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NISHNAWBE-ASKI NATION

Protocol Agreement



on
Emergency Response and Evacuations

April 1997

Protocol Agreement
on
Emergency Response and Evacuations

between

Nishnawbe-Aski Nation

and

Department of Indian Affairs & Northern Development

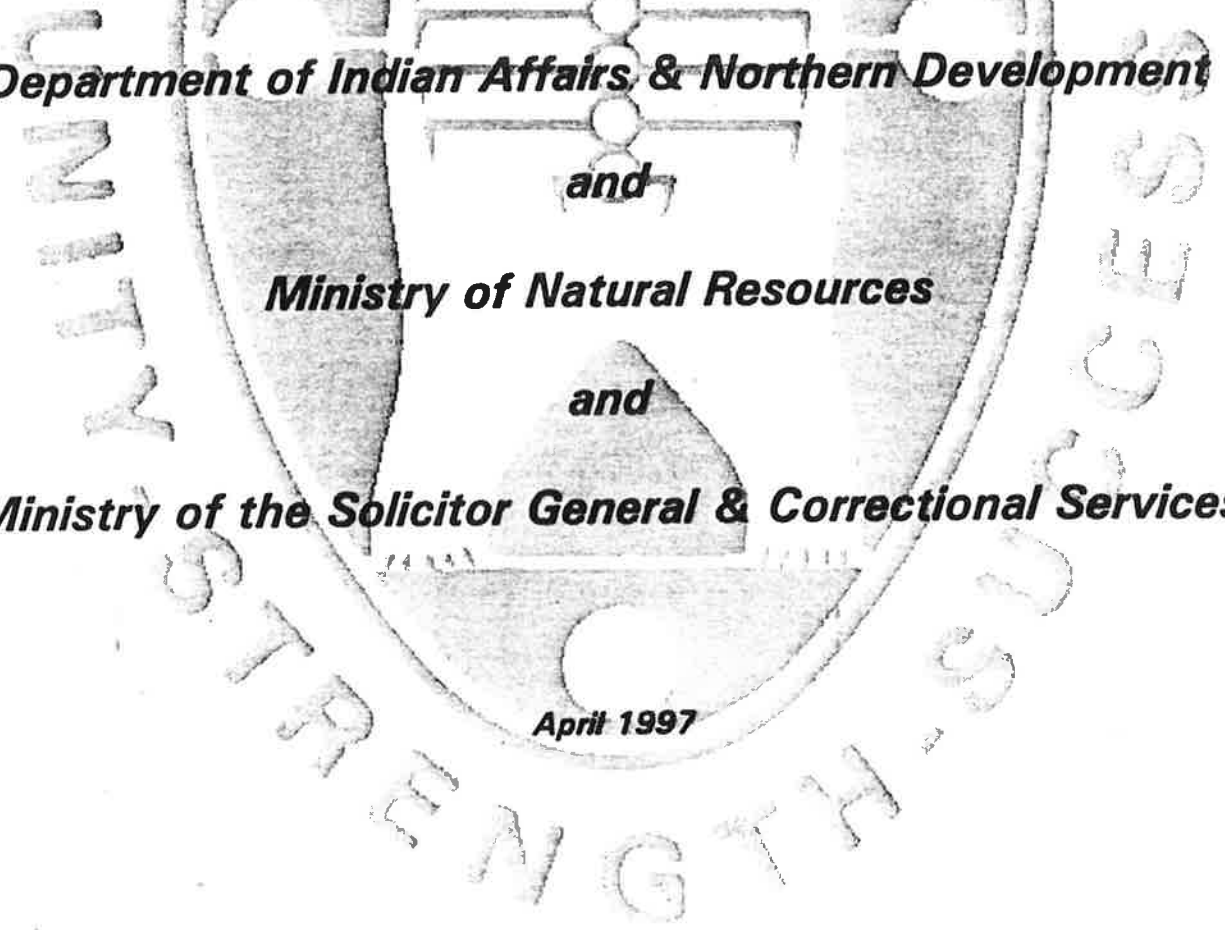
and

Ministry of Natural Resources

and

Ministry of the Solicitor General & Correctional Services

April 1997



Protocol Agreement
on
Emergency Response and Evacuations

This Protocol Agreement is made on the 18th day of April, 1997.

BETWEEN: *Nishnawbe-Aski Nation represented by the Grand Chief on behalf of NAN First Nations (hereinafter referred to as "NAN")*

- and -

Her Majesty the Queen in Right of Canada as represented by the Department of Indian Affairs and Northern Development (hereinafter referred to as "DIAND")

- and -

Her Majesty the Queen in Right of the Province of Ontario as represented by the Ministry of Natural Resources (hereinafter referred to as "MNR") and by the Ministry of the Solicitor General and Correctional Services (hereinafter referred to as "MSGCS")

Regarding emergency preparedness and response because of the threat of forest fires and floods to NAN First Nation reserves and traditional lands.

WHEREAS *the NAN First Nations wish to ensure that the authority of the First Nation government (Chief and Council) to declare emergencies related to forest fires or floods is recognized; and, that such recognition is incorporated in the community preparedness and evacuation plans; and in the implementation of preventative measures.*

AND WHEREAS the Department of Indian Affairs and Northern Development has existing responsibilities under the Emergency Preparedness Act to ensure emergency plans are in place at First Nations communities, and to ensure prompt, coordinated responses are applied to affected traditional land and territories;

AND WHEREAS the Ministry of Natural Resources has existing responsibilities for evacuation plans and response related to forest fires and floods under the Forest Fire Prevention Act and the Provincial Planning Act;

AND WHEREAS the Ministry of the Solicitor General and Correctional Services has existing responsibilities for monitoring, coordinating, and assisting in the formulation and implementation of emergency plans and for ensuring that such plans are coordinated with other levels of government and their agencies under the Emergency Plans Act;

AND WHEREAS the Ministry of the Solicitor General and Correctional Services discharges these responsibilities through its operating branch, Emergency Measures Ontario (hereinafter referred to as "EMO")

AND WHEREAS the agreement dated March 6, 1991 between MNR and DIAND with respect to the prevention and control of forest fires on reserve lands, and the agreement dated April 10, 1992 between the EMO and DIAND with respect to extending emergency assistance to First Nations communities, were negotiated without the knowledge of NAN First Nations;

AND WHEREAS the parties desire to clarify, affirm and communicate to all levels of government and their agencies, the authority of Chief and Council to declare a state of emergency, and to initiate a first response for an emergency caused by forest fire and flood affecting their traditional territory or lands;

AND WHEREAS the parties desire to work collectively in a spirit of cooperation and mutual respect for each others' responsibilities;

AND WHEREAS the Far North Fire Management Program is a "work in progress" and will, when implemented, provide for prevention measures including fire surveillance and suppression actions;

THEREFORE THE PARTIES AGREE:

1.0 PRINCIPLES

- 1.1 *To ensure the health and safety of First Nations and protect First Nation land values in respect to forest fire or flood emergencies consistent with existing approved fire management and flood management policies.*
- 1.2 *The First Nation Government is the primary authority for community evacuation planning and emergency response and, its local authority is hereby respected under this protocol.*
- 1.3 *The Parties shall, from time to time, monitor, evaluate and execute appropriate changes in content and process within existing and future agreements to ensure that all aspects of this Protocol are respected, communicated and conditions adhered to.*
- 1.4 *Nothing in this Protocol will prevent any NAN First Nation from entering into any agreement with Canada or Ontario for such purposes.*

2.0 MISSION STATEMENT

The NAN First Nations, Canada and Ontario, the parties to this Protocol, agree to work collectively in a spirit of cooperation and mutual respect for each others' roles and responsibilities, on the issues of fundamental concern in regards to emergency preparedness and planning resulting from flood and fire emergencies.

3.0 PURPOSE

- 3.1 *To maximize the input and expertise available within NAN First Nations, Tribal Councils, NAN political organization and all parties of this agreement with respect to the implementation of this Protocol for the benefit of all NAN First Nations.*
- 3.2 *To clarify and streamline the roles and responsibilities of all government departments, ministries, and other agencies which provide or may provide emergency assistance to NAN First Nations, territories and traditional lands.*
- 3.3 *To resolve and implement those concerns and issues listed in **Schedule A** which have been identified by First Nations' experiences through their emergency response plans.*

4.0 COMPOSITION

The structure of this agreement will consist of representatives from the parties to this Protocol as follows:

- ▶ *NAN First Nations - Chiefs and/or designated Councillors*
- ▶ *Tribal Councils - one Representative each from the following:*
 - *Independent First Nation Alliance*
 - *Keewaytinook Okimakanak*
 - *Matawa First Nations*
 - *Mushkegowuk Council*
 - *Shibogama First Nations Council*
 - *Wabun Tribal Council*
 - *Windigo First Nation Council*
- ▶ *Saugeen First Nation - Chief and/or designated Councillor*
- ▶ *Canada - DIAND District Directors (NAN area):*
 - *Western, Sioux Lookout and Sudbury Districts*
- ▶ *Ontario - MNR Eastern and Western Fire Region Program Managers (NAN area)*
 - *MNR District Managers (NAN area):* • *Red Lake, Nipigon, Cochrane, Timmins, Hearst, Sioux Lookout, Chapleau, Kirkland Lake*
 - *EMO representative*

*All NAN First Nations are party to this Protocol as listed in **Schedule C**.*

5.0 MEETINGS

- 5.1 *The Chiefs, or designates of the NAN First Nations and government representatives who are members or party to this Protocol, will meet from time to time to review, evaluate and fulfil the Mission Statement and to receive documents or reports which identify the individual directions and collective strategies undertaken for the implementation of this Protocol.*
- 5.2 *Meetings shall take place as required but a minimum of one meeting per year with each meeting being no less than one day in length.*

6.0 PROCEDURES

- 6.1 *Upon the occurrence of an emergency at the First Nation community which requires an immediate response to protect the health, safety, welfare and property of community members, the Chief and Council has the authority to declare a state of emergency and to implement their emergency plan.*
- 6.2 *The Chief and/or designated Councillor will convey in writing such declaration of emergency situation(s) to adjacent First Nation communities including first level of contacts within Ontario Ministries and Federal Departments as identified in the community and MNR district emergency response plans.*
- 6.3 *The Chief and Council through their emergency response plans will identify, decide and arrange for the reception site (ie, a traditional location, another First Nation community or a southern municipality).*
- 6.4 *The Chief and Council will request additional emergency assistance from Ontario and Canada in accordance with service responsibilities identified in Schedule B.*
- 6.5 *The Chief and Council, and their identified personnel, will coordinate all emergency procedures in cooperation with Provincial and Federal Ministries to ensure the timely and successful evacuation, care and return of its community members in order to minimize the social and cultural impacts of those affected by the evacuation.*
- 6.6 *The Chief and Council may submit proposals pertinent to costs occurred during*

the state of emergency to appropriate ministries or departments for review or reimbursement in accordance with Section 7.0.

6.7 The Chief and Council will provide to all signatories of the protocol agreement copies of community evacuation plans where they exist.

6.8 Where no community evacuation plans exist or where the implementation of such plans put human life at risk, other signatories to this agreement will take such action as is within their area of responsibility to protect life and property. Such action will be undertaken with the full knowledge and co-operation of the community affected.

7.0 RESOURCING AND IMPLEMENTATION

The participating NAN First Nations will access financial and human resources to implement this Protocol from, but not limited to, the external government departments, ministries and agencies as follows:

CANADA

- Department of Indian Affairs and Northern Development*
- Emergency Preparedness Canada*
- Health & Welfare Canada*
- Department of National Defence*

ONTARIO

- Ministry of Transportation*
- Ministry of the Environment and Energy*
- Ministry of Health*
- Ministry of Community & Social Services*
- Ministry of the Solicitor General and Correctional Services*

OTHER AGENCIES

- Nishnawbe-Aski Police Services*
- Other First Nation Organizations*

MSGCS shall not be liable for reimbursement of any costs under this Agreement except to the extent MSGCS is specifically funded by DIAND and other federal agencies or departments with respect to such costs.

MSGCS will provide such human resources as it is able to coordinate with the cooperation, support and assistance of appropriate provincial ministries and federal departments.

The OMNR may from time to time commit human resources to the renewal and implementation of this agreement.

8.0 ROLES and RESPONSIBILITIES

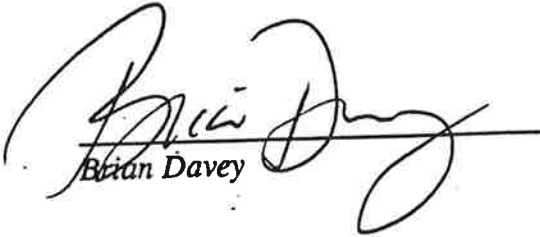
*8.1 The successful undertaking of emergency preparedness, response and evacuation planning is conditional to the clarity in the definition of roles and responsibilities of all parties involved in fire and flood emergencies. Therefore, all government departments, ministries and agencies which provide emergency assistance to NAN First Nations in accordance with assigned special responsibility areas, are outlined in **Schedule B**.*

9.0 AMENDMENTS

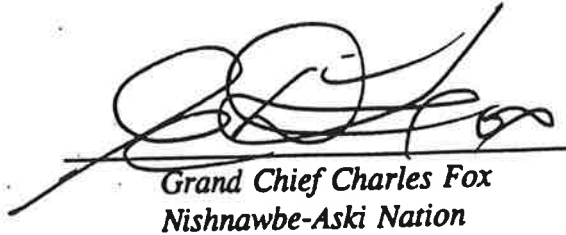
This Protocol is subject to amendment from time to time as agreed to by the participating NAN First Nations and government representatives.

IN WITNESS WHEREOF the parties hereto have signed this Protocol at Thunder Bay, Ontario, this 18th day of April, 1997.

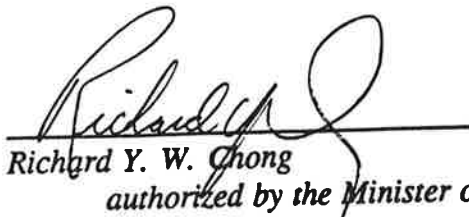
**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**


Brian Davey

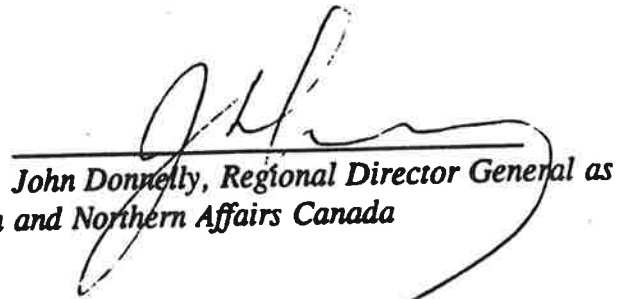
ON BEHALF OF NAN FIRST NATIONS


Grand Chief Charles Fox
Nishnawbe-Aski Nation

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**


Richard Y. W. Chong
authorized by the Minister of Indian and Northern Affairs Canada

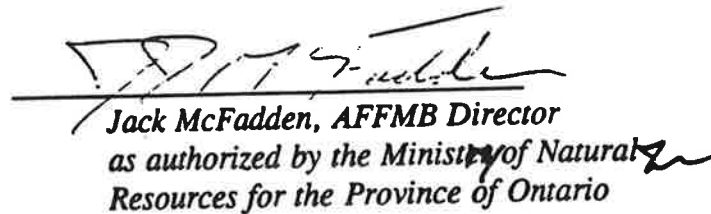
**HER MAJESTY THE QUEEN IN RIGHT
OF CANADA**


John Donnelly, Regional Director General as
authorized by the Minister of Indian and Northern Affairs Canada

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**


~~Ernie Wood~~ Trevor Woods

**HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF ONTARIO**


Jack McFadden, AFFMB Director
as authorized by the Ministry of Natural
Resources for the Province of Ontario

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**


Gary Kerron

**HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF ONTARIO**


Jim Ellard, Director
Emergency Measures Ontario
as authorized by the Ministry of Solicitor
General for the Province of Ontario

SCHEDULES

- A** *NAN First Nations' Concerns and Issues*
- B** *Roles and Responsibilities of Government Departments, Ministries and Agencies*
- C** *List of Member NAN First Nations*
- D** *Reception Communities*
- E** *Distribution List*

SCHEDULE "A"

NAN FIRST NATIONS CONCERNS and ISSUES

1. *Emergency Evacuation Plans in respect to First Nation jurisdiction and authority*
2. *First Nations input on selection of reception site*
3. *First Nations policing and security at evacuation and reception sites*
4. *Social upheaval and cultural impacts on evacuees*
5. *Vehicle and aircraft safety during evacuations*
6. *Communications problems, procedures, systems and jurisdictional boundaries during emergency planning, response, evacuations, operations and aftercare*
7. *Special health needs of the evacuees at host community*
8. *Problems with actual emergency response time*
9. *Surplus groceries/supplies at evacuation centres*
10. *Development of Evacuation Plans at NAN First Nation communities*
11. *Reimbursements resulting from First Nations' evacuations*
12. *DIAND representative at receiving site*
13. *Role of the Tribal Councils to be clarified in evacuations*
14. *National Health and Welfare Canada jurisdiction and representation during evacuations*

SCHEDULE "B"

ROLES AND RESPONSIBILITIES OF FIRST NATIONS, CANADA AND ONTARIO MINISTRIES

1. NAN FIRST NATIONS

1.1 Chief and Band Council

The Chief and Council of a NAN First Nation is the primary responsibility and authority for emergency preparedness (including planning, testing and training), and evacuation response to forest fire, smoke, or flood emergency and for the welfare of its community residents. The Chief and Council's additional responsibilities will include the following:

- ▶ *Provides communication between MNR District Emergency Response personnel and the Reserve or Settlement population*
- ▶ *Maintains awareness of the emergency situation and takes a lead role during the emergency response period.*
- ▶ *During the response period, the Chief and Council will meet with members of MNR District Emergency Response Team in accordance with emergency plan and direct the evacuation tactical development*
- ▶ *The Chief and Council will take the lead role in community-related matters including declaration of emergencies, alerting residents, selection of reception centres, communications, and dealing with post-evacuation matters.*

2. CANADA

2.1 Department of Indian Affairs and Northern Development

Department of Indian Affairs and Northern Development (DIAND) will maintain its fiduciary and trust responsibility to NAN First Nations by providing consultation, advice and financial support for emergency assistance supplied by Ontario. In addition, DIAND will provide the following additional responsibilities:

- ▶ *On-site administrative and liaison team support as required.*
- ▶ *Assistance in the coordination of reception, maintenance and rehabilitation of evacuees*
- ▶ *Cost recovery assistance and resourcing to First Nations*

2.2 Emergency Preparedness Canada

The Regional Director of Emergency Preparedness Canada will arrange additional federal emergency assistance to both Ontario and DIAND as requested and will assist with arrangements made by Ontario with other federal departments on behalf of DIAND.

In addition, Emergency Preparedness Canada will have the following responsibilities:

- ▶ *Provision of vacancies at the Canadian Emergency Preparedness College for training of First Nations staff in accordance with arrangements for provincially sponsored candidates.*

2.3 Health Canada

On behalf of Canada's fiduciary responsibility, the Medical Services Branch of Health Canada will provide medical and health related advice to assist Chief and Council in making decisions with respect to the total or partial evacuation of a community, affected by smoke or forest fires. In conjunction with the First Nation, local health providers will develop and implement an action plan for handling smoke inhalation and develop a protocol to prioritize evacuees based on susceptibility to the conditions. Health providers will identify clients requiring special care at the reception centres.

In addition, Medical Services will be responsible for the following:

- ▶ *Providing human resources at the reception centre to ensure the health and safety of First Nations citizens*
- ▶ *Provision of information on special care patients, i.e. numbers and special considerations*
- ▶ *Coordination and support of other medical agencies/facilities such as hospitals, clinics, Red Cross, Ministry of Health and St. John's Ambulance as may be required*

2.4 Canadian Rangers (Five Company James Bay)

The Canadian Rangers (Five Company James Bay) can assist First Nations in which they are located, during times of declared emergencies. Canadian Rangers (Five Company James Bay), as members of the First Nations, can assist in several ways:

- *As receiving/liaison teams in evacuations*
- *As support teams at reception centres*
- *Assist other Canadian Forces assets, i.e. aircraft*
- *Act as security, only within an evacuated community and at reception centres*

The Canadian Rangers (Five Company James Bay), as a sub-component of the Canadian Forces, can work with other units of the Canadian Forces. In utilizing the Canadian Rangers (Five Company James Bay), the First Nations must inform the Canadian Ranger headquarters at CFB Borden, and the Province of Ontario. As a collective, the Ranger Patrol can conduct a variety of tasks not limited to those above, with the exception of law enforcement.

3. ONTARIO

3.1 Ministry of the Solicitor General and Correctional Services

Emergency Measures Ontario (EMO), which is part of the Public Safety Division within this Ministry, has been responsible for ensuring that communities in Ontario are prepared for all emergencies assists them in developing and testing their emergency plans.

In the event of a major emergency, EMO will assist the affected community. The Ministry of the Solicitor General and Correctional Services (MSGCS) through EMO, is the coordinating authority for Provincial assistance during an emergency. The Ministry should be notified if the threat of an emergency exists and must be notified when an emergency has been declared.

While it will not take over and manage the emergency, EMO can provide liaison, coordination and a central point for contact with other Provincial Ministries and the Federal Government, if required.

Ontario Provincial Police (OPP) are also part of the Ministry of the Solicitor General and Correctional Services. The OPP has the responsibility of providing for the safety and security of Ontario residents and their property through the provision of law and order.

3.2 Ministry of Natural Resources

The Ministry of Natural Resources maintains a provincial forest fire and flood monitoring system and provides alerts as required, to municipal and unorganized communities, including First Nations.

Under Order-in-Council 1620/95, the Ministry of Natural Resources has responsibility to formulate a provincial emergency plan for forest fire and flood situations. This plan will govern the provision of necessary services during an emergency and the procedures under which the Ministry of Natural Resources will respond to a forest fire or flood emergency.

In areas with no municipal government, the Ministry of Natural Resources is responsible for the development of forest fire and flood emergency response plans designed to meet the needs of forest fire and flood emergency situations in concert with representatives from local communities, including First Nations.

It is recognized that the First Nation Council is the local authority for the purpose of formulating and implementing emergency plans for a First Nation community. It is also recognized that Chiefs of First Nation Councils, or their designates, may declare that an emergency exists at a First Nation community, or in any part thereof, and may take such action as considered necessary to implement their emergency plan to protect the health, safety, welfare and property of the community. If requested, the Ministry of Natural Resources will provide or arrange for additional support for forest fire and flood emergencies declared by the First Nation Chiefs.

3.4 Ministry of Transportation

The Ministry of Transportation (MTO) outlines its responsibilities for remote air, during evacuations or other emergencies at NAN communities which are served by MTO remote airports as follows.

The MTO is responsible for the Remote Northern Transportation Office (Airports). During emergencies requiring the evacuation of residents of the community, the Ministry will:

- Provide facilities at the airport to support the evacuation*
- Maintain the airport facility throughout the emergency response period*
- Provide resources to other Provincial Government Ministries to assist them in dealing with the emergency*

Please note: Where communities are serviced by a Provincial roadway, the MTO will endeavour to maintain the road in a safe and useable condition. This will allow for the safe transportation of emergency response personnel as well as unhindered evacuation of residents to a safe area.

4. OTHER AGENCIES

4.1 Nishnawbe-Aski Police Services

In the event of an emergency, the Nishnawbe-Aski Police Service (hereinafter referred to as "NAPS") will work in concert with the affected community to provide assistance however required.

NAPS has the responsibility of providing for the safety and security of the NAN First Nations residents and their property through the provisions of law and order.

In the event of an emergency, NAPS is responsible for:

- *the protection of life and property and the provision of law and order;*
- *the investigation of occurrences related to the emergency;*
- *liaison with other community, provincial and federal police agencies as required (such as OPP, Timmins Police, etc);*
- *where permitted by protocols, NAPS officers will provide policing services at evacuee centres and other facilities;*
- *in the areas of jurisdictions where other police agencies are responsible, NAPS officers through protocols will assist in policing services, translation and other duties as assigned;*
- *liaison with local officials (e.g. First Nation Chiefs, emergency co-ordinators, etc.);*
- *alerting persons endangered by the emergency and assisting in evacuation;*
- *providing traffic control to facilitate the movement of emergency vehicles and residents;*
- *notification of necessary emergency and community services as required;*
- *establishing a communications link with senior NAPS personnel; and,*
- *other duties as assigned by the Chief of Police or designate.*

SCHEDULE "C"

LIST OF MEMBER NAN FIRST NATIONS

Flying Post First Nation

Mishkeegogamang First Nation

Mocreebec Indian Government

Sandy Lake First Nation

Weenusk First Nation

Big Trout Lake First Nation

Muskrat Dam First Nation

Pikangikum First Nation

Lac Seul First Nation

Deer Lake First Nation

Fort Severn First Nation

Kasabonika Lake First Nation

Kee-Way-Win First Nation

MacDowell Lake First Nation

North Spirit Lake First Nation

Poplar Hill First Nation

Aroland First Nation

Constance Lake First Nation

Eabametoong First Nation

Ginoogaming First Nation

Hornepayne First Nation

Lansdowne House First Nation

Long Lake #58 First Nation

Marten Falls First Nation

Nibinamik First Nation

Webequie First Nation

Whitewater Lake First Nation

Attawapiskat First Nation

Chapleau Cree First Nation

Fort Albany First Nation

Kashechewan First Nation

Missanabie Cree First Nation

Moose Cree First Nation

New Post First Nation

Kingfisher Lake First Nation

Wapekeka First Nation

Wawakapewin First Nation

Wunnumin Lake First Nation

Beaverhouse First Nation

Brunswick House First Nation

Chapleau Ojibway First Nation

Matachewan First Nation

Mattagami First Nation

Wahgoshig First Nation

Bearskin Lake First Nation

Cat Lake First Nation

Koocheching First Nation

North Caribou Lake First Nation

Sachigo Lake First Nation

Slate Falls First Nation

SCHEDULE "D"

RECEPTION COMMUNITIES

<i>Community Name</i>	<i>Approximate No. of Evacuees</i>	<i>General Services</i>
<i>Cochrane</i>	<i>150</i>	<i>food, shelter, medical pending commercial accommodation availability</i>
<i>Ear Falls</i>	<i>150</i>	<i>food, shelter, limited medical</i>
<i>Township of Golden</i>	<i>200</i>	<i>food, shelter, limited medical</i>
<i>Geraldton</i>	<i>400 - 1500 pending resource availability</i>	<i>all services</i>
<i>Marathon</i>	<i>200</i>	<i>all services</i>
<i>Moosonee</i>	<i>450</i>	<i>all services</i>
<i>New Post First Nation</i>	<i>50</i>	<i>food, shelter</i>
<i>Red Lake</i>	<i>150 - 400</i>	<i>food, shelter, medical</i>
<i>Sioux Lookout</i>	<i>300 - 600</i>	<i>all services</i>
<i>Thunder Bay</i>	<i>3000 - 7000</i>	<i>all services</i>
<i>Timmins</i>	<i>650 initial pending resources - up to 2000.</i>	<i>all services</i>
<i>Sault Ste. Marie</i>	<i>500 initial maximum pending resources.</i>	<i>all services</i>

SCHEDULE "E"

DISTRIBUTION LIST

- *All NAN First Nations (as per Schedule "C")*
- *Reception Communities (as per Schedule "D")*
- *NAN Tribal Councils*
 - *Independent First Nation Alliance*
 - *Matawa First Nations*
 - *Shibogama First Nations Council*
 - *Windigo First Nation Council*
 - *Keewaytinook Okimakanak*
 - *Mushkegowuk Council*
 - *Wabun Tribal Council*
- *Saugeen First Nation*

ONTARIO

- *Ministry of Natural Resources*
 - *Eastern and Western Fire Region Program Managers (NAN area)*
 - *MNR District Managers (NAN area):*
 - *Red Lake, Nipigon, Cochrane, Timmins, Hearst, Sioux Lookout, Chapleau, Kirkland Lake*
- *Ministry of Transportation*
- *Ministry of the Environment and Energy*
- *Ministry of Health*
- *Ministry of Community & Social Services*
- *Ministry of the Solicitor General*
 - *Emergency Measures Ontario*
 - *Ontario Provincial Police*

CANADA

- *Department of Indian Affairs and Northern Development*
 - *Western, Sioux Lookout and Sudbury Districts*
- *Emergency Preparedness Canada*
- *Health & Welfare Canada*
- *Department of National Defence*

OTHER AGENCIES

- *Nishnawbe-Aski Police Services*
- *Canadian Rangers (Five Company James Bay)*