Integrating Cultural Impact Assessment into Development Planning

International Association for Impact Assessment Workshop

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Why did <u>you</u> take this Workshop?

Common themes:

- To understand more about CIA as a branch of SIA
- Learn about incorporating diverse values and consultation strategies
- Learn some methods (esp. participatory) for conducting CIA
- Determine when/how much CIA is required
- Identify common cultural impacts
- Learn about identifying and mitigating "intangible" cultural impacts
- Learn about cultural landscape assessment

Why did you take this Workshop, cont.

- Learn a broader definition of culture
- Learn about "best practices" in CIA
- Learn about whether CIA is only for aboriginal people
- Identify the "culture" behind CIA
- Learn about methods of cultural risk assessment and risk communication

"Communities have a **different way of thinking** about resources, about what matters to them, and about they expect from a development process. It is important to learn how to 'understand' the different points of views of communities and incorporate them into what is considered a mostly **technical document**. Technical processes and documents tend to **dismiss perceptions or ideas** which come from non-scientists. However, since **communities are the ones which will have to live most directly with the costs/benefits or projects**, incorporating their ideas into an EIA is necessary in order for any **development process to be truly sustainable.**"

- one participant

Our Objectives for the Day

- Expand notions of what culture is and what cultural impact assessment should consider
- Dissolve false boundaries between CIA, SIA, etc.
- Provide some case studies and tools that will assist you in conducting the Six Steps of CIA
- Attempt to deal with some major hurdles to the conduct of good CIA
- Promote a vision of CIA as a context responsive planning tool rather than "tick the box"

Workshop Agenda

1. Introduction to Cultural Impact Assessment

2. Steps 1 and 2: Scoping and Baseline Data Collection

3. Steps 3 and 4: Impact Prediction and Significance Determination

4. Steps 5 and 6: Finding and Implementing Appropriate Responses

5. Summary: Overcoming Hurdles

Section 1: Introduction to Cultural Impact Assessment

Goals:

1. Defining culture
2. Defining Cultural Impact Assessment
3. Identifying hurdles to good Cultural Impact Assessment

What are key elements of culture?

You identified…

- Obligations (responsibilities)
- Cultural transmission (renewal)
- Land ownership structures
- Sense of common identity in values, beliefs, ancestry
- Relations to the land and environment
  - Spiritual base
  - Aboriginal people often inseparable from "land"
- Organizational structures
- Oral, visual and written communication forms (stories, language, art)

Culture concepts…

- Culture is DYNAMIC and SHIFTING
- Culture is on the inside and outside, connected to place
- Taking care of place is only part of the picture
- Domains … of culture

Cultural Domains: examples

Archeaological sites

Mine sites

Mine sites are often run as "culture free" zones where indigenous workers are asked to "leave their kimonos at home", to assimilate into the settler-derived industrial culture. This can have damaging effects on the recipient, at this domain and in others (family, community, on the land).

In relationships: time and place

Individuals

Families

Tribes, Kinship groups, Communities

e.g., Changes occur in culture because of time away from critical relationships, and relocation to new places
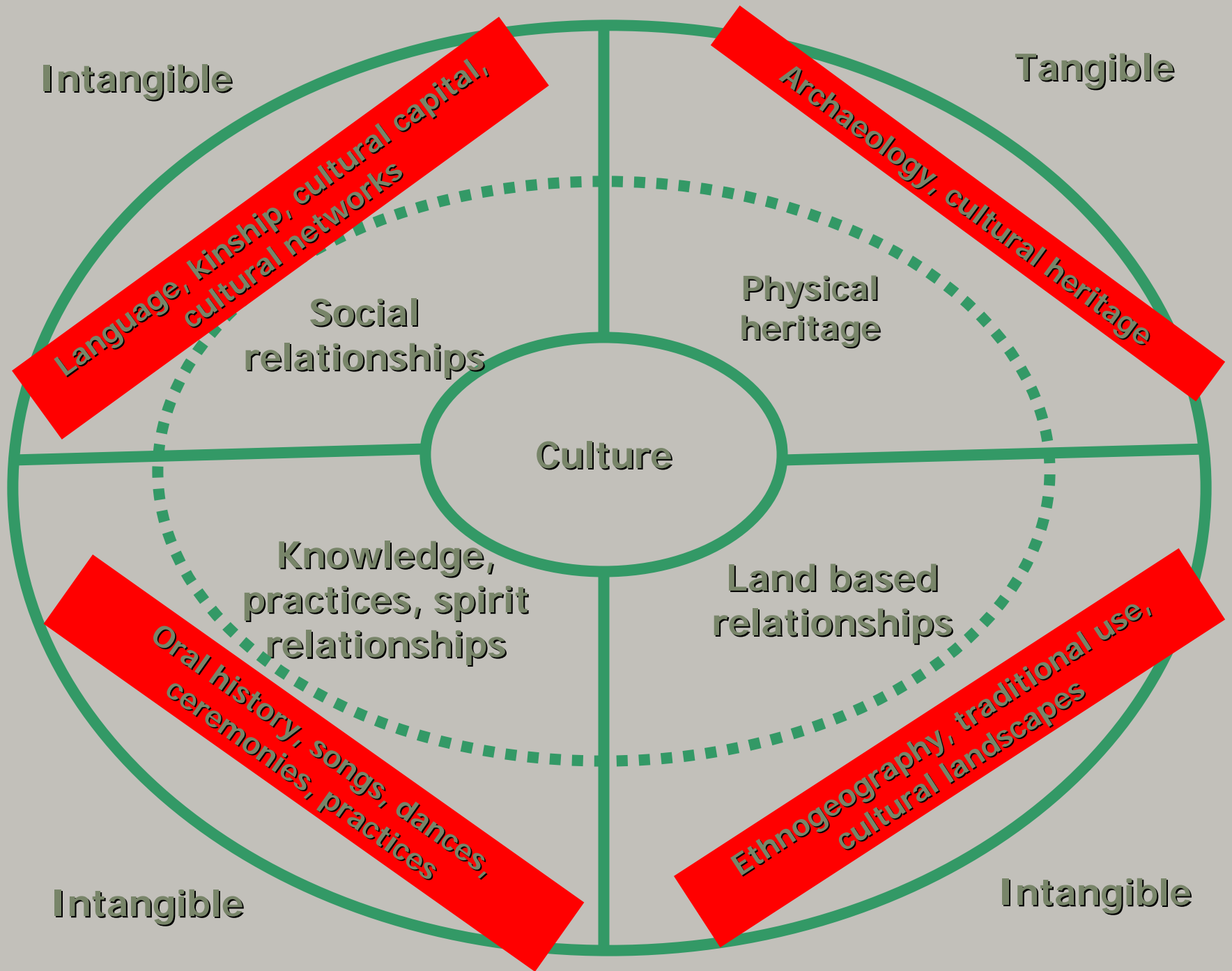
What is CIA?

"A cultural impact assessment is a study documenting cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these."

NOT ENOUGH!

A cultural impact assessment also needs to consider intangible elements of culture that should be protected

Why do Cultural Impact Assessment?

1. The law requires it - sometimes

2. The people demand it – almost always

3. The outcomes are important – futures depend on it

Mackenzie Valley Aboriginal Socio-cultural Realities

- 50% aboriginal population & growing
- Aboriginal population characteristics
  - Young
  - Less formal education and lower employment rates than non-aboriginals (but rising)
  - Declining reliance on traditional harvesting (but still important economically and culturally)
  - Declining traditional language use
  - Vast majority of small community residents
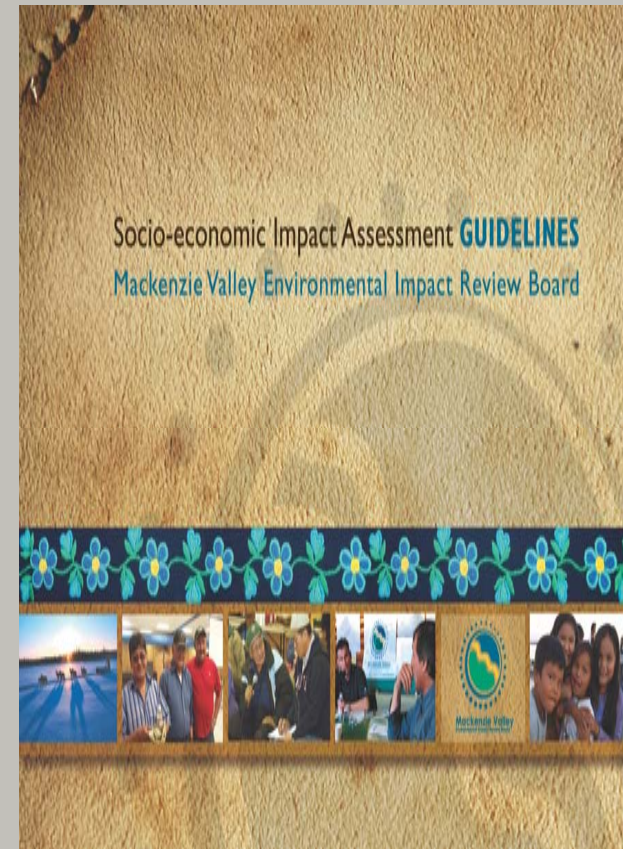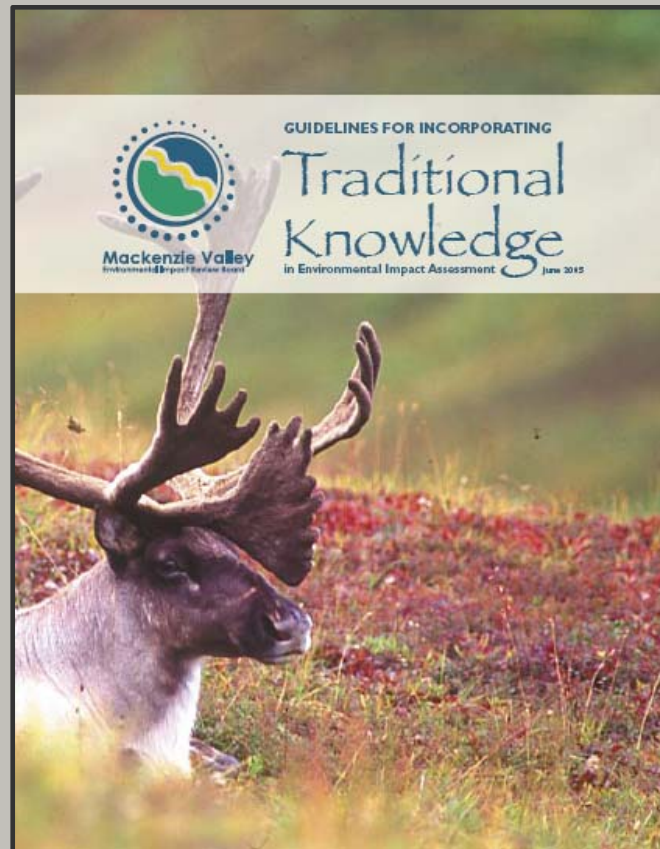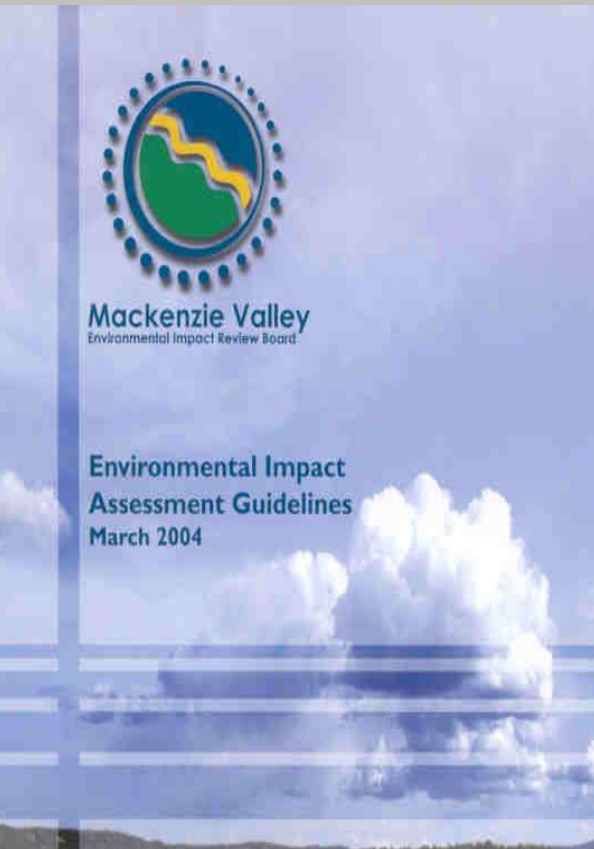 - Rapidly growing industrial sector in oil/gas and mining

PACE OF CHANGE

Impact Assessment Guidelines

The determinants of health

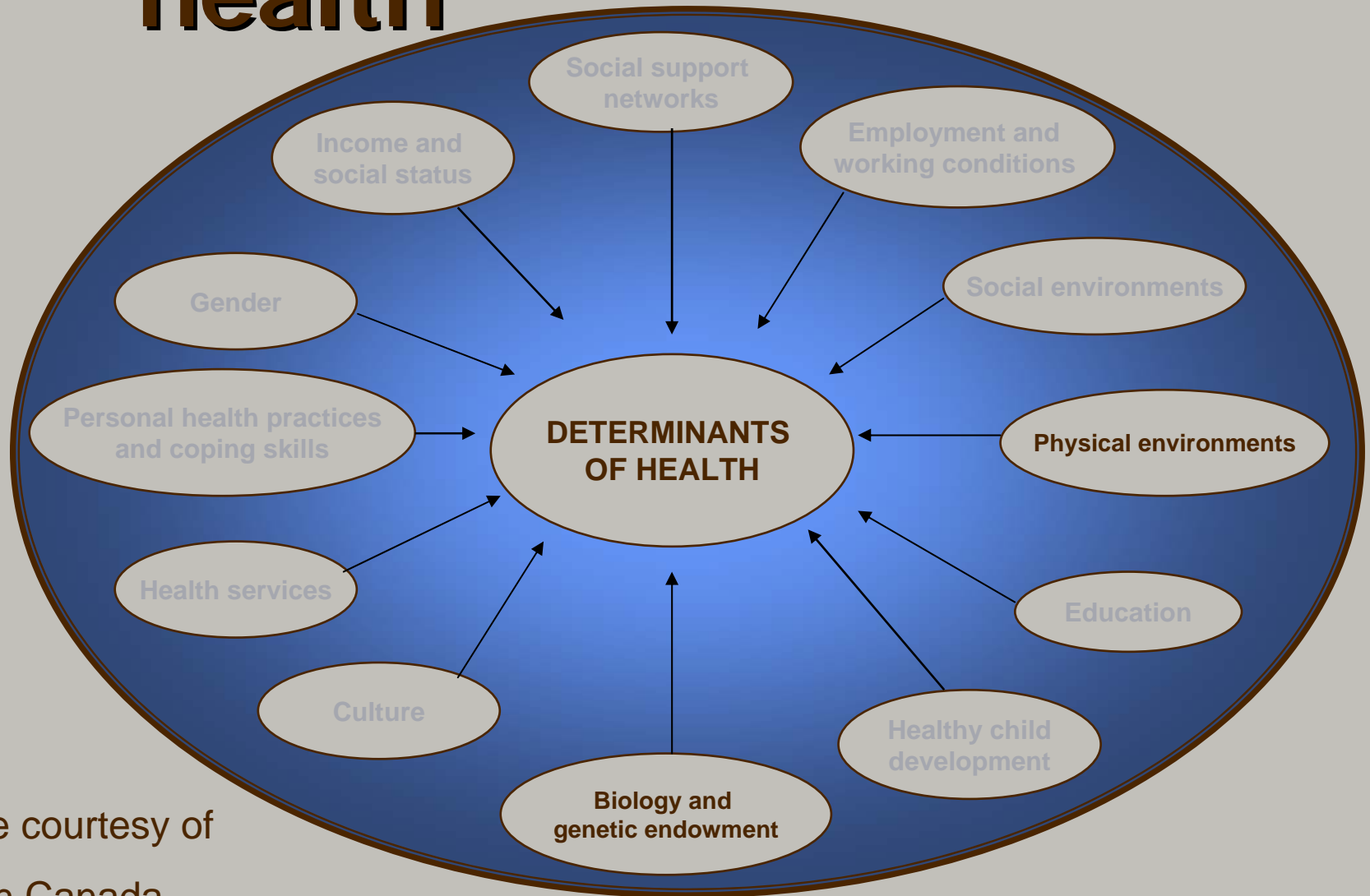The determinants of health. Image courtesy of Health Canada.

Image courtesy of

Health Canada

What is the goal of CIA?

"We will measure our success not by how much land we've got, but by the health of our people. If the state of our people is an indication of our success and if nothing changes in our communities, then we've failed."

-Satsan (Herb George)

What Cultural Impacts are YOU Most Concerned about?

You identified:

- Visual impacts redefining the way a place/landscape is "seen" in culture
- Physical and spiritual damage of sites
- Loss of value of what places on the land can teach us about life – loss of meaning
- How "culture free" working conditions can erode cultural values or lead to alienation
- Alteration in social structures leading to cultural loss (e.g., inter-generational culture transmission)
- In-migration altering cultural norms and values or creating negative social issues
- Health impact **outcomes**
- Altered educational systems (settler-derived)
- Changing political structures, power relations and trust (e.g., elders vs. politicians/businesspeople as leaders)
- Loss of sense of control over one's own fate – self-determination
- Spiritual/religious change; whether through in-roads from outside or from loss of faith in traditions
- Loss of language to the point of extinction

Breaking down cultural impacts
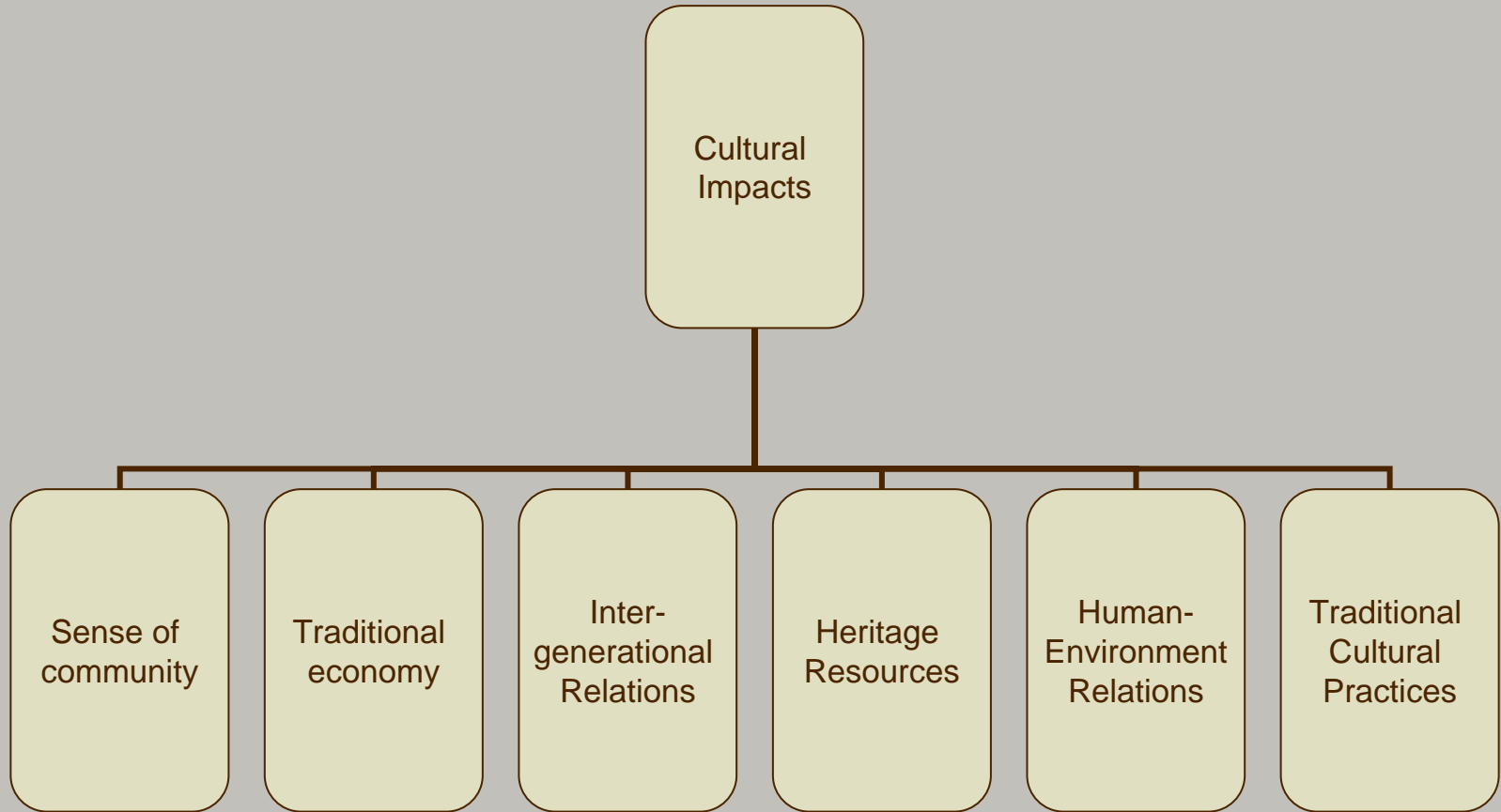
Example: Some cultural impacts of Argyle diamond mine

- Trauma (ongoing) from loss of or damage to highly significant sites.

- Regional implications – sites are part of dreaming tracks, implications for wider social relationships.

- Women held responsible – impact on gender relations, on women's cultural roles (not entirely negative in longer term, indicating complexity).

- Profound implications for key cultural exchange system, *wunan* or *wirnan*. Inability of Aboriginal owners to secure a share of wealth from Argyle and share them with neighbours undermined 'cultural cohesion', disrupting ceremonial cycles. Highlights links between different 'impacts' (economic, cultural).

TK, TUS and Cultural Impacts

Impacts may involve both tangible places or resources and intangible knowledge

■ Traditional knowledge and Traditional Use Studies are valuable but limited forms of cultural impact assessment.

TK

TUS

Intangible and Tangible Cultural Heritage

11/10/2008

Candler (2008)
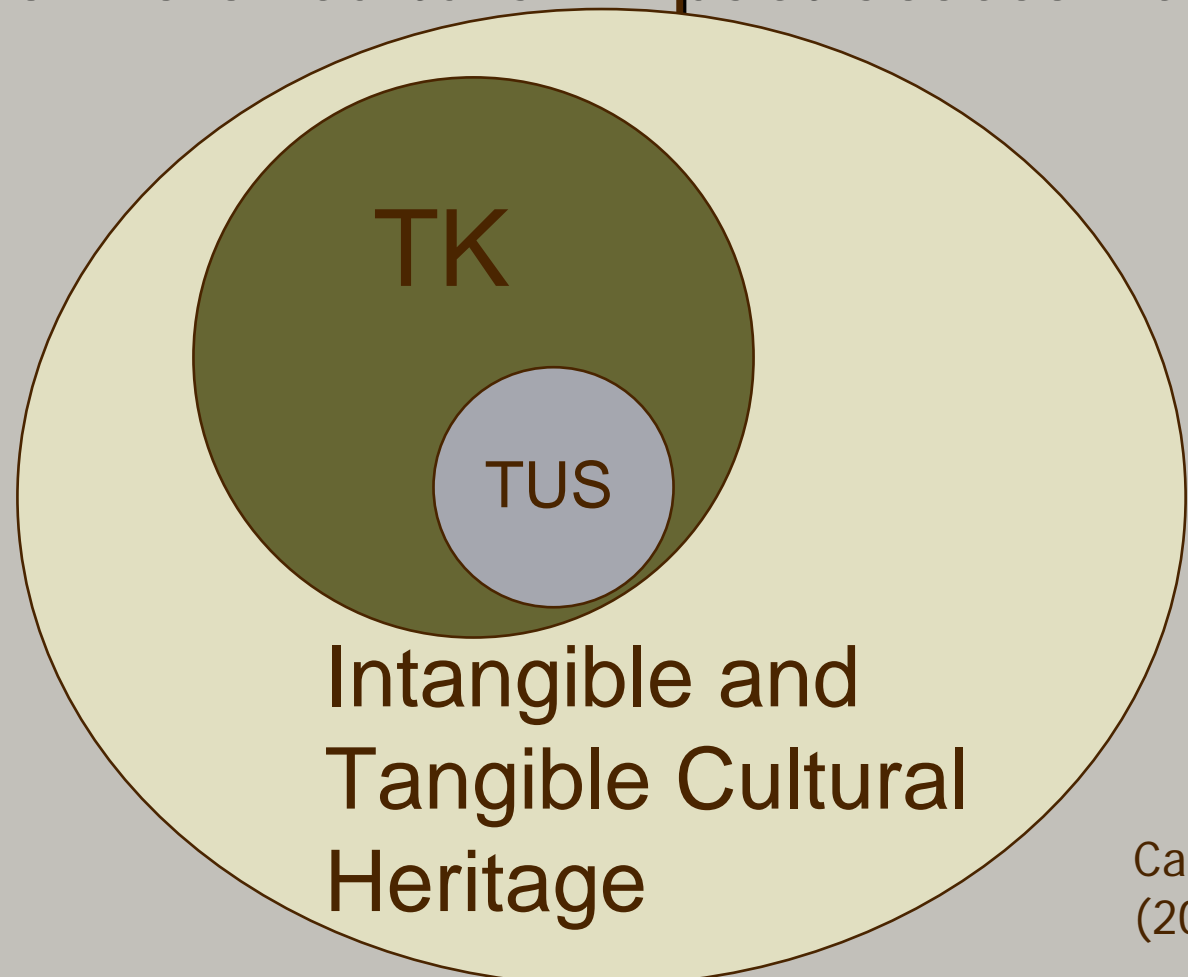
Cultural Impact Assessment Approaches

- Traditional Use Studies
- Traditional Ecological Knowledge Studies
- Place Names Research
- Cultural Landscape research
- Archaeological studies
- Cultural assessment overview
- Cultural Protection plans
- Land use planning
- Cultural Assessment Overview
- Community wellness surveys
- Comparison to thresholds of manageable change

Beyond the Biophysical: Elements of CIA

Cultural Maintenance

+

Impacts on Key VCs

+

Cultural Landscapes

+

Heritage Resources
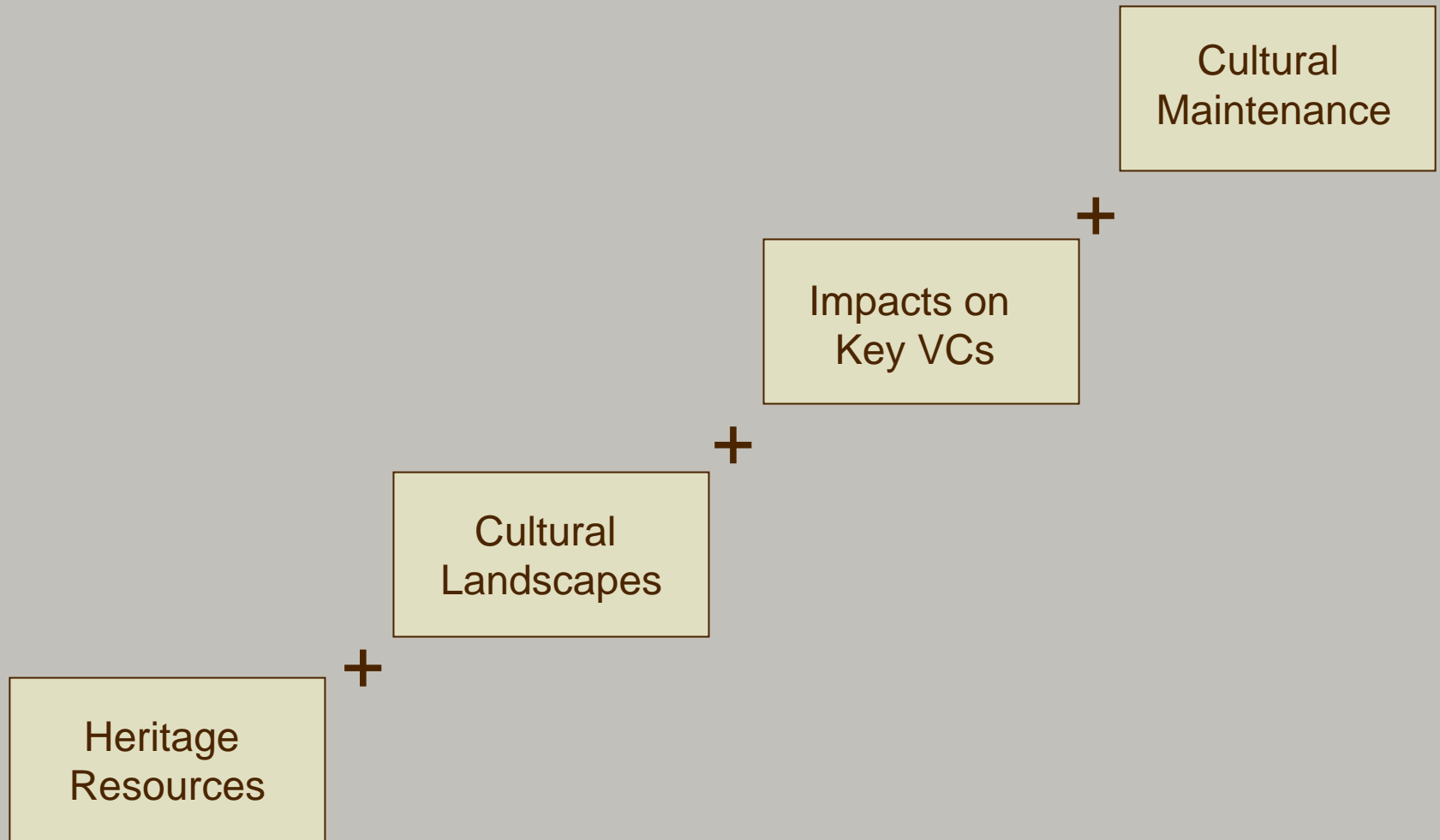
Cultural impact is…

- Any positive or negative impact on:
  - Tangible resources (property and sites with archaeological (prehistoric), paleontological, historical, cultural, artistic, religious values

  - Intangible resources (cultural resources, knowledge, innovations, practices of indigenous peoples, relationships)
    - Adapted from Guidance Note 8 on Cultural Heritage, IFC

–Tangible resources, looking at past and present physical relationships to the land

–Cultural geographers; heritage experts (e.g., Middle Bronze Age pottery expert)

–Community consultation

Tangible

Archaeology, cultural heritage

Physical heritage
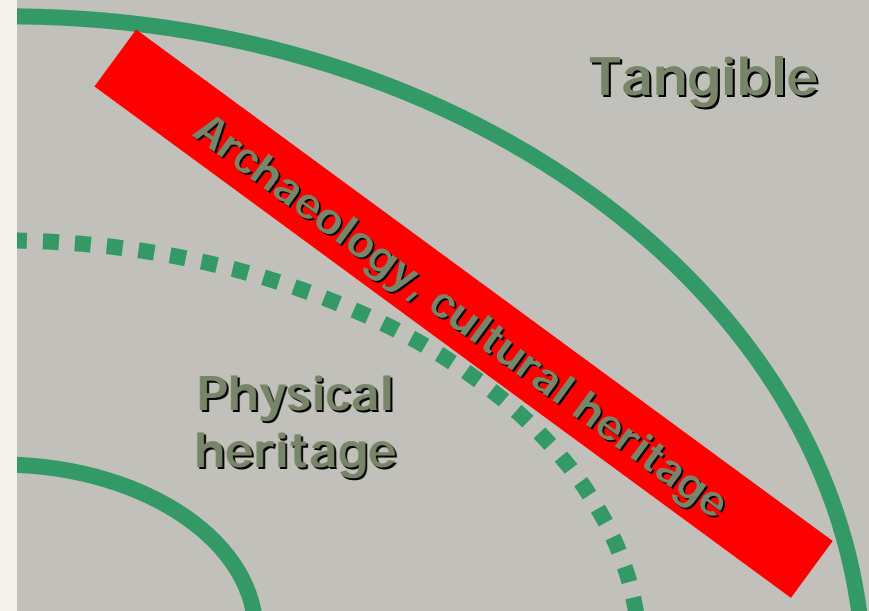
Cultural Landscapes

– landscapes that are lived in

– how people and places affect each other

– can be seen through activities that leave a mark (e.g., culture heroes)

– give cultural meaning to natural landscapes (e.g., spirit quests)

Tangible

Archaeology, cultural heritage

Physical heritage

ure

Land based relationships

Ethnogeography, traditional use studies, cultural landscapes

Intangible
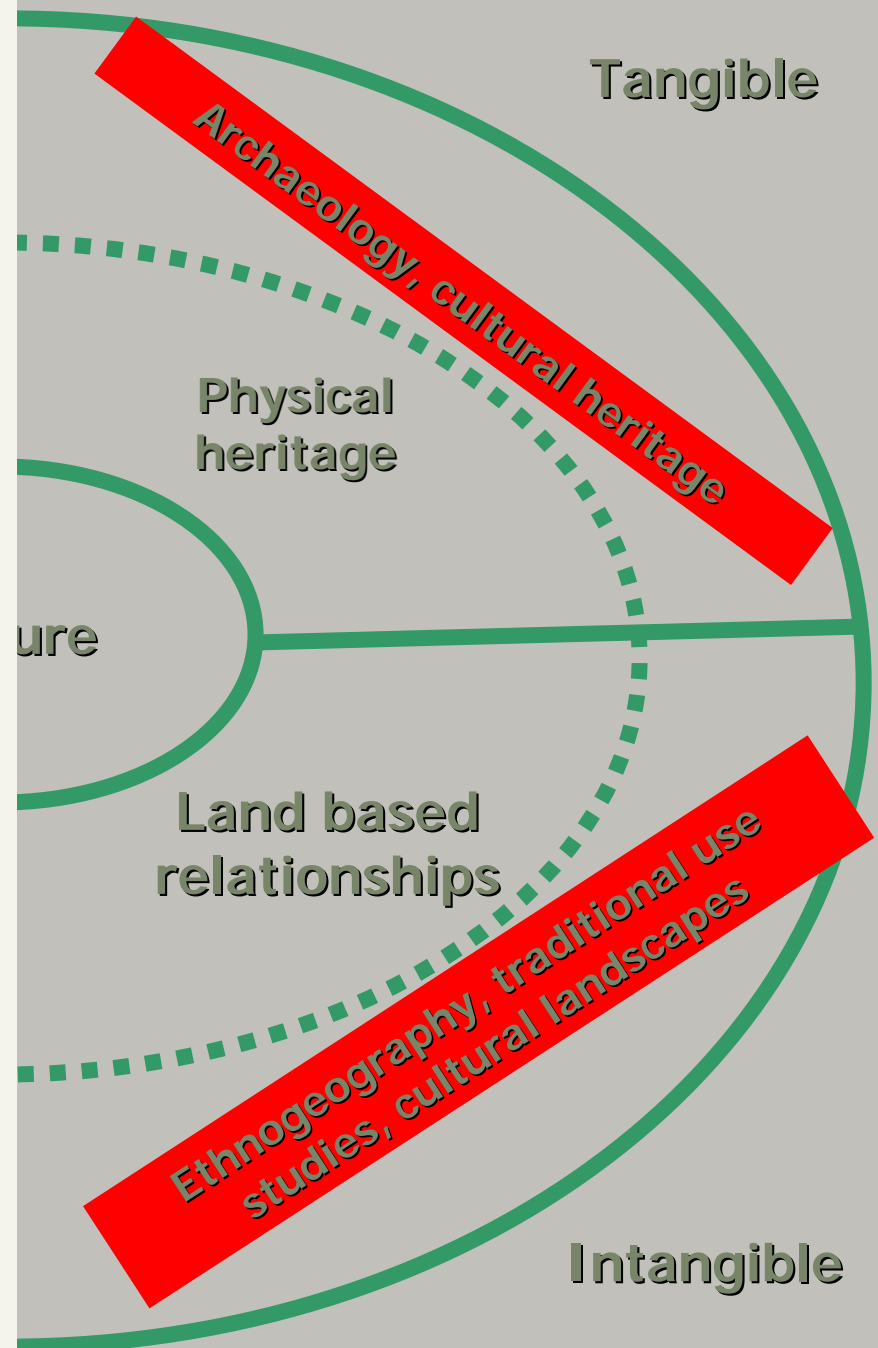
Tłįchǫ Lands are lands owned by the Tłįchǫ Government and include approximately 39,000 km².

Tłįchǫ Community Lands are lands owned by each Tłįchǫ community government. These lands are large enough to provide for future expansion of the communities.

Ezǫdzìtì is a heritage resource. It is protected from mineral exploration and development.
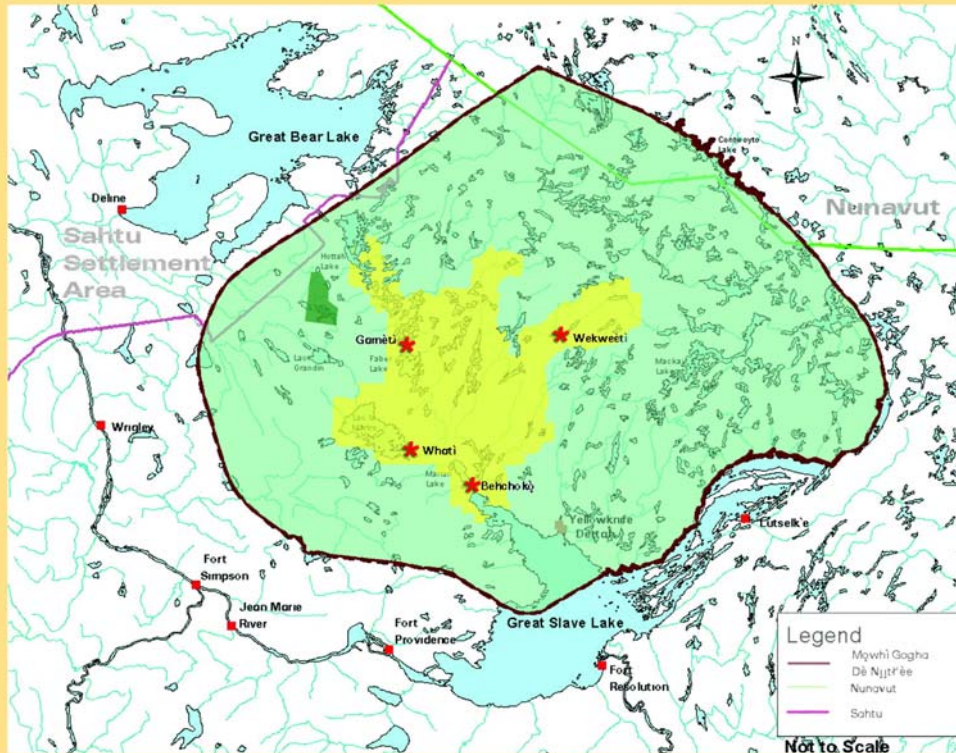
Cultural Landscape

...are areas not points on a map

Tangible vs. intangible

"We don't want our cultural identity treated like points on a map that can be simply managed and mitigated or made less important. Those places, the cultural representations, the landscape and the information those places contain are not just archaeological sites. They're part of our social, spiritual and cultural identity... Those places out there are how we communicate who we are and... pass on our culture to our children"

– Chief Darrell Beaulieu, Yellowknives Dene First Nation, November 26, 2003

Cultural Maintenance, not as a reminder of an antiquated way of life, but rather as a living system that guides a group's existence, requires:

•Protection of language

•Respect for Traditional Knowledge and elders

•Passing on of worldview and education style

•Protection of heritage resources

•Access to land

•Respect for traditional laws and cosmology

What do communities seek from Cultural Impact Assessment?

Tangible

Archaeology, cultural heritage

Physical heritage

...ure

Knowledge, practices, spirit relationships

Land based relationships

Oral history, songs, dances, ceremonies, practices

Ethnogeography, traditional use studies, cultural landscapes

Intangible

Intangible

Story of Nöhtà

Analysis
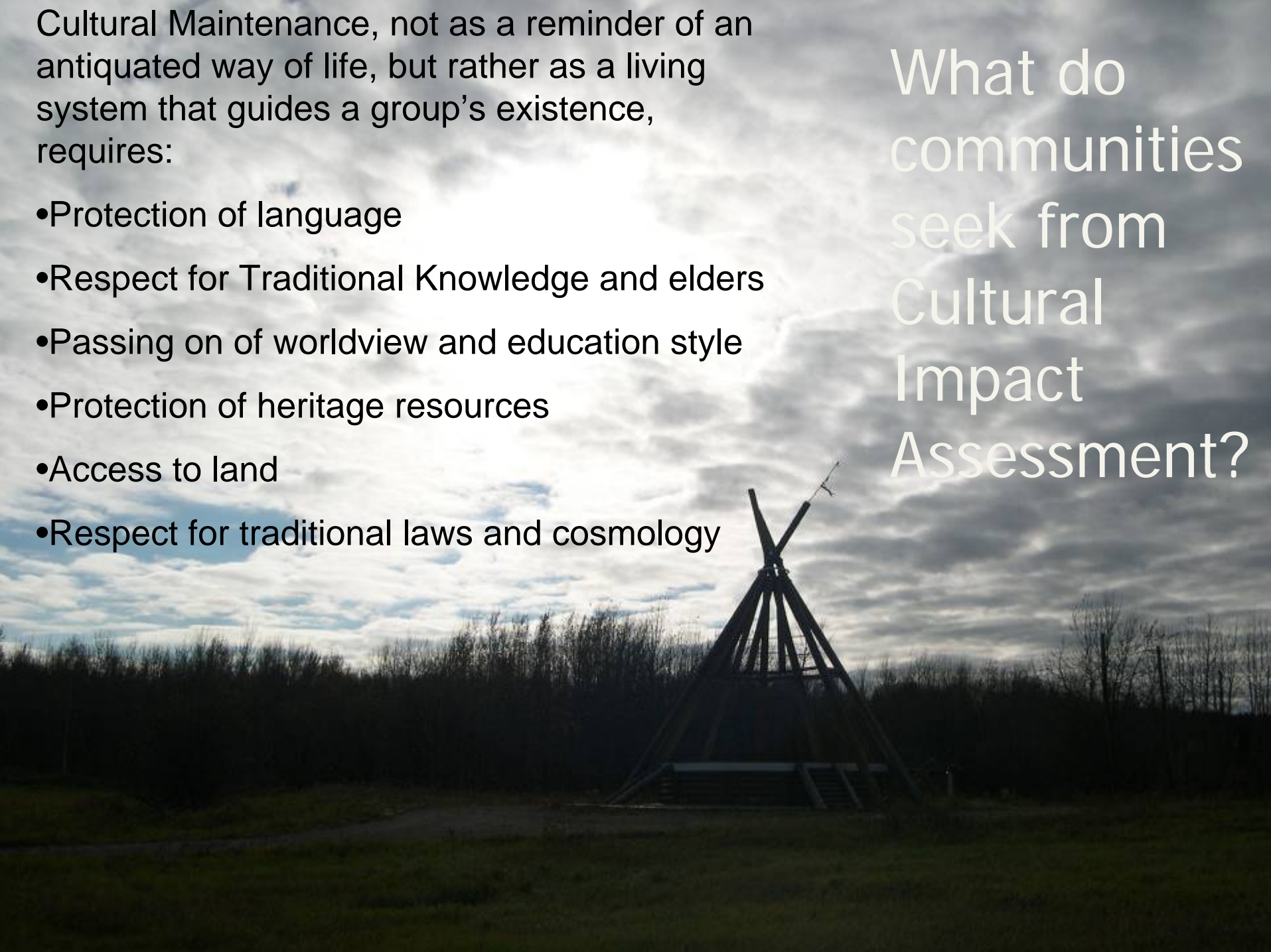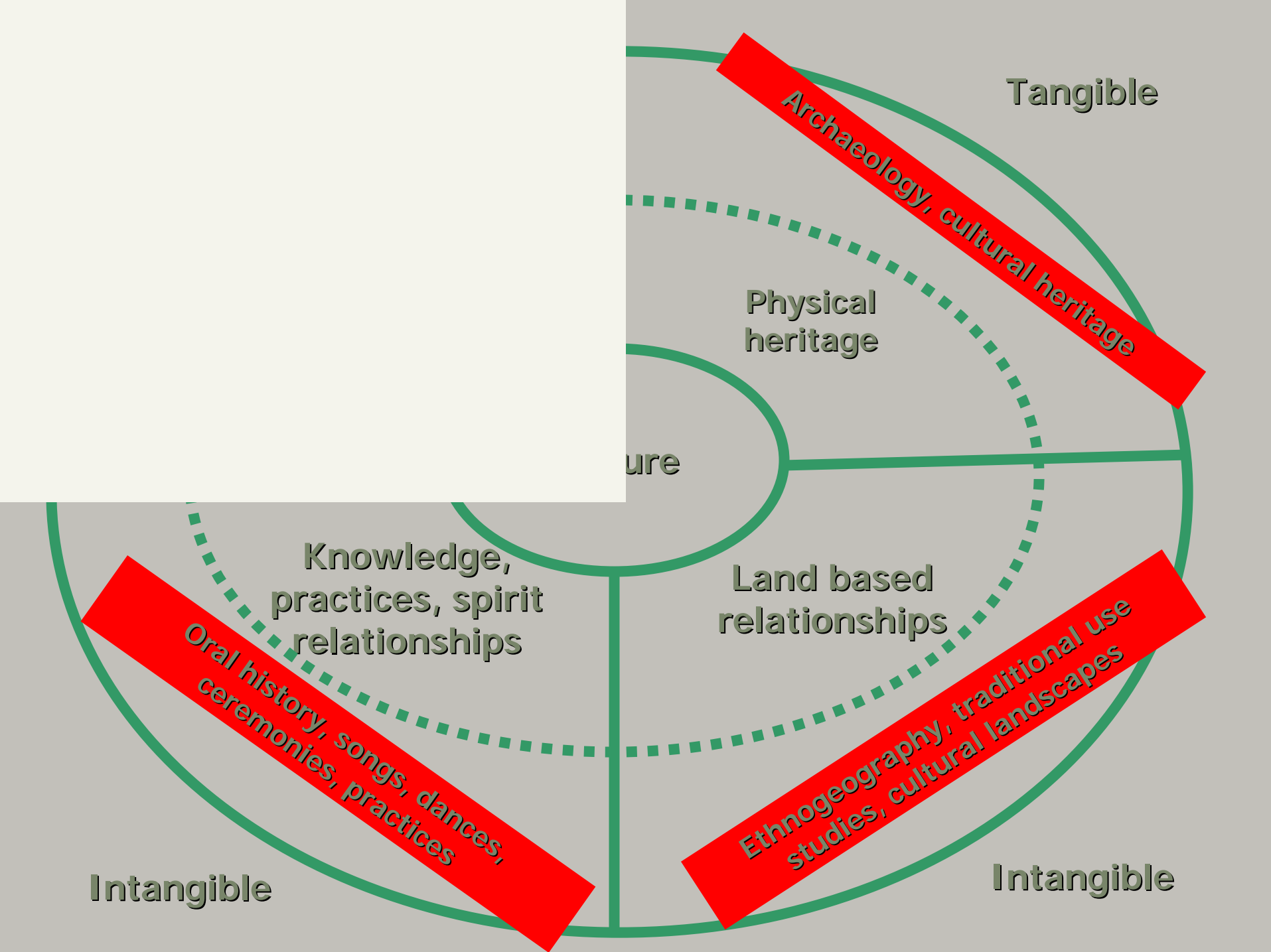
As he chanted this song, he began to dance. The song Nöhtà came up with lasted until the tea dance ended. He had been traveling from a great distance and so, he was very tired and very sleepy too. After introducing a song for the people, he decided to sit down. While the people danced, he sat down behind them. As he was sitting down, he fell asleep. As he drifted into a deep sleep, the people danced and they danced on his feet and that's why his feet became flat. So that was how Nöhtà came up with this song and that's what the old timers say.

Values elicitation

Relationship to animals and land

Leadership qualities

Importance of elder's knowledge

EVIDENCE

THEMES

Intangible

Tangible

Language, kinship, cultural capital, cultural networks

Archaeology, cultural heritage

Social relationships

Physical heritage

Culture

Knowledge, practices, spirit relationships

Land based relationships

Oral history, songs, dances, ceremonies, practices

Ethnogeography, traditional use, cultural landscapes

Intangible

Intangible

Approaches

- **Linguistics**
  - Language patterns, language
- **Kinship and gender roles**
  - Gender based knowledge, property transfer and inheritance
- **Cultural capital**
  - The training (through language acquisition, transmission, values and behaviours)

Geographic Scales of Cultural Impact Assessment

Impact Assessment Realms

Social Impacts

Economic Impacts

Health Impacts

Cultural Impacts

EIA

Impacts on Wildlife

Impacts on Water

Impacts on Land &Air

Socio-Economic Impact Realms

Past EIA Priorities = Biophysical
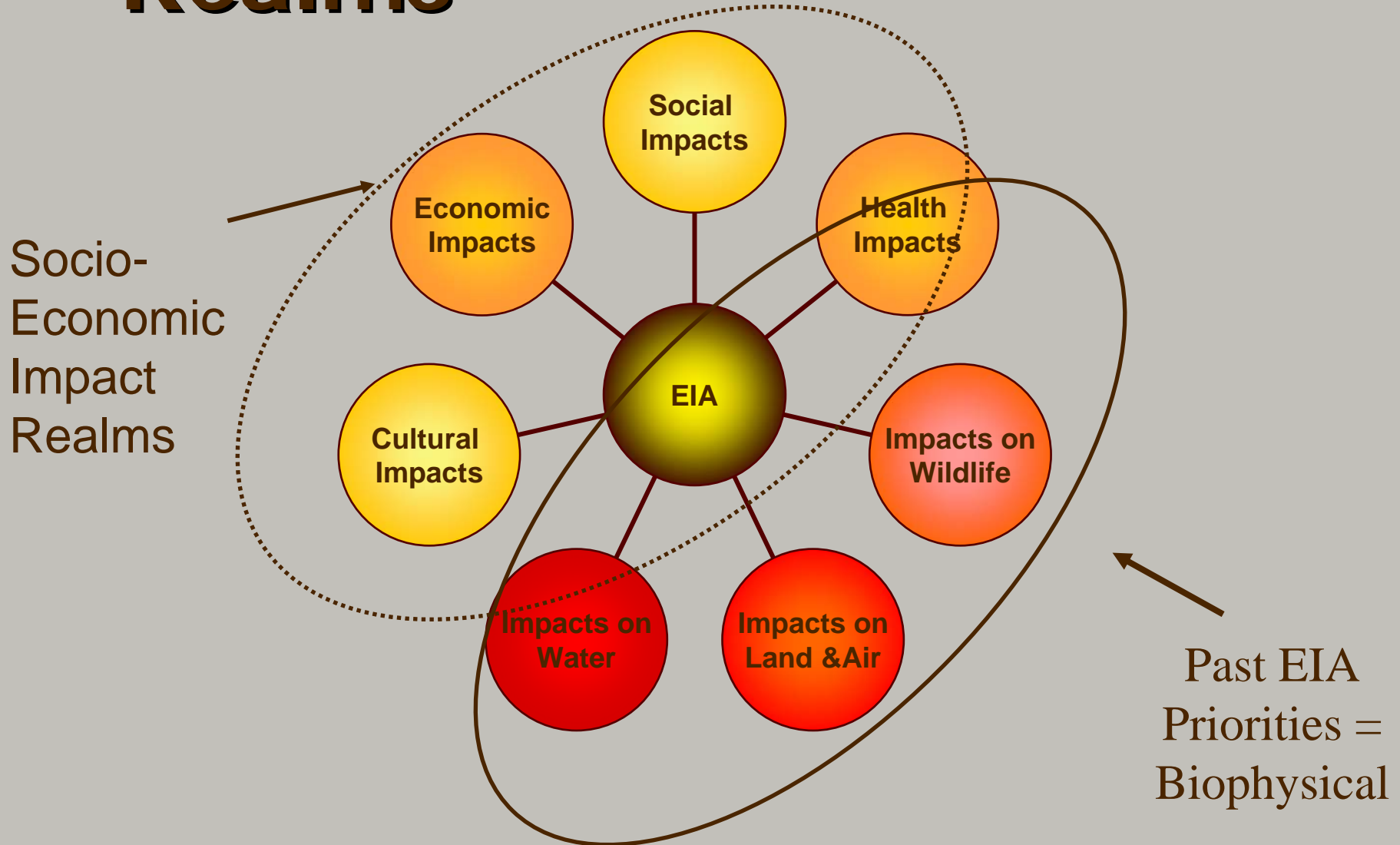
What Type of Impact Is It?

A) Perceived increase in contamination of a bush/country food source, linked to increased industrial development and access. This can lead to...

1. Biophysical impacts
2. Social impacts
3. Economic impacts
4. Cultural impacts

The answer could be "All four"!

Types of Impacts

- **Direct**
- **Indirect** → **Causal flow**
- **Cumulative**
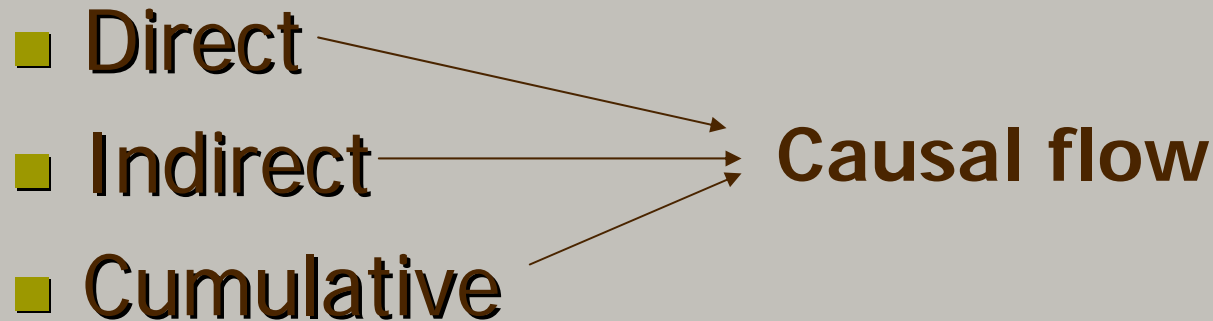
- **Absolute** → 1% of traditional area altered by development
- **Relative** → That 1% of traditional area was best hunting ground and key migration corridor
- **Perceived** → Traditional area loses value in the eye of the beholder much beyond the physical impact zone

Cultural impact outcomes??

- Physical degradation of sites and direct loss of historical/archaeological material
- Spiritual degradation of a site; loss of value in the eyes of the culture holder
- Loss of relationships to land, direct or indirect
- Change in relations between generations
- Anomie: Social instability caused by erosion of standards and values

Your Thoughts: Hurdles to Effective CIA?

You identified:

- Politicization of EIA – assertion of cultural impacts as a negotiation tool

- Internal politics – centralized control of information flows, political leadership may not be the most knowledgeable culture holders

- Current lack of quality/rigour in CIA from developers – "the bar is set pretty low"

- Community lack of capacity and lack of people trained in CIA methods and tools

- Lack of communication between three main parties from the outset of developments

- Lack of a united team approach to EIA that would embrace cultural impact assessment into larger assessment (SILOS)

- Wrong practitioners: engineers running cultural impact assessments

Cultural Impact Assessment

Six Steps of Environmental Impact Assessment

| Scoping | → | Profile Baseline Conditions | → | Impact Prediction | → | Evaluate Significance | → | Identify Mitigation | → | Impose Mitigation & Follow-up |
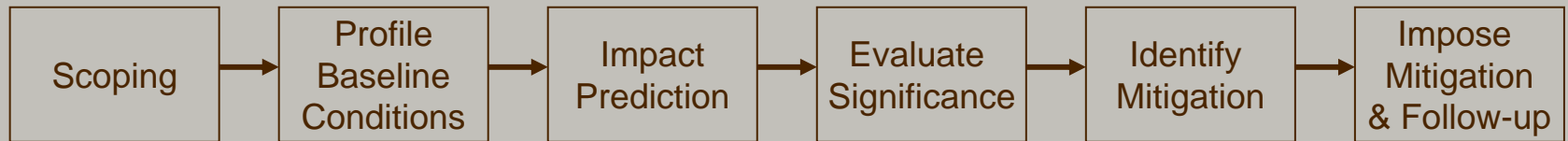
- Don't forget; these are iterative steps!

Section 2: Scoping and Baseline

Goals:

1. Identify appropriate elements of culture that need to be included in assessment and appropriate level of effort for CIA

2. Identify the current status and historic trends in those valued components

Scoping	Profile Baseline Conditions	Impact Prediction	Evaluate Significance	Identify Mitigation	Impose Mitigation & Follow-up

| Scoping | → | Profile Baseline Conditions | → | Impact Prediction | → | Evaluate Significance | → | Identify Mitigation | → | Impose Mitigation & Follow-up |
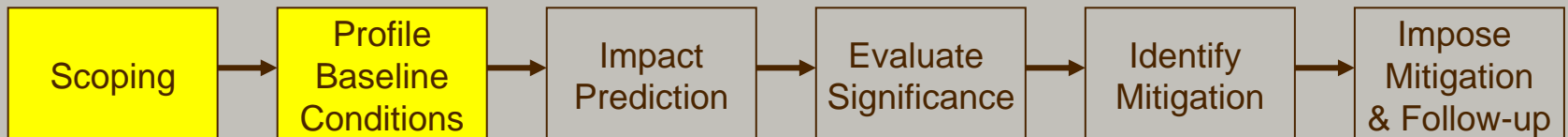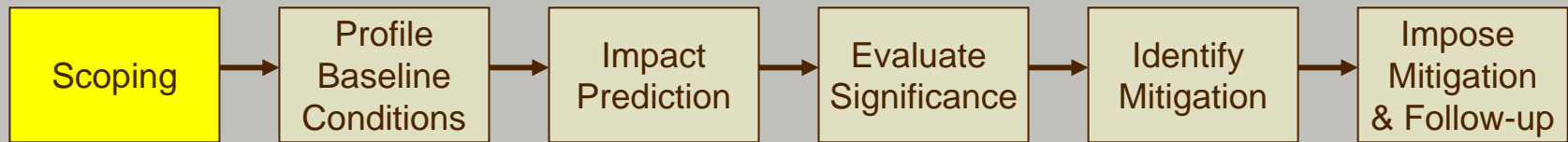
At the end of scoping, you should have:

1. Determined factors to be considered, inside and outside the project
   - Scope of development (including alternatives)
   - Scope of assessment – temporal, geographic, potentially affected groups, cumulative effects contributors
   - Scope of issues
2. Prioritized issues
3. Identified major valued cultural components
4. Determined the appropriate level of CIA effort

CIA Hurdles during Scoping

- Inadequate early work and lack of identification of the issue early enough
- Community engagement styles and inadequate community involvement
- Inadequate scope and scale of CIA
- Physical footprint fetish – focus on "bones and stones" while ignoring "non-tangible" cultural concerns
- Short timelines

CIA Scoping is about…

- **Context** – learning about the cultural situation around the proposed site
- **Consultation** – doing it early and doing it right; go to the culture holders themselves
- **Common sense** – why concern ourselves with language retention in relation to a small exploration drilling program?
- **Case studies** – "lessons learned" from previous developments

Inputs to Cultural Impact Assessment Scoping

Accessing a variety of secondary data sources

- Traditional knowledge – verbal and written testimony
- Archaeological databases and existing ethnographies
- Land use plans, withdrawals, proposed protected areas, traditional trails maps
- Cultural Landscape assessments and applications
- Community-based assessments, goal statements, development plans

Depending on scale, some primary data collection

- Elders' and other community members' narratives
- Community meetings, focus groups, surveys, interviews*

Especially, DIALOGUE!

Early Community Engagement

- Developer's responsibility
- *SEIA Guidelines (pg. 17-19)* talks about in detail with tools and checklist
- General guidance is to focus on the word "EARLY"!
- Variety of challenges
  - E.g. community capacity and willingness
  - Ethical clearance (state and community)
  - Who to talk to and how!

The CIA Engagement Continuum
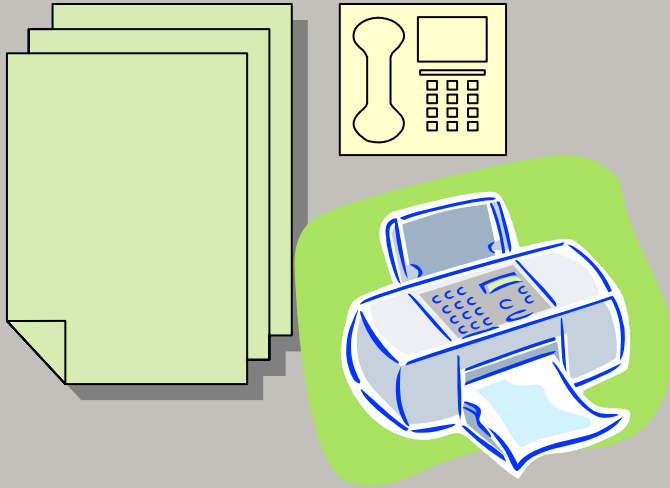
Inadequate

Better

Best?

Valued Components

- The attributes of an environment, as defined by scoping, that are determined to have intrinsic, legal, scientific, socio-cultural, economic or aesthetic value

- Environment includes the lived experience (sometimes called the human environment) and the biophysical surroundings and ecosystems

Most Common Valued Cultural Components

- Physical heritage resources
- Cultural landscapes
- Spiritual places
- Relationships to the land and animals
- Language
- Oral history
- Values
- Methods of cultural transmission
- Inter-generational relationships
- Traditional economic practices
- Traditional movements on the land

THESE ARE THE VALUES PEOPLE TEND TO MOST WANT TO PROTECT!

Potential for Cultural Impacts: Warning signs during scoping

1. Proximity to aboriginal traditional lands/travel routes
2. Proximity to proposed protected areas
3. Known or expected cultural heritage resources in area
4. Proximity to spiritual sites
5. Variety of different aboriginal groups using the area
6. Wildlife intensity (esp. key VCs)
7. Harvesting intensity and other uses of lands
8. Unique/rare landscape forms
9. Import of location(s) in aboriginal oral histories
10. Presence of other potential cumulative effects contributors
11. Level of pre-existing and new public concern
12. Sensitivity of potentially-affected communities to change

Your exploration project might go to EA if…

- It is located in a culturally sensitive area
- It is located in an area of high habitat value for key wildlife species (esp. caribou)
- The people in the most likely affected communities have expressed concerns about projects of this type in the past
- Other EAs have been conducted on exploration projects in this vicinity (look at reasons)
- You don't use due diligence in your consultation programs
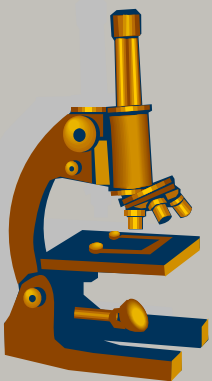
Don't Assume Physical Size= Cultural Impact Potential

UR Energy exploration program - Upper Thelon River Basin

- Initial exploration drilling
- Small physical footprint
- Short timelines
- No new access
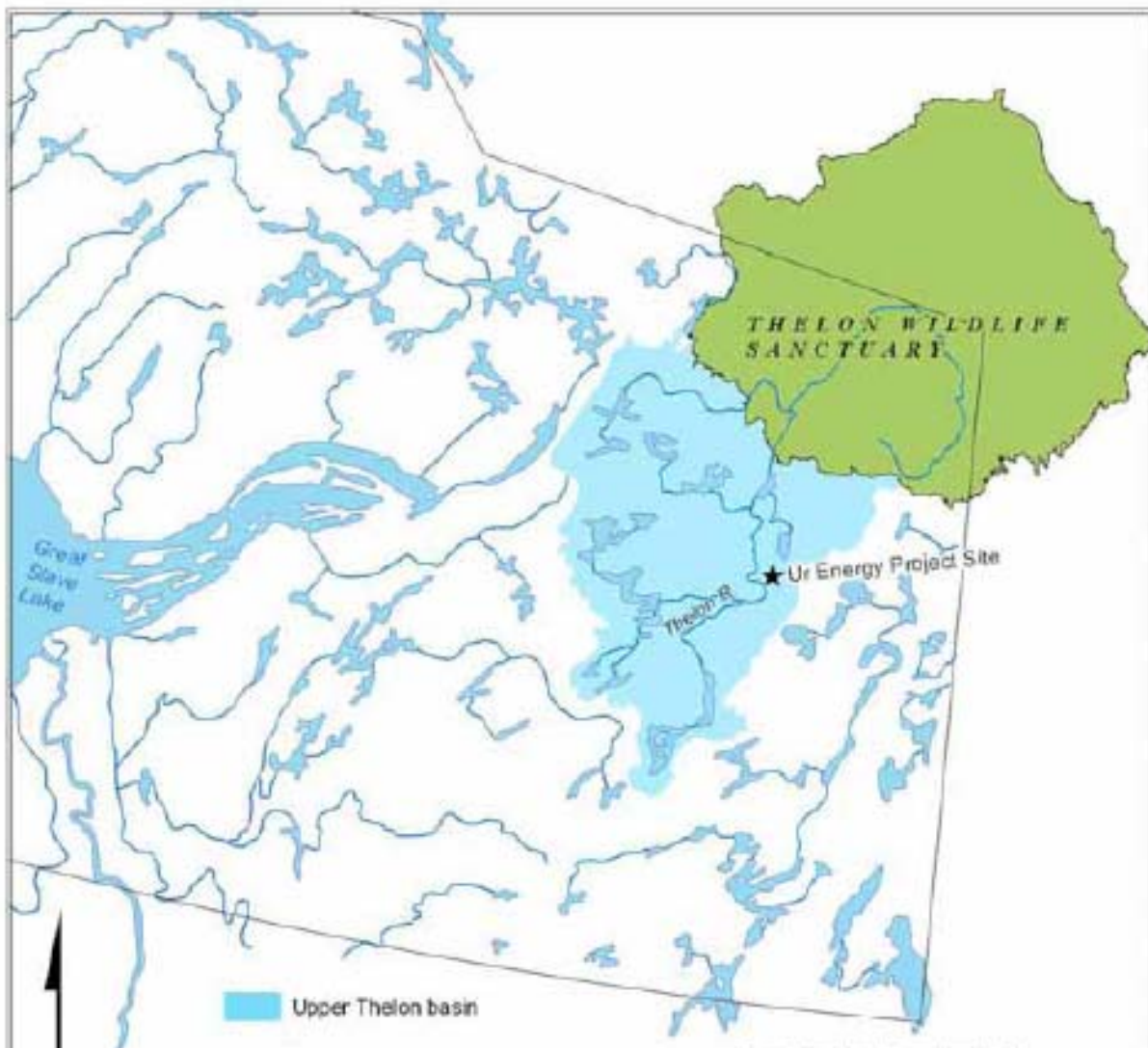
Figure 6 – 2007 Boomerang Camp

UR Energy: Initial Scoping

-focus on caribou migration routes

-focus on tourism opportunities potentially foregone
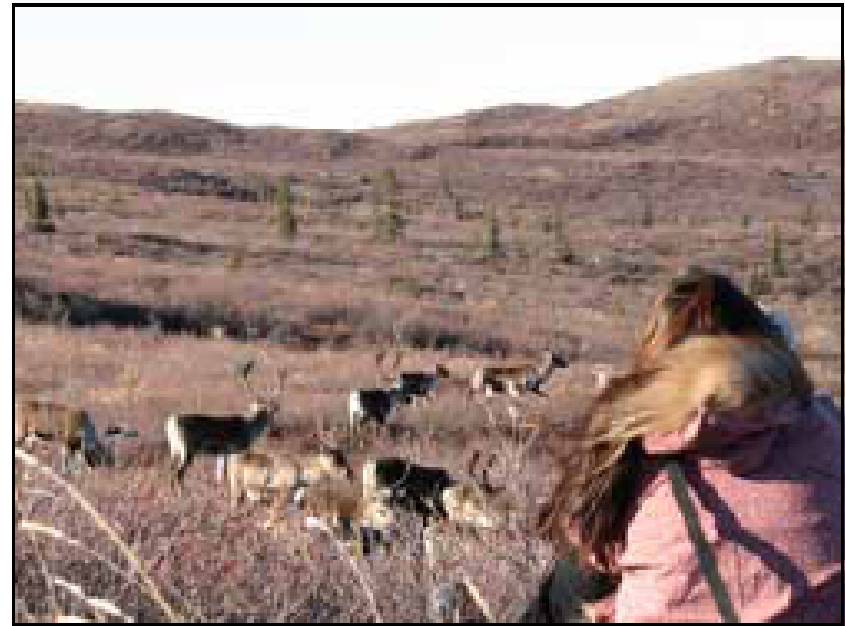
Small Project; Big CIA Issues

- Location, Location, Location
  - Habitat values (e.g., places important to caribou are important to people, for a variety of economic, social and cultural reasons)
  - Wilderness value to the non-aboriginal culture(s) added to the impact potential
  - FINALLY, IDENTIFICATION OF THE UPPER THELON AS THE PLACE "WHERE GOD BEGAN"

The "Level of CIA" Test

| Project Size | + | Project Type | + | Cultural Context |

=

Required Level of CIA Effort & Direction of Effort!

Example Triggers for More CIA

- Level of stated public concern
- Location, location, location!
  - Location near important cultural sites
  - Location near small communities
- Size of project
- Level of possible impact on society, economic structure, or culture

As level of CIA Effort required rises…

A changing level of detail and a wider scope should be attempted in the subsequent CIA:

BASIC (examples only)

- Existing data on heritage resources and heritage resources potential

MODERATE (examples only)

- Archaeological studies in the project site
- Site-specific heritage resource protection plans

COMPREHENSIVE (examples only)

- Incorporation of Traditional Knowledge studies alongside local and regional archaeological studies
- Cumulative effects assessment of all reasonably foreseeable developments on heritage resources
- Identification of a regional heritage resource protection plan

Overcoming Common Scoping Problems

- "Do Early Work" – developer's responsibility to acclimatize, not the other way around
- Involve communities from the outset
- Geographic scope not solely dependent on physical footprint (size or intensity)
- Be precautionary – if in doubt, scope it/them in
- Determine appropriate scale and scope based on a test like the "SEIA Test" in the SEIA Guidelines
- Use an "Issues Oriented Approach"; consider
  - Issues people affected want to focus on, that
  - Are in some feasible way likely to be impacted by a development

Profiling Baseline Conditions

Scoping	→	Profile Baseline Conditions	→	Impact Identification & Prediction	→	Identify Mitigation	→	Evaluate Significance	→	Impose Mitigation & Follow-up
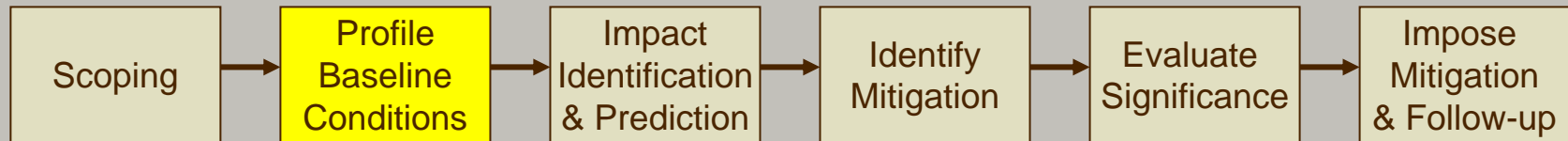
By end, should be able to accurately/appropriately:

- Identify **appropriate indicators** that can measure change in **relevant valued components**

- Describe SCENARIO A – relevant aspects of the existing social, economic and cultural environments, trends and change factors

- Identify how prepared/capable communities are for handling different types of change

GUIDELINES FOR INCORPORATING

Traditional
Knowledge

in Environmental Impact Assessment   June 2005

Mackenzie Valley
Environmental Impact Review Board

Remember!

- TUS
- TK
- Other studies

Are all INPUTS to cultural impact assessment, not CIA itself!

Assessing Baselines is about "Taking Stock"

- Communities are both VULNERABLE and RESILIENT. Strong communities limit their vulnerabilities and emphasize their resilience.

- Causes of Resilience = e.g., language, culture, relations to land, family, spirituality

- Causes of Vulnerability = e.g., rapid change, education opportunities, addictions

Accounting for the Weight of Recent History

Take a community that has survived

- New economies
- New education/language
- New models of religion and less access to land
- Forced relocations of youth
- Drug and alcohol epidemics
- Poverty, new diseases and changing diets
- Lack of political voice for decades
- Boom and bust periods

Photo courtesy of GNWT

Now, add a new mine, a pipeline, or a road. How do you assess the impacts?

Sample Inputs to Cultural Baseline Profiling

Value of multiple inputs, both quantitative and qualitative

- Statistical trends – e.g., land usage, cultural practices, language use

- Traditional knowledge/elders narratives

- Local knowledge – verbal and written testimony

- Archaeology and anthropology – use experts!

- Land use plans, withdrawals, proposed protected areas, traditional trails maps

- Cultural Landscape assessment and nominations

- Community-based assessments, goal statements, development plans – WHERE PEOPLE WANT TO BE!

Types of data (existing)

- Quantitative or statistical data on culture
- Examples include:
  - Language retention %
  - Harvesting data (economics of what is sold, or self reported)
  - Reported country or bush food consumption (proportions)
  - Numbers and types of archaeological sites in region

Concerns with quantitative data…

- Inaccurate (not counting all people)
- Misrepresents cultural realities
- Often based on settler values
- Does not reflect oral educational models
- Not counting what needs to be counted (only counting that which can be…)
- Dysfunction models of culture

Deficit models in northern Canada

- **Communities characterized into discrete variables**
- **Most indicators not about culture at all**
- **Deficit indicator models predominate**

GNWT (2005)

Suicide, disease and injury
Teen birth
Kids in care
Family violence and crime
Housing
Alcohol and drugs
Crime
Language loss and failure to use land in ways imagined

Aboriginal Peoples Survey

Characteristics	Community	NWT
% of adults who hunted in the past 12 months	41	39
% of those who hunted for food	95	96
% of adults who fished in the past 12 months	43	48
% of those who fished for food	95	88
% of adults who gathered wild plants (berries, sweet grass, etc.) in the past 12 months	41	35
% of those who gathered wild plants for food	85	89
% of adults who trapped in the past 12 months	14 E	13

Statistics Canada 2001

Community-Based Assessment

In each community...
- **Vulnerabilities** and **resilience** differ
- Goals and priorities differ

Best practice is
- having communities involved in **determining** appropriate indicators
- Independently examining each community for location-specific impacts, as well as looking at regional/territorial impacts

Tlicho Dene
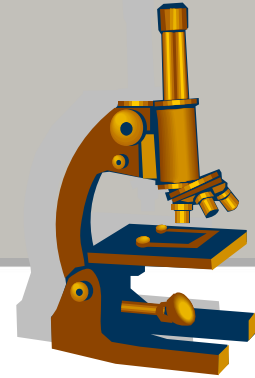
Figure 1: Living Daily as a Tlicho

Living Daily as a Tlicho

- follow little rules
- listen to stories
- have tea with one another
- share food with families
- travel slowly on land
- celebrate Tlicho activities
- speak Tlicho
- practice spirituality
- provide service to others
- observe to learn
  - set nets
  - sew
  - trapping
  - prepare a caribou
  - hunt and prepare

Gibson (2008)

Choosing methods…

- Clarify question, purposes, roles and ethics in collaboration (participatory methods)
- Choose metrics for broad brush of what is occurring
  – Statistics may reveal language retention is decreasing
- Enrich understanding of metrics with context
  – Qualitative research may enrich the understanding

METHODS

- Archaeological surveys
- Interviews and participatory methods
- Tools, site analysis
- Interpretation of use, eras, and meaning

Tangible

Archaeology, cultural heritage

Physical heritage
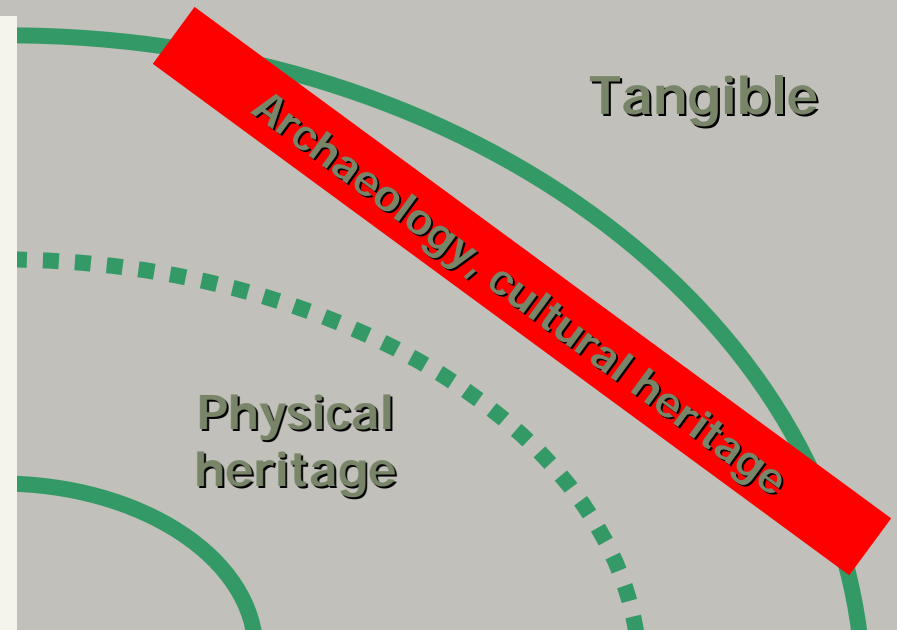
Cultural Landscapes

– Understanding the boundaries, locations, connections of sites within an area and how a site may impact upon these connected sites

Tangible

Archaeology, cultural heritage

Physical heritage

ure

Land based relationships

Ethnogeography, traditional use studies, cultural landscapes

Intangible
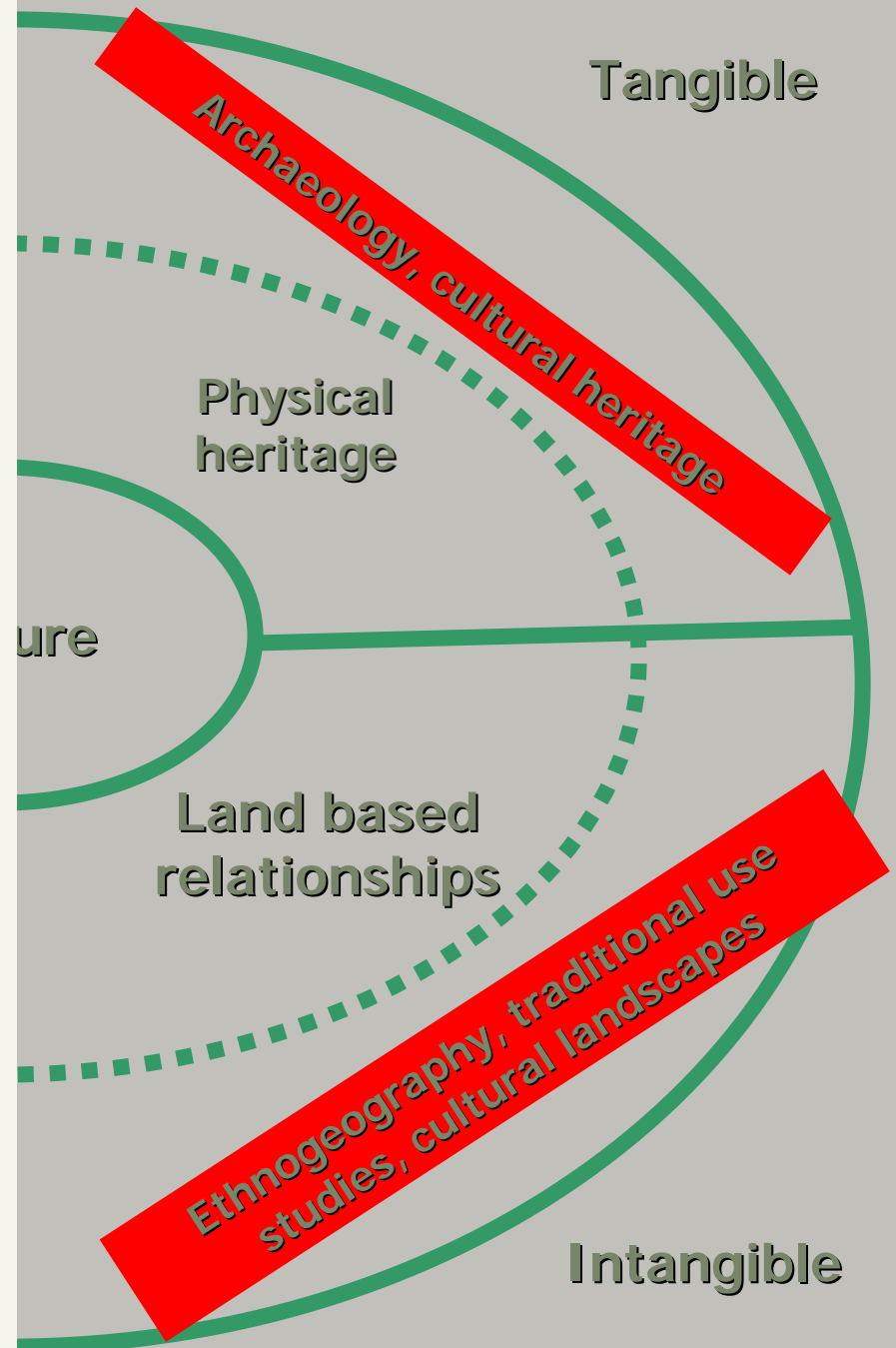
Methods

- Interviews
- Group interviews
- Field work
- Communities and researchers in teams
  - Place names, stories, oral history
- Traditional use studies

Tools

- Maps
- Consent forms
- Audio recorders
- Camera
- Computer
- (or GPS, GIS, etc.)
- Photos

Tangible

Archaeology, cultural heritage

Physical heritage

...ure

Knowledge, practices, spirit relationships

Land based relationships

Oral history, songs, dances, ceremonies, practices

Ethnogeography, traditional use, cultural landscapes

Intangible

Intangible
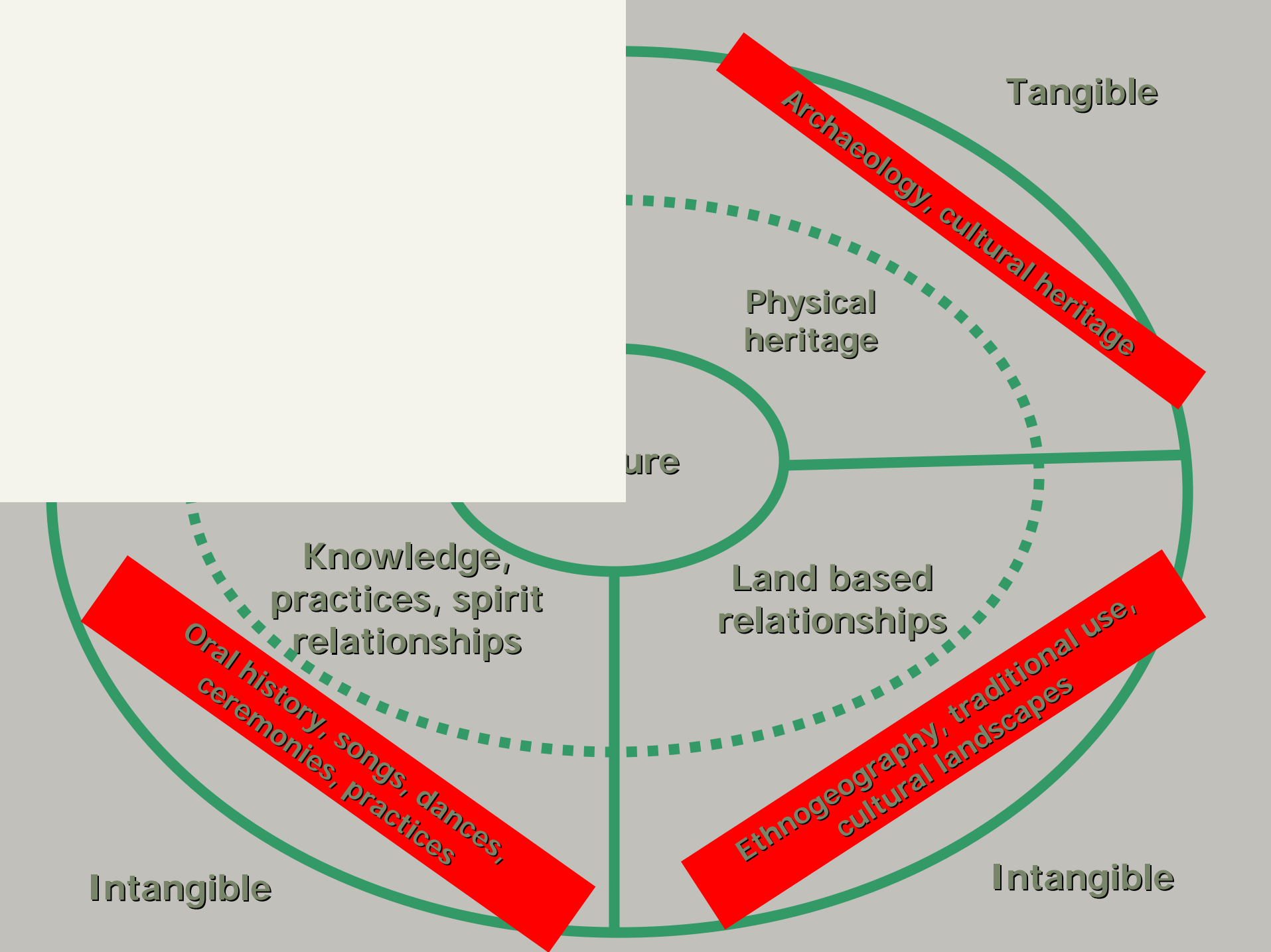
Methods

- Ethnography
  - Songs, stories, ceremonies, practices, oral history

- Traditional knowledge studies
  - Practices, use, applications

Tools

- Photos
- Consent forms
- Audio recorders
- Camera
- Computer
- (or GPS, GIS, etc.)

Elise Liske and Celine Tsetta

Intangible

Tangible

Language, kinship, cultural capital, cultural networks

Archaeology, cultural heritage

Social relationships

Physical heritage

Culture

Knowledge, practices, spirit relationships

Land based relationships

Oral history, songs, dances, ceremonies, practices

Ethnogeography, traditional use, cultural landscapes

Intangible

Intangible
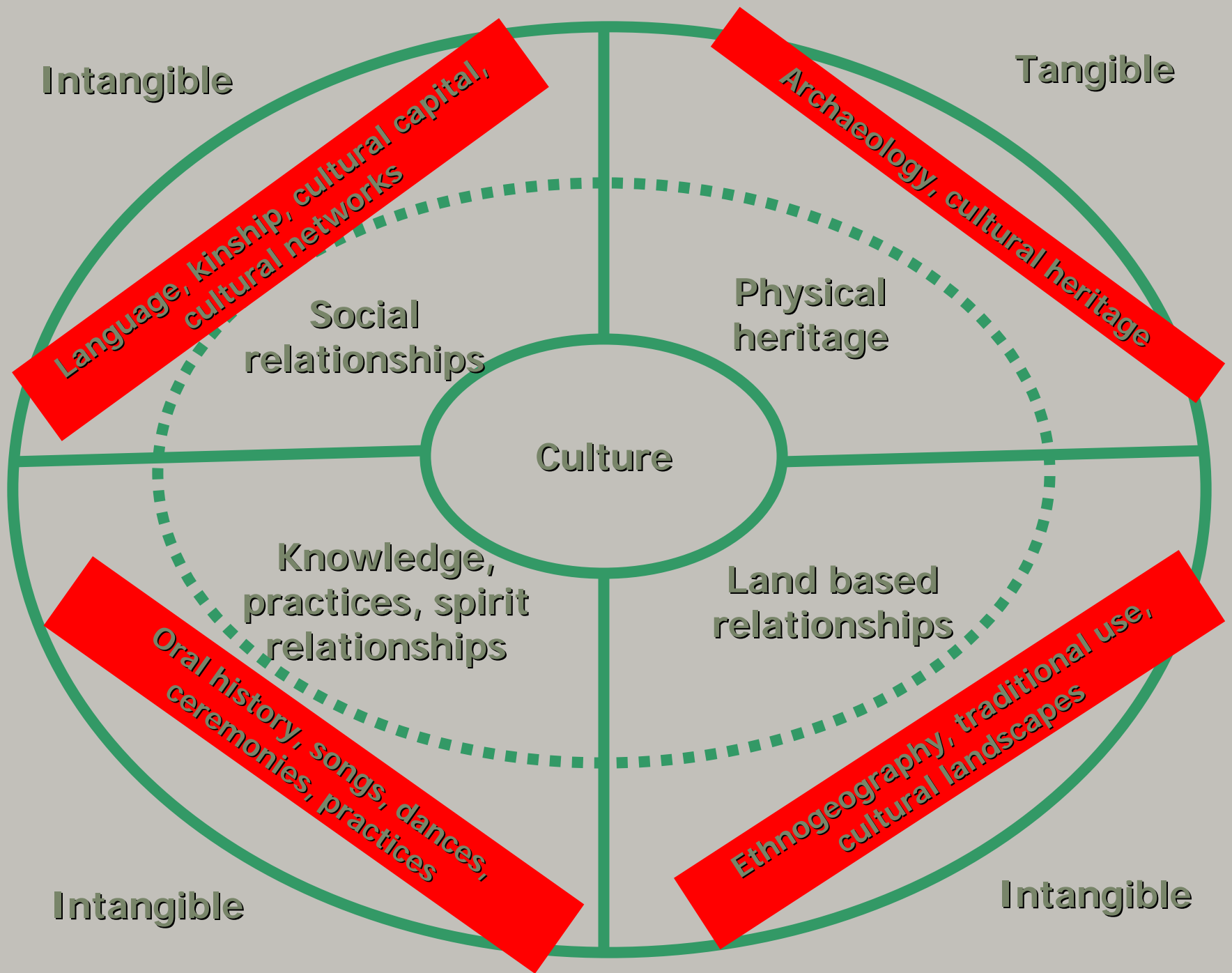
Tools

- **Ethnography**
  - Family histories, oral history, life histories, gender analysis

- **Linguistics**
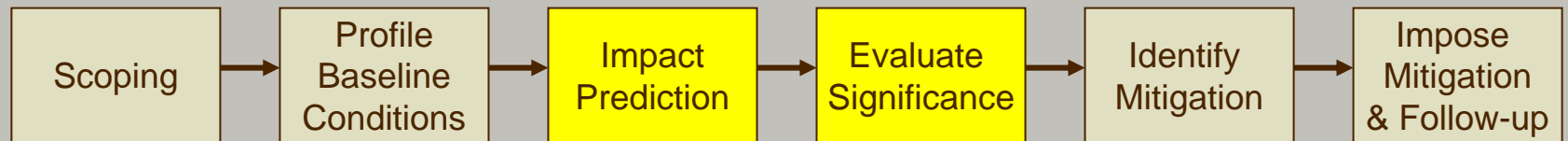 - Linguistic analysis of language and language transmission

Methods

- Family genealogy
- Photos
- Consent forms
- Audio recorders
- Camera
- Computer
- Translators

Overcoming Common Problems in Baseline Data Collection

- Focus on **relevant** valued components and **appropriate indicators**, meaning
  - Prioritized by the people
  - Potentially impacted by the development
- Separate local, regional and territorial data
- Use available secondary data before new studies
- Identify trends in key indicators and reasons behind – may need case study & qualitative research
- Make all assumptions clear
- Don't do an "available data dump" – focus on VCs!
  - Issues – oriented approach

Section 3: Predicting & Evaluating Cultural Impact Significance

| Scoping | → | Profile Baseline Conditions | → | Impact Prediction | → | Evaluate Significance | → | Identify Mitigation | → | Impose Mitigation & Follow-up |

Hurdles to effective cultural impact identification & prediction

- Focus on the tangible

- Complexity of causes and difficulty of attribution (especially with cumulative)

- Lack of predictive tools: thresholds, land use plans

- Focus on quantitative data (the "what") without delving deeply into the qualitative ("why" the "what" is happening)

Tools for Impact Prediction

Cause – Effect Matrices

– One axis is the development activities (e.g., new road access) and on the other axis are the value cultural components (e.g., protection of heritage resources). It is the assessors job to identify possible scenarios where the development component may have some impact on the VC.

– These matrices allow for examining the first-order cause - effect relationship between development activities and project effect components. Cause - effect matrices can be designed to identify the important development /environment interactions, as well as the less important interactions.

Impact Prediction Matrix Tool
(see Appendix E - SEIA Guidelines)

a matrix style exercise	DEVELOPMENT-RELATED COMPONENT			
VALUED CULTURAL COMPONENT	new access routes into traditional territory	Increasing engagement in wage economy	THINK UP YOUR OWN!	
Protection of heritage resources				
Traditional forms of cultural transmission				
THINK UP YOUR OWN!				

Other Tools for Impact Prediction

- **Map Overlays**
  - Map overlays document the proximity of sensitive features to a development, thereby assisting in the identification of key issues and potential impacts. Map overlays may also be used to present information on expected effects in order to define spatial boundaries and/or to identify potential impacts.

Other Tools for Impact Prediction

- Nominal Group Technique (also, Multiple Attribute Analysis)
  - The Nominal Group Technique is a six-step process in which individuals work independently generating ideas, review ideas together as a group, and then through a voting process determine which the best ideas are. It is useful for the identification and ranking of key issues.
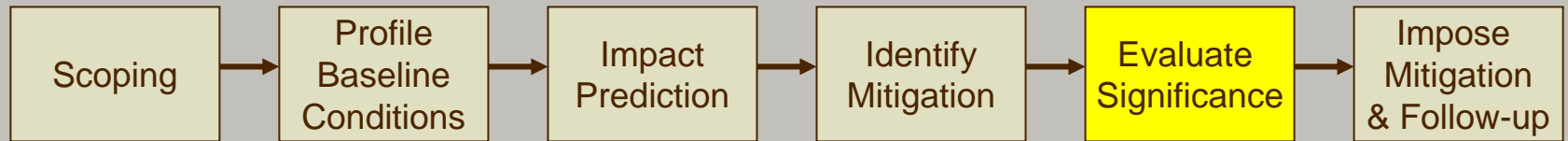
Other Tools for Impact Prediction

- **Hypothesis Workshops**
  - The purpose of the Impact Hypothesis Workshop is to identify the development activities, the Valued Components affected by the development activities, and the linkages that cause the development activities to impact on the Valued Components to create an impact hypothesis. Facilitators guide the discussion and organize the identified impacts and issues into a conceptual model.

Thresholds of Manageable Change

- Communities can set visions, indicator status goals (e.g., 80% speaking aboriginal language at home)

- Cumulative effects monitoring programs are meant to identify such thresholds at a cumulative, regional level

- Land use plans tell us what level of development is acceptable geographically
  - *E.g., Deh Cho Cumulative Effects Indicators, Thresholds and Limits of Acceptable Change*

Evaluating Significance

Scoping	→	Profile Baseline Conditions	→	Impact Prediction	→	Identify Mitigation	→	Evaluate Significance	→	Impose Mitigation & Follow-up

Consider impact
- Nature
- Magnitude
- Trade offs
- Manageability
- Duration
- Attribution
- Geographic distribution
- Likelihood
- Impact Equity
- Public Concern
- Cumulative impact loading

CIA significance determination

- Net Gains or other measures of sustainability assessment currently not often among factors used in significance determinations

- *SEIA Guidelines* do list additional considerations:
  - Sensitivity to change: e.g., ability of a group to manage change and absorb shock
  - Comparison to thresholds of manageable change/absorption capacity
  - Cumulative considerations (i.e., does this development push a pre-existing impact "across the line"?)
  - Trade offs between beneficial and adverse impacts – are they tolerable? Is there "capital transformation"?
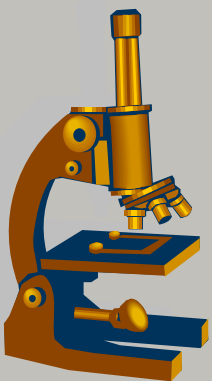
Case Study: Kemess North

Mine proposal in northern British Columbia, Canada

- Joint Review Panel review under CEAA and BC Environment
- Recommended rejection; government accepted the decision in March 2008
- Used five sustainability assessment perspectives as a decision framework – found that benefits do not outweigh costs

Kemess North Copper-Gold Mine Project

Joint Review Panel Report

September 17, 2007
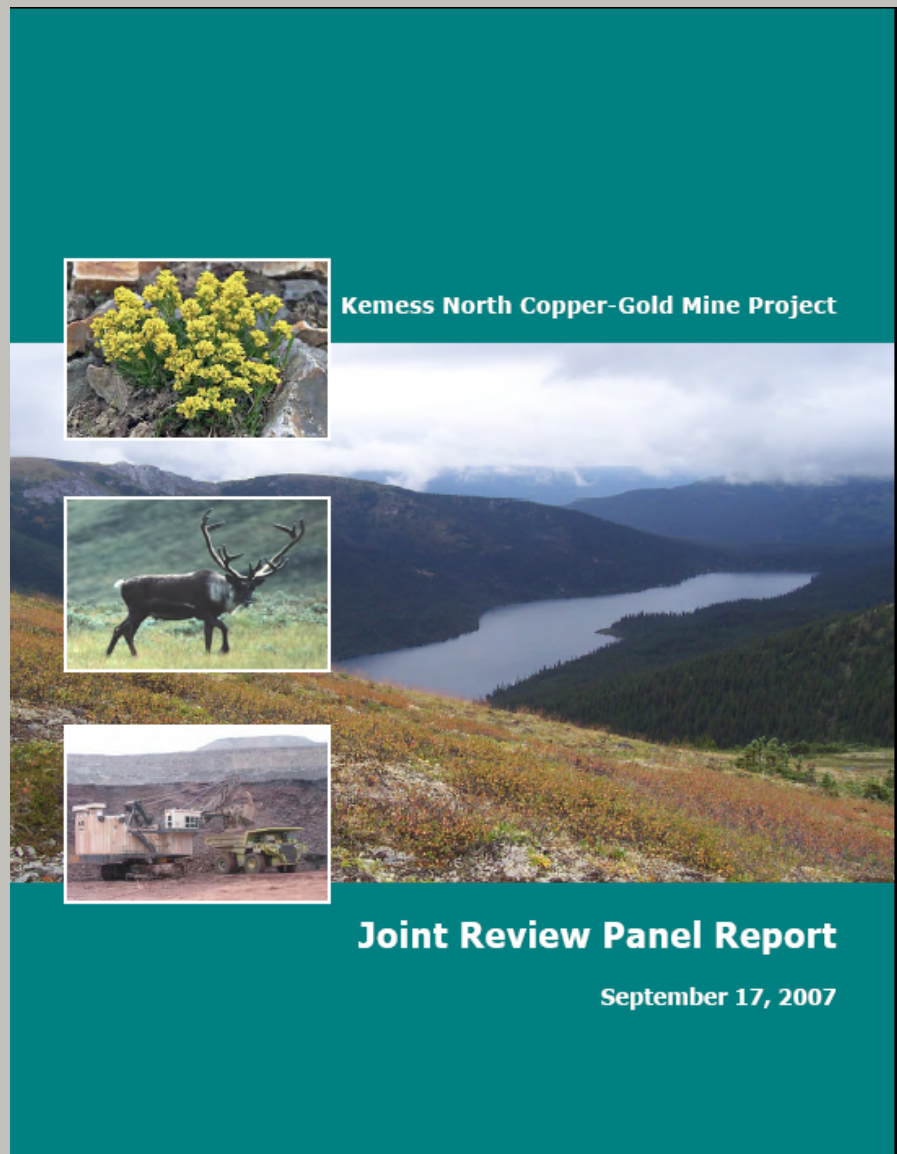
Kemess North Panel:
Five Sustainability Perspectives

1. Environmental Stewardship
2. Economic Benefits and Costs
3. **Social and Cultural Benefits and Costs**
4. **Fairness in the Distribution of Benefits and Costs**
5. **Present versus Future Generations**

Sustainability Assessment: Lessons from Kemess North?

- Consider futures foregone
- Cultural impact is but one element of an overall decision
- Cultural values cannot be ignored
- Incorporate "public" values, but with a "proximity priority"
- Uncertainty invites precaution
- Set impact assessment timelines as long as necessary; long-term credibility of management system key
- Impact equity ("winners" and "losers") assessment key
- Developer's responsibility to show net gains, not other parties' proving significant adverse impact

Significance Deliberation Tool: Seven Questions to Sustainability

The Seven Questions at a Glance

Assessing for Sustainability

MMSD North America (2002)

Projects can be considered sustainable if...

- Engagement processes work

- People's well-being is maintained

- Environmental integrity ensured over time

- Project is economically viable, local economy and beyond will benefit

- Traditional and non-market activities are protected

- Monitoring is in place to ensure prediction accuracy, and to adaptively manage unexpected outcomes.

- Overall assessment estimates net gains

Key Issue: Subjectivity

- Hard to predict how people will react sometimes

- Evidence in CIA can often be oral and "anecdotal": is one person's views enough?

- In the end, all determinations of significance are subjective and value based

- Key words – proactive, preventative, precautionary
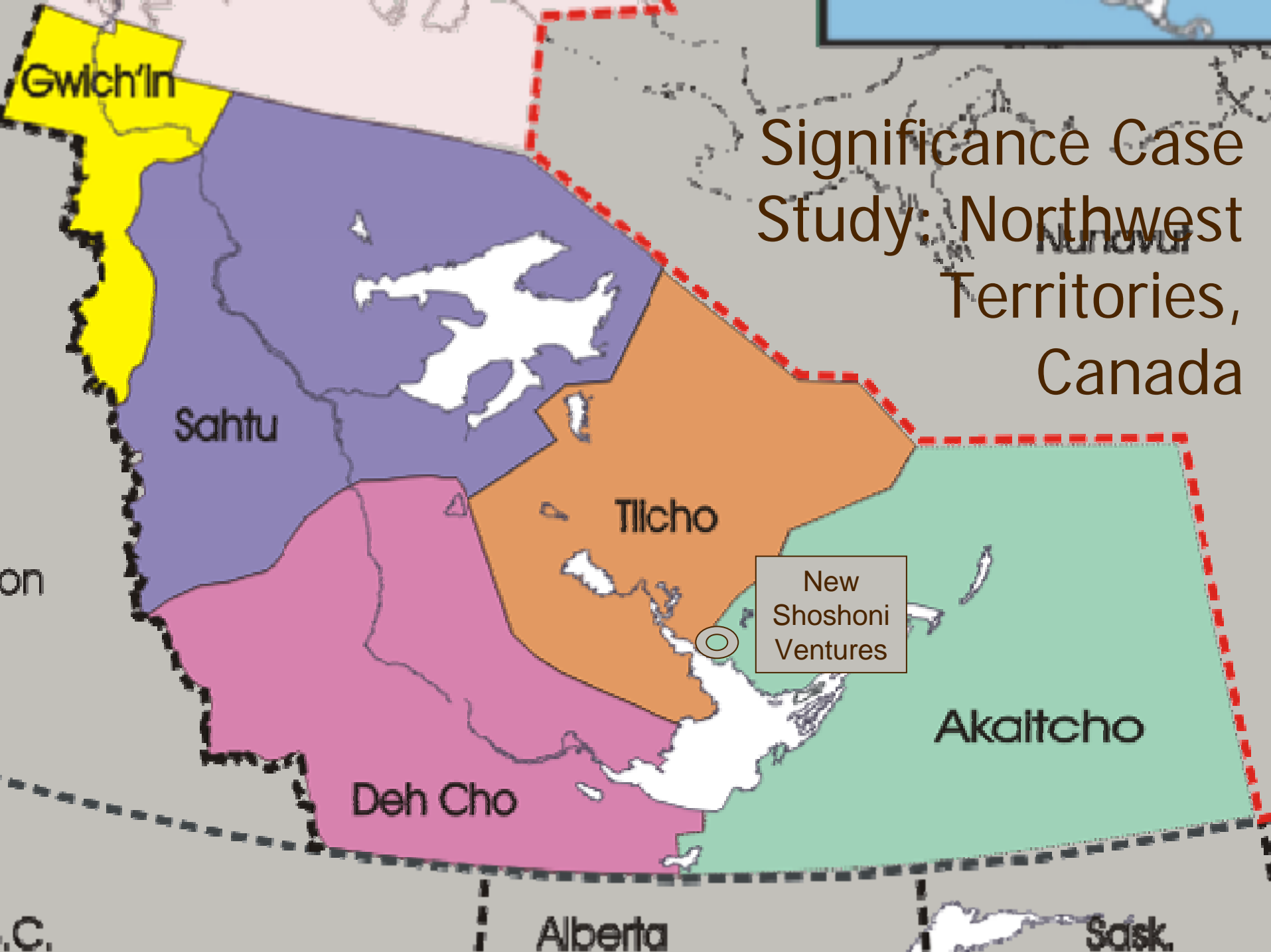
Significance Case Study: Northwest Territories, Canada
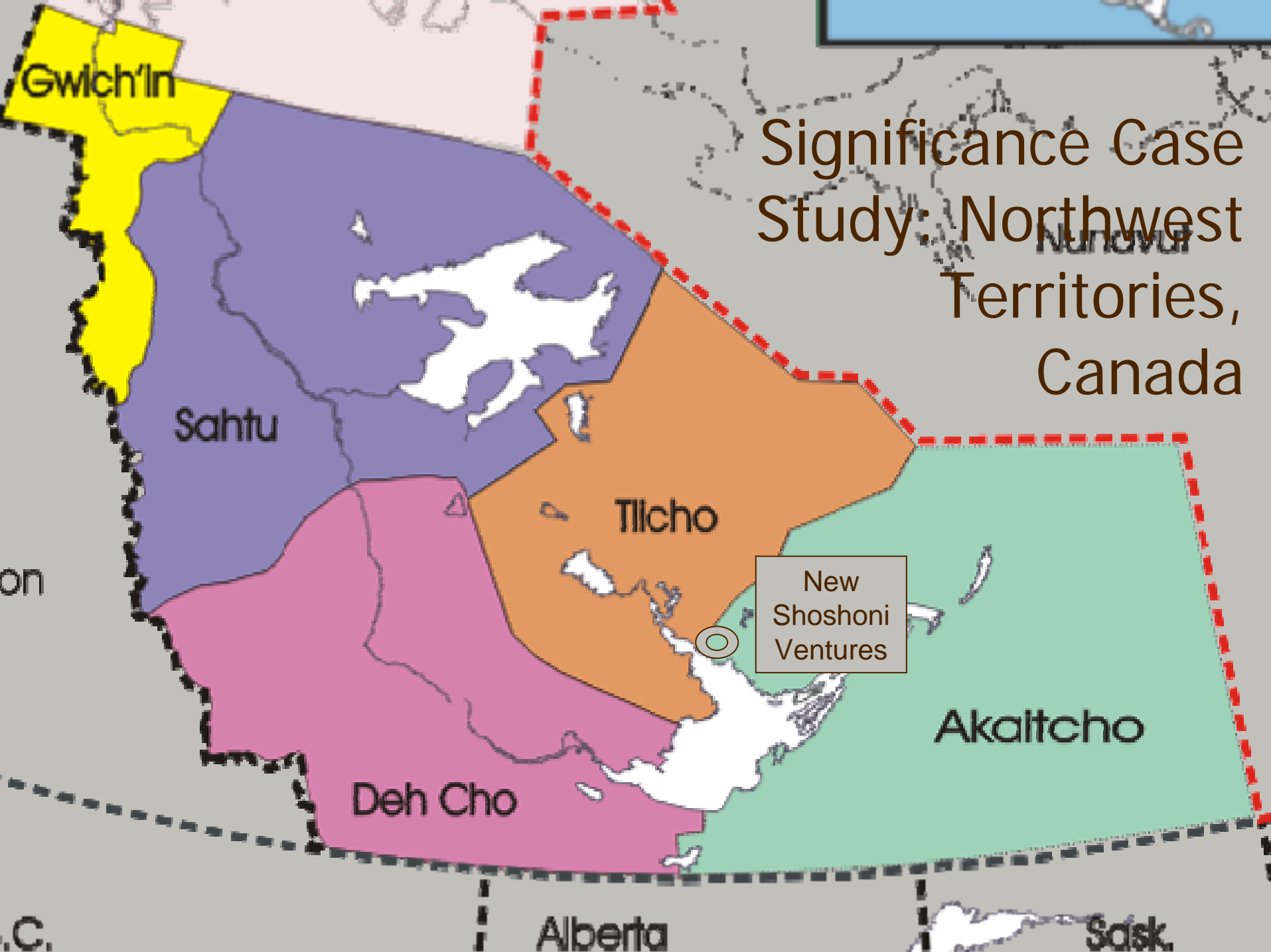
Just a Small Drilling Program?

- 2-5 hole diamond drilling program; initial deposit delineation
- Two aboriginal communities within 20km
- Area used by harvesters; activity unlikely to be impacted
- 10-15 workers required seasonally for three years
- No significant adverse impacts?

Cultural Significance

- Significance is defined by values – what we "think" is important

- Review Board weighs the thoughts of the people who frequent an area very heavily

- The only time Review Board has ever recommended rejection was on the basis of cultural significance

- Cultural landscapes can lose value even if they are not heavily "impacted" in a physical sense

Elements of Cultural Impact Significance

- Level and breadth of public concern
- Multiplicity of uses of an area
- Number of groups using (or valuing) an area
- Evidence of use on the ground (current and historic)
- Presence and importance (centrality) in stories, place names
- Sensitivity to change (physical and emotive)
- Singularity (is it one of many similar important places, or "the one", "the refuge")
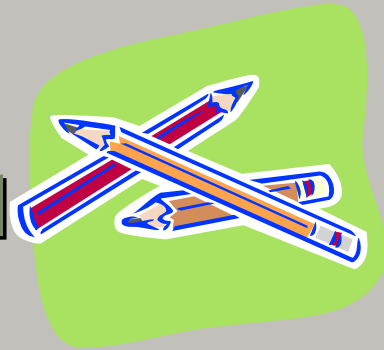
Exercise:
Defining Significance
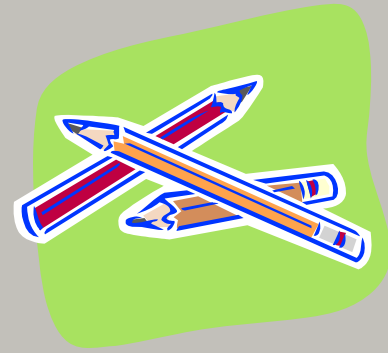
For each prediction, you tell us...

1. Whether the impact is significant

2. Why it is significant

3. What additional information you would need to bolster your confidence in your significance determination

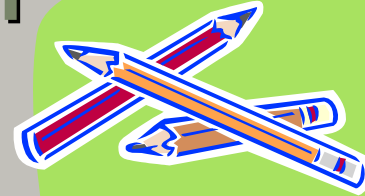# 1) High **probability of an average** 30% drop **in time spent on the land** **for the next** 5 years

- **Not significant** if of short duration and if it is reversible afterwards (info lacking)
- **Significant** if community relies heavily on country food and if there is no replacement nutrition (e.g., if the drop in time spent on the land is due to ecological degradation), and if there are likely structural impacts on society that cannot be reversed easily afterwards
- More significant if people spend time on the land as an economic as well as cultural activity – dual purpose activities higher valued
- Need to know which demographic is spending less time on the land and why, and their role in cultural transmission (maybe only men aged 30-50 are spending less time on the land and elders are still able to pass on knowledge to youth)

2) High probability of destruction of 1% of known aboriginal grave sites in project area, required for development to proceed, irreversible FINDINGS

- **Significance in this case will run the gamut from highly significant (no go – abhorrent to disturb graves) to medium significance (take care and have respect in moving bodies) based on the cultural context**

- **Additional info required:**
  - What is the meaning of death and burial for affected culture group?
  - Whose bodies are they? Linked to current culture?
  - Anecdotal support for prediction of probability of destruction (e.g., oral or archaeological evidence)

- **Mitigation options include**
  - A cultural heritage management plan
  - A full archaeological survey in the area prior to development

3) 20% chance of decreased aboriginal language use in the region, might be reduced by cultural language retention programs
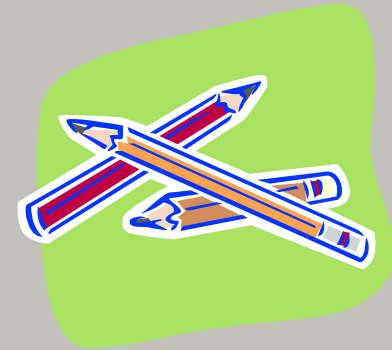
- Moderate significance because of importance of the VC, but may be highly significant locally in small remote, high % aboriginal communities, need to protect most vulnerable pop'ns
- Import of VC key because of multiple uses:
  - Language key to identity
  - Language key to cultural and historical transmission
  - Language key familial and inter-generational tie
- Cumulative concerns led calls for further info:
  - Current health of language (is it already failing?)
  - Number of proposed developments; tipping point?
  - WHY are they losing their language retention/ what other factors in play than the proposed development?
  - What are the proposed language retention programs?
  - Is language retention a priority for this community (ask each!)?
- Interestingly, this group identified BENEFITS too: bilingualism, access to educ'n, better communication skills with settler society

Section 4: Identifying & Implementing Responses to Cultural Impacts

Scoping	→	Profile Baseline Conditions	→	Impact Prediction	→	Evaluate Significance	→	Identify Mitigation	→	Impose Mitigation & Follow-up
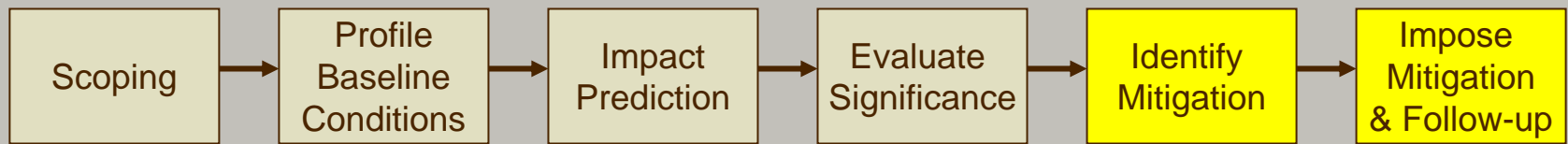
By the end, should have

• A list of commitments, contractual agreements, and other mitigation defined

• A spectrum of responses to potential impacts, in an adaptive management system

Mitigation Needs to Focus on Triggers and Pathways

- Mitigation should focus on altering triggers (development components) and/or enhancing vulnerable valued components so that it has the resilience to handle expected change
  - Eliminating road access from site to country
  - Increasing investment into cultural maintenance programs in remote communities
- Effective mitigation priority is elimination, minimization is a control strategy, & compensation a last resort

Mitigation Acceptability Flow Chart

Identified Impact

Starting on the left in order of priority, ask whether currently proposed mitigation will _____ the impact.

Avoid/ Eliminate → No → Reduce/ Minimize → No → Replace/ Compensate → No, inadequate

Yes, adequate

Yes

Yes

Pass Net Gains Test → No, inadequate

Yes, adequate
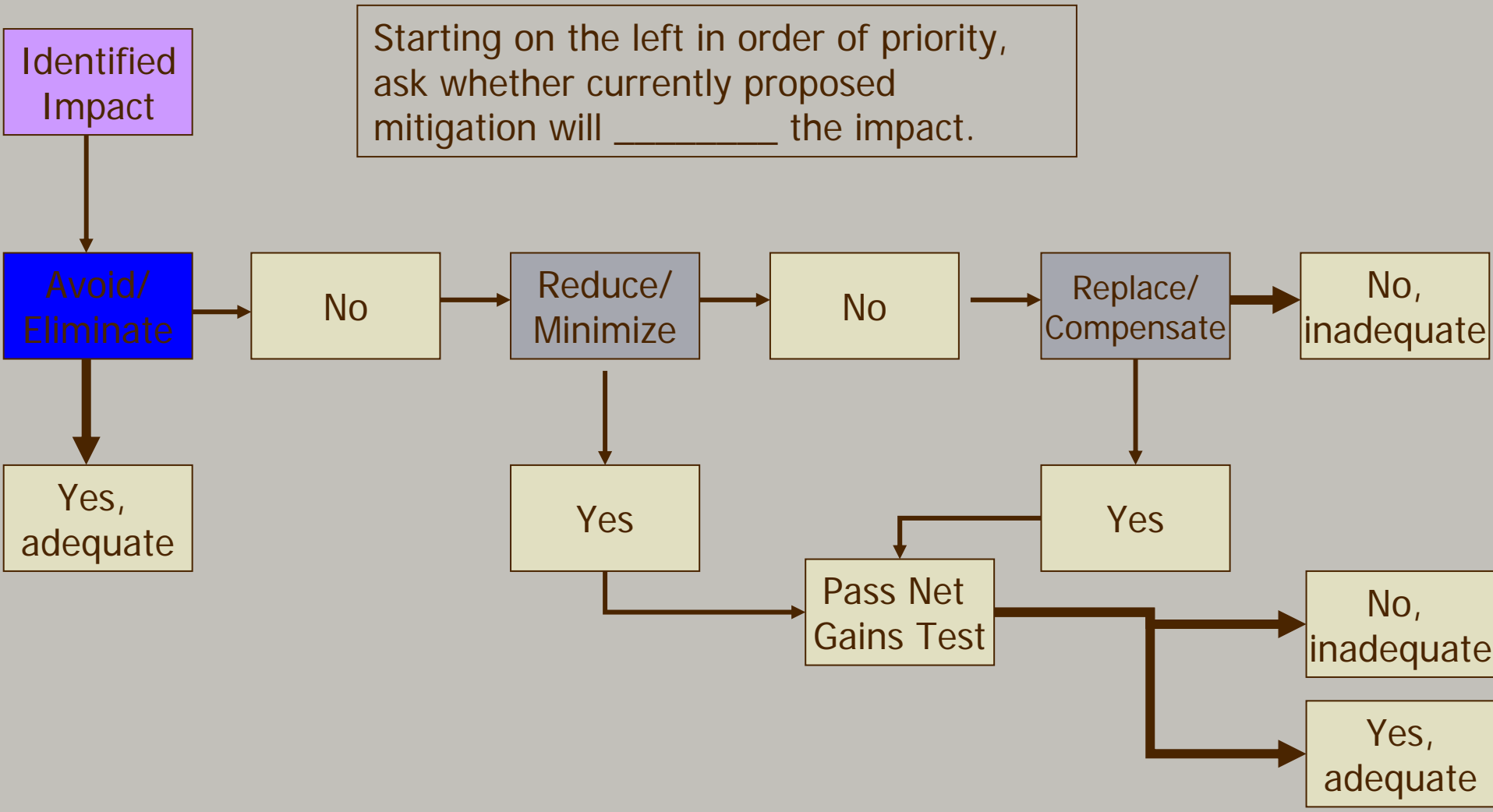
Cultural Mitigation from EIA Process

- Generally "land-focused"
- Examples:
  - Commitments to cultural heritage protection measures with involvement of locals
  - Pre-development local or regional archaeological/TK/TUS studies
  - Site-specific "no go" zones
- Culture still land based and GO vs. NO-GO in emphasis
- The missing ingredient is often IMAGINATION

Archaeological sites and landscapes

Photo courtesy of Diavik Diamond Mines Incorporated (2001)

Mitigation may require:

- **Informed guidance of communities**
- **Developing measures in accordance with relevant national guides or international standards**
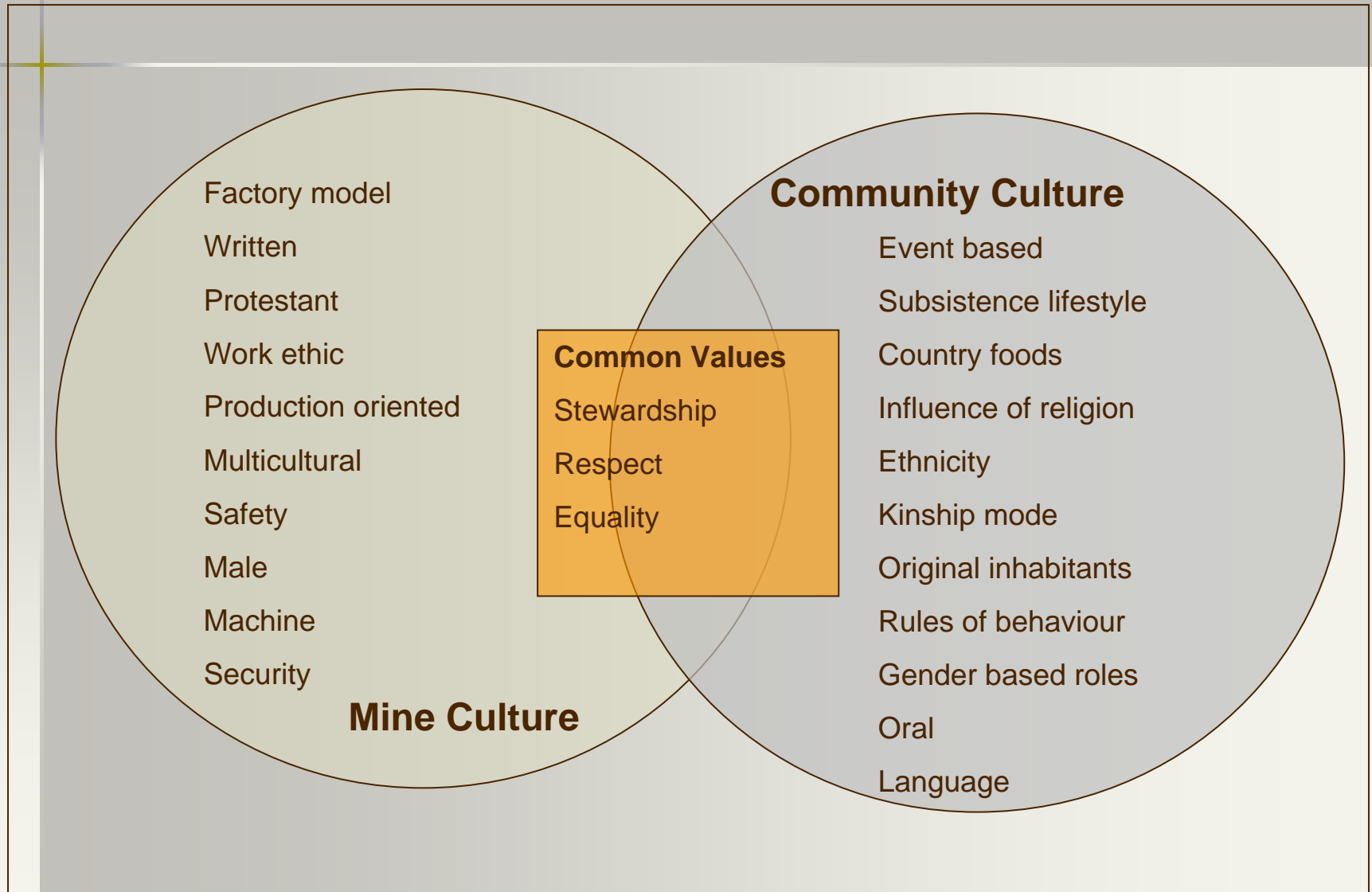
Mine sites

Mitigation types include:
- Agreements
- Policies
- Rotation schedules
- Food
- Programs
  - Counseling
  - Money management
  - Cross-cultural training
- Facilities
- Recreation
- Naming

Competing Cultural Values at Worksite?

Mine Culture

Factory model

Written

Protestant

Work ethic

Production oriented

Multicultural

Safety

Male

Machine

Security

Community Culture

Event based

Subsistence lifestyle

Country foods

Influence of religion

Ethnicity

Kinship mode

Original inhabitants

Rules of behaviour

Gender based roles

Oral

Language

Common Values

Stewardship

Respect

Equality

Levels of workplace cultural accommodation

1. No acknowledgement of mine as cultural site
2. Minor adjustments in food, inclusion of cross-cultural program
3. Support worker with programs, engage community in project planning (TK)
4. Major site shifts of programs, policies, facilities, food, naming, recreation, and extension of services to families
5. Community and mine based engagement on all elements with capacity building and culture enhancing activities as key focus

"Ask not how the development can change the culture, but how culture can change the development"!

Potential benefits of negotiated agreements

- If legally binding, can make mitigative and positive measures 'stick'.

- Can last for the whole of project life, and so provide basis for ongoing response;

- Can provide an ongoing flow of resources to support initiatives;

- Can include provision for review and so adapt to changing circumstances;

- As negotiation can include anything agreed by the parties, can focus on 'culture in general' rather than just 'cultural heritage', e.g. Argyle men's and women's 'culture business' funds.

- Basis for developing ongoing relationships with proponent/regulators.

Criteria for Evaluating Cultural Heritage Provisions of Agreements

'Levels of Protection'

1 Sites or areas of significance may be damaged or destroyed with no reference to Aboriginal people.

2 Sites or areas of significance may be damaged or destroyed, only mitigation possible.

3 Damage must be 'minimised', consistent with commercial requirements

4 Damage must be avoided, except where incompatible with project proceeding.

5 Unqualified requirement to avoid damage.

Criteria for Evaluating Cultural Heritage Provisions of Agreements

'Means to Ensure Protection'

1. Aboriginal control of site clearance and heritage management processes
2. Financial and other resources
3. Explicit protection of Aboriginal cultural knowledge
4. Measures to enhance an Aboriginal community's internal capacity
5. 'Stop work' provisions.
6. Measures to reinforce *system* of cultural heritage protection
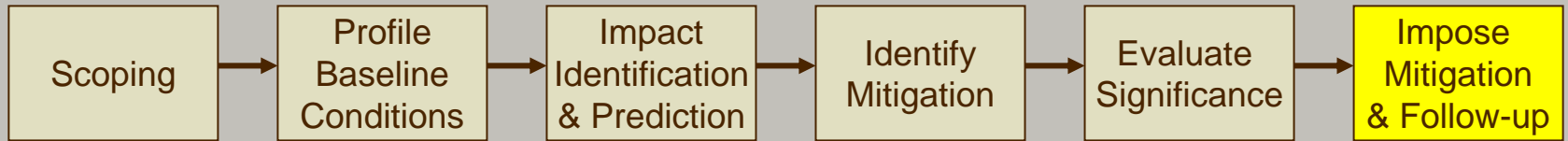
Effective Mitigation Tools

You identified:

- Changing processes within corporations (e.g., embracing CSR or the "Good Neighbour" mentality)
- Developing community-based monitoring bodies
- Engage NGO's in participatory watchdog capacities
- Build resilience from within through community development activities and programming partnerships
- Transparency: Inter-community sharing of EIA/CIA/IBA data; no hoarding of "lessons learned" from other experiences

Overcoming Common Problems in Mitigation

- More severe the impact, greater mitigation priority
- Focus on mitigating adverse impacts before enhancing benefits
- Prioritize eliminating causal factors or pathways of impacts (change development component or bolster people's capacity to manage)
- Include follow up and monitoring requirements in mitigation
- Key question is not "why mitigate?", but "why not?"
- Address uncertainty with scenarios – a spectrum of mitigation responses
- Greater effort at proactive mitigation earlier in process – avoiding the "Mitigation Chicken" game

Follow-up and Monitoring

Scoping	→	Profile Baseline Conditions	→	Impact Identification & Prediction	→	Identify Mitigation	→	Evaluate Significance	→	Impose Mitigation & Follow-up

Good follow-up and monitoring requires:

- Public reporting and involvement

- Thresholds of manageable change

- Adaptive management

- Adequate funding and mandate

Implementation – Making things happen

Agreements must provide:

- Resources for implementation – money and people with required skills.

- Clear and precise goals.

- Clear commitments about who will be responsible for doing what, and when they will do it.

- Penalties and incentives to make sure that commitments will continue to be fulfilled over the long term.

O'Faircheallaigh, C. (2003) Implementing Agreements between Indigenous People and Resource Developers in Australia and Canada, Aboriginal Politics and Public Sector Management Research Paper No 12, Griffith University, Brisbane, 2003.
http://www.griffith.edu.au/business/griffith-business-school/pdf/research-paper-2003-implementing-agreements.pdf

Implementation – Making things happen

Agreements must provide:

- Information gathering and monitoring to check on progress towards goals.

- Structures such as sub-committees to look after major issues. Must include senior people with authority in area.

- Provisions for regular review and amendment of agreement to fix any problems and modify goals.

O'Faircheallaigh (2003) cont.

Section 5: What have we learned?

"I JUST DON'T KNOW HOW YOU UNRAVEL THE COMPLEXITY"

– Jim Martin, Tlicho Community Services Agency

WHERE DO YOU START TO UNRAVEL THE COMPLEXITY OF CULTURAL IMPACTS?

Start Here:

- Use an "Issues oriented approach"
- Scale of development is not a trump card; there is no **site** without a **situation**
- People matter; people on the ground matter most
- Want cultural information? Go to the source EARLY
- Gather multiple qual. and quant. evidence sources
- Consider multiple scenarios of change
- Significance is culturally defined; embrace this fact
- Focus on mitigating triggers and pathways!
- Look for proactive, precautionary mitigation within an adaptive management system; get past "Go vs. No-Go" perception

Community Tools

- Local and Regional Development Plans
- Land Use Planning
- Traditional **and local** Knowledge
- Consultation Protocols
- Community-driven CIA Research and Appropriate Indicators (e.g., Lutsel K'e)
- Dialogue with other communities previously affected by similar development or analysis of case studies
- Risk communication

Things that can determine the quality of a CIA

- Corporate buy in... early!
- Nature of EIA governance system
- Community capacity and willingness to engage
- Level of self-determination among aboriginal groups
- Expertise of consultants
- Availability and use of case studies
- Relations between groups
- Who is empowered to conduct the CIA
- Legal provisions/"hammers"

Raising the Bar for CIA

- Increasing role for communities, service providers, gov't
- Linkage of development components to potential impacts
- Better use of "Lessons Learned", case studies
- Better mixture of available qualitative and quantitative tools
- Use of **relevant** Valued Components and linked **appropriate** indicators
- Use of qualified experts working **with** communities

12 Principles of Good CIA

1. Match scale and focus of CIA to development and cultural context
2. Make eliminating/minimizing adverse impacts the priority
3. Use precautionary principle
4. Use "issues oriented approach"
5. Engage potentially affected groups
6. Look forward, but use past insights

12 Principles of Good CIA (cont.)

7. Evaluate "who wins and loses" – impact equity
8. Use social scientists & rigorous methods
9. Mine secondary data before undertaking primary research
10. Use appropriate measuring sticks
11. Balance what the data shows with what people tell you
12. Build follow-up and monitoring into mitigation

"The real voyage of discovery lies not in finding new landscapes, but in having new eyes".

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