

SON CONSULTATION PROCESS

Every consultation process is unique, as every project will have its own specific impacts on the Aboriginal rights and interests of the Saugeen Ojibway Nation (SON). This chart is meant to provide a general understanding of SON's expectations of the steps in a proper Aboriginal consultation process.

PRE-ENGAGEMENT	
Proponent sends project information to SON	<p>To begin to review the scope of consultation required (if any), SON requires an information package from the proponent with the following information:</p> <ul style="list-style-type: none"> • project type and description • size • location, including maps and land use plan descriptions • anticipated timelines • anticipated permits which will be required • environmental inventories • the proponent's initial analysis of anticipated impacts on SON's territories and rights, and • contact information. <p>Please note the general public consultation notifications and processes may not fulfill this proper notification requirement, particularly for larger projects.</p>
SON identifies initial concerns	<p>After SON has received the proper information from the proponent, SON will conduct an initial analysis to determine the scope of consultation required. Typically, SON looks to see if a project could have impacts in the following areas:</p> <ul style="list-style-type: none"> • impacts on land claims • impacts on the SON commercial fishery • impacts on traditional harvesting • impacts on the natural environment • impacts on cultural heritage (such as archaeology and burial areas)
SON and proponent staff meet regarding technical information	<p>The SON staff may require an initial meeting with the proponent's representatives to obtain additional information prior to recommending a consultation process to the SON Joint Council. This may include the need for a site visit.</p>
SON provides an initial response	<p>If the SON staff recommend that substantive consultation is required, the SON Chiefs or Joint Council will request a formal meeting at the political or senior management level with the proponent. Typically, SON will ask to discuss a workable consultation process, including timelines, funding and anticipated components of an Agreement to resolve any issues regarding Aboriginal rights impacts.</p>

ENGAGEMENT / PRE-CONSULTATION	
Proponent-SON meeting	<p>At a meeting (or meetings) to discuss the Aboriginal consultation requirements for a particular project, SON and the proponent will typically discuss:</p> <ul style="list-style-type: none"> • Mutual understanding of the consultation process • Development of a consultation process suitable for the specific project • Anticipated technical reviews to determine the project's impacts on Aboriginal rights • Confirmation of funding (see below) • Project timelines • Information gaps which require further research or information • Contacts in both organizations • An anticipated workplan for the consultation process <p>The result of the meeting(s) will be either:</p> <ul style="list-style-type: none"> • an agreement to proceed with the project as planned; • an agreement to proceed with the project subject to the conditions and accommodations agreed to by SON and the proponent; • an agreement to postpone or abandon the project, with or without an agreement to conduct further review; or • no agreement (in which case SON will explore its other options for response to the project).
Confirmation of Funding	<p>SON requires proponents to cover consultation costs as part of the cost of assessing the viability of a project. Consultation costs which may need to be covered by the proponent can include:</p> <ul style="list-style-type: none"> • Technical review by SON experts (see below) • Consultation process costs for meetings including travel costs and per diems for staff, advisers and negotiators • Research and logistical support by SON's environment office staff, where required • Preparation of agreements and other information
Agreement on workplan and funding	<p>If the proponent and SON agree about the anticipated process and timelines for Aboriginal consultation, including the technical required, SON and the proponent can enter into a Memorandum of Understanding (in the form of a confirmation letter or a formal agreement) confirming the workplan and the consultation funding commitments.</p>
Peer Review and Analysis by SON's Technical Experts	<p>Depending on the type of project and anticipated impacts, SON may require peer review by its own independent experts, including SON's:</p> <ul style="list-style-type: none"> • Fish biologist • Fish habitat and benthic invertebrates expert

	<ul style="list-style-type: none"> • Natural environment biologist • Archaeologist • Hydrogeologist • Legal counsel <p>These experts will advise SON on the anticipated impacts of the project on SON's rights and interests and how the impacts can be mitigated. This process may require exchange of information between SON's experts and the proponent's experts.</p>
SON – Crown negotiations	<p>Even for projects for which the Crown or an agency of the Crown is not the proponent, SON will be involved in a negotiation process with the Crown agencies to ensure that the Aboriginal consultation obligation is being met, and to exchange technical information where appropriate.</p>

CONSULTATION & ACCOMMODATION

Internal consultation within SON communities	<p>An important part of the Aboriginal consultation process is SON's internal consultation within the two Aboriginal communities at Chippewas of Nawash and Saugeen First Nation regarding how a specific project may impact community members. SON's environment office and the SON Joint Council coordinate this internal process.</p>
Negotiation of a consultation and accommodation agreement	<p>Once SON has received information from SON's staff and experts regarding anticipated project impacts, SON and the proponent can negotiate a consultation agreement. Each consultation agreement is unique, as each addresses the specific impacts of a particular project and how those impacts will be mitigated or accommodated. An agreement will typically includes terms such as:</p> <ul style="list-style-type: none"> • Confirmation of SON technical reviews required (if these reviews have not already happened) • Compensation for consultation costs (see <i>Confirmation of Funding</i> above) • Specific measures to mitigate particular environmental impacts • A protocol for dealing with archaeology issues • Provision for SON participation in long term environmental monitoring • Measures to ensure that land claims are not impacted (such as a non-prejudice clause, or registration of Certificates of Pending Litigation where appropriate) • Compensation where land claims or environmental impacts cannot be mitigated • Provision for access for Aboriginal harvesters, where appropriate • Employment and training opportunities for SON members, especially youth • Notice of changes or modifications to the project • A dispute resolution mechanism

IMPLEMENTATION	
Participation in long term environmental monitoring	SON often seeks participation in long term environmental monitoring processes for projects which require Aboriginal consultation and accommodation. This may require periodic review, by SON experts, of environmental reports on a project's operations or regular (such as annual) meetings between a proponent and SON's environment office to discuss evolving environmental management plans for the project.
Establishment of long-term advisory bodies if required	Some projects may require the establishment of a long term advisory body to act as the consultation body for the purpose of ongoing consultation on the impacts of a project. For example, a consultation agreement may require the establishment of an environmental monitoring committee or an advisory body on archaeology concerns.
Communications Strategy	In many cases, it will be helpful for SON and a proponent to develop a joint communications strategy to communicate with the public about the consultation process and outcome.