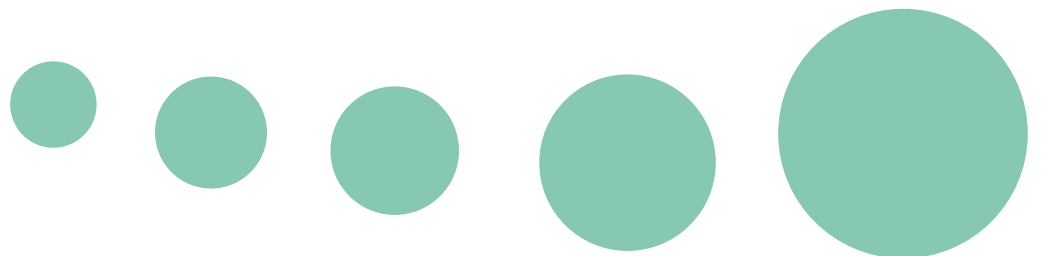


Mackenzie Valley
Environmental Impact Review Board

EIA PRACTITIONERS' WORKSHOP – 2008





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“Close the Loop”

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Introduction and Background

Link to Presentation: [Welcome and Introduction to the Workshop](#)

The Mackenzie Valley Environmental Impact Review Board (Review Board) has been hosting workshops for environmental impact assessment (EIA) practitioners since 2001. The 2008 workshop took place at the Tree of Peace Friendship Centre in Yellowknife, February 26 and 27, 2008. This year's workshop theme was *Close the Loop*. It focused on integrating EIA in the Mackenzie Valley resource management system.

This year was the 5th EIA Practitioners' Workshop. These workshops have proven to be an effective forum to improve communication between parties involved in the EIA process. The workshops provide an opportunity for practitioners from government, industry, aboriginal groups and co-management boards to meet outside of an actual assessment. The workshops have been well attended; 100 people participated in the 2006 and 2007 workshops and over 80 attended the 2008 workshop.

The Review Board and Indian and Northern Affairs Canada co-hosted the first EIA Practitioners' Workshop in 2001, which focused on preliminary screening. That workshop helped to improve communication and create a better understanding between preliminary screeners and the Review Board. In 2005, the Review Board hosted the second EIA Practitioners' Workshop, which featured lessons learned from various past assessments. This second workshop was about issues with the Review Board's process and identifying ways to improve it. In 2006, the third workshop's theme was *Raising the Bar for Socio-economic Impact Assessment*. It represented a major milestone in the Review Board process of developing socio-economic impact assessment guidelines. In 2007, the fourth workshop presented *The D.E.W. (Do Early Work) Line of Environmental Assessments*. It concentrated on doing early work to better prepare for entering the EIA process.

This year we focused on closing the loop by trying to improve the integration of the EIA process into the overall resource management system. Speakers, plenary sessions and working groups explored how an EIA can inform monitoring, enforcement and follow up, and how these processes themselves can shape EIA. Once again, a wide range of individuals from community organizations, aboriginal groups, government and co-management boards participated in this workshop.

The Review Board is grateful for the generosity of Indian and Northern Affairs Canada, who assisted in funding the 2008 workshop. All presentations associated with the workshop are available at mveirb.nt.ca.

Overview and Objectives

The theme for this year's workshop was *Close the Loop*. There are a few areas of the EIA process where the loop needs to be closed to make the resource management system more effective and efficient. The Review Board attempted to shine a light on areas where the process can be improved by exploring topics such as Section 35 consultation, mitigation measures and draft guidelines on the wildlife at risk, Section 126 Draft Reference Bulletin, as well as other topics of interest.

The goals the Review Board set for itself in organizing the workshop were to:

- 1) Show how much the resource management system has changed;
- 2) Define what the next steps are to improving the resource management system;
- 3) Improve the integration of the EIA process into the overall resource management system;
- 4) Explore how EIA can shape monitoring, enforcement and follow up;
- 5) Explore how monitoring, enforcement and follow-up can shape EIA;
- 6) Strengthen the resource management system; and
- 7) Improve communication between parties by bringing together practitioners.

Martin Haefele, Manager of Environmental Impact Assessment for the Review Board acted as the workshop's main facilitator and organizer. The first day began with opening remarks from the Review Board's chairperson, Gabrielle Mackenzie-Scott, followed by Alan Ehrlich, the Review Board's senior environmental assessment officer. A special event occurred in the morning of day one when Charlie Snowshoe, a long serving Review Board member and Gwich'in elder, accepted a Lifetime Achievement Award from the International Association of Impact Assessments, Western Northern Canada Affiliate.

On day two, Martin opened the workshop again by recapping the previous day's work. The workshop concluded with a short presentation on what was discussed and what the Review Board's next steps should be.

Presentation #1:

Closing the loop on previous practitioners' workshops

Link to Presentation: [Closing the loop on previous practitioners' workshops](#)

Introduction

It is interesting to see where we've come from and where we need to go.

- Participant of the Close the Loop Workshop, 2008

The first presentation, given by Mary Tapsell, former manager of EIA at the Review Board, amounted to a “trip down memory lane” that recapped past workshops. The Review Board began hosting EIA Practitioners' Workshops in 2001 when practitioners began to realize that there needed to be more consistency, cooperation and clarity in their roles. Mary has attended all of the workshops and has played an important role in planning most of them. She summarized each workshop, describing the key themes, the issues identified, the solutions offered and she laid out the next steps. Mary reminded us of why these practitioners' workshops are important and what they can accomplish.

Main Themes

Mary's presentation brought out what improvements have been made to the resource management system, as well as what remains to be done. The talk began with a summary of each workshop and then she discussed the “projects” that came out of them. Her presentation showed participants how far EIA has come since the inception of the *Mackenzie Valley Resource Management Act* (MVRMA) and how far yet it still needs to go.

Workshop 2001:

The first workshop focused mostly on preliminary screenings. There were three main goals: 1) to develop a technical standard; 2) to clarify the role and scope of preliminary screenings and environmental assessment under the MVRMA; and 3) to improve coordination and collaboration amongst organizations and practitioners. Most of the attendees were from government and communities; there was no one present from industry. Milestones achieved included: 1) participants agreed to work together; 2) the EIA process is important; 3) support is needed for the Review Board's EIA process; and 4) there is a lot of legal excess. People used to spend a lot of time on the interpretations of the MVRMA and maintaining a legal process, which sometimes led to the detriment of an environmental assessment.

Workshop 2005

By 2005, the MVRMA was still a fairly new piece of legislation and people were still ‘getting used to it.’ Since the initial workshop, it was apparent that there were more issues that people were seeking guidance and solutions for. For that reason the Review Board decided to look for some constructive criticism so that solutions could be made. At this workshop, people provided lists of what they liked and did not like about the resource management process and what needed improvement. Major issues included the lack of capacity in the communities, the need for traditional knowledge to be recognized, as well as the need for industry to get out early to engage communities. Some solutions suggested were that community members needed to be hired to gain trust, and that there needed to be follow-up, such as frequent audits of how measures were being implemented. Participants noted that some practices did change as a result of this workshop.

Workshop 2006

This workshop attracted a lot of people in the field of social sciences. At this workshop, six steps of socio-economic impact assessment were defined and discussed extensively. Participants identified gaps that exist in the current socio-economic impact assessment system and worked to come up with a few solutions. Practitioners realized that there was still a lot more work to be accomplished in the field of socio-economic impact assessment and that communities still needed to be more involved. It was further stressed that good socio-economic impact assessment begins early. Since this workshop, the Review Board released *Socio-economic Impact Assessment Guidelines* and set up a resource library. The *Socio-economic Impact Assessment Guidelines* have been well-received outside the Northwest Territories and there has been some international exposure.

Workshop 2007

Last year's workshop mainly focused on the importance of getting an early start. Some of the key topics that were discussed included guidance for the implementation of the *Species At Risk Act* in the MVRMA, plain language communication, Section 35 consultation, climate change considerations, cumulative effects assessments, heritage resources in EIA, and mineral and petroleum rights. It was decided at this workshop that the preliminary screenings forms needed to be reexamined. It should be noted that since this workshop, the Review Board has been working on a guidance document for *Species At Risk Act* in the MVRMA.

In her presentation's conclusion, Mary posed the following questions to the participants:

- Have you seen a pattern in issues identified in the past?
- Are we getting it right?
- Are there areas in which we need to improve?
- What can we do differently in our EIA process in the Northwest Territories?

Key Issues Identified by Participants

Some of the issues that were identified in previous workshops continue on, such as lack of capacity. Community members spoke about their high staff turnover rates and the constant struggle to retain and restore their capacity to participate. Aboriginal parties also noted that they find it hard to keep up with the workload because they have to coordinate these assessments with land users, elders, and their chief and council. A question was posed about people grappling with capacity difficulties, and if funds were the issue, or if it was timing and the ability to do work earlier in order to do less work later. Mary also stressed from her experience that if people are involved in planning a project earlier, more trust is developed in the longer term.

Representatives from industry talked about how the northern regulators have different initiatives to make the resource management system effective and efficient. These initiatives, however, have led to few improvements in the resource management system and there remains a lack of accountability and predictability. This might have to do with the fundamentals of the MVRMA rather than how it is implemented.

It was noted that there has been a lot of turnover among EIA practitioners in the north. There were very few who attended the first workshop in 2001. Most of the people that attended this year's workshop were either young, or new to the north, or new to northern EIAs. It was mentioned that over the years there has been an increase in the popularity of the EIA workshops, with participation rates going from 45 in 2001 to 140 in 2007.

Ideas to Build on / Next Steps

Participants found a “stalled issues” list and an explanation as to why those issues are stalled would be helpful.

In terms of capacity, participants acknowledged that the solution might not always be about having a sufficient amount of funding, but that it also has to do with knowledge and knowledge transfer. The problem is facilitating knowledge transfer so that it works on the ground. For the last few years, the Review Board has worked with communities on a number of projects and has also conducted their scoping sessions in the communities. Although these are good ideas, it was clear in the workshop that more remains to be done. While no concrete solutions were offered, it was mentioned by a member of an aboriginal community that the Review Board community liaison representatives need to be in the communities more often.

The evaluation forms included suggestions to benefit aboriginal groups and others, that there be a session on the numbered treaties, such as treaty rights and perspectives on them at a future practitioners’ workshops.

Tools for Practitioners

For more information on past workshops, please go to mveirb.nt.ca for a link to the reference library.

Presentation #2:

The EA process and its place vis-à-vis consultation

Link to Presentations: [The EA process and its place vis-a-vis consultation - Deninu K'ue First Nations](#)
[The EA process and its place vis-a-vis consultation - Indian and Northern Affairs Canada](#)

Introduction

It seems everyone has an opinion on whether or not Crown consultation fits within the EIA process, and if it does, how it should work. If people are not clear about when Crown consultation needs to take place, then the loop has a hard time closing on EIAs. In the first part of this session, Rosy Bjornson, who works with Akaitcho traditional knowledge holders and community elders in reviewing permits, presented on behalf of the Deninu K'ue First Nation. James Lawrence, from Indian and Northern Affairs Canada presented the department's perspectives on consultation in EIA.

Main Themes

James Lawrence explained that the Crown's approach to consultation is based on common law. The Crown decides how consultation will happen on a case-by-case basis for each project. In the Northwest Territories, the federal government tries to avoid duplication in its consultation efforts and avoid consultation fatigue in the communities, while still trying to meet its consultation obligations. The federal government takes into account procedural aspects of the Review Board in its efforts to consult. Currently the government is developing an interim approach to consultation and is seeking the involvement of other groups.

Rosy Bjornson's presentation started off by reminding participants that consultation needs to take place with regard to the interim withdrawals and the existing interim measures agreement. She also pointed out that given the existing treaty rights in the area, consultation with Deninu K'ue is unique. Overall, the courts have directed the Crown to do a better job consulting. Rosy's presentation

included 75 key points for how consultation should look. Rosy emphasized that the Akaitcho would like the consultation process to be separate from the EIA process out of respect to the relationship between the crown and the First Nations with regards to their treaty.

Exercises

In the first part of the exercise, participants were asked to discuss where Section 35 issues were most appropriately addressed in an EIA process. Stages that were highlighted included: prior to applying for permits; preliminary screening; environmental assessment; and post-environmental assessment. The second part of the exercise challenged the participants to think about the roles and responsibilities the Review Board, government and industry have in facilitating Section 35 consultation. Participants were asked to decide whether they agreed or disagreed with the following statements:

- The Review Board is not responsible for Section 35 consultation;
- The Review Board is running a very consultative process;
- The recent court decision on Chicot (Cameron Hills) and the UR energy environmental assessment in the Thelon area show that the EA process works for Section 35 consultation;
- The Review Board can only address environmental issues and so the environmental assessment process can never cover all of Section 35 consultation;

- Industry is not responsible for Section 35 consultations, but the results of industry's community engagement are important inputs into it; and
- Industry needs Section 35 consultation to get done one way or the other and therefore should address Section 35 issues in its community engagement.

Group Results

In general, all groups agreed that the Crown is the organization responsible for Section 35 consultation and that consultation should happen early, be done thoroughly and continue throughout the process as the project enters each stage.

When discussing the Review Board's role in Section 35 consultation, most groups felt the Review Board did not have the resources or authority to conduct it. The participants recognized the Review Board's process as an important facilitator in identifying additional gaps in the crown's consultation. However, the participants stated that the Review Board can only cover off issues that are raised in the environmental assessment that are within its mandate. There may be opportunities to have mitigation measures address Section 35 issues, but there may also be other outstanding Section 35 issues outside of the scope of the assessment or issues that are never publicly raised that the Review Board can deal with. Some participants felt that because the Review Board's process can be intimidating for communities, the federal government cannot solely rely on the Review Board and that it must conduct a separate process.

Although in most cases, it depends on the circumstances of the environmental assessment, most participants felt the Chicot and UR Energy environmental assessments did on some level address Section 35 consultation although the UR Energy example was more about dealing with public concern and socio-economic impact assessment rather than actual Section 35 consultation concerns. A few participants stated that the assessments in fact

demonstrated a failure in the system. In particular, the Chicot decision demonstrated that the Crown still needs to fulfill its duty to consult separately and it doesn't matter what industry or the Review Board ultimately does.

A discussion followed on industry's role in Section 35 consultation. Like the Review Board's community engagement, most groups felt that industry's early community engagement was vital for information gathering that may give insight into the issues for the Crown to consider. Ultimately though, it was stressed that it still is the Crown's obligation to conduct Section 35 consultation independently of this. That said, some participants stated that multi-party consultation would be more efficient, as developers know their projects best and this would help reduce duplication.

Key Issues Identified by Participants

Dealing with consultation issues after the environmental assessment is done

Participants expressed concern over examples of assessments where the federal government waited to begin its consultation after the assessment was complete. Issues that might have been dealt with better earlier on in the assessment were being grappled with well after the decisions were made. However, it was noted that a key issue for the federal government is the information available in the beginning of an environmental assessment is often not enough to make solid decisions on consultation. It is only at the end when the government can determine if the assessment was sufficient to address all the Section 35 issues. It was stated that government and communities are struggling with resource and capacity issues, and dealing with consultation makes things that much more difficult.



Transparency

Overall, there were concerns over the level of transparency in Section 35 consultation that occurs before, during and after environmental assessments. Many participants highlighted the fact there is no definition of what is good consultation and given there is no coordinated federal consultation unit, it is difficult to identify whether adequate consultation has occurred. Some people wondered how they could find out when the federal government has determined if Section 35 responsibilities had been missed and if it is necessary to begin the process again. In such cases, it was noted that industry and communities are often left in the dark.

Dependency on the government

Many participants were concerned that the success of the entire process lies in the ability of government to fulfill its obligations. Although everyone must work together and invest a lot of time and effort into an environmental assessment, if the Crown does not do a good job early enough, the whole process is put at risk through legal actions happening afterwards.



Presentation #3:

Stay in the loop, using the Review Board's online communications tools

Link to Presentations: [Stay in the loop](#)
[Stay in the loop – handout](#)

Introduction

The staff at the Review Board have developed several tools on the Review Board's website that are designed to help people find information and keep up to date with Review Board activities easily. Renita Jenkins (Communications Manager), Jessica Simpson (Community Liaison Officer) and Tawanis Testart (Environmental Assessment Officer) shared giving this presentation, the aim of which was to walk the audience through the various tools on the website and to train users on how to properly use them.

Main Themes

The presentation began with an overview of the website as a whole. Renita walked through each page of the website and explained their function. After this introduction, the components of the website that are key communications tools were discussed in greater detail. These components are the public registries, the subscription service, RSS feeds, the news page, Valley Talk and the reference library. After this discussion, Renita gave an overview of the Facebook group she has created for the Review Board.

The public registry

Tawanis began her discussion of the public registries by describing the registries held by the Review Board. The registries are held in two forms, both as a physical collection of papers held in a room, and as digital files stored in a web server online that is accessed through the public registry pages of the website. The presentation focused on the online version of the public registries.

The challenges of managing the public registries include ongoing maintenance concerns, technological limitations

of users and the cost. It was noted that the Review Board manages a great deal of information. There are over 5000 files on the combined public registries for all environmental assessments that the Review Board has conducted over its history. It is difficult to maintain the documents in a fashion that allows for easy document retrieval that preserves accurate associated metadata. The task of maintaining this data can also be tedious, which presents opportunities for error.

Although every community in the Northwest Territories has Internet access, most of the smaller communities continue to have limitations of bandwidth, Internet speeds and connection disruptions. The Review Board has to be conscious of these limitations in designing its systems.

Tawanis explained that the Review Board staff has developed several strategies for overcoming these challenges. These include digitization of the archive, improving search and sort capabilities and the development of a subscription service.

The subscription service

The subscription service is designed to replace the notification lists. The system automatically sends out emails to users when additions are made to the public registry. The service gives users a great deal of control over their own accounts.

Tawanis walked the audience through the steps to sign up for an account and how users can manage their information. This training session was accompanied by an instructions handout.

RSS feeds

RSS feeds are a recent addition to the Review Board's website. Renita began with an introduction to RSS feeds; including what they are, how to use them, what the difference between RSS and the subscription service is and how RSS feeds can be useful.

RSS feeds are a web browser-based system for getting updates on a user's favourite sites. Users click an RSS feed icon on a page, which adds the feed to a list in their Internet browser. This list shows entries in bold if there has been an update to the page since it was last visited by the user. To use RSS feeds, the user needs a RSS feed reader. The feeds are useful to people who want to be updated on the Review Board's activities without receiving the large amount of email generated by the public registry; this may include the media. Renita pointed out that this is not meant to replace the notification system for public registry items, and parties to or participants in an environmental assessment should continue to use the subscription service to receive their notifications.

The news page

Jessica began her discussion of the news page by going over the main features of the page. She explained to the audience how someone could find new items, archived news and old newsletters.

Valley Talk

Jessica continued her discussion by giving an overview of Valley Talk, the Review Board's monthly newsletter. Valley Talk gives an update on environmental assessment activities, recent changes at the Review Board and includes a new section titled, '*This is What We Do*'. Jessica walked the audience through each of these sections, giving greater detail on the last item as this is a new feature of the newsletter. '*This is What We Do*' gives a plain language description of an EIA step, a new one being chosen each month. The aim of this is to assist the public in understanding the technical aspects of the environmental assessment process.

Jessica concluded her discussion of the newsletter by explaining how users can subscribe to automatically receive the newsletter by email each month.

The reference library

Jessica went over the different components of the reference library. The different sections include:

- Legislation & regulations
- Guidelines, rules of procedure & reference bulletins
- Practitioners' toolbox
- Review Board initiatives
- Corporate documents
- Promotional materials
- Other articles & publications
- Other external initiatives

The Facebook group

Facebook is a social networking site that has recently become very popular with users from all ages and walks of life. In particular, the website is very popular with young people. Renita explained her intention behind creating a Facebook group, namely to target young people who may be interested in the Review Board and its activities for school or for a future career. The group is an experiment and its usefulness is yet to be seen.

Ideas to Build on/ Next steps

The online communication tools used by the Review Board staff are continuously being updated and improved. Upcoming improvements include reducing the amount of email users receive, fine-tuning the subscription service, and improving data management of the public registries.

Tools Available to Practitioners

Renita Jenkins, Jessica Simpson and Tawanis Testart can all be contacted at the Review Board office and can answer any questions related to the website, the public registries and the Review Board's communications activities. In addition, the handout provided at the Practitioners' Workshop on how to sign up for and manage subscription accounts is available along with the presentation file at the link provided.

Presentation #4:

How to move from regulatory to EA

Link to Presentations: [How to move from regulatory to EA – Review Board](#)
[How to move from regulatory to EA - SLWB](#)

Introduction

Currently there is debate on how organizations with referral power, such as the Review Board, should operationalize its authority to refer projects to environmental assessment. It really is a question about an early gap in the resource management loop because of unclear legislation. In late December 2008, the Review Board drafted a Reference Bulletin on how it believed the process should work and circulated the bulletin for public comment. In his session of the workshop, Vern Christensen, Executive Director for the Review Board, discussed the Review Board's bulletin and gave a synopsis of the comments received. Scott Duguid, of the Sahtu Land and Water Board, provided additional insight into his organization's view on the matter.

Main Themes

Vern explained in his presentation that the goal of the Reference Bulletin was to clarify the process on how a project might be referred to environmental assessment by the Review Board, notwithstanding a preliminary screener's decision. This document was publicly circulated for comment. After looking at the feedback received, it became apparent more discussion on the topic is needed. In particular, some groups requested that a workshop be held so that all agencies with referral authority can discuss how they operationalise their Section 126 authorities. The Review Board believes that communication is the key to harmonization. The Review Board wants to be consistent with how other organizations are exercising their authority. It was noted that if there needs to be processes, other than those described in the Reference Bulletin, and the Review Board would like to know what those other processes are.

Scott outlined in his presentation the Sahtu Land and Water Board's views on Section 126 and the authority associated with the process of referring a project to EA. Scott recognized that the Reference Bulletin is the first step and hoped that the Review Board would incorporate the comments the Sahtu Land and Water Board submitted. The Review Board and the Sahtu Land and Water Board are not on the same page yet, but Scott reaffirmed the need for further discussion on the issue. The Sahtu Land and Water Board desired an open forum with all referral bodies present so that a coordinated approach can be taken. This will give certainty and clarity to developers, communities and participants in the resource management system.

Key Issues Identified by Participants

In the subsequent discussion, participants questioned how the 42-day requirement in the regulations fit with the three-day pause periods stated in the Reference Bulletin and how referral organizations who may need more time can cope. It was suggested that extending the time frame could mean the issues could be sorted out, that the proper decision makers would be better involved, and that the appropriate information could be gathered. It was suggested that in the end, extending the pause period may mean less projects getting referred under Section 126, however, there remains debate over how the timelines would work.

Ideas to Build on/ Next Steps

The lack of clarity is frustrating for everyone involved and people need to come together to talk about it. A workshop, with all referral organizations, was stated as being necessary for resolution of the issue.

Tools for Practitioners

The Review Board's draft bulletin and comments received can be found on its website's **Reference Library** under **Guidelines, Rules of Procedure and Reference Bulletins:** mveirb.nt.ca



Presentation #5:

Effectiveness of mitigation measures

Link to Presentations: [Effectiveness of mitigation measures – National Energy Board](#)
[Effectiveness of mitigation measures – Indian and Northern Affairs Canada](#)
[Effectiveness of mitigation measures – Review Board](#)

Introduction

In order to motivate group discussions that would generate useful advice on measuring the effectiveness of mitigation measures, this session had representatives from the National Energy Board, Indian and Northern Affairs Canada and the Review Board discuss how they are trying to run follow-up programs in the Mackenzie Valley. Every player in the resource management system has a role to play in making sure the measures, conditions and monitoring imposed on developments are effective so that the loop can be closed.

Main Themes

Christy Wickenheiser from the Operations Exploration and Production Team at the National Energy Board explained their approach to monitoring and compliance in the Mackenzie Valley. She explained the National Energy Board's regulatory role in the Mackenzie Valley and discussed how the National Energy Board takes a project life cycle approach. She went on to explain how the National Energy Board views its responsibilities for monitoring and compliance verification and ended by speaking about how environmental measures need to evolve and adapt to continue to be effective.

Tamara Hamilton, with Indian and Northern Affairs Canada, provided participants an overview of a report commissioned by Indian and Northern Affairs Canada in 2006 as a response to the Northwest Territories environmental audit, the regulatory improvement initiative, and the mandate discussions with the Review Board. In developing the terms of reference for this report, Indian and Northern Affairs Canada wanted to

understand what methods existed in other jurisdictions and if any of these methods were appropriate for application in the north. Tamara also discussed Indian and Northern Affairs Canada's initiative in developing an internal, web-based Environmental Assessment Management System, which would include a mitigation measures database and reporting function to track Indian and Northern Affairs Canada's mitigation measures.

Over the past few years, the Review Board has been looking to find out exactly how many of its measures have been implemented. Beyond this, the Review Board feels that it is essential to know if the predictions made, the measures written and the implementation of those measures have been both accurate and effective. Martin explained the database the Review Board has developed to begin tracking its measures to verify if they have been implemented. He noted that while many measures are implemented, many others are not, sometimes is uncertain whether or not they are. He stated that the Review Board wishes to know why measures are, or are not implemented and also who is responsible for pursuing the measures and at what frequency.

Key Issues Identified by Participants

Participants expressed concern that the approach Indian and Northern Affairs Canada has taken for determining the effectiveness of mitigation measures is complex and that it needs to be broken down to become more understandable.

Some concerns were raised over duplication of efforts when it comes to monitoring and follow-up, in particular, work being done by the Protected Areas Strategy. Tamara agreed there was a lot of independent working going on. She said that there is some discussion to develop an overall framework, including other initiatives, such as Protected Areas Strategy. However, she stressed that the focus right now is solely on preliminary screening and environmental assessment.

Many participants were supportive of more monitoring and in particular a few participants emphasized the importance of monitoring water quality. It was stressed that water is vital to the communities in the north; both aboriginal and non-aboriginal people are users of the water and the involvement of communities in the monitoring is critical. Participants emphasized that communities need to be involved in the mitigation measure follow-up and monitoring efforts.

Exercises

The exercises given to the workshop participants focused on who should be responsible for follow up, the frequency it should happen at and how the success of measures can be evaluated.

The types of follow-up participants were asked to focus on were:

- Verifying implementation of mitigation measures
- Compliance monitoring
- Adaptive environmental management
- Effectiveness of environmental assessment process
- Effectiveness of mitigation measures

The groups were given example measures from previous environmental assessments and asked to determine what results have to occur for that measure to be successful, how to measure the results, and at what point will it be decided the measure is deemed a success.

Group Exercise Results

Participants listed who they thought would be responsible for the various types of follow-up efforts, which generally included regulating authorities, inspectors, developers, the Review Board, the government-in-general and communities. Sharing the results of the follow-up program was emphasized by groups as being important to the whole system. Adaptive management was seen as a cornerstone to making follow-up a useful exercise.

When determining the success of measures, groups discovered that a measure's success relies heavily on how the measures are written, whether the organization assigned the measure is set up to deal with those issues, and how quantitative the issue is.

One group rhetorically asked what happens if a measure assigned to an organization other than the developer is not completed? Would a regulator shut down the development? And who ensures such things are happening?

Ideas to Build on / Next Steps

At this point much discussion revolved around who is responsible for follow-up programs on measures and what are the outcomes of such programs. It was noted that it is about good environmental management, and without coordinated monitoring, the entire EIA is questionable. It was clearly noted by the participants that more time and effort needs to be dedicated in this area.

Tools for Practitioners

Hamilton@inac.gc.ca

www.neb-one.gc.ca

Presentation #6:

Upcoming draft guidelines on wildlife at risk and SARA species in EIA

Link to Presentations: [Upcoming draft guidelines on wildlife at risk and SARA species in EIA](#)

Introduction

With the 2004 enactment of the *Species at Risk Act* (SARA), players in the resource management system are given new responsibilities. However, some clarity is needed on how to implement these new responsibilities during the EIA process under the MVRMA. Alan Ehrlich, Senior Environmental Assessment Officer for the Review Board, provided workshop participants a sneak peak into guidelines currently being drafted to deal with wildlife at risk. The guidelines will include species listed in under SARA.

Main Themes

A guideline working group consisting of Environment Canada, the Government of the Northwest Territories and the Review Board has been drafting a new guideline for dealing with wildlife at risk, including SARA listed species. SARA has placed a number of new responsibilities on preliminary screeners, the Review Board and developers. The guidelines being developed will include a number of tools to help these groups fulfill their obligations. Such tools will include online species lists, web mapping tools, checklists, a sample ministerial notification letter, a sample preliminary screening form and contact information for expert government agencies.

Key Issues Identified by Participants

One question raised was how species at risk issues relate to socio-economic and cultural impacts on humans. Participants stressed that no developments should be allowed to disturb species at risk. It was further noted that although the guidelines may not solve this disturbance issue directly, the end goal of an environmental assessment

is to try and address all those areas of concern.

Participants also wanted to make sure that the SARA guidelines recognize that the concept of “sustainability” is inclusive of all parties, industry, government, first nations and future generations.

A participant wanted to know why the draft guidelines go beyond SARA species to include other listed wildlife at risk, such as Committee on the Status of Endangered Wildlife in Canada species. Alan responded that this is consistent with the existing national approach, and that guidelines describe best practices, not just minimum legal requirements. However, in this case, the working group determined that the approach required by SARA for SARA listed species was a practical and reasonable approach to apply to other wildlife species at risk.

Some participants were particularly concerned that traditional knowledge be considered when looking at species at risk in an area. Alan pointed out that the Review Board takes such knowledge seriously.

Myra Robertson, of Environment Canada, explained that it will soon be issuing brochures to help people identify wildlife at risk in the Northwest Territories, including species listed under SARA, Committee on the Status of Endangered Wildlife in Canada and certain designations under the Government of the Northwest Territories species rankings.

Ideas to Build on / Next Steps

Once the working group has completed its initial draft guideline document, sometime in March 2008, the draft guidelines will be circulated for public comment. Anyone interested in the document can contact Alan Ehrlich at aehrlich@mveirb.nt.ca. The Review Board plans to issue the final version of the guidelines under Section 120 sometime in May 2008.

Tools for Practitioners

Species at Risk Act

<http://laws.justice.gc.ca/en/s-15.3/text.html>

Species at Risk Act - A Guide for Canadian Environmental Assessment Act purposes

http://www.sararegistry.gc.ca/approach/act/Guide_e.cfm

COSEWIC (Committee on the Status of Endangered Wildlife in Canada)

<http://www.cosewic.gc.ca/>

Northwest Territories's General Status Ranking Program for species

<http://www.nwtwildlife.com/monitoring/default.htm>

Presentation #7:

What's happening at the Review Board

Link to Presentations: [What's happening at the Review Board](#)

Introduction

Tawanis Testart, Environmental Assessment Officer, gave a presentation on recent staff changes and an update on where we all are and what we've been doing!

Main Themes

Over the past year, the Review Board has begun several more environmental assessments. The number of environmental assessments being conducted by the Review Board is roughly double what it had been last year, although many of these files are simply waiting for ministerial approval. Only one environmental assessment was closed and sent for regulatory approval, the UR Energy Screech Lake project.

The Review Board has released a new guidance document on Section 126 referrals, namely referrals that the Board makes on its own motion. The Review Board is also working to develop a guidance documents on *Species at Risk Act* considerations and on cultural impact assessment.

In summer 2007, the Review Board developed an internship program which gave two summer students a more focused and directed learning experience. The two students who successfully completed this program have gone back to school and moved into a career in environmental management, respectively.

The Review Board has placed an emphasis on communication improvements this past year. A key document, the EIA Guidelines Overview, has been translated into the five aboriginal languages of the Mackenzie Valley. This will help to communicate with local communities and is also a way of strengthening the

aboriginal languages in the north. The staff has had plain language training this year, and continue to encourage developers to provide information in plain language format.

The staff at the Review Board has developed a presentation on EIA process and resource management in the Mackenzie Valley. The workshop was given in Tulita, Fort Smith and had been planned to be presented at the community tours in the coming year. Unfortunately, budget considerations have led to the community tour being cancelled.

One of the initiatives led by the Review Board this past year has been the identification of research priorities. This is meant to highlight useful areas of research by academics. This will potentially provide intersecting opportunity for both academics interested in northern issues and the MVRMA boards as a community.

This presentation concluded with an overview of staff and Board changes. The Review Board said goodbye to Mary Tapsell, Manager of EIA and Charlie Snowshoe, who had been on the Review Board since its inception. Martin Haefele (formerly Environmental Assessment Officer) became the Manager of EIA. Also, Renita Jenkins (formerly the Community Liaison Officer) became the Manager of Communications. Jessica Simpson joined the Review Board as the new Community Liaison Officer.

Tools for Practitioners

For the latest news of Review Board, please go to mveirb.nt.ca. You can also find the latest information in Valley Talk, the Review Board monthly newsletter.

Presentation #8:

How to participate effectively in a Review Board hearing

Link to Presentations: [How to participate effectively in a Review Board hearing](#)

Introduction

Alan began his very animated presentation with an example of a bad presentation. He also described for everyone, the hearing process, what hearings are meant to accomplish, and how hearings work. He offered practical tips for arguing your case, such as what kind of information to give for each of your main points, how to assert an issue presented by the developer that you disagree with, and what do if you are raising a question at a hearing for the first time. Hearings are a great opportunity to make your views known to the Review Board first hand.

Main Themes

According to Alan, the best thing to do in a Review Board hearing is “keep it real.” A good presentation should begin with a bit about yourself and your organization if you are representing one. However, keep in mind to not give too lengthy a description of your legal mandate or historical context because you want to be sure that you are making adequate time for your argument. It is also a good idea to keep your discussion focused and to make assertions, don’t just raise questions.

He also reminded participants that these hearings are not just about the technical “nitty gritty.” The Review Board is there to hear from the communities, aboriginal groups, organizations, etc, what really concerns them. He encouraged everyone to be “emotionally honest.” He also emphasized the need to practice your presentation several times so that you know what you are talking about and appear confident.

Key Issues Identified by Participants

There was not a big discussion after this straightforward presentation. However, there were a few issues raised in the evaluation. Because PowerPoint presentations were brought in as a part of making an effective presentation, there were a few who thought they would not be cultural appropriate in northern settings. A part of making a presentation is being genuine. A person may not feel comfortable presenting with PowerPoint in the manner discussed, or using PowerPoint at all.

Tools for Practitioners

There is a link to Alan’s presentation on this page. You can also find other tips at [mveirb.nt.ca](#) in the **Reference Library**.

Presentation #9:

Where do we go from here?

Link to Presentations: [Where do we go from here, closing remarks](#)

Introduction

The Review Board is committed to continuing to host Practitioners' Workshops because they have proven to be an effective means of identifying gaps in the northern resource management system and coming up with solutions. Since these workshops first began, participation has increased steadily. At this year's workshop, we have realized that there are some old questions that need revisiting. Perhaps moving the workshops into a new timeslot would be effective as the end of February is a pretty busy time of year for most people.

- Make the suggestions from the 2008 Practitioners' Workshop available to the Northern Regulatory Improvement Initiative.

Because the loop is not entirely closed, more than a few participants have suggested that every organization that is involved in environmental assessments in the north should meet to discuss all of the issues. For future workshops, it has also been suggested that the Review Board should clarify what is done with the feedback received from workshops.

Key Issues Identified by Participants

As this was the wrap up of the workshop, participants did not have an opportunity to identify further key issues.

Ideas to Build on / Next Steps

Participants are fully aware of the gaps that exist within "the loop" and have given a lot of feedback as to the direction that they think the Review Board should take for future projects. Some suggestions for the Review Board to work on are:

- Conduct an implementation and coordination workshop for every environmental assessment
- Clarify the roles of each organization involved in the *Mackenzie Valley Resource Management Act*
- Develop a plan for Section 35 consultation
- Develop a process to keep community leadership in the loop
- Update preliminary screening forms
- Develop a contact list

Appendix A: Workshop Agenda

Fifth Annual EIA Practitioners' Workshop
 Day One, February 26, 2008
 Tree Of Peace, Yellowknife

Time	Topic	Presenter(s)
08:30 – 09:00	Registration	
09:00 – 09:20	Welcome and introduction to the workshop	Gabrielle Mackenzie Scott and Alan Ehrlich, Review Board
09:20 – 10:20	Closing the loop on previous practitioners workshops <ul style="list-style-type: none"> • What came out of previous workshops • What really did change as a result • What still needs to be done • Presentation and plenary discussion 	Mary Tapsell, previously Review Board now Indian and Northern Affairs Canada
10:20 – 10:40	Break	
10:50 – 12:10	The EA process and its place vis-à-vis consultation <ul style="list-style-type: none"> • Presentation by Deninu K'ue FN on aboriginal perspective • Presentation by Indian and Northern Affairs Canada on government perspective • Working group discussions 	Rosy Bjornson, DKFN Mary Tapsell, Indian and Northern Affairs Canada
12:10 – 13:30	Lunch	
13:30 – 14:00	Working groups report back	
14:00 – 15:00	Stay in the Loop: use the Review Board's online communication tools! <ul style="list-style-type: none"> • A training session 	Renita Jenkins Jessica Simpson, Tawanis Testart, Review Board
15:00 – 15:20	Break	
15:20 – 16:30	How to move from regulatory to EA <ul style="list-style-type: none"> • Overview of Review Board's Section 126(3) draft Reference Bulletin and comments received • Other referral agencies point of view 	Vern Christensen, Review Board Scott Duguid, Sahtu Land and Water Board
16:30 – 16:45	Wrap up of day one	

Fifth Annual EIA Practitioners Workshop

Day Two, February 27, 2008

Tree Of Peace, Yellowknife

Time	Topic	Presenter(s)
08:30 – 09:00	Registration	
09:00 – 09:20	Opening of second day and recap of first day	
09:20 – 10:20	Effectiveness of mitigation measures <ul style="list-style-type: none"> • National Energy Board approach to follow up • Overview of report commissioned by Indian and Northern Affairs Canada • Review Board and an EA Follow-Up Program (EFUP) 	Christy Wickenheiser, National Energy Board Tamara Hamilton, Indian and Northern Affairs Canada Martin Haefele, Review Board
10:20 – 10:40	Break	
10:40 – 11:40	Working group discussions on how an EFUP might look like in the Mackenzie Valley	
11:40 – 12:10	Working groups report back	
12:10 – 13:30	Lunch	
13:30 – 15:00	Upcoming draft guidelines on SARA species in EIA (incl. preliminary screening) <ul style="list-style-type: none"> • Overview presentation of current draft • Q&A session • Working group discussions 	Alan Ehrlich, Review Board
15:00 – 15:20	Break	
15:20 – 16:00	What's happening at the Review Board <ul style="list-style-type: none"> • Staff and other developments • Projects on the go 	Tawanis Testart, Review Board (with friends)
15:40 – 16:10	How to participate effectively in a Review Board hearing <ul style="list-style-type: none"> • Another training session 	Alan Ehrlich, Review Board
16:10 – 16:30	Where do Practitioners' Workshops go from here Wrap Up Closing Remarks	Renita Jenkins, Martin Haefele, Review Board

Appendix B: Workshop Participants

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