



North Slave Métis Alliance

32 Melville Dr, Yellowknife, NT X1A 2P7

EXTERNAL CONSULTATION POLICY

Who we are

The North Slave Métis Alliance (“NSMA”) represents its members, who are Métis people of the Great Slave Lake region of the Northwest Territories. The Métis of the Great Slave Lake area trace their origin to the early 18th-century unions of European fur-traders and Indigenous women. Since the 18th-century, the Métis of the Great Slave Lake area have existed as a unique community, distinct from both other Indigenous communities and the settler population. The Métis of the Great Slave Lake area have and continue to exercise Aboriginal harvesting rights across a vast area including all the mainland Northwest Territories as well as parts of Yukon, Nunavut, British Columbia, Alberta, and Saskatchewan. The North Slave Métis are a unique constituency of the larger Great Slave Lake community. NSMA members primarily exercise their Aboriginal rights to the north, east, and west of Great Slave Lake.

Today, NSMA continues to support and defend our members’ traditional way of life, while also supporting our membership to succeed in the mainstream Canadian economy. NSMA also works with various industry partners to ensure industrial activity causes the minimum necessary infringement to NSMA’s members Aboriginal rights and to ensure a fair, equitable distribution of revenue from projects taking place in NSMA’s traditional territory. NSMA is the only Indigenous group in the Northwest Territories that consists exclusively of individuals of Métis identity within the definition established by the Supreme Court of Canada in *R v. Powley*, 2003 SCC 43. NSMA is also the only Indigenous group in the Northwest Territories that has received judicial recognition of its members’ *prima facie* Aboriginal rights.¹

¹ *Enge v Mandeville*, 2013 NWTSC 33; *Enge v Canada (Indigenous and Northern Affairs)*, 2017 FC 932.



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The Duty to Consult and Accommodate

NSMA asserts Aboriginal rights throughout the Northwest Territories. NSMA has an extremely strong claim to Aboriginal rights, which has been recognized by the Supreme Court of the Northwest Territories as a “good *prima facie* claim.” Both the Federal Government and the Government of the Northwest Territories owe NSMA a duty to consult and accommodate.

Crown and proponent consultation must occur early in any process, before any important decisions are made. Consultation should occur with respect to both strategic and operational levels of Crown decision-making. Reasonable timelines and sufficient information regarding the project and its potential impacts on NSMA’s rights are necessary for meaningful consultation to occur. Meaningful consultation also requires genuine efforts to understand and address NSMA’s concerns. In certain circumstances, financial capacity may also be needed to ensure NSMA’s ability to participate effectively. The Crown and proponents must consult with NSMA to obtain NSMA’s free, prior and informed consent.

How NSMA participates in consultation

NSMA participates in consultation cooperatively and in good faith. In all consultations, our goal is to protect the Aboriginal rights of NSMA members while supporting economic development that contributes to the prosperity of the Northwest Territories. The NSMA has rights to self-determination and autonomy in decision-making in NSMA territory, including the right to exercise responsibility for environmental stewardship and to preserve and protect the lands, waters and resources that are integral to the NSMA community’s Aboriginal rights and way of life.

When a proponent considers a project in NSMA’s territory, NSMA encourages the proponent to contact NSMA to initiate consultation in the early stages of the project – ideally, before applying to the Crown for the authorizations and licenses necessary for their project. Early engagement by proponents demonstrates sensitivity and respect, and helps set the tone for a productive, mutually beneficial relationship between the proponent and NSMA. Additionally, early engagement allows NSMA to identify any issues with the project and propose solutions before the proponent applies for regulatory approvals, which can prevent consultation and accommodation issues from delaying the project’s approval.



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The Consultation Process

Step 1: Notification

Whenever there is a risk that a project may adversely affect the Aboriginal rights of NSMA members, the Proponent or Crown should contact NSMA to provide an overview of the proposed project and, all studies or data required to understand the project's potential adverse impacts on the Aboriginal rights of NSMA members and to ascertain who the appropriate primary contact person for consultation is. For consultations relating to the biophysical or human environment, the appropriate contact is NSMA's Environment Department, which can be reached by email at lands@nsma.net with a copy to alan.alex@nsma.net.

Step 2: Initial Assessment

Once notification has been received, NSMA will assess this information and respond as follows:

- 1) If NSMA determines that the project is unlikely to adversely impact the Aboriginal rights of NSMA members, NSMA will inform the proponent or Crown that no further consultation is necessary at that time.
- 2) If NSMA can identify mitigations and/or accommodations that the proponent or Crown can take to minimize potential adverse impacts on the Aboriginal rights of NSMA members, NSMA will request those mitigations and/or accommodations be taken. If the proponent or Crown fulfils that request to the NSMA's satisfaction, NSMA will inform them that no further consultation is necessary at that time.
- 3) If NSMA determines that in-depth consultation is owed and/or further information is required to assess the potential adverse impacts of the project, NSMA will take one or more of the following actions:
 - a. request further information from the proponent or Crown;
 - b. request that the proponent or Crown engage in in-depth consultation, as described below; and/or



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- c. request that the proponent or Crown negotiate and enter a consultation protocol with NSMA to support and structure in-depth consultation.

The issues that may be addressed in a consultation protocol include, but are not limited to:

- 1) the quality and extent of information needed;
- 2) the timing, location, costs, format, and participation in any site visits, meetings, or other discussions;
- 3) the funding needed by NSMA to engage in the consultation;
- 4) the criteria by which the engagement will be evaluated;
- 5) a schedule for the completion of consultation events;
- 6) a record of agreement regarding the outcomes of the consultation, including the accommodations agreed to by NSMA and the proponent or Crown.

Step 3: In-Depth Consultation

Subject to an express contrary intention in a consultation protocol, in-depth consultation between NSMA and proponents or the Crown will be governed by the following basic principles:

- 1) Steps in the consultation process will be determined by consensus of NSMA and the proponent or Crown.
- 2) NSMA will select which NSMA members and staff participate in consultation events, though a designated NSMA contact person who will be identified to the proponent or Crown. If any NSMA members choose to communicate with the proponent or Crown directly, those communications are made solely in their personal capacity will not be interpreted as NSMA's formal position.
- 3) All NSMA members who are invited to participate in consultation events such as site visits will receive an honorarium according to NSMA's internal honoraria policy. NSMA members who attend



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community engagement events such as community meetings will receive a reasonable stipend to offset expenses and incidental costs. Transportation reimbursements and per diems, when required, will be paid at Government of Northwest Territories rates. Unless otherwise agreed, the proponent or Crown will pay these honoraria, stipends, reimbursements, and per diems, as the case may be.

- 4) All NSMA members that participate in consultation will report to the NSMA contact person for the consultation, who will make a record of their experiences, impressions, observations and conclusions. These members will not be required to report directly to the proponent or Crown.
- 5) NSMA will have the right to share information about the project with its members so that its members can submit questions or provide comments.
- 6) NSMA's formal position will not be formulated until after NSMA has an opportunity to internally consider of the consultation process and seek independent technical advice if necessary. NSMA's formal position will then be provided to the proponent and other appropriate parties in writing on NSMA letterhead, signed by the primary contact person or a board member (usually the President or Vice President). Any other statements made by NSMA's members, staff, or board members during the consultation process are for discussion purposes only and are without prejudice to the legal rights of NSMA.
- 7) The proponent and Crown will treat any personal information of NSMA members that is provided as confidential and will use that personal information only for the purposes of consultation.
- 8) Any traditional knowledge that is shared with the proponent or Crown remains the property of NSMA and its members. The proponent and Crown will treat any traditional knowledge shared by NSMA or its members as confidential. If, through independent research, the proponent or Crown learn any traditional knowledge of NSMA, they will disclose that information to NSMA in a timely manner. If the Crown or proponent conducts research in order to collect information such as traditional knowledge from NSMA members, the NSMA must be provided with a copy of the raw data, and any subsequent synthesis reports.



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Appendix: Considerations for working with the North Slave Métis Alliance

This document was developed as a guide to engaging with NSMA for non-Indigenous academics, researchers, consultants, industry representatives and others. This guide is based on our experiences, priorities and expectations. Not all Indigenous people are the same, so it is not appropriate to expect that your experience working with other Indigenous peoples will be directly applicable to your work with NSMA.

Know the people you are hoping to work with. The North Slave Métis Alliance (“NSMA”) is an Indigenous government that represents its members, who are Métis people of the Great Slave Lake region of the Northwest Territories.

The Métis of the Great Slave Lake area trace their origin to the early 18th-century unions of European fur-traders and Indigenous women. Since the 18th-century, the Métis of the Great Slave Lake area have existed as a unique community, distinct from both other Indigenous communities and the settler population. The Métis of the Great Slave Lake area are neither “Indian,” Inuit, settler, nor a component of any other Métis community, although the culture of the Métis of the Great Slave Lake area is influenced by each of those groups.

The Métis of the Great Slave Lake area have and continue to exercise Aboriginal harvesting rights across a vast area including all the mainland Northwest Territories as well as parts of Yukon, Nunavut, British Columbia, Alberta, and Saskatchewan. NSMA members primarily exercise their Aboriginal rights to the north, east, and west of Great Slave Lake.

Today, NSMA continues to support and defend our members’ traditional way of life, while also supporting our membership to succeed in the mainstream Canadian economy. NSMA also works with various industry partners to ensure industrial activity causes the minimum necessary infringement to NSMA’s members Aboriginal rights and to ensure a fair, equitable distribution of revenue from projects taking place in NSMA’s traditional territory.

The above is only a brief overview. NSMA encourages you to conduct further research prior to contacting NSMA to develop your understanding of our customs and cultural norms, history, and priorities.

Consultation and engagement are more than just checking a box. When requesting an Indigenous Government or organization to provide you with a letter of support or signature on a permit, research license, funding application, etc., it is not appropriate to assume they will be supportive of your request and demand they provide a response under a short timeframe. Proper engagement, consultation and communication should be early with open dialogue and without demands.

Ensure your communication is early, clear, and consistent. If you verbally promise work and funds to community members, you must follow through with these promises. Provide clear and transparent communication throughout your work NSMA. Continue the lines of communication after you have



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completed your work and travelled home. Disseminate the information in a meaningful way to your community partners.

Recognize and acknowledge you are on our traditional territory. You can do this by researching the land, water, wildlife and territory you are travelling to prior to contacting NSMA. Our resources are limited, so the more time we have to spend teaching you about our land, the less time we can spend on your project.

Confirm you have adequate funds in your budget for your engagement goals. A first step of any engagement should be to share your budget expectations and request NSMA describe what level of engagement will be possible given your budget, NSMA's workload, and the timeframe for your project. You should expect to appropriately compensate individuals who you hope to work with, and should not expect NSMA to devote our own resources to your engagement without any benefit to NSMA.

Recognize we are on different timelines. Please understand that we are working on our own timeline, with our own set of internal projects, programs and services. Like many Indigenous governments, NSMA is often under-resourced and over-burdened. If our team is busy, it is not acceptable to expect we halt our work to immediately meet with you. Remember that your project is only one of many important projects we are working on.

Consider whether NSMA and the Metcor Inc. group of companies can provide products and services to your project:

- The NSMA Environment Department and Metcor Environmental provide environmental consulting services that include logistical and technical field support for industry and research projects. Some of our direct service offerings include supplying field technicians and bear monitors, providing boat/truck/snowmobile drivers, and other equipment rentals. To ensure efficient scheduling, we encourage you to reach out regarding your needs as early as possible.
- For advanced environmental, engineering, and remediation/demolition needs we work with technical partners at Triton Environmental Consultants, GHD, and QM Environmental.
- The Metcor Inc. group of companies is 100% owned by NSMA and its Indigenous members. We provide an array of products and services including shotcrete cement, trucking, drilling, camp services, and more.

Meet in person. All individuals are welcome to stop by the NSMA office for a chat about their potential or upcoming projects if it fits with our schedule. In-person meetings are a much more culturally appropriate way to develop relationships than email, phone, or even video call.



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Further resources. The following resources provide an overview of best practices for engaging with Indigenous communities as a non-Indigenous person. Although these resources are not specific to NSMA, they can help to orient yourself to an Indigenous perspective:

- [Four Phases of Indigenous Engagement](#)
- [Considerations for Engagement with Indigenous Peoples](#)
- [Five Principles for Effective Indigenous Engagement](#)
- [Working with Indigenous People 101](#)
- [We are all Treaty People](#)
- [Five Tips for Preparing to Engage with Indigenous Communities in Canada](#)