Notice determination
July 19, 2021 – Indigenous Services Canada has determined that the proposed Biigtigong Nishnaabeg New K4-8 School is not likely to cause significant adverse environmental effects

The determination was based on a consideration of the following factors:

- impacts on rights of Indigenous peoples
- community knowledge
- mitigation measures

Implementation of mitigation measures is required for the project to address:

All fueling of equipment will take place in a designated area at least 100m from any surface water bodies (i.e. Pic River, unnamed drainage ditch). The Fueling area and maintenance area for the contractors equipment will be acceptable to Council and shall be provided with equipment to handle spills. All spills will be reported to appropriate authorities and cleaned up in accordance with applicable codes and regulations. Fuel and chemicals should be stored within secondary containment where possible.
The Contractor will be required to maintain all existing natural drainage. Ditch excavations will be protected from receiving any on-site construction drainage. Ditches shall be filled, compacted and re-vegetated to ensure that they do not affect drainage, utilizing sediment and erosion control materials where necessary. No drainage of site will be allowed to affect adjacent properties at lower elevations.
The Contractor will be responsible to ensure that any temporary drainage works will minimize erosion and subsequent sedimentation. During construction, polymer woven geotextile silt fences shall be used to minimize erosion and sedimentation. Photodegradable erosion control mats will be installed in the restored and improved ditches to minimize and control sedimentation.
Erosion and sediment control materials are to be installed as per the manufacturer's instruction and final erosion protection measures should be installed progressively during the project so as to ensure adequate erosion protection prior to spring melt and storm-water runoff. The time that trenches are open should be kept to a minimum.
Should groundwater be encountered or dewatering due to rain events be required, any sediment laden discharge water shall be pumped either to a stilling basin, through a geotextile fabric if adequate filtration can be met, or through dense terrestrial (not riparian) vegetation that is minimum 30 m from a watercourse or wetland. Discharge outlet points should be monitored to ensure that they are not contributing to erosion.
Should any ground water which is suspected to be contaminated be observed visually or by smell, work should be stopped and the Project Manager consulted with on how to proceed.
Should contaminated soils be discovered, an immediate halt to work will be ordered, Chief and Council and ISC will be informed and actions taken to identify the extent and source of contamination. This latter work will only be done by a qualified person utilizing methods in keeping with CCME Guidance Manual for Environmental Site Characterization and Human Health Risk Assessment (2016).
The existing roads / right of ways will be utilized to the greatest extent possible in order to maximize use of existing buffer zones between residential areas / community amenities and construction areas. Any reduction or modification of buffer zones will be carefully monitored to ensure that the impact is minimized.
Should construction be necessary to proceed through unique physical features such as wetlands or peatland, mitigation measures to ensure rutting, soil compaction and damage to these features is kept to a minimum including limiting work in these areas as much as possible, use of swamp mats and conducting the work under frozen conditions.

All petroleum handling and storage occurring on provincial land shall comply with Ontario Regulation 217/01 respecting “Liquid Fuels” under the Technical Standards and Safety Act, 2000, S.O. 2000, C16. All petroleum handling and storage occurring on Federal land shall comply with “Storage Tank Systems for Petroleum Products”.
Petroleum products shall be transported in accordance with the Ontario Dangerous Goods Transportation Act, R.S.O. 1990, c.D.1.
All reasonable precautions shall be taken to ensure that refueling only takes place within a designated area used for fuel storage or handling.
In the event that a piece of equipment must be refueled outside a designated area, the fuel shall be transported in approved containers and absorbent pads or other precautions such as a high density polyethylene (HDPE) groundsheet, shall be used to contain the fuel and prevent fuel from being spilled onto the ground surface.
All reasonable precautions shall be taken to ensure that cleaning, washing and servicing of equipment only takes place within a designated area.
All mobile equipment that is not in use shall be parked within a designated area.
All designated areas used for petroleum product storage shall be a minimum distance of 100m from any water body (Pic River, unnamed ditch, streams, wetlands) and shall have the top soil stripped and be underlain with at least 30 cm of impermeable soil or approved alternate and diked in such a manner as to contain any leakage or spillage. The dikes shall be designed, constructed and maintained to retain not less than 100% of the capacity of the total number of containers or 110% of the largest container, whichever is greatest. The top soil shall be stored and used in the restoration of the site.
Tank vehicles used to deliver fuel to the worksite and / or used to move fuel around the worksite shall meet the requirements for highway tanks for the shipment of dangerous goods by road set out in CSA Preliminary Standard B620-98, “Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods”.
All designated areas used for petroleum storage shall be a minimum distance of 3m from a property line or building and 15m horizontally from hydroelectric poles and lines.
Construction, installation and removal of petroleum storage tank systems shall occur under the supervision of a registered licensed petroleum technician.
Petroleum storage tanks shall be grounded and the dispensing tank shall be attached with a bonding cable to an appropriate location on the receiving tank prior to commencing fueling.
Petroleum products shall be labelled as to their contents and stored and handled within designated area.
Dedicated petroleum storage areas shall provide spill containment and facilitate clean up through measures such as: maximum separation from environmentally sensitive features: clear identification of the materials present; access restricted to authorized vehicles and employees; impervious bermed storage areas; and dedicated spill response equipment.
Storage sites for petroleum products shall be secured and signs including hazard warnings, who to contact in case of a spill, access restrictions and under whose authority the access is restricted shall be posted.
All employees involved in the handling and storage of fuels shall have Workplace Hazardous Materials Information System (WHIMIS) and spill response training.
All combustible engines shall be shut down during fueling.
There shall be no smoking and no open flames at the petroleum storage area at any time.
Only above ground storage tanks shall be used for the storage of bulk petroleum products. The tanks shall be equipped with overfill protection and spill containment consisting of perimeter dikes or secondary containment in the tank design. If dikes are used, the containment areas shall be dewatered after a rainfall event and the containment water disposed of as approved by the Contract Administrator.

Product inventory shall be taken weekly by the owner / operator of all aboveground storage tanks greater than 5000 liters and retained for inspection upon request.
All petroleum storage tanks with a capacity greater than 250 litres shall be registered with Environment Canada. New tanks shall be installed as per the Tank Systems for Petroleum Products and Allied Petroleum Products Regulations.
Fueling from unregistered tanks shall not be permitted.
Barriers shall be installed around all petroleum storage tanks to prevent collisions.
Bulk waste oil shall be stored in aboveground oil tanks, which shall have secondary containment and weatherproof cover. Waste oil shall be recycled by a reputable recycling agency. Waste oil shall never be used as a dust suppressant.
All petroleum storage containers and tank vehicles shall be inspected daily for leaks and spillage.
Damaged or leaking fuel storage containers shall be promptly removed from site.
All petroleum handling and storage areas shall be kept clear of snow and materials so as to allow clear access and routine inspection and leak detection.
In the event that there is a spill onto the ground surface from any piece of equipment, such as a broken hydraulic hose, the entire effected area shall be cleaned up and all contaminated soil shall be appropriately disposed of off-site. Such events shall be reported to the Contract Administrator, Project Manager and to ISC. The Contractor is to be responsible for the remediation of any spills.
As petroleum storage and equipment servicing areas are taken out of service any remediation shall be conducted, including the appropriate disposal of the contaminated material to the satisfaction of the Contract Administrator.
The Contractor shall designate on-site Emergency Spill Response Coordinators.
The contractor shall prevent fuel, lubricants or compounds from being released. All empty containers from equipment refueling and servicing shall be removed to a licensed disposal site. The Contractor shall be thoroughly familiar with provincial / federal spill response compliance procedures.
Materials required for spill containment and clean up shall be available at all sites where construction related activities occur. All vehicles hauling fuel shall carry materials and equipment for emergency spill containment.
At locations where stationary filled oil equipment is used, oil containment measures such as secondary containment shall be incorporated (i.e., berms).
Fuel barrels shall be securely fastened to the vehicles during transport and if possible, during refueling operations.
All petroleum product storage sites and mobile transportation units shall, at all times, be equipped with appropriate categories of equipment and volumes of fire suppression products.
Fueling procedures shall be posted where fueling occurs.
The contractor shall ensure that due care and caution taken to prevent spills at all times.
An updated list of key contacts and telephone numbers for reporting spills, problems, etc., shall be kept on-site at all times.
A WHIMIS file shall be maintained on-site for all hazardous materials at the work area. Prior to commencement of the work, Material Safety Data Sheets (MSDS) shall be submitted to the Project Manager for all hazardous materials to be used on site. No material shall be brought to the site without prior submission of a MSDS.
If during the course of the project, a spill should occur, every measure possible should be taken to stop and contain the spill immediately as long as it can safely achieve without risk to the employee.
Any spill must be reported to the Ontario Ministry of the Environment Conservation and Parks (MECP) Spills Action Center (Toll Free: 1-800-268-6060), as soon as possible. Both the determination of extent of contamination and its excavation / handling are to be supervised by a qualified person (environmental

consultant) using methodologies as per the CCME Guidance Manual for Environmental Site Characterization and Human Health Risk Assessment (2016)

All spills shall be reported to ISC within 24 hours whether it was necessary to report the spill to Ontario Environment or not. The spill report shall include the following:

- personnel responding to the spill
- material spilled
- cause of spill
- estimated amount of material spilled
- estimated area and volume of soil affected by the spill and,
- cleanup action undertaken, means used to contain, transport and disposal of materials involved.

The Contractor shall designate a qualified supervisor(s) as the onsite emergency response coordinator(s). The emergency response coordinator(s) shall have the authority to redirect manpower and equipment to respond in the event of a spill.

An updated on-site spill response and containment plan for each dangerous good / hazardous waste shall be maintained in the work area at all times.

The designated emergency response coordinator shall periodically review and if necessary, revise the onsite response plan.

Appropriate materials for containment and cleanup of any spill of dangerous goods or hazardous wastes shall be available on-site when such materials are present in the work area. Also designated personnel and first responders shall be familiar with the storage location and proper application of such containment and cleanup materials.

All personnel responsible for the handling of dangerous good and hazardous waste shall be familiar with the on-site response and containment plan.

All hazardous waste and fuel contaminated waste will be dealt with as required by applicable codes and regulations. All non-hazardous waste will be disposed of in an approved landfill location.

General Site Housekeeping:

All construction areas shall be kept clean and orderly at all times during and at completion of construction.

Waste material shall be recycled to a degree that is economically and practically feasible.

There shall be no indiscriminate dumping of waste and litter on or off the construction site.

Different waste streams shall not be mixed.

All waste materials shall be collected and contained in a designated waste storage area and in containers appropriate to the waste classification until removed from the site for recycling or disposal.

Waste storage sites shall be designated for each worksite as approved by the Contract Administrator.

Waste material (i.e. food and food containers) that is likely to attract nuisance wildlife shall be stored in wildlife proof storage bins and hauled off site at regular intervals for disposal.

Contaminated runoff or water shall be contained and prevented from entering any watercourse. The collected contaminated runoff or water shall be hauled off site for disposal at an approved disposal facility.

Domestic Solid Wastes, Demolition and Construction Waste:

At no time during construction shall domestic solid, demolition or construction waste be permitted to accumulate at any location on the work site other than at a dedicated waste storage site, unless approved by the Contract Administrator.

All domestic solid waste containers shall be clearly marked to identify the nature and type of material to be deposited (e.g. containers for recyclable material and containers for disposal).

All domestic solid waste storage shall be confined to Designated Areas.

Domestic wood construction waste will be placed in a designated area to allow for community members to salvage building materials.

Ay fluids removed as part of this project should be properly stored, transported from the community and disposed of at an appropriate facility.
Dangerous goods / hazardous wastes shall be identified and shall be handled in accordance with The Dangerous Goods Transportation Act and Regulation and Health Canada's WHMIS.
The Contractor shall have staff trained and certified in the handling of dangerous goods, present on-site whenever said dangerous goods are being utilized for the performance of the work.
All dangerous goods / hazardous waste shall be confined to Designated Areas and stored in a secure manner to prevent access by non-designated employees.
Designated dangerous goods / hazardous waste storage areas shall have the top soil stripped and be lined with at least 30cm of impermeable material or approved equal and diked in such a manner as to contain any leakage or spillage. The dikes shall be designed, constructed and maintained to retain not less than 100% of the capacity of the total number of containers or 110% of the largest container whichever is greatest. The top soil shall be stored and used in the restoration of the site.
Disposal of hazardous waste shall only be at hazardous waste facilities licensed under The Dangerous Goods Transportation Act.
All waste stored at designated hazardous waste storage areas shall be removed from the site at least once every seven days.
Hydrocarbons shall not be stored or disposed of in earthen pits on-site.
All used oils shall be stored in appropriate drums or tanks until removed to a registered waste oil recycling center or hazardous waste disposal facility.
Used oil filters shall be drained, placed into suitable storage containers and disposed of at approved waste oil facilities. The oil drained out of the used filters shall be collected and handled in the same manner as used oil.
Dust created by construction will be a temporary condition and shall be controlled with watering if needed. The speed of construction equipment on community roads will be kept to within the allowable speed limits in the community. Sourcing of water for dust suppressant is under the Contractor's care if deemed necessary.
The speed of the construction equipment will be kept to within the allowable speed limits in the community. The Contractor will be required to ensure that all equipment is properly mufflered. The Contractor will be restricted to work hours designated by Council.
Additional exhaust created by construction equipment is a temporary condition. No idle zones may be chosen in certain areas of the community if deemed necessary.
Blasting operations, if required, are to be in accordance with requirements of Canadian Construction Safety Code, provincial codes and other authority having jurisdiction.
Contractor to provide necessary licenses and follow appropriate regulations.
Although a preliminary search has been performed and has identified SAR in the EPD, please note: It is the proponents responsibility to adhere to the Species at Risk Act (SARA) and other environmental legislation. Under SARA it is stated that no person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species. A site walk over by a qualified biologist should occur at the site prior to construction to ensure there are no species at risk at this location.
All efforts shall be taken to prevent any disruption to the well-being of wildlife during and construction. For migratory bird nesting zone C5 (zone in which area is located), the general breeding bird nesting window is from April 20 to August 29. If any tree, shrubs or grassed area within the project footprint are required to be cleared or grubbed during the breeding window as outlined above, a qualified avian biologist will be required to conduct a pre-construction migratory bird nesting survey for the project to be in compliance with the Migratory Birds Convention Act and if necessary, buffer zones will be established around nests until young have fledged. This can result in significant delays.

Efforts should be undertaken to minimize areas that are to be disturbed.
Disruption to the well-being of wildlife in the local area will be kept to a minimum.
Contractor's personnel will not be allowed to harass or hunt game / wildlife.
Worksites shall be kept clean. Food and garbage wastes shall be stored in a secure manner so that access and exposure to local wildlife is prevented. Disposal of food and garbage waste should follow mitigation measures in the section re: aforementioned waste disposal requirements.
Nuisance wildlife should be reported to Ontario Ministry of Natural Resources and Forestry regional district office.
Impacts to vegetation during construction are anticipated to be low. Some removal of vegetation will be required to accommodate the expansion of the new school grounds to the north and east. Disturbance of vegetated areas should be kept to the project footprint and disturbed areas should be reclaimed following the completion of construction activities. (Breeding bird window applies).
To minimize the spread of week and invasive species during and after construction the following mitigation measures are recommended:
1. Construction equipment travel and turn-around should be restricted to the project footprint, marshaling areas and access points. This will minimize disturbance to the soil that could provide new areas for invasive and weed species spread and minimize accidental collection and spread of weed seeds on construction equipment (e.g., vehicle tires).
2. All equipment will be thoroughly washed and inspected prior to working in new sites to reduce the spread of introduced species. Use construction materials, such as gravel, from clean sources. Materials should be certified weed free prior to use.
3. Effective post-construction weed control measures should be employed including:
- Planting pedigree, weed-free grass/herbaceous seed for re-vegetation in disturbed areas to minimize the chance of introducing new weed and invasive species.
- Employing the use of effective weed control measures in previously disturbed areas by using a combination of cultural control methods including application of herbicides and mowing.

The visual aesthetic impact will be minimized by allowing the construction to proceed in stages. Only Specific sections of the school site will be under construction at any one time.
Construction equipment and vehicles will be mobbed to the site prior to construction and de-mobbed from the sited following project completion. Equipment that is owned by members of the First Nation may be utilized for construction.
All affected areas will be discussed and reviewed with the Council to ensure that no cultural or historic areas are impacted. A band liaison may be established to address any concerns which occur during construction.

If archaeological resources are encountered during excavation, the excavation will be halted immediately, Chief and Council and the archeological Services Branch of Parks Canada contacted for advice. If the resources include human remains the local police will also be contacted. Notify Thomas Hammer, (819 994 4905, Thomas.Hammer@pc.gc.ca) or Karen Blackbourn, (819 953 8716, Karen.Blackbourn@pc.gc.ca) at the Archaeological Services Branch of Parks Canada for preservation and management of archaeologically and cultural significant artifacts.
Traffic access throughout the community may be impacted by the construction. Every effort will be made to maintain suitable traffic access throughout all areas of the community and at the school site during the construction. Disruption to traffic access will be temporary in nature.
All required safety measures will be undertaken during construction including:
1. Fully signed traffic routing will be provided.
2. All excavation sites will be properly fenced. Open excavations will be kept to a minimum.
3. The routing of construction equipment will be along designated and approved routes. The speed of construction equipment will be controlled to the approved speed limits. Operation of construction equipment will be kept to the times and days as approved by the Band Council and should be limited to normal working hours.
A Band liaison may be established to address any concerns which may occur during construction. Contractor will be required by contract the Band liaison to address all concerns expeditiously to the satisfaction of the Council. Contractor shall provide all appropriate training including applicable Occupational Health and
Safety Guidelines.

Indigenous Services Canada is satisfied that that the carrying out of the project is not likely to cause significant adverse environmental effects.
Therefore, Indigenous Services Canada may carry out the project, exercise any power, perform any duty or function, or provide financial assistance to enable the project to be carried out in whole or in part.