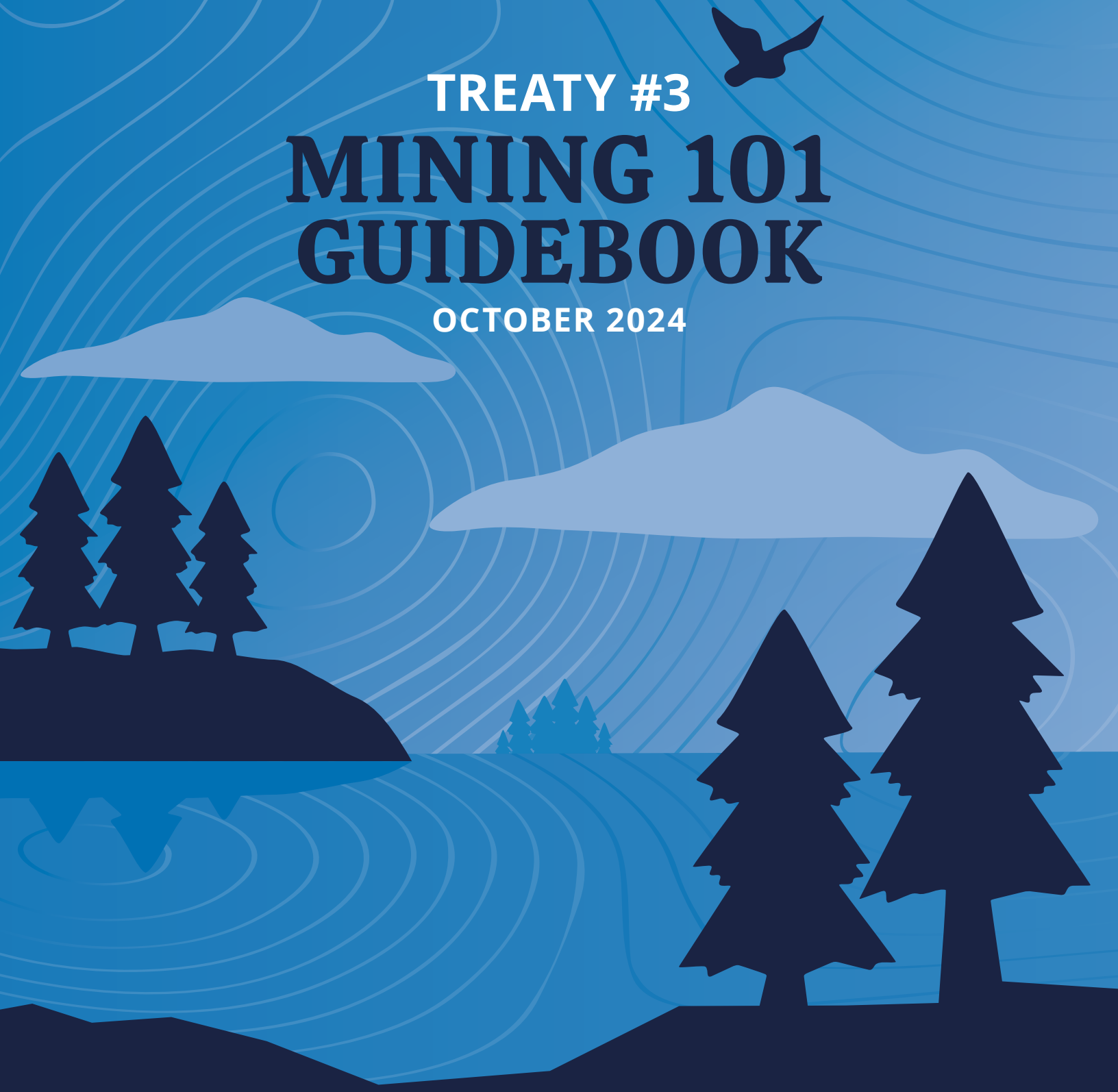
TREATY #3
MINING 101 GUIDEBOOK
OCTOBER 2024



GRAND COUNCIL TREATY #3
The GOVERNMENT of THE ANISHINAABE NATION in TREATY #3

SHARED VALUE SOLUTIONS

BOOZHOO!

Welcome to the Mining 101 Guidebook.

This Guidebook was commissioned by Grand Council Treaty #3 and created in partnership with Grand Council's Territorial Planning Unit and Shared Value Solutions Ltd. Guided by *Manito Aki Inaakonigewin*, and recognizing the significance of Treaty #3's connection to the lands and waters, the Territorial Planning Unit (TPU) works with Treaty #3 Leadership to protect the lands, waters, and resources within the 55,000 square miles that make up the Treaty #3 Territory.

The purpose of this Guidebook is to introduce the leadership and staff of Treaty #3 communities to the mining industry, so that they are equipped to make good decisions about mining projects and can better engage with mining companies and government agencies through Anishinaabe Inaakonigewin, such as *Manito Aki Inaakonigewin* and the Treaty #3 Nibi Declaration.

While this Guidebook is best read in order from beginning to end, you can also look at the table of contents and go straight to places that deal with subjects you are most interested in learning about. Additional resources are referenced throughout and included in a list at the end of the Guidebook, if you need to find more in-depth information about something.

Because the mining industry is complicated and influenced by many different factors, this Guidebook is intended to be a living document, and will be updated from time to time to reflect changes and new developments. You can check the Grand Council Treaty #3 website to make sure you are accessing the most up-to-date version.

The Territorial Planning Unit acknowledges all those who engaged in discussions to develop this Guidebook. Miigwech for sharing your thoughts, ideas, suggestions, and wisdom with us.

If you have any questions, the Territorial Planning Unit can be reached at tpu@treaty3.ca.

What can you expect to learn from this Guidebook?

The life cycle of a typical mining project, and who is involved.

The history and future of mining in Treaty #3.

Laws and policies applicable to mining projects in Ontario and Manitoba.

The consultation and approvals process for mines in Treaty #3.

Potential impacts and opportunities associated with mines.

Resources for funding, training, education, and additional learning about mining.

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SECTION 1

Introduction

Purpose

This section is meant to prepare you to navigate this Guidebook, ensuring you know how to locate the information you need and understand the terminology and language you're going to see.

Contents

How to Use this Guidebook

Each section begins by outlining that section's purpose and how it helps you understand the mining industry, followed by a general overview of that section's contents. Additional resources are referenced throughout and included in a list at the end of the Guidebook, if you need to find more in-depth information about something.

There is a list of abbreviations and definitions for reference if you come across any words or terminology you aren't familiar with.

1.1 Abbreviations

AMIS. Abandoned Mines Information System, Ontario

APF. Aboriginal Participation Fund, as administered by the Ontario Ministry of Mines

CA. Cooperation Agreement

COI. Community of Interest

DFO. Department of Fisheries and Oceans

EA. Environmental Assessment

EAP. Environment Act Proposal, as submitted to the Ministry of Environment, Climate and Parks in the Manitoba environmental assessment process

ERO. Environmental Registry of Ontario

ESG. Environmental, Social, and Governance

FPIC. Free, Prior, and Informed Consent

GSC. Geological Survey of Canada

IA. Impact Assessment

IAAC. Impact Assessment Agency of Canada

IBA. Impact and Benefit Agreement

GDP. Gross Domestic Product

LOI. Letter of Intent

MAAP. Mining Act Awareness Program

MAC. Mining Association of Canada

MAI. Manito Aki Inaakonigewin.

MDA. Mineral Development Advisor

MECP. Ministry of Environment, Conservation and Parks, Ontario MINES. Ministry of Mines, Ontario

MLAS. Mining Lands Administration System

MNR. Ministry of Natural Resources, Ontario

MOU. Memorandum of Understanding

MSS. Mineral Sector Specialist

NP. Negotiation Protocol

NRCAN. Natural Resources Canada

OGS. Ontario Geological Survey

RRS. Resource Revenue Sharing Agreement

SOACS. Sites of Aboriginal Cultural Significance

TISG. Tailored Impact Statement Guidelines, as published by the Impact Assessment Agency of Canada during the planning phase of the federal impact assessment process

TSM. Towards Sustainable Mining

PA. Participation Agreement

PDAC. Prospectors and Developers Association of Canada

UNDRIP. United Nations Declaration on the Rights of Indigenous Peoples

1.3 Glossary

A

Accommodation. Measures implemented by a proponent or regulator to prevent, mitigate, offset or compensate for the impacts of a project.

Advanced Exploration. Exploration activity with the purpose of locating and designing a potential mine, including bulk sampling and drilling, and in some cases test shafts and test mills.

Aggregates. A category of construction materials that includes crushed stone, sand, gravel, and recycled concrete.

Alienation. Refers to the transfer of ownership or rights of a mining claim from one party to another.

Anishinaabe Inaakonigewin. Traditional and sacred laws that have been guiding the Anishinaabe since time immemorial.

Assessment Work. Work required to maintain a mining claim in the Ontario Mining Lands Administration System, including exploration, evaluation and consultation activities.

B

Bulk Sampling. A large amount of rock removed from the ground and tested to determine the profitability of mining in a particular location, usually in advanced exploration.

C

Claim Holder. A person or entity with rights to explore a mining claim.

Claim Staking. Acquiring the mineral rights for mining exploration in a geographic area. Also referred to as a mining claim.

Closure Plan. A plan outlining how a mining company proposes to rehabilitate their project site after construction and operation have been completed.

Consultation. Refers to the process where proponents and regulators share information with Indigenous Nations and other interested parties to gather input, identify potential impacts and address questions and concerns.

Community Identification. Refers to the process in the Ontario Duty to Consult Framework where the Crown identifies which Indigenous communities will be potentially affected by a proposed project or decision and therefore need to be included in consultation.

Consultation Credit. Credit for assessment work granted in the Ontario Mining Lands Administration System for consultation efforts with Indigenous Nations and stakeholders.

Critical Minerals. Minerals that the Government of Canada has identified as essential to the continued advancement and production of electronics and low-carbon technology.

Crown Land. Land that is considered to be publicly owned by the residents of Ontario and Manitoba and managed on their behalf by their respective provincial governments.

Cumulative Impacts (Effects). The way the effects of a project or activity will interact with and potentially compound the effects of other past, present, and possible future projects and activities.

Consultation Spectrum. The varying types and intensiveness of consultation that the Crown determines to be necessary for a mining project based on the potential impacts of a project and the strength of an Indigenous Nation's assertion of rights that may be impacted by the project.

D

Designated Projects. Projects that meet the conditions described in the Impact Assessment Act's Physical Activities Regulations and qualify for a Federal Impact Assessment.

Dispute Resolution Process. Steps taken to resolve issues and concerns identified during consultation, or to address conflicts that arise in the implementation of an agreement between an Indigenous Nation and a mining company.

Duty to Consult and Accommodate. The responsibility of the Crown to consult with Indigenous Nations and substantially address their concerns when the Crown contemplates any decision that could impact Indigenous Rights.

E

Early Exploration. Initial mineral exploration phase including identifying a target area, mining claim registration, and small scale surface surveys and sampling.

Environmental Assessment. A planning and decision-making process where the potential effects of a project on the environment and other social and economic conditions are studied and documented.

ESG. The assessment and reporting of a company's environmental, social, and governance performance.

Evaluation. The stage of the mining sequence where a mining company calculates the economic value of mineral deposits based on samples collected during exploration.

Exploration Permit. A permit required from the Ontario Ministry of Mines to conduct larger scale or advanced mineral exploration programs.

Exploration Plan. A document submitted for approval to the Ontario Ministry of Mines by a proponent of early of small scale exploration indicating the scope, location and timing of proposed mineral exploration activities.

Exploratory Licenses of Occupation. A legacy form of land tenure under the Mining Act that allows for the exploration of land under water.

F

Feasibility Studies. The comprehensive analysis of a potential mining project to decide if it is profitable.

Final Investment Decision. A decision made by a mining company once all financing and regulatory approvals are in place about whether to proceed to construction of a mine.

Fish Habitat Offsetting. The replacement or enhancement of fish habitat near a mining project to compensate for the fish habitat impacted by a mining project.

G

Geophysical Surveys. The measurement of specific rock properties, such as magnetism, voltage and gravity, used to identify the presence and composition of underground minerals.

Geoscience. The study of the earth's physical structure and history, critical for understanding the locations of potential mineral deposits.

Grassroots Exploration. Refers to exploration activity that takes place in an area where minerals have not been discovered before.

I

Impact Assessment. See Environmental Assessment.

L

Life of Mine. The anticipated number of years between the beginning of mine construction to the end of mine closure.

Line Cutting. Clearing vegetation to create space for mineral exploration surveys.

M

Manito Aki Inaakonigewin. Loosely translates to "Great Spirit Law" and is the law of the Anishinaabe Nation in Treaty #3 that guides the stewardship of natural resources.

Mechanized Drilling. Using machinery for drilling borehole samples to assess mineral deposits.

Mechanized Stripping. Using machinery and pressurized water to remove soil and surface rock to expose underground mineral deposits.

Mineral Rights. The entitlement to explore, extract and produce the minerals located underground in a specific area.

Mine Development. A phase of a mining project that includes completing environmental assessments, securing regulatory approvals, and negotiating agreements with Indigenous Nations before construction.

Mine Expansion. The increase in the scope of project by mining new deposits and/or extending the life of the mine.

Mineral Deposit. An unusually high concentration of a mineral in underground rock.

Mining Claim. Grants the holder the exclusive right to explore for minerals, after obtaining the necessary permitting, approvals and any required consultation, on a designated piece of land.

Mining Division. An administrative area for managing mineral resources, mining claims and mining activity in the Ontario Mining Lands Administration System.

Mining Land Tenure. Information and data in the Ontario Mining Lands Administration System about legal rights and interests in mining land.

Mining Lease. A type of land tenure issued to a mining company under the Ontario Mining Act for a longer duration than a mining claim, which grants the exclusive right to both search for and extract minerals from a parcel of land.

Mining Licenses of Occupation. A legacy form of land tenure under the Mining Act that allows for the extraction of minerals located under beds of water.

Mining Patent. A mineral claim where the ownership of Crown land is transferred to a private owner.

Monitoring. Supervision of mine exploration, construction and operation activities to make sure a mining company is following through on their commitments to environmental and cultural protection measures, and that these measures are effective in preventing impacts.

N

Notice of Project Status. A formal notification provided by a proponent of a mining project to Indigenous Nations and the Ontario Ministry of Mines outlining the details of a proposed project, including its location, scope and potential impacts. Under the Ontario Duty to Consult Framework, this notice initiates the procedural steps of the consultation process.

Notice of Material Change. A formal notification required under the Ontario Duty to Consult Framework when significant modifications are made to a mining project that have the potential to change the type and magnitude of its impacts.

Nibi. Water.

O

Ore. Rock that contains a high enough concentration of the mineral(s) that a mining project is designed to target.

P

Pitting and Trenching. Digging trenches or excavating small pits to collect samples of underground minerals.

Pre-Exploration. Activities conducted before formal mineral exploration, such as desktop research and preliminary surveys.

Procurement. A mining company's purchase of goods and services through contracts with suppliers, companies, and consultants during construction and operation.

Proponent. An individual or company planning and trying to advance the development of a mining project.

Prospectors. Individuals leading the initial search for possible mineral deposits in remote areas.

Publicly Traded Company. A company with shareholders that own or have a claim to part of the company's assets and profits.

R

Reclamation. The process of restoring land that has been disturbed by mining activities to a usable and often natural or environmentally stable condition. Also referred to as rehabilitation.

Remediation. Similar to reclamation, with a focus on restoring the site of a mining project to the condition it was in before it was impacted.

Regulator. A federal or provincial government agency that gives a permit, approval, or other form of permission for a mining project.

Royalties. Payments for the right to extract minerals from a specific area, usually made to the owner of mineral rights, the government, or an Indigenous Nation.

S

Sedimentation. The deposit or accumulation of small particles like dust and dirt in water.

Shareholder. An individual or organization that owns stock in a publicly traded mining company.

Smelting. One of the steps of processing and refining the ore that gets extracted from the ground during mining, and involves applying heat and chemicals to ore to extract the mineral that is being targeted by a mining company.

Stakeholder. Any party with an interest in a mining project, including municipalities, industry associations and environmental groups.

Subsurface Rights. Entitlement to use the space beneath the land's surface, which often includes mineral rights, but can also cover uses such as underground storage or access.

Surface Rights. Ownership and control of activities on the land surface. In Ontario and Manitoba, surface rights holders do not automatically have rights to the minerals beneath the earth's surface and are often required to accommodate the activities of mineral rights holders where extraction requires access to the surface.

T

Tailings. A sludge-like material of rock, water, and chemicals that is left over from the milling and refining process.

Trenching. When narrow channels or cuts are dug into the ground in exploration to uncover valuable minerals or ores.

W

Wastewater. Water used in the mining process that usually becomes contaminated because of exposure to chemicals or pollutants.

2

SECTION 2

Mining Industry Basics

Purpose

This section helps the reader to understand the big picture of the mining industry, provides an overview of the typical phases of a mining project, and profiles the key players involved in a mining project.

Contents

- Factors that Drive the Mining Industry
- Life cycle of a Mining Project
- Key Players in a Mining Project

2.1 What Drives The Mining Industry?

Mining is a significant part of the Canadian economy. The Mining Association of Canada (MAC) estimates that in 2022, mineral production in Canada had a total value of $55.5 billion, and the mining industry represented 665,000 total jobs. The mining industry typically accounts for about 5% of Canada's annual gross domestic product (GDP) and 22% of Canada's total annual exports to other countries. Proportionally, it is the largest private-sector employer of Indigenous Peoples in Canada.

To understand what drives this industry in Canada, several interrelated factors need to be understood.

2.1.1 Consumer Demand

The uses of metals and minerals from mining can be seen in various parts of people's daily lives, including the vehicles they drive and the technology and electronics they use in their homes and workplaces. People's desire to have and use these things creates a need for materials such as gold, silver, copper, zinc, platinum, and other metals to be mined from the ground. Historically, much of what has been mined in Canada is exported to other countries, so demand in the Canadian mining industry is also largely driven by technological advancements, economic conditions, and industrial growth in other parts of the world.

2.1.2 Politics And Economy

Because mining is subject to various laws and policies of federal and provincial governments, changes in the political leanings of elected officials and how they choose to modify legislation and policy can have a significant impact on the mining industry. For example, with the introduction of Bill 71 and the *Building More Mines Act* in 2023, Ontario's Conservative government recently overhauled provincial regulatory policies to reduce environmental assessment and consultation requirements for mining companies. This was intended to reduce the time, risk, and investment required for mining companies to get their environmental permits, which the current Ontario government believes will drive more mining and mining investment in the province. Federal and provincial governments can also provide significant grant funding and tax breaks to mining companies to incentivize mining exploration and development for certain minerals or in particular regions.

Mining in Canada is also greatly influenced by political and economic situations around the world. For instance, a change to one of Canada's trade agreements with another country can increase or decrease demand for certain metals and minerals overnight. As another example, tensions and conflicts between countries in other parts of the world might prevent corporations from accessing or purchasing minerals from mines in those places and cause them to turn to mines in Canada to secure the resources they need. In general, prices and demand for commodities such as gold increase significantly during times of global tension and uncertainty because gold represents a source of financial and economic security. In contrast, demand for mineral resources used to make consumer goods will often decline during economic downturns or periods of global instability because people's ability or willingness to spend money on those goods also declines.

2.1.3 Investment

The confidence of investors to provide funding to mining companies is an essential part of the advancement of mining projects, and includes a consideration of the political factors described above, projections of the future conditions in the national and international economy, interest rates, awareness of global demand for certain commodities, and the environmental, social, and legal risks of a particular project.

The Toronto Stock Exchange (TSX) plays a significant role in the mining industry as it provides mining companies with exposure to domestic and international investors. The valuation of mining companies, often based on exploration results, feasibility studies and production reports influences the decisions of investors to buy or sell stocks in a mining company. The TSX includes listings for more mining companies than any other market in the world.

2.2 Life cycle Of A Mining Project

In the mining industry, the progress of a mining project through its life cycle is typically described in one of six phases, which are each described briefly below. To learn more about what is involved in each phase of a mining project, refer to the Exploration and Mining Guide for Aboriginal Communities published by Natural Resources Canada. To learn more about the consultation with Indigenous Nations and regulatory approvals that are required for approvals in each stage of a mining project, see Section 5.

2.2.1 Mineral Exploration

Early Exploration

During this phase, a prospector or mining company will stake mining claims and begin searching for and studying sources of metals and mineral-bearing rock. The prospector will need to look at geological surveys and other resources to assess the mineral content in rock formations. In Ontario, prospectors can register and manage their claims through the Mining Lands Administration Site (MLAS). The point of early exploration is to determine if a more substantial exploration program would be worthwhile to better investigate the mineral resources in a claim area. The public is able to use the Ontario MLAS map viewer to view active unpatented mining claims. In Ontario, anybody applying for or renewing a prospector's license, and claim holders who are conducting early exploration, must undertake the province's Mining Act Awareness Program (MAAP). MAAP is also open to interested members of the public, and is an online educational program that provides an introduction to mining claim registration and an overview of Ontario's Mining Act.

In Manitoba, prospectors must hold a valid prospecting license to stake a claim. They can decide where they want to stake a claim by viewing the iMaQs Mining Map, and can virtually stake a claim in surveyed territory by filing an application at a Recording Office. In unsurveyed territory, the claim must be physically staked using posts, and recording the claim within 30 days.

Advanced Exploration

If a prospector can demonstrate a high-enough potential for mineral deposits in a mining claim area, a junior mining company may get involved to complete more advanced exploration activities. This can include more invasive forms of collecting samples, such as drilling or trenching, and more permanent infrastructure such as camps and access roads. Advanced exploration may happen in a place where mining has never occurred before, but most often occurs near active or closed mines, where the likelihood of further finds is thought to be high.

It normally takes a mining company many repeated efforts and progressive stages of exploration before they advance from exploration to the development of a mine, often occurring over a span of 7 to 10 years or longer. It is common during this process for a mining company to decide that it is not a good investment to continue with exploration, and so they may give up and rehabilitate the property, sell the property to another mining company, or hold on to the property until economic conditions change and makes the project more profitable. The Ontario Mining Association estimates that less than 1 in 10,000 mineral exploration projects will lead to an operating mine.

2.2.2 Mine Development And Construction

If the results of exploration and feasibility studies show that the value of mineral deposits are high enough to justify the costs and risks of starting and running a mine, a mining company will advance to the development and construction of a mine.

Depending on the size and location of the project, the development of a mine will include, among other activities, the following:

- securing environmental and other permits and approvals from provincial and federal government agencies,
- completing an environmental assessment (although this is increasingly required only for very large mines such as the Great Bear Gold Project and Springpole Project in Treaty 3 Territory)" and
- negotiating agreements with Indigenous Nations.

Significant work is also done by a mining company during this phase to secure the money they need to pay for the construction and operation of the project, either by recruiting investors, issuing shares to the public, or borrowing money from banks. When the steps above have been successfully completed, a mining company will make what is called a "final investment decision" about going ahead with the construction of the mine. Again, at this point a mining company may decide to wait until economic conditions change to make the project more profitable or sell the property to a larger mining company that has the resources and expertise to construct and operate the project.

The construction of a mining project includes the preparation of the property and building infrastructure that might be needed to operate the project. For example, this may include a mill or processing plant, site offices and worker camps, access roads, power lines, waste storage areas, and tailings ponds. This stage of the project is the most expensive part of a mining project, and therefore represents some financial risk because all this investment is made before a project will be able to generate revenue during the operation and production phase.

2.2.3 Mine Operation And Production

The operation of a mine is typically the longest phase of a mining project, ranging from a few years to several decades. Ore is extracted from the ground through either an open pit or underground shafts and is transported to a mill to be crushed and ground. Minerals can be separated with the use of chemicals, gravity, magnets, or electricity, and are refined by a melting and separation process called smelting and/or by other chemical treatments. Some mines will not have facilities on site to process and refine the ore, so it will be sent to an off-site processing facility for those steps to be completed, often at another nearby operating mine.

Mine operations usually involve a short ramp-up, or commissioning, phase at the beginning of mine operations to test infrastructure and processes and work out any issues; a full-production phase, where the mine will operate at 90% or more of its total capacity for a majority of its life; and a decline, or wind-up, phase, where production will slow down as the mine nears the end of its life.

During operation, a mining company may decide to expand their project by mining a larger area and/or extending the life of the mine. This can often be more profitable than starting a new mine, given the money that has already been invested in the construction of the project. In this case, exploration work to find new deposits often happens simultaneously as the operation of a project continues. To proceed with any expansion, a mining company will need to update or completely renegotiate agreements with Indigenous Nations and apply for amendments to earlier plans, permits, and approvals they originally received during the development phase. In some cases, a new environmental assessment may be required for the expansion.

2.2.4 Care And Maintenance

Care and maintenance refer to a period when a mining project's operation is temporarily stopped, but the mine is not closed permanently. During this time, minimal operations and maintenance activities will be conducted to keep the mine in a state where it can be restarted quickly. Mining companies might put a project into care and maintenance if they are waiting for financing or market conditions to improve, or if a permit or authorization to continue with operations is delayed.

2.2.5 Mine Closure And Reclamation

Mine closure and reclamation take place when a mining company has exhausted a mineral deposit, or at other points in the project's life cycle when a mining company has decided the project is not financially viable. Mining companies are typically required to develop and receive provincial government approvals for a closure plan during the development stage of a project, which almost always needs to be updated to reflect conditions at the actual time of closure before it can be executed. Mining projects will also sometimes involve *progressive reclamation*, which means that the process of reclaiming the disturbed land happens at the same time as operations elsewhere on site. To learn more about the regulatory and consultation requirements for closure plans and mine reclamation in Ontario and Manitoba, see Section 5.

2.2.6 Monitoring And Maintenance

Almost all mines require ongoing monitoring, maintenance, and water treatment even after operations and closure have been completed. Depending on the size and location of the project, monitoring can sometimes be required indefinitely to ensure there are no unaddressed negative effects that a mining project has left behind. The length of time monitoring is required often depends on the environmental risks of the closed mine.

2.3 Key Players In A Mining Project

The section below describes the role that different parties play during the life cycle of a mining project.

2.3.1 Prospectors

Prospectors are usually involved in the very early stages of exploration, leading the initial search for possible mineral deposits. This can involve looking at geological maps and satellite imagery or travelling to remote locations to collect geophysical data and rock and soil samples. Prospecting can be competitive, so sometimes prospectors will try to do this work as secretly as possible until they have secured mineral rights by staking or registering mineral claims. If a prospector has secured mineral rights, it does not mean they own the land; it only means that they have the exclusive right to continue conducting exploration work in that area without competition from others.

In Ontario, anyone over 18 years of age can apply for a Prospector's License and register a mining claim online through Ontario's Mining Lands Administrative System (MLAS). To learn more about the process of obtaining a Prospector's License and staking claims in Manitoba, you can read more here.

2.3.2 Junior Mining Companies

If a prospector can demonstrate a high-enough potential for mineral deposits in a mining claim area, a junior mining company may get involved to complete more advanced exploration activities. This can include more invasive forms of collecting samples, such as drilling or trenching, and more permanent infrastructure such as camps and access roads. Junior mining companies will also sometimes look to start the development of a project while they are working on exploration, with the hope that by completing plans and securing approvals for the project, they will be able to sell the project or partner on the project with a mid-tier or senior mining company. Junior mining companies typically do not have the resources to construct and operate a mine and do not have the revenue generated from other mining projects, so their funding for exploration and development work must be secured from investors. As is the case with Ontario's Junior Exploration Program or Manitoba's Mineral Development Fund, provincial or federal governments will also sometimes provide funding to junior mining companies to accelerate exploration for certain minerals, or encourage exploration in specific geographic areas.

2.3.3 Investors

Because a mining project does not generate any revenue until it begins operations, exploration, development, and construction work are normally entirely dependent on the involvement of investors. As mineral samples are collected and analyzed, and a mining company does the work of evaluating the profitability of a mining project, the company presents the results of this work to investors to secure enough money to continue advancing their project. Investors in a mining project can include private individuals or corporations, equity fund managers, and banks or other institutions. Such investors are willing to provide funds at the beginning of a mining project in exchange for a return on their investment when the project begins earning revenue during its operations phase.

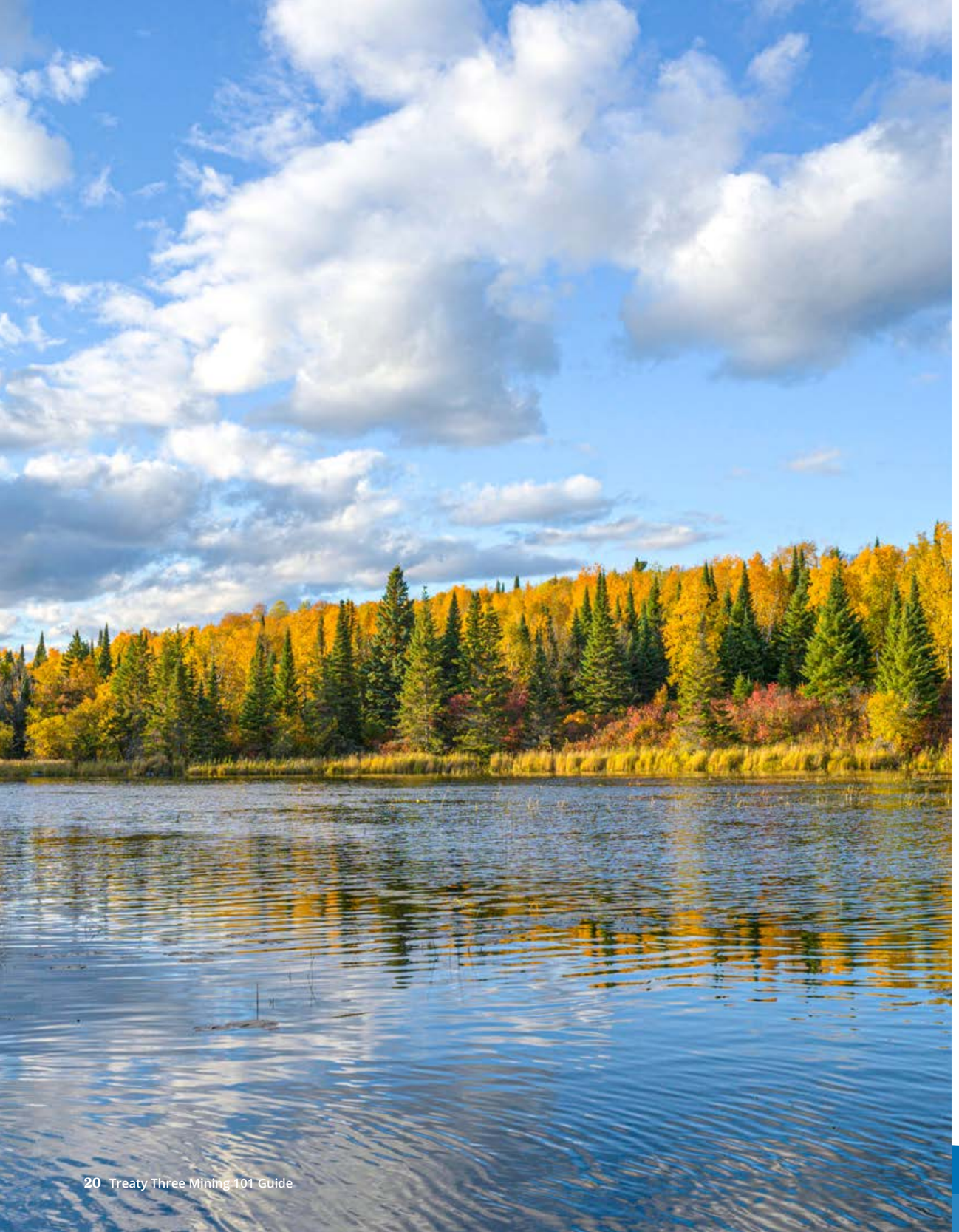
To see the information that a mining company provides to its investors about their project, which is sometimes more detailed than what is provided to Anishinaabe communities or the government, refer to the company's website or search the SEDAR+ Database.

2.3.4 Mid-Tier And Senior Mining Companies

Mid-tier and senior mining companies are larger, publicly traded companies that usually own multiple mining projects and have the expertise and resources to construct and operate a mine. Mid-tier and senior mining companies usually become involved when the development of a mining project is completed by a junior mining company, and they purchase the project to advance it through construction and operations. However mid-tier and senior mining companies also engage in exploration work, most often to expand one of their existing projects or when they have purchased a mine owned by another company. It is usually mid-tier and senior mining companies that are responsible for the full and proper closure and reclamation of a mining project after it has gone through the operations phase.

2.3.5 Government

Federal and provincial government agencies are involved in every stage of a mining project. During the prospecting phase, provincial governments develop and provide maps to guide prospectors and facilitate the staking of mineral claims. Approvals and permits are required from provincial governments during exploration work, and the development and construction of mining projects almost always require permits and approvals from both provincial and federal government agencies. To learn more about the involvement of provincial and federal governments and how Anishinaabe communities can be involved in decisions made by government agencies about mining projects, see Section 4 and Section 5 of this Guidebook.



Government agencies involved in mining projects

FEDERAL	ONTARIO	MANITOBA
Impact Assessment Agency of Canada (IAAC)	Ministry of Mines	Ministry of Science, Technology, Energy and Mines, Mineral Resources Division (MRD)
Department of Fisheries and Oceans (DFO)	Ministry of Environment, Conservation and Parks (MECP)	Ministry of Environment and Climate Change, Environment Approvals Branch (EAB)
Environment and Climate Change Canada (ECCC)	Ministry of Natural Resources (MNR)	Division of Labor, Workplace Safety and Health Branch
Transport Canada (TC)		Department of Culture, Heritage and Tourism
Natural Resources Canada (NRCAN)		

2.3.6 Industry Associations

Industry associations work to provide resources to mining exploration and development companies to address common challenges they might face in the industry and serve as a public face of the mining industry to the government for the purposes of influencing policy change. Some associations also maintain certification standards for professionals working in the mining industry. Important associations related to mining in Treaty #3 Territory include the Prospectors and Developers Association of Canada (PDAC), the Mining Association of Canada (MAC), the Canadian Aboriginal Minerals Association (CAMA), the Ontario Mining Association (OMA), and the Manitoba Association of Manitoba (MAMI).

Indigenous Nations

In the last decade, the vital role of Indigenous Peoples in the mining industry has become widely recognized. Indigenous Nations have critical Traditional Knowledge about the lands and waters where mining projects are being developed that needs to be incorporated into planning and decision making. Manito Aki Inaakonigewin and the United Nations Declaration on the Rights of Indigenous Peoples require that Indigenous Nations provide their consent before mineral exploration or the construction of a mine can begin and that Indigenous laws, jurisdiction and sovereignty are upheld and honored. Provincial and federal governments have a legal duty to consult and accommodate Indigenous Nations when they consider giving permits or approvals for mining projects that might affect Indigenous Rights and interests. Various pieces of federal and provincial legislation and policy, as well as common law, require that mining companies engage with Indigenous Nations as early and as often as possible during mining exploration, development, operation, and closure. Investors often want mining companies to meet certain environmental and social standards, including positive relations with Indigenous Nations, to limit risk to their investments. Indigenous Nations can share in the revenue of mining projects through Impact and Benefit Agreements. They may also be able to share in the ownership of mining projects through partnership agreements and secure preferable or "set-aside" contracting terms for their own companies to support work in all phases of a mining project.

The important role of Anishinaabe communities in the mining industry is one of the reasons this Guidebook was developed and is discussed in more detail in each of the sections below.

3

SECTION 3

Mining in Treaty #3

Purpose

This section provides an overview of mining activities within Treaty #3, including the historical context, current landscape, and anticipated future trends.

Contents

- A Brief History in Mining in Treaty #3
- Overview of Current Mining Activities in Treaty #3
- The Future of Mining in Treaty #3

3.1 Looking Back: A Brief History Of Mining In Treaty #3

3.1.1 Treaty #3

In the mid 1800s, the Crown grew increasingly concerned about the territory that would become the subject of Treaty #3 and began sending diplomats to meet with the Anishinaabe. Initially, they were seeking simply to maintain good relations, but they then came to secure a right-of-way and guarantee of safe passage. Not long after that, they sought the surrender of all Anishinaabe lands for colonial settlement, development, and resource extraction. The Anishinaabe, by contrast, were clear from the outset: they were considering a Nation-to-Nation agreement with the Crown. Their sovereignty was not something that could be surrendered, negotiated, or bartered away. There is evidence that the Anishinaabe were aware of their Rights and the incredible number of resources in their Territory, and that they therefore held a strong position to negotiate an agreement that would lead to their economic well-being without bringing an end to their way of life.

The agreement known as Treaty #3 was signed on October 3, 1873. However, no single document includes all the terms of this agreement. Instead, all the records of the negotiations, and the memories and Oral History of the participants, must be considered to have a full understanding of *Miinigozii'onan*, the spirit and intent of Treaty #3. Treaty #3 was meant to be an agreement where the parties could share and benefit together from the land, not to give up jurisdiction and authority to the Crown. The Chiefs negotiated, among other things, that both the land and the resources would be shared between Anishinaabe and the British as "brothers." In other words, Treaty #3 established a shared sovereignty between the British and the Anishinaabe, where the Crown and the Anishinaabe have an equal role in decisions about mining and any other decisions that are made in Treaty #3 Territory.

Unfortunately, the Crown has not lived up to the spirit and intent of the agreement. According to the English version of Treaty #3 published by the Government of Canada, the Anishinaabe surrendered "all their Rights, titles and privileges" to Treaty #3 Territory and agreed that any continued exercise of Rights would be subject to the Crown's regulations and its right to take up land for development. Although the record of history strongly supports the Anishinaabe's understanding of the agreement, the colonial position has been deeply embedded in the mining industry by government policies and court decisions. As a result, there is often a disconnect between the Anishinaabe understanding of how Treaty #3 should relate to governance and decisions about mining, and the Crown's understanding of their jurisdiction and authority to make decisions without Anishinaabe consent in Treaty #3 Territory.

To learn more about Treaty #3, refer to the Grand Council Treaty #3 website.

3.1.2 Historical Mining In Treaty #3 Territory

The systematic staking, exploration, and development of minerals in Treaty #3 Territory in Ontario can be attributed to the formation of the Ontario Bureau of Mining in 1891. This agency initiated the mapping of geological resources in the province to facilitate and encourage prospecting and exploration. The first major discovery of minerals came in the discovery of an iron deposit in Atikokan in the 1880s, where a mine was brought into production in 1905. Further development of this iron deposit came in the 1940s with the Caland and Steep Rock mines. The early 1900s was also marked by a discovery of gold in Red Lake and Pickle Lake in the 1920s, which was followed by a rush of prospecting and the development of numerous mines throughout the 1930s. Other notable mine developments during the 1900s include the Tunnel Island Mine, Lake Rowan Mine, and Flour Lake Mine in the area surrounding Kenora, and gold mines on Rainy Lake's Little American Island, Dry Weed Island and Bushy Head Island.

Mining in Manitoba began in the 1800s with a focus largely on construction and industrial materials like gypsum, clay and limestone. Manitoba's first documented gold discovery was in Treaty #3 Territory at Rice Lake, near Bissett, which was later developed to become the San Antonio Mine that began operation in 1932. Several smaller scale mines were also in operation in the Bissett gold district from the late 1920s to early 1950s, such as the Kitchener Mine at Long Lake and the Tene, Growler and Hope Mines operated by Central Manitoba Mines. Further south, the Sunbeam and Waverley Mines near Falcon Lake began their extraction and production of gold and silver in the 1940s. Small copper and nickel deposits were also discovered in the Bird River and Maskwa Lake areas, which were mined by Dumbarton Mines in the 1970s.

Since then, very few parts of Treaty #3 Territory remain untouched by mineral exploration and development. As of 2018, the region was producing almost 20% of Canada's gold, with advanced exploration progressing for many new gold mining projects and mines for other metals such as lithium, cobalt, zinc, copper, chromite, and graphite. But as the industry has grown more prominent, Treaty #3 communities have also begun to participate more fully in mining projects, with significant Impact and Benefit Agreements, participation agreements, and cooperation agreements signed by Treaty #3 First Nations in 2014 and onward for projects such as the Rainy River Mine and Red Lake Gold Mine. In 2018, Treaty #3 First Nations and Ontario's forestry and mining sectors established a Resource Revenue Sharing Agreement. This agreement provides a means for Treaty #3 First Nations and Ontario to share in mining royalties, while still allowing Treaty #3 First Nations to pursue their own agreements with proponents and the Crown for individual mining projects.

3.2 The Present: An Overview Of Current Mining Activities In Treaty #3

This section provides a big-picture summary of the current mining activity in Treaty #3 Territory.

There are four mines that are currently in operation and production in Treaty #3 Territory:

- Rainy River Mine, New Gold Inc. **(Fort Frances, ON).** The Rainy River Mine is an open-pit and underground mining operation that primarily produces gold and silver. Construction began in 2015 and the mine's commercial production started in October 2017. In 2022, New Gold received approval to extend the life of the mine by ten years, and it is now projected to close in 2031.
- Red Lake Operations, Evolution Mining Ltd. **(Red Lake, ON).** This project combines the operation of three historical underground gold mines (Red Lake, Campbell, and Couchenour) and two processing facilities (Red Lake and Campbell). Ownership of the Red Lake operation has changed hands several times since the beginning of its operation in the 1930s, but most recently, Evolution Mining acquired the project from Newmont Corporation in 2020. It is currently projected to close in 2040, but Evolution Mining has acquired several nearby properties, including the Battle North/Bateman site, with plans for expansion.
- Madsen Mine, West Red Lake Gold Mine Ltd. **(Red Lake, ON).** The Madsen Mine is an underground gold operation, with historical operations on the site dating back to the 1930s. The mine began production in August 2021 and went into care and maintenance (a phase of closure) again when its owner, Pure Gold Mining, went bankrupt. The project was purchased by Red Lake Gold Mine in 2023, who anticipates resuming production by 2024 or 2025.
- Tanco Mine, Sinomine Resource Group Co. Ltd. **(Lac Du Bonnet, MB).** The Tanco Mine primarily produces tantalum and cesium, as well as other rare metals and minerals such as lithium, rubidium, and beryllium. It is an underground mine that has been in production since the 1960s. The Tanco Mine does not have a projected closure date, and recently announced plans for significant expansion to continue mining cesium, as it is one of only a few operational projects in the world mining this rare earth metal.

3.2.2 Mining Exploration And Development

The number of projects at various stages of exploration and development in Treaty #3 Territory is extensive. Table 1 provides information about the most significant projects in Treaty # 3 Territory that are in the exploration and/or development phase and seem to have the highest chance of proceeding to construction and operation.

For more detailed information on these projects and others, please refer to the additional resources provided in Appendix A.

Treaty #3 Mining Projects

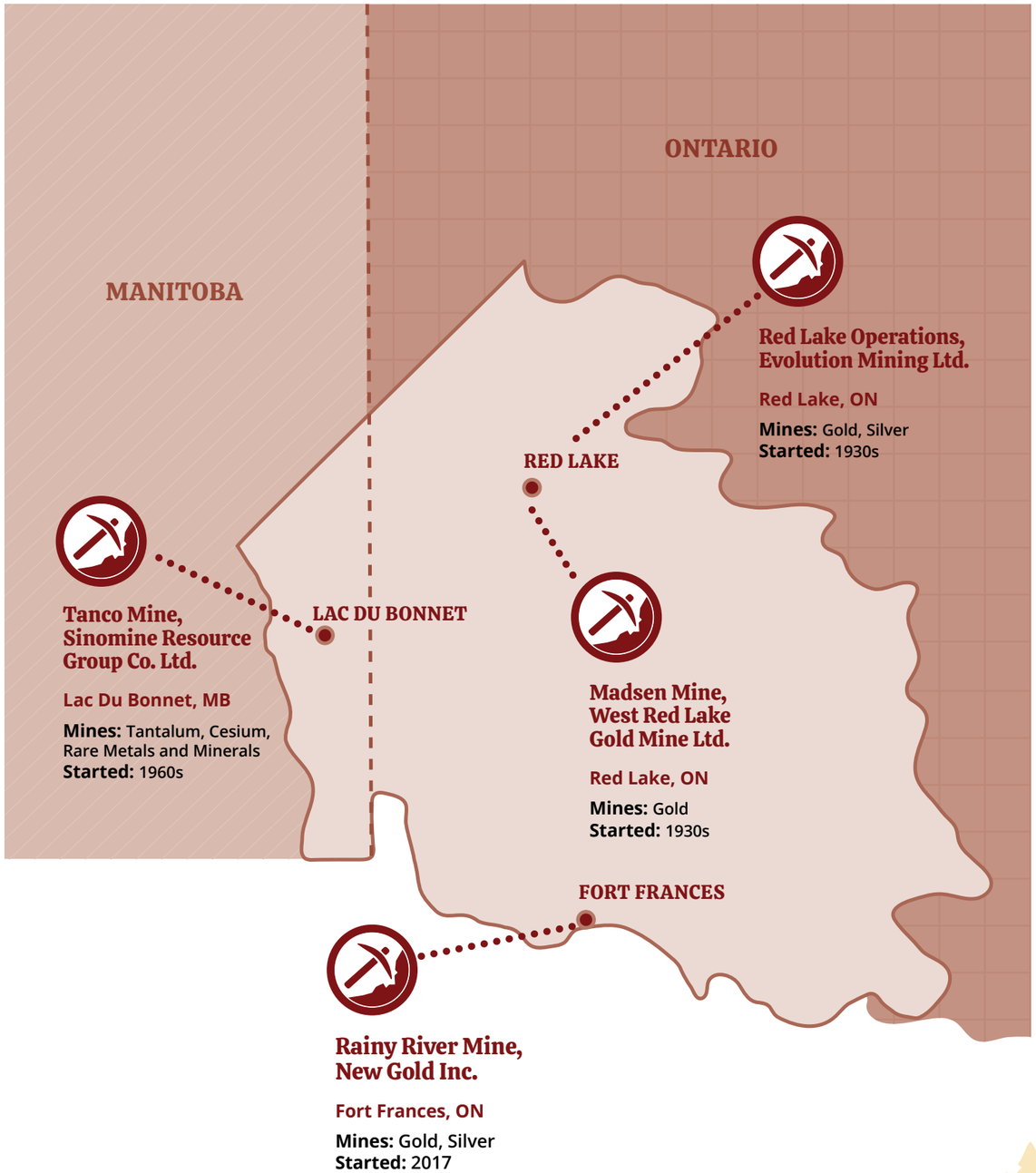


Table 1. Significant potential mining projects in Treat #3 Territory

PROJECT NAME	OWNER	LOCATION	RESOURCE	MINING PHASE	NOTES
Battle North/ Bateman Project	Evolution Mining Ltd.	Red Lake, ON	Gold	Advanced Exploration	This project is an expansion of the Red Lake Operations.
Goliath Gold Project	Treasury Metals Inc.	Wabigoon, ON	Gold	Development	Federal Impact Assessment completed in 2019. Expected to operate from 2026 to 2039. Also includes proposed Goldlund expansion, previously owned by First Mining.
Separation Rapids Project	Avalon Advanced Materials Inc.	Kenora, ON	Lithium	Development	Operation expected to begin in 2025/26.
Hammond Reef Project	Agnico Eagle Mines Ltd.	Atikokan, ON	Gold	Development	Amended federal impact assessment was approved in 2018.
Great Bear Project	Kinross Gold Corp.	Red Lake, ON	Gold		Determined by IAAC to be a designated project for a federal impact assessment in March 2024.
Thunder Bay North Project	Clean Air Metals Inc.	Thunder Bay, ON	Nickel, Copper, Gold, Platinum, Palladium, Cobalt	Advanced Exploration	Three-year exploration permit was approved by Ontario Ministry of Mines in 2023.
PAK Lithium Project	Frontier Lithium Inc.	Red Lake, ON	Lithium	Advanced Exploration	Partnership with Mitsubishi to develop the project was announced in May 2024. Pre-feasibility study published in 2022.
Kenbridge Project	Tartisan Nickel Corp.	Kenora, ON	Nickel, Copper, Cobalt	Advanced Exploration	Preliminary economic assessment published in 2022.
Georgia Lake Project	Rock Tech Lithium Inc.	Kenora, ON	Lithium	Advanced Exploration	Pre-feasibility study published in 2022.
Makwa Mayville Project	Grid Metals Corp.	Bird River, MB	Nickel, Copper, Gold, Platinum, Palladium, Cobalt	Advanced Exploration	Preliminary economic assessment published in 2014.
Mavis Lake Lithium Project	Critical Resources Ltd.	Dryden, ON	Lithium	Exploration	See company website.
Moss Gold Project	Goldshore Resources Inc.	Thunder Bay, ON	Gold	Exploration	See company website.
Cameron Gold Project	First Mining Gold Corp.	Nestor Falls, ON	Gold	Exploration	See company website.

3.3 Looking Forward: The Future Of Mining In Treaty #3

Having looked at the past and present in the mining industry, this Guidebook looks ahead to some of the emerging trends that will likely shape the future of mining in Treaty #3 Territory.

3.3.1 Federal And Provincial Regulatory Changes

While the 2019 federal *Impact Assessment Act* introduced positive new requirements for consultation with Indigenous Nations in the impact assessment process, it also raised thresholds for the size a mining project needs to be before it will trigger requirements for a federal impact assessment. This means that most new mining projects and mine expansions in Canada will not be required to undergo a federal impact assessment, and most approvals for mines will therefore rest in the hands of provincial governments. Unfortunately, Manitoba has never had a regulatory regime for mining that adequately considers Indigenous Rights or environmental protection, and Ontario's changes to the *Mining Act* with the *Building More Mines Act* in 2023 severely undermined the already limited consultation and environmental protection requirements. To review this federal and provincial legislation and more commentary on the changes they introduce to mining regulation, you can review the additional resources provided in Appendix A.

In the context of these changes, agreements negotiated directly with proponents during different phases of a mining project's life cycle are increasingly important. These agreements can be a way of ensuring appropriate consultation processes, as well as environmental and cultural protection and oversight measures. Agreements can ensure that terms of accommodation and consent are in place if they're missing from provincial regulators' requirements. It's also important that jurisdiction of the Anishinaabe Nation over Treaty #3 Territory and the Rights of Anishinaabe communities to function as regulators and decision makers alongside Crown agencies becomes more widely recognized. This can be advanced by Anishinaabe communities through the development of consultation protocols, establishing land use plans and protected areas, and developing tools to lead independent studies and impact assessments.

3.3.2 Ontario's Online Claim-Staking System

Another important recent change in Ontario mining policy and procedures was the introduction of an online claim-staking system in 2018. According to a public statement issued by the Chiefs of Ontario, some Ontario First Nations estimated that this system has led to a 30% increase in the number of mining claims being staked in their Territory every year. Since the system was introduced, the total number of claimed areas has more than tripled, with new claims being acquired for almost 72,000 square kilometres of land in northern Ontario. This number is only increasing, with 2023 claim-staking figures representing the highest annual number of mining claims staked in Ontario since the online system was introduced. This new approach to claim staking creates a massive, and in many cases unmanageable, administrative burden for Anishinaabe communities seeking to review information about claims, understand their potential impacts, and meaningfully engage with claim holders.

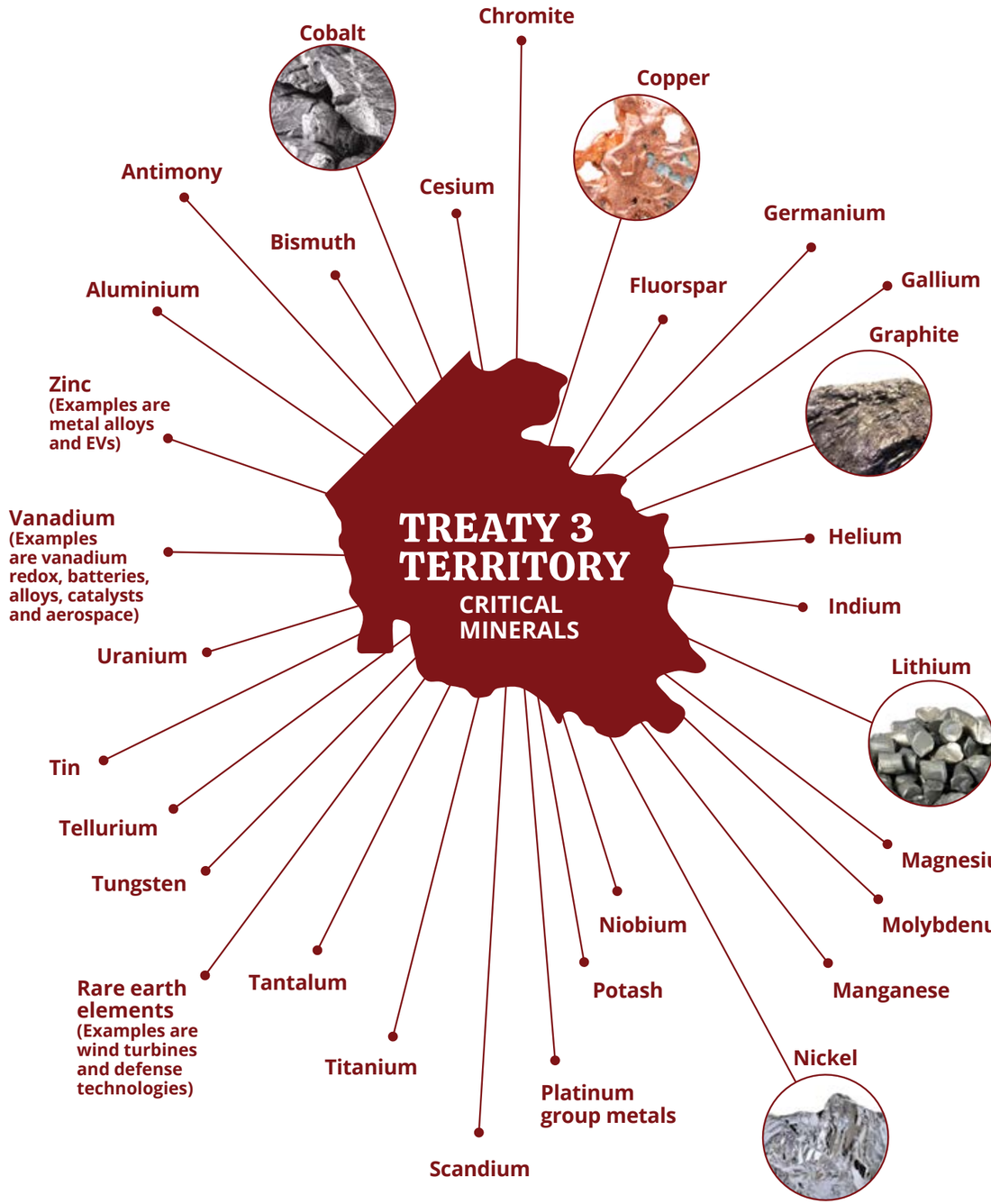
Currently, the Ontario government's position is that no consultation or engagement is necessary for claim staking. However, in 2023, the British Columbia supreme court ruled in *Gitxaala v. British Columbia* that the registration of mining claims does in fact have negative impacts on Indigenous Rights, and therefore the British Columbia government neglected their duty to consult and accommodate in the use of their online claim-staking system. This ruling has created an important legal precedent for similar cases to be advanced in Ontario. In the meantime, Anishinaabe communities can confirm that all possible capacity support funding is being obtained from provincial funding sources, such as the Ontario Ministry of Mines' Aboriginal Participation Fund, to ensure that lands and resources departments are allocating resources to evaluate and address the implications of mining claim registrations.

3.3.3 Critical Minerals Mining

The Government of Canada released its Critical Minerals Strategy in 2022, identifying measures it was taking to support the mining of 31 so-called critical minerals, with a specific priority on lithium, graphite, nickel, cobalt, and copper. These minerals are considered critical because they are an essential component of green technologies, such as electrical vehicle batteries and solar panels that play a role in global efforts to reduce carbon emissions and are used to make other goods that are already in high demand, such as cell phones and medical equipment.

Historically, these minerals have been sourced mostly from other countries on other continents. For example, Ontario's Critical Minerals Strategy reports that in 2021, 71% of the world's cobalt mine production was in the Democratic Republic of the Congo and 82% of the world's graphite mine production was in China. However, recent military conflicts in Ukraine and the Middle East, along with mounting tension between the United States and countries such as China, have made North American and European industrial leaders and governments cautious of continuing to rely on sources of metals and minerals exported from other parts of the world. This has contributed to pressure on the Canadian mining industry to provide a supply chain for mineral resources located exclusively in North America.

List of minerals identified in Canada's Critical Minerals Strategy.



Ontario's Critical Minerals Strategy estimates that as of 2022, there were approximately 130 early exploration projects targeting critical minerals, with an additional 16 advanced exploration projects. According to Manitoba's Critical Minerals Strategy, nearly 50 companies are currently exploring for critical mineral deposits across Manitoba.

To learn more about each of Canada's, Ontario's, and Manitoba's Critical Minerals Strategies, please refer to the additional resources in Appendix A.

3.3.4 Environmental, Social, And Governance Standards In Investing

Another important emerging trend that will continue to shape the future of the mining industry is the development of Environmental, Social, and Governance (ESG) standards in investing, especially given the role of investors in advancing mining projects (see Section 2.3). In the past, investors in large publicly traded corporations such as mining companies made decisions about which company to invest their money in almost exclusively based on a company's financial "bottom line." More recently, however, investors aren't looking only at financial statements when they make an investment decision; they want to look more holistically to see how a company is contributing to the common good. In response, the international investment community has developed ESG standards to evaluate a company's overall performance. ESG refers to the assessment and evaluation of a company's;

- environmental impact (e.g., climate change, water quality, land use)
- social issues (e.g., human rights, community consent, and consumer relations)
- governance issues (e.g., company management and board representation)

This emphasis on ESG standards provides a significant opportunity for Indigenous Nations related to the mining industry; Now, in addition to government agencies and regulators providing accountability for a mining company's relations with a First Nation, the international investment community is also applying additional pressure for mining companies to progressively approach engagement, accommodation, and partnership with Indigenous Nations. An Indigenous Nation is no longer limited to raising concerns about a mining project only with government regulators, but can also gain leverage by strategically raising concerns with a mining company's investors.

However, there is still work to be done. The most popular ESG frameworks are developed by international entities, so many are still not relevant to the Canadian economy with respect to how Indigenous Rights are being considered in a company's decision making and development. Industry associations like Prospectors and Developers Association of Canada (PDAC) have been facilitating discussions in settings like their annual conference about how these Indigenous considerations can be incorporated into ESG metrics.

4

SECTION 4

Mining Law, Legislation, and Policy

Purpose

This section provides an introductory overview of the Anishinaabe, federal, and provincial law and policies that shape how mining works in Treaty #3 Territory.

Contents

- Anishinaabe Laws and Principles
- Federal Laws and Policies
- Ontario Laws and Policies
- Manitoba Laws and Policies

4.1 Anishinaabe Laws And Rights

There are many traditional and sacred laws that have been guiding the Anishinaabe since the beginning of time. These *Anishinaabe Inaakonigewin* are passed on orally and through ceremony.

4.1.1 Manito Aki Inaakonigewin

At the beginning of time, Saagima Manito gave the Anishinaabe duties and responsibilities to protect, care for, and respect the land. These duties were to last forever in spirit, in breath, and in all of life, for all of eternity. *Manito Aki Inaakonigewin* is written within and throughout nature. It extends to the centre of the earth, all of its beings and inhabitants, to the sky, and throughout the entire universe.

Manito Aki Inaakonigewin has been an inherent law to Anishinaabe in Treaty #3 Territory since time immemorial. The law governs relationships with the land and its inhabitants throughout daily life. This includes the following:

- respecting the lands and waters
- giving offerings to spirits and the Creator when they benefit from Mother Earth's gifts such as hunting, fishing, or transportation
- knowing their Rights as a Treaty #3 member
- understanding their responsibility as a steward of the Land

Manito Aki Inaakonigewin was formally written in 1997 and has helped to uphold traditional land Rights and create a Nation-based law-making process when working with resource developments in Treaty #3 Territory. *Manito Aki Inaakonigewin* states that the Anishinaabe in Treaty #3 have the right to meaningful engagements and respect for inherent and Treaty Rights. It is therefore considered unlawful to proceed with developments within Treaty #3 without the authorization of the Anishinaabe Nation in Treaty #3. The obligation lies with those who want to develop or manage resources within Treaty #3 Territory to abide by *Manito Aki Inaakonigewin*.

In the context of this Guidebook, *Manito Aki Inaakonigewin* guides the Nation's decision making about mining and sets the framework for the following:

- protection of the environment
- economic development
- building partnerships
- revenue sharing

Although it is now written in English, the authoritative version of *Manito Aki Inaakonigewin* lives in ceremony. When a project adheres to *Manito Aki Inaakonigewin*, ceremony is a foundational aspect to the process. It's important that the project goes through ceremony because the original spirit and intent of the law lies within the ceremony.

Following *Manito Aki Inaakonigewin*, it is possible for development to occur with the least amount of uncertainty and conflict. This process has the potential to maximize co-operation and fair sharing of economic opportunities throughout the Nation.

To learn more, speak to an Elder and read the Grand Council Treaty #3 Manito Aki Inaakonigewin Toolkit.

4.1.2 Treaty #3 Nibi Declaration

The Nibi Declaration was developed by the Grand Council Treaty #3 Women's Council. The Nibi Declaration is a way for Treaty #3 members to explain the Anishinaabe relationship with nibi (water). The Declaration reflects the sacred teachings of *Nibi* held by Treaty #3 *Gitiizii m'inaanik* (Knowledge Keepers) to be shared with communities and those outside of the Treaty #3 Nation. It speaks to the sacred relationship and responsibilities that the Anishinaabe have with water, water beings, and the lakes and rivers around them.

Communities can use the Nibi Declaration to ensure that the planning of a mining project and its interactions with water will respect the collective understanding of Anishinaabe *Nibi Inaakonigewin*.

To learn more, speak to an Elder and read or listen to the Nibi Declaration.

4.1.3 Anishinaabe Rights

Anishinaabe were given Rights by the Creator when they were first placed on Turtle Island. These Rights are integral to the Traditional Knowledge, Oral Traditions, and culture that have been with the Anishinaabe since time immemorial. These Rights vary between Nations but commonly include the Right to self-governance, the Rights to the land and resources, Rights to sustenance activities, and Rights to practice a Nation's own culture and customs. As *Manito Aki Inaakonigewin* states, the Anishinaabe Nation in Treaty #3 maintains Rights to all lands and water in the territory throughout Northwestern Ontario and Southeastern Manitoba.

It's important to understand that while the Government of Canada has acknowledged these Rights in places such as the Royal Proclamation of 1763, Treaty #3, the Charter of Rights and Freedoms and the *Constitution Act* (1982), Anishinaabe have always inherently held these Rights and have never surrendered them.

Free

The consent has been given voluntarily, without any intimidation by the proponent or government.

Prior

Consent is sought well enough in advance to conduct meaningful engagement.

Informed

The communities are well informed by the proponent and information is shared transparently.

Consent

The decision is made through a process that is customary to an Indigenous Nation.

4.1.4 United Nations Declaration On The Rights Of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was officially adopted by the United Nations General Assembly on September 13, 2007. Canada initially voted against the Declaration but later signed in 2016, committing to its full and effective implementation by introducing Bill C-15 to align Canadian laws with the UNDRIP.

UNDRIP reinforces several important aspects of the Rights of Indigenous Nations. Article 3 recognizes the right of self-determination, including the right "to freely determine their political status and freely pursue their economic, social and cultural development." Article 4 recognizes the right to autonomy and self government and Article 26 states that states that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

It was Article 10 of UNDRIP that established the principle of free, prior, and informed consent (FPIC).

Unfortunately, in Ontario and Manitoba, the final decision about whether a mining project will be approved is still made by the federal or provincial government. This is the case even when Anishinaabe communities have identified risks and impacts of a project they do not want. This does not follow the principles of FPIC.

To address this, Anishinaabe communities can negotiate agreements directly with proponents where their free, prior, and informed consent is required before mineral exploration or the construction of a mine can begin, and even before major decisions are made during a mine's operation. These agreements can be a legal commitment that a mining company makes to an Anishinaabe community, regardless of what decision the government makes.

Anishinaabe communities can also develop their own impact assessment processes based on Anishinaabe Law. These processes can establish an Anishinaabe community's own way of determining how a mining project will impact the environment and their Rights, and thresholds for which impacts are acceptable.

To learn more, please read the United Nations Declaration on the Rights of Indigenous Peoples and the Grand Council Treaty #3 Lands Manager Toolkit.

4.2 Federal Laws And Policies

4.2.1 Impact Assessment Act

The *Impact Assessment Act* (2019) describes the process for assessing the impacts of major projects in Canada and outlines the responsibilities of the Impact Assessment Agency of Canada (IAAC) in leading those assessments.

In October 2023, the Supreme Court of Canada published a decision that the Impact Assessment Act and the Physical Activities Regulations exceeds the boundaries of federal jurisdiction and is therefore unconstitutional.

Later in 2023 the Government of Canada released its Interim Guidance on the Impact Assessment Act which will apply to current and future projects while the Government of Canada works to amend the Act to align with the opinion of the Supreme Court of Canada. While this evaluation is still ongoing, it's expected that the projects currently undergoing federal impact assessment will continue with a focus on areas of federal authority, while a handful of projects which do not have a strong potential for effects that fall under federal jurisdiction may be delisted and allowed to proceed through provincial assessment processes only.

Project List

Projects that qualify for a federal impact assessment are known as designated projects and meet the criteria described by the *Impact Assessment Act's* Physical Activities Regulations, often called the Project List.

For new mining projects, this includes the following:

- a coal, diamond, gold, or metal mine with a production capacity of 5,000 tonnes/day or more;
- a rare earth element mine with an ore production capacity of 2,500 tonnes/day or more;
- a metal mill, other than a uranium mill, with an ore input capacity of 5,000 tonnes/day or more;
- a stone quarry or sand or gravel pit with a production capacity of 3,500,000 tonnes/year or more; and
- a mine in a national park or protected area.

For expansions of existing mines, this includes the following:

- an expansion of a coal, diamond, gold or metal mine, with an increase in the area of mining operations of 50% or more and a total coal production capacity of 5,000 tonnes/day or more after the expansion;
- an expansion of a rare earth element mine with an increase in the area of mining operations of 50% or more and a total ore production capacity of 2,500 tonnes/day or more after the expansion;
- an expansion of a metal mill, other than a uranium mill, with an increase in the area of mining operations of 50% or more and a total ore input capacity of 5,000 tonnes/day or more after the expansion; and
- an expansion of a stone quarry or sand or gravel pit, with an increase in the area of mining operations of 50% or more and a total production capacity of 3,500,000 tonnes/year or more after the expansion.

Information about the size of a mining project or the expansion of a mining project can typically be found in submissions that a proponent makes to the government or information that it publishes online for its investors. Anishinaabe communities can also request this information directly from proponents.

To learn more, please read the Physical Activities Regulations in the *Impact Assessment Act.*

Federal Impact Assessment Process

The *Impact Assessment Act* provides five overall steps for the federal impact assessment process:

- **Planning Phase.** During this phase, a mining company submits a description of the project, and the IAAC determines if a federal impact assessment will be required. If the project needs a federal impact assessment, the IAAC develops instructions for the impact assessment called Tailored Impact Statement Guidelines (TISG), and instructions for Indigenous engagement called an Indigenous Engagement and Partnership Plan. Community-specific consultation plans can also be developed by the IAAC during this phase, if requested.

- **Impact Statement Phase.** The proponent completes studies to predict the impacts of the project, which are compiled and presented in an impact statement. Typically, the TISG require that the proponent involve impacted Indigenous communities in the completion of these studies. The IAAC reviews this impact statement to make sure it is complete before a review period, where Indigenous communities and the public can provide their comments.

- **Impact Assessment Phase.** During this phase, the IAAC or a review panel uses the information from the impact statement to describe the effects of the project in a report. A draft of the impact assessment report is published online with a review period, where Indigenous Nations and the public can provide their comments. Anishinaabe communities can collaborate with the Government of Canada in developing this report or develop their own assessment during this phase.

- **Decision-Making Phase.** The federal minister of environment reviews the impact statement, the impact assessment, and the submissions of Indigenous communities to decide if the project should be approved. The federal minister of environment will release a decision statement, explaining the reasons for the decisions they made and if they approve the project. They will also list conditions that the mining company has to follow to keep their approval.

- **Post-Decision Phase:** If the project is approved, it is monitored during construction, operation, and closure to make sure the impacts of the project were assessed properly and the conditions in the federal minister of environment's decision are followed.

To learn more about the opportunities for involvement of Anishinaabe communities during each phase of the federal impact assessment of mining projects, see Section 5 of this Guidebook.

4.2.2 Canadian Environmental Assessment Act

The *Canadian Environmental Assessment Act* (CEAA 2012) was replaced by the *Impact Assessment Act* (2019). One of the main differences is that CEAA 2012 focused on assessing environmental impact and had minimal requirements for early planning and engagement with Indigenous Nations. If a project started the impact assessment process before the *Impact Assessment Act* came into effect in 2019, the assessment continues under the regulations of CEAA 2012.

4.2.3 Fisheries Act

The *Fisheries Act* is designed to protect fish from pollution and other harmful effects. It was updated in 2019 to add new protections for fish habitat and requires more consultation with Indigenous Nations. Both the Department of Fisheries and Oceans (DFO) and Environment and Climate Change Canada (ECCC) are involved with granting approvals for a mining project under the *Fisheries Act*.

Department Of Fisheries And Oceans: Role And Jurisdiction

Canada's DFO gets involved in making decisions about mining projects when there is the potential for the project to harm fish and their habitat. To get approval from DFO, mining companies must submit plans that show how they will compensate for the ways their project will cause the loss of fish habitat, called a fish habitat offsetting plan. Offsetting can be accomplished by improving existing fish habitat that is close to the project or even making new fish habitat. When mining projects happen in Treaty #3 Territory, the *Fisheries Act* requires that these plans be developed with the involvement of Anishinaabe communities, and Anishinaabe communities can also work with the mining company and DFO to make sure that these plans are followed and benefit fish over time.

Environment And Climate Change Canada: Role And Jurisdiction

For a mining project, ECCC enforces the parts of the *Fisheries Act* that relate to preventing pollution, called the *Metal and Diamond Mining Effluent Regulations* (MDMER). These regulations require mining companies to monitor water quality and other impacts on the environment in all places where they release wastewater from their project into lakes, rivers, and streams. The regulations set limits for the release of arsenic, cyanide, lead, nickel, zinc, and sediment into water, which can all be common by-products of the mining process.

To learn more, please read the Fisheries Act, the DFO's Policy for Fish Habitat Offsetting, and the Metal and Diamond Mining Effluent Regulations.

4.2.4 Additional Federal Legislation, Policy, and Guidance

While the *Impact Assessment Act* and *Fisheries Act* are the main pieces of federal legislation that are relevant to most large mining projects and require the most consultation with Anishinaabe communities, there are also other pieces of federal legislation that can sometimes come into effect, depending on the location, type, and size of a project.

Species At Risk Act

The *Species at Risk Act* is designed to protect and help with the recovery of species that are endangered or threatened because of human activity. This Act identifies which species require special consideration and what measures must be taken to protect those species.

Canadian Navigable Waters Act

The *Canadian Navigable Waters Act* must be followed by any mining company that is planning to do any work in or near a waterway that can be used for travel. This legislation includes a list for waterways that are considered navigable and require special consideration, and also outlines the steps for how Indigenous Nations can request that new waterways be added to this list. Because of the cultural and historical importance of travelling on water to Indigenous Nations, this legislation was updated by Transport Canada in 2019 to include more requirements for consultation with Indigenous Nations when navigable waterways might be impacted.

Environmental Code Of Practice For Metal Mines

ECCC developed the *Environmental Code of Practice for Metal Mines* in 2002 to provide further instructions for how mining companies can follow the *Metal and Diamond Mining Effluent Regulations* in the Fisheries Act and best practices to address other types of environmental impacts that mining projects can have.

The Minerals And Metals Policy Of The Government Of Canada

The Government of Canada's *Mineral and Metals Policy*, released in 1996, is an older document but is important because it describes how responsibilities are shared between provincial governments and the federal government when it comes to making decisions about mining, and how the federal government defines what "sustainable development" is in the mining industry.

Indian Mining Regulations

The Indian Mining Regulations were developed by the Government of Canada in 1954 and most recently updated in 2009 to promote mining exploration and the development of mining projects on First Nation reserves. First Nations are considered to hold title to minerals on their reserves, and the regulations provide different ways for a First Nation to sell or rent the rights to explore and develop those minerals to earn revenue or royalties. Even though this is federal legislation, the regulations require that the mining development on reserve follow the provincial mining law where the project is located.

4.3 Ontario Laws And Policies

4.3.1 Environmental Assessment Act

The *Environmental Assessment Act* is the biggest piece of legislation in Ontario related to how the impacts of projects are assessed at a provincial level. Ontario splits up their environmental assessments (EA) into two types:

- **Individual Environmental Assessments.** These assessments are completed for large projects with the potential for significant and complicated effects. Completed assessments are submitted to the minister of environment, conservation and parks for review, and have more extensive requirements than streamlined EAs for planning, studies, and consultation with Indigenous Nations.
- **Streamlined Environmental Assessments.** These assessments are completed for projects that are considered more routine and have more predictable impacts. Proponents of projects requiring a streamlined EA follow a self-assessment and decision-making process.

Despite the impacts and risks of mining projects, it is very rare for a mining project to be subject to an individual environmental assessment in Ontario. MiningWatch Canada released a report in 2020 that identified of the 31 mines and mills operating in Ontario, only four were required to complete an individual environmental assessment, and only one of those was reviewed by the provincial government. Although some permits for parts of a mining project can require a streamlined environmental assessment, sometimes referred to as a Class EA, a 2016 Ontario Auditor General Report identified that this process is not usually enough in assessing cumulative impacts, addressing social, cultural, and economic factors, or making sure enough consultation happens with Indigenous Nations.

To learn more about Ontario's environmental assessment process, please read the Grand Council Treaty #3 Lands Manager Toolkit.

4.3.2 Mining Act

The *Mining Act* regulates prospecting, mineral exploration, mine development, and rehabilitation in Ontario. Some of the Mining Act's important requirements are as follows:

- **Prospecting.** Ontario currently has a free-entry claim-staking system, which means that anyone can claim an area for exploration work on a first come, first serve basis. In 2018, Ontario introduced the Mining Lands Administration System, which allowed this claim staking to occur online. Provided fees are paid to Ontario and a claim holder demonstrates in assessment work reports that exploration activity is being completed on an ongoing basis, a mining claim can be renewed every five years and does not expire. In Ontario, there are currently no requirements for consultation with Indigenous Nations related to mineral claims.
- **Mineral Exploration.** The *Mining Act* requires the submission of an exploration plan or an exploration permit application before any work can be completed. The type of authorization required depends on the size of equipment that the mining company will be using and the scale of the exploration they are planning. Advanced exploration requires the Ministry of Mines' approval of a closure plan, which includes depositing financial securities to Ontario in case the mine is abandoned and needs to be rehabilitated by someone other than the mining company. Indigenous consultation requirements vary based on the scale of exploration that is being planned, but consultation is required in the development and amendment of a closure plan.
- **Mine Development.** The majority of mining projects in Ontario are not subject to an environmental assessment process. Mining companies are required to update the closure plan they submitted for mineral exploration and have changes approved by the Ministry of Mines. Amendments are also required to the closure plan if the mining company changes their plan for the project during operation. To learn more about other provincial permits a mining company typically needs to obtain for a mining project, see Section 5.
- **Rehabilitation.** The mining company follows the closure plan that was approved before they started developing the mine, which normally needs to be updated again to reflect actual conditions at the time of closure. The financial security deposit held by Ontario is returned to the mining company as the liability and risk of the project being abandoned is reduced. When the Ministry of Mines leads the rehabilitation of a mine on Crown-held sites, a special process is followed, called the *Class EA for Activities of the Ministry of Northern Development and Mines*.

Though Ontario has made many changes recently to the departments responsible for mining, forestry and northern development, the Ministry of Mines is currently responsible for administering the *Mining Act*.

To learn more, please review Ontario's Mining Act resources.

4.3.3 Building More Mines Act

In May 2023, Ontario made substantial revisions to the Mining Act through Bill 71, which is called the *Building More Mines Act*. The key changes include the following:

- removing the requirement for the Ministry of Mines to review and approve closure plans, and allowing "qualified persons" who work for mining companies to authorize closure plans,
- allowing mining companies to begin mining exploration and development, even if their closure plan is not finalized,
- removing requirements that closure plans are amended when certain types of "minor site alterations" are made,lowering standards for mine rehabilitation,
- removing requirements for mining companies to make a net improvement to environmental conditions when re-mining tailings and wastes from old mines, and
- changing the timing of financial security deposits that would pay for mine rehabilitation if a project was abandoned.

Overall, while these changes make it easier for mining companies to construct and operate mines, it also reduces already limited requirements for environmental protection and consultation with Indigenous Nations. Legal action by several First Nations against Ontario is ongoing, arguing that these changes were made without adequate consultation.

To learn more, please review Grand Council Treaty #3's comments on the Building More Mines Act.

4.3.4 Additional Ontario Legislation

In addition to the above legislation, there are also other pieces of legislation in Ontario that can sometimes apply, depending on the location, type, and size of a project:

Water Resources Act

This legislation regulates a mining company's use of water from groundwater or surface water during exploration, construction, or operation. A permit to take water is required from the Ministry of Environment, Conservation and Parks (MECP) if a mining company plans to use more than 50,000 litres of water per day. The *Water Resources Act* also regulates sewage disposal and the management of any pollution that might harm water quality.

Environmental Protection Act

Mining companies are typically required to apply for Environmental Compliance Approvals from the MECP under Part II of the *Environmental Protection Act* for industrial sewage works, landfills/waste management and air and noise pollution.

Ontario Heritage Act

The *Ontario Heritage Act* is Ontario's legislation for protecting archaeological and historical sites. Typically, requirements for archaeological assessments are triggered when a mining company applies for permits from provincial ministries, such as the Ministry of Natural Resources (MNR), who describes the archaeological work that must be completed to ensure the mining company is meeting the legal requirements of the *Ontario Heritage Act*.

Endangered Species Act

Similar to Canada's Species at *Risk Act*, the *Endangered Species Act* is Ontario's legislation to ensure that species at risk are protected and recovered. This legislation identifies which species require special consideration and what steps must be taken to protect those species. When a mining project impacts species at risk, it typically needs approvals at both provincial and federal levels.

Lakes And Rivers Improvement Act

The *Lakes and Rivers Improvement Act* is Ontario's legislation for managing and preserving the water quality and use of lakes and rivers in the province. Mining companies are required to get an approval from the MNR under the *Lakes and Rivers Improvements Act* if their project involves infrastructure such as dams, water diversions, shoreline alterations, or access roads that cross water.

Fish And Wildlife Conservation Act

While this legislation is mostly focused on fishing and the hunting and trapping of wildlife, some of its provisions related to the conservation of fish and wildlife habitat can be relevant to mining projects.

4.4 Manitoba Laws And Policies

4.4.1 Mines And Minerals Act

The *Mines and Minerals Act* is administered by the Mineral Resources Division of the Manitoba Ministry of Science, Technology, Energy and Mines, and provides requirements for the registration and authorization of mineral exploration, mining development, and mine closure in Manitoba.

- **Exploration.** To get the mineral rights that are needed for mining exploration, a mining company needs to stake a mining claim or apply for a mineral exploration license. Mining claims are held for two years, after which a mining company needs to perform and report on exploration work to keep the claim.
- **Development.** In order to develop a mine, a mining claim must be converted to a mineral lease, which has a term of 21 years.
- **Closure.** For development and advanced exploration projects, mining companies are required to give the province a security deposit and get approval for a closure plan that meets the requirements of the Mines and Minerals Act.

4.4.2 Environment Act

The *Environment Act* describes the process for environmental assessments in Manitoba, which must be completed by a mining company to receive an environmental license for a mining project.

- **Scoping.** This phase determines if an environmental license, and therefore an environmental assessment, is required.
- **Preparing the Environmental Assessment.** The mining company is required to provide detailed information in an Environment Act Proposal (EAP) that describes what the project is, what existing environmental, social, and economic conditions are, and how those existing conditions will be impacted by each phase of the project (the longest step in the EA process).
- **Proposal Review.** The EAP is submitted to the Environmental Approvals Branch of the Ministry of Environment, Climate and Parks. If they decide enough information is included in the EAP, it is reviewed by a Technical Advisory Committee of provincial and federal specialists, who provide their comments on the project and its impacts. After the Technical Advisory Committee reviews the EAP, it is posted on a public registry for comment. When all comments are received, the Technical Advisory Committee drafts a report with recommendations about the decision the Environmental Approvals Branch should make about the project. Sometimes, for large or especially controversial projects, a public Clean Environment Commission hearing will also take place. The results of this hearing will also be provided to the Environmental Approvals Branch to inform their decision.

- **Licensing Decision.** The Environmental Approvals Branch reviews the report developed by the Technical Advisory Committee and all other documents about the project to decide if a license should be granted.
- **Post-Decision.** Once a license is granted, the construction and operation of a project can begin. The license will outline the terms and conditions that a project must follow during each stage of the project, and monitoring and follow- up work is typically required to make sure that the proponent meets these requirements of their license.

Applications for environmental licenses are reviewed with increasing levels of scrutiny, depending on if they are considered Class 1, Class 2, or Class 3 projects. Most mining projects in Manitoba are assessed as a Class 2 project.

To learn more about Manitoba's Environmental Assessment process, please refer to the Grand Council Treaty #3 Lands Manager Toolkit.

4.4.3 Additional Manitoba Legislation

In addition to the above, there are also other pieces of legislation in Manitoba that can sometimes apply depending on the location, type, and size of a project:

Operations Of Mines Regulation

The Operations of Mines Regulation provides rules for various aspects of a mine's operation, such as workplace safety for employees of mining companies. Of interest to Anishinaabe communities is that this regulation includes requirements for the opening and abandonment of mines, standards for tailings dams and retention ponds, and requirements for handling and responding to spills of hazardous materials.

Endangered Species And Ecosystems Act

The *Endangered Species and Ecosystems Act* is Manitoba's legislation to ensure that sensitive ecosystems and species at risk are protected. It identifies which species require special consideration and what steps must be taken to protect those species. When a mining project impacts species at risk, it typically needs approvals at both provincial and federal levels.

Heritage Resources Act

Under the *Heritage Resources Act*, a designated heritage site cannot be changed or damaged in any way without receiving a heritage permit from the Department of Sport, Culture, Heritage and Tourism. The *Heritage Resources Act* describes the process for heritage sites to receive designation, and how permit applications are submitted and reviewed.

5

SECTION 5

Getting Involved in the Mining Process

Purpose

This section guides the reader through the approval requirements for mining projects at the federal and provincial level, and identifies how Anishinaabe communities can get involved in and affect decisions about mining projects.

Contents

5.1 Federal Consultation And Approvals

This section discusses opportunities for Anishinaabe communities to be involved in regulatory processes and decisions made by Federal regulators about mining projects.

5.1.1 Federal Impact Assessment

If a project meets the criteria of the Physical Activities Regulations, or Project List, in the *Impact Assessment Act*, the first and most significant federal approval the project requires is the approval of a federal impact assessment from the IAAC. As discussed above, this impact assessment process includes five overall phases, and the key opportunities for involvement in each phase are described below.

Process Diagram

Planning Phase

This phase is initiated by a mining company submitting a project description to the IAAC. This document is important to review to understand the development a mining company is proposing. An Anishinaabe community can submit comments if they do not feel enough information has been provided, or if unique factors need to be considered in the assessment of the project because of its location or interaction with the community's Rights and interests.

During this phase, it's also important to apply for funding that the IAAC makes available to Indigenous Nations. An Anishinaabe community should be automatically notified when they are eligible to apply for participant funding for the impact assessment of a project they will be impacted by. If they hear of a federal impact assessment for a project that they feel they should have been formally notified about, they can contact the IAAC to demonstrate how the project could potentially impact their Rights and interests and why they should be included in consultation.

If the IAAC determines the project will require a federal impact assessment based on the project description and comments that are received, they will publish the draft Tailored Impact Statement Guidelines (TISG). This document is also important to carefully review and comment on because once it is finalized, it will serve as the instructions the company will follow for the rest of the process. At this point, Anishinaabe communities can also develop community-specific engagement agreements with the IAAC. This can be a good time to consider negotiating agreements such as memorandums of understanding or process agreements with a proponent, which are discussed in more detail in Section 6.

Impact Statement Phase

During this phase, the mining company develops their impact statement. Depending on the instructions provided in the TISG and any agreements an Anishinaabe community has in place with the mining company, the company may be required to involve Anishinaabe communities extensively as they plan, execute, and develop reports for various studies. Comments on draft reports can be submitted directly to the proponent or to the IAAC during public review periods. An Anishinaabe community can also get funding from the proponent or from other federal and provincial sources to complete their own independent studies during this phase, such as a Traditional Land Use Study or a Traditional Ecological Knowledge Study, which a proponent will be required to incorporate into their impact statement.

Impact Assessment Phase

Based on the community-specific engagement agreement developed between an Anishinaabe community and the IAAC during the planning phase, opportunities for collaboration in this phase may include co-drafting sections of the impact assessment report and co-developing mitigation and/or accommodation measures. Anishinaabe communities can also develop their own impact assessments. Where an Anishinaabe- led assessment is occurring alongside or in co-operation with the impact assessment, IAAC will consider the results of that assessment in the development of its impact assessment report.

Decision-Making Phase

When the minister's decision about the impact assessment is published, the Anishinaabe community can review it and provide a submission if there are any outstanding objections or issues that have not yet been addressed in consultation with the IAAC or agreements that have been negotiated with the proponent. At this stage, it may be necessary to consider legal action if the Crown's duty to consult and accommodate has not been fulfilled in the impact assessment process.

The monitoring and follow-up programs established in the previous phases of the impact assessment process are used in this phase to evaluate a mining company's compliance with the commitments they made in their impact statement and the conditions of the minister's decision. Anishinaabe communities may seek to establish or use existing Anishinaabe Guardians programs to be involved in these monitoring and follow-up programs as an economic development opportunity or for enforcing proper stewardship under Anishinaabe Law.

Assessment Of Impacts On The Rights Of Indigenous Peoples

When the *Impact Assessment Act* came into effect, the IAAC published a guidance document on how the impacts of projects on the Rights of Indigenous communities should be assessed in federal impact assessments. This document is based on an Indigenous-led Rights impact assessment that was completed by Mikisew Cree First Nation for an oil sands project in 2019, and provides a very good starting point for how the impacts of a mining project on Anishinaabe Rights should be assessed by a mining company, even when they aren't required to complete a federal impact assessment. To learn more, please read the IAAC's Guidance Document.

5.1.2 Fisheries Offsetting Plan Authorization

If the project has any potential impacts on fish or fish habitat, mining companies must get approval from the Department of Fisheries and Oceans (DFO) for a fish habitat offsetting plan. Offsetting can be accomplished by improving existing fish habitat that is close to the project, or even making new fish habitat that compensates for the ways a project causes the loss of fish habitat. The *Fisheries Act* requires that mining companies engage with Anishinaabe communities in every step of the development of these plans. If this has not happened, Anishinaabe communities can raise concerns when the proponent or DFO provides them with a draft for review, and insist that the plan includes more of their input and Traditional Knowledge before it is approved. Anishinaabe communities can also work with the mining company and DFO to make sure that these plans are followed through and have real benefits for fish.

5.1.3 Metal And Diamond Mining Effluent Regulation

DFO also works with Environment and Climate Change Canada (ECCC) to ensure that a mining project meets the *Metal and Diamond Mining Effluent Regulation* of the *Fisheries Act*. This involves a mining company committing to staying below levels of certain metals and chemicals in their water discharge, and evaluating and assessing the impacts and cumulative effects that their discharge of water will have on the environment. Because assessment is so much work, Anishinaabe communities have a major opportunity to be involved in the studies that are required for this application, and if an Anishinaabe community raises concerns that they have not been adequately consulted, DFO and Environment and Climate Change Canada will take them seriously.

5.1.4 Other Federal Approvals

Approvals from other federal government agencies that may be required for the development of a mine, but are usually less prominent, include the following:

- **Approval under the Canadian Navigable Waters Act by Transport Canada.** The project's impacts on water crossings are assessed, especially if the project is in proximity to larger bodies of water. Depending on the location of the project and its impacts on waterways designated as navigable waters under the *Canadian Navigable Waters Act*, this can be a larger approval where information about the historic and current use of waterways by Anishinaabe communities significantly affects the approval.

- **Approval under the Species at Risk Act from Environment and Climate Change Canada.** The project's impacts on species at risk are assessed and Environment and Climate Change Canada evaluates a mining company's environmental management and monitoring plans to make sure adequate measures are in place. Traditional Knowledge should play an important role in validating or challenging a mining company's assessment of the impacts their project will have on species at risk and whether or not the company's protection measures will work.
- **Explosives Permit, Natural Resources Canada.** Natural Resources Canada evaluates and gives approvals for a mining company's plans for handling and using explosives.

5.2 Ontario Consultation And Approvals

The key approvals and permits granted by the province of Ontario for mineral exploration and development projects are outlined below. To learn more about Ontario's approach to Crown consultation during these decisions, see the following:

- Draft Guidelines for Ministries on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights. Applies to decisions made by all provincial government agencies related to mining projects.
- Ontario Ministry of Mines Consultation Framework: Implementing the Duty to Consult with Aboriginal communities on Mineral Exploration and Mine Production in Ontario. Applies to decisions made by the Ministry of Mines about mining exploration and development, including exploration permits and closure plans.
- Environmental Assessments: Consulting Indigenous Communities. Applies to consultation during environmental assessments under the Environmental Assessment Act.

Ontario may also develop an agreement with a mining company called a memorandum of understanding (MOU) to describe how both parties will share responsibilities of Indigenous engagement and consultation with each other. This document is important to review because it sets out what the proponent and the Crown can each be held accountable for as a project advances through development.

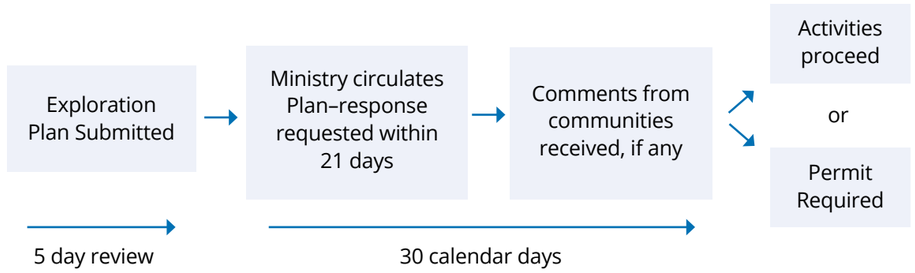
Unfortunately, to avoid requirements of federal and provincial impact assessments and permits, mining companies can sometimes use a tactic called "project-splitting" where they develop a small project and then periodically submit applications to expand it slowly over time. To address this, Anishinaabe communities can dispute how a project is described in a mining company's submissions to provincial and federal regulators, or make a request directly to government decision makers that even if a project doesn't meet certain criteria in provincial or federal legislation, it should still be subject to the permits or impact assessments of larger projects because of concerns related to the project's impact on Indigenous Rights and the environment. The Supreme Court of British Columbia's Yahey v. Blueberry decision sets the precedence for the Crown's responsibility to assess the cumulative impacts of applications for new projects and expansions that get submitted over time.

Mining Consultation in Ontario

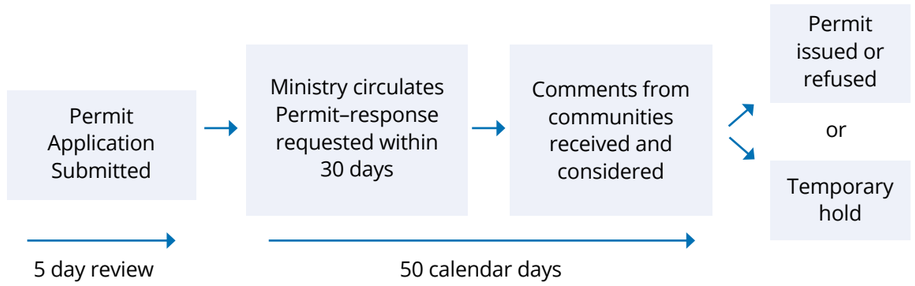
Early Exploration | **Advanced Exploration** | **Mine Development and Construction** | **Mine Operation and Production** | **Mine Closure and Reclamation**

*Note that no consultation is required when proponents stake a claim in Ontario.

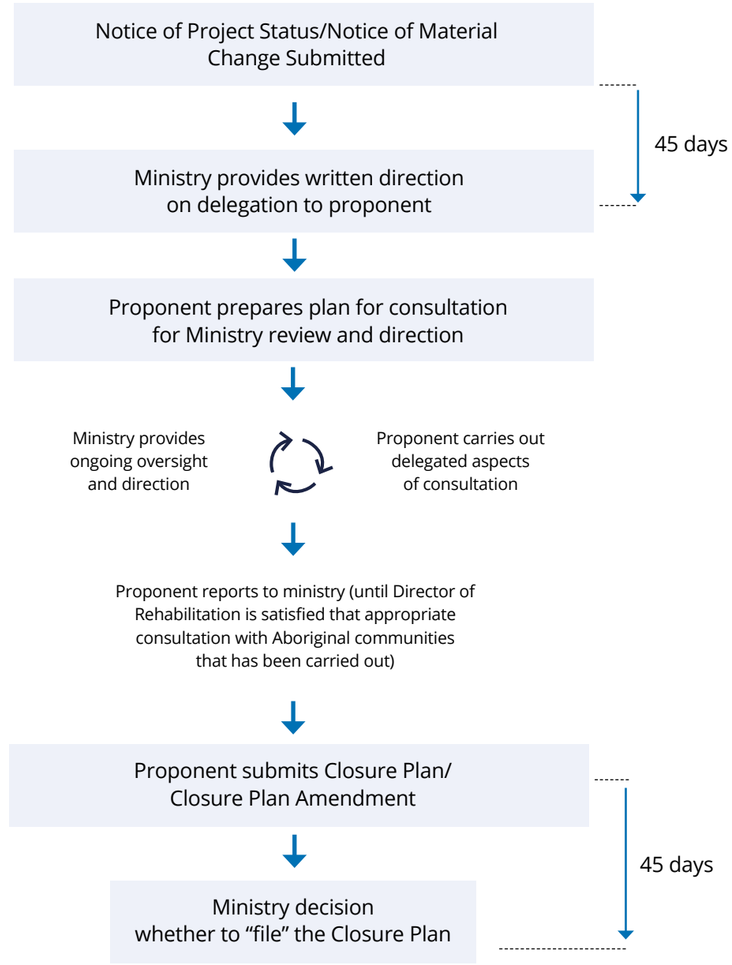
Consultation at submission of an Exploration Plan:



Consultation at application for an Exploration Permit:



Advanced exploration and mine projects require a Closure Plan. The Ministry will create a project and community-specific assessment of the level(s) of consultation required prior to the submission of a Closure Plan or Closure Plan Amendment.



5.2.1 Early And Advanced Exploration Approvals

As part of the process of overhauling its *Mining Act*, Ontario launched a new online claim-staking system in 2018. With this system, it is currently possible for anyone with a prospector's license to register a claim without any requirements for engagement with Indigenous Nations.

If prospecting identifies a mineral deposit that warrants exploration, mining companies will submit a draft exploration plan or an application for an exploration permit to the Ontario Ministry of Mines, depending on the scale of exploration that is being proposed and the type of equipment that will be used. The mining company is required to document engagement with Indigenous Nations that informed the development of these applications, which are posted on the Environmental Registry of Ontario for a public comment period before the Ministry of Mines makes their decision. Permits for advanced exploration also require the approval of a closure plan by the Ministry of Mines, which is discussed in the following section.

This is the ideal time for an Anishinaabe community to negotiate an exploration agreement with the proponent and, depending on the size and nature of the project, also negotiate a memorandum of understanding or process agreement for direct engagement between the proponent and the community as the development of the project progresses through other permitting and approval processes.

5.2.2 Mine Construction And Operation Approvals

This section outlines the key approvals required from various Ontario government agencies for a mine to advance through the construction and operation phases.

Environmental Assessment

Although it's rare for a mining project to be subject to an Ontario individual environmental assessment, some permits for parts of a mining project can require the approval of a streamlined environmental assessment, sometimes referred to as a class environmental assessment, by the Ministry of Environment, Conservation and Parks (MECP). Unfortunately, this type of assessment means the Ontario environmental assessment process is focused on considering the impacts of sub-components of a mining project, as opposed to considering impacts of the whole project. As the changes to the *Mining Act* have not been in effect long enough to fully understand their implications, consultation requirements for streamlined environmental assessments are extremely limited compared to individual environmental assessments, and in some cases even allow a proponent to grant approval themselves.

If an Anishinaabe community is concerned that a mining project in Treaty #3 Territory has not been required to complete an individual environmental assessment, they can ask the mining company to voluntarily subject their project to an individual environmental assessment or submit a request to the MECP that they give an order for the mining company to complete an individual environmental assessment.

Closure Plan

In Ontario, the Ministry of Mines' approval of a closure plan is required for all advanced exploration and operation projects. Where a substantive environmental assessment is not required, the closure plan is the most important approval for a mining project in Ontario's regulatory system. In short, a closure plan outlines how a mining company proposes to rehabilitate their project site after construction and operations have been completed. The closure plan gives the most complete assessment of the impacts of a mining project's life cycle, and its development and review require the most involvement from Anishinaabe communities. It's common practice for Anishinaabe communities to receive capacity funding from a mining company to contribute Traditional Knowledge and land use research to the development of a closure plan, as well as funding to review the draft closure plan during or prior to the public comment period.

Permit To Take Water

If a mining company plans to use more than 50,000 litres of water per day for an exploration or development project, they are required to apply for a Permit to Take Water from the MECP under the *Water Resources Act*. A Permit to Take Water application will outline the locations where a mining company plans to draw water from, the quantity of water they will take, how they will use the water, and a general schedule for water use. As the stewardship and protection of water is an essential responsibility under *Manito Aki Inaakonigewin* and the Nibi Declaration, Anishinaabe communities must be involved in the development and review of these permit applications. At a minimum, applications for a Permit to Take Water will be posted to the Environmental Registry of Ontario, where Anishinaabe communities can provide comments to Ontario and the proponent during the public review period. However, if a mining company respects the requirements of *Manito Aki Inaakonigewin*, these applications will be developed in collaboration with Anishinaabe communities and drafts will be provided well in advance of any public comment periods to identify and resolve issues.

Environmental Compliance Approvals

Mining companies are typically required to apply for three Environmental Compliance Approvals from the MECP under Part II of the Environmental Protection Act for the following:

- **Industrial Sewage Works.** Includes impacts of a mining project's discharge of water used in the mining process into the receiving environment,
- **Landfills/Waste Management.** Includes approval for a mining company's management of tailings, toxic chemicals, and solid waste used in the mining process, and
- **Air and Noise Pollution.** Includes impacts of smelting and mining construction and operation noise on wildlife.

Of these three approvals, the application for an Environmental Compliance Approval for Industrial Sewage Works is the most extensive. Again, at a minimum, applications for these approvals will be posted to the Environmental Registry of Ontario, where Anishinaabe communities can provide comments to Ontario and the proponent during the public review period. However, if a mining company respects the requirements of *Manito Aki Inaakonigewin*, these applications will be developed in collaboration with Anishinaabe communities and drafts will be provided well in advance of any public comment periods to identify and resolve issues.

5.2.3 Other Ontario Government Approvals

Approvals from other Ontario government agencies that are usually less prominent in the development of a mine include the following:

- **Approval under the Lakes and Rivers Improvement Act by Ministry of Natural Resources (MNR).** If a mining project involves any dams in nearby bodies of water, changes to shorelines, water channeling or diversions, water crossings, or the discharge of pollution into waterways, they will be required to get an approval from the MNR under the *Lakes and Rivers Improvements Act*.
- **Approval under the Endangered Species Act by MNR.** If a project area is known or suspected to support any endangered or threatened species, a mining company will need to submit an assessment of the project's potential impacts on species at risk and their proposed measures to prevent those impacts to the MNR for approval. If the project will cause impacts to species at risk that cannot be avoided or mitigated, permits will also be required under the *Endangered Species Act*.
- **Aggregate Permit, MNR.** This permit authorizes a mining company's use of aggregates such as gravel in their construction and operations, or gives approval for the extraction of aggregate materials such as gravel, sand, or stone from a specified area.
- **Forestry License, MNR.** A forestry license is required if mining activities are being proposed in forested areas, if mining activity involves the removal of timber in designated areas, and for reforestation activities during reclamation.

5.3 Manitoba Consultation And Approvals

The key approvals and permits granted by the province of Manitoba for mineral exploration and development projects are outlined below. To learn more about Manitoba's approach to Crown consultation during these decisions, see the following:

- Draft Procedures of Consultation with Aboriginal Communities on Mineral Exploration. Applies to decisions made by the Mineral Resources Division of the Manitoba Ministry of Science, Technology, Energy and Mines for mineral exploration projects, including the granting of mineral leases and mineral licenses;
- Draft Procedures of Consultation with Aboriginal Communities on Mine Development. Applies to decisions made by the Mineral Resources Division of the Manitoba Ministry of Science, Technology, Energy and Mines for mine development projects, including the approval of closure plans;
- Manitoba – First Nations Mineral Development Protocol Template. Outlines the proposed starting point for consultation protocols developed between the Mineral Resources Division of the Manitoba Ministry of Science, Technology, Energy and Mines and Indigenous Nations related to decisions about mine development projects under the *Mines and Minerals Act*;
- Manitoba's Interim Provincial Policy for Crown Consultations with First Nations Métis Communities and Other Aboriginal Communities. Applies to decisions made by all provincial government agencies, including environmental assessments under the *Environment Act*.

Mining Consultation in Manitoba

Early Exploration	Advanced Exploration	Mine Development and Construction	Mine Operation and Production	Mine Closure and Reclamation
Level 1 Consultation	**Level 2 Consultation**	**Level 3 Consultation**		
Short-term disturbance to resource use and availability, potential minimal adverse effect.	*Short-term disturbance to resource use and availability, potentially moderate to significant adverse effect, or long-term disturbance to resource use and availability, with a potentially minimal adverse effect.*	*Long-term or permanent disturbance to resource use and availability, with a potentially adverse effect.*		
• Consultation by letter, providing information about the activity. • Nation must reply in writing within 45 calendar days. No response from the Nation is interpreted as no concerns. • Crown will make a decision within 60 calendar days. A letter is sent to the Nation reporting the Crown decision.	• Initial consultation letter is sent to the Nation with an offer for 1-2 consultation meetings. • A response is requested from the Nation within 45 calendar days. A formal response is required to formalize consultation. • Crown will make a decisi on within 90 days. A letter is sent to the Nation reporting the Crown decision.	• The consultation process is department facilitated between the First Nation and the company. The number of consultation meetings will be determined through the consultation workplan. • A response is required from the Nation within 60 calendar days. A formal response is required to formalize consultation. • Crown's decision will likely exceed 90 days. A letter is sent to the Nation reporting the Crown's decision.		

5.3.1 Mines And Minerals Act Approvals

The Mineral Resources Division of the Manitoba Ministry of Science, Technology, Energy and Mines is responsible for consultation with Anishinaabe communities for approvals that a mining project needs under the *Mines and Minerals Act*.

Anishinaabe communities will be notified when an application for a mineral exploration license is submitted, and they have 30 days to respond with any concerns they have. Based on the response provided by the Anishinaabe community, further communication and meetings may be required to ensure adequate consultation takes place. Measures for addressing the concerns of an Anishinaabe community about the project should be included by the Mineral Resources Division as a condition in the mineral exploration license.

For mining development, a project-specific consultation process is established by a consultation protocol, which needs to be agreed to by both the Mineral Resources Division and an Anishinaabe community. Advanced exploration and development projects require the approval of a closure plan, which is also issued by the Mineral Resources Division. The *Mine Closure Regulation* of the *Mines and Minerals Act*, which describes requirements for the contents of closure plans that are filed in Manitoba, does not include any requirements for a proponent to describe their engagement with Indigenous Nations. Therefore, most opportunities for consultation will occur with the Crown after a draft closure plan has been submitted.

5.3.2 Environment Act Approvals

The *Classes of Development Regulation* under the *Environment Act* includes mines, milling facilities, refineries, and smelters as Class 2 projects, which require an environmental assessment to receive an environmental license before construction and operation can begin. The director of the environmental approvals branch grants licenses for Class 2 projects, unless a project is especially controversial, in which case the minister of conservation and climate change will make a decision about the license.

The Manitoba environmental assessment process includes five overall phases, and the key opportunities for involvement in each step are described below.

- **Scoping.** While the obligation of proponents to engage with Indigenous communities during this phase is limited, under *Manito Aki Inaakonigewin* a mining company should engage with Anishinaabe communities as they are planning the scope of their project, long before they develop any engineering or assessment documents required in later phases. Although mining projects are usually assessed as Class 2 projects, the minister for conservation and climate change has the authority to assess a project with a higher level of scrutiny, which may be worth requesting if an Anishinaabe community feels it is warranted by the potential impacts of the project. This is the best phase of the environmental assessment for an Anishinaabe community to develop agreements with the proponent that describe a mutually agreed-upon process of engagement for the remaining steps of the environmental assessment.
- **Preparing the Environmental Assessment.** A major part of the proponent's preparation of the environmental assessment is engaging with Indigenous Nations. Because the environmental assessment requires many studies and knowledge gathering about environmental, social, and economic conditions, Anishinaabe communities can document Traditional Knowledge, cultural values, and information about Traditional land use to incorporate into the environmental assessment. Anishinaabe communities can also commission their own environmental assessments, Rights impact assessments, or other studies for a project if a mining company is not working collaboratively.
- **Proposal Review.** During the Technical Advisory Committee's review of the environmental assessment, the Environmental Approvals Branch will contact the Indigenous Nations impacted by the project to ensure that adequate consultation has taken place. After the Technical Advisory Committee reviews the environmental assessment, it is posted on the Manitoba public registry with a 30-day review period. It is important to review all sections of the environmental assessment in detail to determine if all Anishinaabe community concerns have been addressed adequately. If not, an Anishinaabe community can provide written comments that outline specific outstanding concerns and revisions that are required to address those concerns. This time frame does not typically allow for meaningful review of the report, especially if an Anishinaabe community wishes to retain environmental or technical experts to provide third- party peer reviews of the work completed by the proponent. If the proponent is acting in good faith under *Manito Aki Inaakonigewin*, an Anishinaabe community should have all the environmental assessment documents well in advance of this official review period. Timelines for a review of the environmental assessment are important to consider in any process or consultation agreement developed directly with the proponent. If an Anishinaabe community feels they have not been adequately engaged, they can also make a request during this comment period to the Minister of Conservation and Climate Change that a Clean Environment Commission hearing is necessary for the project.
- **Licensing Decision.** During the 30-day decision period, Anishinaabe communities can consider making final submissions to the director of the approvals branch or minister of conservation and climate change with any outstanding concerns about the project, or consider publicly releasing their own decision of whether they grant their consent for the project under *Manito Aki Inaakonigewin*.
- **Post-Decision.** If a decision is issued about the environmental license that conflicts with the position of an Anishinaabe community about a project, decisions can be formally appealed with submissions to the minister of conservation and climate change. If the project advances to construction and operation, Anishinaabe communities can be involved in monitoring and reporting on a mining company's compliance to the terms and conditions of the environmental license through agreements with the proponent or the province.

To learn more about opportunities for involvement in Manitoba's Environmental Assessment process, refer to the Grand Council Treaty #3 Lands Manager Toolkit.

5.3.3 Other Manitoba Government Approvals

Approvals from other Manitoba government agencies that are usually less prominent in the development of a mine include the following:

- **Approval under the Operations of Mines Regulation by the Workplace Safety and Health Branch.** A mines inspector appointed by the director of the workplace safety and health branch assesses the project's compliance to the *Operations of Mines Regulation* before granting authorization for the project. While consultation for this assessment is usually limited, the *Operations of Mines Regulation* most notably includes requirements regarding the opening and abandonment of mines, standards for tailings dams and retention ponds, and requirements for handling and responding to spills of hazardous materials.
- **Approval under the *Endangered Species and Ecosystems Act* by the Minister of Conservation and Climate Change.** The minister of conservation and climate change assesses the potential impacts of the project on species at risk and ensures that the mining company has adequate measures in place to address those impacts. Anishinaabe communities can provide important Traditional Knowledge to corroborate or correct the assessment a mining company has made about the project's interactions with species at risk, and support with identifying ways those impacts can be prevented.
- **Heritage Permit, Department of Culture, Heritage and Tourism.** A Heritage Permit is required when a mining project has potential impacts on designated heritage sites. Anishinaabe communities' knowledge about potential archaeological sites can inform the department of sport, culture, heritage and tourism's decision about a heritage permit for a mining project.

6

SECTION 6

Factors to Consider with Mining Projects

Purpose

This section provides an introduction to potential challenges and opportunities when engaging with the government and proponents about mining in Treaty #3.

Contents

6.1 Typical Potential Impacts Of Mining Projects

Even though every mining project is unique and will impact the environment in different ways, there are general types of impacts that most mining projects will have that are listed in Table 2. This table can be used as a reference to ensure the different types of potential impacts associated with a mining project have each been appropriately addressed by regulators and the proponent. Some of the more notable potential impacts of a mining project are discussed in more detail following the table.

Table 2. General types of impacts from most mining projects by phase of mining project life cycle

TYPE OF IMPACT	PHASE OF MINING PROJECT LIFECYCLE			
	Exploration	Development & Construction	Operation	Closure & Reclamation
Water	• Drilling waste, spills of fuel or hydraulic fluids, water discharge, or blasting residues • Water quantity affected by water taken from lakes, rivers, or streams to operate equipment and camps • Rivers or streams crossed by access roads and trails • Groundwater contaminated by drilling	• Surface water contaminated by spills of fuel or hydraulic fluids, sediment, or blasting residues • Water quantity affected by water taken from lakes, rivers, or streams to operate equipment and camps • Construction of water crossings for access roads and transmission lines	• Surface water contaminated by acidic runoff and heavy metals leaching, spills of fuel or hydraulic fluids, sediment, water discharge, or blasting residues (ammonia/nitrates) • Water quantity affected by water taken from lakes, rivers, or streams for operation activities • Run off or heavy metals leaching from acidic rocks and tailings exposed in mining • Changes to groundwater from open pit or mine shaft	• Surface water contaminated by spills of fuel or hydraulic fluids, sediment, or water discharge • Water quantity affected by water taken from lakes, rivers, or streams for closure activities • Risks of legacy impacts to water quality from tailings storage, heavy metals leaching, and drainage
Fish	• Fish habitat and spawning areas impacted by water taking or access-road water crossings • Fish impacted by changes to water quality • Fish population pressures from increased access to remote areas	• Fish habitat and spawning areas impacted by contamination, water taking, or water crossings • Fish impacted by changes to water quality • Fish population pressures from increased access to remote areas	• Fish habitat and spawning areas impacted by contamination, water taking, or water crossings • Fish impacted by changes to water quality • Fish population pressures from increased access to remote areas	• Fish habitat and spawning areas impacted by contamination, water taking, or water crossings • Fish impacted by changes to water quality • Fish population pressures from increased access to remote areas
Vegetation	• Removal of vegetation for line cutting, drill pads, or access roads • Movement or introduction of invasive species	• Vegetation clearing for site preparation and construction • Vegetation impacted by contamination and erosion • Movement or introduction of invasive species	• Vegetation impacted by contamination and erosion • Movement or introduction of invasive species	• Vegetation impacted by contamination and erosion • Movement or introduction of invasive species
Air Quality	• Minor impacts on air quality from operation of exploration equipment	• Air quality impacted by construction equipment, vehicles, and on-site power generation	• Air quality impacted by equipment, vehicles, and on-site power generation • Air quality impacted by emissions from smelting	• Air quality impacted by equipment, vehicles, and on-site power generation

TYPE OF IMPACT	PHASE OF MINING PROJECT LIFESTYLE			
	Exploration	**Development & Construction**	**Operation**	**Closure & Reclamation**
Cultural and Socio-economic	• Archaeological and cultural sites disturbed by drilling and construction of drill pads • Social and economic impacts from work camps and transient workforce	• Archaeological and cultural sites disturbed by construction activity • Social and economic impacts from work camps and transient workforce	• Archaeological and cultural sites disturbed by operations activities • Intergenerational Knowledge Transfer prevented by longer-term loss of access to Traditional land use areas and cultural sites • Social and economic impacts from work camps and transient workforce	• Archaeological and cultural sites disturbed by closure activities • Intragenerational Knowledge Transfer prevented by longer-term loss of access to Traditional land use areas and cultural sites • Social and economic impacts from work camps and transient workforce

6.1.1 Habitat Fragmentation And Disturbance

The area used by a mine and all its supporting infrastructure can be hundreds of thousands of hectares. Taking up this much land in a remote area divides the habitats of plants and animals into smaller pieces, making it harder for large populations of wildlife to survive. This is compounded by the introduction of noise and human activity in what was previously a remote area, causing wildlife to avoid areas that may previously have served as habitat or a migration route.

6.1.2 Acid Mine Drainage

Acid mine drainage can happen during exploration or operations when rocks that contain high levels of sulphides are exposed to oxygen and water as they are excavated, and the sulphides combine with those elements to create sulfuric acid. This sulfuric acid combines with the heavy metals that it dissolves in the surrounding rock, forming a toxic mixture that can run off or leach into surface water and groundwater.

6.1.3 Blasting Residues

Explosives for mining contain nitrogen, and under certain conditions can produce unionized ammonia in wastewater, which can be toxic to fish and other aquatic life. Nitrogen may also contribute to nutrient loading in nearby bodies of water, which can cause aquatic plant overgrowth, algae blooms, and lower levels of oxygen that fish and other aquatic life rely on. Blasting residues can enter natural waters via mine wastewater or from contaminated groundwater.

6.1.4 Heavy Metal Pollution

High levels of other metals such as nickel, copper, lead, and aluminum are also sometimes discarded in waste rock produced by mining and can run off, leach, or even be intentionally discharged into the surrounding environment. Increasing the levels of these metals in the environment can be harmful to humans and many aquatic species.

6.1.5 Ore Milling And Processing

The milling process that is used to remove desired minerals from the rock removed during mining sometimes requires toxic substances such as cyanide, arsenic, hydrochloric acid, and sulfuric acid. Accidental releases of these substances into the lands and waters during the operation of a mining project can be extremely harmful to humans, fish, aquatic invertebrates, and wildlife.

6.1.6 Tailings Storage

Tailings are a sludge-like material of rock, water, and chemicals that are left over from the milling process. Because of the hazard they represent, they must be carefully contained and stored on site, usually in large ponds with berms and dams. Stored tailings normally remain on the property of a mining project after the mine's operations and closure phases, and often represent the most significant long-term environmental risk of mining projects.

6.1.7 Smelting Emissions

Smelting is one of the steps of processing and refining the ore that gets extracted from the ground during mining, and involves applying heat and chemicals to ore to extract the mineral being targeted by a mining company. While emission regulations for smelting have improved in the last few decades, the blast furnaces used in smelting still release toxic pollutants from smokestacks that can settle on vegetation and soil and move through the food chain.

6.1.8 Sedimentation And Erosion

Mining activities such as trenching, drilling, access road construction, and excavation can release or cause the large-scale erosion of soil and sediment into surrounding water bodies. Fish and fish habitat can be significantly impacted by higher concentrations of sediment in the water or sediment that settles on a stream bed or riverbed.

6.1.9 Water Consumption And Discharge

Water is an important part of every phase of a mining project, used to manage dust during construction, separate ore during milling, and flood tailings storage and waste- rock areas. Because the millions of cubic metres of water required by a mine every year cannot be shipped in, this water is usually taken from surface water or groundwater sources in the surrounding environment. This can have a significant impact on water levels, especially during drought conditions. After water is used, it needs to be discharged back into the environment, which also presents potential impacts if the water has been exposed to contaminants or toxic materials during use.

6.2 Economic Development Opportunities

A mining project can present significant opportunities for economic development in Anishinaabe communities. While these need to be carefully evaluated and held in balance with the protection of the environment, understanding these benefits can be an important part of the decision an Anishinaabe community makes about whether to provide their consent for a mining project.

6.2.1 Employment

The type and number of employment opportunities in a mining project evolve as a mining project progresses through each phase of its life cycle.

Exploration

During exploration, job opportunities are typically limited and only short term, but these opportunities can allow members of Anishinaabe communities to gain useful experience that can be transferable to other projects and industries. Junior exploration companies usually only hire a few full-time staff who fill specialized positions (e.g., geologists, drill operators), but larger exploration projects might

also require less-specialized roles (e.g. labourers, camp staff). A mining company may complete environmental baseline work during exploration in anticipation of development, and this could involve hiring members of Anishinaabe communities to support environmental studies and field work.

Construction

Labour requirements for a mining project are usually most significant during the construction phase of the project, with both the mining company and the contractors that the mining company hires doing the work of constructing the mine. Opportunities include entry-level (e.g., trades labourers, heavy equipment operators), skilled (e.g., environmental technicians, trades occupations, administrative assistants), and professional (e.g., engineers, managers) positions. This can be an important time to develop experience and skills that may be needed when the mine is operating.

Operations

Demand for local workers for the project will decrease after the construction phase, but projects can still require hundreds or even thousands of staff (if staff of contractors are included) in this operations phase. Careers in mining operations again range from entry-level to highly specialized positions. The benefit of operations-phase opportunities is that they are often much longer term compared to employment opportunities during earlier phases of a mining project.

Closure

Typically, only a small number of jobs are available during and following the closure phase of a project. This might include equipment operators, environmental technicians and monitors, tradespersons, inspectors, and security personnel.

To ensure an Anishinaabe community can make the most of employment opportunities, they can request that a mining company provide advance notice of employment opportunities, so they can be advertised by Anishinaabe leadership. They could also negotiate with the mining company for a range of employment, such as an employment officer or liaison position dedicated to working with community members to pursue employment or funding for programs that help community members prepare to join the mining workforce. Agreements discussed in Section 6.3 can also include provisions for employment targets and preferential hiring of members of an Anishinaabe community. An Anishinaabe community should also consider the requirements of education and experience for employment opportunities in a mining project and how that compares to their workforce, as mining companies will often advertise the employment benefits of their projects without considering current social and economic realities.

For more information about the employment opportunities during each phase of a mining project, refer to the Mining Industry Human Resources Council's Human Resources Guide for Aboriginal Communities.

6.2.2 Training And Education

Along with commitments to employment targets and preferential hiring, agreements between Indigenous Nations and mining companies can include a proponent's commitment to provide training and education to improve an Anishinaabe community's readiness for employment opportunities. Government funding programs such as Ontario's Skills Development Fund can also provide First Nations with funding for training and skills development in advance of a mining project. Since employment positions during the operations phase of a project are longer term, they can also provide significant opportunities for on-the-job training. For example, trade apprentices can be paid while learning a specific trade under a journeyperson, or mining companies might pay for a course or degree for an employee looking to improve their performance or readiness to work at a higher level of a mining company's organization.

6.2.3 Contracting

Mining companies rely heavily on the use of consultants and contractors to bring mining projects through exploration, development, construction, operations, and closure. With enough notice or advanced preparation, Anishinaabe communities can develop businesses and joint ventures to win these contracts and participate financially in a mining project. Types of contracts or procurement opportunities that are typically awarded in each phase of a mining project are summarized in Table 3.

Table 3. Contracting opportunities awarded in each phase of a mining project

MINING PROJECT PHASE	CONTRACTING OPPORTUNITIES
Exploration	• Equipment and vehicle rentals or transportation services • Drill contracting or rental • Fuel supply • Digging and trenching with heavy equipment • Tree cutting and planting • Construction of camps and site infrastructure • Food, accommodation, and catering • Aircraft rental • Security • Environmental studies • Environment monitoring
Development and Construction	• Construction services (e.g., earth moving, structural/concrete work) • Road construction and maintenance • Surveying • Vehicle rentals or worker transportation services • Hauling/trucking • Heavy equipment rental or operation • Supply of goods (e.g., aggregates, fuel, safety equipment) • Aircraft rental and maintenance • Food, accommodation, and catering • Waste management and disposal • Consulting services (e.g. environmental, engineering, socioeconomic) • Environmental monitoring • Site security • Camp services/facility management

MINING PROJECT PHASE	CONTRACTING OPPORTUNITIES
Operation	• Construction services • Camp services/facility management • Fuel supply • Hauling/trucking • Worker transportation • Equipment leasing/rental • Supply of goods (e.g., aggregates, fuel, safety equipment) • Contract mining • Surveying • Laboratory services • Consulting services (e.g., environmental, engineering, socioeconomic) • Environmental monitoring • Site security
Closure and Reclamation	• Environmental remediation • Demolition • Earth moving/hauling • Seed collection, tree planting, and landscaping • Environmental monitoring • Security
Monitoring and Maintenance	• Water treatment • Environmental monitoring and reporting • Environmental studies • Site security

6.2.4 Equipment

In areas with a high concentration of mining, Indigenous Nations have been known to purchase mining equipment such as drill rigs, haul trucks, or heavy earth-moving equipment, expecting that this equipment will be rented or leased by several different mining companies during its lifetime and they'll see a significant return on investment.

6.2.5 Environmental Monitoring

Several factors contribute to a mining company needing to involve members of Anishinaabe communities as environmental and cultural monitors, including conditions of approval often included in permits, licenses, and approvals granted by federal and provincial regulators, and Anishinaabe inherent responsibility as environmental stewards under *Manito Aki Inaakonigewin*. Since monitoring and reporting is required in every stage of a mining project's life cycle, they can represent a significant economic opportunity. Anishinaabe communities can develop Guardians Programs that can be contracted by a mining company to fulfill monitoring requirements, or a mining company can provide funding to an Anishinaabe community to have their Guardians and monitors oversee mining activity and report to community leadership and staff.

6.2.6 Joint Ventures

A mining company might directly award contracts for the opportunities listed above to an Anishinaabe community based on the terms of an agreement, but contracts can also involve a tender (also called a competitive bid) process, where the details of a contract are published and various service providers give their pricing quote and qualifications to fulfill that contract. Even if an Anishinaabe community doesn't have a business to meet every one of the contracting opportunities listed above, they can form a new company that is a partnership or joint venture with an existing company and bid together on contracting opportunities during those tender processes. This is normally appealing for contracting companies because demonstrating to the mining company that their work will be completed in partnership with a local community makes their bid for a contracting opportunity more competitive. For an Anishinaabe community, this can mean that they still benefit from a contracting opportunity without having to invest in and start a new business. In some cases, an Indigenous community may also negotiate preferential consideration in the competitive bidding process for businesses they own or are a partner in, through agreements they establish with mining companies.

6.2.7 Limited Partnerships

When two or more First Nations want to collaborate in negotiations with a proponent or work together to pursue the economic benefits of a project, they can form a working relationship with an agreement called a limited partnership. The benefit of a limited partnership is that it keeps the risk of any investment or involvement in the project at an arm's length from a community's leadership and administration, and the liability of a First Nation is limited to the amount of investment they have made in the partnership. Limited partnerships can have board members or staff with representatives from each First Nation to ensure decisions are made in the best interests of all the partners.

Both joint ventures and limited partnerships may have significant legal or other implications and obligations for the first nation. Please consult with experts such as lawyers and accountants to advise and help protect first nations' interests when setting up any such business arrangement.

6.3 Mining Agreements

Different types of agreements can be negotiated and established with proponents to identify and implement measures that address the potential impacts of mining projects and realize the potential economic benefits that a mining project can represent. A description of these various agreements and their role in the relationship between a mining company and an Indigenous Nation is described below.

Because these agreements can be complex, long lasting, and legally binding, it is recommended that they are negotiated with the support or advice of qualified legal counsel and an experienced negotiator.

6.3.1 Letter Of Intent

Sometimes used as a preliminary agreement early in the life of a relationship between a mining company and a First Nation, a letter of intent sets out the activities a mining company plans to carry out and their recognition of the need for consultation and accommodation with the Indigenous Nations that their activity is impacting. A letter of intent is not usually legally binding, but provides a basis for future agreements if mineral deposits are discovered and more significant exploration or development work is advanced.

6.3.2 Exploration Agreement

Exploration agreements for early or advanced exploration projects usually establish the ground rules for exploration work and the expectations for the relationship between a mining company and an Anishinaabe community. They typically establish limits for exploration activity a mining company is allowed to pursue, lands that are out of bounds for exploration and mining, how communication and community engagement will happen, the requirements and terms for the First Nation providing consent for the project, commitments to environmental and culture protection , and capacity funding, compensation, or other benefits a mining company will provide. Benefit payments can be structured as one-time fixed payments, annual fixed payments, a percentage of the total amount a mining company spends on exploration activities, and/or shares or equity in the mining company. Each option has benefits and drawbacks; however, pursuing shares or equity in the mining company is usually not recommended because of the low likelihood of exploration projects proceeding to development.

These agreements typically require that any successive owners of the project are bound to the terms of the agreement and outline commitments to negotiating and finalizing agreements before a project can advance to any further phases of development.

6.3.3 Memorandum Of Understanding

A memorandum of understanding (MOU) can be negotiated during the early stages of exploration or development. It usually outlines the general principles that a mining company and First Nation are committing to as they engage with each other, a shared understanding of the mutual benefits they see in working together, and the steps of negotiation that will be followed if a mining project continues to advance. However, an MOU is usually not seen as a legally binding document because it is usually developed when a mining company is still evaluating the profitability of a project and does not want to make any binding commitments.

6.3.4 Process Agreement

A process agreement, sometimes also referred to as a Cooperation Agreement, is a more developed and legally binding version of an MOU. While an MOU can be a page or two in general terms, a process agreement is a longer document with more specific detailed clauses. A process agreement sets out the mutually agreed-upon steps that a mining company will take in its engagement with a First Nation during the development of a project and the studies and environmental assessments they are required to complete. It usually outlines the amounts of capacity funding a mining company will provide a First Nation so that the Nation has the resources they need to participate in engagement and negotiations, and complete studies or hire experts to evaluate the effects and benefits of the project for themselves.
A process agreement can also be where a mining company makes a formal and legally binding commitment to obtaining the consent of an Anishinaabe community before advancing to constructing and operating their project, regardless of what decision regulators make about the project. Because a process agreement is more formal, it can be time- and resource-intensive for an Anishinaabe community to negotiate, and a mining company may express resistance to working on one. However, environmental permitting by government during the development phase of a project requires extensive engagement and consultation with affected Indigenous communities under the duty to consult. An Anishinaabe community's comments and the impacts to their Rights during this phase are extremely influential on government's permitting decisions. This gives them greater influence and negotiating power with both government and the proponent during this stage of the process.

A process agreement is sometimes referred to as a negotiation protocol, but a negotiation protocol might also refer to a distinct agreement that is negotiated if a long time has passed since establishing earlier MOUs or process agreements. The benefit of a negotiation protocol is that it can provide a renewed alignment and shared understanding between the parties about how those earlier agreements will apply to negotiations of a new agreement.

6.3.5 Impact And Benefit Agreement

A mining company will usually begin the development of an Impact and Benefit Agreement (IBA) as they approach the end of the development phase and look to begin construction, or earlier if they have made commitments to negotiations in one of the agreements described above. In general, an IBA is designed to outline what a company will do to protect the environment and a First Nation from the impacts of a project, what they will do to offset any impacts they cannot avoid or prevent, and what they will do to make sure the benefits of the project outweigh the impacts and risks the First Nation will experience. In exchange, the IBA can represent an Anishinaabe community's consent for the project to give the mining company certainty that the community will support the project if certain conditions are met.

Impact And Benefit Agreement

What is included in an IBA depends on the nature of the impacts of the project on the community and what the specific objectives are, but some general terms to think about include the following:

- **Employment Opportunities.** The commitments a mining company makes to preferential hiring practices for members of an Anishinaabe community or hiring targets for members of an Anishinaabe community. It is important to include alternative benefits that will be triggered if hiring targets aren't met.
- **Education and Training.** Commitments to such things as educational opportunities, training programs, scholarships, or community funding to ensure that members of an Anishinaabe community are qualified for employment opportunities during all phases of the project.
- **Workplace Conditions.** Steps that will be taken to make sure working conditions are safe and supportive of employees who are members of an Anishinaabe community, and to ensure the awareness and respect of other employees for Anishinaabe culture. These terms can also include restrictions that prevent non-Indigenous employees from hunting or fishing on or near the mine site to limit pressures and disturbances to wildlife and fish populations.
- **Contracting Opportunities.** Contracting and procurement opportunities, including ones that will be set aside and directly awarded to a community, or priority access to opportunities where a community-owned business or joint venture is competitive.
- **Financial Compensation and/or Participation.** Different financial payment structures established to provide compensation for the negative impacts and risks of the project and acknowledge that the mining company is using land that is used and stewarded by Anishinaabe communities. The most common arrangement includes royalties that are a percentage of the project's revenue or net smelter return, combined with a schedule of fixed payments that are made regardless of the mine's performance. The benefits and risks of different options for payment arrangements should be carefully evaluated with the help of a qualified financial expert. When establishing these payment arrangements in IBA negotiations, it's also important that the community decides internally how these funds will be received, allocated, and managed.
- **Environmental and Cultural Protection.** Commitments to environmental and cultural protection that go above and beyond what might be required to as a condition of approvals or permits mining companies have received from regulators. Commitments can include funding the involvement of monitors or Guardians from an Anishinaabe community or limiting a schedule of mining activity to not disrupt cultural events or interfere with the migration of culturally significant species. This section of an IBA can include the formation of an Environmental Management Committee (EMC) or Indigenous Advisory and Monitoring Committee (IAMC) that has equal representation from a mining company and an Anishinaabe community, where shared decisions are made about environmental and cultural protection measures during the operation and closure of the project. This section of the IBA can also set out the continuing Rights that members of an Anishinaabe community have to a project site, and how that access will be facilitated by the mining company.
- **Ongoing Communications and Consultation.** The process for when, where, and how the parties will meet and communicate with each other. This could also include requirements for a mining company to provide periodic reports outlining their performance in fulfilling some of the terms described above and their commitments to providing advance copies of permit applications and reporting that will be submitted to regulators. It is important that this section outlines an Anishinaabe community's Right to continue engaging with the Crown on any issues that they feel aren't being addressed in the implementation of the IBA.
- **Implementation.** The measures and terms to effectively implement the agreement, including matters such as staff positions, committees, and a dispute resolution process.

IBAs are best negotiated prior to or during the development phase of a project to maximize the negotiating influence for the First Nation afforded by the duty to consult process for the mine's environmental permitting. However, if an Anishinaabe community is being impacted by a mine already in operation that they are not being adequately compensated for, they should recognize that there have been many IBA- type agreements negotiated or renegotiated outside of the initial mine development phase, including some within Treaty #3 territory. Consult a lawyer or negotiator experienced in this area of work for advice on how best to pursue such a negotiation or renegotiation.

Finalizing an IBA does not always mean that the benefits are completely guaranteed, because whether these kinds of agreements are implemented is often entirely dependent on a mining company's final investment decision to advance to construction and operation.

6.3.6 Socio-Economic Agreement

A Socio-Economic Agreement is similar to an IBA, but with a more limited focus on social and economic interests such as employment, education, training and business opportunities.

6.3.7 Participation Agreement

A Participation Agreement, also called a Partnership Agreement, is also usually similar to an IBA, except that it often has an emphasis on, or includes terms related to, a First Nations' shared ownership or equity position in the project. A benefit of this type of agreement is that many more substantive economic benefits can be realized, and a First Nation can be a partner instead of an outside voice about decisions regarding things such as environmental and cultural protection measures. A drawback is that sharing in the ownership of a project may mean that a First Nation is also legally liable for any impacts of the project during operation and any legacy issues that remain after closure. Work with an experienced lawyer to help avoid such liabilities to the extent possible.

6.3.8 Surface Lease Agreement

Surface Lease Agreements are negotiated with the owner of the land where a mining project will be located to allow a mining company the right to access and use the surface of the land where underground mineral resources are located. Historically these agreements have been negotiated with private land owners or provincial or territorial governments, but more recently Surface Lease Agreements are being negotiated with Indigenous Nations given a recognition of their stewardship and jurisdiction over lands where mining projects are located.

6.4 Capacity Funding

Engagement with proponents and regulators throughout the different phases of a mining project can require a significant amount of time and resources. Funding is usually required to ensure a First Nation has the capacity to host community engagement events, complete studies, honour and compensate Elders and land users for sharing their Knowledge, or hire staff or outside experts. This section provides some guidance for requesting and securing funding from proponents and outlines different federal and provincial funding programs that can provide support.

6.4.1 Funding From Proponents

Because the proponent is leading and advancing a mining project, and is therefore responsible for the increase to an Anishinaabe community's consultation and engagement workload, it is fair to request that they provide funding to support the community's capacity to actively and meaningfully participate in the project. Expectations for funding can be set out in a consultation protocol or communicated to a mining company in a letter. Requests can include funding for agreement negotiations, meeting expenses, community-led studies, technical reviews of permitting and environmental assessment documents, reimbursement for staff time, salary for a new employee, or expenses for the community to retain legal counsel and consultants. It is important to link these requests to requirements of ongoing regulatory processes, procedural aspects of the Crown's duty to consult that have been delegated to the proponent, requests for engagement initiated by the proponent, and the stewardship responsibilities of staff and leadership under Manito Aki Inaakonigewin. A request should clearly set out the amount of funding required for each activity, and the community should be prepared to justify these costs in follow-up discussions with a proponent. Funding provided by a proponent can sometimes be provided directly, but it is often embedded in some kind of funding agreement or larger agreement, such as an MOU or process agreement.

6.4.2 Government Funding

There are various opportunities for funding from federal and provincial government agencies for engaging in mine approvals and permitting processes. Many of these funding opportunities will require Anishinaabe communities to prepare and submit a funding application to the appropriate government agency. A detailed list of funding sources for participating in all phases of a mining project, including pursuing economic opportunities during construction and operation, is provided in Appendix C.

7.0 Conclusion

Treaty #3 is home to significant mineral resources. Because of this, Treaty #3 communities must have the information they need to feel empowered in making informed decisions about both the impacts and opportunities of mining in Treaty #3 Territory.

Given the current state of the global economy and government priorities for pursuit of critical minerals, the pressures of mining on the lands and waters in Treaty #3 Territory will likely continue to grow. Therefore, it is now more important than ever that Treaty #3 communities have access to resources and information that allow for informed community-based decision making about natural resource development projects across the Territory.

This Guidebook can serve as a reference for Anishinaabe communities and a starting point for additional learning on mining when engaging with mining companies and government agencies on mining projects in Treaty #3 Territory.

Appendix A: Additional Resources

A list of resources follows for anyone wishing to find more information about anything they have read. Note that these resources are subject to change, so please ensure to check the Grand Council Treaty #3 website periodically to ensure you are accessing the most up to date version of the Guidebook.

The Mining Industry

Natural Resources Canada, Exploration and Mining Guide for Aboriginal Communities

Ontario Mining Association, Mining 101

Ontario Mining Sequence

Manitoba Mining: Rich in Opportunity

Canadian Critical Minerals Strategy

Ontario Critical Minerals Strategy

Manitoba Critical Minerals Strategy

What Do ESG Standards Mean for the Mining Industry? Canadian Mining Journal

Chiefs of Ontario Call for 365-Day Moratorium of Mine Claims Staking

Gitxaala v. British Columbia Supreme Court Ruling

Yahey v. British Columbia Supreme Court Ruling

Treaty #3

Honouring 150 Years of the Signing of Treaty #3

We Have Kept Our Part of the Treaty: The Anishinaabe Understanding of Treaty #3

Agreeing to Share: Treaty #3, History, and the Courts

Current Mining In Treaty #3

Impact Assessment Agency of Canada Registry

Environmental Registry of Ontario

Government of Manitoba Public Registry

Canada's Minerals and Mining Map

Natural Resources Canada, Critical Minerals Map

Ontario Mining Association, Significant Mineral Projects 2024

Geology Ontario Database

Ontario MLAS Map Viewer

Manitoba Geological Databases

SEDAR+ Database.

Anishinaabe Laws And Principles

Grand Council Treaty #3 Manito Aki Inaakonigewin Toolkit

Grand Council Treaty #3 Nibi Portal

Grand Council Treaty #3 Lands Managers Toolkit

United Nations Declaration on the Rights of Indigenous Peoples

Federal Laws And Policies

Impact Assessment Act

Impact Assessment Agency of Canada Assessment of Potential Impacts on the Rights of Indigenous Peoples

Indian Mining Regulations

Fisheries Act

Fisheries Act: Metal and Diamond Mining Effluent Regulations

Department of Fisheries and Oceans Policy for Fish Habitat Offsetting

Species at Risk Act

Canadian Navigable Waters Act

Indian Mining Regulations

Environmental Code of Practice for Metal Mines

The Minerals and Metals Policy of the Government of Canada

Ontario Laws And Policies

Mining Act

Building More Mines Act

Grand Council Treaty #3 Comments on the Building More Mines Act

Water Resources Act

Environmental Protection Act

Endangered Species Act

Ontario Heritage Act

Lakes and Rivers Improvement Act

Fish and Wildlife Conservation Act

Mine Hutte, Ontario Mining Regulatory Analysis

Draft Guidelines for Ministries on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights.

Ontario Ministry of Mines Consultation Framework: Implementing the Duty to Consult with Aboriginal communities on Mineral Exploration and Mine Production in Ontario.

Environmental Assessments: Consulting Indigenous Communities.

Manitoba Laws And Policies

Mines and Minerals Act

Environment Act

Operations of Mines Regulation Endangered Species and Ecosystems Act

Heritage Resources Act

Draft Procedures of Consultation with Aboriginal Communities on Mineral Exploration.

Draft Procedures of Consultation with Aboriginal Communities on Mine Development.

Manitoba – First Nations Mineral Development Protocol Template.

Impacts And Benefits Of Mining Projects

Ontario Nature, Mining in Ontario: A Deeper Look

Mining Industry Human Resources Council, Human Resources Guide for Aboriginal Communities

Natural Resources Canada, Agreements Between Mining Companies and Aboriginal Communities or Governments

The Gordon Foundation, IBA Community Toolkit

Indigenous Guardians Toolkit

Appendix B: Contact Information For Government Mining Departments

Federal Government Agencies

Ministry Of Environment And Climate Change

Hon. Steven Guilbeault

Minister of Environment and Climate Change

ministre-minister@ec.gc.caw

Ontario Office, Environment and Climate Change Canada

4905 Dufferin Street Toronto, Ontario

M3H 5T4

Telephone: 416-739-4826

Fax: 416-739-4776

ec.enviroinfo.ec@canada.ca

Department Of Fisheries And Oceans

Hon. Diane Lebouthillier

Minister of Fisheries, Oceans and the Canadian Coast Guard

DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca

Transport Canada

Hon. Pablo Rodriguez

Minister of Transport

TC.Minister of Transport-Ministredes Transports.TC@tc.gc.ca

Ontario Regional Manager

NPPONT-PPNONT@tc.gc.ca

Natural Resources Canada

Hon. Jonathan Wilkinson

Minister of Energy and Natural Resources

jonathan.wilkinson@parl.gc.ca

Magdi Habib

Critical Minerals Director General

magdi.habib@nrcan-rncan.gc.ca

Ontario Government Agencies

Ministry Of Mines

Hon. George Pirie

Minister of Mines

minister.mines@ontario.ca

Mineral Development Office (Thunder Bay)

435 James Street South Suite B002 Thunder Bay, ON

P7E 6E3

Canada

Critical Minerals Strategy Unit

criticalminerals@ontario.ca

Email addresses for Ministry of Mines staff working on specific mining projects are listed on applications posted for comment on the Environmental Registry of Ontario.

Ministry Of Environment, Conservation And Parks

Hon. Andrea Khanjin

Minister of Environment, Conservation and Parks

Minister.mecp@ontario.ca

Email addresses for Ministry of Environment, Conservation and Parks staff working on specific mining projects are listed on applications posted for comment on the Environmental Registry of Ontario.

Ministry Of Natural Resources

Hon. Graydon Smith

Minister of Natural Resources

minister.mnrf@ontario.ca

Email addresses for Ministry of Natural Resources staff working on specific mining projects are listed on applications posted for comment on the Environmental Registry of Ontario.

Data Management Unit

Patrick Brown

Manager/Provincial Mining Recorder

patrick.brown@ontario.ca

Provincial Recording Office

pro.ndm@ontario.ca

Manitoba Government Agencies

Ministry Of Science, Technology, Energy And Mines

Hon. Jamie Moses

Minister of Economic Development, Investment, Trade and Natural Resources

mineditnr@manitoba.ca

Minister Of Conservation And Climate Change

Tracy Schmidt

Minister of Environment and Climate Change

minecc@manitoba.ca

Agnes Wittmann

Director, Environmental Approvals Branch

EABDirector@gov.mb.ca

Appendix C: Funding Sources

Federal Funding Programs

Impact Assessment Agency Of Canada Participant Funding Program

This Participant Funding Program provides funding to First Nations to support their engagement with the Impact Assessment Agency of Canada during a federal impact assessment. Typically, an Anishinaabe community will be automatically informed if they are eligible to apply for funding for a mining project that is subject to a federal impact assessment.

Impact Assessment Agency Of Canada Indigenous Capacity Support Program

The Indigenous Capacity Support Program provides funding to help First Nations develop their understanding of the federal impact assessment process and readiness to participate in federal impact assessments.

Critical Minerals Infrastructure Fund Indigenous Grants Program

Natural Resources Canada's Critical Minerals Infrastructure Fund – Indigenous Grants Program supports Indigenous engagement, knowledge sharing, and capacity building related to clean energy and transportation projects that would enable critical minerals development.

Indigenous Services Canada Strategic Partnerships Initiative

The Strategic Partnerships Initiative provides funding to support First Nations' participation in complex economic opportunities.

Indigenous Services Canada Community Opportunity Readiness Program

The Community Opportunity Readiness Program addresses the financial needs of First Nations when they are wish to participate in an economic opportunity.

Indigenous Services Canada Lands And Economic Development Services Program

The Lands and Economic Development Services Program has several streams, but its operational funding and project-based funding are designed to support economic development in First Nations.

Employment And Social Development Canada Skills And Partnership Fund

The Skills and Partnership Fund supports partnerships between Indigenous organizations and industry employers to provide skills training for Indigenous Peoples linked to economic opportunities at the local, regional, and national level.

Natural Resources Canada Indigenous Natural Resource Partnerships Program

The Indigenous Natural Resource Partnerships Program increases the economic participation of Indigenous communities and organizations in the development of natural resource projects.

National Aboriginal Capital Corporations Association Indigenous Growth Fund

The Indigenous Growth Fund provides improved access to capital for Indigenous financial institutions and Indigenous small- and medium-sized enterprises and businesses.

Ontario Funding Programs

Aboriginal Participation Fund

The Aboriginal Participation Fund provides funding to First Nations in Ontario who experience high volumes of mineral exploration and development activity. It provides funding for First Nations to participate in regulatory processes under the Mining Act, pursue economic development activities associated with mineral exploration and development, and cover expenses for staff and consultants.

Indigenous Economic Development Fund

The Indigenous Economic Development Fund provides funding through various streams to support projects that diversify Indigenous economies and increase access to employment and training opportunities.

Federal Economic Development Agency For Northern Ontario - Northern Ontario Development Program

The Northern Ontario Development Program funds projects led by municipalities, First Nations, and other organizations that support community economic development and job creation.

Federal Economic Development Agency For Northern Ontario - Community Investment Initiative For Northern Ontario

The Community Investment Initiative for Northern Ontario funds First Nations to increase the number of economic development initiatives implemented, and can specifically provide funding to hire an economic development officer if a First Nation does not yet have one.

Indigenous Affairs Indigenous Economic Development Fund

The Indigenous Affairs Indigenous Economic Development Fund provides Economic Diversification Grants to support First Nations' strategic economic planning to expand their economic base and explore opportunities for job creation.

Indigenous Affairs Indigenous Community Capital Grants Program

The Indigenous Community Capital Grants Program funds the development of community capital projects that contribute to a sustainable social base and support economic participation in Indigenous communities, both on and off reserve.

Northern Ontario Heritage Fund Corporation Community Enhancement Program

The Community Enhancement Program helps economic development in Northern First Nations through infrastructure investments, economic development infrastructure, and strategic economic development initiatives.

Northern Ontario Heritage Fund Corporation Invest North Program

The Invest North Program boosts economic growth in Northern Ontario by encouraging businesses to invest in transformative, strategic, and complementary business development opportunities.

Manitoba Funding Programs

Clean Environment Commission Participant Assistance Program

The Participant Assistance Program provides funding in the case of a development that is the subject of a Clean Environment Commission hearing under the Manitoba Environment Act.

Prairies Economic Development Canada Manitoba Indigenous Critical Minerals Partnerships Initiative

The Manitoba Indigenous Critical Minerals Partnerships Initiative funds projects in three key areas: workforce development, capacity building, and business development and entrepreneurship related to minerals development.

Indigenous And Northern Initiatives Fund

The Indigenous and Northern Initiatives Fund supports projects that will improve the quality of life for Indigenous Peoples, particularly with respect to economic development, job creation, and educational initiatives.

Indigenous Inclusion And Partnerships Fund

The Indigenous Inclusion and Partnerships Fund supports the capacity of First Nations to participate in initiatives such as collaborative monitoring, impact assessment studies, and project site visits.

First Peoples Economic Growth Fund

The First Peoples Economic Growth Fund provides financing to First Nation businesses that are determined to be economically viable.

Appendix D: Training And Education Programs

Federal Training And Education Programs

Economic & Social Development Canada Indigenous Skills and Employment Training Program

Mining Industry Human Resources Council Mining Essentials Program

ECO Canada Building Environmental Aboriginal Human Resources

Royal Bank of Canada Future Launch Scholarship for Indigenous Youth

Indspire Bursaries & Scholarships

Ontario Training And Education Programs

Ontario Labour, Immigration, Training and Skills Development Indigenous Job Training in Northern Ontario

Northern Ontario Heritage Fund Corporation People & Talent Program

Ontario College Mining Programs Database

Manitoba Training And Education Programs

Northern Manitoba Mining Academy

Manitoba First Nations Education Resource Centre

Manitoba Institute of Trades and Technology