

Title of Submission:

The “awakening” of SEIA in the Northwest Territories, Canada - The Mackenzie Valley Environmental Impact Review Board’s Experience

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Abstract

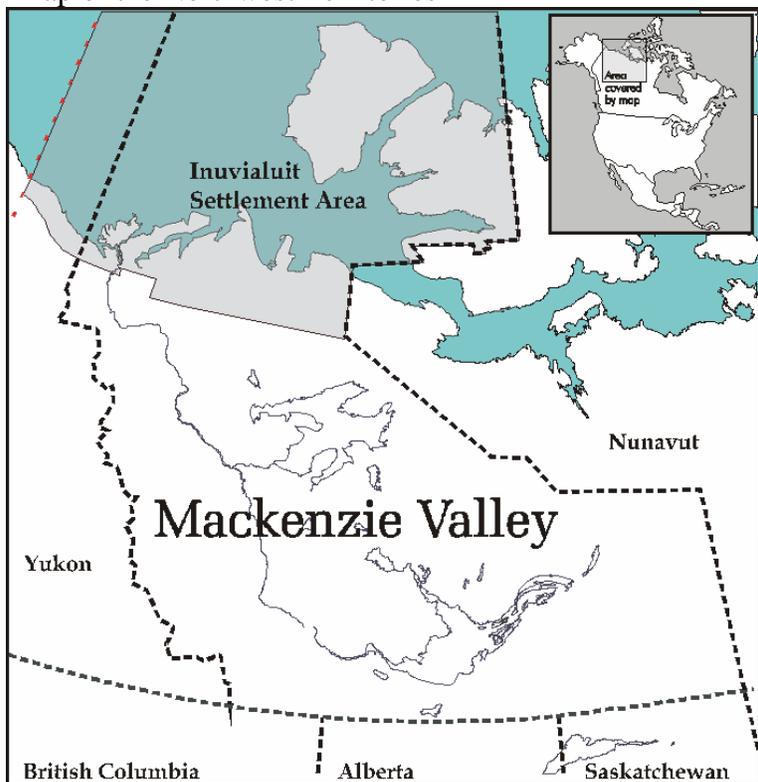
Past environmental impact assessments (EIA) in Canada and many parts of the world have focused on the biophysical environment. Within Canada, most considerations of socio-economic impacts relate to a biophysical impact that may result from a development. In Canada's north, the settlement of “comprehensive land claims” between Indigenous peoples and the Canadian government resulted in distinct environmental legislation based on the principles of “co-management”. The Mackenzie Valley Resource Management Act has a unique definition of “impact on the environment” that in addition to consideration of biophysical impacts, includes any effects on society, culture, traditional harvesting and heritage resources. One of the key challenges for implementing this legislation has been the recognition of new roles and responsibilities related to socio-economic impact assessment (SEIA) and mitigation of found impacts. The body responsible for EIA, the Mackenzie Valley Environmental Impact Review Board, has taken steps to bring socio-economic considerations into its processes, engaging diverse groups (industry, government, non-government organizations, experts in social matters and the people of the Northwest Territories) in a process that culminated with the release of *Socio-Economic Impact Assessment Guidelines*. The true test will be whether the resulting rigorous assessment will translate into better identification and management of social, economic and cultural impacts.

Background

Canada's Northwest Territories is a vast land mass of over 1 million sq. km. making up approximately 13% of Canada's land mass. It has a population of only about 43,000 people, over half of which are Indigenous¹ and speak six official aboriginal languages. The large geographic size and small population make it one of the most sparsely populated areas in the world.

The Northwest Territories experiences long, cold winters and relatively cool, short summers. Much of the area is comprised of either boreal forest or tundra, with alpine areas existing in the western portion of the territory. The land is rich in wildlife resources where massive herds of caribou, buffalo and muskoxen roam freely and fish abound in the plentiful lakes and rivers. It is equally rich in non-renewable resources, has supported viable hard rock mining and oil and gas industries over the past century, and is even more renowned for its potential mineral and oil and gas resources.

Map of the Northwest Territories



¹ In Canada, the term “Aboriginal” is the commonly used generic term; however, since the term “Indigenous” is encountered more frequently internationally, it will be used in this paper.

The challenge facing the people in the North is to balance non-renewable resource development and the economic and social benefits that accrue from these activities, with conservation of the natural environment and the Indigenous people's unique social and cultural fabric that it supports. As our technologies and need for non-renewable resources have matured, more eyes are turning to the NWT as a source of great economic value. Now more than ever, there is a great need for wise decisions about how developments should proceed. The important role of environmental impact assessment cannot be understated.

What is The Mackenzie Valley Environmental Impact Review Board?

The Mackenzie Valley Environmental Impact Review Board (Review Board) is the main instrument of environmental assessment in the Mackenzie Valley² of the Northwest Territories. The Review Board is a quasi-judicial co-management board that provides for a coordinated, open and transparent system of integrated land and water management. It was established from a unique legislation, the *Mackenzie Valley Resource Management Act* (MVRMA) that was created because of the settlement of Indigenous peoples' comprehensive land claim settlements. The Review Board is a unique institution of public government made up of equal membership of people nominated by indigenous groups and people nominated by the federal and territorial governments. The Review Board strives to make consensus-based recommendations to government decision makers that will mitigate significant adverse impacts of proposed developments on the environment.

Context of SEIA in the Northwest Territories

Past practices involving environmental impact assessment (EIA) in Canada and many parts of the world have focused on the biophysical environment. Within Canada, under the *Canadian Environmental Assessment Act* (CEAA), most considerations of socio-economic impacts³ relate directly to a biophysical impact that may result from a development. The MVRMA has a unique definition of "impact on the environment" that includes direct and indirect impacts on social, cultural, and heritage resources as well as on wildlife harvesting.

An essential aspect behind the biophysical focus has been the legislation governing EIA, as shown in differences in the definition of the term "environmental impact". The CEAA and the MVRMA use the same definition for "environment", which is:

² The Mackenzie Valley is defined as all areas of the Northwest Territories except the Inuvialuit Settlement Region (the Beaufort Delta and Arctic Islands) in the north, and that portion of the Wood Buffalo National Park within the Northwest Territories.

³ For the purpose of this paper the term socio-economic impact assessment (SEIA) is used to describe the systematic analysis used to identify and evaluate the potential social, economic **and cultural** impacts of proposed developments on the day-to-day lives of individuals, families and communities.

“environment” means the components of the Earth and includes
(a) land, water and air, including all layers of the atmosphere;
(b) all organic and inorganic matter and living organisms; and
(c) the interacting natural systems that include components referred to in paragraphs (a) and (b).

They differ however, in the way they define impacts or effects on the environment. The CEAA definition is as follows:

“environmental effect” means, in respect of a project,
(a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the Species at Risk Act,
(b) any effect of any change referred to in paragraph (a) on
(i) health and socio-economic conditions,
(ii) physical and cultural heritage,
(iii) the current use of lands and resources for traditional purposes by aboriginal persons, or
(iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or
(c) any change to the project that may be caused by the environment, whether any such change or effect occurs within or outside Canada;

The MVRMA more openly defines effects on the environment as:

“impact on the environment” means 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.

The CEAA definition includes socio-economic effects, effects on heritage, and effects on aboriginal resource use only if they come about as consequences of changes to the physical environment caused by the project.

The MVRMA definition includes all effects on the social and cultural environment or on heritage resources. The Review Board is required to consider all impacts on heritage resources or the social and cultural environment of the residents of the Mackenzie Valley, including direct and indirect impacts that are not associated with any change to the physical environment. The MVRMA definition makes no reference to general economic impacts and a strict interpretation of the Act would limit the Review Board to mitigating impacts on wildlife harvesting.

The MVRMA, however, does provide the Review Board with a guiding principle that requires it to have regard to *“the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley”* in all EIA. In addition, the Review Board is empowered under Section 117 of the MVRMA to consider any other matter it determines to be relevant during an environmental assessment or environmental impact review of a proposed development.

The inclusion of direct and indirect social, cultural, and economic impacts is the most significant difference between the two pieces of legislation. The indigenous people of the Mackenzie Valley advocated for a more inclusive definition of impact on the environment in the MVRMA because they have a special relationship to the land. Activities “on the land” and participating in the wildlife harvesting economy play vital roles in cultural maintenance and social well being.

A transition from a wildlife harvesting economy to a wage economy based on non-renewable resource extraction also places new pressures on the physical and social environment of the indigenous people and merits close consideration. It is in this transition that the need to consider the impacts of economic change becomes most apparent. Economic change, such as increasing amounts of disposable income for individuals from the wage economy, can have a variety of social and cultural impact outcomes, some beneficial and some adverse. Money can purchase housing, supplies, better food, and provide more opportunities for personal growth. Increased income can also fuel addictions, increase local cost of living, disrupt social cohesion, and promote out migration from small communities.

In order to predict the social outcomes, a strong understanding of the level of economic change likely to occur from a development (or a series of developments, if there are other current or reasonably foreseeable developments that will likely be occurring at the same time) is essential. Thus, the Review Board uses the term “socio-economic” for this type of impact assessment – recognizing that economic change is linked to social and cultural outcomes.

Given that past environmental legislation did not require a detailed assessment of socio-economic impacts, one of the challenges in implementing the MVRMA has been the acknowledgement and acceptance of new roles and responsibilities related to socio-economic impact assessment. This paper identifies how the Review Board has taken steps to bring socio-economic considerations into its processes. It examines how the Review Board engaged diverse groups in developing a unique guidance document and is now more actively considering socio-economic considerations in its EIA processes.

“Raising the Bar” for SEIA in the Mackenzie Valley

The MVRMA came into effect in 1998 and, given the wording of the Act and the level of interest placed on socio-economic concerns during its assessments, the Review Board recognized early in its existence the importance and need to “raise the bar” for SEIA. To this end, the MVRMA authorizes the Review Board to establish guidelines respecting the EIA process.

In 2002, the Review Board commissioned the production of a paper “*Issues and Recommendations for Social and Economic Impact Assessment in the Mackenzie Valley*”. The production of this paper and subsequent workshops stimulated and “awoke” people

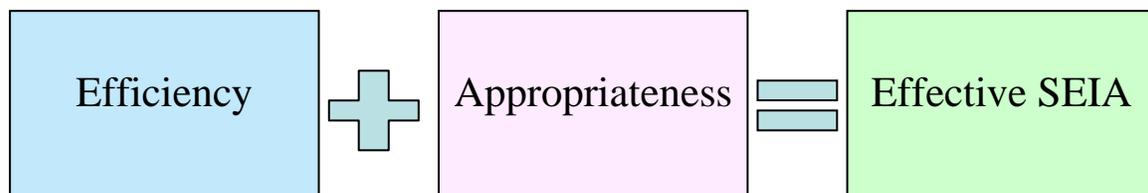
to the need and importance of good SEIA. It was also the beginning of a multi-year process in the drafting, consultation and final release of the Review Board's *Socio-Economic Impact Assessment (SEIA) Guidelines* in January of 2007.

In part, it is the unique role and make-up of the Review Board that drove the inclusive and participatory process of drafting the *SEIA Guidelines*. In June of 2005, the Review Board actively engaged developers, government departments, consultants involved in SEIA, and other parties in Focus Groups to help define what makes an effective SEIA and how the Review Board's proposed *SEIA Guidelines* could best provide clarity on its expectations for SEIA during different steps of an EIA. It was quickly realized, however, that some of the most important audiences needed to be closer engaged – namely, the residents and communities of the Mackenzie Valley; the people who receive benefits and feel adverse impacts from new developments.

Starting in September 2005, Review Board members and staff conducted extensive community visits and meetings around the Mackenzie Valley to discuss socio-economic impact assessment. Over 50 meetings with approximately 650 people took place in 14 different communities. The goal was to speak to “front-line workers”, those dealing with social, economic and cultural impacts everyday. This included nurses, social workers, health and social services agencies, interagency committees, economic development officers, renewable resource committees, impact advisory groups, social and cultural institutes, land corporations, drug and alcohol counsellors, community leadership, elders and youth groups.

The information gathered from all sources provided the Review Board with valuable, multi-perspective context to assist in the drafting of the *Socio-Economic Impact Assessment Guidelines*. Additional input was obtained from other co-management boards, levels of government, EIA practitioners, NGOs and industry over two public review periods in 2006.

The Review Board learned from industry, government and consultants that more *efficiency* (clear expectations, consistent measuring sticks, upfront guidance) was required for SEIA. Communities told the Review Board that it was equally important for SEIA to be *appropriate* (more community engagement; direct involvement to determine what elements of the human environment are a priority in assessment and reasonable timelines given capacity limitations). It became apparent that any guidance document needed to meld these different priorities if SEIA was to become an effective part of the EIA process.



The Voice of the People – Concerns about SEIA

To create *SEIA Guidelines* that would be “useful” in its environmental impact assessment process, the Review Board considered all the comments it received in its consultation process. The following is a brief overview of concerns expressed in two important areas (“impact concerns” and “process needs”) expressed from the people to whom SEIA directly affects. Additional detail and summary of these topics are in a paper called “*Community Visits 2005 – Raising the Bar for Socio-Economic Impact Assessment*” (see http://www.mveirb.nt.ca/reference_lib/index.php?section=1).

Impact Concerns:

Impact concerns include impacts that communities have faced in the past, are dealing with now, or are concerned about happening in the future. The majority of people emphasized that the pace of development in the NWT is having a great impact on communities. In many cases, it is perceived that the pace of development has outstripped the pace of communities’ capacity to take advantage of possible benefits. It was also recognized that impacts vary from community to community and that often communities facing the greatest impacts also have the most limited capacity – either to deal with the likely changes, or to have their concerns addressed during environmental impact assessment (MVEIRB’s EA Practitioners’ Workshop, 2006). This goes against the fundamental SEIA principle of impact equity, which holds that people most likely to be adversely impacted from a development should have preferential access to beneficial impacts to help offset these losses.

While the communities often emphasized negative impacts associated with developments, there are also many positive impacts that communities want to take advantage of – such as increased jobs, increased business opportunities, training and education improvements, and improved local amenities and infrastructure. One function of socio-economic impact assessment is to balance these positive and negative impacts when considering the overall significance of development-related change. The overarching theme the Review Board heard was that a desire for economic development should not put other elements of community wellness on the “back burner”. The following impact concerns were the ones most commonly identified by community members:

- *Pressures on social and physical infrastructure*
 - an influx to the population can result in increased pressures on community services such as wellness programs, health services, roads and building maintenance. Industry may also attract qualified local people and result in staffing shortages for social services and municipal services.

- *In-migration and out-migration effects*
 - an influx of “outside” workers or a migration of community people to larger centres can result in a shift in community dynamics. This can result in family disturbance or even breakdown.

- *Sustainable development vs. boom and bust economic cycles*
 - non-renewable resource development is a relatively short-term activity. Communities recognize the need to replace the natural capital with other forms of economic and social capital to ease the eventual transition to a post-mining or post-oil and gas economy.
- *Training, education and job retention*
 - communities want to ensure they are eligible for meaningful employment opportunities by proactively engaging in training and education before the development activity commences.
- *Pace of change on vulnerable communities*
 - many communities are dealing with pre-existing social issues and are not confident that existing social programming can handle existing issues, let alone new issues arising from a proposed development.
- *Language and cultural maintenance*
 - Industrial development brings with it a different set of values and communities are concerned about maintaining their language and culture.
- *Housing and the cost of living*
 - a booming economy often leads to a higher cost of living, which is a problem for community members that are not able to take advantage of newly available higher wages. High home and rental rates can lead to overcrowding in communities already subject to this problem.

Other identified impact concerns included:

- *Protection of cultural and heritage resources*
- *Practice of the traditional economy and harvesting success*
- *Maintaining jobs, business and revenue in the North*
- *Vulnerable sub-populations: women, elders, youth*
- *Addictions and criminal activity*

Process needs:

Interestingly, when the Review Board embarked on its public consultation to identify what the public felt were important aspects of SEIA for consideration in environmental impact assessment, not only did people raise impact concerns, but people also identified problems with how the EIA process allows for the consideration of social, economic and cultural issues.

People expressed a lack of faith in the past and current ability of the environmental impact assessment system to address socio-economic impacts. Communities were cynical about whether environmental impact assessments can deal with the socio-economic issues they bring up in a meaningful way. Despite this common opinion, participants also expressed strong desire to use environmental impact assessment as

a planning process to incorporate socio-economic impacts more fully. The following is a summary of suggestions to improve the process:

- *Early and continuous community engagement*
 - communities want to be involved at the ground level – to be able to influence the development design, to identify community priorities and needs, and to avoid negative socio-economic impacts before the project enters the approval process.
- *Avoid consultation burnout and information overload*
 - small communities are called upon by many for consultation purposes. This results in fatigue and frustration for many. Huge submissions from the developer are often overwhelming and incomprehensible to community people.
- *Identify vulnerable populations and sub-populations*
 - Along with doing early work, identification and consideration of the communities vulnerabilities and strengths will make for a better socio-economic impact assessment.
- *Use locally appropriate data collection and interpretation*
 - each community is different and what is important to one community may not be as important to another. Communities need to and want to be involved in identification of relevant criteria.
- *Find ways to make socio-economic measures stick*
 - there are no regulatory instruments in which socio-economic measures can be placed. Decision-makers need to be responsible for the implementation of measures as well as for the follow-up monitoring and adaptive management when required.
- *Improve community capacity*
 - Communities need information and resources to participate effectively in socio-economic impact assessment of any development. Capacity issues limit the inclusion of valuable information in the EIA process.

Following the extensive community tours, the Review Board held a two-day SEIA workshop in March of 2006. Over 120 participants with expertise and “hands on” experience in the subject area gathered to provide additional context and advice to the Review Board for drafting its *SEIA Guidelines*.

In a panelist discussion at the workshop it was agreed that direct and indirect economic impacts (largely beneficial) are “easy” to determine and report. Thus, the focus has been on jobs and training rather than more difficult to quantify social outcomes like family violence and substance abuse. The relationship between economic growth and social problems is often unclear. Research has shown that while employment and economic growth bring many positive changes to society, it can also create negative effects like family violence and family disruption. Additional research needs to be conducted to

determine how the overall quality of life can be affected beneficially or negatively by economic change.⁴

Participants at the workshop also debated the merits of separating the social from the economic impact assessments, recognizing that these subject areas consider different valued components, use very different techniques for gathering information, employ different assumptions and a variety of methods of analysis. Some experts feel that the two fields, social and economic, are very different and demand separate consideration in assessment. The Review Board, while sticking with the “catch-all” term of *socio-economic* to acknowledge the complex interplay of economic change with cultural and social outcomes, also decided to include discussion of the separate tools and methods used to assess economic and social impacts in its *SEIA Guidelines*.

Putting it all Together: The Socio-Economic Impact Assessment Guidelines

The Review Board took all the feedback and comments it received from the people in the Northwest Territories and completed its *Socio-Economic Impact Assessment Guidelines*, issuing them in January 2007. The Review Board’s ultimate goal is to make socio-economic impact assessment a more integral part of development planning and impact assessment in the Mackenzie Valley.

The *SEIA Guidelines* are a third set of guidelines the Review Board has produced to help clarify the EIA process in the Mackenzie Valley. By providing guidance, the Review Board is ensuring that all participants in an environmental assessment (be it the developers, governments, communities or the general public) are all on the same page, and that process expectations are transparent. This should ensure that “Doing Early Work” – a key theme identified by the Review Board as missing in much current SEIA – becomes the expected norm for developments that have the potential to impact significantly on the human environment.

The *SEIA Guidelines* outline the Review Board’s expectations for assessing socio-economic and cultural impacts. They will assist the developers and other involved parties:

- Identify the key concepts and goals of SEIA
- Understand how SEIA relates to the unique requirements of the MVRMA
- Clarify the roles and responsibilities of every party involved in the three formal levels of the EIA process (i.e. preliminary screening ,environmental assessment, environmental impact review⁵)

⁴ From: *Raising the Bar for Socio-economic Impact Assessment – Environmental Impact Assessment Practitioners’ Workshop, Yellowknife, 2006.*

⁵ The environmental impact assessment process under the MVRMA identifies three successive formal stages of EIA , starting with a cursory preliminary screening and then if required progressing to an environmental assessment for more detailed analysis (historically, less than 5% of preliminary screenings go to environmental assessment) . On those rare occasions where an environmental assessment finds

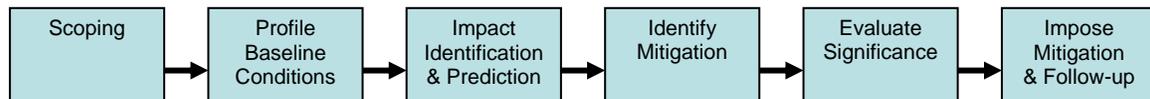
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IAIA 2007
Seoul, Korea

- Understand the Review Board’s expectations for the conduct of SEIA during the three formal levels of EIA, as well as for the conduct of Initial Developer Analysis, the essential “Do Early Work” phase prior to formal applications
- Access tools, methods and other SEIA resources

While the *SEIA Guidelines* are a tool for all parties to use, their primary focus is on providing direction to the developer – the party responsible for showing that its development will not cause undue harm to either the physical or human environments.

The “Six Steps of SEIA”

The *SEIA Guidelines* also details the six steps that guide the SEIA process. The SEIA steps are similar to those used during a conventional impact assessment of the biophysical environment. However, there are marked differences between the two assessment processes in regards to data collection methods, information sources, significance determination and analytical tools. The *SEIA Guidelines* points out these differences in detail. In this paper we are only going to consider the first of the six steps. For more information on the six steps, readers are directed to the MVEIRB’s *SEIA Guidelines*, available on the website: www.mveirb.nt.ca



Scoping:

Perhaps the most critical step in the SEIA process is scoping. It provides the foundation upon which the rest of the SEIA will sit. Scoping starts *before* the developer submits an application and is conducted when the developer is in the very early stages of development design. Up-front scoping identifies community and public concerns early in the process, hopefully allowing the developer to proactively build effective mitigation for potential socio-economic concerns into its development description at the planning stage, rather than reacting later to adverse outcomes that could have been avoided.

One of the challenging questions that developers and participants in an EIA need to answer is “How much SEIA should be conducted for a proposed development?”. At first glance, this may seem an elementary question, however, the complexity and uniqueness of assessing social and cultural impacts often belie surface appearances.

significant public concern or adverse environmental impacts so significant that they merit additional consideration, an environmental impact review can then be ordered (this has occurred on only two occasions by 2007).

Obviously, not every development will have likely significant adverse impacts. The *SEIA Guidelines* point out that two main factors determine the required level of assessment of the potential socio-economic impacts of a proposed development during an environmental impact assessment:

- The nature and scale of the proposed development
- The socio-economic context of the proposed development

Both of these factors need to be considered by the developer with equal regard.

The *SEIA Guidelines* provide an informal “Level of SEIA Test” that can assist developers (wherever possible, with the interaction of other parties, and certainly after initial public consultation about the proposed development) in determining whether to conduct a Basic, Moderate or Comprehensive SEIA. Equally important, this test can assist in focusing that subsequent SEIA into an “Issues Oriented Approach”. This approach focuses the assessment on issues that are both important to the potentially affected parties *and* may potentially change because of the development. By “change”, the Review Board means factors of the proposed development that may create significant adverse socio-economic impacts and/or cause significant public concern.

A detailed understanding of the development components and the socio-economic context within which it will take place is necessary prior to conducting this test. Consultation with potential affected communities and interest groups, past experiences (in some cases expert experience of SEIA practitioners), and case studies of similar developments or prior developments in the region should be used as inputs to the “Level of SEIA Test”.

The SEIA Guidelines describe three different levels of SEIA test; a Basic for most, small developments; a Moderate for medium-sized or small but complex developments, and a Comprehensive test for large developments. The level of SEIA test challenges the developer to look at different characteristics beyond the size of their project to determine what the required level of effort is for SEIA and where they should direct their studies.

A Case Study: Cultural concerns vs Development size

Case studies and experience in the Mackenzie Valley have demonstrated that it is not only the physical size or footprint of the development that dictates the level and degree of socio-economic analysis that is required. Rather, the size and scale of the issues associated with a proposed development guide the level and depth of the SEIA. The Review Board actively demonstrated this theory when it had four relatively “small” diamond drilling exploration projects referred to it for environmental assessment in 2004. These developments were referred due to a “clear indication of public concern about development [...] given the evidence of the cultural, spiritual and environmental importance of the Drybones and Wool Bay Areas” (Mackenzie Valley Land and Water Board, 2003).

The referral of mining exploration projects to environmental assessment was unusual as environmental assessments are usually only conducted on larger developments – in mining, typically when an actual mineral extraction operation is proposed. However, in this case, the indigenous people placed a strong cultural importance on the land surrounding the location of the developments in the Drybones and Wool Bay areas, located east of Yellowknife. This resulted in a level of public concern disproportionate to the size and physical invasiveness of the developments. It became very evident to the Review Board that while certain biophysical impacts could be mitigated (e.g. impacts to water quality when drilling through ice and potential impacts to archeological and heritage sites) there were also significant impacts to indigenous culture that demanded close examination.

Determining the significance of impacts to the culture of local and regional indigenous groups required an interpretation of the sensitivity of the areas where the developments were proposed. The indigenous people of the area identified an extremely sensitive area associated with one of the proposed mineral exploration developments. Traditional knowledge demonstrated the importance and use of this spiritual/cultural area. The Review Board rejected the proposed development because it determined that the proposed development was likely to cause an adverse impact on the cultural environment so significant that the development itself could not be justified.

At the onset of these environmental assessments, the issues were expected to be relatively minor in light of the small scale of the developments and the familiar technology involved. However, location, and not scale, caused these to be complex and challenging assessments. By the end of the Drybones and Wool Bay assessments, it was clear that it is the scale of the *issues*, and not only the scale of the developments, that dictates the effort required and complexity of the environmental assessments.

What Are the Remaining Hurdles to Conducting SEIA in the Mackenzie Valley?

While the Review Board has greatly increased the profile, knowledge and use of SEIA in the Mackenzie Valley, there are still hurdles that need to be acknowledged, considered and dealt with. Some of these include:

- Ensuring that socio-economic impacts are considered fully and equally with biophysical impacts during the Preliminary Screening stage.
- The sometimes sensitive nature of social information can affect the willingness of disclosure of important information
- Lack of long-term baseline data collection on some of the less easily quantifiable socio-economic and cultural valued components that communities prioritize (e.g., cultural transference between generations, self-reported “well being”)
- Limited capacity of communities and governments to provide expert analysis and comments on the developers predictions

- Separating development-induced impacts from pre-existing social and economic issues
- The ability to enforce and follow-up on commitments made to mitigate social and economic impacts

What is the Review Board's Report Card on Conducting SEIAs?

We have discussed the process for engaging, educating and informing developers and other parties about the needs and requirements for conducting good socio-economic impact assessments. Does the Review Board get a passing grade? Are there visible improvements in the quality of and level of multi-party participation during development-specific SEIAs?

There are many improvements that have “raised the bar for SEIA” in the Mackenzie Valley. The consultation leading to the release of the *SEIA Guidelines* helped raise the profile of this form of assessment and the understanding level to many interested parties. The release of the *SEIA Guidelines* has resulted in a clearer and firmer path for developers to walk down and taken some of the “guesswork” out of this still relatively new science. To date 50 participants have taken a one-day “SEIA Training Workshop” to walk interested participants through the Review Board’s *SEIA Guidelines*. To help ensure that everyone is on the same page when it comes to understanding expectations for SEIA, and to facilitate greater community capacity, the Review Board will also be focusing its fall 2007 Community Visits program on offering similar SEIA Workshops throughout the Mackenzie Valley.

Given their recent release, it is difficult to accurately gauge the usage level of the *SEIA Guidelines* at this time. We have seen individual developers using our “Level of SEIA Test” prior to filing for development applications, so that they can determine how much SEIA to do, and how to focus their efforts. The most notable example of this has been the Giant Mine Remediation Plan (GMRP) team from Indian and Northern Affairs Canada. This proposed development is a mine reclamation plan for a historic underground gold mine with 237,000 tonnes of arsenic trioxide locked away in underground chambers. In preparation for a likely environmental assessment, the GMRP consulted with the Review Board, conducted the “Level of SEIA Test” and re-envisioned what the expected SEIA would require.

It remains to be seen if other developers will take the same “high road”. Given the push for Corporate Social Responsibility and the potential time delays associated with EIAs that do not have adequate “Early Work” on socio-economic impacts, it is anticipated that efforts will improve in both scale and focus now that clear guidance has been developed.

The Review Board has seen a general raising of awareness of SEIA and the *SEIA Guidelines*. While this by no means confirms that SEIA has entered the “mainstream”, it is an indication that SEIA is now on the “radar screen” for EIAs in the Mackenzie Valley. Indeed, the application of the *SEIA Guidelines* to other jurisdictions by

indigenous groups has already occurred, according to anecdotal evidence from consultants.

The Review Board has also been able to engage in dialogue that goes beyond individual EIAs, in its continuing efforts to “raise the bar”:

- Engaging in multiparty dialogues on how to incorporate SEIA into different aspects of EIA practice: e.g., cumulative impact assessment and corporate social responsibility/Free, Prior, Informed Consent (FPIC)
- Developing a small but growing library of SEIA materials – contact the Review Board for more details
- Issuing a “State of the (EIA Research) Union” discussion paper, including key areas of SEIA that need to be included and the research agendas of governments and academics.

Where to Next?

The Review Board will continue to actively apply and educate parties on the use of its *SEIA Guidelines*. It will continue to have dialogue with developers, communities, governments and the public to ensure they are engaging effectively in its processes. The Review Board is committed to conducting “Lessons Learned” on its environmental impact assessment processes. It will review the application of its guidelines and amend its guidance materials from time to time as required, to ensure the guidelines reflect up-to-date best practices. “Raising the Bar” is one thing; keeping it in place is another challenge entirely. This is a challenge that the legislation, good practice of EIA, and the people of the Mackenzie Valley will demand be met.

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