

MEA Clarification March 2023

Enhanced Consultation and Engagement Best Practices

Within the context of MCEA projects, municipalities have a broad range of consultation and engagement experiences across the Province due to many factors including:

- 1) Proximity to past and present Indigenous areas of occupations and resources;
- 2) Frequency of completing projects within MCEA process;
- 3) Level of interest shown by Indigenous Nations with asserted Aboriginal or treaty rights to local (municipal) issues;
- 4) Staff and financial resources of both the Indigenous Nations and the municipality
- 5) Customs, traditions, and organizational/community structures vary amongst Indigenous Nations

It is not unusual for larger municipalities to have staff familiar with, and specializing in areas of Indigenous culture and practices and can be available as a resource to project planning teams supporting ongoing Indigenous engagement with a focus and emphasis on relationship building (see attachment #2 – example of job description). While this level of human resources is not always practical for both smaller municipalities or those municipalities that have a small number of MCEA projects over a period of several years it is important for those municipalities to have relationships with neighbouring First Nation communities.

Some larger municipalities have improved their community engagement through relationship building by establishing ongoing planned communications with their Indigenous counterparts on a variety of issues of mutual concern. In such cases protocols are often developed which include such topics like frequency of meetings, meeting locations, attendees, notification processes and handling of project related expenses. This engagement is normally established at the organization's upper leadership levels i.e with a Chief or elected leader of the Indigenous Nation and the lead municipal representatives i.e. Mayor, Council, CAO. Within this scenario regular consultation opportunities can occur following the established protocols.

Establishing a long-term engagement doctrine between municipalities and Indigenous Nations is likely beyond the expectations of any single project within the MCEA context and should be considered a mid to long term process. Having the engagement process pre-established makes consultation efforts more effective.

At the other end of the spectrum smaller municipalities often must rely on completing the consultation process without a previously established level of engagement with Indigenous Communities. Project teams may choose to complete this process using in-house resources in a manner consistent with the MCEA document or hiring a consultant familiar with both the process and has successful experience with consultation with Indigenous Communities to complete the process on their behalf. Smaller municipalities will not normally have in-house resources available with consultation experience. A proponent must evaluate which is the best route to follow in order to meet the requirements established by the Crown for Indigenous consultation. Many Indigenous Communities have established Consultation Guidelines which can be a beneficial resource for proponents and municipalities. Although complete adherence to the various guidelines may not be mandatory, proponents are encouraged to be aware and respectful of the objectives and expectations of the individual Indigenous Nations.

