:</b> Is carried out on a project that fits into a well defined category of work, such as road improvements in a specific corridor. Class EAs are pre-approved, provided that they follow the requirements that have been approved by the Ministry of the Environment (MOE). The scope of work associated with Class EAs tends to be less than required for Individual EAs.</li> <li>• <b>Individual EA:</b> – Generally speaking is a larger, more complex Study. For example, the Western Vaughan Study is a Network Study (involving numerous transportation corridors, not a single corridor). MOE requires the proponent, in this case York Region, to prepare a Draft Terms of Reference (TOR) for the</li> </ul>	

*Please advise, in writing, if there are any errors or omissions in the record of these minutes*

Item No.	Description	Action By
	<p>Study. The TOR is reviewed/approved by the MOE, at which point the EA can begin.</p> <ul style="list-style-type: none"> <li>• A. Mukherjee pointed out that the prime objective of the Western Vaughan Study is to improve transportation in and through the Study Area. The Study is to be multi-modal in nature, specifically:               <ul style="list-style-type: none"> <li>– Identify required arterial road improvements.</li> <li>– Emphasis on the need and support for public transit (buses in mixed traffic, as well as in exclusive rights-of-way eg. High Occupancy Vehicle (HOV) Lanes; Light Rail Transit (LRT); Subway Extensions into York Region).</li> <li>– Facilitate effective bicycle movement (dedicated bike lanes); pedestrian movement (sidewalks and connections to walking trails, etc.).</li> <li>– Wherever possible, the introduction of a raised centre median (up to 5-6m wide) that can be streetscaped/landscaped for aesthetic appeal.</li> </ul> </li> <li>• A. Mukherjee mentioned that the Region is currently updating its Transportation Master Plan (TMP). The Region/Consulting Team have met with the Regional staff managing the TMP, Generally speaking, the transportation recommendations coming out of this Study have been found to be compatible with what is in the TMP.</li> </ul> <p>He went on to note that the traffic modelling analyses/ transportation planning work carried out on the Study indicated that, in the base year (2006), 67% of the road network in the Study Area was operating at a satisfactory level of service. However, by the Horizon year (2031) only 33% of the roadway network would be operating at a satisfactory level of service (assuming no new roadway/public transit improvements are introduced into the W.V. Study Area over this period of time).</p> <p>York Region therefore determined that roadway/public transit improvements are warranted in the Study area over the 2006 to 2031 period to address the congestion.</p> <ul style="list-style-type: none"> <li>• A. Mukherjee said that the Region/Consulting Team identified and assessed nine Transportation Network Alternatives. The assessment considered five Categories, namely Transportation; the Natural Environment; the Cultural Environment; the Socio-economic Environment and Costs. Network # 8 was identified as the Preferred Network; It incorporates about 40 km of arterial roadway improvements (primary 2 to 6 lanes or 4 to 6 lanes). He stressed that the Region’s policy states that for any roadway that is expanded to 6 lanes, the fifth and sixth lanes (curb lanes) must be High Occupancy Vehicle (HOV) lanes. The HOV lanes will accommodate:               <ul style="list-style-type: none"> <li>– Buses</li> <li>– Vehicles with two or more occupants</li> </ul> </li> </ul>	

*Please advise, in writing, if there are any errors or omissions in the record of these minutes*

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	<ul style="list-style-type: none"> <li>• A. Mukherjee noted that the Study has been underway since June 2007; to date the Region/Consulting Team have held:               <ul style="list-style-type: none"> <li>– Five sets of Advisory Committee (AC) Meetings – there are two ACs;</li> <li>– Three sets of Public Consultation Centres (PCCs).</li> </ul>               The next set of PCCs is scheduled for March 9&amp;10/10.             </li> <li>• A. Mukherjee noted that, to-date, the Program Stakeholders would seem to have, in general terms, accepted the recommendations of the Region/Consulting Team.</li> <li>• A number of questions were directed to A. Mukherjee and the Consulting Team, by the attendees:               <ul style="list-style-type: none"> <li>a) <b>Status: of the Proposed Highway 427 Northerly Extension from Highway 7 to Major Mackenzie Dr.</b></li> </ul> <p>It was pointed out that the proponent of this work is Central Region, Ministry of Transportation, Ontario (MTO). Their EA Consultant is McCormick Rankin Corporation. The Highway 427 Extension Study is an IEA Study as well. A. Mukherjee noted that MTO intends to submit its IEA Report to the Ministry of the Environment, Ontario (MOE) in February 2010.</p> <p>MTO have not as of yet, established a construction schedule for the Extension. A. Mukherjee said that stakeholders, such as York and Peel Regions, and the City of Vaughan, are encouraging MTO to start construction of the Highway 427 Northerly Extension as soon as possible. The best that he can say at this time (guestimate only) is that MTO will initiate construction of the Extension in the 2015-2018 period.</p> <p>A. Mukherjee noted that as far as implementation of the high priority roadway improvements in the Western Vaughan Study Area are concerned, roadways like Major Mackenzie Dr. and Rutherford Rd. could conceivably be constructed in the same time frame i.e. 2015-2018 period.</p> <ul style="list-style-type: none"> <li>b) <b>Why would the Region widen Weston Rd. to 6 lanes when there are already 6 lanes in the Highway 400 Corridor immediately to the west?</b></li> </ul> <p>A. Mukherjee noted that the fifth and sixth lanes on Weston Rd. will be dedicated to HOV and transit.</p> </li> </ul>	<p>York Region</p> <p>A. Mukherjee</p> <p>York Region</p>
<p><b>02-03</b></p>	<p><b>Stages 1 and 2 Archaeological Investigations Carried out to Date by Archaeological Services Inc. (ASI).</b></p> <ul style="list-style-type: none"> <li>• R. MacDonald noted that ASI is carrying out the archaeological investigations on all lands, other than property owned or managed by the TRCA. He noted that the TRCA carry out their own archaeological investigation on any of their properties which could be affected by highway/roadway improvements. He mentioned TRCA staff will outline their findings after his part of the presentation is</li> </ul>	

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	<p>completed.</p> <ul style="list-style-type: none"> <li>• R. MacDonald said that the first steps ASI took were to carry out literature and desk top research. This included the identification of previously identified sites of potential archaeological significance in and around the Study Area. They consider parameters like soils characteristics; texture, and drainage. This would include:               <ul style="list-style-type: none"> <li>– Registered archaeological sites within 250 m of the key corridors in the Study Area.</li> <li>– Hydraulic features – within 300 m</li> <li>– The presence of poorly drained soils – this would be a negative feature.</li> </ul> </li> <li>• ASI carried out its Stage 1 and 2, archaeological investigations within a 60 m band, primarily centred on the centre-line of the roadways subject to improvement. The Stage 1 investigations are conducted at a high level to identify potential archaeological significance in the various areas. R. MacDonald noted that for this Study, the Stage 1 investigations included an enhanced component, to better identify areas for Stage 2 Archaeological Investigations. All Stage 1 investigations on the Study have been completed. The results have been documented and discussed with the Region/Consulting Team.</li> <li>• R. MacDonald illustrated the finding from the desktop research and Stage 1 investigations using maps that were displayed on the screen.</li> <li>• ASI are well advanced on their Stage 2 archaeological investigations in high potential areas.</li> </ul> <p>The Stage 2 archaeological investigations are more in depth than that for Stage 1. The process being followed is briefly described below. It follows the standards set down by the Ministry of Culture, Ontario:</p> <ul style="list-style-type: none"> <li>– Ploughed Fields – Pedestrian survey on a 5m grid.</li> <li>– Non-agricultural lands-shovel width test pits on a 5 m grid. The depth of the pits being of the order of 20-25 cm (to parent soil below the topsoil layer).</li> </ul> <ul style="list-style-type: none"> <li>• R. MacDonald said that a 4-person crew can investigate about 30 hectares in a day in the case of a pedestrian survey. The same 4-person crew could only accomplish about 1-hectare a day where test pits are required.</li> <li>• R. MacDonald noted that ASI must enter onto both public and private properties and requires permission-to-enter from the landowners. This can be a slow process. This is the prime reason why ASI will have to continue its Stage 2 investigations in the spring 2010; ASI could not get all the permissions-to-enter</li> </ul>	<p style="text-align: right;">ASI</p>

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	<p>on properties in the 2009 working season.</p> <ul style="list-style-type: none"> <li>• R. MacDonald briefly reviewed ASI’s findings to date by saying no Pre-contact Aboriginal or Historical Euro-Canadian archaeological finds have been found to date.</li> <li>• R. MacDonald then outlined the last two possible stages in the Archaeological process, as established by the Ministry of Culture, Ontario.</li> </ul> <p><b><u>Stage 3 Archaeological Investigations</u></b></p> <p>This stage is an in-depth testing exercise where the locations of the artifacts; etc., are surveyed and identified on a broad 1m grid.</p> <p><b><u>Stage 4 Archaeological Investigations</u></b></p> <p>This Stage is generally initiated before the Construction Stage gets underway. It involves the mitigation of the impacts on archaeologically significant sites, including the protection of the artifacts finds. This could include:</p> <ul style="list-style-type: none"> <li>• Carry out a design that avoids the archaeological site (s) altogether. This would allow the finds to be dealt with in an appropriate manner after construction has been completed.</li> <li>• Salvage the Artifacts. The site would be completely excavated. The artifacts are categorized and removed under very scientific and controlled conditions. For example:               <ul style="list-style-type: none"> <li>– Held in trust by the archaeological company;</li> <li>– Transferred to a Museum/University/etc. R. MacDonald pointed out that the Ministry of Culture must approve of the disposition of the artifacts. The First Nations attendees were interested in exploring, with the Region, and other government agencies, the merit of the First Nations providing the repository for aboriginal artifacts.</li> </ul> </li> <li>• K. Sandy asked R. MacDonald to provide references pertaining to the determination of ethnic identity from archaeological materials.</li> <li>• S. Gray asked R. MacDonald to provide the First Nations Attendees with guidelines for what the Ministry of Culture considers to be an acceptable repository. He said he would supply some pertinent information/articles.</li> <li>• A. Big Canoe brought up the issue of human remains (e.g. ossuaries). R. MacDonald said that a different process is involved; human remains are under the Ontario Cemeteries Act. One of the problems in identifying human remains is that they are often buried deeper and don’t have artifacts associated with them</li> </ul>	<p>First Nations/ Region/Other Government Agencies</p> <p>R. MacDonald</p> <p>R. MacDonald</p>

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	<p>that can be easily observed through pedestrian or shovel test-pit surveys. Therefore, burials are almost impossible to detect with existing archaeological survey techniques and are typically not encountered in archaeological investigations like those being carried out on the Western Vaughan Study.</p> <ul style="list-style-type: none"> <li>The question of First Nations ethnicity identification was discussed. Whenever possible, this has to be done for identified ossuaries. It was agreed that this is an issue of concern for First Nations, and also applies to artifacts found in the Western Vaughan Study Area, such as those identified by TRCA staff in Section 02-04 below. The First Nations attendees said that, on the Western Vaughan Study, they expected to be consulted.</li> </ul>	<p>First Nations/ York Region</p>
<p><b>02-04</b></p>	<p><b>TRCA’s Stages 1 and 2 Archaeological Investigations carried out by its Staff on Lands Owned or Managed by the TRCA.</b></p> <ul style="list-style-type: none"> <li>C. Crinnion, TRCA, made a presentation on the finds they discovered in their Stages 1 and 2 archaeological investigations. Specifically, they encountered First Nations’ artifacts (ceramics, flakes from utensils; etc.,) in the following areas: <ul style="list-style-type: none"> <li><b>a) Major Mackenzie Dr. between Islington Avenue and Pine Valley Drive.</b></li> </ul> <p>A camp on Ontario Heritage Trust (OHT) lands managed by the TRCA located on the north side of the road, east of Islington Ave. This camp is:</p> <ul style="list-style-type: none"> <li>– 1.5 km north of the Kleinburg Ossuary</li> <li>– 2 km west of Skandutut</li> <li>– 2 km south of Seed-Barker</li> </ul> </li> <li>C. Crinnion noted that the TRCA crews carried out test pits on a 5 m grid. The soil, to a depth of 20-25 cm, was passed through a ¼ inch mesh screen. What was found were the remnants of ceramics, stone tools (flakes), and animal bones. She distributed samples of the finds to the attendees. As far as ceramics are concerned, there are two prime identifiers, specifically: <ul style="list-style-type: none"> <li>– Rimsherds- The top/collar of the pot.</li> <li>– Bodysherds – The body of the pot.</li> </ul> </li> <li>C. Crinnion noted that they have some reason to believe that the finds in the area are Iroquoian (i.e. Huron-Wendat). There do not appear to be collars on the pot remnants found. She did stress, however, that other First Nations people (especially Ojibwa) might have wintered with the Huron-Wendat in this area. She suggested a name for this camp – the Moon Site. She noted that 228 artifact</li> </ul>	

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	<p>pieces were found and inventoried by the TRCA at this site.</p> <ul style="list-style-type: none"> <li>• C. Crinnion noted the TRCA identified approximately 250 new archeological sites when carrying out archaeological surveys on their various properties in 2008 and 2009.</li> <li>• A. Mukherjee noted that this site (Moon Site) has been surveyed and is well known to the Region and the Consulting Team. The intention is to carry out the Major Mackenzie Dr. roadway improvements (ultimate 6-lane section), without disturbing the site.</li> <li>• The question of the ethnicity of the artifacts was discussed. The conclusion was that the First Nations' should be consulted, including the Iroquoian First Nations, because of the possibility that these are Iroquoian artifacts.</li> <li>• It was agreed that the findings at the Moon Site would probably warrant a Stage 3 Archeological Investigation. The test squares would be put down on a 1m grid and artifacts identified and their locations surveyed.</li> </ul> <p>A. Mukherjee noted that, typically, the Stage 3 Investigations would be carried out in the Detail Design Stage for the Major Mackenzie Dr. Project, not at the IEA Stage. The First Nations attendees commented that this would be an ideal time to have First Nations people involved in the archaeological investigations. Both R. MacDonald and C. Crinnion concurred and said that, in accordance with Ministry of Culture Standards and Guidelines for consultant archaeologists, which mandate engagement with First Nations beginning at Stage 3, the First Nations monitors should be members of the archeological crews carrying out the work.</p> <p>R. MacDonald also noted that, when construction is being carried out in close proximity to potential archeologically significant sites, it is often common practice to have an archeologist(s) on site during critical construction stages. The purpose being to deal with any archeological finds (artifacts/ossuaries/etc,) in an appropriate manner, and "in-real-time". The First Nations attendees commented that, in particular cases, they should have people representing their interests on site during these critical construction periods.</p> <p style="text-align: center;"><b>b) Rutherford Road between Islington Avenue and Pine Valley Drive</b></p> <p>A single, isolated artifact find was made and recorded. The find is less significant than those described for the Major Mackenzie Dr. Moon Site, being a single chert flake of undetermined age or cultural affiliation.</p>	<p>A. Mukherjee/ G. Smith</p> <p>A. Mukherjee/ TRCA/ Consulting Team</p> <p>First Nations/ Future Archaeological Crews</p> <p>First Nations/ York Region</p>

<p><b>02-05</b></p>	<p><b>Review of the Concept Design Work on Major Mackenzie Dr. and Rutherford Rd.</b></p> <ul style="list-style-type: none"> <li>• G. Smith used Google Earth to illustrate the Concept Design work carried out to date on the two above-noted roadways. He mentioned that, wherever possible, the Design Team is utilizing York Region’s Standards 36.0 m roadway cross-section for a 6-lane facility. This incorporates: <ul style="list-style-type: none"> <li>– All-purpose traffic lanes (4)</li> <li>– HOV Lanes (for buses/vehicles with 2 or more occupants) (2)</li> <li>– Bicycle Lanes (2)</li> <li>– Sidewalks (2)</li> <li>– A raised centre-median (5-6 m wide) – to be streetscaped/landscaped for aesthetic appeal.</li> </ul> <p>He noted that the cross-section can be reduced to 31.0 m by reducing the centre median width where necessary. This reduced cross-section would be used under the following circumstances:</p> <ul style="list-style-type: none"> <li>– In environmentally sensitive areas;</li> <li>– Areas of public/private property restrictions;</li> <li>– Structure crossings.</li> </ul> </li> <li>• G. Smith noted that the Design Team is just now beginning to develop preliminary designs for each improvements in the five roadway corridors. The final grading requirements (cuts/fills/drainage/ditches will be considered in this Design Stage). This will be the last Design Stage on the IEA Study. The Detail Design; Contract Documents Preparation; Tendering; and Construction will be carried out subsequent to the submission of the IEA Report to MOE, and the eventual approval of the Undertaking by the Minister of the Environment.</li> <li>• G. Smith reviewed the Concept Design on Major Mackenzie Dr. and Rutherford Rd. He commented that, as A. Mukherjee noted, the final design can be such that it will not affect archeologically significant sites, such as the Moon Site on Major Mackenzie Dr. This will be accomplished by realigning the widening of Major Mackenzie Drive to the south side of the existing right-of-way in the vicinity of the First Nations’ artifacts that were discovered.</li> </ul>	<p>G. Smith</p>
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	<ul style="list-style-type: none"><li>• This Meeting (#WV/FNs – 2010-02) adjourned at 1:30pm, Fri., January 22, 2010.</li></ul>	
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**Notes Prepared by:**

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