

CONSULTATION PROCESS

Initial Contact

Information about proposed project or decision is received by Chief, Chief and Council or Health & Environment office.

Information forwarded to Chief, Council and Health and Environment Committee.

EO submits standard response to proponent and includes protocol.

Environment staff enter document in log with name and issued a file number.

Briefing note prepared by EO and forwarded to:

1. Chief and Council
2. Health and Environment Committee
3. Health Director

HEC to review material and draft recommendation and response for Chief and Council.

Chief and Council reviews recommendation and send response to proponent.

1. No interest in full consultation but request continued information on project.
2. Aamjiwnaang requests consultation. Proponent to be asked to meet with HEC and may be asked to provide capacity. Copy sent to the Crown.
3. More information requested in order to determine Aamjiwnaang's interest. Once information is received, EO revises briefing note and returns to Chief and Council to review.

At this point, should there be notification to EO as to decision of Chief and Council?

Pre-Consultation

If Aamjiwnaang requests consultation, HEC meets with Proponent. Crown invited to attend. Proponent advised of the interests, capacity and next steps required.

HEC submits report to Chief and Council with updated briefing note. Briefing note identifies capacity required, next steps, potential impacts and potential benefits.

Chief and Council reviews material provided and determine next step.

1. No interest in full consultation but request continued information on proposal.
2. Aamjiwnaang requests full consultation
3. More information requested to determine Aamjiwnaang's interest. Once information received, EO revises briefing note and returns to Chief and Council to review.

Also at this point, should EO be notified of decision and receive direction from Chief and Council?

Consultation

If Aamjiwnaang requests full consultation, Consultation Agreement or Memorandum of Understanding would be prepared. Outlines process, costs, studies or other work required. Requires legal review.

After CA or MOU prepared, potential next steps are meetings and other studies

Meeting options includes Community Information meetings, HEC meetings, Joint First Nations meetings, Special Chief and Council meetings, Elder and/or Youth meetings.

Other studies include Holistic assessment/cumulative impact assessment, independent review or assessment, plain language summaries, Traditional/Ecological Knowledge studies, legal review of treaties/legal review of impact on rights.

From these, there will be analysis of information and impacts.

1. If there are no impacts, send response to Crown and Proponent, but request to stay informed if any changes are made to the project.
2. If there are impacts, analysis of the potential impact on aboriginal title, or aboriginal or treaty right.

Accommodation

Following the decision that there will be impacts, mitigation should occur such as project changes or project additions

Accommodation should also occur in the form of other accommodations and/or an Impact Benefit Agreement. Also, there should be accommodation with regards to business opportunities, employment and partnerships.

Once mitigation and accommodation has taken place, a decision will be made from either Chief and Council or the community.

At this point, negotiations are requested on accommodations and mitigations. At this point, as well, capacity will be requested for negotiations, legal and/or expert advice and there should be timely implementation.

Once this occurs, there will then be a decision from either Chief and Council or from the community.

If there is agreement, this leads to reconciliation of impacts or infringements with accommodations or mitigations. The project proceeds.

If there is disagreement, the 2 options are to return to the negotiation stage or oppose the project. For opposition there must be indication to the Crown as to community response and concerns as well as exploring legal opinions