

## **Professional Note:**

I have worked with Indigenous people in Canada for over seventeen years. I learned a great deal while helping communities and individuals. I worked in whatever capacity was needed to get a job done. As a result, I have acquired a great number of skills, knowledge and experience in many aspects of community life and needs.

High priority Indigenous needs are related to a lack of compensation plus missing revenue streams and their relation to service delivery gaps. These problems were created by the exclusion of Indigenous rights and traditional culture from Canada's developing infrastructure. In 2015, Canada set the goal of closing the gap and reconciling with its First Peoples. To do that, Canada needed to adequately compensate Indigenous nations and redefine, rebuild if necessary, infrastructure so that infrastructure in Canada serves Indigenous people as well as other Canadians. Unfortunately, governments in Canada continue to withhold inherent rights to traditional government while dictating what rights Indigenous people will have. Conflict created by this rights discourse has surfaced as an impasse in resource development and reinforced the need for the inclusion of Inherent Indigenous rights and sovereignty into Canada's decision-making structures.

First, I learned to respect, then I helped as capacity and learned more. Now, I share what I know while continuing to provide capacity when I am asked.

*Dr. J. Richard G. Herbert*

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## **Projects:**

### **December 2019-Present**

#### **Duty to Consult Hereditary Land Rights-Holders in Unceded Territories.**

Description: Cumulative effects of industry development (logging predominantly) has adversely affected/impacted 42 Stuart Lake Keyöwhudachunne (hereditary leaders) and their unceded keyohs (traditional territories) in Dakelh (Carrier) traditional territory. Keyöwhudachunne have not signed treaties and have not assigned their authority or territories over to First Nation community governances created under federal legislation to replace keyoh-based Dakelh governance. Officials in Government of Canada, Government of British Columbia, and resources-extracting corporations refuse to recognize Keyöwhudachunne rights to their territories and refuse to consult Keyöwhudachunne on their constitutionally protected pre-existing Aboriginal (Dakelh) rights.

While researching judicial decisions, Dr. Herbert encountered the CEO of a BC Society representing one of 42 Keyöwhudachunne. Discussion on a lack of recognition of traditional governance and leaders in unceded territories ensued.

Research and discussion indicated Keyöwhudachunne in the Stuart Lake area were recognized by Carrier people as legitimate governance and decision makers over

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land and resources within their keyohs. However, Keyöwhudachunne were not included within First Nation community or regional governance. A general model was prepared to create a Keyoh Governance Support Service to provide capacity and administrative support to Keyöwhudachunne to take their place in modern Dakelh governance. Dr. Herbert worked with the Society's CEO to define an engagement-based project to ensure Creator-based Dakelh law could be included within a Keyoh Governance Support Service.

**Responsibilities:** Dr. Herbert acted to co-develop funding proposals geared towards developing a Keyoh Governance Support Service to provide capacity and administrative support to Keyöwhudachunne such that they could take their place in modern governance for community, regional, and government-to-government consultations, negotiations, and decision-making. Dr. Herbert participated in meetings with CIRNAC officials. Dr. Herbert drafted meeting notes, letters, budgets, workplans, and project summaries as required.

**Achievements:**

(2021 & 2020) Joint development of Nation Rebuilding Program proposals for keyoh submission to federal officials in CIRNAC. Focus on working with keyoh holders to define, build, and implement a Keyoh Governance Support Structure for traditional governance inclusion into self-determination and self-government.

(2020) Joint development and engagement of a Memorandum of Understanding for provision of capacity services to the keyoh and BC Society supporting the keyoh by CAID.

(2020) Joint preparation of an Expression of Interest for CAID submission to Carrier Sekani Tribal Council on CSFN-CSTC Transformative Change Request for Proposals. Focus was on inclusion of Keyöwhudachunne in governance and decision making.

(2019) Joint preparation of an Indigenous Heritage Micro Grant for keyoh submission to First People's Cultural Council.

**Aug 2019-Present**

**Duty to Consult Hereditary Land Rights-Holders in Treated Territories.**

**Description:** Cumulative effects of oil and gas activities in the Montney basin of Treaty 8 have negatively impacted Dane-zaa hereditary (Headman) trapline holders. Treaty rights of these First Nation trapline holders are not currently recognized by officials in Government of British Columbia (BC), BC Oil and Gas Commission (OGC) or in a multitude of resource corporations operating in Dane-zaa (Beaver) traplines (Fort St. John, BC). However, in Dane-zaa territories, Headmen for eight trapping territories were Treaty 8 signatories for the Peace River region.

A Dane-zaa elder from Prince George, BC, whose large Dane-zaa trapline (366,000 acres) has been with his family for over 120 years, reached out for help. Capacity help was provided.

Research indicated the elder was in fact a Headman (Hereditary Chief) and that

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Dane-zaa Headmen, not community Chiefs, are Treaty 8 signatories for a 1900 Dane-zaa Treaty 8 adherence. Engagements for 61 different resource projects were undertaken plus consultation dialogues were attempted with 8 resource corporations, 3 BC ministries (MIRR, FLNRORD, and EMPR), OGC, and the office of BC's Premier. A pipeline permit determination was appealed to the Oil and Gas Appeal Tribunal and representation for the Headman.

**Responsibilities:** Dr. Herbert acted as administrative capacity and a representative for the Headman. Requests for consultation in response to trapline-related resource projects were prepared and delivered. OGC and BC officials were engaged to advance Headman consultation rights at various levels, including at Minister, Premier, Commissioner, Associate Deputy Minister, Regional Director, and Director levels. Appeal of a pipeline permit determination was filed for the Headman with OGAT requiring Dr. Herbert to prepare and file legal briefs for the Headman appellant. General responsibilities included: Freedom of information research; case law research; discussion with legal counsel; preparation and utilization of a freeware database for activity logs and document libraries; review of BC oil and gas, forestry, and environmental laws and regulations; research of resource practices related to both oil and gas plus forestry; obtain and apply archaeological modeling with satellite imagery as part of project site assessments; review archaeological and environmental reports; draft, deliver, and receive correspondence and briefs between Headman, government officials, and industry proponents; report back to Headman who retained all signing, consultation, and decision-making authority.

**Achievements:**

(2021) Filed and provided representation for an appeal with OGAT, OGA-21-A002, regarding OGC permitting of a Petronas Energy Canada Ltd. Pipeline without consultation and a subsequent OGC determination to disqualify the Headman's constitutionally protected Treaty 8 and Aboriginal rights from consultation processes.

(2020) Development of a consultation model to include traditional Headmen in section 35 consultation processes.

(2020) A rights brief detailing the Headman's Treaty and Aboriginal rights was prepared with case law support. That brief also included case law demonstrating a number of ways in which BC and OGC officials were breaching constitutionally protected rights.

(2019-20) Preparation of correspondence and document trails for potential litigation regarding 8 resource corporations, OGC, and 3 BC ministries.

(2019) A Memorandum of Understanding was developed for traditional leaders regarding capacity provision and engaged.

**Jan -June 2019**

**Duty to Consult Hereditary Chiefs in Unceded Territories.**

Description: Wet'suwet'en Hereditary Chiefs are the sovereign governance for their unceded

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territory. These Chiefs were not consulted for the Coastal Gaslink pipeline project or other pipeline projects by TransCanada Inc.

A liaison for a number of the Chiefs contacted Dr. Herbert and asked for help to obtain funding and get TransCanada to the negotiating table so Hereditary Chiefs could engage.

This work progressed very slowly due to the volatile nature of Indigenous consultation on oil pipelines coupled with the prolonged refusal of the Crown and resource corporations to recognize the sovereignty of Hereditary Chiefs in unceded territories.

**Responsibilities:** Research on the Wet'suwet'en governance system, consultation rights of Hereditary Chiefs and the Coastal Gaslink pipeline project's environmental assessment reports and decisions; receiving information on compensation-related issues and potential claims; communicate and correspondence with TransCanada officials; development of a rights' brief on the Duty to Consult Hereditary Chiefs; and, development of a funding model for the provision of capacity to Hereditary Chiefs.

**Achievements:**

(2019) Development and delivery of a rights' brief to the CEO of TransCanada outlining the right to consultation of Hereditary Chiefs, TransCanada's duty to consult Hereditary Chiefs and a path forward by providing Hereditary Chiefs with capacity for consultation.

(2019) Funding Proposal Preparation for the provision of capacity to Hereditary Chiefs.

## **Mar 2019**

### **Dog-Related Infrastructure Needs in Northern Ontario First Nations .**

**Description:** This ties in to work done on First Nation Veterinary Infrastructure over a number of years (see later).

On March 30, 2019, I presented on missing First Nation dog-related infrastructure to the Northwest Region Animal Summit in Thunder Bay, Ontario, organized by the Ontario Society for the Prevention of Cruelty to Animals (OSPCA). The audience was comprised of First Nation community members, veterinarians and animal welfare organizations engaged in providing needed services to First Nations communities on a charity basis. The presentation focused on identifying differences as they relate to sovereign rights and culture; community service needs; and, permanent solutions through the creation of a table to establish jurisdiction and funding streams with First Nation governance structures.

**Responsibilities:** National spokesperson for CAID; public education of veterinarians, community members and animal welfare groups; research and review of current dog-related issues in northern Ontario; preparation of notes and presentation materials; and, follow up contact with the organizers, the College of Veterinarians of Ontario and the OSPCA.

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Achievements:

(2019) Herbert, J.R.G, Dog-Related Infrastructure: Northwestern Regional Animal Summit. March 30, 2019. Presentation and Speaker Notes.

**Aug 2017-Nov 2018**

**Pre-existing Societies Initiative.**

Description: Development and submission to federal authorities of a consultation-based initiative to accommodate immemorial First Nation rights into resource-sharing infrastructure. The proposal addresses the need of the Crown to respond to Calls to Action from the TRC to remove the doctrine of discovery from its relationship with Indigenous People, implement the UN Declaration on the Rights of Indigenous Peoples, and respect constitutional and treaty rights.

In follow-up to discussions with federal government staff, a review of the Government of Canada's plan to renew its relationship with Indigenous Peoples was written. The review revealed the plan to renew the relationship would fail.

Responsibilities: Concept and model development; research, drafting, and finalizing the initiative; submission to the federal government; submission follow-up; discussion with senior core Indigenous and Northern Affairs Canada staff.

Achievements:

(2018) Herbert, J.R.G., Indigenous Peoples in Canada: Failing to Renew the Relationship.

(2017) Herbert, J.R.G, Indigenous Consultation and Accommodation of Immemorial Rights: Pre-existing Societies Initiative.

**Jun-Jul 2017**

**Dog Mauling Deaths in First Nation Communities.**

Description: This ties to work done on First Nation Veterinary Infrastructure (see later).

I submitted recommendations to the Chief Coroner of the Yukon May 16, 2016, on the dog mauling death of Shane Glada in the Ross River Dena First Nation, Yukon. I also prepared documentation and an affidavit at that time for legal counsel. Consequently, I came up on CBC's radar and was subsequently invited onto the CBC national radio show "The Current" on May 25, 2017, regarding the dog mauling death of Donnelly Rose Eaglestick in Little Grand Rapids First Nation, Manitoba.

On July 14, 2017, I was a panelist at the Veterinarians Without Borders Canada round table workshop in Charlottetown, Prince Edward Island, on *Sustainable Veterinary Service in Northern Canada*. I presented the colonial origin and the nature of current dog problems in remote First Nation communities to national veterinary industry leaders along with reasons why charitable solutions have not worked. The need for cultural inclusion and consultation was highlighted with the

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presentation, during discussion, and with supporting materials.

Responsibilities: National spokesperson for CAID; public education of VWB and CBC staff; research and review of current delivery programs, legislation, and court decisions; preparation of notes and presentation materials for VWB workshop; collaborative development of the workshop format and final report; delivery of presentation; live radio interview; engagement with Ross River leadership; drafting and delivery of recommendations to the coroner; organization of documents and affidavit preparation; and, follow-up contact with VWB.

**Achievements:**

(2017) Herbert, J.R.G, Sustainable Veterinary Service in Northern Canada: A Veterinarians Without Borders Workshop - Panel Notes for Dr. R.G. Herbert.

(2016) Herbert, J.R.G, Letter of Recommendations to the Chief Coroner of the Yukon.

**Sep 2015-May 2017**

**Development of an Alternative Health Service Delivery System for First Nations.**

Description: Initial work focused on aiding a medical graduate to connect into a medical residency in remote First Nation family medicine. It was quickly discovered there was no post-graduate medical residency training infrastructure for remote First Nation Family Medicine in Canada.

Work to create and connect a new remote First Nation medical residency program with remote community-based physicians progressed to the tribal council level. It led to the identification of the need for an infrastructure to facilitate and coordinate delivery of First Nation health programs in remote communities; including, missing culture-based healing programs. This new infrastructure would rectify service delivery gaps between First Nation and non-native health care systems.

A Health Services Integration Fund grant from Health Canada was obtained and I provided contracted capacity to the Matawa First Nations Management tribal council and its 9 First Nation communities to develop the underlay for a First Nation-owned alternate health care delivery system and a medical residency training program. The Health Canada funding was insufficient but allowed us to leverage the tribal council's position with service providers, university, government stakeholders, and funders.

I reported to the executive office and Chiefs in Council.

Responsibilities: Concept, model, and framework development for medical resident training, health service delivery and mental health service delivery; presentation and engagement with government, medical schools, health service providers, treaty governance, communities, and Chiefs; proposal development with funding, workplan, and budgets; collaborative engagements with regional organizations; work with lead communities; consult community leaders and health workers; prepare presentations, workshops, briefs, and reports for funders, partners, chiefs, communities, and working groups; draft correspondence, agreements, corporate articles and bylaws, tribal and community resolutions, backgrounder documents and

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newsletters; radio interviews; participation in meetings, working groups, workshops, and other stakeholder functions with senior officials; and, integrate consultation-derived information to refine the service delivery system model and identify training, capital, and resource needs to be addressed for successful implementation.

**Achievements:**

- (2017) Matawa Health Co-operative 2016-17 Report
- (2017) Matawa Community Medical Training Needs
- (2017) Matawa Health Co-operative Articles and By-laws
- (2017) Matawa Health Co-operative Aggregate Community Visit Notes
- (2016) Co-Development of a Remote First Nations Medical Resident Family Medicine Training Program.
- (2016) Matawa Mental Health Wellness Service Team: Framework Development
- (2016) Herbert, J.R.G, The Matawa Health Co-operative Initiative.
- (2015) Herbert, J.R.G. & Siddiqi, M., Matawa Medical Residency Proposal.

**Nov 2012-Aug 2015**

**Consultation Requirements of the Energy and Resource Industries.**

Description: This work was undertaken as low-key research on current affairs, common law, and environmental assessments surrounding energy, mining, and other resource consultations involving Indigenous People in Canada.

Background research on oil, gas, and wind farm industry issues was performed, including fracking and pipelines. The information was worked into developing a respectful initial engagement of First Nations by exploration corporations and on frameworks for meaningful consultation for resource sharing and community infrastructure development. The work included creating a short, bullet-form practical guide to consultation.

Responsibilities: Research; environmental assessment reviews; dialogue with industry; legislation and common law review; drafting MOUs; and, preparation of a practical guide to consultation.

**Achievements:**

- (2014) Herbert, J.R.G, First Nation Consultation: A Practical Guide.

**Nov 2013-Feb 2014**

**Transboundary Consultation Requirements.**

Description: Consultation requirements of a First Nation's transboundary comprehensive claim.

This work was done while providing capacity to the Taku River Tlingit First Nation

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over a Government of Yukon proposed campground within the Yukon portion of the Taku River Tlingit comprehensive claim. The Government of Yukon refused to provide meaningful consultation and the Government of Canada refused to negotiate on the 30-year-old transboundary portion of the comprehensive claim – leading to two separate court cases.

Responsibilities: Common law research; work with Taku River Tlingit legal counsel; prepare a chronology and documentation for litigation purposes; review of environmental assessment recommendations; draft and deliver correspondence to government officials and stakeholders; coordination of support with other potentially affected First Nations; draft and submit a petition to the Yukon legislature; participate at negotiations with senior government officials; record and circulate meeting minutes; and, dialogue with First Nation staff.

Achievements:

Preparation of a correspondence and document trail for litigation.<sup>1</sup>

**Sep-Oct 2013**

**Environmental Assessment Consultation Requirements.**

Description: Consultation requirements of a transboundary First Nation in the Yukon's Environmental and Socioeconomic Assessment (YESA) process.

This work was done while providing capacity to Camp Yukon during a Yukon Environmental and Socioeconomic Assessment Board (YESAB) evaluation process regarding a Government of Yukon proposed campground. The work progressed into defining the YESA consultation requirements for First Nation transboundary claims.

Responsibilities: Draft and deliver correspondence to senior YESAB staff; participate at community engagements; submissions to YESAB; review of the YESA legislation and regulations, draft and submit a report to YESAB on First Nation transboundary consultation needs; and, legislation and common law review.

Achievements:

(2013) Herbert, J.R.G., Yukon Environmental and Socioeconomic Assessment Board: Public Consultation on Atlin Lake Campground #2013-0113.

**Jan 2011-April 2013**

**TRC Memorial Monument Project**

Description: Development and coordination of a Truth and Reconciliation Commission community memorial monument project.

This work was done will providing capacity to the Ross River Kaska Dena for the

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<sup>1</sup> *Taku River Tlingit First Nation v. Canada (Attorney General)*, [2016] YKSC 7



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TRC monument proposal development, project coordination, and project implementation.

Responsibilities: Proposal development with budget creation and work plan; preparation of media releases; radio, television and newspaper interviews; general contracting of work; recruitment and coordination of artisans; organization and delivery of community meetings; finance management; and; funder interim and final report preparation.

Achievements:

Funding receipt and advancement of the memorial.

**Jun-Jul 2013**

**Consultation Requirements of Legislative Change**

Description: Consultation requirements of First Nations with proposed mining legislative changes.

This work was initiated by CAID when the Government of Yukon proposed changes to mining legislation following the Ross River Kaska Dena win over the lack of meaningful consultation prior to mineral claim staking and class 1 mining exploration. Legislative changes were proposed without consultation of the Ross River Dena Council and other affected Yukon communities.

Responsibilities: Review and critique of proposed legislative changes; common law review; report preparation and submission.

Achievements:

(2013) Herbert, J.R.G., Public Consultation Comments: Proposed Changes to Class 1 Quartz Programs and Placer Land Use Operations.

**Apr-May 2013**

**First Nation Consultation Infrastructure Requirements.**

Description: Requirements for a First Nation consultation infrastructure to meet industry consultation requests.

This work was done while providing capacity for an inactive Ross River Kaska Dena corporation. Ross River needed a community-owned service to meet hundreds of annual mineral staking and exploration consultation requests that would occur after a court ordered moratorium on activity in the Ross River Kaska Dena traditional territory was lifted.

Responsibilities: Review of corporate history; dialogue with mining corporations; preparation of corporate objectives; and, development of a corporate restart budget.

Achievements:

Preparation for restart of an inactive First Nation corporation.

**Feb-Apr 2013**

**Family and Child Services.**

Description: Alleged authority abuse in the Yukon Family and Child Social Service system.

The work was done while providing capacity for someone wrongly accused of child abuse by the Yukon Family and Child Services (FCS).

Responsibilities: History taking and recording of the accused; meetings with FCS staff; reviewing FCS policies; legislation review; Criminal Code review; drafting an appeal letter to the Director; drafting a complaint to the Office of the Ombudsman; and, coordination with legal counsel.

Achievements:

In advocating for the individual, a flaw was found within Yukon legislation that provided the means for potential misuse of authority.

**Nov-Dec 2012**

**Needs for Traditional Knowledge**

Description: Funding needs for Traditional Knowledge programs in the environmental assessment process.

This work was done while providing capacity to the Ross River Kaska Dena to develop a funding source for traditional knowledge studies in response to environmental assessments in the Kaska traditional territory.

Responsibilities: Dialogue with YESAB and Aboriginal Affairs and Northern Development Canada (AANDC); strategy development; and, presentation to a YESAB public consultation meeting in Ross River.

Achievements:

Successful connection to funding sources.

**Aug-Sep 2012**

**Business Plan development**

Description: Start-up business plan development for a Winmar franchise in the Yukon

Responsibilities: Creation of a business plan with two years of projected revenue and submission to two banking institutions.

Achievements:

Successful financial institution backing of the business start-up.

**Feb-Aug 2012**

**Self-sustaining Community Infrastructure**

Description: Development of self-sustaining municipal-like infrastructure in First Nations.

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This work was done while providing capacity to the Ross River Kaska Dena to develop and fund the creation of missing or insufficient municipal-like community infrastructures and the human resource capacity necessary to operate these core infrastructures.

Responsibilities: Coordination between Dana Naye Ventures (Fed-Nor), AANDC, and Yukon Regional Economic Development; drafting correspondence; preparation of multiple funding proposals and budgets; creation of a business plan with budgets and work plans; and, discussions with the Government of Yukon to download infrastructure contracts.

Achievements:

Preparation of model and proposal for municipal-like infrastructure.

**Sep 2011**

**Funding Development for After school program**

Description: Development of funding proposal for a multicultural after school program with tutoring.

This worked was done while providing capacity to the Canadian Whitehorse Multicultural Association.

Responsibilities: Facilitating the development of the program and development of a funding proposal complete with budget, work plan and time line.

Achievements:

Successful receipt of funding from the Yukon Community Development Fund.

**Jul 2011 – Mar 2012**

**Reintegrating Post-release FASD**

Description: Research into the development of in-community programs to reintegrate offenders with FASD post-release into communities.

This work was undertaken in a low-key manner while providing capacity for several local churches to develop a prison chaplaincy in the Whitehorse Correctional Centre.

Responsibilities: Discussion with the Yukon's Deputy Minister of Justice; following an FASD-related criminal case through Yukon court; dialogue with a court support worker; and, research for programs and funding.

Achievements:

Development of model for community program.

**Jul-Aug 2011**

**Trust Fund for Capacity**

Description: Support for a charitable trust fund to provide missing capacity for meaningful

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consultation.

This work was done while providing capacity for the Ross River Dena to develop funding for capacity to respond to resource-related consultation requests.

Responsibilities: Approaching 16 different mineral exploration companies to garner support for a trust fund; drafting correspondence and information brochures; and, dialogue.

Achievements:

Development of model to fund missing human resource capacity on an as-needed basis.

**Apr- May 2011**

**Residential School Program**

Description: Funding development for residential school healing programs.

This work was done while providing capacity to the Yukon's Committee on Abuse in Residential Schools (CAIRS) Society. CAIRS had lost its funding with the demise of the Aboriginal Healing Foundation Program. The Ross River Dena Council's Chief, co-founder of CAIRS, requested that I see what I could do. I was able to leverage multi-year funding from Health Canada through the residential school CEP and IAP processes.

Responsibilities: Engaging staff and facilitating program definitions; funding research, dialogue with the First Nation and Inuit Health Branch of Health Canada; and, proposal, budget and workplan preparation.

Achievements:

Successful procurement of multi-year funding for the society.

**Jan-Apr 2011**

**Resource-based Economies**

Description: Development of local and regional First Nation economic infrastructure in resource-related projects.

This work was done while working as capacity for the Ross River Kaska Dena on the Faro Mine reclamation process. Ross River was the most affected First Nation with 2 other affected First Nations. An agreement with the Crown ensured economic benefits but they needed to be shared in respect of regional and local economies.

Responsibilities: Background research; multi-community business modeling; Attendance of tripartite committee meetings and minute recording; drafting and delivering correspondence to government officials; Team work with counterparts in other affected First Nations; Preparing a funding proposal, budget, and work plan for Ross River's business development funding; and, preparing briefs for Chief and Council.

Achievements:

Discovery of funds for regional partnership development and preparation of budgeted proposals for developing regional faro-based economies.

**Feb 2011**

**Violence Against Women**

Description: Facilitating funding development for a community program on violence against First Nation women.

This work was done while providing capacity to the Whitehorse Aboriginal Women's Circle. Staff needed to define a new program and prepare a proposal.

Responsibilities: Facilitating program definition; identifying budget needs; and, editing proposal drafts.

Achievements:

Successful program development with funding.

**Nov 2010-Feb 2011**

**Cultural Consultation Protocol**

Description: Elder inclusion cultural requirement for consultation protocol development.

This work was done while working as capacity for the Ross River Kaska Dena to develop a culture-based consultation protocol for meaningful consultation with the Government of Yukon and resource industries. Ross River had chosen to work with the Crown for resource development but the consultation protocol had to respect culture and rights. Work was stopped when the government refused to include culture. The Ross River Dena Council filed litigation against the Government of Yukon for the staking of mineral claims and class 1 mineral exploration without meaningful consultation.

Responsibilities: Meeting with the Government of Yukon Assistant Deputy Minister of Mines and Energy; drafting and delivering correspondence to government officials; preparation of a budgeted proposal for elder consultations; and, preparing a bulleted brief on meaningful consultation for Chief and Council.

Achievements:

Preparation of correspondence and document trails for litigation.<sup>2</sup>

(2011) Herbert, J.R.G., Practical Meaningful Consultation in Canada.

**Jul-Oct 2010**

**Pilot First Nation Veterinary Infrastructure**

Description: Research and development for a Pilot First Nation Consultation Protocol on a

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2 *Ross River Dena Council v. Government of Yukon*, [2011] YKSC 84, 2012 YKCA 14.

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Missing First Nation Veterinary Territorial Infrastructure.

The work was done while contracted by the Government of Yukon to develop a pilot dog control program with the Ross River Kaska Dena that would establish dog control infrastructure needs for First Nation communities in the Yukon. I reported to the operations manager of Community Services.

Responsibilities: Identifying and engagement with potential government and regional stakeholders; development of presentations to teach on the nature of dog problems; dialogue and correspondence with Ross River and the regional Kaska Tribal Council (KTC); drafting a consultation protocol for Ross River; leveraging support from the KTC; drafting Resolutions for Ross River and the KTC; developing a pilot program with a timeline, budget, a detailed legislation review; and, report writing.

Achievements:

(2010) Herbert, J.R.G., Report I Research and Preparation: Ross River Dena Council – Yukon Government Dog Management Pilot Program.

(2010) Herbert, J.R.G., Report II Expansion of Research and Preparation: Ross River Dena Council – Yukon Government Dog Management Pilot Program

**Feb 2008-May 2010**

**Meaningful Consultation Models**

Description: Development and dissemination of meaningful consultation models as the CEO of CAID.

I took the concepts of consultation and accommodation I learned with the Anishinaabe in Treaty 3 and put them into a model framework that respected common law, constitutional rights, treaty rights, legislated rights, and international rights of Aboriginal people in Canada. I then gave it a practical definition through culture capable of resolving Indigenous poverty through reconciled infrastructure.

Responsibilities: The CEO duties and responsibilities of CAID are outlined earlier in this resume.

Achievements:

(2009) Herbert, J.R.G., Meaningful Consultation in Canada: The Alternative to Forced Aboriginal Assimilation.

(2009) Herbert, J.R.G., Working Papers on Meaningful Aboriginal Consultation in Canada: Overview.

(2009) Herbert, J.R.G., Working Papers on Meaningful Aboriginal Consultation in Canada: Step 1 – Nation Consultation.

(2009) Herbert, J.R.G., Meaningful Aboriginal Consultation in Canada: A Review of the First Nation, Inuit, and Métis Right to Consultation and Accommodation on Wildlife Resource Management and Hunting as Defined by Common Law.

(2008) Herbert, J.R.G., A Model for the Reconciliation of Canada with its Indigenous Peoples: Restoration of Missing Infrastructure Phase 1: Pilot Program

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Development.

(2008) Herbert, J.R.G., A Model to Establish a New Framework for Aboriginal Economic Development in Canada.

(2008) Herbert, J.R.G., Re-establishing Indigenous Culture and Prosperity.

**Apr 2004 – May 2010**

**Dog Management Infrastructure**

Description: Development of infrastructure and programs for dog management in rural First Nation communities – safe communities.

This work was done with the political support of Lac des Mille Lacs First Nation as a lead community and then with the Grand Council of Treaty 3. I initiated this work while practicing veterinary medicine in response to the need for dog management strategies and services in rural First Nation communities. The work began with teaching community health directors about dog-related public health issues. It evolved into teaching community governance about dog management and the grand council about veterinary infrastructure needed in communities.

Responsibilities: Preparation and delivery of presentations regarding dog-related public health issues to community health directors, community governance, and the Treaty 3 national assembly; garnered support from the lead community and Treaty 3 Chiefs in Assembly; development of workshops on dog care, behaviour, management, owner liability, zoonotic diseases (rabies), community liability, veterinary infrastructure, the human-animal bond, animal cruelty/neglect as part of a cycle of abuse, and by-law development; facilitation of community action plan development for dog management strategies – safe communities; delivery of workshops to Treaty 3 communities; drafting correspondence to government funders; and, drafting briefs for Treaty 3 national assemblies.

Achievements:

(2010) Herbert, J.R.G., First Nation Dog Control Issues in Ontario: Why is There a Problem?

(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.

(2006) Herbert, J.R.G., Interim Dog Control Strategies.

(2006) Herbert, J.R.G., Animal-related Public Health Crises in First Nation Communities.

(2006) Herbert, J.R.G. & Bird, P., Treaty #3 First Nation Veterinary Infrastructure Project: Frequently Asked Questions and Answers.

Development and implementation of a Treaty 3 Dog Control Workshop in 2005.

Development of a Treaty #3 Pound and Animal Bylaw Control Proposal in 2005

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(2005) Herbert, J.R.G. & Bird, P., First Nation Veterinary Infrastructure: Grand Council of Treaty #3 National Assembly, October 05, 2005

(2005) Herbert, J.R.G., First Nation Dog Control Infrastructure: Introduction.

**Oct 2005 – Feb 2009**

**Traditional Food Infrastructure**

Description: Development of consultation protocols and programs for traditional food infrastructures to the economic benefit of First Nation communities - traditional trade and commerce.

This work was done in part while providing capacity for the Grand Council of Treaty 3. The Grand Chief, a traditional elder, asked for a way to create modern economies through traditional pursuits.

Responsibilities: Research on modern indigenous wildlife harvests; concept and model development of conservation-based, harvest management that would economically benefit communities; dialogue with grand council staff, citizens, and elders to define a 27 community culture-based consultation process; preparation of a detailed proposal, workplan, and budget for the Treaty 3 consultation of elders, communities, regional, and local organizations, regional tribal councils, grand council, Chiefs and Councils, and community members; draft of wild-life harvest management strategies for deer, turkey, and other wildlife to harmonize with Ontario wildlife management strategies; presentations to Treaty 3 national assembly; draft correspondence and briefs; garnered support from the AFN PTO (Chiefs of Ontario), Treaty 3 Chiefs in Assembly and Treaty 3 elder council; draft project newsletters; and, stakeholder engagement of the Canadian Food Inspection Agency and Ontario Ministry of Natural Resources.

Achievements:

(2008) Herbert, J.R.G., First Nation Rights and Turkey Harvest-Management in Ontario.

(2006) Herbert, J.R.G., Traditional Deer Harvest-Management in Treaty #3: A Response to Harmonize with the MNR's Human-Deer Conflict Strategy.

(2006) Herbert, J.R.G., Traditional Wildlife Harvest-Management in Treaty #3: A Response to Harmonize with the MNR's Human-Wildlife Conflict Strategy.

(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. (Seen Earlier)

(2006) Herbert, J.R.G. & Bird, P., Re-establishing Traditional Trade and Commerce.

(2005) Herbert, J.R.G. & Bird, P., First Nation Veterinary Infrastructure: Grand Council of Treaty #3 National Assembly, October 05, 2005. (Seen Earlier)



## Skills:

### Communications Skills:

- Public speaking, slide presentation preparation and community newsletters;
- Correspondence preparation (inter-governmental and local) and report preparation;
- Meeting coordination, agendas, chairing, and minutes;
- Press releases and preparation of briefs;
- Conversant in French; and,
- Website creation and maintenance.

### Specific skills

- Elder consultation and traditional law recording;
- Community consultation, workshops and public meetings;
- Meaningful consultation protocol development and delivery;
- Response preparation for environmental assessment processes;
- Court procedures, document review and case law;
- Legislation and agreement review and critique;
- Traditional law and governance models;
- Teaching and public speaking;
- Research, and report preparation;
- Infrastructure design/development;
- Concept, model and framework development;
- Advanced knowledge of traditional law, common law, governance and First Nation rights (constitutional, treaty, legislative & inherent);
- Stakeholder engagement;
- Preparation of draft MOUs and agreements; and,
- Other:
  - Food safety (disease monitoring for safe traditional food);
  - Cook for community dinners and safe food practices;
  - Community equipment and building (capital) operation and maintenance;
  - Rough carpentry;
  - Wildlife medicine;
  - Veterinary medicine and surgery; and,
  - Human biology, biochemistry, neurology, and medical microbiology and immunology (study of disease); and, molecular biology.

### Business skills:

- Office management;

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- Funding proposal development and funding leverage;
- Project coordination, facilitation, mediation and progress monitoring;
- Work plan and budget development and creation;
- Bookkeeping, budget creation, payroll and auditing;
- Work prioritization, problem solving and multi-tasking;
- By-law and constitution development;
- Business management, business incorporation, business registration, charity registration, corporate annual returns and annual business statements;
- Staff training, motivation, management and evaluation;
- Accounts receivable and payable;
- Account statements (income and expense statements) with account reconciliation;
- Annual corporate meetings and reports;
- Conference/workshop preparation;
- Corporate resolutions; and
- Business banking.

**Data Management Skills:**

- Fluent with Microsoft Office (Word, OneNote, Power Point, Outlook and Excel); Corel Word Perfect, Presentations and Quattro; Adobe Acrobat Professional.
- Fluent with Linux LibreOffice (Writer, Calc, Impress, and Draw), Thunderbird, Spacemacs (Orgmode, Mu4e, and Ebib), VirtualBox and RSS feed monitoring.
- Serif Webplus x8 and Pinegrow Web Editor (website management), Quicken and GnuCash (bookkeeping), file transfer protocols, and Google Earth Pro;
- Computer management, linux OS installation and set-up (Fedora, Opensuse and Ubuntu), linux upgrades/updates, wireless networks, projectors, data back-up, SSH usage, and document scanning/filing; and,
- Data organization and use of ONYX tablets.

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**Experience:**

**Jan 2007 to Present:**

Position: CEO of a not-for-profit charity (CAID<sup>3</sup>) that I founded using elder-based by-laws.

Background: I founded CAID for my work in providing human resource capacity to Indigenous communities. CAID's goal is to facilitate the reconciliation of Aboriginal and treaty rights with the Crown that will allow for new economies and

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<sup>3</sup> CAID stands for Christian Aboriginal Infrastructure Developments ([www.caid.ca](http://www.caid.ca)). It is not a religious organization and is not supported by churches. The word Christian in the name comes from Dr. Herbert's walk in life. CAID was founded on the premise of sharing skills and expertise with those who need.

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improved social capital in First Nations. This grew to include the reconciliation of inherent rights contained within the United Nations *Declaration on the Rights of Indigenous Peoples* (2007) and *Calls to Action* (2005) from the Truth and Reconciliation Commission (TRC).

CAID's focus is to establish meaningful consultation protocols that respect First Nation culture and allow outside interests to create working relationships in an environment of reconciliation. Outside interests included governments, institutions and corporations. Working relationships include functioning local and regional infrastructures that harmonize First Nation culture with outside jurisdictions. Infrastructures include: Resource and land management, economic, health care, education, food, veterinary, community, and more.

More recently, I have had opportunity to engage with education, health and, veterinary institutions to resolve service delivery gaps that cause disadvantage. This has resulted in the practical expression of reconciliation, infrastructure that includes Indigenous rights and culture.

**Duties:** Consult and provide capacity to First Nation communities and tribal councils as needed; public education; coordinate and lead projects; develop and implement consultation and infrastructure development models and strategies; prepare proposals, work plans, and budgets for developed models and strategies; interpret agreements, legislation, court decisions, and regulatory policy; prepare position platforms and prepare documentation for litigation; develop and review MOUs and agreements; spokesperson for CAID and public education; media interviews; fulfill corporate officer responsibilities; prepare annual reports; organize AGMs; prepare and file CRA annual returns; develop and maintain corporate by-laws; ensure compliance with legislation; develop and maintain website; bookkeeping; record keeping; and, much more as identified in each of the specific projects within the 'Projects' section.

**Achievements:** See under 'Projects', 2007 to present.

**2007 – Sep 2009:**

**Position:** Interim President, part-time, of a general contracting firm, Giavis Inc., Minnesota, USA.

**Background:** The firm was in severe financial difficulties when I was asked to help.

**Duties:** Forensic bookkeeping, court document preparation, court testimony and lien filing.

**Achievements:** Creation of documentary support for lien filing and court proceedings, including testifying in court.

**2005 – Jun 2009:**

**Position:** Self-employed as a veterinary professional and consultant to First Nations

**Background:** This was a period of transition for me when I owned and operated a solo veterinary practice in northwestern Ontario, Fort Frances, while working with indigenous communities in Treaty 3. It was during this time that I began to work

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towards community consultations and building traditional law-based community infrastructure. At the end of this period, CAID was incorporated, I transferred my work with First Nations into CAID, and then my veterinary work was phased out.

Duties: See under specific projects.

Achievements: See under 'Projects', prior to 2007.

**2003 – Apr 2004:**

Position: Associated Veterinarian in Minnesota, USA, under NAFTA.

Background: This was a period of transition for me after I left northern Ontario and moved to northwestern Ontario to work more directly with First Nations. I obtained a veterinary license in Minnesota as interim employment.

Duties: Outpatient and emergency veterinary medicine and surgery; on-call 24x7; Farm and companion animal services.

Achievements: Obtained Minnesota licensing and FDA accreditation.

**1992 – Sept 2003:**

Position: Self-employed as a veterinary professional.

Background: I was a solo practitioner in northern Ontario, Hearst, covering approximately 60,000 square kilometers. It was during this time that I woke to see the ongoing colonization of First Nations in Canada. I left practice in Hearst to go to Fort Frances and work with Treaty 3 communities as opportunity arose.

Duties: Sole proprietor of a veterinary hospital that was subsidized by the Government of Ontario for its remote nature; outpatient and emergency veterinary medicine and surgery; on-call 24x7; farm and companion animal services; day clinics to satellite communities, staff training, public education, and community engagement.

Achievements:

- (1998) Herbert, J.R.G., Remote Northern Veterinary Services Proposal to Indian and Northern Affairs Canada.
- (2001) Herbert, R.G., Questions Associated with Proposed Changes to the Criminal Code. *Can Vet J* **41**, p531-533.
- Privately organized and provided fly-in veterinary service to Moosonee and Moose Factory, Ontario, in 1999.
- Created and implemented a veterinary medicine booth for community education forums in Hearts and Constance Lake First Nation, Ontario in 1997 and 2002.
- Hosted and mentored a high school co-operative training program with the École Secondaire de Hearst in from 1995 to 2000 for students interested in becoming a veterinarian or animal health technician.
- Practiced solo as the furthest north veterinarian on Ontario for over eleven years.

**1978- Apr 1992:**

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Position: Student.

Background: Training in education, research, and veterinary medicine as courses and programs permitted. Refer to the section on Education.

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**Education:**

- 2004 Obtained Minnesota veterinary license and USDA accreditation.
  - 2003 Continuing education on Shelter/Pound Animal Medicine.
  - 1992 Continuing education on AO/ASIF Techniques for bone fracture repair.
  - 1992 Obtained DVM from the University of Guelph, Ontario Veterinary College and withdrew from the doctorate program, choosing to provide veterinary service to the remote north of Ontario. Obtained Ontario veterinary license and accreditation.
  - 1987-1992 Worked concurrently on doctorate at the University of Guelph, Guelph, Ontario, while attending the Ontario Veterinary College in a veterinary medicine degree program. Doctorate research focused on molecular parasitology.
  - 1982-1987 Graduate research towards a PhD for one year at McGill University, Montreal, Quebec, and four years at the University of Toronto, Toronto, Ontario. Awarded five-year Medical Research Council scholarship. Research involved brain aging, Alzheimer's disease, and transposable genetic elements.
  - 1982 Completed BSc with first class honours in Microbiology and Immunology from McGill University, Montreal, Quebec. Awarded E.D.G. Murray prize on graduation.
  - 1979 Completed one year at McGill University, Montreal, Quebec, in the Bachelor of Education program.
  - 1976- 1978 Completed a two year degree in collegial studies at John Abbott College, Ste. Anne de Bellevue, Quebec, in Pure and Applied Sciences.
  - 1976 High School Leaving Certificate from Pierrefonds Comprehensive High School, Pierrefonds, Quebec.
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**Volunteer:**

Cook at community events, rough carpenter for community building projects, and general maintenance at youth camps.

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**Personal Information:**

Citizenship	Canadian
Languages	English (100%) French (40%)
Email:	<a href="mailto:info@caid.ca">info@caid.ca</a>

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