

UPDATE on Aboriginal Engagement

Issue #1



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Other Actions

The McGuinty government is working to develop more effective consultation processes and foster productive relationships through initiatives such as:

- Collaborative geo-science and communication projects
- Prospecting training
- Hiring Aboriginal community members
- Sponsoring Aboriginal participation at technical, marketing and industry events
- Partnering with Aboriginal communities to implement a basic line cutting course.

Ontario continues public dialogue to develop new consultation approaches

The Ontario government is continuing its public discussions toward the development of approaches that will help Ontario enhance its consultations with Aboriginal communities.

The province-wide dialogue is laying the groundwork for improved consultation processes with Aboriginal communities on mineral sector activities that may impact their constitutionally protected rights.

While updating mineral sector stakeholders at an

industry event in December, Northern Development and Mines Minister Michael Gravelle reiterated Ontario's commitment to meeting its duty to consult on activities related to the Mining Act.

"We want to ensure that all mineral sector activities occur in a manner that is consistent with our consultation obligations related to Aboriginal and treaty rights," he said.

"A more effective consultation process will support the promotion of



Northern Development and Mines Minister Michael Gravelle

positive and productive relations in mineral sector activities."

A discussion paper outlining possible approaches to the develop-

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Charles Fox Consulting facilitates workshops as part of a province-wide engagement process

Charles Fox Consulting Inc. has been retained by the Ministry of Northern Development and Mines as a facilitator between First Nations and MNDM in a series of workshops. The workshops are part of the broad, multi-pronged engagement process that is seeking input and advice from First Nations, Aboriginal organizations and mineral sector representatives



Facilitator Charles Fox

across Ontario in developing improved approaches to Aboriginal consultation for mineral sector activities.

Charles Fox is currently president of Charles Fox Consulting Inc. and is a long-time Aboriginal leader and advocate. Fox's unique background and skills make him exceptionally well-qualified to facilitate these exciting discussions. Fox is from Bearskin Lake First Nation and is past Grand Chief of Nishnawbe-Aski Nation and Ontario Re-

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Discussion paper outlines possible approaches

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ment of consultation processes was posted on the Environmental Registry and has been made available on the Ministry of Northern Development and Mines website in English, French, Cree, Ojibwa and Oji Cree.

In addition, copies of the discussion paper were mailed to all First Nation communities and Aboriginal organizations in Ontario.

Facilitated community sessions across the province will engage Aboriginal communities, Aboriginal organizations and mineral in-

dustry stakeholders directly.

The ministry is also establishing working groups to consider key aspects of the process, with participation from Aboriginal communities and organizations, the mineral sector and other key stakeholder groups.

Ministry implements transitional approach to address concerns related to consultation

The Ministry of Northern Development and Mines has begun to implement a series of steps to enhance information sharing with Aboriginal communities and foster community engagement with respect to mineral sector activities.

Over the coming months, while it continues to seek input from Aboriginal communities and mineral sector stakeholders through its province-wide engagement process, the ministry will put in place measures that will help it determine when and how to engage Aboriginal communities, the role of the project proponent and funding protocols.

“We are listening to what we hear in our Aboriginal engagement process and to the direction we receive from the courts,” said Northern Development and Mines Minister Mi-

chael Gravelle. “As a result, we are implementing initial steps to address some key concerns we have heard from Aboriginal communities, including enhanced information sharing regarding claim staking and exploration activities, and withdrawal of important heritage sites.”

In addition, the ministry will continue to enrich the information it provides to the minerals industry on when and how to engage Aboriginal communities.

These measures are first steps only, and will not narrow the options considered as the ministry continues to develop approaches to Aboriginal consultation, drawing on input from its discussion paper and engagement process.

By encouraging positive mineral sector relations with Aboriginal

communities, this transitional approach follows the blueprint laid out in Ontario’s Mineral Development Strategy, which was released in March 2006. The strategy promotes community development through such mechanisms as Impact Benefit Agreements (IBAs) between industry and Aboriginal communities. Although Ontario does not participate in the development of IBAs, which we see as a business-to-business relationship, First Nations can apply for assistance for negotiations related to such economic development activities through:

- Northern Ontario Heritage Fund Corporation (NOHFC)
- Federal Economic Development Initiative for Northern Ontario (FedNor)
- Indian and Northern Affairs Canada

This transitional approach reinforces Ontario’s commitment to meeting its consultation obligations related to Aboriginal and treaty rights.

Ontario is continuing to develop improved mineral sector consultation processes that work for everyone. It is prepared to consider a range of approaches, including possible changes in policy and practices, as well as to the Mining Act and its regulations.

Wanlin to lead industry workshops

Margaret Wanlin, of Wanlin & Company of Thunder Bay, has been retained to lead Ontario’s discussion paper workshops with industry. Her extensive knowledge of First Nations interests, aspirations and concerns regarding mining and mineral exploration will be an asset to the ministry’s process. In addition, she brings knowledge and experience regarding natural resources sectors in Northern Ontario, extensive background in facilitation and a range of experiences in research and public policy planning and development. To date, one workshop has taken place in Sudbury with future workshops being planned for the near future. Look to the next edition of our newsletter for further updates.

Pilot program looks at heritage site withdrawals

As part of its transitional approach to Aboriginal consultation, the Ministry of Northern Development and Mines is initiating a process to protect Aboriginal cultural heritage sites.

Using a pilot project framework, the ministry may withdraw significant Aboriginal cultural and heritage sites from prospecting and mining claim staking under the Mining Act. The objective is to explore an approach that would minimize or eliminate the potential impact of mining-related activities.

Significant Aboriginal cultural and heritage sites may include historically significant sites, burial sites, or sites that maintain spiritual or other traditional usages and are specifically linked to a heritage aspect on a particular parcel of land.

Through its ongoing engagement processes, the ministry has offered and initiated a limited pilot project with an interested Aboriginal community.

In response to a community request, the ministry assessed its process under its existing General Administration Withdrawal Process. Based upon the nature and scope of request, the ministry has

withdrawn the lands under its existing policy framework and processes, and through discussions, has invited the community to participate in a pilot project.

Intended to be completed within 12 months, the pilot project may also involve other ministries and agencies, such as the Ministry of Culture or the Ministry of Natural Resources.

Throughout the site review process, project participants will provide ongoing monitoring of the number and type of sites or features withdrawn, challenges, impediments, conflicts, outstanding issues and mitigation that may be identified and dealt with.

The ministry and the community will aim to provide, within 18 months, a final pilot project performance report, including an assessment of the process and a recommendation for a long-term approach to withdrawing significant Aboriginal cultural sites.

This initiative is intended to protect small, discrete areas such as burial sites or gathering areas, although it can be extended, in certain circumstances, to cover larger areas that warrant interim protection.

Comments should be submitted to: Cindy Blancher-Smith, Director, Mineral Development and Lands Branch, Ministry of Northern Development and Mines, 933 Ramsey Lake Road, Sudbury, ON P3E 6B5.

Wahgoshig FN launches first pilot

The first pilot project in this initiative is now under way through a short-term withdrawal order removing lands from prospecting and mining claim staking in the Hospital Point area, on the north shore of Lake Abitibi. The ministry is working in collaboration with the Wahgoshig First Nation to evaluate and assess the Aboriginal cultural heritage values in the area. At the end of the pilot project, it is anticipated the short-term withdrawal will be revised, if required, and finalized. The withdrawn area will remain as a measure to protect cultural heritage values under the Mining Act in the interim.

Long-time advocate facilitates Ontario-wide discussions

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gional Chief. Since leaving elected office, Fox has been busy with many projects which include running his consulting firm and implementing the Provincial Energy Efficiency and Conservation Measures for Aboriginal Communities program (EEMAC).

When presented with the opportunity to facilitate discussions between First Nations and MNDM, Fox agreed immediately.

"We need to determine the relationships and to open lines of communication between government, First Nations and industry," says Fox. "I believe the purpose of this process is to identify commonalities between the three parties (First Nations, industry and government) and where there are areas of concerns, set up due process to address those areas of concerns and attempt to find resolutions."

For more information on Charles

Fox Consulting Inc. please contact Meladina Hardy, Educational Consultant, Charles Fox Consulting Inc. at (807) 622-8008 or mhardy@tbaytel.net.

For information on how you can arrange for a facilitated workshop between your community and the ministry, please contact Lori Churchill, Aboriginal Relations Coordinator at (705) 670-5920 or Lori.Churchill@ontario.ca.

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Our Commitment

The Government of Ontario is committed to meeting its duty to consult obligations with Aboriginal communities and to ensuring that activities within its jurisdiction occur in a manner that is consistent with the Crown's obligations concerning Aboriginal and treaty rights.

Ontario's Ministry of Northern Development and Mines has initiated a comprehensive engagement process aimed at continuing to develop more effective Aboriginal consultation approaches for mineral sector activities.

Over the next several months, the ministry will be seeking advice on how to develop improved consultation processes that will help Ontario consult with Aboriginal communities on mineral sector activities that may impact Aboriginal and treaty rights.

How You Can Get Involved

The Ministry of Northern Development and Mines invites your input and advice as we work toward the development of more effective Aboriginal consultation approaches for mineral sector activities in Ontario.

Over the coming months, we are asking you to help us build a framework for ensuring that mineral sector activities occur in a manner that is consistent with our consultation obligations related to Aboriginal and treaty rights.

To foster broad discussions, we have released a discussion paper outlining possible approaches to Aboriginal consultation. The paper, which reflects objectives outlined in *Ontario's Mineral Development Strategy*, is available on the Minis-

try of Northern Development and Mines website in English, French, Cree, Ojibwa and Oji Cree.

When developed, these improved consultation processes will also strengthen northern and rural communities by enhancing long-term certainty and sustainability for Ontario's mining industry.

Since spring 2007, the ministry and its partners have been engaging communities, Aboriginal organizations and industry directly, through a series of facilitated discussions and other events. The ministry has also established several working groups to consider key aspects of the process, with participation from Aboriginal communities and organizations, the mineral sector and other key stakeholder groups.



Discussion Paper is available online in English, French, Cree, Ojibwa and OjiCree

For more information, please contact us by:

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