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## Major Projects Management Office Bureau de gestion des grands projets



# Early Aboriginal Engagement: A Guide for Proponents of Major Resource Projects

December 2008



Canada

## **ACKNOWLEDGEMENTS**

The Government of Canada's Major Projects Management Office initiative was established in order to improve the performance of the regulatory system for major resource projects by creating a more efficient, effective, predictable, accountable, and transparent regulatory review process.

The initiative is a collaborative effort between key departments and agencies that are responsible for the regulatory review of major resource projects. These departments and agencies include:

- Canadian Nuclear Safety Commission
- Environment Canada
- National Energy Board
- Fisheries and Oceans Canada
- Natural Resources Canada
- Indian and Northern Affairs Canada
- Canadian Environmental Assessment Agency
- Transport Canada

# EARLY ABORIGINAL ENGAGEMENT: A GUIDE FOR PROPONENTS OF MAJOR RESOURCE PROJECTS

## INTRODUCTION

The following Proponent's guide to *Early Aboriginal Engagement* provides the proponents of major resource projects with information about the importance of early and meaningful engagement with Aboriginal peoples and groups (First Nations, Métis, or Inuit).<sup>1</sup> Proponents should take this guidance into consideration before filing a Project Description<sup>2</sup> with the Major Projects Management Office (MPMO).<sup>3</sup>

## WHY ENGAGE ABORIGINAL GROUPS

Experience has shown that engagement with Aboriginal groups early in the planning and design phases of a proposed project can benefit all concerned. Conversely, there have been instances where failure to participate in a process of early engagement with Aboriginal people has led to avoidable project delays and increased costs to proponents. Although only the Crown is legally obligated to consult with Aboriginal groups concerning the possible effects of Crown actions with respect to proposed projects on established or potential Aboriginal rights, early engagement with Aboriginal groups by the proponent can yield a number of positive results. Those benefits include: enhancing relationships, promoting trust, improving the understanding by Aboriginal groups of the proposed project and its objectives, and assisting the proponent to understand the interests and concerns of those living in the affected area. With this understanding and information, the proponent can begin to discuss practical strategies for maximizing the project's potential positive impacts, while eliminating or mitigating, its possible negative consequences.

Proactively discussing project-related issues and concerns with Aboriginal groups before a Project Description is submitted to the MPMO can also facilitate a more efficient and effective regulatory review process. In addition, when assessing its obligation to consult with Aboriginal peoples, the Crown may take into account the engagement/consultation activities undertaken by other parties associated with the proposed project, including the proponent.

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<sup>1</sup> Aboriginal groups include communities of Indian, Inuit, and Métis peoples that hold or may hold Aboriginal or treaty rights under section 35 of the *Constitution Act, 1982*.

<sup>2</sup> See the Major Projects Management Office's *Guide to Preparing a Project Description for a Major Resource Project*.

<sup>3</sup> Information about the Major Projects Management Office is available at [www.mpmo.gc.ca](http://www.mpmo.gc.ca).

## IDENTIFYING ABORIGINAL GROUPS

There are many sources of information available to help identify and locate Aboriginal groups, and proponents are encouraged to contact local and/or regional Aboriginal organizations, as well as federal and provincial government sources.

In addition, Natural Resources Canada possesses copies of treaty documents, as well as maps of both comprehensive land claims and Canada lands (including reserve lands, as defined under the *Indian Act*) that may be useful.<sup>4</sup> Further, Indian and Northern Affairs Canada actively maintains a database of all Aboriginal communities within Canada, including their contact information.<sup>5</sup>

## ENGAGING ABORIGINAL GROUPS

Early interaction through information sessions, written correspondence, and/or meetings with Aboriginal community leaders will set the stage for developing relationships that may extend well beyond the planning and design phases of a project.

Aboriginal groups may request that a formal agreement or protocol be developed with a proponent, as a means to incorporate traditional knowledge and optimize the benefits of the prospective project. Although engagement agreements or protocols may require additional time and resources, they can demonstrate significant value by ensuring that all parties understand the proposed engagement process on a basis of good faith.

## DOCUMENTING THE CONSULTATION PROCESS

Proponents are well-advised to thoroughly document the engagement process and include a summary of that approach when submitting a Project Description to the MPMO. (For specifics concerning what information to include and how to document the engagement process, please consult the MPMO's *Guide to Preparing a Project Description for a Major Resource Project*). For example, proponents are encouraged to provide the following information:

- a list of Aboriginal groups that were engaged and how they were identified;
- the project information that was provided to the Aboriginal groups involved;
- a summary of issues raised, and
- how the proponent has responded, or is in the process of responding, to any concerns raised.

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<sup>4</sup> Information about NRCan maps is available at [http://cccm.nrcan.gc.ca/cad/lanter\\_e.php](http://cccm.nrcan.gc.ca/cad/lanter_e.php).

<sup>5</sup> See [www.aboriginalcanada.gc.ca/acp/community/site.nsf/index\\_en.html](http://www.aboriginalcanada.gc.ca/acp/community/site.nsf/index_en.html).

## ADDITIONAL RESOURCES

Meaningful engagement with First Nations, Métis, and Inuit peoples and groups on major natural resources projects can help to ensure that major resource projects, and the manner in which they are developed and managed, are best situated to contribute to sustainable development. Proponents are encouraged to contact their respective industry associations, as well as other experts that possess best practices expertise in Aboriginal engagement. Listed below are several examples of guidance documents intended for both proponents and Aboriginal communities.

1. Canadian Association of Petroleum Producers: *Industry Best Practices Guide: Developing Effective Working Relationships with Aboriginal Communities*: [www.capp.ca/raw.asp?x=1&dt=NTV&dn=100984](http://www.capp.ca/raw.asp?x=1&dt=NTV&dn=100984)
2. Association for Mineral Exploration British Columbia: *Mineral Exploration, Mining and Aboriginal Community Engagement Guide*: [www.amebc.ca/SiteCM/U/D/6E830BA41323EB5F.pdf](http://www.amebc.ca/SiteCM/U/D/6E830BA41323EB5F.pdf)
3. Prospectors and Developers' Association of Canada: *Mining Information Kit for Aboriginal Communities*: [www.pdac.ca/pdac/advocacy/aboriginal-affairs/2006-mining-toolkit-eng.pdf](http://www.pdac.ca/pdac/advocacy/aboriginal-affairs/2006-mining-toolkit-eng.pdf)