



NORTHERN SUPERIOR

gnishinabek

REGIONAL
MINING AND
NORTHERN
DEVELOPMENT
ROUND TABLE

SUMMER 2017



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PURPOSE AND OBJECTIVES:

The Anishinabek Nation (AN) - Ministry of Northern Development and Mines (MNDM), Northern Superior Regional Table took place July 26, 2017 in Thunder Bay. This was the second meeting of the Regional Table as a result of the implementation of a new regional engagement framework put in place by the AN.

The Anishinabek

Nation is divided

into four regions,
representatives of each

member community

of the Anishinabe

Nation attend the
Table corresponding

to their Region. The

purpose of this Table
is to improve the ability

of the Anishinabek
communities and their

members to engage
with and benefit from

the development of
minerals and mines in

Anishinabek Territory.

The Table meets

quarterly and provides opportunities for

information exchange,
identification of issues

of common concern.

and development of

solutions to challenges faced by Anishinabek communities in engaging with the minerals and mines sector.

The Table is also a tool for relationship building in that it provides opportunities for Anishinabek community members to meet on a regular basis with MNDM staff and to exchange information and ideas. The Table also

helps to improve accountability of all parties to one another through the establishment and tracking of action points that are reported on at the Table. The Table is attended by Anishinabek leaders, mining, minerals or

economic development portfolio holders and technicians from the communities of the Region.



The work of the Regional Table helps to support other elements of the relationship between the AN and MNDM. Issues identified at a Regional Table that are of a technical nature or those that may impact more than one region can be sent to the AN-MNDM Advisory Council, where a smaller group made up of representatives from all four Anishinabek Regions and the MNDM can focus on exploring options and recommending actions. The Table also provides an important link between localized communities and the AN-MNDM Bi-lateral Leadership Forum. The following figure depicts the relationship between the Regional Table and other bodies that constitute the institutional relationship between the AN and MNDM:



11 First Nation leaders, portfolio holders and technicians from the Northern Superior Region attended the Table. These Anishinabek representatives were joined at the Table by staff from the Lands and Resources Department of the Anishinabek Nation. The Ministry of Northern Development and Mines was represented by a number of staff.

The following are those who were in attendance at the Table:

First Nations Participants:

- Alyssa Ray, Red Rock Indian Band
- Brittany Moses, Biigtigong Nishnaabeg
- Darcy Waboose, Long Lake # 58
- Chief Edward Wawia, Red Rock Indian Band
- Elizabeth Esquega, Fort William First Nation
- Erin Desjardins, Nokiiwin Tribal Council
- Ervin Waboose, Long Lake # 58
- Joanne Shapwaykeesic, Namaygoosisagagun First Nation
- Juanita Starr, Biigtigong Nishnaabeg
- Mike Esquega, Biinjitiwaabik Zaaging Anishinaabek
- Terry Bouchard, Red Rock Indian Band

Anishinabek Nation Participants:

- Cameron Welch, Policy Analyst
- Tammy Desmoulin, Program Coordinator

MNDM Participants:

- Clayton Ralph, Mines and Minerals Division, Indigenous Relations and Reconciliation Branch, Senior Advisor
- Kim Rozon, Mines and Minerals Division, Minerals Development and Lands Branch Consultation Support Officer
- Maggie Parker, Mines and Minerals Division, Indigenous Relations and Reconciliation Branch, Senior Advisor
- Michael Dunlop, Northern Development Division, Regional Economic Development Branch, Northern communities Investment Readiness Program Coordinator
- Neal Bennett, Mines and Minerals Division, Minerals Development and Lands Branch, Mineral Exploration and Development Consultant
- Roy Denomme, Mines and Minerals Division, Acting Director Mining Act Modernization
- Scott Burgess, Mines and Minerals Division, Minerals Development and Lands Branch, Supervisor NW Ontario Region
- Shannon Boulton, Northern Development Division, Regional Economic Development Branch, Northern Development Advisor
- Rohan Millar, Mines and Minerals Division, Resident Geology Program, Regional Manager
- Tyler Manning, Mines and Minerals Division, Minerals Development and Lands Branch Rehabilitation, Inspection and Compliance, Inspections Officer

TABLE DISCUSSION:

First Nation Caucus

This meeting of the Table began with a First Nation Caucus. During this Caucus, First Nation representatives discussed their relationships with MNDM and mining companies. They also received an update on the mining and minerals related activities of Anishinabek Nation staff as well as activities of the Bi-lateral Leadership Forum and the AN-MNDM Advisory Council. The Caucus provided an important opportunity for AN representatives to openly discuss a number of issues and share experiences with one another without the presence of the representatives of the MNDM.

AN-MNDM Round Table

After the First Nation Caucus, Anishinabek Nation representatives were joined by staff from MNDM. The Table discussion revolved around five presentations by MNDM. Topics covered by these presentations included Mining Act Modernization, Ontario Geological Survey's Prospectors Course, Northern Ontario Heritage Fund Corporation, MNDMs' Northern Communities Investment Readiness Program, and Introduction to the Mining Cycle or Mining 101. The Table also discussed changes to its' Terms of Reference that are to be made and reviewed at the next meeting of the Table. The following summarizes the discussion according to the themes that emerged from the Table.

MINING ACT AWARENESS:

Members of the Table identified the need for those staking in Anishinabek territory to become more aware of Anishinabek peoples, places and worldviews. One mechanism identified for sharing of information and increased cultural competence was MNDMs' Mining Act Awareness Program. This Program is currently required by those applying for a prospectors licence. The program aims to teach prospectors about the *Mining Act*, its' regulations and requirements for carrying out early exploration activities. The Program also lists Aboriginal and treaty rights as a topic covered by the Program. As the Program is under review, there was a call for Anishinabek communities to contribute material and direction to strengthen the Indigenous component of the Program. The Table agreed that suggestions and information related to Program improvements should flow through the Lands and Resources Department of the Anishinabek Nation. It is envisioned that once suggestions and information is collected at the community and regional level, the Advisory Council could work to formulate a set of recommendations on content and delivery of the program.

CONVERSION TO ON-LINE STAKING:

One of the primary topics of discussion at the Table was the conversion to on-line staking that is scheduled for early 2018. The Table reviewed the process of conversion. Several table members questioned how they would access and use the information that will be available on the CLAIMaps. Information on claims staked will be available on-line as it is now. It was pointed out that all claims are geo-referenced and available for download and use by First Nations in determining claims on their territories. The on-line maps will be updated in real time. Once a claim is staked on-line, the First Nations affected will receive notice within 5 minutes. The First Nation will receive information on who made the claim and where it is. The challenge of navigating the sometimes frequent changes in ownership of mining claims was identified by the Table. The Table determined that changes in claim ownership should be communicated to the appropriate First Nation(s) and the Anishinabek Nation offices. Many of the Anishinabek Nation participants expressed the need for training on the CLAIMaps system and in the on-line claims-making system. MNDM representatives stated that any person or community that would like training on CLAIMaps can receive it. In the words of one MNDM representative, “I have committed to giving any community training that want training on CLAIMaps...Any community that wants training on CLAIMaps, we can do that.”

I want to see a plan that says that exploration is done and that land is put back to the way back before the mining happened.

(Anishinabek Nation Table Participant)

Anishinabek members of the Table addressed the need for additional information on closure plans and First Nation involvement. In addition, one Anishinabek leader addressed the need for closure plans for exploration activities in addition to the closure plans formulated for mines that enter production on a commercial scale. A MNDM representative at the Table offered to return to the Table at the next meeting to give a presentation on closure plans, an offer that was taken up by the Table. On the topic of closure plans, a representative of the Anishinabek Nation noted that there is a need for compliance officers to monitor how companies deal with exploration activities that have been concluded. Another member of the Table reiterated the need for environmental monitors to identify any environmental change and report environmental impacts of minerals and mine development.

CONSULTATION:

As the Table discussed consultation and conversion to on-line staking, many Table participants called on the MNDM to require rather than ‘strongly encourage’ that mining proponents consult with First Nations early and often. While the MNDM does not currently require consultation early in the mine sequence, the MNDM pointed out that the Ministry may devolve certain aspects of the consultation process to the proponent, but that it is ultimately the duty of the Ministry to consult and accommodate First Nations interests in mineral and mines development. Table participants noted that due to capacity issues, many communities are not fully equipped to properly process and consider requests for consultation and information. Many Table participants pointed to the timelines set out in the *Mining Act* and suggested that they need additional time. According to participants, some communities simply do not know how to respond to requests for consultation or information regarding

how a proposed activity will impact the community and their rights. Anishinabek participants at the Table pointed to the need for MNDM to support additional capacity in the Region to respond to requests for information and consultation and to respond to plans and permits applied for in their territory. One Anishinabek representative shared the following with the Table, “Our office is funded through the New Relationship Fund, we deal with all consultation requests and I have heard it from other communities, that the capacity is limited, the timelines to respond are too short, and we are overloaded with consultation requests. We need sector specific positions.” MNDM representatives at the Table suggest that a simple response requesting additional time may suffice. Another MNDM representative said that those communities that are not sure how to respond to a request for information or consultation should call the MNDM and they will assist the community. Picking up on the issue of responding to requests, it was suggested that the Advisory Council could potentially work to develop a template and perhaps a checklist to help communities formulate an appropriate response. The need for the Aboriginal engagement checklist to be shared with the appropriate Anishinabek community was identified by the Table.

Anishinabek participants stressed that many Anishinabek First Nations have consultation and accommodation protocols, policies or laws that determine when, where and how consultation around mineral and mine development should take place. Participants stressed the need for proponents of mineral development to follow these protocols, policies or laws. The Table noted that the Advisory Council is working on the development of a template that can be used as a tool for those Anishinabek communities that do not have such a protocol as of yet. While the content of these protocols varies to a certain degree, they all set out a clear set of expectations and standards for consultation and accommodation in Anishinabek territory. Members of the Table also stressed that consultation is not always enough and that consultation must also be accompanied by appropriate accommodation of Anishinabek rights and interests in lands and resources of their traditional territories. In the words of one Anishinabek member of the Table, “When you talk about consultation, there has to be accommodation to that as well. You have to have activity on consultation. We want action. Don’t just tell us what we want to hear. We are looking to the future.”

Some of the Table members noted that conversion to on-line staking reduces the opportunities for prospectors to physically contact First Nations. In the words of one Table participant from an Anishinabek community, “We just want to know who is out there. We are looking for a relationship process.” The potential for Anishinabek communities to provide exploration, procurement and other services to those foreign interests that may stake claims in Anishinabek territory after conversion to online staking was pointed out at the Table. Such opportunities and existing arrangements or structures are topics worthy of future discussion by the Table.

SITES OF ABORIGINAL CULTURAL SIGNIFICANCE (SOACS):

The potential utility of provisions in the *Mining Act* for withdrawal from staking of areas of Aboriginal Cultural Significance or SOACS formed an important segment of the meeting of the Table. The Table discussed the process for communicating such sites to the MNDM in order for their withdrawal. According to a MNDM representative, Anishinabek Nation communities need only identify an area as significant in order for it to be withdrawn from staking. While there are limits to the size of SOACS that can be removed, there are mechanisms in place to withdraw larger areas deemed significant and worthy of withdrawal from staking by First Nations. The SOACS process has been reformed to provide a tool for relatively small areas of significance to First Nations to be withdrawn quickly and with minimal bureaucratic steps. MNDM participants stressed the need for SOACS to be identified as early as possible. Anishinabek participants questioned the ability of SOACS to be withdrawn later in the mining cycle after a claim has been made or a permit or plan issued for testing or development. SOACS can most easily be withdrawn before a claim is made on the area. MNDM staff suggested that even after a claim is made, many proponents are willing to withdraw SOACS from their claim. When a SOACS is identified in an area where a claim has already been staked, the community must communicate information on the site to the MNDM and it becomes part of the plans and permit process and conditions or restrictions can be placed on the plan or permit to protect the SOACS. In the words of one MNDM participant, “I don’t think that there is any time when it is too late to identify an area of cultural sensitivity.” Members of the Table stressed the need for Anishinabek communities to identify SOACS and the fact that identifying such sites can help not only to protect those Anishinabek values but also to provide additional surety that industry is seeking. Anishinabek Nation staff committed to assist communities in communicating SOACS to MNDM for withdrawal. One concern identified by the Table related to what happens to those areas identified as SOACS after they are withdrawn. MNDM participants pointed out that SOACS can be withdrawn from staking but also that MNDM has no control over what types of activities other provincial ministries or the Federal government may permit in the same area. However, they also pointed out that with the help of the Anishinabek Nation, communities could use the SOACS designation of a particular area to improve the chances of getting a similar type of designation or to convince other Ministries of the cultural significance of the area.

Question or Comment

Response

If a community has an area of cultural significance and they would like to withdraw that area from staking, is that a fairly quick process?

Yes, we don’t need to know why the area is culturally significant. We just need to know that it is significant.

Has a claim ever been withdrawn after the fact because a community said there was an area of cultural significance?

Yes. I have been involved in a case where that happened.

VALUES MAPPING:

Values mapping was consistently mentioned by members of the Table as a tool to protect Anishinabek values related to lands and resources and to increase government and industry understanding of those values. Some Anishinabek representatives at the Table asserted that Anishinabek values mapping should be concluded prior to conversion to on-line staking. In response to such assertions, MNDM staff suggested that areas of high mineral potential should be the focus or priority of Anishinabek values mapping. In the words of one MNDM representative, “As soon as you identify a value, there is no staking.” The Table agreed that in order to understand where areas of high potential for mineral development may be in Anishinabek territory, the Ontario Geological Service (OGS) should provide detailed local or regional maps outlining areas of high potential. In speaking about Anishinabek and government preparedness for conversion, one Anishinabek leader summed up his concern with the process of conversion in the following way, “What you are worried about is pushing it (on-line staking), through. I am worried about it not being done right.” The Table discussed the Anishinabek Nation values mapping proposal. Several Anishinabek participants underscored the need for this project; one AN community member pointed out the following, “Our Elders are passing away. This is why we need the funding yesterday. We need to get this project rolling right away.” The utility and urgency of values mapping for the AN was clearly articulated by the Table. However, there are other tools such as SOACS and plans and permits that can help to protect Anishinabek lands and values in the short and medium terms while values mapping exercises are completed.

OTHER TOPICS OF DISCUSSION:

Prospector Training:

The Table received a presentation on the Prospectors Training delivered by the OGS. Participants learned of the content of the course and possibilities for their community members to partake in the training. The Table discussed the possibility of holding regional training session(s) in Northern Superior where members from the communities of the Region would come together in a central location to receive the training.

Northern Development:

The Table received two presentations from MNDM staff members that were focused on economic development programs delivered in the Northern Superior Region by the Ministry. The first presentation outlined the Northern Communities Investment Readiness Program. The other presentation focused on various community capacity building initiatives available to Anishinabek communities in the Region. These presentations offered the Table a chance to become more familiar with government programing and also with the opportunity to speak to MNDM staff directly about how their individual communities may benefit from these programs. MNDM stressed that each of the communities in the Region can reach out to MNDM for support in utilizing these or other programs or services of the Ministry to take full advantage of economic opportunities that present themselves. The following table denotes the contact at the Regional Economic Development Branch of MNDM for each AN community in the Region:

MNDM Regional Economic Development Branch Contacts:

<i>First Nations Community</i>	<i>Area Team</i>	<i>Contact Name</i>	<i>Phone Number</i>
Biigtigong Nishnaabeg	Thunder Bay	Anne-Marie Bourgeault	807-825-1364
Biinjitiwaabik Zaaging Anishinaabek	Thunder Bay	Marla Michel	807-854-0267
Fort William FN	Thunder Bay	Mike Dunlop	807-475-1733
Long Lake #58 FN	Thunder Bay	Marla Michel	807-854-0267
Michipicoten FN	Sault Ste. Marie	Joel Lafrance	705-864-1519
Pays Plat FN	Thunder Bay	Anne-Marie Bourgeault	807-825-1364
Pic Mobert FN	Sault Ste. Marie	Joel Lafrance	705-864-1519
Red Rock Indian Band	Thunder Bay	Anne-Marie Bourgeault	807-825-1364



Figure 1: Northern Superior Regional Table discusses Mining Act Modernization

SUMMARY:

This meeting of the Northern Superior Regional Table was a success. The lively and informative discussion and exchange of information was of value to both the AN and MNDM. The questions and points of discussion are illustrative of the utility of the Table for improving relationships and understanding between the AN and MNDM.

ACTION ITEMS:

<i>Action:</i>	<i>Responsible Party(ies):</i>
Develop Anishinabek materials for the Mining Act Awareness Program	AN communities and Advisory Council, AN Lands and Resources staff
Develop plan to deliver training on CLAIMaps and on-line staking for the AN prior to conversion	MNDM and AN
OGS to provide local and regional maps of areas of high mineral potential in Anishinabek territory	MNDM/OGS
Develop a template to respond to requests for consultation or information	AN Advisory Council
Develop a system to share the Aboriginal consultation checklists with AN communities	MNDM AN Advisory Council
Develop a process for informing AN communities and the AN offices of changes in claim and project ownership	MNDM and AN Advisory Council
Ensure that those AN community members that wish to receive prospector training receive it.	AN and OGS

Topics for Further Discussion:

- Closure plans
- Partnerships with foreign claim makers to develop claims in Anishinabek territory
- Responding to a request for consultation
- Notification of claim staking after conversion
- Understanding plans and permits

APPENDIX 1: ANISHINABEK NATION AND ONTARIO MINERALS AND MINES NORTHERN SUPERIOR REGIONAL TABLE TERMS OF REFERENCE

NISHINABEK NATION
AND ONTARIO MINERALS AND
NORTHERN ECONOMIC DEVELOPMENT
NORTHERN SUPERIOR REGIONAL TABLE
EVOLVING TERMS OF REFERENCE
Version Date: Aug_8_2017_UOI

PREAMBLE

In order to establish a Nation to Nation dialogue and to seek reconciliation both parties to the Table agree to respect the Ngo Dwe Waangizid Anishinaabe “One Anishinaabe Family” which states:

- **Debenjiged gii’saan anishinaaben akiing giibi dgwon gaadeni mnidoo waadiziwin.**
The Creator placed the Anishinabe on the earth along with the gift of spirituality.
- **Shkode, nibi, aki, noodin, giibi dgosodoonan wii naagdowendmang maanpii shkag-migaang.**
Here on mother earth, there were gifts given to the Anishinabe to look after, fire, water, earth and wind.
- **Debenjiged gii miinaan gechtwaa wendaagog Anishinaaben waa naagdoonjin ninda niizhwaaswi kino maadwinan.**
The Creator also gave the Anishinabe seven sacred gifts to guide them. They are:
Zaagidwin, Debwewin, Mnaadendmowin, Nbwaakaawin, Dbaadendiziwin, Gwe-kwaadziwin miinwa Aakedhewin.
Love, Truth, Respect, Wisdom, Humility, Honesty, and Bravery.
- **Debenjiged kiimiingona dedbinwe wi naagdowendiwin.**
The Creator gave us sovereignty to govern ourselves.
- **Ka mnaadendanaa gaabi zhiwebag miinwaa nango megwaa ezhwebag, miinwa geyaabi waa ni zhiwebag.**
We respect and honour the past, present and future.

INTRODUCTION

The Anishinabek Nation (AN) & Ministry of Northern Development and Mines (MNDM) Mining Technical Table (AOMTT) was established in 2008 as part of the Union of Ontario Indians (UOI) –MNDM Mining Agreement. The Technical Table is now known as the Anishinabek and Ontario Minerals and Northern Economic Development Advisory Council.

AN and MNDM representatives identified a need for an additional process that would include the four Anishinabek Nation Regions. Anishinabek communities have identified the need for a regional framework that will allow

Anishinabek leadership and technicians to gather and discuss the local and regional priorities, concerns and opportunities with the MNDM. The regional framework also provides opportunities to increase communications and understanding of the needs and priorities of AN and MNDM.

In response to this need, four Regional Tables have been established in 2017. Mining and mineral extraction in Ontario is an important area of mutual concern and interest. All parties agree to use the Regional Table as a means to identify mining issues and opportunities and to further the relationships between Anishinabek communities and MNDM.

PRINCIPLES

1. The AN Northern Superior communities & MNDM affirm the basic principles of mutual respect, recognition, responsibility and sharing that will aim to build a relationship on sustainable trust
2. The parties recognize and respect the right of AN and MNDM to pursue their own agendas and priorities
3. The parties recognize the importance of developing a mutual agenda and priorities. The Regional Table will provide direction to the Advisory Council on regional issues and priorities.

The parties will work closely to address policy concerns of the Anishinabek Nation as they relate to mining priorities. In order to maximize the effectiveness of communications and to ensure a practical and manageable means of partnership in resolving issues, regular discussions are required.

The Anishinabek Nation is comprised of four Regions and a number of treaty territories including those covered by the Robinson Superior Treaty of 1850.

Both parties are committed to recognizing and pursuing the purpose of the Mining Act as stated in Section 2: *“The purpose of this Act is to encourage prospecting, staking and exploration for the development of mineral resources, in a manner consistent with the recognition and affirmation of existing Aboriginal and treaty rights in Section 35 of the Constitution Act, 1982, including the duty to consult, and to minimize the impact of these activities on public health and safety and the environment.”*

PURPOSE

The purpose of the Northern Superior Regional Table is to meet regularly and create an opportunity for all parties to discuss mining issues, exchange information, develop options, and create solutions and resolutions to the various issues or opportunities that will benefit the Anishinabek Nation. The Regional Table will support the work of the Advisory Council and the Bi-Lateral Leadership Forum and provide a crucial link between Anishinabek First Nation’s leadership, portfolio holders, technicians and the Advisory Council and the Bi-Lateral Leadership Forum.

PURPOSE

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REPORTING

The reporting process for the Regional Table will ensure the flow of information to Anishinabek communities via their representatives at the Table. Information from the Table will also be reported directly to the Advisory Council and the Bi-Lateral Leadership Forum as needed.

Reporting processes will include the following elements:

1. The content of Table discussions and decisions will be captured through minutes and meeting summaries prepared on the basis of meeting notes that will be done by a suitable person identified by the Table at each meeting.
2. It will be the responsibility of AN Lands and Resources staff to ensure that meeting notes are transformed into a clear and concise meeting report. This meeting report will summarize major points of discussion and capture any action items or decisions taken by the Table.
3. The meeting notes will then be circulated to all members of the Table prior to the following meeting.
4. All Anishinabek Regional representatives are to report to their Chiefs & Regional Chiefs
5. UOI Lands and Resources staff will report on the activities of the Table to Leadership Council and to Grand & Special Assemblies as appropriate.
6. UOI Lands and Resources staff will report to the Department Advocacy Chief and Grand Council Chief.
7. UOI Lands and Resources staff will ensure that the Regional Table reports are submitted to the members of the Advisory Council.
8. The Advisory Council members will share Regional Table business with the Bi-lateral Leadership Forum as appropriate.
9. MNDM representatives will report to the TBA.

****The Anishinabek Regional Table participants reserve the right to communicate, inform and exchange information to the respected regions in a transparent manner****

ROLES:

The roles of the Table are:

1. Provide information on mining issues of mutual concern and interest
2. Provide an opportunity for Anishinabek input into government policy as it is being formed and to identify impacts of changes to provincial programs on the Anishinabek Nation
3. Provide information and input on policy and practices that affect the development prospects of the Anishinabek Nation
4. Develop solutions and identify options for resolving past and present challenges or disputes

RESPONSIBILITIES

1. Meet four times per year or as required
2. Identify appropriate areas of concentration
3. Ensure that each party brings appropriate people to the Table in order to conduct the business of the table
4. Provide information in a timely manner on all mining related activities, workshops, conferences and events throughout the year to ensure opportunities are presented to the Anishinabek Nation

MEMBERSHIP

The membership of the Table will consist of representatives from the Anishinabek Nation and MNDM as follows:

UOI: UOI Lands & Resources staff
 Anishinabek leadership
 First Nation portfolio holders
 First Nation technicians

MNDM: Senior and regional staff as deemed appropriate

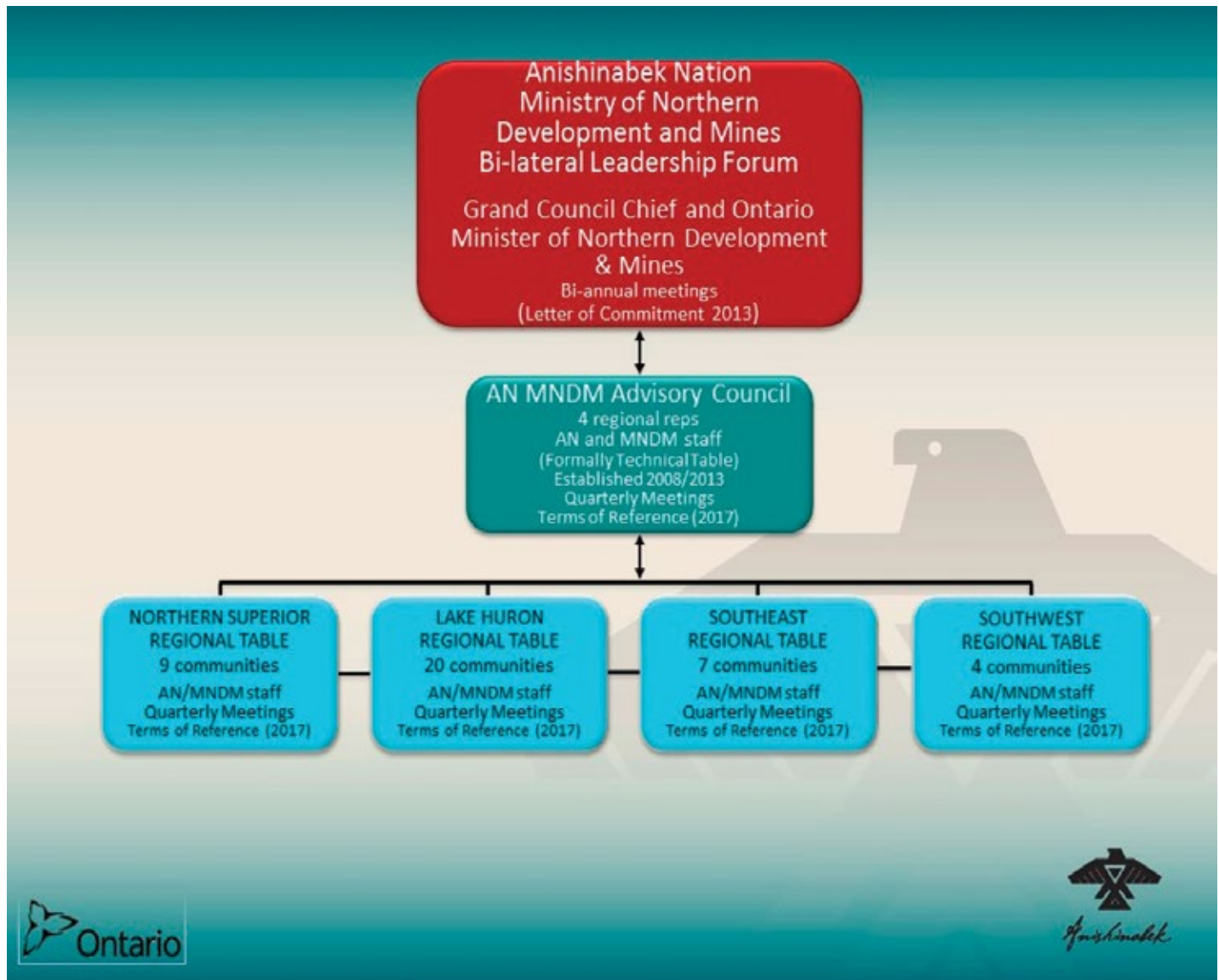
1. Members of the Regional Table will be appointed by the leadership of the respective parties at the Table.
2. While only members of the Table will have the right to attend meetings of the Table, guests from the Anishinabek Nation and other Ministries or Departments may be invited to attend and participate as appropriate.


3. The Table will select from their number a Chairperson at each meeting

The responsibilities of the Chairperson are to:

1. Ensure that the agenda and meeting setting is prepared for each meeting; and
2. Lead the Regional Table discussions and ensure agenda is followed.

APPENDIX A – Anishinabek Nation and the Ministry of Northern Development and Mines Partnership





**The Mission of the Lands & Resources
Department is to foster a better quality of
life by ensuring access to natural resources
in support of the goals, principles and
values of the Anishinabek Nation.**



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