Mackenzie Valley Review Board

Status Report and Information Circular

Developing Cultural Impact Assessment Guidelines:

A Mackenzie Valley Review Board Initiative

May, 2009

Introduction

As part of its continual efforts to provide resources to all parties to assist in the conduct of quality environmental impact assessments in the Mackenzie Valley, the Mackenzie Valley Environmental Impact Review Board (Review Board) committed in 2008 to developing *Cultural Impact Assessment Guidelines*.

The document you are reading is a status report and information circular about the guidelines development process. The Review Board has prepared this document:

1. to show interested parties how the Review Board is developing *Cultural Impact Assessment Guidelines* for the environmental impact assessment process in the Mackenzie Valley and to encourage public participation in the guidelines development process;
2. to provide answers to some frequently asked questions about cultural impact assessment; and
3. to identify some cultural impact considerations related to resource development activities in the Mackenzie Valley identified so far in our engagement with communities.

Section 1 is a status report and outline of the process the Review Board is using to gather feedback and develop the *Cultural Impact Assessment Guidelines*.

Section 2 provides information about cultural impact assessment.

Section 3 identifies some cultural impact concerns raised during Review Board community visits, as well as some community concerns and suggestions for more effective cultural impact assessment.

Section 4 identifies next steps and details on how interested groups and individuals can get involved.

There is also an appendix attached listing some of the questions the Review Board wants feedback on as the guidelines development process continues.

1. Status Report on *the Cultural Impact Assessment Guidelines*

Review Board Section 120 Guidelines

The Review Board issued three sets of guidelines between 2004 and 2007. Section 120 of the *Mackenzie Valley Resource Management Act* empowers the Review Board to create guidelines to explain how environmental impact assessment is done in the Mackenzie Valley. To establish these guidelines, the Review Board consults with First Nations, the Tlicho Government, the federal and territorial ministers and any other interested parties. Below are the existing guidelines.

Review Board s.120 Guidelines

Each set of guidelines provides tips and tools, outlines process steps, and identifies principles for good environmental impact assessment. The *Guidelines for Incorporating Traditional Knowledge into Environmental Assessment* and the *Socio-economic Impact Assessment Guidelines* include some reference to cultural impacts and their assessment. However, based on the increase in cultural concerns raised during some environmental impact assessments, the Review Board decided that additional guidance would benefit all parties. The *Cultural Impact Assessment Guidelines* will help the Review Board, developers, researchers, and others to better understand and assess impacts on culture during environmental impact assessment.

The Review Board started the process for developing *Cultural Impact Assessment Guidelines* in 2008. Between that time and the present, the Review Board has:
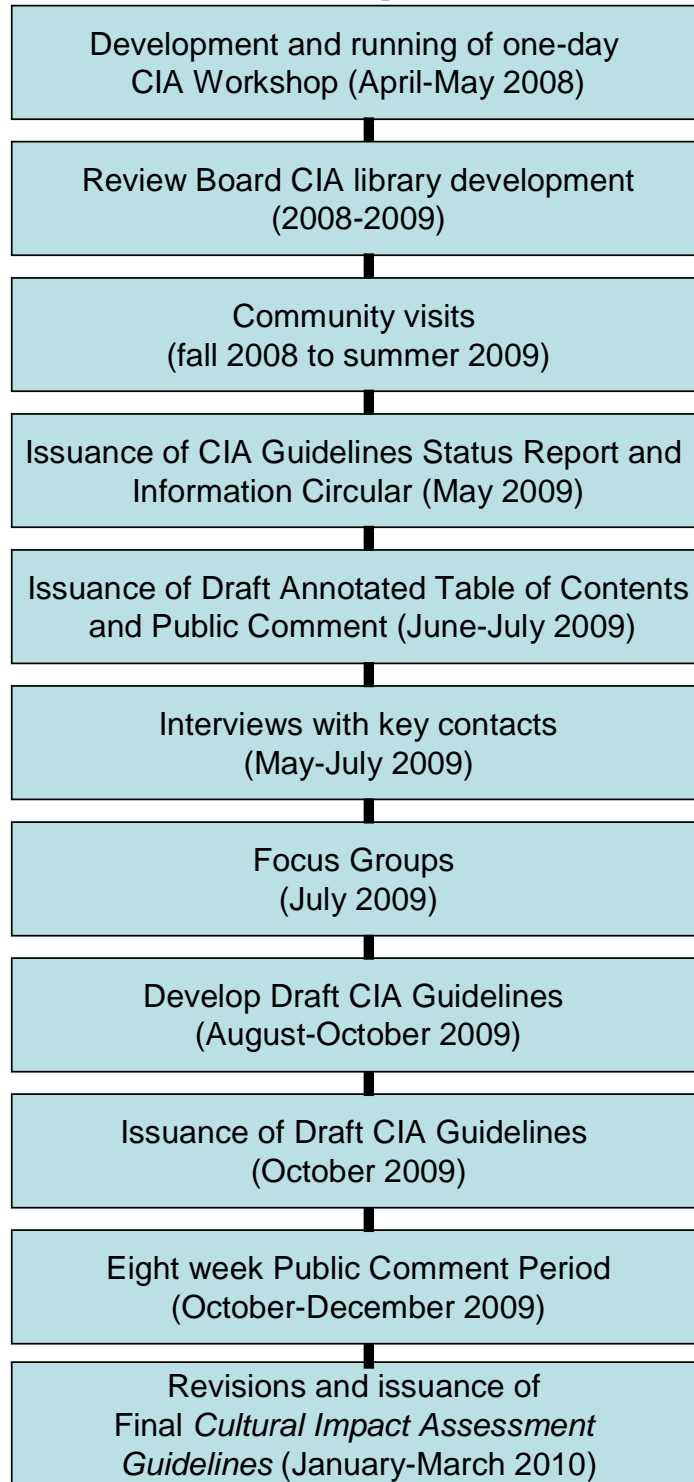
- developed a library of cultural impact assessment materials. Interested parties can access this resource at the Review Board office by contacting Community Liaison Officer, Jessica Simpson, at (867) 766-7060.

- helped the International Association for Impact Assessment's Western and Northern Canada chapter conduct a two-day workshop on cultural impact assessment in February 2008 in Yellowknife. Information and presentations from that conference are available at http://www.iaiawnc.org/CulturalConf08.html.

- developed and conducted a one-day workshop on cultural impact assessment at the International Association for Impact Assessment's annual conference in Perth, Australia in May 2008. All of the materials used in that workshop are available on the Review Board's website at reviewboard.ca/reference_lib/index.php?section=39.

- visited several Mackenzie Valley communities to gather the thoughts of culture holders, on issues such as:

  o what elements of culture need the most protection;
  o concerns about the impacts of resource development on culture;
  o how the environmental impact assessment process can effectively incorporate cultural impact concerns; and
  o what are the challenges to doing good cultural impact assessment and how they can be overcome.

Community visits will continue into the summer of 2009, so will Review Board attendance at First Nations assemblies to discuss cultural impact assessment. Some preliminary results from those discussions are included in Section 3.

Guideline development involves a lot of public engagement. Experience has shown the Review Board that Aboriginal groups, different levels of government, experts in the field and individual culture holders all have something to offer, and the Review Board will target these groups throughout the guidelines development process.

The following figure shows all of the Review Board's planned engagement strategies prior to finalizing the *Cultural Impact Assessment Guidelines* – we encourage everyone to get involved! Feedback received during all of these stages will be shared on the Review Board's website and considered during the guideline development process.

Cultural Impact Assessment (CIA) Guidelines Development Process

Development and running of one-day
CIA Workshop (April-May 2008)

Review Board CIA library development
(2008-2009)

Community visits
(fall 2008 to summer 2009)

Issuance of CIA Guidelines Status Report and
Information Circular (May 2009)

Issuance of Draft Annotated Table of Contents
and Public Comment (June-July 2009)

Interviews with key contacts
(May-July 2009)

Focus Groups
(July 2009)

Develop Draft CIA Guidelines
(August-October 2009)

Issuance of Draft CIA Guidelines
(October 2009)

Eight week Public Comment Period
(October-December 2009)

Revisions and issuance of
Final *Cultural Impact Assessment Guidelines* (January-March 2010)

2. Frequently Asked Questions

What is Culture?

So many different elements make up culture it is difficult to pin down a definition. A working definition the Review Board uses is that "culture is a way of life, a system of knowledge, beliefs, values and behaviours passed down to each generations." Some of the elements that make up Aboriginal cultures in the Mackenzie Valley are:

- traditional knowledge
- commonly held values such as respect for Elders
- pral history
- spiritual practices
- language
- physical heritage resources
- traditional dances and songs
- place names
- spiritual sites and cultural landscapes
- traditional land use
- values associated with the land

Culture has both tangible and intangible elements. Tangible elements are physical things that you see or touch. For example, some physical elements of culture that you can see or touch are heritage resources like gravesites or archaeological sites. These are the elements of culture traditionally most often considered during cultural impact assessment.

Intangible elements of culture are the things that you cannot see or touch, but are essential to maintain and practice your culture. For example, intangible elements of culture include spiritual beliefs, language, traditional knowledge, oral history, and inter-generational relationship patterns. The Review Board considers intangible elements of culture on a case-by-case basis in environmental impact assessment. Tangible and intangible elements of culture in the Mackenzie Valley are both closely tied to each other and to the land that sustains them.

What is Cultural Impact Assessment?

Cultural impact assessment involves looking at a development proposal for possible changes to the culture of people who use or value the land. It is the process used within

environmental impact assessments[1] to identify, predict and minimize any adverse cultural impacts of developments on people and places.

Culture continually changes because of things that happen both within and outside the culture group. Cultural impact assessment, works best as a planning tool to make sure a community is ready for development and that the proposed development fits into the community and region without creating adverse impacts or significant public concerns.

How is Cultural Impact Assessment done?

There are many methods used to analyze cultural impacts from new developments. Some of the tools and techniques used are:

- traditional land use studies;
- traditional ecological knowledge studies;
- physical anthropology/archaeology studies;
- collection of oral histories from Elders and other Aboriginal knowledge holders;
- linguistic and kinship studies;
- place names research and other ethno-geographic studies;
- cultural landscape delineation/commemoration studies;
- land use planning, including proposals for protected areas;
- gocus groups, interviews, pubic meetings geared toward identifying valued cultural components and concerns for them;
- analysis of statistical trends in appropriate cultural indicators, usually collected by the Bureau of Statistics or other government body (for example land usage, language proficiency); and
- community wellness surveys including cultural indicators.

Cultural impact assessment works best when the culture holders themselves get involved to identify important cultural values, heritage resources and special places. The baseline conditions for these valued cultural components are looked at when there is a proposed development to identify issues of concern about how the proposed development might change conditions.

Experience shows there are **warning signs** that a project may be in an area where it can cause adverse impacts on culture unless the development plans to incorporate cultural impact mitigation strategies. Just a few of these warning signs are:

1. How close a development is to an Aboriginal community or to traditional lands;
2. How close a development is to a proposed or final protected area or to a spiritual site or valued cultural landscape;
3. Wildlife prevalence and harvesting activities in the area;
4. The importance that the place or space has in oral histories; and

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[1] Under the *MVRMA*, environmental impact assessment of proposed developments in the Mackenzie Valley consists of a **preliminary screening** of a development application, potentially a subsequent **environmental assessment** of the proposed development, with the possibility of an **environmental impact review** if there are still outstanding issues after an environmental assessment.

5. The presence of unique or otherwise valued landscape formations (for example, places take on additional value and meaning when part of Aboriginal stories).

What are some common adverse cultural impacts?

Any effect on a people's way of life as passed down through the generations is a cultural impact. Impact is really just another word for change. These changes can be beneficial (good/positive), such as when increased economic activity allows more leisure time and provides funds to engage in traditional activities. These changes can also be adverse (bad/negative), and it is these adverse impacts the Review Board is required by law to focus on avoiding or minimizing.

Adverse cultural impacts can come from a variety of development-related factors, and can have a variety of impacts on culture holders. For example, cultural impacts can involve any of the following:

Some Potential Adverse Impacts on Aboriginal Cultures from Industrial Developments

VALUED CULTURAL COMPONENT	MAJOR IMPACT CONCERNS
Physical heritage resources	-Physical damage or destruction of sites contribute to loss of material signs of cultural heritage and values associated with them and the places and spaces they were located in
Cultural landscapes and other special spiritual spaces/places	-Visual impacts redefining the way a place/landscape is "seen" in culture (inappropriate use/change of landscape creates loss of value and meaning regarding what places on the land can teach us about life)
Overall relationship to land and traditional activities on the land (including practice of traditional economy)	-Sense of disconnection from traditional lands -Less time on the land doing traditional practices can cause cascading impacts on well-being across a variety of categories (everything from poor diet to erosion of language and ways of learning) -Decline in health status and number of key harvesting species can contribute
Values	- Working conditions that do not incorporate the local cultural values can erode cultural values or lead to alienation -Population in-migration can change cultural norms and values
Methods of cultural transmission	-Contribution to change in social structures leading to cultural loss (for example, a decline of inter-generational culture transmission) -Contribution to cumulative loss of aboriginal language
Sense of self; sense of place; overall well-being	-Loss of a sense of control over one's own fate -Health impacts caused by changes to the culture (for example, unhealthy coping strategies like alcohol abuse and dietary change)

NOTE: This is not a comprehensive list. See Section 3 for some initial feedback on cultural impacts Mackenzie Valley communities are most concerned about.

Why does the Review Board consider cultural impacts?

Section 111(1) of the *Mackenzie Valley Resource Management Act* (the Act) defines "impact on the environment" as

> *…any effect on land, water, air or any other component of the environment, as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage resources.*

In the Mackenzie Valley, the environment includes people, the resources they rely on, and the places and spaces they live in and value. As outlined in the Act, one of the Review Board's guiding principles is to have regard for *". . . the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley"* during environmental assessments. Another is "*the conservation of well being and way of life of the aboriginal peoples of Canada and who use an area of the Mackenzie Valley".* Both guiding principles require full consideration of impacts on culture of proposed developments, alone and in combination with other human activities.

The Review Board takes its mandate to protect culture from adverse impacts very seriously, not only because it is required to do so by law, but also because the people involved in environmental impact assessments have demanded it. Impacts on harvesting, access to land for traditional activities, sensitive burial sites and spiritual places, and the contributions of development to the loss of language and other valued components of Aboriginal cultural maintenance have come up in many environmental impact assessments. The public records of these assessments include many references by Aboriginal people to the fact that the health of the culture, language and people depends on the health of the land. Residents have stated loud and clear that "if you want to heal your people, you have to heal your land first".

What will the *Cultural Impact Assessment Guidelines* do?

The Review Board continually strives to improve the environmental impact assessment process in the Mackenzie Valley. Improvements can occur by making the process more transparent, inclusive, and effective at identifying and dealing with potential impacts. Identification and management of impacts on culture are a priority for the Review Board, and having guidelines that will help all parties to do good cultural impact assessment is necessary. That is why the Review Board is developing *Cultural Impact Assessment Guidelines* targeting developers and other parties involved in environmental impact assessments. These guidelines will also help communities and government to participate more effectively in consideration of culture during environmental impact assessment.

3. What has the Review Board heard so far?

Between the fall of 2008 and spring of 2009, Review Board staff and members took part in a variety of community visits, meeting with people from the following communities to talk about culture and cultural impact assessment:

- Colville Lake
- Deline
- Fort Good Hope
- Tulita
- Whati
- Fort Smith
- N'Dilo

Sometimes the meetings were large formal public meetings, but many of them were small group discussions, and other times they were one-on-one discussions over breakfast. However, no matter the format of the meeting, each discussion brought new insights to the Review Board about cultural impacts and the assessment of such impacts from the communities' perspectives.

The Review Board separated what it heard from communities into two areas:

1)Impact concerns: What impacts communities have faced in the past, are dealing with now, or are concerned about happening in the future

2)Process needs: Where there are problems identified with how cultural issues are considered during environmental impact assessment

In both cases, the following lists are not in order of priority. All of these concerns are important to communities.

Concerns about impacts on culture

People of the Mackenzie Valley have plenty of experience with development. In the past and recently, there has been mining, oil and gas activities, exploration drilling projects, and road building, which has given many people firsthand accounts of how development changes a landscape, community and a culture. Some of the experiences shared with the Review Board have been beneficial and other times they have been negative. Some of the experiences that the Review Board heard that relate to impacts on culture are listed below.

Workplace cultural impacts

People feel that their work conditions are not always sensitive to their cultural needs. For instance, some people have left (and lost) their jobs to be able to attend the funeral of an important Elder or other prominent community figure who was not a blood relative. The lack of cross-cultural sensitivity at the work site can mean the difference between getting a job and keeping it.

In addition, working conditions often require that the worker leave home for more than a few days and that communication occurs mainly in English. People have become accustomed to speaking mainly in English, including in the home. Many people feel that this has been a contributing cause to the decline in use of Aboriginal language.

Protection of the 'toolkit' of cultural maintenance

People identified that the tools of cultural maintenance are things they do on a regular basis to maintain their culture. Ways Aboriginal people maintain their culture include:

- protect the language
- respect Aboriginal knowledge and Elders
- pass on of traditional worldview and traditional education
- protect heritage resources
- have access to land
- respect Aboriginal laws

Communities are concerned about maintaining their language and culture because industrial development brings with it a different set of values. Culture needs to be maintained, not as a reminder of a *former* way of life, but rather as a living and dynamic system that guides Aboriginal existence. While development is one aspect that may contribute to the loss of culture, public concerns about cumulative loss of culture are common and merit further attention during environmental impact assessment.

Because Aboriginal culture is tied to the land, including language, many feel that by protecting Aborginal knowledge, respecting Elders, protecting heritage resources, and creating more access to the land, will all help reduce the loss of and to maintain culture and language.

Protection of heritage resources and special places

There is significant community fear that industrial development will destroy many known and unknown archaeological resources, as well as harm the spiritual and cultural powers of culturally important places and spaces. Often, knowledge of the ways of life and the cultural perspective that binds people together has a link to these locations of special significance.

There is a high level of interest in having Community Environmental Monitors onsite for any new developments, with the capacity to stop work if they identify any potential impacts to heritage resources and key wildlife species which are also important to cultural practices (see below).

Practice of the traditional economy and harvesting success

Aboriginal people described their culture as being closely tied to renewable resource harvesting, especially hunting and fishing. They noted that for culture to be protected and practiced, the land, animals and water also need to be protected – culture and the land are inseparable.

Dene and Métis people of the Mackenzie Valley described themselves as "the caretakers of the land." Elders and other Aboriginal knowledge holders, are often out on the land hunting, fishing and trapping. They have seen the impacts of industrial activities on the land change the way animals migrate. Many community members feel that these industrial activities can be done in a more biophysically and culturally sensitive manner, such as not drilling or doing seismic activities while the caribou are migrating. The incorporation of Aboriginal knowledge about wildlife species is essential in doing this correctly. They feel Aboriginal people also should be included in the monitoring practices and use monitoring methods that are culturally and wildlife sensitive.

Traditional knowledge bases are slowly eroding

Traditional knowledge is one of the most valued components of culture among Aboriginal peoples, and many feel that is slowly being lost. Elders are often the primary knowledge holders, as they are slowly passing on, so is their knowledge about the landscape, such as the stories about the landscape and the ecology of the area. Protecting this knowledge by passing it on is a priority for communities.

Process Needs

Early and continuous community engagement

People of the Mackenzie Valley want to see more effort to get communities engaged in development planning and project assessment before, during and after the formal environmental impact assessment process. Communities want to be included in all stages of development. Community members want consultation from developers and government to meet ethical principles and other requirements set by the communities themselves.

 Communities believe that developers could put better efforts forth during initial engagement to identify valued components of culture, potential project-related impacts on culture and to gauge public concerns. Many communities feel there is not enough time to review and comment on development plans before they are "set in stone" and become hard to alter to minimize potential impacts. In addition, communities want to be told everything about the proposed development. Not only do they want to know what the good things are about the development, which developers typically focus on, but they also want to know what the potential bad things are.

Communities also want to see developers, government and other regulators putting up posters, spending time in the communities (more than just one day at a time), get to know the people, their concerns, when necessary even going door to door to get people interested in the development at hand.

Recognize engagement takes time

Because communities are already dealing with so much, they feel that it is important for developers and government to realize that sometimes things will take longer than planned. Communities also do not want to rush things; they want to take the necessary time to review the proposed development thoroughly.

Many people feel that because their communities are already dealing with so much, it is important to realize that things may take longer than initially scheduled so that the community can deal with the other important issues that are at hand. Developers and government need to realize that communities are dynamic, as there are all sorts of political situations, family issues and social issues that they are dealing with on a daily basis that also make it difficult to keep up.

It is vital for the developers, governments and others to get to know the community. For many people in communities, to share any kind of information about their culture, they have to know that there is respect and that they can trust the person. They like to know where and how their information will be used and they would like their information to be used for what it was intended for. If the community does not trust the person, they just will not say anything. And the effectiveness of the cultural impact assessment relies heavily on their input.

Go to the source

Who better to assess the causes and impacts of cultural change than the people who have lived through it before and will likely live through it again? People feel strongly that impact assessment on culture must include the views of the culture holders themselves. "Going to the source" is essential. Special emphasis on the cultural impacts that may affect people who live nearest, or most often use (as traditional lands) the area likely to be impacted by the development, is essential.

Use locally appropriate data collection and interpretation

Cultural impact assessment is not just about "bones and stones" – the identification of physical heritage resources. Communities want to be involved in the identification of relevant criteria and indicators linked directly to valued components of cultural vitality and community wellness, *and* the collection and interpretation of this data. Tapping community knowledge is important when gathering and assessing such data. Aboriginal knowledge is not just *ecological* knowledge. It can also provide valuable information on the cultural fabric – the vulnerabilities and resilience - of communities and Aboriginal groups.

Identify vulnerable populations and sub-populations

Particularly vulnerable sub-populations within communities feel their voices are not being looked for or heard during environmental impact assessment. People have said that women and youth are often not included in the discussions of new proposed developments. Women are important to engage as they have their own traditional knowledge, which are also valuable perspectives.

Youth are also a group identified as not being involved enough. Youth are important to involve because they are the future leaders, the people who will inherit much of what is happening on the land now and so it is important that they know what is going on. Since many young people are in school, they are already in a learning mode and will likely retain the information, so it is important the developers, regulators, and government get into the schools to engage youth.

People suggested trying to use cultural sensitive methods that will encourage everyone to talk. One suggestion was having men and women talking circles, like what used to happen in the past.

*Photo courtesy of GNWT Archives*

Focus on community involvement in follow-up and monitoring

Because there are so many people in the Mackenzie Valley who have first hand knowledge of how development can create changes/impacts in the landscape, community and culture, these are experiences that we can all learn from to keep the bad impacts from happening again. People, especially Elders, want to be involved in the monitoring of development projects. Many of them would like to be involved from the beginning, before, during and after closure. They would like to "check-up" on the land seasonally to make sure that the land is cared for in a culturally respectful manner.

Having people from the community be a part of the development process is essential. They can facilitate cultural understanding between communities and developers, build trust and help developers and communities define which issues are important to research.

Improve community capacity

Capacity remains a huge issue for communities. Communities need information and resources to participate effectively in a cultural impact assessment, to review and analyze the results of that impact assessment properly, and to contribute their own input in their own culturally appropriate ways (for example, through oral testimony rather than a "technical report"). The environmental impact assessment process feeds on information. Currently, capacity issues have limited the inclusion of valuable information only the people living in the potentially affected area can provide.
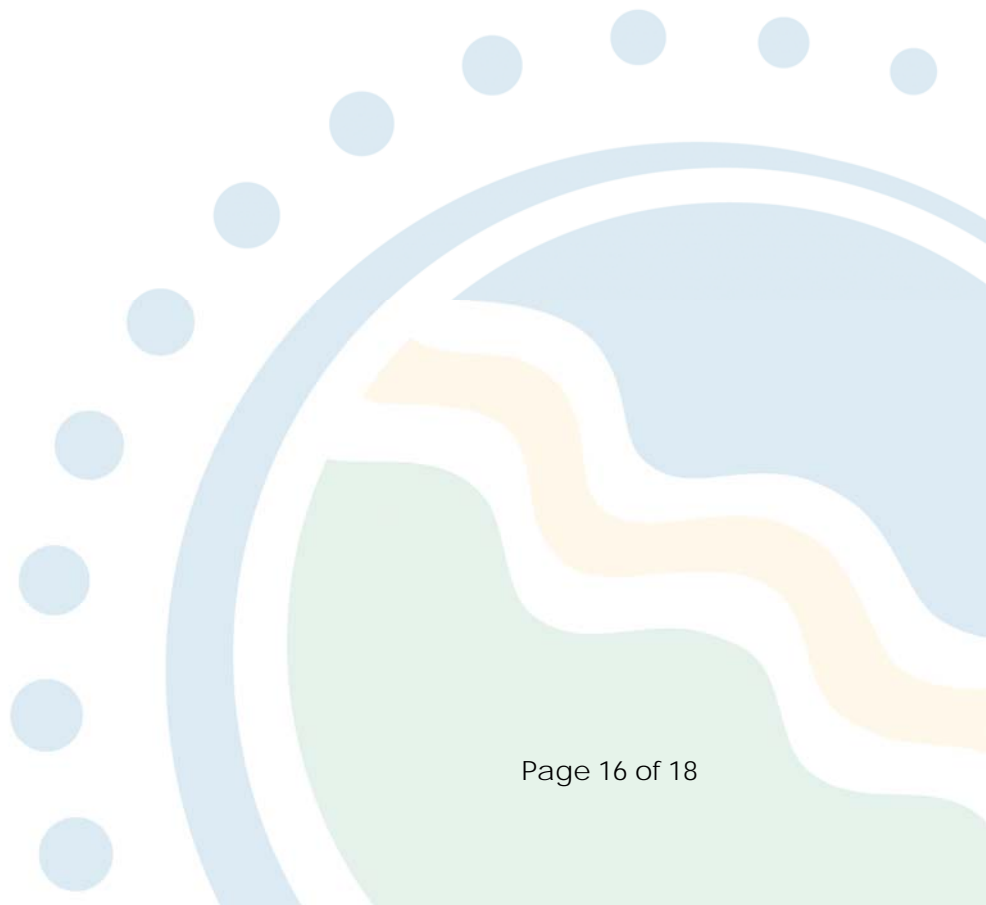
4. Next Steps

Where we go from here

The Review Board hopes this status report and summary of initial community concerns about cultural impacts and desires for more effective cultural impact assessment helps prompt additional dialogue between parties as the Review Board's *Cultural Impact Assessment Guidelines* development process proceeds. We encourage you to provide feedback to us on your thoughts about the work done so far and, more importantly, to identify impact and process issues the guidelines should be addressing. One way to do this is to consider the questions listed in the attached appendix and provide us feedback or set up a time to talk.

The Review Board will be publicly distributing a draft Annotated Table of Contents for the *Cultural Impact Assessment Guidelines* in late June 2009. The Review Board will welcome public comment in the following ways:

- Written comments can be sent to the contact person below during a four-week public comment period and will be placed on the Review Board's website
- The Review Board will be conducting interviews with key contacts in person and via phone to gather their feedback from May to July 2009
- The Review Board will be holding focus groups in Yellowknife on the Draft Table of Contents in July 2009

There will also be a subsequent opportunity for communities, Aboriginal groups, and any other interested parties to provide input to the draft *Cultural Impact Assessment Guidelines* during an eight-week public review in the fall of 2009. The draft guidelines will have a wide distribution throughout the Mackenzie Valley. All parties will be encouraged to submit any comments they have to the Review Board. The Review Board plans to finalize, and distribute the guidelines in the winter/spring of 2010. It will become the key guidance document on cultural impact assessment for the Mackenzie Valley.

The Review Board's goal is to make cultural impact assessment an integral, consistently applied, and appropriately transparent part of development planning and impact assessment in the Mackenzie Valley. The Review Board welcomes and encourages your feedback.
For more information or to provide comments, please contact:

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Also, check out our website: reviewboard.ca

Appendix: Cultural Impact Assessment Discussion Topics

Moving forward, the Review Board will be conducting interviews and focus groups on the following topics with key contacts. If you would like to discuss any or all of these issues with us, please provide written feedback or contact us and we will set up a time to talk.

1. What elements of culture are you most concerned about protecting? Why? How?

2. What elements of culture are most subject to change from external sources? How?

3. What are the biggest concerns (or exciting possibilities) associated with new industrial development on culture?

4. How can change to culture be measured effectively? i.e., what are the key indicators of cultural change?

5. What are your impressions of the strengths and weaknesses of cultural impact assessment?

6. What are the major hurdles to doing good cultural impact assessment and what can be done to overcome them?

7. How can communities get more involved in cultural impact assessment? What are the hurdles to accomplishing this?

8. Who is primarily responsible for cultural impact identification and mitigation - companies, government and/or communities?

9. Do you know of examples of effective ways to mitigate cultural impacts?

10. What sort of implementation and monitoring/adaptive management systems would work to make sure that cultural change is identified and if there are issues, additional mitigation put in place?