

## **Interim Regulation**

### **MANITO AKI INAKONIGAAWIN THE GREAT EARTH LAW**

#### **REGULATION 2010-01**

#### **MINIMUM REQUIREMENTS OF PROPONENTS AND THEIR PARTNERS FOR AUTHORIZATION UNDER PARAGRAPHS 19 AND 20 OF MANITO AKI INAKONIGAAWIN ("THE ENGLISH CONSOLIDATION")**

##### Internal consultation

1. The Executive Council will require detailed information of the planned activities or development and any available options that may mitigate or prevent interruption to the general exercise of aboriginal and treaty rights by the citizens of the Anishinaabe Nation in Treaty #3.
2. At the early stages of all requests for authorizations, the Ogichidaakwe will determine which of the 28 communities in the Anishinaabe Nation in Treaty #3 must be consulted and will be deemed "specified communities" through a letter of commitment from the Office of the Ogichidaakwe to all 28 communities.
3. 15 calendar days prior to an official authorization review meeting with the Executive Council, proponents and/or Crown parties shall deliver to the Grand Council Treaty #3 a record or evidence that they did consult internally with specified communities, which shall include detailed and specific information sharing, mitigation measures, a record of consideration of the views and interests of specified communities regarding the following:
  - (a) The effects of the proposed development on the exercise of aboriginal and treaty rights, generally;
  - (b) The effects of the proposed development on the exercise of aboriginal and treaty rights of individual citizens whose aboriginal and treaty rights will be specifically affected;
  - (c) The effects of the proposed development on the social, cultural, and spiritual sustainability of the specified communities within the Anishinaabe Nation in Treaty #3; and
  - (d) The effects of the proposed development on the environmental sustainability of the Treaty #3 territory as a whole.

The information will be distributed to all 28 communities within the Anishinaabe Nation in Treaty #3 for the purposes of providing comments over an additional 15 day comment period at which time the comments will be reviewed to ensure that all and any valid concerns, interests and rights are taken in consideration within the authorization process.

4. The internal consultation required by the Executive Council of the Grand Council Treaty #3 shall be undertaken considering the responsibilities of the Anishinaabe Nation in Treaty #3 to the citizens, land, resources within its entire territory and the future generations of the Anishinaabe Nation in Treaty #3.

(a) If the project has changed the scope of activities or development such that the Ogichidaakwe may wish to specify additional communities under paragraph 2 of this regulation, then an additional 90 days may be added to any process of authorization under Manito Aki Inakonigaawin in order to ensure that all specified communities are granted the opportunity to give or withhold consent within Manito Aki Inakonigaawin.

(b) If a project has been undertaken by a proponent prior to the passing of this Regulation without seeking an authorization from the Anishinaabe Nation in Treaty #3, it is the responsibility of the Anishinaabe Nation in Treaty #3, communities within the Anishinaabe Nation in Treaty #3, and the Grand Council Treaty #3 to seek compliance in order to collectively uphold our sacred and legal obligations.

#### Contents of consultation and accommodation agreements

5. In negotiating consultation and partnership agreements with proponents and/or Crown parties, communities within the Anishinaabe Nation Treaty #3 shall seek to include provisions that address the following:

- (a) The recognition of the ability of the Anishinaabe Nation in Treaty #3 to grant or withhold consent to continued development on certain terms;
- (b) The role of the community as a business partner or shareholder in the proposed development;
- (c) The role of the Anishinaabe Nation in Treaty #3 as a decision-making authority in the proposed development;
- (d) The nature and extent of continued environmental monitoring through the life of the project until decommissioning;
- (e) The nature and extent of continued information exchange between specified Treaty #3 communities, the proponent and/or Crown party through the life of the project until decommissioning;

6. Any role of the Anishinaabe Nation in Treaty #3 described in paragraph 5 (a) through (e) may be assigned to a designated officer of the Grand Council Treaty #3 after consultation and agreement with the specified communities.

7. The role of continued environmental monitoring described in paragraph 5 (d) shall be assigned to an officer of the Grand Council of Treaty #3 by the Executive Council of Anishinaabe Nation in Treaty #3.