

The First Nations and Indigenous Communities Consultation Process

Under provincial environmental laws, you must consult with First Nation and Métis communities during the environmental assessment process.

The nature of consultation will vary depending on the project.

Sometimes, First Nation and Métis communities will be consulted based on interests; other times, a project might impact established or asserted Aboriginal rights of First Nations or Métis communities.

As a proponent, you have an important and direct role in the consultation process.

Where the Crown's [duty to consult](#) is triggered, procedural aspects of rights-based consultation are delegated to the proponent. This means that the Crown delegates some activities of consultation to the proponent to carry out.

Proponents should discuss with each identified and potentially affected First Nation and Métis community how to prevent or mitigate any potential adverse effects a proposed project may have on their Aboriginal or treaty rights, established or asserted.

Identifying Indigenous Communities

Make an initial list

As a first step, make a list of First Nations and Métis communities that may have an interest in, or potentially be affected by, the project.

The list should be based on:

- potential adverse impacts from your proposed project to the environment where Aboriginal or treaty rights may be exercised
- information related to historic Aboriginal occupation found on the Ministry of Indigenous Relations and Reconciliation (MIRR) and Indigenous and Northern Affairs Canada (INAC) websites
- current land claims and land-related negotiations listed on provincial and federal government websites

- reserves that are in close proximity to the project area (you can find information through sources such as the Aboriginal Communities and Friendship Centres in Google Earth and the Aboriginal and Treaty Rights Information System (ATRIS))
- Chiefs of Ontario website which provides a directory of contact information for all First Nations and Chiefs and map of the location of Ontario First Nations communities in Ontario
- results of any information in any known archaeological assessments
- review of Historic Treaties, Treaty Guides and map of Historical Indian Treaties
- information about Métis communities available on the Métis Nation of Ontario website or through the Ministry of Indigenous Relations and Reconciliation

How Indigenous Affairs and Northern Affairs Canada can help

You can now search a new online system called the Aboriginal and Treaty Rights Information System (ATRIS) to find the location and nature of established and potential Aboriginal and Treaty Rights.

Search the [Aboriginal and Treaty Rights Information System](#).

What's involved

When consulting with the Indigenous communities identified, the proponent should:

- contact First Nation communities through the Chief and Band Council or Métis communities through their elected leadership to inform them of the proposed project
- notify the communities of open houses and meetings
- provide the communities with project documentation and other information
- respond clearly to questions or concerns from communities about project impacts
- notify the Crown if rights are raised
- notify the Crown if consultation efforts stall
- follow any other requirements for Aboriginal consultation in the transit, waste or electricity regulations, class environmental assessments and various

Ministry of the Environment and Climate Change codes of practice and guidelines

Documenting consultation

Proponents need to document:

- how Indigenous communities were identified and consulted
- what issues, if any, were raised
- how those issues were avoided, prevented, mitigated or addressed

Notifying the Crown (Ontario Government)

As a proponent, you must notify the Ministry of the Environment and Climate Change:

- if a project could adversely affect an Aboriginal or treaty right
- where consultation stalls
- if a Part II Order request is anticipated

Depending on the circumstances, the Crown may become involved directly or indirectly in the consultation process.

How to notify us

Send an [email](#) and use the subject line: Potential Duty to Consult.

Or send a notice by mail to:

Director, Environmental Assessment and Permissions Branch
Ministry of the Environment and Climate Change
135 St. Clair Ave West, 1st floor
Toronto, Ontario
M4V 1P5

If it is found that the Crown has a duty to consult, the Ministry of the Environment and Climate Change will work with the proponent to help ensure the duty is fulfilled prior to making any project decisions.

Related information

[Duty to Consult with Aboriginal peoples](#)

[Aboriginal consultation guidelines for ministries](#)

[Preparing environmental assessments](#)

[Terms Commonly Used in Ontario Environmental Assessments](#)

[Aboriginal and Treaty Rights Information System](#)

[Ministry of Indigenous Affairs](#)