

Indigenous Community Comments and Responses

This appendix provides a summary of comments from external review agencies and staff's response. A copy of all comments are included as part of Appendix G to Report PED24109(b).

Huron Wendat	Comment	Staff Response
	Unable to participate in the review of the Draft Framework due to limited resources but requested to be updated on the project moving forward.	Planning staff will follow up with the Huron Wendat to provide updates on the Framework and offer to schedule a meeting to discuss urban boundary expansion matters if requested.
Métis Nation of Ontario	Comment	Staff Response
	No comments at this time.	Noted.
Six Nations Elected Council	Comment	Staff Response
	The Six Nations Environmental Levy Policy is identified as an example of a potential submission requirement from Six Nations. Includes a fee, and specific benchmarks/requirements (e.g. enhanced offset mitigation). This would be considered a base line requirements and Six Nations would still expect additional consultation.	Staff have included the Environmental Levy Policy in the recommended Terms of Reference for the Subwatershed Study (Phase 1) as a document that applicants should reference. It is important to note that the scope of a Subwatershed Study (Phase 1) required as part of an urban boundary expansion is focused on identifying and assessing the current condition of natural heritage features within the proposed expansion area. Many of the matters that fall under the Environmental Levy Policy like setbacks from specific natural heritage features and compensation for the removal/alteration of features would be considered if an urban expansion area is approved through the completion of a Phase 2 and 3 Subwatershed Study.

	<p>The Provincial Planning Statement 2024 emphasizes early consultation which should be captured through this process.</p>	<p>The recommended Framework and Official Plan Amendments enable early consultation with Six Nations Elected Council on urban boundary expansion applications by:</p> <ul style="list-style-type: none"> - Specifying that any Formal Consultation application received for an urban boundary expansion application will be provided to Six Nations Elected Council for review and input. - Requiring applicants to submit an Indigenous Community Consultation Summary and Comment Response as part of a complete application that documents how the applicant has informed local Indigenous communities of the proposed expansion and documents any meeting notes and how they have responded to any comments received from the Indigenous Community.
	<p>Language regarding consultation and accommodations to First Nations, in relation to Treaty Rights, should be incorporated into the Framework.</p>	<p>This has been incorporated into the Framework.</p>
	<p>Adequate capacity funding should be provided to allow for Six Nations review of Urban boundary Expansion Applications.</p>	<p>The City of Hamilton currently does not have a policy or protocol that sets out if, when, where and how capacity funding is provided to Indigenous Communities for the review of privately initiated Planning Act applications.</p> <p>The recommended Framework and Official Plan Amendments does not prevent or preclude Indigenous Communities from requesting capacity funding directly from applicants.</p>

	Applicants for Urban Boundary Expansion applications should consult with Six Nations early to discuss Terms of Reference for required studies.	The recommended Terms of Reference for the Subwatershed Study (Phase 1) directs applicants to first consult with local Indigenous Communities as well as the applicable Conservation Authority, before submitting the scope of the Study to the City for approval. The recommended Official Plan amendments require the applicant to document sharing this information as part of the Indigenous Community Consultation Summary and Comment Response.
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Mississaugas of the Credit First Nation	Comment	Staff Response
	The Mississaugas of the Credit First Nation are the only First Nation with recognized treaty rights within Hamilton (Between the Lakes Purchase, 1792). The City of Hamilton needs to recognize these treaty rights when undertaking engagement as well as in agreements between the City and Mississaugas of the Credit First Nation (including Archaeological agreements) which the City has not done to date. These treaty rights are recognized by Infrastructure Canada.	The City of Hamilton will continue to engage with Indigenous Communities on land use planning matters.
	The Mississaugas of the Credit recommend that the City include a policy in its Official Plan requiring that applicants be required to submit a consent or closure letter from the Mississaugas of the Credit First Nation as part of their urban boundary expansion application before the City deems that application complete. It was noted Infrastructure Canada already has this requirement.	Staff are recommending adding a requirement in its Official Plans that applicants must submit an Indigenous Community Consultation Summary and Comment Response before an urban boundary expansion application is deemed complete.

	Regardless of what early Indigenous Engagement occurs, the Mississaugas of the Credit First Nation want to be circulated on all urban boundary expansion applications (including Formal Consultations). This can be sent via e-mail.	Staff will circulate and notify the Mississaugas of the Credit First Nation of all matters related to urban boundary expansion applications.
	The Mississaugas of the Credit First Nation is a recognized 'public body' under the Planning Act, meaning that they can participate in Ontario Land Tribunal hearings related to urban boundary expansion applications.	Noted.

Haudenosaunee Development Institute	Comment	Staff Response
	Requested an in-person meeting with the Chiefs and Clanmothers to discuss how the Draft Framework will be compliant with the Provincial Planning Statement which requires that planning authorities engage on treaty rights which are in place over the entirety of Hamilton	At the time of this report, this meeting has not been scheduled yet.

Hamilton Regional Indian Centre	Comment	Staff Response
	No response received.	N/A

NIWASA	Comment	Staff Response
	No response received.	N/A