



## Credit Valley Conservation

### Indigenous Engagement Guidelines

March 12, 2021

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#### 1. Introduction

1.1. Credit Valley Conservation (CVC) is committed to learning, growing, and taking steps on the path towards reconciliation together with Indigenous Nations, Communities, and Peoples connected to the Credit River and surrounding watershed.

1.2. This guideline represents our collective and current understanding and lived experience of good practice. It is a living document. CVC still has much to learn. We start from a place of humility and continuous learning.

#### 2. Guiding Principles

2.1. CVC's ongoing commitment to engagement<sup>1</sup>, partnership, and work with Indigenous Nations, Communities, and Peoples is guided by:

2.1.1. Our shared responsibility for the stewardship of the lands, waters, and resources of the Credit River Watershed for present and future generations;

2.1.2. Our core value of inclusiveness, and our desire to engage Indigenous Nations, Communities, and Peoples consistently, genuinely, and respectfully;

2.1.3. Our commitment to ensuring that CVC activities and programs related to Indigenous Knowledge and communities past and present are done accurately, appropriately, and in collaboration;

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<sup>1</sup> "Engagement" is an expansive term encompassing all the formal and informal ways of collaborating, working, and partnering with Indigenous Nations, Communities and Peoples. "Consultation" has legal implications associated with the Crown's Duty to Consult. Generally, the term "engagement" is preferred, and "consultation" should be used only when referring to the Duty to Consult.

2.1.4. Our support for advancing United Nations Declaration on the Rights of Indigenous Peoples<sup>2</sup> and the Calls to Action of the Truth and Reconciliation Commission;

2.1.5. Our responsibility to meet Crown-delegated procedural elements of its Duty to Consult and accommodate through acts of legislation affecting CVC projects;

2.1.6. Our corporate direction, including:

2.1.6.1. Credit Valley Conservation's 2020-2022 Strategic Plan,

2.1.6.2. Credit Valley Trail Strategy (CVT Strategic Direction 4 and CVT Indigenous Experience Plan),

2.1.6.3. Conservation Areas Master Strategy (Principle #2, "Connect," Indigenous Engagement Plan, and Land Acquisition Plan).

### 3. Indigenous Nations, Communities, and Peoples with Expressed or Potential Interest in Engaging with CVC

3.1. CVC recognizes that the Credit River Watershed and surrounding lands and waters are home to Indigenous Nations, Communities, and Peoples past and present, including:

3.1.1. Mississaugas of the Credit First Nation (Treaty-holder: Treaties 14, 19, 22, and 23);

3.1.2. Williams Treaties First Nations (Treaty-holder: Treaty 18, with the Chippewas of Lake Huron and Simcoe, ancestors of the Williams Treaties First Nations);

3.1.3. Huron-Wendat First Nation, Six Nations of the Grand River First Nation, and Métis Nation;

3.1.4. Individuals<sup>3</sup> identifying as Indigenous living in or near the watershed;

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<sup>2</sup> In 2007, the United Nations adopted The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirming the rights of Indigenous peoples and recognizing their contribution to the common heritage of humankind. UNDRIP emphasizes that through diversity and richness of civilizations and cultures, Indigenous peoples are equal to all other peoples.

<sup>3</sup> Note that individuals do not have same legal status as Indigenous Nations related to the Duty to Consult. Also note that even in the context of voluntary engagement individuals may or may not represent or have the authority to speak on behalf of the Indigenous Nation to which they belong.

3.1.5. Individuals identifying as Indigenous and interested in the stewardship of land and water and activities of CVC within the watershed.

#### 4. Opportunities for Engagement

4.1. CVC acknowledges that, as a community-based environmental organization, we actively seek opportunities to engage a diversity of communities, organizations, governments, and individuals in our work, including the Indigenous Nations, Communities, and Peoples identified above. Throughout our work, CVC has identified opportunities to enhance, increase, or initiate engagement with Indigenous Nations, Communities and Peoples. These opportunities for engagement include but are not limited to:

4.1.1. Conservation Areas – developing the Conservation Areas Master Strategy Indigenous Engagement Plan;

4.1.2. Credit Valley Trail – supporting the Indigenous Roundtable and recommendations from the Indigenous Engagement Plan, including future programming and placemaking along the trail;

4.1.3. Education – integration of Indigenous Knowledge and perspectives in programming for different audiences;

4.1.4. Public engagement – CVC attendance at Indigenous events and other Indigenous-led activities within and beyond our jurisdiction;

4.1.5. Indigenous Knowledge – supporting the integration of Indigenous Knowledge into CVC’s monitoring, restoration and management, studies and plans that advance our understanding of the Credit River Watershed;

4.1.6. Ceremony – attending or integrating ceremony into CVC activities when appropriate;

4.1.7. Training – supporting CVC staff education and training and internal communications on Indigenous topics;

4.1.8. Communications – hosting a webpage outlining CVC’s work engaging with Indigenous Peoples;

4.1.9. The Duty to Consult<sup>4</sup> – The Crown, in right of the Federal Government or Province, may delegate procedural elements of its Duty to Consult to

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<sup>4</sup> "The Duty to Consult is owed to First Nations, Inuit and Métis communities whose potential or established rights may be affected by contemplated Crown conduct. While an Indigenous group can designate an individual to represent it in consultations, individuals are generally not entitled to be consulted separately. That distinction was elaborated upon in *Beckman v. Little Salmon/Carmacks First Nation* (Little Salmon/Carmacks), where the Supreme Court determined that an individual member of Little Salmon/Carmacks First Nation "was not, as an individual, a necessary party to the consultation," although that individual benefited from the collective interest of the First Nation.<sup>23</sup>" [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/201917E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201917E)

other agencies or development project proponents. This is done under various acts of legislation (e.g. the Environmental Assessment Act, see **Appendix A**), but the ultimate duty rests always with the Crown. CVC, as a non-Crown entity,<sup>5</sup> will faithfully carry out its obligations for consultation and accommodation which may be delegated for specific projects from time to time, as part of the permitting process under Federal or Provincial legislation, and may choose to voluntarily go above and beyond basic legal requirements in doing so;

- 4.1.10. Corporate coordination – ongoing coordination and communication across teams and departments via the Indigenous Engagement Working Group, including facilitating CVC attendance at Indigenous-led events, supporting CVC Indigenous engagement activities, and the development and review of these Guidelines.

## 5. Specific Guidelines

### 5.1. Land Acknowledgement Guideline

- 5.1.1. CVC will accurately, respectfully, and appropriately acknowledge the past and enduring presence of Indigenous Peoples in the Credit River Watershed.
- 5.1.2. CVC's Board of Directors approved (April 2017) an Indigenous Land Acknowledgement that was developed through engagement with Indigenous partners. Through additional engagement, learning, and lived experience, that Acknowledgement and accompanying directions have been modified and the following Land Acknowledgement and accompanying directions supersede the 2017 Acknowledgement:

#### *Land Acknowledgement*

*We acknowledge that the land on which we gather, and the entire Credit River Watershed, is part of the Treaty Lands and Territory of the Mississaugas of the Credit First Nation.*

*[Specifically, this land is part of Treaty:*

- No. 14, the Head of the Lake Treaty,*
- No. 19, the Ajetance Treaty,*
- Nos. 22 and 23, 12 Mile Creek, 16 Mile Creek, and Credit River Reserves*

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<sup>5</sup> Conservation Authorities do not have an independent authority or legal obligation as the Crown; jurisprudence and the position of Municipalities supports this.

- *No. 18, the Lake Simcoe-Nottawasaga Treaty with the Chippewas of Lake Huron and Simcoe, ancestors of the Williams Treaties First Nations.]<sup>6</sup>*

*The Credit River Watershed is also part of the traditional territory of the Huron-Wendat and Haudenosaunee, and home to many First Nations, Métis, and Inuit Peoples today.*

*Treaties made with Indigenous Peoples are enduring and include responsibilities for both parties. We affirm that this land and water is our common source of life and we must all share responsibility for its care and stewardship for now and future generations;*

- 5.1.2.1. The purpose of the Acknowledgement is to respectfully and meaningfully acknowledge all Indigenous Peoples and their close connection to the land and water of ancestral inhabitation;
- 5.1.2.2. The Acknowledgement shall be used at appropriate times so as not to diminish its importance (see **Appendix B**);
- 5.1.2.3. The Acknowledgement can be delivered orally or written (e.g. printed on park signage or displayed by electronic means);
- 5.1.2.4. The approved wording above need not be recited verbatim but the spirit of the Acknowledgement should be meaningfully and genuinely given in the context of the program, event or work that is being done, when possible also acknowledging current or relevant projects, initiatives, or partnerships, while preserving the accuracy of the statements contained therein;
- 5.1.2.5. Specific staff should be delegated to deliver the Acknowledgement and those staff should undertake mandatory training before delivering the Acknowledgement.

## 5.2. Honorarium, Compensation, and Gift-giving Guideline

- 5.2.1. CVCs will consistently and fairly compensate Indigenous Peoples for their participation in a variety of engagement activities.

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<sup>6</sup> This section in parentheses with Treaty numbers and names is to be modified and read as appropriate – staff delivering the acknowledgement at a specific site should determine the specific Treaty on that site based on GIS layer treaty boundaries.

5.2.2. Guidelines for honorariums, compensation, and gift-giving related to Indigenous engagement are as follows (see **Appendix C** for more information related to general engagement good practices):

5.2.2.1. Honoraria: it is good practice to ask in advance if an honorarium is appropriate or necessary for participation in meetings, ceremony, or other activities, and if so an appropriate and fair honorarium should be paid;

5.2.2.2. Mileage: when appropriate, mileage should be compensated at the corporate rate;

5.2.2.3. Other compensation: if an Indigenous consultant<sup>7</sup> or individual acting on behalf of a privately-owned business is retained for participation in meetings, ceremony, or other activities an invoice shall be requested;

5.2.2.4. For guidance related to any other non-monetary compensation or gifts (such as tobacco), ask first for guidance from the Indigenous Elder/Knowledge Keeper or acknowledged Indigenous leader in the group.

### 5.3. Project Consultation Guideline

5.3.1. CVC will generally conduct project consultation based on the consultation or engagement guidelines<sup>8</sup> issued by impacted or potentially impacted Indigenous Nations noted above:

5.3.1.1. Duty to Consult: For any proposed development or action (“project”) on CVC-owned or managed property (including land and water), or where CVC is the project proponent, that may impact Indigenous or Treaty Rights and is triggered by legislation in **Appendix A:**

5.3.1.1.1.1. CVC will faithfully undertake the delegated Duty to Consult based on guidance from the Crown and impacted Indigenous Nations;

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<sup>7</sup> Generally, staff should exercise due diligence when selecting Indigenous consultants and seek advice from the Indigenous Engagement Working Group.

<sup>8</sup> As of the date of approval of this Guideline.

- 5.3.1.1.1.2. CVC will undertake consultation activities with impacted Indigenous Nations as appropriate to the specific project;
- 5.3.1.1.1.3. Specific consultation activities will be based on the context of the project and the impacted or potentially impacted Indigenous Nations, considering both the potential impact of the project and strength of claim of the Indigenous Nation (see **Appendix D**);
- 5.3.1.2. Voluntary project engagement: CVC will generally seek out voluntary engagement opportunities and relationship-building activities above and beyond the delegated Duty to Consult with impacted or potentially impacted Indigenous Nations, including:
  - 5.3.1.2.1. CVC will compile and present an annual Project List of upcoming and ongoing projects for information to the Mississaugas of the Credit First Nation Department of Consultation and Accommodation (DOCA) as part of our existing and ongoing commitment to relationship building;
  - 5.3.1.2.2. The annual Project List may be circulated to other interested Indigenous Nations based on the context of the project(s);
  - 5.3.1.2.3. The annual Project List for the coming year will be compiled and presented by September for timely review; CVC may also present the Project List to Mississaugas of the Credit First Nation Band Council if requested;
  - 5.3.1.2.4. Following review of the Project List, CVC and DOCA will share feedback and discussion on voluntary engagement processes for the upcoming year;
- 5.3.1.3. Record keeping: In all cases, CVC (project manager or engagement lead or lead consultant) will keep a full Record of Consultation and communication related to the project.

## 6. Other Recommendations

- 6.1. CVC should develop and implement mandatory training for any CVC staff delivering the Land Acknowledgement;

- 6.2. CVC should support the formation of an Elders' Circle to provide ongoing advice and guidance related to Indigenous engagement for CVC, building on CVC's growing experience participating in indigenous-led committees, groups, meetings, and other governance structures (e.g. Credit Valley Trail Indigenous Roundtable);
- 6.3. These Guidelines, developed by CVC staff, have been and should continue to be reviewed and informed by engagement with Indigenous Nations, Communities, and/or Peoples;
- 6.4. These Guidelines should be endorsed by the Board of Directors, with subsequent revisions approved by CAO/Directors. The Guidelines should be reviewed and updated by the Indigenous Engagement Working Group at minimum every two years, or as required by changes in policy or legislation.



## Appendix A: Relevant Legislation

<b>Government of Canada (Federal Crown)</b>	
<b>Legislation<sup>9</sup></b>	<b>Guidance or Delegated Element of Crown’s Duty to Consult and Accommodate<sup>10</sup></b>
Canadian Environmental Assessment Act	Projects under Federal legislative jurisdiction requiring an Environmental Assessment (as designated under Regulations Designating Physical Activities - Oil/Gas, Rail, Marine, Nuclear, etc.) may require proponents to undertake procedural elements of the Crown’s Duty to Consult and Accommodate.
Fisheries Act	Authorizations under the Fisheries Act require that adverse effects of decisions on the rights of Indigenous peoples of Canada are considered. In determining impacts, the Department of Fisheries and Oceans may use consultation processes and accommodation measures carried out by its partners to assist it in meeting its commitments and responsibilities.
Canadian Navigable Waters Act	Certain major projects affecting listed navigable waters (i.e. Lake Ontario) require authorizations from Transport Canada. If a proposed work triggers the legal duty to consult with Indigenous groups, proponents may need to provide detailed information necessary to ensure consultations are adequate.
<p><i>Other Federal Legislation affecting CVC with no specific delegated Duty to Consult currently identified:</i></p> <ul style="list-style-type: none"> <li>▪ Canadian Environmental Protection Act</li> <li>▪ Migratory Birds Convention Act</li> <li>▪ Species at Risk Act</li> </ul>	

<sup>9</sup> See AMO paper on municipal role in delegated duty to consult and accommodate: <https://www.amo.on.ca/AMO-PDFs/Reports/2019/AMO-Discussion-Paper-Municipal-Governments-and-the.aspx>

<sup>10</sup> Note that this information has not been provided for all relevant legislation at this time. Additional information will be added as necessary.

<b>Province of Ontario (Provincial Crown)</b>	
<b>Legislation<sup>11</sup></b>	<b>Guidance or Delegated Element of Crown's Duty to Consult and Accommodate<sup>12</sup></b>
Provincial Policy Statement	<p>Part IV: "The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. <i>Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.</i>"</p> <p>1.2.2: "Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters."</p> <p>2.6.5: "Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources."</p> <p>4.3: "4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982."</p>
Environmental Assessment Act	<p>Consultation with relevant Indigenous communities by a proponent is required for projects under an Individual or Class Environmental Assessment (EA). The Conservation Ontario Class EA for Remedial Flood and Erosion Control Projects (June 2013) contains direction for Conservation Authorities on Indigenous consultation expectations.</p>

<sup>11</sup> See AMO paper on municipal role in delegated duty to consult and accommodate: <https://www.amo.on.ca/AMO-PDFs/Reports/2019/AMO-Discussion-Paper-Municipal-Governments-and-the.aspx>

<sup>12</sup> Note that this information has not been provided for all relevant legislation at this time. Additional information will be added as necessary.

Public Lands Act	For work affecting Crown Lands, including the beds of navigable bodies of water, a Work Permits under the PLA are required from the Ministry of Natural Resources and Forestry. Policy guidance for Work Permits ensures that the obligations for Duty to Consult must be met prior to issuance.
Lakes and Rivers Improvement Act	Applications for approvals under the LRIA may trigger the Crown's duty to consult. The Crown may delegate certain procedural aspects of its duty to consult to LRIA applicants. Applicants are encouraged to work closely with the Ministry when seeking LRIA approvals and to engage local First Nations and Métis communities as early as possible in project planning.
Clean Water Act	It is the Provincial Government's intention to mandate that Source Protection Committees consult with First Nation communities in their source protection areas and solicit their participation in the process, either through working groups or as members of the Source Protection Committee.
Crown Forestry Sustainability Act	The Forest Management Planning Manual provides direction on First Nation and Metis involvement and consultation in forest management planning on designated management units in Ontario's Crown forests.
<p><i>Other Provincial Legislation affecting CVC with no specific delegated Duty to Consult currently identified:</i></p> <ul style="list-style-type: none"> <li>▪ Environmental Protection Act</li> <li>▪ Safe Drinking Water Act</li> <li>▪ Fish and Wildlife Conservation Act</li> <li>▪ Pesticides Act</li> <li>▪ Nutrient Management Act</li> <li>▪ Greenbelt Act &amp; Greenbelt Plan</li> <li>▪ Niagara Escarpment Planning and Development Act</li> <li>▪ Endangered Species Act</li> <li>▪ Ontario Water Resources Act</li> <li>▪ Conservation Land Act</li> <li>▪ Drainage Act</li> <li>▪ Ontario Heritage Act</li> <li>▪ Oak Ridges Moraine Conservation Act</li> </ul>	

NOTE: The Province of Ontario maintains draft guidelines entitled: "Draft guidelines for ministries on consultation with Aboriginal peoples related to Aboriginal rights and treaty rights:" <https://www.ontario.ca/page/draft-guidelines-ministries-consultation-aboriginal-peoples-related-aboriginal-rights-and-treaty>

These draft guidelines date from 2006 and contain no specific guidance for agencies or municipalities in any delegated duty.

## Appendix B: Guidelines for use of the Land Acknowledgement

Event Type/Place	Yes	No	Maybe	Comment/Explanation
Public Meeting	<b>x</b>			CVC Board AGM; Formal public meeting not held as part of a Board meeting (standalone)
Signature Event	<b>x</b>			CVCF Gala; Credit Awards;
Ribbon cutting	<b>x</b>			Formal opening of new facility/trail where appropriate
MP/MPP/LG attended event	<b>x</b>			Where CVC is the host/organizer and an MP/MPP/LG attends (formal setting)
Indigenous person participant in event	<b>x</b>			This includes First Nations, Metis and Inuit; The person would have a formal role in the event
Workshop		<b>x</b>		Sharing information generally about programs and services
Staff meeting		<b>x</b>		Internal staff
Education			<b>x</b>	Where appropriate (example in context at Maple Syrup Fest – written);  School group – where it would be in context
Community Event			<b>x</b>	If remarks delivered by a locally elected representative as part of formal agenda
Signage			<b>x</b>	The option to include the acknowledgement, or a visual adaption thereof, on key staging signage at the parks
Facility			<b>x</b>	A fixed printed acknowledgement may be approved where appropriate



## **Appendix C: Additional Good Practices for engaging, collaborating, and partnering with Indigenous Nations, communities, and people:**

Non-Indigenous persons engaging with Indigenous Nations, Communities, and Peoples should make efforts to listen, ask questions, and learn about Indigenous culture and protocol. Some good practices for meetings and engagement include:

1. **Ask and seek guidance:** For guidance regarding meeting protocols, including structure, ceremonial practices, agendas, timing, record keeping, attendees, or any other matters it is crucial to ask or discuss with the identified Indigenous Elder/knowledge Keeper or otherwise acknowledged Indigenous leader present at the meeting; alternately, guidance can be sought from other contacts in the Indigenous community, from the Credit Valley Trail Indigenous Roundtable, or CVC's Indigenous Engagement Working Group, if appropriate;
2. **Timing:** meaningful engagement, including building strong, long-term, and supporting relationships, takes time – allocate enough time in meetings, project plans and schedules to engage and build relationships for the long-term;
3. **Hospitality:** When hosting meetings and gatherings it is important to practice good hospitality, including welcoming individuals, welcoming the group, and providing healthy food and refreshments;
4. **Acknowledgement:** Ensure that a non-Indigenous group leader shares a Land Acknowledgement;
5. **Ceremony:** Learn about Indigenous ceremony and participate as appropriate - Ceremony to begin a meeting or gathering is common, for example a smudge done by the Indigenous Elder/knowledge Keeper or otherwise acknowledged Indigenous leader present at the meeting;
6. **Introductions:** Roundtable introductions to begin meetings and gatherings are important; the meeting leader should start and determine the direction of the roundtable and participants should listen and take cues from other participants – it is often appropriate for introductions include a mix of professional and personal information;
7. **Agenda:** Have an agenda but take into account improvisation and ensure the agenda items for discussion or any decisions that need to be made are determined by the participants; after the meeting communicate back the major items discussed, any decisions made and next steps;
8. **Gifts:** Tobacco or other gifts may be offered but always defer to the Indigenous Elder/knowledge Keeper or otherwise acknowledged Indigenous leader present at the meeting.

## Appendix D – Consultation Activities Based on Project Context

	Strength of claim: High	Strength of claim: Low
Potential impact: High	<p>Arrange an in-person meeting to share information</p> <p>Establish a workplan and budget, where appropriate</p> <p>Establish an agreement for FLR involvement in project assessments where appropriate</p> <p>Ensure effective communication and transparency including providing related and technical documents for review</p> <p>Establish review criteria, including follow-up protocol to navigate issues, concerns resolution</p> <p>Establish Accommodation Agreement(s) where appropriate</p> <p>Enter into a Memorandum of Understanding or Long-Term Relationship Agreement where appropriate</p>	<p>Provide adequate notice and status updates</p> <p>Disclose relevant information including other involved/impacted stakeholders</p> <p>Discuss issues raised in response to notice</p> <p>Demonstrate where and how any accommodation has occurred as a result of consultation</p> <p>Enter into a Memorandum of Understanding or Long-Term Relationship Agreement where appropriate</p>
Potential impact: Low	<p>Provide adequate notice and status updates</p> <p>Disclose relevant information including other involved/impacted stakeholders</p> <p>Discuss issues raised in response to notice</p> <p>Follow-up with technical reports</p> <p>Come to an agreement for FLR involvement in project assessments if necessary</p> <p>Follow-up with conclusion of study/report/planning</p>	<p>Provide adequate notice and status updates</p> <p>Disclose relevant information including other involved/impacted stakeholders</p> <p>Discuss issues raised in response to notice</p>