



Tłjchq Ndek'əowo



Tłjchq Government

## CONSULTATION AND ENGAGEMENT GUIDELINES

# Tłchq Government Consultation and Engagement Guidelines

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DRAFT

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Department of Culture and Lands Protection

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Tłıchq Government

P.O. Box 412

Behchokq, NT

Canada, X0E 0Y0

Telephone: [1-867-392-6381](tel:1-867-392-6381)

Facsimile: [1-867-392-6389](tel:1-867-392-6389)

DRAFT

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## 2 Purpose

The purpose of these guidelines is to provide direction to industry and external governments in their engagement and consultation with the Tłıchq Government and the four communities of Behchokq, Whatı, Gamèti and Wekweèti in relation to new and existing developments.

## 3 Definitions and Acronyms

CEC	Chief's Executive Council
GNWT	Government of the Northwest Territories
Gonaèwo	Our way of life
Mqwhì Gogha Dè Njıtlèè	The traditional area of the Tłıchq, described by Chief Mqwhì during the signing of Treaty 11 in 1921
MVLWB	Mackenzie Valley Land and Water Board
Dè	Land
NWT	Northwest Territories
RMWG	Resource Management Working Group
TCSA	Tłıchq Community Services Agency
TEO	Tłıchq Executive Officer
Tłıchq Agreement	Land Claims and Self-Government Agreement among the Tłıchq and the Government of the Northwest Territories and the Government of Canada
TRTI	Tłıchq Research and Training Institute
Wek'èezhii	The management area within Mqwhì Gogha Dè Njıtlèè
WLWB	Wek'èezhii Land and Water Board
Tłıchq Wenek'e	The Tłıchq Land Use Plan
Yatì	Language

## 4 Authority

These Guidelines formalize the procedures for community engagement on proposals for development on Tłıchq lands. The guidelines recognize that engagement and information requirements will vary depending on the type and scale of development. These guidelines also describe how funding may be required from the proponent of a development to facilitate community participation in the review of an application proposal to use Tłıchq Lands.

### Section 7.4 of the Tłıchq Agreement:

The Tłıchq Government has the legislative authority and jurisdiction to write laws, develop its own strategies, as well as control and effectively manage its lands, which includes matters related to industrial development and economic development opportunities.

### Section 23.2 of the Tłıchq Agreement:

The Tłıchq Agreement provides direction about consultation obligations and topics in the region.

23.2.1 Any person who, in relation to Crown land wholly or partly in Mq̄whì Gogha Dè Njłłtèè (NWT) or Tłıchq lands subject to a mining right administered by government under 18.6.1, proposes to

- (a) explore for or produce or conduct an activity related to the development of minerals, other than specified substances and oil and gas, if an authorization for the use of land or water or deposit of waste is required from government or a board established by government to conduct these activities; or
- (b) explore for or produce or conduct an activity related to the development of oil or gas, shall consult the Tłıchq Government.

23.2.2 The consultations conducted under 23.2.1 shall include

- (a) environmental impact of the activity and mitigative measures;
- (b) impact on wildlife harvesting and mitigative measures;
- (c) location of camps and facilities and other related site specific planning concerns;
- (d) maintenance of public order including liquor and drug control;
- (e) employment of Tłıchq Citizens, business opportunities and contracts, training orientation and counselling for employees who are Tłıchq Citizens, working conditions and terms of employment;
- (f) expansion or termination of activities;
- (g) a process for future consultations; and
- (h) any other matter agreed to by the Tłıchq Government and the person consulting that government.

## 5 Guidelines Development

These guidelines were developed by the Tłıchq Government. They are informed by, and are intended to complement, the Tłıchq Land Use Plan, the Tłıchq Agreement, the MVLWB *Engagement Guidelines for Applicants and Holders of Water Licenses and Land Use Permits* and the MVLWB *Engagement and Consultation Policy*. The guidelines are based on years of experience with engagement and consultation processes as a First Nation and Aboriginal Government, legal and policy research, scoping sessions with Tłıchq Government staff, as well as guidance and knowledge of the elders. The Guidelines will be approved by the Chief Executive Council.

## 6 Guideline Application

These guidelines apply to companies, and external governments, wishing to conduct commercial or other development activities in Mqwhì Gogha Dè Nıłłtìèè. Those subject to these guidelines include, but are not limited to, resource extraction companies (in all stages of development from exploration through to closure and reclamation), outfitter lodges, hydropower developers and operators, among others, and federal or territorial government work related to resource management. These guidelines also apply to research conducted in support of commercial project activities.

These guidelines apply to parties who have existing relationships with the Tłıchq Government and those already working in Mqwhì Gogha Dè Nıłłtìèè, as well as to parties who are new to the region.

These guidelines provide direction on consultation and engagement activities. There are other requirements and obligations under the Tłıchq Agreement that must also be met. Compliance with the guidance set out in this document does not guarantee the Tłıchq Government will grant access or rights or will support a project or development.

## 7 Goals

The goals of these guidelines, in alignment with Section 1.2.2 of the Land Use Plan, are to:

1. Provide parties with appropriate methods of engagement and consultation with the Tłıchq Government;
2. Ensure all parties are reasonable in their engagement and consultation practices and expectations;
3. Promote a Tłıchq approach to consultation;
4. Protect and promote Tłıchq language, culture and way of life; and
5. Ensure effective participation of community members and elders in the review of projects or activities that will affect their way of life.

## 8 Guiding Principles for Engagement and Consultation, from Gonaèwo

The guiding principles for Tłıchq way of life *Gonaèwo* (Our way of life) are based on the guidance of the elders, leaders such as Edzo and Monfwi. They should be used to guide the approach taken to consultation and engagement in the region.

**Respect:** Engagement and consultation activities by all parties must be grounded in respect for the land, water, people, animals and resources. This includes Tłıchq culture, yatii (language), and way of life. Parties are expected to become familiar with and respect Tłıchq laws and protocols when conducting business or activities on Tłıchq lands.

**Coexistence:** The Tłıchq have coexisted with the land, its animals and resources since time immemorial. The reciprocity between the Tłıchq people, the land and animals is central to their peaceful coexistence, as well as their ability to survive and thrive as a nation today. The same principles apply to newcomers to Tłıchq lands. Parties are encouraged to enter into consultation with the Tłıchq Government and its communities with the spirit of cooperation and reciprocity.

**Inclusiveness:** Engagement between parties will be conducted with the intention of unity and acting collectively. Opportunities will be given to community members (from all communities) to be heard and involved, including elders, women and youth.

## 9 Consultation and Engagement Guidelines

For many years, the Tłıchq Government has worked collaboratively with industry and government on a variety of engagement and consultation processes. The Tłıchq Government and its communities take pride in their relationships and collaborations with newcomers to Tłıchq lands. These engagement and consultation guidelines are intended to provide parties working in the Tłıchq region with the necessary tools and knowledge for how to conduct business respectfully on Tłıchq lands.

The Tłıchq Government expects that all parties will be familiar with and adhere to related policies (See Appendix A) in the region regarding consultation and engagement with the Tłıchq Government and Tłıchq communities.

This section is written in alignment with Section 2.0 of MVLWB Guidelines on Consultation.

It is expected that the Tłıchq Government will be contacted by a proponent in advance of an application or initialization of a project. It is the responsibility of the proponent to initiate contact with the Tłıchq Government regarding their proposed plans, projects and/or activities. The Tłıchq Government will then provide parties with further information about engagement requirements.



## 10 Consultation Process

The process for engagement and consultation with the Tłıchq Government may vary depending on the type of business a proponent is conducting in Tłıchq lands. For example, written or telephone communication may suffice for a smaller or less complex project. A larger and more complex project, however, may require face-to-face meetings and/or community public meetings.

### 10.1 [Initial Engagement](#)

Parties should refer to Appendix B of the MVLWB engagement guidelines (page 17) for what is required in a written notification to the Tłıchq Government.

Industry parties must contact the TEO upon initiation of a project, in advance of an application for regulatory approval. Proponents will need to:

1. Explain the purpose of their proposed engagement and provide any relevant information;
2. Provide project timelines;
3. Describe any concerns or potential for impacts on the land, water, wildlife or to the Tłıchq way of life;
4. Provide the Tłıchq Government with a draft engagement plan for consultation.

Regulatory authorities, such as the MVWLB and WLWB, all require the development of an engagement plan in applications for water licenses and land use permits. The Tłıchq Government will review this required plan and provide guidance directly in writing and through meetings with the proponent.

The Tłıchq Government may request additional information from parties to understand the breadth and scope of the proposed project.

At a minimum, the Tłıchq Government requires the following criteria be fulfilled in advance of a proponent's application:

1. Provide a record of written communication;
2. Send an agreed upon engagement plan;
3. Participate in a meeting between the Tłıchq Government designate and proponent.

### 10.2 [Engagement Plan](#)

Proponents are expected to provide an engagement plan to the Tłıchq Government at the outset of consultation. Refer to Section 3.0 of the MVLWB engagement guidelines (page 11) for a step-by-step guide to developing an engagement plan and record. The Tłıchq Government will provide guidance on finalizing an engagement plan that is mutually agreeable.

### 10.3 [Ongoing Engagement](#)

The engagement plan will provide an outline for ongoing engagement and consultation moving forward. This may include face-to-face meetings, community public meetings and/or workshops. The proponent

should refer to Appendix B of the MVLWB engagement guidelines (page 17) when relying on these types of approaches with the Tłıchq Government.

The Tłıchq Government and parties may cooperatively revise the engagement plan as and when needed.

#### 10.4 Engagement Types

The Tłıchq Government and proponent should discuss the type of engagement most appropriate for the Tłıchq Government, the communities, and the broader population. Below are descriptions of the types of meetings and consultations that an applicant might engage in, provided as general guidance for the purposes of developing an effective Engagement Plan.

##### Tłıchq Community Consultations

Consultations with communities should be arranged through the Tłıchq Government. If companies are seeking engagement or consent on any regulatory approval, then they need approval from the Tłıchq Government, and direction to proceed to a community meeting.

Tłıchq Government has presence offices in all Tłıchq communities that can assist with meeting arrangements once Tłıchq Government has agreed to community consultation meetings.

Types of consultation that occur at the community level include the review of proposed projects that impact Tłıchq lands and annual review of the proponent's activities. Community meetings are appropriate to gather community-based views and strengthen understanding of concerns.

Generally, community consultations should not be directly arranged with Community Governments. Community Governments are municipal authorities that deal with community municipal issues.

##### Community and Cultural Events

Community and cultural events are important public celebrations for Tłıchq people. There may be times when these events are an appropriate setting for conducting certain types of business, which are conducive to building strong relationships. Cultural events are a busy time in the community, and it may not be the right time for proponent engagement or project review. It is at the discretion of the Tłıchq Government and communities to invite parties to these cultural events for business-related purposes.

Any community celebrations, such as community appreciation events, should be coordinated with local leadership.

##### Meetings with Staff

Proponents may request meetings with the Tłıchq Government staff responsible for administration of these guidelines. The staff from all Departments responsible for the implementation of these guidelines can be contacted, and proponents can participate in face-to-face or phone meetings to seek guidance or clarification.

### Meetings with Chiefs or the Chief Executive Council

It is the responsibility of the TEO to facilitate Chief and proponent requests for meetings, and requests should be made through the TEO. The CEC may also direct when consultation and meetings will occur. The Chiefs may request direct engagement with a proponent at any time. These guidelines do not fetter the ability of the CEC to direct engagement.

### Project Site Visits

Proponents that wish to host staff, community members or leaders at their project site should contact the designated Tłıchq contact. The Tłıchq Government expects that companies will give notice of at least one month. The Tłıchq Government has set policies on translation services, as well as rates for these services. Further, the Tłıchq Government requires that proponents pay for these services, to the appropriate Department, fees that are incurred. These include honoraria for elders, translation fees, and administrative fees. The Tłıchq Government often sets up funding agreements for these services.

### Engagement of Tłıchq Citizens (for example elders, harvesters and youth)

Our Elders are a precious resource to us. If the research or consultation approach would benefit from having Elder guidance or engagement, then the Tłıchq Government (through the appropriate Department) will provide advice on who to include. There are many different types of experience, expertise, and approaches. At minimum, the Tłıchq Government requires that:

- There be one month advance notice for any Elder engagement.
- Outside agencies pay honorarium for the Elders' time (in alignment with Tłıchq Government policy).
- There be arrangements made for care. Elders often need services to ensure their safety and well-being – they may need pick up and drop off when they arrive for trips, bilingual staff to support them, and attention paid to their well-being.

### Tłıchq Traditional Knowledge

The Tłıchq Government has a Tłıchq Training and Research Institute, which conducts traditional knowledge research that is in alignment with the culture, language and way of life. It is our expectation that all Tłıchq traditional knowledge studies will be undertaken through our own research department.

## 10.5 Notification Approaches

The Tłıchq Government requires there be written notification regarding engagement plans. In the event that there is outreach to any of the audiences included in Section 1.9.3, there should be alignment of the Tłıchq Government with the proponent that this type of activity should occur. Notification of proponent engagement and consultation that is planned can be completed through electronic mail and public notice.

Social media is not considered to be an appropriate medium for engagement and consultation with the Tłıchq Government. While social media may be relied on for communicating information regarding

public notices, events, and networking, etc., parties are expected to comply with the types of engagement approaches outlined in this document, and in the MVLWB engagement guidelines.

Table 2: Engagement Processes for Proponents

	Written notice to appropriate Tłıchǰ contact	Meeting with Tłıchǰ designate	Audience with the CEC	Community Public Meeting
Industry partners	√	Δ	◇	◇
Researchers / Archaeologists	√	Δ		
Government	√	Δ	◇	◇
Other organizations	√	Δ	◇	
<p>√ Required for all projects</p> <p>Δ Required if a reasonable request has been made and the Tłıchǰ Government sees opportunity for further collaboration</p> <p>◇ Required only if advised by the Tłıchǰ designate</p>				

# 11 Monitoring and Evaluation

## 11.1 Guideline Evaluation

The Tłıchq Government will monitor and evaluate the effectiveness of the engagement and consultation guidelines. Primarily, Tłıchq Government will assess and evaluate the success in outreach to Tłıchq Communities and Tłıchq Citizens. Input from external parties, such as the MVLWB, the Government of the Northwest Territories (GNWT), Chamber of Mines, and others, will also be sought regarding the efficacy of the guidelines.

The Tłıchq Government will also apply the performance measurement framework developed by the MVLWB to these guidelines.

These guidelines will be reviewed and amended as needed, on an ongoing basis.

## 11.2 Proponent Adherence Evaluation

Companies will be evaluated based on their adherence to the engagement and consultation guidelines. If the proponent does not adhere to the engagement and consultation guidelines:

1. The Tłıchq Government will contact the proponent in an effort to fulfill the engagement and consultation criteria;
2. The Tłıchq Government will request that the respective regulatory body (i.e. MVLWB or Wek'èezhìi Land and Water Board) intervene; or
3. The Tłıchq Government will carry out any actions available to it to remedy any infractions of the guidelines.

## Appendix A: Supporting Resources

### *Tłıchǫ Government Resources*

- Government of Canada. 2003. Tłıchǫ Agreement.
- Tłıchǫ Government. 2013. Tłıchǫ Wenek'e: Tłıchǫ Land Use Plan. Behchokǫ, NWT.
- Tłıchǫ Research and Training Institute. 2003. Gonaèwo Our Way of Life. Film published by the Tłıchǫ Government. <http://film.tlıcho.ca/films/tlıcho-government/gonaewo-our-way-life>
- Tłıchǫ Government History website. <https://tlıchohistory.ca/>

### *Policies, MOUs and Guidelines*

- Mackenzie Valley Land and Water Board. 2013. Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits. Yellowknife, NWT.
- Mackenzie Valley Land and Water Board. 2013. Engagement and Consultation Policy. Yellowknife, NWT.
- Government of the Northwest Territories and the Tłıchǫ Government. 2014. *“Working together”: The Tłıchǫ Government/GNWT Intergovernmental Memorandum of Understanding*. Yellowknife, NWT.

Please refer to Appendix D of the MVLWB engagement guidelines (page 22) for a comprehensive list of supporting documents and references.

## Appendix B: Tłıchǫ Departments and Contact List

Table 1: Tłıchǫ Departments

Department	Responsibilities	Tłıchǫ Government	Community Government
Chief Executive Council (CEC)	-Includes the Grand Chief and chiefs from each of the four Tłıchǫ communities -Role is to oversee the implementation of Tłıchǫ laws	√	
Assembly	-Comprised of 13 elected members, which includes the CEC and 2 representatives from each community government -Assembly is the law making body for the Tłıchǫ Government. Their role is to implement the Tłıchǫ Agreement -The Assembly ensures good governance of the Tłıchǫ Government	√	
Office of the TEO	-Role is to support the CEC and Assembly -Responsibilities include policy development, special community projects, and industry liaising	√	
Culture and Lands Protection	-Cultural practices work on projects that promote the Tłıchǫ way of life -Regulatory review -Lands protection is responsible for managing Tłıchǫ lands	√	
Community Programs	Responsible for: -community, social and CART programs -community justice -victim services -daycare and early childhood education	√	
Community Services	Responsible for: -Career development -Economic development -Financial assistance programs -ONE program	√	
Corporate Services	Responsible for: -Finance -Human Resources	√	
Community Government of Behchokǫ	Each Community Government is responsible for: -community planning		√
Community Government of Whatı	-public works and community improvements -public utilities such as water quality, water delivery and sewage services		√
Community Government of Gamèti	-emergency response planning and fire protection -recreation		√
Community Government of Wekweèti	-other services such as bylaw enforcement. Community Governments administer all lands within their municipal boundaries, and regulate land use and development through its Community Plan, Zoning By-law, leasing, and Development Permit processes.		√

Tłjchq Community Services Agency (TCSA)	Child and family services, education and health programs and services in the four NWT communities of Behchokq, Gamèti, Whati and Wekweèti.	<i>*TCSA is managed through the GNWT and is a part of the Tłjchq Government community program delivery.</i>	
Tłjchq Research and Training Institute	Oversight body for all research activities being conducted in the Tłjchq region, in Tłjchq communities, and with Tłjchq elders, youth and community members.	√	

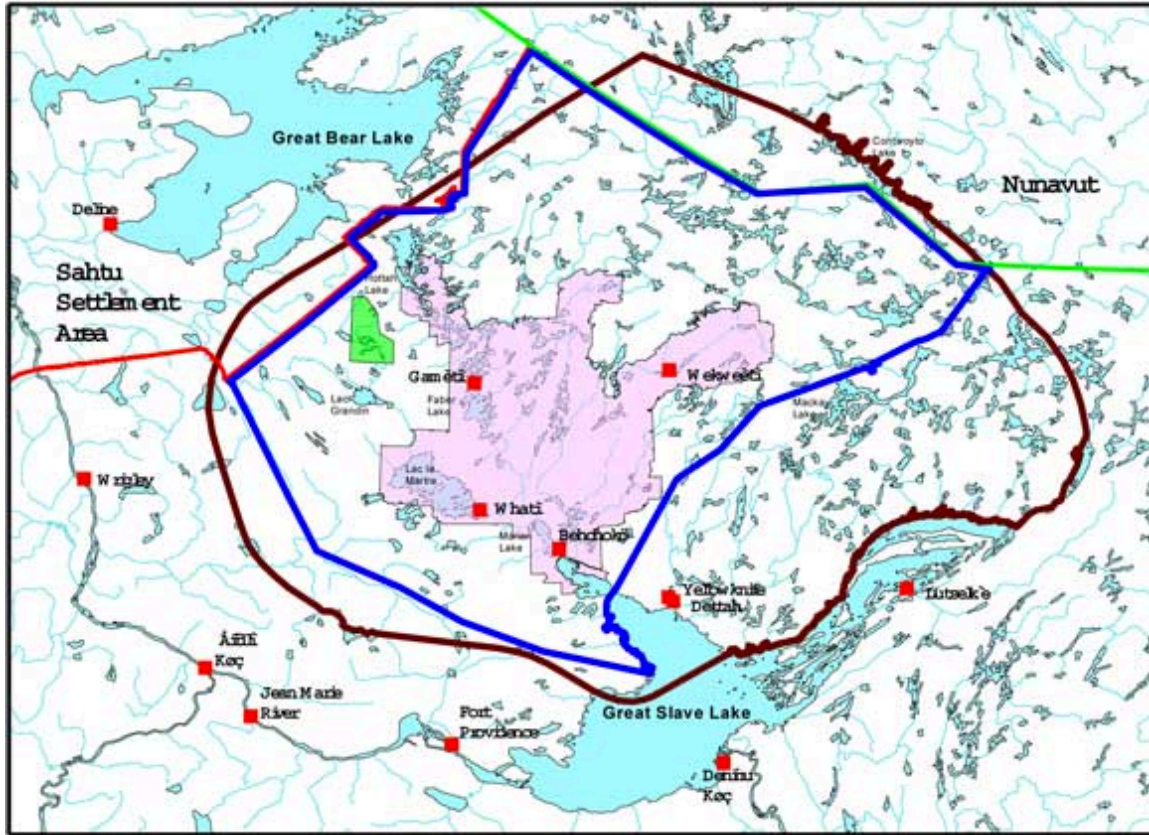
Table 2: Primary Contact List

The contact listed below includes key contacts that are likely to be involved in engagement and consultation with industry, government, researchers or other organizations. This contact list is intended to provide parties with a first point of contact to establish clear lines of communication and engagement with the Tłjchq Government and community governments. For new companies to the region, initial contact should be provided to the Tłjchq Executive Officer who will direct to the appropriate contact.

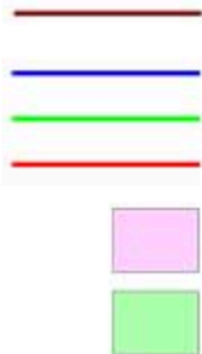
Title	Department	Contact Information	Pertinent Issues
Lands Managers: 1) Lands Protection and Renewable Resources 2) Lands Regulation	Culture and Lands Protection	867-392-6381	-All land use permit and water licence submissions -Environmental plan consultation -Environmental monitoring -GIS and Data Access -Land Access -License renewals and applications -Reclamation - Site tours
Manager / Research Operations & Training	Culture and Lands Protection	867-392-6381	-Research permits -Traditional knowledge research
Mines Liaison Coordinator	Office of the TEO	867-766-4003	-General corporate giving -Socio-economic and industry-related matters -IBA implementation -Listening Post -Miscellaneous site activities -Community visits
Tłjchq Executive Officer	Office of the TEO	867-766-4003	-Inquiries to the CEC -All other Tłjchq Government matters



# Appendix C: Map of the Tłı̨chǫ Region



## Legend



- Monfwi Gogha De Niitlee boundary
- Wekeezhii boundary
- Nunavut boundary
- Sahtu settlement area boundary
- Tlı̨chǫ Lands
- Ezodziti

Source: Tłı̨chǫ Agreement

## Appendix D: Application Package Requirements

### Land and Water Permits

There are two regulatory authorities that issue land use permits and water licenses within Mqwhì Gogha Dè Njìtìèè:

- The Wek'èezhii Land and Water Board: responsible for issuing land use permits and water licenses within the Wek'èezhii boundary;
- Mackenzie Valley Land and Water Board: responsible for issuing land use permits and water licenses outside of settled claim regions and for transboundary projects.

The Tłıchq Land Use Plan outlines the regulatory framework for access to Tłıchq lands. This means that the Tłıchq Government must be consulted on any application prior to the Wek'èezhii Land and Water Board (WLWB) issuing a land use permit or water license.

Parties who are interested in using Tłıchq lands may seek advice from the Department of Culture and Lands Protection before submitting an application.

Please refer to the [MVLWB website](#) for detailed information regarding application package requirements for obtaining land use permits and water licenses.

### Land Access

For information on application requirements, land use plan conformity and processes for Access Agreements for Tłıchq lands contact the Department of Culture and Lands Protection – Tłıchq Government.

## Appendix E: Consultation Fees

The Tłıchq Government will assess the costs for engagement and consultation on a case-by-case basis. The nature and complexity of a project will determine the number of hours, personnel and resources that the Tłıchq Government must invest in order to adequately respond to a proponent's application.

Costs for engagement and consultation may include, but are not limited to:

- Traditional knowledge research;
- Staff time and travel;
- Consultant and professional fees;
- Consultation with elders and community members;
- Translation and interpreter fees, and
- Administration.