

Fall Consultation Feedback

Area of Discussion: Aboriginal Consultation

Dates and Locations that topic was presented / discussed:

- Wabun Tribal Council, Orillia, September 28, 2010
- Métis Nation of Ontario (MNO), Kenora, October 2-3, 2010
- Métis Nation of Ontario (MNO), Sudbury, October 30-31, 2010
- Nishnawbe Aski Nation (NAN), Thunder Bay, September 29-30, 2010
- Timmins Multi-Stakeholder & First Nation / Métis session, October 27, 2010
- Thunder Bay Multi-Stakeholder & First Nation / Métis session, October 19, 2010

Q: Early Relationship Building – Are there any other tools that could be made available to help build early relationships between Aboriginal communities and proponents?	
Feedback	Multi-Stakeholder & First Nations / Métis Sessions
Capacity building will assist with relationships as equals, including education courses about exploration and mining (target youth, women, elders separately from the general community)	All sessions
Increase the level of trust for First Nations & Métis of the provincial government	All
Job opportunities and training opportunities should be outlined for aboriginal communities	Most Sessions
Capacity course (for aboriginal prospectors) provided by Peter Moses recognized and complimented.	NAN
Increase level of understanding of industry about First Nations & Métis	Wabun / MNO / Timmins
MNDMF needs to be more helpful and explicit that proponents must deal with certain Aboriginal communities.	Kenora / MNO
MNDMF must be more explicit of which communities should be contacted, and who must be talked to in the community. Language barrier may be an issue to building relationships Industry should have First Nations & Métis advisors Women traditionally care for the land, so should be used for education sessions.	Timmins

Use other means of communication to explain exploration to aboriginal communities, such as radio and Wawatay	
Awareness course should have direct company involvement.	Timmins / Sioux Lookout session on Sites of Aboriginal Cultural Significance
Government should set up more opportunities for industry and First Nations & Métis to get together (mention of the Matawa Mineral Development Forum)	Kenora, Thunder Bay
Past grievances, including Resource Benefit Sharing, should be addressed	Sioux Lookout

Q: Notification on a Plan – What is a reasonable notice period for an Aboriginal community before exploration activities contained in a Plan begin on the ground? 20 days?	
Feedback	Multi-Stakeholder & First Nations / Métis Sessions
Capacity is needed at the community level to receive the fyi, if timelines are to be met	All Sessions
20 days is reasonable, but 10 days may be more reasonable	Timmins
Company should meet with the First Nations & Métis even at the plan level	Wabun
Who does the notification of the plan? Is notification to Chief and council or to individuals?	Thunder Bay
30-45 day, depending on capacity	Kenora
Consultation must occur at the plan stage.	Wabun / NAN
The entire process for notification as being presented is not satisfactory. The approach does not reflect the input previously provided. Prospectors are out on the land without the permission of the First Nation.	NAN
30 days may not be enough time to process and disseminate information / may not coincide with other council meetings.	MNO / NAN

45 days should be allowed for an objection	Timmins
Timelines depend on who is responsible for the plan	
Issue raised as to the elevation of a plan to a permit whereby simple notification is insufficient due to the sensitivity of the land (e.g., a low impact activity can impact a sensitive medicinal plant gathering area).	

Q: Content of a Plan – What kind of information should be included in a plan (maps, plain language summaries, etc.) to assist an Aboriginal community to understand a Plan?	
Feedback	Multi-Stakeholder & First Nations / Métis Sessions
All information on activities that 'may' occur. Simplified information There needs to be a standard template	Timmins
The number of people on site working The actual duration of work in the claim area	Kenora

Q: Content of Consultation on a Permit – What kind of information (maps, plain language summaries, etc.) Will an Aboriginal community require to provide input to the Permit application process?	
Feedback	Multi-Stakeholder & First Nations / Métis Sessions
Gridlines and baselines have substantial impact on the land, and should be an activity considered for consultation. Culturally modified trees may be destroyed during grid cutting if no consultation.	Wabun / NAN
MNDMF should verify with the aboriginal community accuracy of the proponent's submission of content of consultation on a permit.	MNO / Toronto
Who will have access to any confidential information that is talked about during consultation?	MNO, Timmins
A list (checklist) of permits and underlying regulations required from other Ministries for the project Easy to follow template	Most sessions

Access roads are key to consultation too.	
The following list: contact information; nature of the project; company background, including the website; duration; map and geology of the area, historical markers, GIS coordinates.	Compilation from sessions
<p>Consultation should also occur on the terms and conditions in the permit</p> <p>Will terms and conditions of the permit be publicly available post consultation, so that other proponents might better understand the concerns of that particular Aboriginal community</p> <p>Provide an update to the aboriginal community about the project at 6 months into the permit.</p> <p>Will the Consultation process be translated?</p>	Timmins
<p>Timelines of activities within the permit in order to understand potential conflicts with harvest period</p> <p>Provide a list of which other communities the MNDMF is directing the proponent to consult with</p> <p>Activities such as seismic with “thumper trucks” may have an impact on seasonal calving</p>	Kenora
<p>Consultation on a permit should include an “end of permit report back” to ensure transparency and clean up.</p> <p>Permit should be posted on the work site so First Nations & Métis membership can see it.</p> <p>Proponents should also get approval from the First Nations & Métis communities for a permit</p> <p>Exploration agreements should be in place before any activity occurs.</p>	Wabun
Access and trails are equally as important as the activity on the claim area.	Toronto
Consultation requirements prescribed by MNDMF should align with other ministries (ie one window for exploration projects.)	Thunder Bay
Schedule face-to-face meetings on the content of the permit to describe the project and the opportunities	MNO

Q: Timelines for Consultation – Is it reasonable to expect an aboriginal community to provide feedback or input on a Permit application in 30 days? 40 days?	
Feedback	Multi-Stakeholder & First Nations / Métis Sessions
Capacity is required at the community level to meet timelines	All
45 days would be ideal, and up to 60 days as a maximum	MNO
Need to know who and how to contact with clear lines of communications in order to facilitate timelines	Thunder Bay
As long as it takes	
90 days, depending on capacity	Kenora
Does the government really need to be involved at all if things are going well?	Timmins

Q: Closure Plans (CP) – Is 120 days a reasonable amount of time for an aboriginal community to be consulted on a CP? Is there a particular approach in sharing Closure Plan information with a community and getting feedback that works well?	
Feedback	Multi-Stakeholder & First Nations / Métis Sessions
<p>The Crown has to be a part of the Closure Plan consultation discussions to meet its obligations</p> <p>Who will provide financial assistance for the aboriginal community review of the Closure Plan?</p> <p>Many First Nations & Métis Chiefs do not have the time or the technical background to understand what is being presented. They need expertise</p>	Timmins
<p>Question concerning what certification in the CP might mean</p> <p>Concern expressed about gaining access at the community level – beyond Chief and Council – to explain the project</p>	Thunder Bay
Adequacy of consultation should be explicitly laid out	Kenora / Thunder Bay
If there has not been consultation throughout the sequence, then it is not enough time	Kenora

General Comments	Multi-Stakeholder & First Nations / Métis Sessions
Sensitivity/context of the land vs. type of activity – “Only the community can decide what is and what is not an impact.”	NAN, Toronto, Wabun, Thunder Bay
<p>Inter-ministerial coordination on exploration projects</p> <p>What happens if there is an objection or an issue with the plan?</p> <p>Requirements for a well resourced Lands and Resources department</p>	Wabun
<p>Consultation should take into account internal aboriginal community processes / protocols</p> <p>A proponent should lay out employment opportunities available in a plan / permit</p>	MNO / Toronto
Rules for consultation need to be clear	MNO / Thunder Bay / Toronto
Aerial Surveys should be included as a permit activity for consultation.	NAN

MNDMF must explicitly lay out which aspects of consultation have been delegated. MNDMF cannot offload all of its responsibility for consultation onto industry.	Timmins, NAN
Pro-development community vs. opposition – What will happen on shared territory if one community is predevelopment, and another for the status quo? Ontario must assist to resolve the overlapping / shared territory issue	Timmins / Toronto
What is the threshold for meaningful input for aboriginal consultation?	Thunder Bay
Agreements should be accepted for both exploration and for Impact Benefit Agreements, no questions asked, to signal adequacy of consultation and accommodation	Timmins