

J. Richard G. Herbert

info@caid.ca | Ontario | Canada

Profile:

I am a mature professional with a broad education background who can draw on experience to provide administrative support, strategies, information management systems, rights and litigation support, program development, consultation and negotiation support, and other forms of capacity as needed.

I am able to create relationships and foundations needed to build needed community and governance infrastructure; protect rights and provide support for negotiations; engage in nation-to-nation consultations; engage individuals, communities and stakeholders; work with legal teams; provide community-based databases for information management; model solutions to problems; organize administration; prepare work plans, budgets and proposals; manage projects and programs; and, provide administrative managerial oversight, program review, and non-accountant financial oversight.

For over twenty years, I have provided capacity to First Nations and organizations to facilitate First Nation rights-based infrastructure for governance, social capital and stewardship of land, resources and wildlife. I have participated in consultations, litigation, and negotiations I have engaged in research, teaching, modeling, pursuit of funding and defending rights with First Nation communities, band councils and traditional leaders. Through employment, contracts or donated time, I worked in whatever capacity was needed to accomplish required tasks and fulfill requests. As a result, I have acquired a great number of skills, knowledge and experience in many aspects of First Nation community governance and administration; including, housing, resource development, and wildlife management.

Skill Base:

- First Nation band administrator, community and elder consultation, meaningful consultation protocols, strategy and concept development, model and infrastructure framework development, stakeholder engagement and negotiation, court procedures and case law, legislation review, preparation of Council resolutions and briefs, and preparation/review of draft MOUs and agreements.
- Working knowledge of traditional law, common law, governance models, consultation protocols and First Nation rights (constitutional, treaty, legislative and inherent).
- Working knowledge of oil and gas, forestry and mining industries plus responses to environmental assessment and stakeholder engagement.
- Executive director, administration oversight, time management, team management, strategic planning, problem solving, policy development, consultation and program coordination, staff supervision, and human resources; project and program proposals, funding development, management, work plans and budgets, training, budgets, and reporting; financial oversight, accounts receivable and payable, and bookkeeping; and, public speaking, meeting and writing skills, workshops and public meetings, newsletters, press releases, meeting briefs, and correspondence and report preparation.
- Computer operation and maintenance, Windows and Linux operating systems, database creation and use, website creation and management, records and information management, and experience with Microsoft Office, Corel Suite, Libreoffice, Adobe Acrobat Professional, Thunderbird, Spacemacs, Emacs, Mariadb, VirtualBox, RSS Feeds, Pinegrow Web Editor, Quicken, Gnucash, Zoom, Teams, VPNs, FTPs, and Google Earth Pro.

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Professional Experience:

Chief Executive Officer & Project Development/Implementation | CAID¹

January 2007 – Present

- Protection and empowerment of First Nation rights through capacity provision.
- Provided capacity, including consultation litigation and administrative support, as needed to First Nation communities, governance, elders, organizations and individuals.
- Developed reconciliatory consultation models, infrastructure underlay, and an information management system for First Nations.
- Project development, management and execution.
- See below for a sample of projects:

Capacity Needs of Remote Communities | CAID

September 2023 – February 2025

- Worked as Band Administrator in two communities while identifying key problems and capacity needs in governance and administration for these small remote First Nations.
- Instituted post-election Council and senior staff training on governance roles, responsibilities and work place violence/safety.
- Introduced Council Policy and Procedures Manual, Purchase Order policy, Casino Rama policy and TORs for education, housing and election code development committees.
- Developed model for community integration of education with administration and governance.
- Worked with teams to advance multiple projects including a \$20.5 million elders lodge.

Relational Database Information Management | CAID

May 2022 – December 2024

- Creation and testing of relational databases to meet (1) information access needs for consultations and negotiations, (2) information access needs in First Nation Administration and Governance, and (3) information access needs for Indigenous rights, common law, and infrastructure.

Duty to Consult Hereditary Rights-Holders in Unceded Territories | CAID

December 2019 – December 2022

- Joint development of (1) a Nation Rebuilding Program proposal, (2) an Indigenous heritage micro grant, and (3) an engagement Memorandum of Understanding for provision of CAID capacity services with a Dakelh keyoh.
- Preparation of request for ministerial intervention with quasi-legal brief.

¹ CAID is a small not-for-profit charity that Richard Herbert founded using elder-based by-laws to provide capacity and advanced work to First Nation communities. CAID is the Christian Aboriginal Infrastructure Developments Corp.

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Duty to Consult Hereditary Land Rights-Holders in Treaty 8 | CAID

August 2019 – October 2022

- Acted as administrative capacity and representative for consultation of a Dane'zaa Headman elder in Treaty 8 for over 60 forestry and gas resource projects undertaken in the Headman's traditional trapline.
- Revealed systemic use of legislative underinclusion by BC government officials' in violation of Charter section 2d to disqualify Headman section 35 rights to consultation resulting in the inclusion of Section 8.1 into the BC *Interpretation Act* on December 21, 2021.
- Filed and provided representation for an appeal with OGAT regarding OGC permitting without consultation traditional Headmen rights-holders.
- Preparation of a rights brief detailing the Headman's Treaty and Aboriginal rights which included case law demonstrating ways in which officials were breaching protected Rights.

Duty to Consult Wet'suwet'en Hereditary Chiefs in Unceded Territories | CAID

January – June 2019

- Development and delivery of a rights' brief to the CEO of TransCanada outlining the right to consultation of Hereditary Chiefs.
- Development of a funding proposal for capacity provision to Hereditary Chiefs.

Dog-Related Infrastructure Needs | CAID

November – March 2019

- Dog-Related Infrastructure: Northwestern Regional Animal Summit. March 30, 2019. Presentation and Speaker Notes.
- Knowledge sharing to jointly create a finished dog control by-law for presentation to a Saint Mary's First Nation Chief and Council.

Meaningful Consultation and Resource Sharing | CAID

August 2017 – November 2018

- Critique/review of federal Indigenous policy to renew relationships and model development for rebuilding infrastructure for pre-existing Indigenous societies. Submitted to Minister Carolyn Bennett:
(2018) Herbert, J.R.G., Indigenous Peoples in Canada: Failing to Renew the Relationship. <https://caid.ca/CAIDFailtoRenew2018.pdf>
(2017) Herbert, J.R.G, Indigenous Consultation and Accommodation of Immemorial Rights: Pre-existing Societies Initiative. https://caid.ca/CAIDImmRigIni2015_17.pdf

Kaska Mauling Death and Veterinarians Without Borders | CAID

June – July 2017

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- Sustainable Veterinary Service in Northern Canada: A Veterinarians Without Borders Workshop - Panel Notes for Dr. R.G. Herbert. <https://caid.ca/CAIDVWBJuly2017.pdf>
- Letter of Recommendations to the Chief Coroner of the Yukon.

Alternative Health Service Delivery System in Treaty 9 | CAID

September 2015 – May 2017

- Model development, facilitated consultation, drafting of articles and by-laws, and initiation of a nine community-owned health care cooperative in northern Ontario to provide and manage community health care needs. <https://caid.ca/MHCIRep2017.pdf>

Transboundary Consultation Requirements | CAID

September 2013 – February 2014

- Preparation of a correspondence and documentation trail for successful litigation. (*Taku River Tlingit First Nation v. Canada (Attorney General)*, [2016] YKSC).
(2013) Herbert, J.R.G., Yukon Environmental and Socioeconomic Assessment Board: Public Consultation on Atlin Lake Campground #2013-0113.
<https://caid.ca/CAIDYESABAtlCmpgrd2013.pdf>

Business Plans and Funding Development | CAID

February 2011 – September 2012

- Prepare start-up business plan for bank submission of Winmar franchise that received bank backing.
- Preparation of funding proposal for a multicultural after school program that was funded by Yukon Community Development Fund.
- Preparation of funding proposal with the Yukon's Committee on Abuse in Residential Schools programs and operation that received multi-year funding from FNIHB.
- Violence against women program development and preparation of funding proposal with the Whitehorse Aboriginal Women's Circle that was successfully funded.

Pilot First Nation Veterinary Infrastructure | CAID

July – October 2010

- Research and development of a First Nation consultation protocol for Yukon First Nation veterinary Infrastructure with the Government of Yukon.
(2010) Herbert, J.R.G., Report I Research and Preparation: Ross River Dena Council – Yukon Government Dog Management Pilot Program.
<https://caid.ca/CAIDYKDogResPreI2010.pdf>
(2010) Herbert, J.R.G., Report II Expansion of Research and Preparation: Ross River Dena Council – Yukon Government Dog Management Pilot Program
<https://caid.ca/CAIDYKDogResPreII2010.pdf>

Meaningful Consultation Models for Nation Rebuilding | CAID

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February 2008 – May 2010

- Development and sharing of Meaningful consultation models for infrastructure rebuilding.

(2009) Herbert, J.R.G., Meaningful Consultation in Canada: The Alternative to Forced Aboriginal Assimilation. <https://caid.ca/MeaCon092409.pdf>

(2009) Herbert, J.R.G., Working Papers on Meaningful Aboriginal Consultation in Canada: Overview. <https://caid.ca/MeaConOve101609.pdf>

(2009) Herbert, J.R.G., Working Papers on Meaningful Aboriginal Consultation in Canada: Step 1 – Nation Consultation. <https://caid.ca/MeaConOne102309.pdf>

Interim President of General Contracting Firm | Giavis Inc., Minnesota

September 2007 – September 2009

- Forensic bookkeeping and creation of documentary support for lien filing and court proceedings: Including testifying in court.
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Veterinary Practitioner | Self-Employed

May 1992 – June 2009

- Self-employed as a solo veterinary practitioner and provided capacity as needed to First Nation communities, governance, elders, organizations and individuals.
- Indigenous-related work areas included dog management and traditional food infrastructure.
- Development and delivery of a Treaty 3 Dog Control workshop.
- Co-development of the Seine River First Nation Animal Care and Control by-law.

(2010) Herbert, J.R.G., First Nation Dog Control Issues in Ontario: Why is There a Problem? <https://caid.ca/DogConOnt170510.pdf>

(2006) Herbert, J.R.G., Traditional Wildlife Harvest-Management in Treaty #3: A Response to Harmonize with the MNR's Human-Wildlife Conflict Strategy. <https://caid.ca/T3Wild111406.pdf>

(2006) Herbert, J.R.G. & Bird, P., Re-establishing Traditional Trade and Commerce & Improving Community Social Capital in Treaty #3: First Nation Veterinary Infrastructure Program Briefing, Grand Council of Treaty #3 National Assembly October 10, 11, & 12, 2006. <https://caid.ca/2006T3Ass010308.pdf>

(2006) Herbert, J.R.G., Interim Dog Control Strategies. <https://caid.ca/DogStra010108.pdf>

(2006) Herbert, J.R.G., Animal-related Public Health Crises in First Nation Communities. <https://caid.ca/GenPub010108.pdf>

(2006) Herbert, J.R.G. & Bird, P., Re-establishing Traditional Trade and Commerce. <https://caid.ca/TradCom010108.pdf>

(2005) Herbert, J.R.G. & Bird, P., First Nation Veterinary Infrastructure: Grand Council of Treaty #3 National Assembly, October 05, 2005 <https://caid.ca/2005T3Ass010308.pdf>

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Education:

- University of Guelph, Doctor of Veterinary Medicine Degree
- University of Toronto & McGill University, Doctor of Philosophy (incomplete)
- McGill University, Bachelor of Science Degree
- McGill University, Bachelor of Education (incomplete)
- John Abbott College, College Diploma, Pure and Applied Sciences
- Pierrefonds Comprehensive High School, High School Leaving Certificate