

MEA Clarification March 2023

Consultation Methods

Municipalities that have an existing protocol for consulting with individual Indigenous Communities should follow this protocol for consultation related to a specific MCEA project. Municipalities that have not established a protocol with local Indigenous Communities should use multiple methods and ensure consultation opportunities are provided to all appropriate Indigenous Communities. Municipalities should be prepared to alter their approach for the various Indigenous communities.

Transition Notices (proposed consultation requirements)

Wording proposed to be included in Section A.1.4 when the MCEA is amended includes the following process for Transition Notices to Indigenous Communities;

The Transition Notice must also provide a **60 day period** for Indigenous Communities to review the Transition Notice, and advise that, during this 60 day period an Indigenous Community may object to the transition of the project on the grounds that the proposed project may have a negative impact on a Constitutionally protected Aboriginal or Treaty Right. Indigenous Communities should be encouraged to copy the ministry on any responses to the Transition Notice.

The Transition Notice must be sent to the Identified Indigenous Communities through two different delivery methods (e.g., by mail, courier, email or through an Indigenous Community's website). Proponents must follow up with the identified Indigenous Communities at least once during the 60 day period to confirm they have received the notice unless a response has already been received from the Indigenous Community.

To be consistent with this process, the proponent should use at least two methods of contact (mail, email) with at least one follow-up contact (phone/email with email recommended) and allow 60 days minimum for a response when consulting with Indigenous Communities. All details regarding phone calls should be documented.