



December 16,2021

VIA EMAIL

Alicia West, Planner
Planning & Development Division
Haldimand County

Dear Alicia West

RE: MCFN Response to 114 Cross Street East, Richardson Group Dunnville
PLZ-HA-2021-184

Confirmation of Receipt

I am writing on behalf of the Mississaugas of the Credit First Nation ("MCFN") to acknowledge that we have received your above named communication, dated October 22,2021 .

Outline of MCFN Rights and Territory

In 1792 , the Crown and MCFN entered into Between the Lakes, No. 3 (1792) regarding the lands in which your project is situated.

The Mississaugas of the Credit First Nation are the descendants of the "River Credit" Mississaugas. The undisputed Territory of the MCFN is defined as a Territory commencing at Long Point on Lake Erie thence eastward along the shore of the Lake to the Niagara River. Then down the River to Lake Ontario, northward along the shore of the Lake to the River Rouge east of Toronto then up that river to the dividing ridges to the head waters of the River Thames then southward to Long Point, the place of the beginning. Our Territory encompasses the lands and waters that were used and occupied by our Ancestors. Territories are usually large tracts of land that reflect the breadth required for seasonal activities and habitation and changes in those movement patterns through time. Through Treaties with the Crown, MCFN agreed to share our Territory with newcomers. However, not all of MCFN's Territory has been dealt with through a Treaty.




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4065 Hwy #6, Hagersville, Ontario NOA 1H0



Phone: (905) 768-4260





With the exception of a small part of the Credit River, our Treaties with the Crown did not deal with the water parts of our Territory. We have not agreed to share any part of our waters with settlers. We formally gave notice to the Crown of this claim in 2016. We note that any lands that have been artificially created on our waters have also not been dealt with by any Treaty.

Like our ancestors before us, we continue to use the lands, waters, and watershed ecosystems within our Territory for a variety of livelihood, harvesting, ceremonial and spiritual purposes. We have always exercised governance functions and stewardship in order to protect our Territory, conserve the fish and wildlife that depend upon it, and ensure its ongoing ability to sustain our people. We assert that our Aboriginal and treaty rights fundamentally entitle us to continue to act as stewards of our Territory, to be involved in decisions that affect it, and to participate in the ongoing, responsible management of the resources it provides.

Duty to Consult and Accommodate

As you will know, the Crown has a constitutional duty to consult and accommodate MCFN in respect of any decisions that might affect its asserted or proven Aboriginal and/or Treaty Rights. We expect that, consistent with the Crown's constitutional duty, no approval should be issued to this project until MCFN has been sufficiently consulted and accommodated. Nothing in this letter shall be construed as to affect our Aboriginal and/or Treaty Rights and hence shall not limit any consultation and accommodation owed to MCFN by the Crown or any proponent, as recognized by section 35 of the Constitution Act, 1982.

MCFN has the right to free and informed consent prior to the approval of any project or any planning decision adversely impacting its Territory and to benefit economically from resource development within its Territory.

MCFN has formed the Department of Consultation and Accommodation ("DOCA") to represent its interests in consultation and accommodation matters. It is DOCA's mandate to ensure that we are directly involved in all planning and development that impacts the integrity of our Territory. In this regard, DOCA will assess and help alleviate impacts on our rights, land claims, and ways of life by building relationships with governments and private sector proponents. We share a mutual interest in ensuring that projects in the Territory are planned, reviewed, and developed in a manner which ensures healthy communities, ecological protection, and sustainable development for present and future generations in the Territory.



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MCFN is not opposed to development, but MCFN must to be involved in development decision making. MCFN has a deep connection to its Territory and we have a stewardship responsibility for our land. By engaging with us, a project proponent can learn our perspective on how to care for this land and we can work together to shape the project to mitigate damaging effects to our land and perhaps even work to improve our environment. MCFN is the only party who shall determine whether there are impacts to our Aboriginal and treaty rights.

One of the ways we require proponents to engage with us is in providing transparency during the environmental survey and archaeological assessment process. The best way to accomplish this is by having Field Liaison Representatives (“FLRs”) on location while fieldwork is occurring, who can ensure that the Nation’s special interests and concerns are respected and considered during fieldwork. The cultural and natural resources in question are part of MCFN’s territory and heritage and it is our responsibility to ensure their protection, on behalf of the Nation. MCFN’s stewardship of its territory extends through the life of any development project and beyond.

In the spirit of collaboration and relationship building, MCFN encourages the Developer to consider use of MCFN owned businesses in the execution of this project. For further information please contact Christopher Lefebvre, Mississaugas of the Credit Business Corporation.

DOCA Project Registration

DOCA has completed an initial intake review of the project communication you have provided. This file has been assigned DOCA Project 2021-1030 ; please use this number in all future communications.

We respectfully ask you to immediately notify us if there are any changes to the project.

Referral to DOCA Units

Following DOCA’s initial intake review of the project communication, the file has been referred to the following DOCA Units for additional follow-up.

	Unit Identification	Primary Contact	Email Address
✓	Archaeology	Adam LaForme	adam.laforme@mncfn.ca
	Cultural/Historical	Darin Wybenga	darin.wybenga@mncfn.ca
	Environment	Darin Wybenga (A/D)	darin.wybenga@mncfn.ca
✓	FLR Participation	Adam LaForme	adam.laforme@mncfn.ca
	Governance	Katelyn LaForme	katelyn.laforme@mncfn.ca
	Economic Development	Christopher Lefebvre	clefebvre@mncbc.ca

If you have not been contacted by the indicated DOCA Units within fourteen days following receipt of this letter, please let me know.



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Request for Missing Information

In order to proceed with our follow-up review, we ask you to ensure that all available information relating to the project has been transmitted to us. We have identified the following general information as missing from your initial project communication:

	Outstanding Project Information
	Name of person or body undertaking the action or decision.
	Contact information for the person or body undertaking the action or decision.
✓	List of documents pertaining to the proposed action/decision that are available for MCFN to review.
✓	Description of what other information is expected to become available before the proposed action/decision is undertaken.
✓	Deadlines or filing dates pertaining to the action/decision.
✓	The Crown or Municipal review/ approval that is required for the project.
✓	How the proposed action or decision may affect and/or benefit MCFN, its rights and territory.

Closing

We ask that you respond with the above requested information within fourteen days following receipt of this letter. We thank you in advance for your attention to our requirements and we look forward to working with you further to shape the planning for development in our Territory.

Sincerely,



Darin Wybenga
Acting Director & Traditional Knowledge and Land Use Coordinator
darin.wybenga@mncfn.ca



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