

Mackenzie Valley Land and Water Board



To: Distribution List

February 27, 2012

Re: Request for review of the Draft "Engagement Policy" and "Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits"

On behalf of the Land and Water Boards of the Mackenzie Valley, I am pleased to forward the two attached draft documents - *Engagement Policy* (Policy) and *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* (Guidelines) - for your review and comment. The Draft Policy and Guidelines were developed by one of the Standard Procedures and Consistency Working Groups, created in 2008, as a joint initiative of the Gwich'in, Sahtu, Wek'èezhii and Mackenzie Valley Land and Water Boards. As you are an important participant in the regulatory process, we are seeking your input on these documents.

The purpose of the Policy is to describe the Boards' expectations with respect to proponent engagement. The Boards believe that this Policy is necessary to ensure consistency and transparency.

The objectives of this Policy are to:

- Distinguish between engagement carried out by proponents, the Boards' statutory consultation obligation, and the Crown's duty to consult; and
- Provide clarity and certainty regarding the Boards' expectations of proponents in relation to engagement activities.

The purpose of the Guidelines is to support the Boards' Policy framework for engagement. Specifically, they assist and guide proponents to conduct engagement activities as required by the Boards by:

- Outlining requirements for engagement activities prior to the submission (pre-submission) of an application or document to the Boards;
- Addressing the requirements for engagement during the life of the project (engagement planning); and
- Providing a list of suggested best practices to increase the likelihood of effective engagement.

When we use the word 'engagement', we mean communication and outreach activities between a proponent and affected parties, such as written communication, community public meetings, face to face meetings and

workshops. Specific engagement requirements depend on the type of project, the stage a project is in, and also on what the affected parties and the proponent agree to.

What the Draft Engagement Policy and the Draft Engagement Guidelines do not address:

Many of you may be aware of recent court decisions on the roles of administrative tribunals (including Land and Water Boards) with respect to Aboriginal rights issues and the Duty to Consult. The Land and Water Boards have not examined the implications of these rulings in the Draft Engagement Policy or the Draft Engagement Guidelines, however, are currently doing so in a separate process.

In September of 2011 the MVLWB and the Mackenzie Valley Environmental Impact Review Board began a joint examination of relevant case law, the Mackenzie Valley Resources Management Act, and existing Board processes in order to consider if new guidance is required in this regard. The Boards are still in the midst of this internal work, and plan to engage with affected Aboriginal organizations/governments and the Crown on a way forward in the near future.

We would greatly appreciate your comments and advice on the attached Draft *Engagement Policy* and Draft *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* by **Monday April 16, 2012**. Please forward your comments in writing to Helga Harlander at h_harlander@glwb.com. Should you have questions or require more time, please contact any of the following Working Group members:

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Respectfully,



Helga Harlander,
Working Group Chair