

2nd message from Aaron Detlor. Judy

----- Forwarded message -----

From: **Aaron Detlor** <[aarondetlor@gmail.com](mailto:aarondetlor@gmail.com)>

Date: Thu, Nov 25, 2021 at 3:01 PM

Subject: Re: Proposed Water Resource Recovery Facility - Town of Erin

To: Ahmed, Aziz (MECP) <[Aziz.Ahmed@ontario.ca](mailto:Aziz.Ahmed@ontario.ca)>

Cc: Aaron Detlor [REDACTED] Burdon, Jeff (MECP) <[Jeff.burdon@ontario.ca](mailto:Jeff.burdon@ontario.ca)>, Wei, Livia (MECP) <[Livia.Wei@ontario.ca](mailto:Livia.Wei@ontario.ca)>, Boyden, Amanda (MECP) <[Amanda.Boyden@ontario.ca](mailto:Amanda.Boyden@ontario.ca)>, <[judy.mabee@gmail.com](mailto:judy.mabee@gmail.com)>, <[QAnnibale@loonix.com](mailto:QAnnibale@loonix.com)>, <[Allan.Alls@erin.ca](mailto:Allan.Alls@erin.ca)>, <[Allan.Alls@erin.ca](mailto:Allan.Alls@erin.ca)>, <[Council@erin.ca](mailto:Council@erin.ca)>, <[Council@erin.ca](mailto:Council@erin.ca)>, Brian Doolittle [REDACTED] Wayne Hill [REDACTED] Tracey General <[EC.Ministre-Minister.EC@canada.ca](mailto:EC.Ministre-Minister.EC@canada.ca)> <[EC.Ministre-Minister.EC@canada.ca](mailto:EC.Ministre-Minister.EC@canada.ca)>, <[CEAA.information.acee@canada.ca](mailto:CEAA.information.acee@canada.ca)> <[CEAA.information.acee@canada.ca](mailto:CEAA.information.acee@canada.ca)>, <[Allan.Thompson@caledon.ca](mailto:Allan.Thompson@caledon.ca)>, <[Allan.Thompson@caledon.ca](mailto:Allan.Thompson@caledon.ca)>, <[Minister.mnrf@ontario.ca](mailto:Minister.mnrf@ontario.ca)>, <[Ministre.Infc@canada.ca](mailto:Ministre.Infc@canada.ca)>, <[Min@dfo-mpo.gc.ca](mailto:Min@dfo-mpo.gc.ca)>, <[Minister.MECP@ontario.ca](mailto:Minister.MECP@ontario.ca)> <[Minister.MECP@ontario.ca](mailto:Minister.MECP@ontario.ca)>, <[Barbara.Slattery@ontario.ca](mailto:Barbara.Slattery@ontario.ca)>, <[Barbara.Slattery@ontario.ca](mailto:Barbara.Slattery@ontario.ca)>, <[lan.Thornton@ontario.ca](mailto:lan.Thornton@ontario.ca)> <[lan.Thornton@ontario.ca](mailto:lan.Thornton@ontario.ca)>, <[William.Glass@dfo-mpo.gc.ca](mailto:William.Glass@dfo-mpo.gc.ca)>, <[Tyler.Slaght@cvc.ca](mailto:Tyler.Slaght@cvc.ca)> <[Tyler.Slaght@cvc.ca](mailto:Tyler.Slaght@cvc.ca)>, Adrienne Telford [REDACTED], Lara KoernerYeo [REDACTED] <[john.brennan@erin.ca](mailto:john.brennan@erin.ca)>, <[jamie.cheyne@erin.ca](mailto:jamie.cheyne@erin.ca)>, <[michael.robins@erin.ca](mailto:michael.robins@erin.ca)>, <[rob.smith@erin.ca](mailto:rob.smith@erin.ca)>

Good Afternoon Mr. Ahmed:

I am writing to follow up on my email below.

We have not heard anything from the Town of Erin with respect to engagement.

I also confirm that we have not heard from your Ministry as to how the Crown proposes to justify infringements of Haudenosaunee rights and interests as the delegation of procedural aspects of delegation has been done to date without giving us the opportunity to set out and clarify rights and interests which I believe the Supreme Court of Canada has confirmed we have the right to do.

To follow up on my discussion on the EA process there is nothing in the EA process which discusses how rights and interests are to be accommodated. Even if we take the position that rights are limited to harvesting (which we expressly do not) then how is the loss of harvesting over this Project area supposed to be accommodated within the context of the EA. This is a rhetorical question because obviously the EA process does not allow for accommodation.

Once again I am asking that you please provide the prima facie assessment that you relied upon to delegate engagement and/or inform your position on rights and interests.

We look forward to hearing from you.

Regards,

Aaron Detlor

On Nov 18, 2021, at 3:00 PM, Aaron Detlor <[aarondetlor@gmail.com](mailto:aarondetlor@gmail.com)> wrote:

Dear Mr. Ahmed:

Thank you for your letter of November 2, 2021. I am not certain that the delay of six (6) months is evidence of any kind of good faith approach.

I can advise that your Ministry is aware that notifications are to be provided to the Haudenosaunee Development Institute by way of application which can be found on our website. I confirm that neither your Ministry nor the Town of Erin made the required application.

I can also advise that the Class Environmental Assessment process is inadequate for the purposes of upholding the honour of the Crown where the EA preempts us from raising a number of rights and interests associated with this Project.

While I confirm your delegation of 'procedural aspects' of consultation to the Town of Erin this delegation would only be lawful if your Ministry had undertaken a prima facie assessment of rights and interests to determine the appropriate nature and scope of engagement. At present it appears that your Ministry is undertaking a wholesale offloading of engagement which you are aware is inappropriate and unbecoming of the honour of the Crown.

We have already advised your office that we hold the right to grant or withhold consent and you have not engaged with us on this right.

I can also confirm that the obligations associated with upholding the honour of the Crown in this context include something beyond 'consultation' as you put it. We confirm that you have acknowledged that the Haudenosaunee hold treaty rights over this area by way of, inter alia, the Nanfan Treaty of 1701, and given that this project will impair established rights, the Crown is thereby required to justify the infringements.

Can you please provide us with your prima facie assessment if one has been completed and at the same time confirm who will be justifying the infringements we have identified. I would also ask that you please do this for all of the Class Environmental Assessments within the Nanfan territory which you are in a position to review. We would like to have a meeting with your office as soon as possible to discuss how we might receive this information so that we can do our reciprocal part to uphold the honour of our treaty agreements. We are hereby objecting to the approval of any EA by your office where there has been no engagement on those EAs and where the municipal planning entity has failed to comply with section 1.2.2 of the Provincial Policy Statement.

We would suggest that it is unreasonable for you to 'oversee' engagement where your Ministry is supposed to be participating in good and not standing off to the side in some type of quasi judicial referee role. I don't believe our treaties ever gave that role to the Crown to make us fight it out with municipalities. You may recall that we are supposed to proceeding on a nation to nation basis.

Please also confirm that substantive aspects of engagement that your Ministry will be undertaking if it has delegated procedural aspects. A failure to provide anything substantive on the substantive delegation will obviously be used by HDI at a later stage as evidence that your Ministry has simply offloaded the entirety of engagement.

At the same time I can advise that the Town of Erin has not been in touch with our office.

Regards,

Aaron Detlor

On Nov 5, 2021, at 7:58 AM, Ahmed, Aziz (MECP) <[Aziz.Ahmed@ontario.ca](mailto:Aziz.Ahmed@ontario.ca)> wrote:

Aaron,

Attached is the ministry's response to your inquiry about the proposed wastewater treatment plant in the Town of Erin. Please contact me at any time if you have any questions.

Best wishes,

Aziz

**Aziz S. Ahmed, P.Eng.** | Manager  
Municipal Water and Wastewater Permissions Section, Environmental Permissions Branch | Environmental Assessment and Permissions Division

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**If you have any accommodation needs or require communication supports or alternate formats, please let me know.  
Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substituts, veuillez me le faire savoir.**

<Letter\_Haudenosaunee Confederacy Chiefs Council\_2021-11-02.pdf>