

# MVLWB

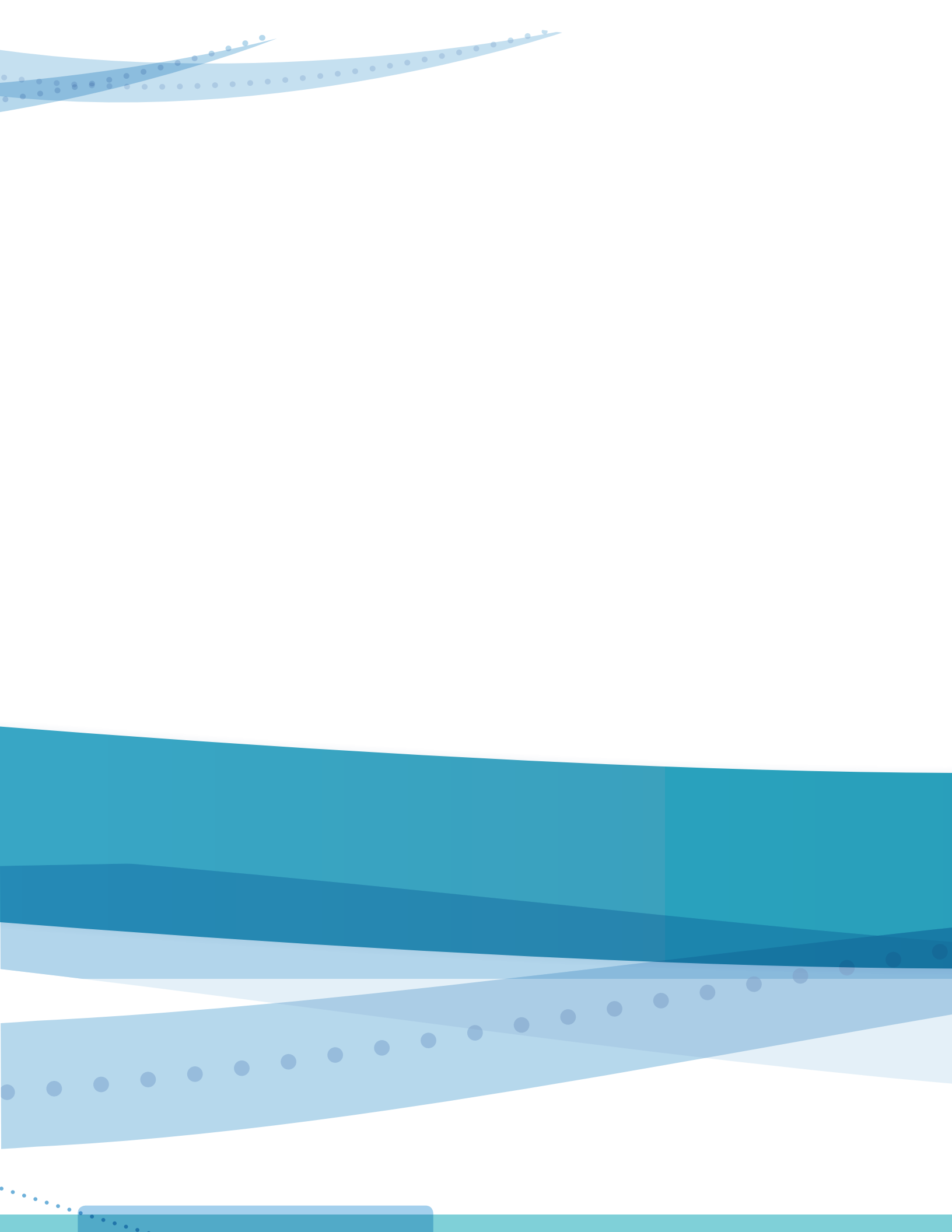
## Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits

June 1, 2013

Mackenzie Valley Land and Water Board  
Gwich'in Land and Water Board  
Sahtu Land and Water Board  
Wek'èezhìi Land and Water Board



*Mackenzie Valley Land and Water Board*





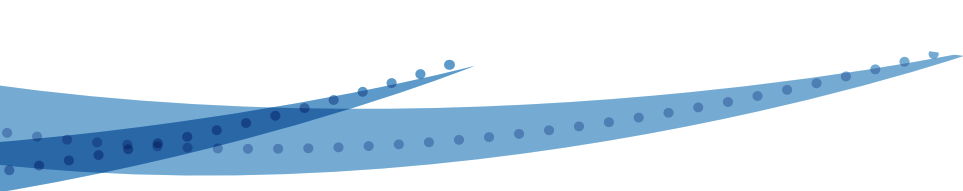
MVLWB

*“Sharing responsibility—working together to make the best decisions for the land, water, and people.”*



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## Definitions and Acronyms

TERM	DEFINITION
Aboriginal organization/ government	an organization representing the rights and interests of a First Nation (as defined in section 2 of the <i>Mackenzie Valley Resource Management Act</i> ), Inuit community or region, a Tłı̨cho First Nation, or the Tłı̨cho Government.
affected community	a community, including a city, town, village, hamlet, charter community, or settlement, that is located near a proposed project and whose citizens could be affected by a proposed project.
affected party	a party that is predicted to be affected by a proposed project, such as an Aboriginal organization/government, an individual occupying land for traditional purposes, a private landowner, or lease holder (e.g., for a lodge).
Boards	Land and Water Boards of the Mackenzie Valley, as established by the <i>Mackenzie Valley Resource Management Act</i> .
engagement	the communication and outreach activities a proponent undertakes with affected parties prior to and during the operation of a project.
engagement plan	a document that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.
engagement record	a summary and log which details the engagement processes and outcomes between the proponent and the affected parties.
GLWB	Gwich'in Land and Water Board
LUP	land use permit
MVLUR	<i>Mackenzie Valley Land Use Regulations</i>
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWT	Northwest Territories



## Definitions and Acronyms *continued*

TERM	DEFINITION
project	any development that requires a land use permit or water licence.
proponent	applicant for, or holder of, land use permit and/or water licence.
SLWB	Sahtu Land and Water Board
WL	water licence
WLWB	Wek'èezhii Land and Water Board





## 1.0 Introduction

The Land and Water Boards of the Mackenzie Valley<sup>1</sup> (the Boards) have established a policy entitled *Engagement and Consultation Policy* (the Policy). The objectives of the Policy are to:

- Outline submission requirements for applicants and holders of land use permits (LUPs) and water licences (WLs) pertaining to pre-submission and “life-of-project” engagement with affected parties; and
- Describe the administration of Board responsibilities for statutory consultation under the *Mackenzie Valley Resource Management Act* (MVRMA).

Engagement is defined in the Policy as “The communication and outreach activities a proponent undertakes with affected parties prior to and during the operation of a project”. The Policy is also based on the premise that the appropriate level of engagement should reflect the scale, location, and nature of a proposed activity.

The proponent’s engagement efforts, along with the Boards’ consultative process, contribute to meaningful involvement of affected parties and are essential in our co-management system. Engagement ensures that affected parties, including Aboriginal organizations/governments, are able to:

- Develop an understanding of a proposed project or component of a project;
- Provide feedback during the engagement process on issues of concern with regards to a project; and
- Work towards building relationships with proponents that are operating in an area.

Engagement assists the applicant in developing an understanding of the social, cultural, and environmental conditions in the area and to

potentially adapt and improve the project in response to these conditions.

### 1.1 Purpose and Objectives

The purpose of the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* (the Guidelines) is to support proponents in their engagement efforts with all affected parties and to ensure proponents meet the Board’s requirements for engagement.

Specifically, the Guidelines assist proponents to conduct engagement activities as required or recommended by the Boards by outlining:

- A proponent’s submission requirements for engagement prior to and during the life of a project;
- The Boards’ engagement criteria against which they will assess adequacy;
- The recommended step-by-step process for successful engagement outcomes; and
- Suggested best practices for conducting engagement.

### 1.2 Application

The Guidelines apply to all new applications and submissions made before a Board after its effective date. It may also apply to existing licences, depending on submissions made in relation to those licences, such as aquatic effects monitoring plans and closure and reclamation plans.

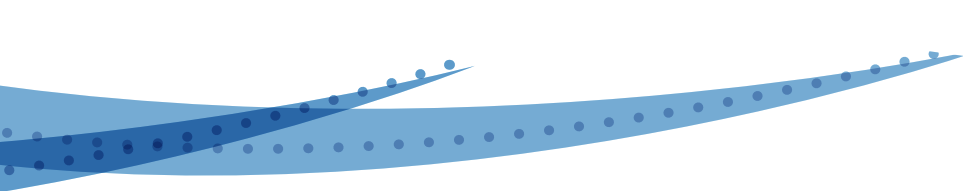
### 1.3 Authority

The Boards’ authorities are granted under the MVRMA and *Northwest Territories Waters Act* and their regulations. The Boards may not issue a licence, permit, or authorization for the carrying out of a proposed development unless the requirements of

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<sup>1</sup> The Land and Water Boards of the Mackenzie Valley include the Mackenzie Valley Land and Water Board, Gwich’in Land and Water Board, Sahtu Land and Water Board, and Wek’ëezhii Land and Water Board.





Part 5 of the MVRMA have been met.<sup>2</sup> As screeners, the Boards must ensure that the concerns of Aboriginal people and the general public are taken into account, have regard to the protection of the social, cultural, and economic well-being of residents of the Mackenzie Valley (see sections 60.1, and 62, and paragraphs 114(c) and 115(b) and (c) of the MVRMA). In exercising their powers, the Boards shall consider the importance of conservation to the well-being and way of life of the Aboriginal peoples of Canada to whom section 35 of the *Constitution Act, 1982* applies and who use an area of the Mackenzie Valley.

#### 1.4 How the Guidelines Were Developed

Section 106 of the MVRMA allows the MVLWB to “Issue directions on general policy matters or on matters concerning the use of land or waters or the deposit of waste that, in the Board’s opinion, require consistent application throughout the Mackenzie Valley”. The MVLWB is implementing this provision through the Standard Procedures and Consistency Working Groups.

The Engagement and Consultation Working Group was created and mandated by the MVLWB to research and identify the expectations of the Boards with regard to the role of applicants in engagement and to clarify its roles and responsibilities with respect to Aboriginal consultation under the MVRMA.<sup>3</sup> The content of the Guidelines is based on legal and policy research, including regulatory, community-based, and industry engagement best practices, as well as careful consideration of public comments received by the Board after the release of draft documents in February and October 2012.

#### 1.5 Monitoring and Performance Measurement for the Guidelines

Mechanisms will be required to monitor and measure performance and to evaluate the effectiveness of the Guidelines. In accordance with the principles of a management systems approach (e.g., plan-do-check-act), the MVLWB will develop a performance measurement framework. The Guidelines will be reviewed and amended as necessary within that framework. The framework will also describe how affected parties, industry, and government will be involved in the review process.

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<sup>2</sup> Part 5 describes the objectives and general process of screening, environmental assessment, and environmental impact review. The Boards are the primary screeners under the MVRMA.

<sup>3</sup> This work was also informed by the work of the Mackenzie Valley Environmental Impact Review Board (MVEIRB) and MVLWB Joint Steering Committee on Consultation 2011-2012.

## 2.0 Engagement Policy

Aboriginal organizations/governments represent the rights and interests of a large percentage of the public in the Mackenzie Valley whose rights are likely to be adversely impacted by industrial land- and water-based activities outside of municipal boundaries. As such, all applications to the Board will require some level of engagement with Aboriginal organization(s)/government(s) that could be adversely impacted, including for renewals, extensions, storage authorizations, amendments, and assignments. The level of engagement will vary depending on the results of initial dialogue with the affected Aboriginal organization/government and should reflect the scale, location, and nature of the project. (See Appendix B for recommended levels of engagement.)

In those instances where a proposed development could be a cause for broad public concern in a larger community (e.g., Yellowknife, Hay River, Inuvik), the proponent may be required to carry out pre-submission engagement by a Board to ensure the concerns of these parties and the broader public are addressed. (See section 3.1 for a discussion of affected parties and engagement efforts.)

### 2.1 Submission Requirements

For all new applications, the Boards will require the submission of two documents; an **engagement record(s)** and an **engagement plan(s)**.

Generally, an engagement record <sup>4</sup> consists of a summary of all engagement made with each affected party and a log which serves to provide details of all of the engagement that has occurred. An engagement plan is a document that clearly describes when, what, and how engagement will occur with the affected parties throughout the life of the project. More detail regarding developing an engagement record and engagement plan is outlined in subsections 3.3 and 3.4, and Appendices E, F, and G.

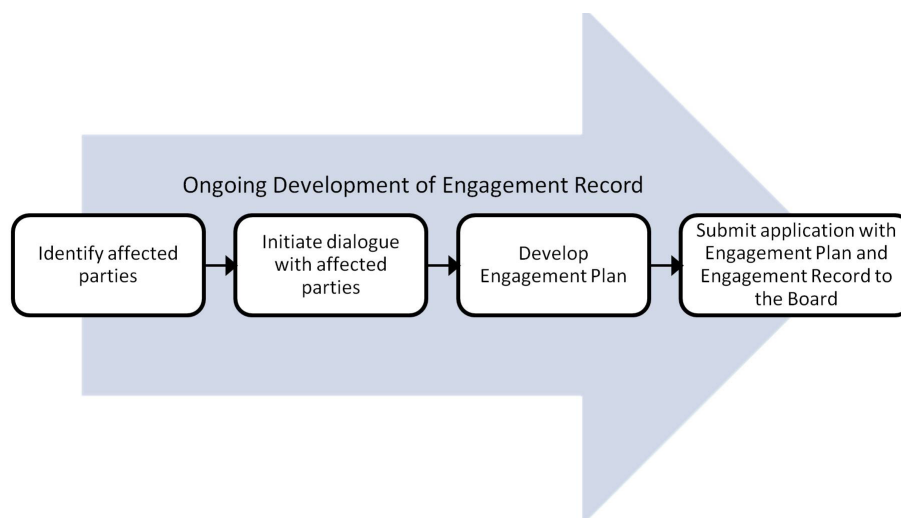
Signatures from both the proponent and the engaged party on the final engagement record and engagement plan submitted to the Board can greatly assist in making a determination on the completeness of engagement. These signatures represent agreement on the contents of the log and record, but do not necessarily imply that the parties agree on the topics that were discussed. More information regarding how the Board will assess the engagement record and engagement plan may be found in the Policy.

The Board may require additional or fewer engagement activities to be conducted at the request of a proponent or affected party, or at their own discretion. For example, a potential case may be that the Board may require fewer engagement activities from a proponent if the affected party was deemed to be unreasonable in its response. In another case, the Board may require additional engagement activities with an affected party if it required more information about unresolved issues in order to properly mitigate effects in a permit's conditions.

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<sup>4</sup> Includes all types of records, including Aboriginal engagement, public engagement, and consultation (federal or territorial government).

### 3.0 Step-by-Step Guide to Meeting the Boards' Engagement Requirements



#### 3.1 Identifying Affected Parties

In the Mackenzie Valley, all lands lie within either established, asserted, and/or traditional use territory of at least one or more Aboriginal groups. All projects in the Mackenzie Valley require engagement with potentially affected Aboriginal organization(s)/ government(s). Proponents should refer to the geo-pdf mapping tool *NWT Land Information Related to Aboriginal Groups* to further assist with identifying potentially affected parties.<sup>5</sup>

The project, however, may also be located next to a larger center or in an area where an established commercial land use operation is located (e.g., a lodge). In these situations, the proponent should engage with these communities and other potentially affected parties. Information on other potentially affected parties is available from Aboriginal Affairs and Northern Development Canada. (See Appendix C, Table 5 for contact information.)

The Board also encourages all proponents to contact Board staff at the start of the engagement process—**well in advance of filing an application**—for additional assistance in identifying affected parties that could be impacted by an application.

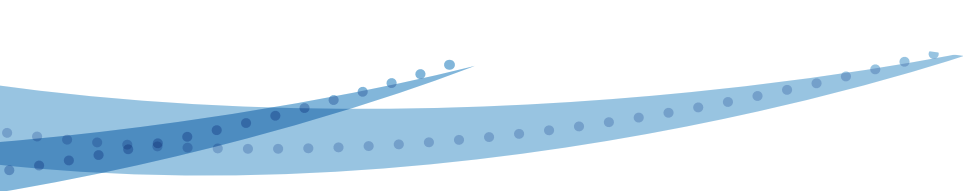
#### 3.2 Initiating Dialogue With Affected Parties

As a general guideline, it is also recommended that proponents focus their engagement efforts towards parties that will likely be the most directly impacted. This will assist in reducing “consultation fatigue” for groups which are less likely to be directly impacted. All affected parties will have opportunities to voice concerns about potential impacts once an application is filed with a Board and it advances through the regulatory process.

Once all affected parties are identified, the Board encourages proponents to first contact regional Aboriginal organizations/governments<sup>6</sup> to get

<sup>5</sup> Contact Aboriginal Affairs and Northern Development Canada (see Appendix C, Table 5 for contact information) to assist in making the determination of who to contact.

<sup>6</sup> See Appendix C for contact information of regional Aboriginal organizations/governments.



further direction and more detailed information about how to initiate engagement with First Nations that are in their regions, including information on:

- Which First Nations should be included in engagement planning discussions;
- Any community-based guidelines for consultation in their traditional territories; and
- More detailed advice regarding engagement approaches that are acceptable in the region.

It is important to note that contacting regional Aboriginal organizations does not constitute meaningful engagement with the affected parties and should not be seen to be fulfilling engagement requirements. This is simply a helpful step that may assist a proponent to consider best practices in that particular region. For a list of relevant contacts, see Appendix C. Community-based consultation guidelines, if in place, are listed in Appendix D.

### 3.3 Preparing Your Engagement Record

An engagement record details any engagement activities from the initial dialogue until the application has been filed with the Board. It is best practice to provide the engaged parties with the opportunity to review the record to ensure there is no misinterpretation of any summary of the engagement activities. As stated in section 2, signatures from both the proponent and the engaged parties on the final engagement record submitted to the Boards can greatly assist the Boards in making a determination on the completeness of engagement.<sup>7</sup>

The **engagement record** must include:

1. A summary of the engagement which provides or indicates:
  - which parties were engaged and the names of the representatives;

- a list or range of dates of engagement;
- reasons for engagement;
- an overview of issues resolved; and
- an overview of issues unresolved.

2. A log of all engagement activities which shows:

- the dates of any engagement made by the proponent and the affected parties;
- attendees (note all parties present including government departments. If members of the public were present, please note this but individual members of the public do not need to be named);
- the type of engagement activity (e.g. written notification, phone calls/emails, face-to-face meetings, etc.);
- issues raised by the affected parties;
- recommendations made by the affected party; and
- the proponent's response to the issues, an indication of whether the issues were resolved or unresolved, and if any changes to the project were made as a result of the engagement activity, if applicable.

A summary sheet for **each** affected party must accompany the log (which may be a chronological list of engagement with all parties). Although they are not required to be submitted with the application, copies of information materials provided to the engaged parties, written correspondence, meeting notes, and/or minutes may be requested by the Board in cases in which disputes arise. See Appendix E for an engagement record template.

<sup>7</sup> These signatures represent agreement of the engagement activities being reported but do not imply that the parties agree on the topics that were discussed and should not prejudice the affected party in the regulatory process.

### 3.4 Engagement Planning

Engagement with affected parties should take place throughout the life of the permit or licence, or for larger projects, such as those requiring a type A water licence, through the life of the project. As detailed in section 2, the Boards require a submission of an engagement plan or reference to an existing engagement plan<sup>8</sup> with each affected party as a requirement for a complete application.

The **engagement plan(s)** must:

- Describe the goals and the methods of engagement;
- Outline a frequency of engagement that allows for relevant and timely information sharing;
- Establish a process that allows the affected party to raise concerns or issues;
- Allow opportunities for, when appropriate, community meetings to take place to be inclusive of perspectives from all sectors of the community, including women, youth, and Elders;
- Ensure the proponent has procedures in place to understand and respond to issues as they arise; and
- Provide the opportunity for relationships to be built proactively, not just when issues occur.

#### 3.4.1 How Is an Engagement Plan Developed?

An engagement plan defines the ongoing engagement commitments a proponent has agreed to make to an affected party over the life of the permit/licence or the life of the project. It is important to consider the scale, scope, nature, location, and duration of the project, the potential for impacts, and the type of authorization being sought when carrying

out engagement planning. The engagement plan should be developed collaboratively with affected parties.

Seeking input at an early stage will assist proponents in identifying the best way of interacting and engaging with affected parties. The engagement plan should be reviewed on a regular basis. As development moves forward, the engagement plan should be revisited and re-evaluated.

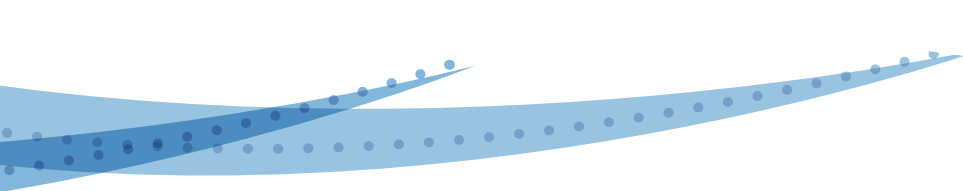
#### 3.4.2 What Should My Engagement Plan(s) Look Like?

Engagement plans may look very different depending on the type, stage, and scale of the project. For example, for projects that will likely not be the subject of public concern, (e.g., because they potentially pose minimum impacts on an affected party, be short in duration, or of a small scale) engagement plans should be straightforward and simple. On the other hand, applications for some larger or longer-term projects, such as those requiring a type A water licence, will require more engagement, and consequently, a more detailed and comprehensive engagement plan. Appendix B provides guidance based on the type of Board authorization being applied for.

Proponents should consider engagement as the life of the project advances, including renewals, amendments, assignments, extensions, storage authorizations, management plans, and/or changes to surveillance network programs. In the situation where an application for a renewal, extension, storage authorization, amendment, or assignment is being submitted and an engagement plan has been submitted with a previously approved application, a new engagement plan is not necessary. In these cases, proponents need only reference the existing plan or describe any updates to their engagement plan.

Appendix F provides a suggested framework and a simple tool to assist in developing an engagement plan. Appendix G includes additional information

<sup>8</sup> An engagement plan connected to a larger or long-term project and projects with a type A water licence may have already been submitted under a previous application.



on life-of-project planning. Proponents may find additional guidance on engagement at various stages during the life of the project in other Board documents (e.g., *Guide to the Land Use Permitting Process*).



## Appendix A - Engagement Best Practices

In general, when seeking to engage the affected parties, it is best practice to:

- Give the identified affected party an initial phone call to advise them that you will be providing a project description in writing and to confirm the contact person and their contact information;
- Start as early as possible. For example:
  - ◇ for large, complex projects that will likely be a cause for public concern, the Board recommends starting at least 6–12 months in advance;
  - ◇ for projects that are not likely to be a cause of public concern (e.g., because they are small in scope and will have minimal impacts to a community or on the environment), at least three months in advance is a recommended best practice;
- Look into which community-based engagement guidelines exist in the region you are proposing to work in;
- Be respectful, equitable, and transparent;
- Be very clear about objectives and expectations;
- Consider cultural and language differences;
- Document any and all feedback that you receive from affected parties. In particular, note the date, name of individuals involved, nature of the project, the key input that was taken from the conversation, which concerns were heard, any alternatives discussed/agreed to, and any outstanding issues;
- Know your audience, and design your

engagement around them. Presentations and materials should be provided in plain language format when appropriate;

- Identify costs and provide adequate resources to enable understanding and participation (e.g., materials, cost of meeting rooms, translators, audiovisual equipment, meeting facilitation, food and beverages, etc.)<sup>9</sup>. Involve third parties as facilitators during workshops or community public meetings when appropriate;
- Maintain regular communication with affected parties to foster good relationships;
- Conduct regular reviews on the effectiveness of your engagement process; and
- Develop a partnership approach to management of issues, impacts, and benefits. Depending on the size and complexity of the project, joint working groups, hiring of community monitors, and the opening of an office in an affected community may be considered.

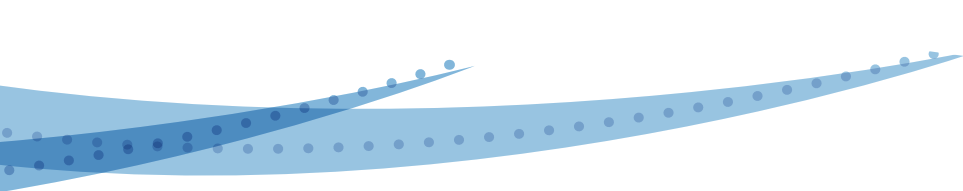
### **Engagement Best Practices Specific to Aboriginal Organizations/Governments Who Raise Issues Regarding Impacts to Rights:**

- Listen closely and document any assertions raised regarding a potential adverse impact on 'potential or established Aboriginal or treaty right(s)'; it is critical to capture this as closely as possible. Follow up with the Crown and the Board. (Refer to Appendix C for government contacts.)

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<sup>9</sup> There is no participant fund under the MVRMA. This has been identified as a key capacity gap by many parties in the context of effective public participation, including Aboriginal capacity to engage in the regulatory process.



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- While potential for adverse impacts to rights will differ from group to group, general examples of impacts of this nature could include, but are not limited to: <sup>10</sup>
    - ◊ proximity to community sites (or traditional village sites);
    - ◊ closeness to commercial trapper cabins or cabins for traditional economic practice;
    - ◊ traditional transportation corridors such as known trails used to access hunting and trapping areas;
    - ◊ cultural meeting zones;
    - ◊ sites of cultural significance – grounded in stories and oral history
    - ◊ archaeological potential, which may be determined by:
      - o quantitative modeling;
      - o culturally significant area – oral history;
      - o traditional use study data;
      - o village sites or known travel sites; and
      - o proximity to known archaeological sites.
    - ◊ the project's potential contribution to cumulative effects;
    - ◊ location and proximity to high-use harvesting lands; and
    - ◊ proximity to special habitat or areas frequented by important or threatened animal species.

Additional details on best practices can be found in many industry documents and guidelines pertaining to engagement. A list of some of these documents can be found in Appendix D.

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<sup>10</sup> Gibson, G. Innes, L. *Policy Tools for Indigenous Governments for Exploration and Mining*. The Firelight Group. [www.eisourcebook.org](http://www.eisourcebook.org)

## Appendix B - Types of Engagement Approaches and Possible Approaches Based on Type of Board Authorization

### Types of Engagement Approaches

The primary engagement approaches recommended by the Boards include: 1) written notification; 2) community public meetings; 3) face-to-face meetings; and 4) workshops.

#### 1) Written notification

Written notifications are appropriate when providing information or requesting a meeting. This approach is often used for smaller or less complex applications (e.g., storage authorizations, extensions, etc.).

Written notification includes letters, faxes, or emails which are composed in plain language and provide enough detail for the recipient to provide feedback. When using this approach, it is recommended that letters should be followed up with emails, phone calls, or subsequent letters to the affected party. Written notifications should include, but not be limited to, the following information:

- Detailed descriptions of the activities being applied for or the document being submitted;
- The purpose of engagement;
- Any maps detailing the location of the activities;
- Schedule of proposed activities;
- Request for clarification of expectations for further engagement (e.g., a follow-up phone call, submission of further information, or the holding of a face-to-face or community public meeting); and
- Draft copies of the application or document that will be submitted to the Boards.

Adequate time should be provided for affected parties to provide feedback.

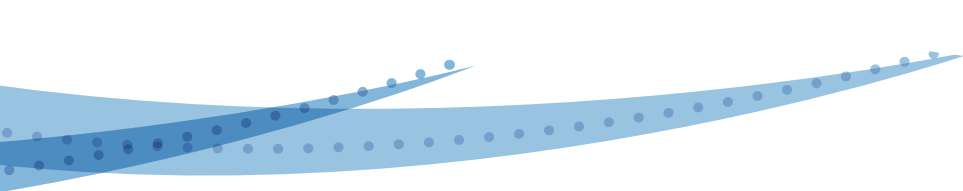
#### 2) Face-to-face meetings

A face-to-face meeting between the proponent and the appropriate representatives of an affected Aboriginal organization/government (e.g., Chief or a designated lands/environment committee) or other affected party (e.g., property owner, mayor) is recommended for discussing and attempting to resolve any issues. A face-to-face meeting should not be misconstrued as a community public meeting. If acceptable to all parties, telephone/teleconference calls may be acceptable in lieu of a face-to-face meeting. When it is determined that a face-to-face meeting is required, the proponent should:

- Contact the affected party to determine the most appropriate person(s) who should be present for the meeting;
- Determine in advance what the purpose of the meeting is and the level of engagement expected by the affected party;
- Use the meetings as information sharing sessions and to not expect decisions to be made during the meeting, as it is likely that further discussion is required with Chiefs, Councils, Boards, and communities who the attendees represent; and
- After the meetings have occurred, follow up with phone calls, written correspondence, or further face-to-face meetings as mutually determined.

#### 3) Community public meetings

A community public meeting is an informal public meeting where everyone in a community is invited to attend and discuss the project with proponents when broader community input is required. It is recommended for new activities that have not been



previously permitted, especially for larger projects requiring a type A water licence. When it is decided that community public meetings will be used as an engagement approach, proponents should:

- Work with the affected party to determine an appropriate time and place for the meeting;
- Ensure translation is available when required;
- Advertise the meeting publicly or provide notifications to the local government and/or Aboriginal organization/governments well in advance;
- Provide materials and present information in a manner that will promote understanding of the issue;
- Be prepared to address reasonable costs associated with the meeting (e.g., hall rental, refreshments); and
- Prepare to discuss issues raised by community members and possibly to modify aspects of the proposed project as a result of the discussions.

Additionally, if food is to be provided, work with your organizational contacts to determine which foods should be offered. Prior to going to a community, it is advisable to find out about any conflicting community events (e.g., funerals, meetings, holidays, hunting/trapping seasons) as these can limit participation or cause conflict within the community. Prepare to be flexible with your schedule.

#### **4) Workshops**

Proponents are encouraged to conduct workshops when information needs to be shared with a large number of people or if technical issues arise that are best discussed with all the relevant parties present. The Boards encourage proponents to consider holding workshops whenever they think it would

be helpful or if they are dealing with complex issues such as those associated with type A water licence applications. Additionally, the Boards may decide to run and/or facilitate any workshop they deem necessary.

When conducting a workshop, the proponent should consider the following:

- Provide an appropriate venue that allows for the greatest participation;
- Provide a third-party facilitator;
- Ensure translation is available when required;
- Have technical consultants or staff present who can provide answers at the workshop;
- Provide background information in advance to all participants;
- Use plain language methods in communications (summary of technical information, visuals, etc.);
- Gear any presentations toward the audience;
- Be prepared to address reasonable costs associated with the meeting (e.g., venue, refreshments);
- Allow for free discussion on issues, as information sharing is a two-way street; and
- Document the workshop proceedings, highlighting resolved issues, outstanding issues, research items, and any additional information requests within your engagement record.

## Possible Engagement Approaches Based on Type of Board Authorization

Based on the Boards' experience, the following table outlines engagement approaches according to the type of authorization that a proponent may be applying for. These suggested approaches are **highly** dependent on the size, scale, and nature of the project. It is important that the proponent discuss these approaches with the affected party, and proponents should contact the Board for assistance. Additional guidance on best practices for developing or updating management plans (e.g., closure and reclamation plans) may be available in other Board guidance specific to those plans.

	Written notification to the affected party	Face-to-face meeting with the affected party	Community public meeting	Proponent-run workshop with affected parties
<b>LUP (types A and B)</b>				
New LUP	•	•	○	
Previously permitted LUP (including renewals) <sup>11</sup>	•	○	○	
Extension of LUP	•			
Assignment of LUP	•	○		
Amendment of LUP	•	○		
Storage authorizations	•			
<b>WLs (types A and B)</b>				
New WL (type A)	•	•	•	○
New WL (type B)	•	○	○	
Renewal of WL (type A)	•	•	○	○
Renewal of WL (type B)	•	○	○	
Assignment of WL	•	○		
Amendment of WL	•	○		

### Legend:

- Recommended for all projects.
- Also recommended if the project is of a large scale, utilizes new technologies, or is in an area of significant interest to an affected party or parties. Please contact Board staff for further information.

<sup>11</sup> The maximum term for which an LUP can be granted is five years, and an extension to the permit can be granted for up to an additional two years. If the permit holder wants to continue the permitted activity after that time period, submission of a new application is required. 'Previously permitted LUP' refers to such an application.

## Appendix C - Engagement Contact List

**Table 1: Land and Water Boards**

Board	Telephone number
Gwich'in Land and Water Board	867-777-4954
Mackenzie Valley Land and Water Board	867-669-0506
Sahtu Land and Water Board	867-598-2413
Wek'èezhii Land and Water Board	867-765-4592

**Table 2: Aboriginal Organizations/Governments Within Settled Land Claims Areas**

Area (Including Districts)	Aboriginal Organization/ Government	Department - Position	Telephone Number
<b>Gwich'in Settlement Area</b>	Gwich'in Tribal Council	Lands Administration and Resource Management	(867) 777-7900
<b>Sahtu Settlement Area</b>			
• K'asho Gotine District (Fort Good Hope and Colville Lake)	Yamoga Land Corp (Fort Good Hope)		(867) 598-2519
	Ayoni Keh Land Corp (Colville Lake)		(867) 709-2200
• Tulita District – Tulita and Norman Wells	Tulita Land Corp		(867) 588-4984
	Norman Wells Land Corp		(867) 587-2455
• Deline District	Deline Land Corp		(867) 598-8100
<b>Wek'èezhii Management Area</b>	Tłı̨cho Government	Department of Culture and Lands Protection	(867) 392-6381

**Table 3: Aboriginal Organizations/Governments Within Areas of Interim Measures and Asserted Territories in the Mackenzie Valley**

<b>Established/Asserted Areas</b>	<b>Aboriginal Organization/ Government</b>	<b>Department – Position</b>	<b>Telephone Number</b>
<b>Akaiitcho Area</b>	Akaiitcho Territory Government	Akaiitcho Screening Committee	(867) 370-3217
<b>Dehcho Area</b>	Dehcho First Nation	Resource Management Committee/ Coordinator	(867) 695-2610
<b>Northwest Territory Métis Nation Area</b>	Northwest Territory Métis Nation	IMA Office	(867) 872-2770
<b>Kaska Dena Asserted Territory</b>	Kaska Dena Council	Lands and Resources	(250) 779-3181
<b>Athabaska Dene Suline Asserted Territory</b>	Prince Albert Tribal Council	IMA Coordinator	(306) 922-7612
<b>Manitoba Dene Suline Asserted Territory</b>	Manitoba Denesuline	Symbion Consultants <sup>12</sup>	(204) 982-2941

**Table 4: Other Aboriginal Groups**

<b>Aboriginal Organization</b>	<b>Telephone Number</b>
North Slave Métis Alliance	(867) 873-6762

**Table 5: Crown Contacts**

<b>Government Department/Agency</b>	<b>Telephone Number</b>
Aboriginal Affairs and Northern Development Canada, NWT Regional Office	(867) 669-2500
Northern Projects Management Office	(867) 920-6766
Government of the Northwest Territories, Aboriginal Consultation Unit	(867) 920-8605

<sup>12</sup> Listed as the contact in the Interim Measures Agreement between the Manitoba Denesuline, the GNWT, and Government of Canada.



## Appendix D - Supporting Engagement Documents and Guidelines

### Statutory and Regulatory Guidance Documents Related to Engagement and Consultation

- Government of Canada. 1992. *Gwich'in Comprehensive Land Claim Agreement*.
- Government of Canada. 1993. *Sahtu Dene and Métis Comprehensive Land Claim Agreement*.
- Government of Canada. 1998. *Mackenzie Valley Resource Management Act*.
- Government of Canada. 2001. *Akaiitcho Territory Interim Measures Agreement*.
- Government of Canada. 2003. *NWT Métis Nation Interim Measures Agreement*.
- Government of Canada. 2003. *Policy Direction to the MVLWB Regarding Consultation with the Manitoba Denesuline*.
- Government of Canada. 2003. *Policy Direction to the MVLWB Regarding Consultation with the Saskatchewan Athabasca Denesuline*.
- Government of Canada. 2004. *Dehcho Interim Measures Agreement*.
- Government of Canada. 2004. *Policy Direction, section 43, Dehcho Interim Measures Agreement*.
- Government of Canada. 2004. *Policy Direction to the MVLWB Regarding the Akaiitcho Territory Dene First Nations*.
- Government of Canada. 2005. *Land Claim and Self-Government Agreement Among the Tłı̄cho and the Government of the Northwest Territories and the Government of Canada*.
- Mackenzie Valley Land and Water Board. 2003. *Draft Public Engagement Guidelines of the Mackenzie Valley Land and Water Board*.

### Crown Consultation Guidelines/Agreements

- Aboriginal Affairs and Northern Development Canada (AANDC). 2011. *Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to Fulfill the Duty to Consult*. Government of Canada.
- Canadian Northern Economic Development Agency. 2012. *Memorandum of Understanding: Defining Terms and Scope of Cooperation between Federal Departments, Agencies and the Northern Projects Management Office (NPMO) for Coordination of Northern Projects*.
- Government of the Northwest Territories. 2012. *Aboriginal Engagement Strategy*.
- Government of the Northwest Territories. 2007. *The GNWT's Approach to Consultation with Aboriginal Governments and Organizations*.

### Community-based Guidelines Applicable to Engagement and Consultation

- Akaiitcho Dene First Nations. *Mineral Exploration Guidelines in the Akaiitcho Territory*.
- Akaiitcho Dene First Nations. 2008. *Akaiitcho Exploration Agreement*.
- Gwich'in Tribal Council. 2010. *Land Management and Control Guidelines*.
- North Slave Metis Alliance. *Community Engagement Policy*.





## Industry Guidance on Aboriginal and Public Engagement

- Canadian Association of Petroleum Producers (CAPP). 2006. *Industry Practices: Developing Effective Working Relationships With Aboriginal Communities*.
- Canadian Association of Petroleum Producers (CAPP). 2003. *Guide for Effective Public Involvement*.
- International Council on Mining and Metals (ICMM). 2010. *Good Practices Guide: Indigenous Peoples and Mining*.
- Mining Association of Canada. 2009. *Aboriginal and Community Outreach Program: Towards Sustainable Mining (TSM) Assessment Tool*.
- Prospectors and Developers Association of Canada (PDAC). 2009. *E3Plus: A Framework for Responsible Exploration: Principles and Guidance*.

## Appendix E - Pre-Submission Engagement Record (Summary and Log) Template <sup>13</sup>

### 1. Pre-Submission Engagement Summary

Name of Proponent: \_\_\_\_\_

Name of Affected Party: \_\_\_\_\_

Name(s) of representative(s) from affected party who participated in engagement	Dates of Engagement (e.g. list dates or range of dates)	Reason(s) for Engagement (e.g., application for timber harvesting)	Overview of Issue(s) Resolved	Overview of Issue(s) Unresolved

Signature of Proponent (representative): \_\_\_\_\_

Signature of Affected Party (representative): <sup>14</sup> \_\_\_\_\_

<sup>13</sup> A summary sheet for each affected party should accompany the log (which may be a chronological list of all engagement with all parties).

<sup>14</sup> These signatures represent agreement on the contents of the log and record, but do not necessarily imply that the parties agree on the topics that were discussed.

## 2. Pre-Submission Engagement Log

<b>Date</b>	<b>Attendees <sup>15</sup></b>	<b>Engagement Activity Type</b> (e.g., written notification, face-to-face, workshop, etc.)	<b>Issue(s) Raised by Affected Party</b>	<b>Recommendation From Affected Party</b>	<b>Proponent Response to issue - indicate if issue(s) was resolved or</b>	<b>Information materials provided to affected party (Y/N) <sup>16</sup></b>	<b>Written correspondence, meeting notes, and/or minutes (Y/N) <sup>17</sup></b>

<sup>15</sup> Note all parties present including government departments. If members of the public were present, please note this, but individual members of the public do not need to be named.

<sup>16</sup> Not required to be submitted with application; however, may be requested by the Board.

<sup>17</sup> Not required to be submitted with application; however, may be requested by the Board.

## Appendix F - Engagement Plan Template <sup>18</sup>

**Name of Proponent:** \_\_\_\_\_

**Name of Affected Party:** \_\_\_\_\_

When will you be engaging? <i>What is the trigger for engagement? Triggers may be regulatory (e.g., renewals, amendments, assignments) and/or project-based (e.g., determining drill locations, changes in project design, updates to a particular plan, etc.</i>	What is the purpose for engaging? <i>In relation to the trigger, what will you be discussing (e.g., updates to design or plans, etc.)?</i>	Who will be engaged at each of these stages? <i>The people engaged at each stage may vary depending on what is being discussed.</i>	How will you engage? <i>Which engagement methods will be used? See Appendix A for best practices (e.g., written notification, face-to-face meetings, community public meeting)</i>

**Signature of Proponent (representative):** \_\_\_\_\_

**Signature of Affected Party (representative):** <sup>19</sup> \_\_\_\_\_

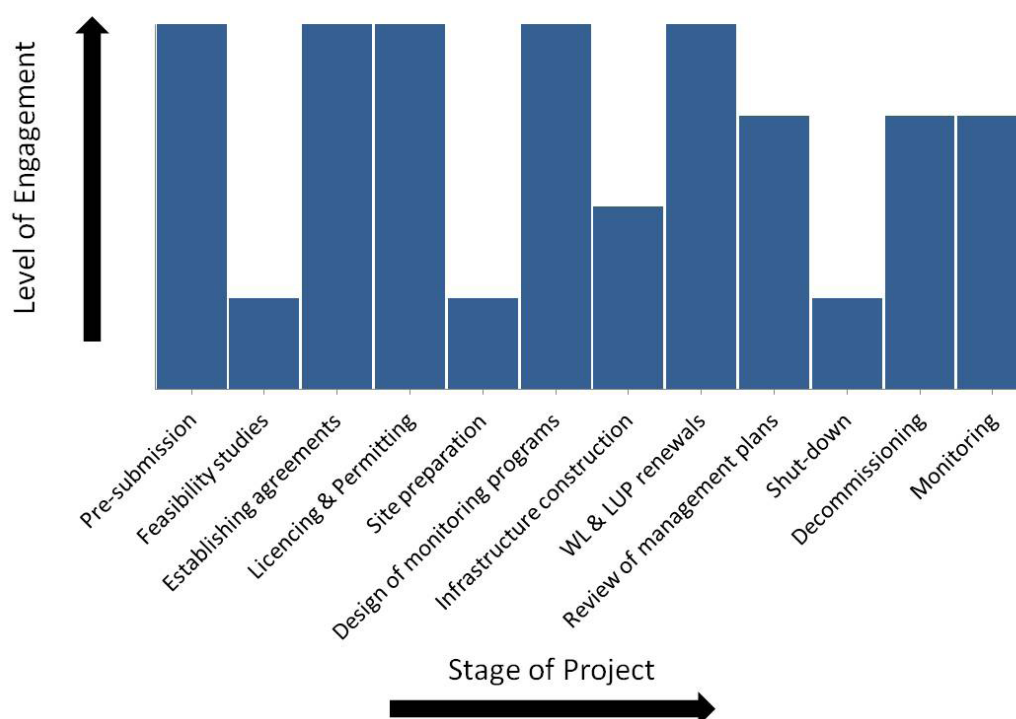
<sup>18</sup> One engagement plan must be completed for each affected party.

<sup>19</sup> These signatures represent agreement on the contents of the log and record, but do not necessarily imply that the parties agree on the topics that were discussed.

## Appendix G - Additional Information for Life-of-Project Planning or Larger Projects (such as those requiring a type A water licence)

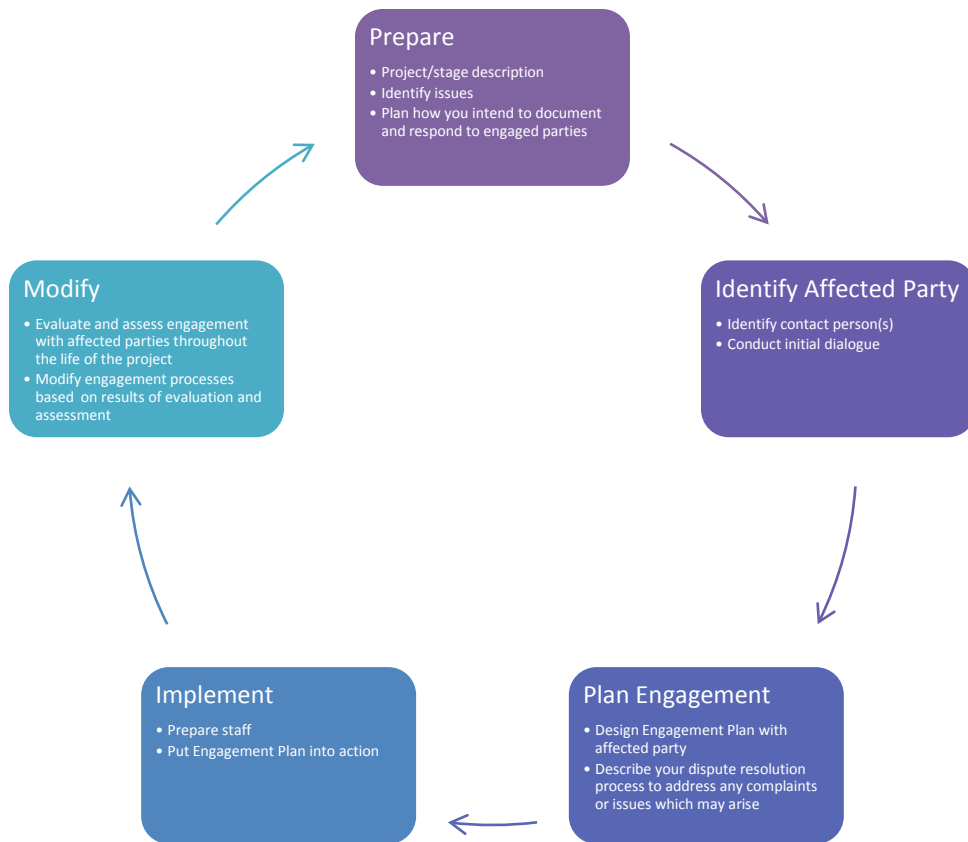
The Board expects that the level of detail and amount of information in an engagement plan for larger projects, such as those requiring a type A water licence, will be greater than for other projects. The Board is providing additional best practices to assist applicants with their engagement planning. This information may also be useful for some larger or longer-term projects authorized under a type A land use permit.

Generally, type A water licences have a longer term and have a greater scope of activity. For example, Figure 1 below illustrates some of the stages of a mining cycle and how more engagement may be required at certain stages over the life of project. The level of engagement that will be needed at each stage should be the focus of discussions during initial dialogue with the affected party. Proponents may also find additional guidance on engagement at various stages during the life of the project in other Board documents (e.g., *Guide to the Land Use Permitting Process*)

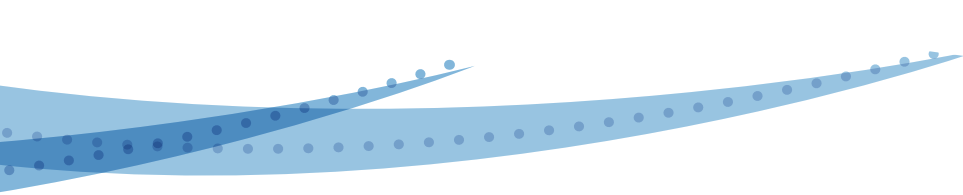


**Figure 1.** Example of various stages of a hypothetical project that may require varying levels of engagement.

It is also important that engagement with affected parties is evaluated and assessed throughout the life of the project and that proponents consider and carry out engagement planning as an ongoing planning process. Figure 2 below shows the process by which engagement may be evaluated, assessed, and modified by an affected party and a proponent.



**Figure 2.** Evaluation, assessment, and modification model for engagement







## The Mackenzie Valley Land and Water Board

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