Report

on

the

Kashechewan First Nation

and its People

I dedicate this Report to the children of Kashechewan

Alan

## Forward

I was appointed by the Government of Canada on June 6, 2006 as Special Representative of the Minister of Indian and Northern Affairs Canada in the matter of the current issues and future relocation options of the community of Kashechewan. My mandate is to consult with Indian and Northern Affairs Canada, the Government of Ontario, and the Kashechewan First Nation and to present to the Minister, the Honourable Jim Prentice, a plan that offers long-term and sustainable improvements to the lives of all Kashechewan residents. Included in this plan is a consideration of relocation site options and the recommendation of the one that will offer the greatest advantages of improved economic and individual opportunities to the members of the Kashechewan First Nation. I am also to recommend to the Minister the appropriate levels of financial and process management to implement the plan.

In fulfilling this mandate I have examined and made recommendations concerning community, health, and social services and facilities in Kashechewan; financial issues affecting community life; and internal community governance issues. All of these matters will affect the quality of life in the new community, regardless of where it is located.

My research consisted of a review of historical documents and information, investigation of current deficiencies in community services, interviews with band councils and individual council members, discussions in public meetings and private visits with numerous families and members of the Kashechewan First Nation, surveys of young people and community members, open houses, and advice from administrators and service providers throughout northeastern Ontario.

I wish to thank the staff of the Thunder Bay office of Indian and Northern Affairs Canada for their advice and assistance throughout and particularly for their efforts during the difficult times of the evacuations. Thanks are also due to Robert Howsam, Ontario Regional Director General; Nabil Batrouny and the staff of Northern Logistics; Charlie Angus, MP for Timmins-James Bay; Gilles Bisson, MPP for

Timmins-James Bay; Chiefs Leo Friday and Jonathon Solomon and members of their band councils; Douglas Cardinal, architect; the Porcupine Health Unit; the Timmins and District Hospital; Judy Shanks of the Canadian Mental Health Association; Evan Baker and the staff of the Honourable Jim Prentice; Marc Brooks, Indian and Northern Affairs Canada; Stan Louttit, Grand Chief of the Mushkegowuk Tribal Council; the administration of the City of Timmins; and many, many others who have talked to me, set me straight and/or encouraged me in this work. Thank-you one and all.

Timmins, October 31, 2006

Alan Pope

Appendix A – The curriculum vitae of Alan Pope

## The Community

The James Bay Treaty, Treaty No. 9, issued November 6, 1905 created a reserve known as Fort Albany on the north side of the Albany River and having an area of one hundred and forty square miles. The boundaries of the Reserve, also known as Reserve Number Sixty-seven, have never changed, except for the addition of certain islands in the Albany River to it. Originally members of the band resided in the vicinity of the Hudson's Bay Company post on Albany Island with some located on Sinclair Island near the Roman Catholic Mission established on St. Ann's Lake. Because of flooding on Albany Island the band decided to relocate to the present location of the community of Kashechewan while others opted to remain on Sinclair Island. They became the community of Fort Albany. Numerous attempts to officially divide the Reserve and/or the band's communities have all failed.

While the communities remain separate, Indian and Northern Affair Canada (hereinafter in this Report referred to as "INAC") treats them as one band located in one Reserve. Yet INAC has described and entered into formal Funding Agreements with each of Kashechewan First Nation and Fort Albany First Nation as if they were separate independent entities. Kashechewan is located on the north shore of the Albany River at the transshipment location for barge transportation on the Albany River system. The location of the Kashechewan First Nation is susceptible to flooding and in spite of the construction of a dyke system around the community in 1997, the community continues to be under threat from flooding each spring and regular evacuations have occurred. No water management plan or floodplain/elevation mapping exists for the Albany River basin although there is a flow monitoring station near Hat Island on the Albany River. Flooding and damage from ice build-up may be aggravated by greater traffic on the winter road across the Albany River.

<sup>&</sup>lt;sup>1</sup> See Appendix 1, p.12.

<sup>&</sup>lt;sup>2</sup> See Appendix 2.

<sup>&</sup>lt;sup>3</sup> For a fuller historical analysis, see Appendix 3.

<sup>&</sup>lt;sup>4</sup> See Appendix 4 for peak flow and monitoring data.

The population of Kashechewan has steadily increased over the years and, although the Government of Canada officially recognizes a population for budget purposes of 1100 persons, I find as a fact that the population is actually between a minimum of 1550 persons and a maximum of 1700 persons. In fact the nurses' station/health clinic in Kashechewan has a total of 1900 files, although the assumption is that some of those individuals are deceased.

Problems with deteriorating and inadequate housing and community services, water quality and flooding have lead to numerous evacuations at public expense and public debate over the quality of life for the members of the Kashechewan First Nation and the need to relocate to a safer location. The previous government in fact signed a Memorandum of Agreement committing itself to certain community improvements. The current government wishes to move forward with an acceptable long-term solution for a new sustainable community.

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<sup>&</sup>lt;sup>5</sup> See Appendix 5 for examples of the politicized debate that occurred.

<sup>&</sup>lt;sup>6</sup> Memorandum of Agreement, Appendix 6.

## I. The Budget

The Kashechewan First Nation receives between 18 and 22 million dollars each year in public monies, principally from INAC, but also in contributions from Health Canada, the Ontario Ministry of Community, Family and Children's Services and the Mushkegowuk Tribal Council. This is a significant amount of money for a community the size of Kashechewan. The contribution from INAC is governed by a Funding Agreement renewed for a five year term on March 15<sup>th</sup>, 2004. The Funding Agreement provides for Budget Allocations set solely by INAC and allocated solely by INAC between Core and Non-Core Funding. Increases in the Budget can be done through application to INAC by way of Non-Core/Minor Capital Submissions. If a First Nation is debt-free or in a sustainable debt position it may make transfers between allocation items.

In spite of such a significant revenue base, the Kashechewan First Nation has routinely advised INAC that the budgeted funds are insufficient to meet the needs of the community and that inadequate funding is at the heart of problems with housing, water supply, sewage treatment, fire protection, waste disposal and education facilities. INAC has replied that its division of Ontario's regional allocation between Ontario First Nation communities is done fairly and as best as can be done given finite financial resources. INAC sees the provision of community services and facilities as a responsibility of the First Nation whereas the First Nation sees the provision of community services and facilities as a responsibility of INAC, in furtherance of the Crown's fiduciary obligations to the First Nation. Neither INAC nor First Nations are prepared to or have the means to accommodate the other's point of view. The resolution of this impasse is a political imperative for aboriginal policy-making in Canada. The financial flexibility and capacities of the Kashechewan First Nation are also severely restricted by the amount of its current

<sup>&</sup>lt;sup>7</sup> For a full breakdown for the years 2004 and 2005 (March 31<sup>st</sup> year end) see Appendix 7 extracted from the Financial Statements of Kashechewan First Nation for the year ended March 31<sup>st</sup>, 2005 issued January 9<sup>th</sup>, 2006. For Mushkegowuk Tribal Council allocations see Appendix 8

<sup>&</sup>lt;sup>8</sup> See Appendix 9.

<sup>&</sup>lt;sup>9</sup> For Budget Allocations between 1999-2004 for both core and non-core funding see Appendix 10.

indebtedness.<sup>10</sup> A total debt approaching five million dollars means that under INAC policies, there is no opportunity to reallocate funding and no ability to access additional monies to resolve community needs. The resulting perpetuation of inadequate services and facilities in Kashechewan lies at the heart of the current crisis.

For its part the Kashechewan First Nation has failed to properly and directly administer and account for public funds paid to it. Financial record keeping is off-reserve in the office of a band consultant trying its best to cope; financial statements are delayed and un-audited;<sup>11</sup> and annual reports on program administration and expenditures are one to two years in arrears, leading INAC to holdback 15% of its funding as a penalty.<sup>12</sup> Health Canada is in a similar position and the First Nation no longer qualifies for Canada Mortgage and Housing Corporation (hereinafter in this Report referred to as "CMHC") funding because of its debt situation.<sup>13</sup> In other words, if the current status quo continues the situation in Kashechewan can only get worse.

I find that the Kashechewan First Nation has clearly made its case for consideration by INAC for independent status and funding with a population of 1550 persons, retroactive to March of 2004 and recommend that they be funded accordingly from the commencement date of the new Funding Agreement. I also find that the debt situation for Kashechewan First Nation arises as a consequence of their attempts to provide adequate housing for the band members and that they should not be penalized for so doing. The current Chief has promised to clean up the backlog of outstanding reports and to provide monthly financial reports and annual audited financial statements. I believe the punitive 15% holdback should be suspended for one year to allow him to do this, upon which the holdback should be cancelled.

<sup>&</sup>lt;sup>10</sup> See Royal Bank of Canada and Scotia Bank acknowledgements of outstanding debt in Appendix 11.

<sup>&</sup>lt;sup>11</sup> See the Auditors' Report attached to the March 31<sup>st</sup>, 2005 Financial Statements attached as Appendix 12.

<sup>&</sup>lt;sup>12</sup> See confirmation from INAC, Appendix 13, Items 10.

<sup>&</sup>lt;sup>13</sup> CMHC correspondence dated April 23<sup>rd</sup>, 2003. See Appendix 14.

<sup>&</sup>lt;sup>14</sup> See full correspondence on this matter in Appendix 15. The INAC briefing notes on this matter describe a population of 1500.

- 1. Kashechewan First Nation be constituted as a separate band under the Indian Act of Canada.
- 2. Kashechewan First Nation be entitled to its own band list, membership clerk and separate, independent band by-laws.
- 3. Albany Reserve No. 67 not be divided geographically between Kashechewan First Nation and the Fort Albany First Nation.
- 4. Kashechewan First Nation be given full power to maintain and control its own membership lists.
- 5. The current debt of the Kashechewan First Nation not be considered by INAC in the application of administrative, financial, and budgetary policies.
- 6. The current 15% holdback penalty be suspended for one year and cancelled after that year should proper reporting and financial accountability be fully re-instated by the Kashechewan First Nation.
- 7. The Kashechewan First Nation immediately take control of all bank accounts, banking arrangements, bookkeeping functions and financial and activity reporting and be publicly accountable for the expenditure of public monies. These activities must be performed on-reserve in the band offices and in a manner that allows INAC access to current financial information.
- 8. An audit must be performed of the current year's finances.
- 9. The Kashechewan First Nation annual INAC allocation be increased by 40% retroactive to March 31, 2004 and that such increased payment retroactive to March 31<sup>st</sup>, 2004 be made immediately. (this is the proportionate increase required from 1100 to 1550 persons).
- 10. Future base budget totals be adjusted accordingly.
- 11. A full census be taken of the Kashechewan First Nation.
- 12. Provincial and federal laws and regulations be amended to allow someone of the status and integrity of the current Chief to document and submit for registration and certification all birth, deaths and marriages on and with respect to the Kashechewan First Nation.

## II. Community Issues

## 1. The Dykes

In 1997 a ring dyke, consisting of a three to four meter high sand and gavel berm was constructed around the community of Kashechewan. A review of the ring dyke design and construction was undertaken by Ontario Hydro in September 1997 and reported to Public Works Canada in September of 1998. A number of design and construction deficiencies were identified and recommendations for further investigation and remedial work were made. No action was taken on that Report. An investigation into the foundation conditions and dyke materials was conducted by Klohn Crippen between June 16<sup>th</sup> and June 23<sup>rd</sup>, 2001. A draft report was prepared, dated April 29<sup>th</sup>, 2004, it made a number of recommendations for remedial work including:

- "The areas of transverse cracks should be repaired before the next anticipated high water. The worst areas may only require removal of the gravel shell and reconstruction of the core, other areas may only require stripping of the shell and filling of the settled core area to restore serviceability.
- Improvement to the outer perimeter drainage will probably also reduce the incidence of the transverse cracking and possibly eliminate the longitudinal cracking. Lowering the water table around the perimeter of the dyke will reduce the water saturation in the dyke materials and reduce the differential settlements induced by frost heave.
- A basic maintenance program should be in place to monitor and repair minor deficiencies such as sinkholes and erosion within cracks before they develop into piping systems that can threaten the dyke.
- The telecommunications tower should be moved to allow reinforcing of the dyke by filling in the cutaway area supported by the retaining wall." <sup>16</sup>

The estimated cost of these repairs was \$430,000. By April 19<sup>th</sup>, 2005 a Final Report was issued by the same firm, Klohn Crippen. It was dramatically different from the Draft Report even though both

<sup>&</sup>lt;sup>15</sup> See Appendix 16, extracts from Klohn Crippen Report of April 19<sup>th</sup>, 2005, pages 9 and 10.

<sup>&</sup>lt;sup>16</sup> See Appendix 17 for Executive Summary section of <u>Draft Report</u>, <u>Kashechewan Ring Dyke Evaluation</u> by Klohn Crippen.

reports were based upon the same testing and field work done in 2001. The Final Report indicated that "the dyke deficiencies could result in failure during flood/ice jam events."<sup>17</sup>

When asked to explain the discrepancy between the two reports, Klohn Crippen advised that the Final Report resulted from the senior engineer's review of the Draft Report. A minor capital project submission by the Kashechewan First Nation for Dyke Break, Evacuation Plan and Other Repairs was not acted upon by INAC.

On September 28<sup>th</sup>, 2006 at a meeting called to discuss this and other matters, INAC and the representatives of the Kashechewan First Nation (Chief Solomon and three councilors) agreed to specific repairs to the Bell Tower site on the dyke, certain remediation work and the development of further evacuation plans.

- 13. A further independent engineering review of the 1997 Ontario Hydro Report, the Draft Report of Klohn Crippen in 2004, and the Final Report of Klohn Crippen in 2005, be undertaken and completed within 90 days and reported back to the Minister, INAC and the Kashechewan First Nation.
- 14. An evacuation plan be completed by December 31<sup>st</sup>, 2006; be circulated to the parties and all relevant government authorities and be communicated directly to the people of Kashechewan.
- 15. The Bell Tower site be moved and the dyke repaired accordingly.
- 16. Other remedial work suggested in the Draft Report be undertaken.

<sup>&</sup>lt;sup>17</sup> See Appendix 18 for Reporting Letter and Executive Summary of <u>Kashechewan Ring Dyke Evaluation and Preliminary</u> Remedial Measures, Final Report.

<sup>&</sup>lt;sup>18</sup> See Appendix 19 for all correspondence between myself and INAC and Klohn Crippen on this important matter.

<sup>&</sup>lt;sup>19</sup> See Appendix 20.

#### 2. Healthcare

I have no criticism at all of the Health Canada nurses, who work long hours and to the best of their abilities in the community of Kashechewan. The Regional Director of Health Canada, Al Garman, as well was most forthcoming as to the service deficiencies and shortfalls in Kashechewan and most other coastal communities outside of Moosonee - Moose Factory. A full complement of personnel at the Health Clinic/Nursing Station in Kashechewan is twelve and the minimum complement to provide the full range of services is seven. At present there are four nurses providing some services in Kashechewan and two of those are recent arrivals. The nurses freely admit that because a full complement is not present they are only capable of providing acute and emergency care. In spite of a multitude of new or enhanced programs that Health Canada has recently created and contribution agreements signed this year<sup>20</sup>, the actual, on-the-ground situation within the coastal communities (and particularly Kashechewan) is deteriorating and is unacceptable.

Community based services in Kashechewan are incomplete, inconsistent and inadequate. There is a lack of primary care services: There is no continuity of services. There are no nurse practitioners or other health care providers in the community or regularly available to the community. There is no integration or co-ordination of federal and provincial health programs. Dental care is rarely available. Domestic violence is a major issue that remains unaddressed. Dietary and healthy lifestyle issues have not improved and the high cost of fruit and vegetables makes their resolution unlikely. There is virtually a total absence of pre-natal and post-natal care. All of these matters have been known since a health care needs study in the early 1990's but have not been responded to with community-based personnel and programs in these communities.

<sup>&</sup>lt;sup>20</sup> Recent Contribution Agreement providing early childhood development, community based health programs, community care programs are set out in Appendix 21.

Health Canada itself lists the priorities for Kashechewan as follows:

- a. community wellness plan
- b. classes to develop parenting capacities and skills
- c. security at the nursing station
- d. support for governance and leadership skills
- e. respect and appreciation of professionals
- f. public health programs
- g. recreation for youths
- h. housing improvements
- i. education system improvements
- i. telemedicine <sup>21</sup>

I conclude that public health efforts, community health programs, mental health programs, medical practitioners' presence and availability, pharmaceuticals, laboratory and investigative services are inconsistent, spotty and often non-existent. Members of the Kashechewan First Nation are denied services if they have no OHIP or status Indian Card.<sup>22</sup> In today's world this is totally unacceptable.

It is true that the hospital facilities in Moosonee and Moose Factory are improving and following a planned merger will probably further improve within these communities. The arrangements and relationship with the Kingston General Hospital have provided a resource of doctors assigned to Moosonee – Moose Factory and have been, in return, a source of referral by air transport (at public expense) of elective and acute care cases to Kingston. The failure to include the Timmins and District Hospital in an integrated hospital system serving the James Bay Coast defies logic and has cost the

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<sup>&</sup>lt;sup>21</sup> See Health Canada's telemedicine proposals, Appendix 22.

<sup>&</sup>lt;sup>22</sup> See Appendix 23 for discussion on denial of health services and restriction of drug availability in the Kashechewan nurses' station.

Government of Canada millions of dollars in unnecessary air travel and air time. The Timmins and District Hospital is ready to participate in such an integration as a part of its strategic plan.<sup>23</sup>

#### **Recommendations:**

- 17. Health Canada and INAC immediately enter into a long-term contract with the Porcupine Health Unit to provide a full range of community health services and programs to Kashechewan and other coastal communities.<sup>24</sup>
- 18. Health Canada and INAC immediately enter into a long-term contract with the Canadian Mental Health Association to provide regular community-based programs and services to Kashechewan and the other coastal communities.
- 19. Health Canada rescind its recent pharmaceutical restrictions on the amount of drug supplies allowed in nursing stations and instead improve security and storage conditions with respect to all pharmaceuticals.
- 20. Health Canada work with the band council and Northern Stores to facilitate, under professional supervision and video monitoring, the dispensing of commercial pharmaceuticals in the community.
- 21. The Timmins and District Hospital be contracted to provide to all coastal communities including Kashechewan (the latter as a priority) common patient information systems; enhanced pharmaceutical services and controls, including implementation of a unit dose system; regional infection control coordination; dialysis services; mobile children's psychiatric care services; microbiology and pathology services; hospital critical care services, referral services; and televideo communication and education services.
- 22. A full range of telemedicine services be immediately installed in all James Bay coastal communities.
- 23. Health Canada and INAC immediately contract with the Northern College of Applied Arts and Technology to attract, prepare and educate young aboriginals of Kashechewan and other coastal communities in health care careers and services, including pre-entry programs and choices in high school curriculum. Community video and virtual classroom systems be installed to keep these students in their home communities.

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<sup>&</sup>lt;sup>23</sup> See Appendix 24

<sup>&</sup>lt;sup>24</sup> See the full services and programs descriptions attached as Appendix 25.

#### 3. Housing

An inspection of numerous homes in Kashechewan took place during the months of September and October. In general terms, homes in Kashechewan are inappropriately designed for the family sizes and traditional living arrangements in the community. Houses are too small. Many two bedroom homes now have three or four additional bedrooms in the basements and accommodate nine or ten adults. The central areas, kitchens and washrooms are inadequate and dilapidated. Many homes do not meet current provincial or federal standards with respect to building, fire, electrical, or environmental codes. They are not only inappropriate for local temperatures and climate conditions but also obviously have been assembled or constructed without proper supervision or inspection. There has been no application of housing programs for this community in many years either because of the individual and community requirements for such programs as the Residential Rehabilitation Assistance Program (RRAP), the debt situation of Kashechewan with respect to Section 95 allocations by CMHC, <sup>25</sup> and the admitted absence of workable housing programs at INAC.<sup>26</sup> The one notable exception is the support given by INAC for the home renovation project undertaken by Mushkegowuk Tribal Council, for the years 2006 and 2007. This project responds to the flood damage caused this year. Under this project some 60 homes will undergo renovations and repairs and mobile homes will be purchased for temporary and perhaps permanent housing in the community. A potential expenditure of \$7.7 million will result from this commitment.

Homes in the community are often poorly maintained by the occupants with no sense of responsibility for their own living conditions. On the other hand I also found no deliberate or wanton destruction inside the homes. The Kashechewan First Nation has no housing standards or by-laws, nor personnel with any responsibility for enforcing housing or living standards. There are no maintenance or occupancy by-laws with regard to garbage and other materials located in homes or adjacent to them. With

<sup>25</sup> See Appendix 26 for the refusal of CMHC to Kashechewan because of its current financial situation.

<sup>&</sup>lt;sup>26</sup> INAC takes the position that housing in all aspects is a responsibility of the First Nation. See Appendix 27.

no family ownership of homes, the obvious result is no ownership of housing problems nor any desire to resolve them. A home ownership initiative in other First Nation communities has generally been successful.<sup>27</sup>

- 24. Future homes in Kashechewan and/or the new community be designed to meet the needs of the families of Kashechewan through consultation with the community.
- 25. INAC design a national housing policy to meet the needs of First Nations regardless of accumulated debt.
- 26. INAC institute, particularly in Kashechewan and/or the new community, in conjunction with the Kashechewan First Nation, a policy of private home ownership for individuals and families.
- 27. The Kashechewan First Nation implement by-laws to institute a system of upgrades, repairs and maintenance for all buildings and properties in the community and a system of regular inspection and financial sanctions to compel such upgrades, repairs and maintenance.
- 28. The Government should examine the allocation of RRAP funds as between provinces and regions and as between on-reserve and off-reserve aboriginal communities. A special allocation should be made out of RRAP funding in 2007 to aid the James Bay coastal communities (with an adjustment in criteria to assist these communities rather than deter them).

<sup>&</sup>lt;sup>27</sup> See Appendix 28 for such a private ownership on-reserve program.

#### 4. Water Treatment Plant and Water Services

In discussions with technicians currently operating the water treatment plant and upon examination of some of the contracts and financial details, it is clear that inadequacies and operational deficiencies have existed for some time and that since the contamination and flood events, great sums of money have been expended to resolve them.<sup>28</sup> A single eight hour shift, five days a week, has been replaced with 24 hour a day, seven days a week operations. Pumps have been replaced and are on order, chemicals are now being added by automated instrumentation, water pressure and quality is now being monitored by instrument, proper records are being maintained, and Class 2 Operators, (employees of Northern Water Works, from Red Lake, Ontario) are now on duty 24 hours a day. Complaints remain about low water pressure and about water availability in a fire emergency.<sup>29</sup> Local operators are not yet properly trained or certified.

Recommendations on improvements to the water supply system are included at the conclusion of the next section dealing with waste treatment and disposal.

<sup>28</sup> See Appendix 29 for contact specifics for work on the water treatment plant and waste disposal system.

<sup>&</sup>lt;sup>29</sup> See Appendix 30 for correspondence concerning water supply matters and particularly Items 3, 4 and 6.

## 5. Waste Treatment and Disposal

In spite of work done on the sewage system and lagoon, there remains a significant threat of overflow or backup along East Creek and effecting Red Willow Creek, immediately upstream of the water treatment plant intake. This work should be undertaken as proposed by Keewatin-Aski Ltd.<sup>30</sup>

The dump or waste disposal site is not situated, maintained or operated in an environmentally safe or appropriate manner, nor in accordance with current provincial standards. Its location adjacent to the floodplain of the Albany River poses a potential threat of contamination of the water supply under some circumstances.

- 29. The water treatment and sewage disposal systems of Kashechewan and all James Bay coastal communities be equipped with remote instrumentation and video monitoring with a central monitoring station located in Timmins under the authority of the City of Timmins.
- **30.** A Mushkegowuk Tribal Council Community Services Organization be created to eventually operate these services.
- 31. All operators be trained and upgraded from time to time through the City of Timmins, such a program to be sponsored by INAC.
- 32. The City of Timmins at the expense of INAC, provide respite and emergency response services for all water and sewage systems in the coastal communities.

<sup>&</sup>lt;sup>30</sup> The estimated cost of this project is \$368,644. See Appendix 31 for details.

#### 6. Policing

Police services are supplied to Kashechewan by Nishnawbe Aski Police Service (NAPS) on a contract basis. There is only one resident police officer and during the months of August and September 2006 there was one additional police officer from outside the community present from time to time. There are numerous complaints of a lack of response in emergency situations in the evenings and on weekends. These have not been resolved despite interventions with NAPS headquarters. On Friday, July 28<sup>th</sup>, 2006 at 4:45 p.m. EST, NAPS without prior notice withdrew police services from the community to protest the slow pace of construction of police facilities. <sup>31</sup> Due to the timing of the notice, no alternative policing could be arranged.

There is a significant problem with vandalism, reckless driving and other out-of-control conduct in the community of Kashechewan. There appears to be no band by-laws or regulations to control this conduct, particularly amongst young people. There is no community patrol or auxiliary police present in Kashechewan. There appears to be no history of the band council attempting to intervene to bring law and order to the community, although I have confidence that the new Chief and band council can do so.

- 33. The NAPS service be replaced forthwith by the Ontario Provincial Police.
- 34. Band by-laws be enacted to control vandalism and unacceptable conduct by members of the community.
- 35. Community patrols, curfews and auxiliary officers and special constables be utilized to control criminal conduct, disturbances and anti-social behaviour.<sup>32</sup>
- 36. The City of Timmins enter into a contract with INAC at INAC's expense to train and otherwise assist in the operation of community patrols, auxiliary officers and special constables for the community of Kashechewan.

<sup>&</sup>lt;sup>31</sup> Notification was received in Sioux Lookout and forwarded to Alan Pope by Facsimile at 5:06 p.m. EST. See Appendix 32.

<sup>&</sup>lt;sup>32</sup> See Appendix 33 for City of Timmins procedures for community patrols, auxiliary officers and special constables.

### 7. Fire Protection

There was some criticism of the Kashechewan First Nation arising out of a number of deaths by fire in the community. It is clear that the First Nation can be faulted for having inadequate fire protection, just as INAC could be faulted for not specifically funding it.<sup>33</sup> The criticism of the previous Chief and Council regarding a fire truck in the community that was never equipped to deal with fires was unfounded as the vehicle in question was a tanker to be used for dust suppression. There was however some fire control equipment located in a specific location that was unknown to community members and therefore not used. The City of Timmins has offered a fire truck from its fleet for use in Kashechewan.

- 37. A volunteer fire department be established in Kashechewan, to be trained, supervised and backed by the Fire Department of the City of Timmins, compensation to be paid by INAC.<sup>34</sup>
- 38. A fire hall be constructed and sufficient to house the fire truck.
- 39. In the new community, water pressure in the distribution system be maintained at 80-90 ppsi at community outlets.

 $<sup>^{33}</sup>$  For a discussion on this matter see Appendix 34, Items 4 and 5.

<sup>&</sup>lt;sup>34</sup> See cost breakdown for City of Timmins volunteer fire departments in Appendix 35.

#### 8. Schools

Due to recent evacuations, lack of employment, limited economic opportunities and the low value placed on education by some community members, the quality and availability of education services is actually declining in Kashechewan. St-Andrew's Elementary School is closed due to health and safety concerns, site contamination and vandalism. It will not re-open any time soon. Elementary and secondary school students are sharing one facility and attendance and curriculum is reduced accordingly. Elementary students have neither gym classes nor recess. There are no after school sports as the gym is used by elementary students. Class hours for secondary students of 3:00 p.m. to 8:00 p.m. have cut attendance in half. Computers and computer programs are antiquated and ineffective. There are no cultural or traditional value programs. Science and mathematics are not offered because of inadequate class size. No online courses are offered. Co-operative education programs are not available. Neither is special education. The quality of education does not meet provincial standards, thereby leaving students stranded. None of this can be blamed on the teachers or administration.

- 40. Immediate resources be placed at the disposal of the Hiskoonikum Education Authority to secure the premises and grounds of its schools and to provide science lab facilities, televised or video education classes and facilities, and a full curriculum.
- 41. INAC must enter into contractual arrangements with the Northern College of Applied Arts and Technology and through it with Laurentian University to sponsor, guide and assist students into and through post-secondary education programs.
- 42. Northern College's Capital Expansion Proposal be funded by the Ontario Ministry of Northern Development. 35
- 43. The Kashechewan First Nation reward, support and encourage academic achievement and performance as a community priority.

<sup>&</sup>lt;sup>35</sup> See a summary in Appendix 36

## 9. Economic Development

Prospects for economic development in the traditional lands of the Kashechewan First Nation look bleak, although recent development of the DeBeers diamond project near Attawapiskat and site reviews of potential hydraulic generation sites on the lower Albany River by Ontario Power Generation give some sense of optimism. The community of Kashechewan has not determined a sustainable, private sector based, long term strategy. Specifically the development of community revenues or individual employment and training opportunities has not been articulated. To remain in isolation with no access to income or employment opportunities is to sentence this community to despair and poverty. Regardless of where the new community is located, the Kashechewan First Nation must be able to develop or use its traditional lands for the benefit of its members.

The last resource inventory of the James Bay lowlands was done in 1984 and published in 1986 as part of the Ontario Ministry of Natural Resources' Strategic Land Use Plan. <sup>36</sup> It mysteriously contains no information concerning onshore and offshore oil and gas leases. There are no current economically-feasible resource opportunities listed for the traditional lands of the Kashechewan First Nation.

- 44. A complete onshore and offshore inventory of resources for the James Bay Hudson Bay coast and waters be completed forthwith by the Ontario Ministry of Natural Resources.
- 45. Regional development structures be created to share the benefits of all economic developments amongst the coastal communities.
- 46. An all-weather road be constructed from Moosonee to Winisk by the Government of Ontario.
- 47. All existing oil and gas leases and licenses onshore and offshore of the James Bay and Hudson Bay coast be cancelled and allocated to said regional development structure.

<sup>&</sup>lt;sup>36</sup> See Appendix 37.

## III. A New Community

On May 3<sup>rd</sup>, 2006 former Chief Friday presented a proposal to locate a new site for the community of Kashechewan 30 kilometers west of the existing community on the Albany River.<sup>37</sup> The proposal indicated that this site had been chosen. In fact it had been chosen by the then existing band council only and announced to the community as a "fait accompli". In the band council elections held the first week of August, 2006, Chief Jonathon Solomon was elected somewhat on the basis that the whole community should decide the future location of Kashechewan.

In order to assess the will of the community on this critical matter, I have engaged in a comprehensive community consultation effort involving numerous meetings with the past and present band councils, with elders, with individual community members, and with the entire community (at a public forum). In addition, every residence in the community of Kashechewan was canvassed by a canvass team which included Cree interpreters. I created five detailed options and analyzed the pros and cons of each option. In this work I included matters suggested by other band members. This document, including an introductory invitation to comment, was presented to each home in both English and Cree and additional comments obtained. In addition, the preference for a new community location was sought from each individual household. The five options presented were not suggested by any governmental or political official nor by any member of the community of Kashechewan. When the five options were first presented at a community public forum on September 8<sup>th</sup>, 2006, the community was invited to suggest additional options for consideration. No additional options were ever offered or presented. For the sake of clarity, the community canvass documentation is hereafter set out in its English and Cree versions.

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<sup>&</sup>lt;sup>37</sup> See Appendix 38.

DATE: October 13, 2006

TO: Kashechewan Family Groups

FROM: Laini C. Grey

SUBJECT: Relocation Choices For You & Your Family

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I would like to take this opportunity to thank Kashechewan community members for their individual acts of kindness, your support and friendly attitude. I have been extremely impressed with everyone that I have had the privilege to meet with and talk to.

As you know, I have been working with Mr. Alan Pope to ensure that each of you have our undivided attention in listening to your needs and hope for a new relocated Kashechewan.

Attached are the five (5) relocation options for you to look over with your family. When reading the relocation options, we would appreciate if you would take into consideration the following questions:

- 1. What do you think is the best relocation option for you and your family?
- 2. What future do you want for yourself and your children or grandchildren?
- 3. What does your family want to do with regard to relocation?

I will be visiting each home throughout the next two weeks to meet with you to get your thoughts and document them for Mr. Alan Pope.

## RELOCATION OF KASHECHEWAN FIRST NATION LOCATION: NEW COMMUNITY AT EXISTING SITE

- ✓ add 30 feet of aggregate fill in community
- ✓ new additional homes and some mobile homes
- ✓ existing water plant upgraded to increase water pressure
- ✓ new water and sewer lines
- ✓ keep existing power distribution
- ✓ new elementary school, band office, education authority offices
- ✓ new police and fire protection facilities
- ✓ new regulated dump site
- ✓ airport terminal
- ✓ all improvements from report apply

### **PROS**

- barge accessible seasonally
- remain on traditional lands
- some new homes and facilities
- if done in phases; minimum disruption
- short term employment

- still spring flooding and ice jams, but not in community
- no long term economic potential for community members
- no long term employment opportunities for community members
- existing water source
- river is too dry in the summer and fall
- vulnerability to the effects of climate change
- Climate change impacts forest fires, insects, diseases and will affect traditional hunting & fishing

## RELOCATION OF KASHECHEWAN FIRST NATION LOCATION: NEW COMMUNITY AT FORT ALBANY

- ✓ new housing sub-division
- ✓ sharing of some community services with Fort Albany
- ✓ adjacent to existing Fort Albany community
- ✓ one band council
- ✓ raised ground elevation for new facilities
- ✓ power sources in existence
- existing community decommissioned
- ✓ all improvements from report apply

## **PROS**

- larger First Nation community lends to more political influence
- adjacent to traditional lands
- barge access
- new houses and home services
- next to Albany River
- easy to phase in

- isolated community
- forced merger with Fort Albany
- no long term economic benefit
- no long term employment
- no post-secondary education or training accessibility for youth
- river is too dry in summer and fall
- vulnerability to the effects of climate change
- Climate change impacts forest fires, insects, diseases and will affect traditional hunting & fishing

## RELOCATION OF KASHECHEWAN FIRST NATION LOCATION: NEW COMMUNITY OF SITE # FIVE

- ✓ 30 kilometer road from barge to community
- ✓ new homes, health clinic, water and sewage treatment plants
- ✓ community built on higher land
- power lines run from previous community
- ✓ existing community de-commissioned
- ✓ all improvements from report apply
- ✓ transfer of trailers and portable facilities (police station, etc.)

## **PROS**

- adjacent to traditional lands
- next to Albany River
- new community
- phased in means minimum disruption
- short term employment opportunities for community members

- spring flooding could isolate community
- no long term economic developments
- lack of youth education, training or post-secondary education
- no long term employment opportunities
- river is too dry in summer and fall
- vulnerability to the effects of climate change
- Climate change impacts forest fires, insects, diseases and will affect traditional hunting & fishing

# RELOCATION OF KASHECHEWAN FIRST NATION LOCATION: OUTSKIRTS OF TIMMINS, ONTARIO

- ✓ up highway 655
- ✓ 15 minutes to regional hospital, high schools, police, fire and ambulance services
- ✓ port of regional retail shopping centers
- ✓ organized recreation facilities and services
- ✓ post-secondary education facilities
- ✓ large job market and opportunities for training
- ✓ new reserve
- ✓ new homes and municipal services
- ✓ independent, distinct community
- keep traditional lands on Albany River and across old Kashechewan for seasonal use only
- ✓ maintain landing strip and seasonal air access
- ✓ 15 minutes to Timmins airport
- ✓ keep economic benefits from developments on traditional lands

#### **PROS**

- total solution to existing community problems and isolation
- open opportunities and activities for young people
- easier access to educational and training opportunities
- cost of living drastically reduced
- access to train
- can go blueberry picking
- can go moose hunting

- seasonal access to traditional lands
- decommission existing community
- cultural identity and dislocation

## RELOCATION OF KASHECHEWAN FIRST NATION LOCATION: SMOOTH ROCK FALLS, ONTARIO

- ✓ new community at Smooth Rock Falls
- ✓ immediate purchase of 100+ homes now on the market due to mill closure and start moving community
- ✓ eventually take over community with existing municipal services, hospital, arena, fire hall and become a reserve
- ✓ OPP station at community would provide policing
- ✓ maintain rights to traditional lands, seasonal facilities, with air access for community members
- ✓ Community events, hunting, fishing on traditional lands
- economic benefits and revenue sharing from economic developments on traditional lands
- ✓ attend existing schools in Smooth Rock Falls
- attempt to acquire local timber rights and mill for future employment and economic autonomy

### **PROS**

- immediate evacuation to permanent site
- use of existing community facilities
- potential industrial development
- highway accessible
- quick and permanent fix
- access to train
- can go blueberry picking
- can go moose hunting and camping

- no local industries or jobs
- still no access to post secondary education
- 68 miles from regional shopping
- some problems with other residents and reserve boundaries
- decommission old site for everything except airport and seasonal use

Chief Solomon has indicated that he would have preferred a simple request to each community member to indicate their preferred location for a new community. It was my belief that a full range of reasonable yet concrete, specific suggestions should be presented. Any additional options and choice could have been offered by any community member at any time and indeed some valuable suggestions were made to the canvass team by community members. Rumours also circulated in the community concerning financial inducements accompanying certain choices, and promotions of certain options over the others by the canvass team. I have investigated this matter and have determined them to be unfounded. The simple truth is that these allegations arose as a method of undermining what had never been done before — a complete canvass of community opinion. The community survey was collected on the basis of a promise of privacy and confidentiality and while not an Appendix to this Report, is being delivered to the Minister concurrent with this Report.

The results of the survey are clear. They are different from the community choice presented to the Minster on May 3, 2006. A significant majority of community members believe that the best interests of themselves, of their children and families, and of the entire community are served by a relocation of the community to a new reserve removed from the Albany River and the traditional lands of the Kashechewan First Nation. Clearly this choice is conditional upon their retaining seasonal and regular access to and use of their traditional lands and Reserve No. 67, including all economic benefits from and control over economic, industrial and commercial use of their traditional lands and resources.

Of that majority a significant proportion chose the Smooth Rock Falls option, mainly because of the immediate availability of housing in Smooth Rock Falls. This would facilitate a movement out of Kashechewan before the next Spring breakup and flooding. The balance of the majority opted for relocation to a new reserve in the vicinity of Timmins, Ontario, but within the vast geographic boundaries of that community.

It must be added that a significant minority chose Site #5, which had been recommended to the Minister by the previous band council. A few individuals wished to remain on a rehabilitated existing location of Kashechewan. No one wanted to move to Fort Albany. It must also be said that pending hydroelectric developments and mineral and petroleum developments will permanently change the James Bay region. The traditional lands of the Kashechewan First Nation will not remain what they are today.

The content of the five options and the analysis of the pros and cons of each choice contained in the canvass material was done by myself, with additions suggested by band members. My recommendation came down to a choice of the option that would provide a sustainable, viable community based on employment and income for its residents and access to education and health care for children and young people. Also of critical importance is the creation of a new reserve community that can be designed and constructed entirely anew with the involvement of all band members. Finally any recommendation must include a clear negotiating process and resulting agreement to guarantee regular, seasonal access to traditional lands and resources in the Albany River region and exclusive (with Fort Albany) benefit of any revenue and other economic benefits related to the traditional lands of the Kashechewan First Nation.

The option of locating in Smooth Rock Falls has the advantage of immediate occupancy in a well-appointed, well-managed community located on the Trans-Canada Highway. Were I to recommend that option I would also recommend that since the pulp and paper mill is no longer operational in Smooth Rock Falls, the cutting rights and hydroelectrical facilities be assigned without compensation to a partnership of the Municipality and the Kashechewan First Nation. In the end I have decided not to recommend the Smooth Rock Falls option as the economic and employment opportunities are not as great as Timmins and as the difficulties in trying to create a reserve on a spot-by-spot basis in a shared community are too contentious and difficult.

I am therefore recommending that a new reserve be created for the Kashechewan First Nation on the outskirts but within the geographic boundaries of the City of Timmins.

The benefits of such a relocation are clear:

- access to regional hospital facilities and medical practitioners
- access to a full range of community health programs
- proper policing and fire protection
- removal of the threat of flooding and ice jams
- access to community high schools and post-secondary education
- economic opportunities and employment
- home ownership and a fresh start for proper housing
- support of existing municipal infrastructure and services
- Timmins already has a significant off-reserve aboriginal population which some estimate as high as 7000 people.

No such relocation will be acceptable to the Kashechewan First Nation however, unless links to the traditional lands of the First Nation are maintained. Reserve Number 67 and adjacent lands must continue to be treated by the Government of Canada as the traditional lands of the Kashechewan First Nation for economic development, revenue sharing and traditional use purposes. This will require maintaining the landing strip and part of the existing community location for seasonal use such as hunting, fishing, community events and summer cottage or camping occupation. This should be done in a manner accommodating of seasonal demands while decommissioning the site as a permanent, year-round

community. Security to prevent outsiders and others from moving into the community will have to be maintained

In addition the existing loans for housing will have to be paid off and the northern benefit grandfathered so that it continues for those that rely on it. The new community should be composed of properly designed housing, of Ontario Building Code standards, privately owned by individuals and families, who thereafter should be responsible for proper maintenance and repairs of their properties in accordance with community standards applied by community enforcement officers. A community center should be constructed with an elementary school, recreation facilities including a pool and rink, retail shopping, vehicle licensing office, band administration offices, elders' lodge, a health clinic, a day care center, a fire hall and volunteer fire department and meeting and gathering halls for community events. The young people of Kashechewan will be the greatest beneficiaries of a new era of intellectual and occupational advancement and fulfillment. This was the determining factor for many band members in deciding to relocate.

Finally, in order to continue the momentum to resolve the future of Kashechewan, I recommend an implementation committee composed of Ms. Joanna Ford, previous evacuation coordinator representing INAC; Ms. Laini Grey, continuing the community consultation throughout the implementation process; Chief Solomon; a nominee of the band council; and a representative of the Minister to oversee the prompt implementation of this relocation.

- 48. A new reserve for the Kashechewan First Nation be created on the outskirts of Timmins but within the substantial geographic boundaries of that municipality.
- 49. The existing community of Kashechewan be retained for the exclusive use of the band members of the Kashechewan First Nation for seasonal occupation; traditional fishing, hunting, and gathering activities; and for community events and ceremonies.

- 50. The Kashechewan First Nation continue to use and enjoy the economic returns and benefits of Indian Reserve No. 67 and its traditional lands and waters.
- 51. An implementation commission be established to complete the relocation and resolve outstanding community issues: such commission to be composed of Ms. Jo Ann Ford, representing INAC; Ms. Laini Grey, to continue community consultation; Chief Jonathon Solomon; a representative of the Kashechewan First Nation band council; and a representative of the Honourable Jim Prentice.

All of which is respectfully submitted this 8 <sup>th</sup> day of November, 2006.	
	Alan W. Pope
	Special Representative

#### **Summary of Recommendations**

- 1. Kashechewan First Nation be constituted as a separate band under the Indian Act of Canada.
- 2. Kashechewan First Nation be entitled to its own band list, membership clerk and separate, independent band by-laws.
- 3. Albany Reserve No. 67 not be divided geographically between Kashechewan First Nation and the Fort Albany First Nation.
- 4. Kashechewan First Nation be given full power to maintain and control its own membership lists.
- 5. The current debt of the Kashechewan First Nation not be considered by INAC in the application of administrative, financial, and budgetary policies.
- 6. The current 15% holdback penalty be suspended for one year and cancelled after that year should proper reporting and financial accountability be fully re-instated by the Kashechewan First Nation.
- 7. The Kashechewan First Nation immediately take control of all bank accounts, banking arrangements, bookkeeping functions and financial and activity reporting and be publicly accountable for the expenditure of public monies. These activities must be performed on-reserve in the band offices and in a manner that allows INAC access to current financial information.
- 8. An audit must be performed of the current year's finances.
- 9. The Kashechewan First Nation annual INAC allocation be increased by 40% retroactive to March 31, 2004 and that such increased payment retroactive to March 31<sup>st</sup>, 2004 be made immediately. (this is the proportionate increase required from 1100 to 1550 persons).
- 10. Future base budget totals be adjusted accordingly.
- 11. A full census be taken of the Kashechewan First Nation.
- 12. Provincial and federal laws and regulations be amended to allow someone of the status and integrity of the current Chief to document and submit for registration and certification all birth, deaths and marriages on and with respect to the Kashechewan First Nation.
- 13. A further independent engineering review of the 1997 Ontario Hydro Report, the Draft Report of Klohn Crippen in 2004, and the Final Report of Klohn Crippen in 2005, be

- undertaken and completed within 90 days and reported back to the Minister, INAC and the Kashechewan First Nation.
- 14. An evacuation plan be completed by December 31<sup>st</sup>, 2006; be circulated to the parties and all relevant government authorities and be communicated directly to the people of Kashechewan.
- 15. The Bell Tower site be moved and the dyke repaired accordingly.
- 16. Other remedial work suggested in the Draft Report be undertaken.
- 17. Health Canada and INAC immediately enter into a long-term contract with the Porcupine Health Unit to provide a full range of community health services and programs to Kashechewan and other coastal communities.
- 18. Health Canada and INAC immediately enter into a long-term contract with the Canadian Mental Health Association to provide regular community-based programs and services to Kashechewan and the other coastal communities.
- 19. Health Canada rescind its recent pharmaceutical restrictions on the amount of drug supplies allowed in nursing stations and instead improve security and storage conditions with respect to all pharmaceuticals.
- 20. Health Canada work with the band council and Northern Stores to facilitate, under professional supervision and video monitoring, the dispensing of commercial pharmaceuticals in the community.
- 21. The Timmins and District Hospital be contracted to provide to all coastal communities including Kashechewan (the latter as a priority) common patient information systems; enhanced pharmaceutical services and controls, including implementation of a unit dose system; regional infection control coordination; dialysis services; mobile children's psychiatric care services; microbiology and pathology services; hospital critical care services, referral services; and televideo communication and education services.
- 22. A full range of telemedicine services be immediately installed in all James Bay coastal communities.
- 23. Health Canada and INAC immediately contract with the Northern College of Applied Arts and Technology to attract, prepare and educate young aboriginals of Kashechewan and other coastal communities in health care careers and services, including pre-entry programs and choices in high school curriculum. Community video and virtual classroom systems be installed to keep these students in their home communities.
- 24. Future homes in Kashechewan and/or the new community be designed to meet the needs of the families of Kashechewan through consultation with the community.

- 25. INAC design a national housing policy to meet the needs of First Nations regardless of accumulated debt.
- 26. INAC institute, particularly in Kashechewan and/or the new community, in conjunction with the Kashechewan First Nation, a policy of private home ownership for individuals and families.
- 27. The Kashechewan First Nation implement by-laws to institute a system of upgrades, repairs and maintenance for all buildings and properties in the community and a system of regular inspection and financial sanctions to compel such upgrades, repairs and maintenance.
- 28. The Government should examine the allocation of RRAP funds as between provinces and regions and as between on-reserve and off-reserve aboriginal communities. A special allocation should be made out of RRAP funding in 2007 to aid the James Bay coastal communities (with an adjustment in criteria to assist these communities rather than deter them).
- 29. The water treatment and sewage disposal systems of Kashechewan and all James Bay coastal communities be equipped with remote instrumentation and video monitoring with a central monitoring station located in Timmins under the authority of the City of Timmins.
- **30.** A Mushkegowuk Tribal Council Community Services Organization be created to eventually operate these services.
- 31. All operators be trained and upgraded from time to time through the City of Timmins, such a program to be sponsored by INAC.
- 32. The City of Timmins at the expense of INAC, provide respite and emergency response services for all water and sewage systems in the coastal communities.
- 33. The NAPS service be replaced forthwith by the Ontario Provincial Police.
- 34. Band by-laws be enacted to control vandalism and unacceptable conduct by members of the community.
- 35. Community patrols, curfews and auxiliary officers and special constables be utilized to control criminal conduct, disturbances and anti-social behaviour.
- 36. The City of Timmins enter into a contract with INAC at INAC's expense to train and otherwise assist in the operation of community patrols, auxiliary officers and special constables for the community of Kashechewan.

- 37. A volunteer fire department be established in Kashechewan, to be trained, supervised and backed by the Fire Department of the City of Timmins, compensation to be paid by INAC.
- 38. A fire hall be constructed and sufficient to house the fire truck.
- 39. In the new community, water pressure in the distribution system be maintained at 80-90 ppsi at community outlets.
- 40. Immediate resources be placed at the disposal of the Hiskoonikum Education Authority to secure the premises and grounds of its schools and to provide science lab facilities, televised or video education classes and facilities, and a full curriculum.
- 41. INAC must enter into contractual arrangements with the Northern College of Applied Arts and Technology and through it with Laurentian University to sponsor, guide and assist students into and through post-secondary education programs.
- 42. Northern College's Capital Expansion Proposal be funded by the Ontario Ministry of Northern Development.
- 43. The Kashechewan First Nation reward, support and encourage academic achievement and performance as a community priority.
- 44. A complete onshore and offshore inventory of resources for the James Bay Hudson Bay coast and waters be completed forthwith by the Ontario Ministry of Natural Resources.
- 45. Regional development structures be created to share the benefits of all economic developments amongst the coastal communities.
- 46. An all-weather road be constructed from Moosonee to Winisk by the Government of Ontario.
- 47. All existing oil and gas leases and licenses onshore and offshore of the James Bay and Hudson Bay coast be cancelled and allocated to said regional development structure.
- 48. A new reserve for the Kashechewan First Nation be created on the outskirts of Timmins but within the substantial geographic boundaries of that municipality.
- 49. The existing community of Kashechewan be retained for the exclusive use of the band members of the Kashechewan First Nation for seasonal occupation; traditional fishing, hunting, and gathering activities; and for community events and ceremonies.
- 50. The Kashechewan First Nation continue to use and enjoy the economic returns and benefits of Indian Reserve No. 67 and its traditional lands and waters.

51. An implementation commission be established to complete the relocation and resolve outstanding community issues: such commission to be composed of Ms. Jo Ann Ford, representing INAC; Ms. Laini Grey, to continue community consultation; Chief Jonathon Solomon; a representative of the Kashechewan First Nation band council; and a representative of the Honourable Jim Prentice.

#### Note to Reader

The Report as delivered to the Minister had 37 footnotes which directed the reader to 38 Appendices comprising three volumes of material accompanying the Report. Those Appendices were as follows:

- A. Resume of Alan Pope
- 1. James Bay Treaty Treaty No. 9
- 2. Map of the Kashechewan Area
- 3. Memo on history of the split between Fort Albany and Kashechewan
- 4. Ontario Ministry of Natural Resources correspondence showing elevation and contours information and data from flow monitoring station for the Albany River near Kashechewan
- 5. Compendium of Media Reports for months of June and July, 2006
- 6. Agreed-upon plan signed by Minister Scott and Chief Friday
- 7. Kashechewan First Nation statement of revenue and expenditures
- 8. Mushkegowuk Tribal Council funding data
- 9. Canada/First Nations Funding Agreement 2004
- 10. Kashechewan funding allocations between budget items
- 11. Bank confirmations on loan accounts
- 12. KPMG Auditors Report, January 9, 2006
- 13. Correspondence between Alan Pope and INAC re 15% holdback
- 14. CMHC rejection letter for Section 95 allocation
- 15. Correspondence over 4 years between Kashechewan and INAC re population base for Funding Agreement
- 16. Extract from final report of Klohn Crippen on dykes
- 17. Draft Report of Klohn Crippen on dykes, April 2004
- 18. Delivery letter for final report of Klohn Crippen
- 19. Correspondence between Klohn Crippen and Alan Pope
- 20. Minor Capital Project Approval Application to INAC from Kashechewan re dykes
- 21. Contribution Agreements and program allocation material Health Canada and Kashechewan Health Services Board
- 22. Telehealth backgrounder
- 23. Correspondence from Health Canada to Alan Pope re health services and issues in Kashechewan
- 24. Timmins and District Hospital correspondence and Strategic Plan
- 25. Services provided by Porcupine Health Unit]
- 26. CMHC refusal re Section 95 funding
- 27. Correspondence between INAC and Alan Pope re housing responsibility
- 28. Mattagami First Nation Housing Policy re private ownership
- 29. Water Treatment upgrades- Statement of Accounts
- 30. Correspondence between Alan Pope and INAC re water supply matters
- 31. Correspondence re sewage lagoon report and cost estimates
- 32. Correspondence from INAC to Alan Pope re NAPS withdrawal of service
- 33. City of Timmins policies re auxiliary police and special constables
- 34. Correspondence between Alan Pope and INAC re fire protection
- 35. Cost breakdown City of Timmins re volunteer fire brigades
- 36. Northern College Capital Expansion Proposal
- 37. Moosonee District Strategic Land Use Plan extract- 1986
- 38. Kashechewan Proposal re Site #5, May 3, 2006