

RESOURCE CO-MANAGEMENT WORKSHOP



January 25-26, 2017

Chief Lamalice Complex, Kátł'odeeche First Nation Reserve

BACKGROUND

The Resource Co-management Workshop is hosted by the Mackenzie Valley Review Board, the Mackenzie Valley Land and Water Board, and the Government of the Northwest Territories. The goals, delivery methods and regional setting for this workshop were based on feedback from participants of the MVRMA Workshop held January 12-13, 2016 in Yellowknife. Survey results along with further collaboration with Aboriginal governments and organizations helped develop the content.

WORKSHOP GOALS

This will be a plain language workshop for resource management practitioners with an emphasis on how to participate meaningfully in resource co-management processes. The content will be tailored to the needs of practitioners in the NWT. The goal is to inform participants about the processes, share knowledge, ideas and experiences, and present an opportunity for back-and-forth dialogue.

OPTIONAL PRE-WORKSHOP EVENT

Tuesday, January 24, 2017 Location: Ptarmigan Inn Lobby & Keys Restaurant	
Registration and Networking (optional event) <ul style="list-style-type: none">An opportunity to pick up your registration package and meet other workshop participants.	6:00-8:00pm

AGENDA ATTACHED

RESOURCE CO-MANAGEMENT WORKSHOP

Mackenzie Valley
Review Board



Draft Agenda – Day 1

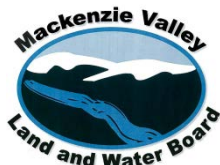
Wednesday, January 25, 2017	
Location: Chief Lamalice Complex, Kátł'odeeche First Nation Reserve	
ARRIVAL TIME and Registration (coffee and snacks provided)	8:30-8:45am
Opening drum prayer Welcome by Chief Roy Fabian, Kátł'odeeche First Nation	8:45-9:00am
Opening Comments <ul style="list-style-type: none"> Goals of the day and agenda 	9:00-9:30am
Keynote Speaker – Florence Catholique, Łutsel K'e Dene First Nations	9:30-10:00am
Health Break	10:00-10:15am
<u>Resource Co-Management System</u> An overview of how the pieces of the resource co-management system in the Mackenzie Valley fit together: <ul style="list-style-type: none"> Land use planning Preliminary screening and environmental assessment Land use permits and Water Licences Managing wildlife and other renewable resources Compliance, inspection, and enforcement Cumulative Impact Monitoring Program 	10:15-11:00am
<u>Panel Discussion:</u> How do we stack up? A Comparison of Resource Management Systems <ul style="list-style-type: none"> A panel discussion on how the resource co-management system in the Mackenzie Valley compares to systems elsewhere in the country. Participants will also have an opportunity to ask questions Panel Members Include: <ol style="list-style-type: none"> Tim Heron, Northwest Territory Métis Nation Bill Ross, Past Chair, Independent Environmental Monitoring Agency Tara Arko, Nunavut Impact Review Board 	11:00-12:00pm
Lunch (provided on site)	12:00-1:00pm

<u>Breakout Sessions</u> Four 40-minute breakout sessions will run concurrently . Participants will have an opportunity to take part in 3 out of 4 sessions. Topics were determined based on feedback from outreach to workshop participants and will include: <ol style="list-style-type: none"> 1. Participating in an environmental assessment 2. Participating in a preliminary screening and regulatory process 3. Devolution: roles and responsibilities 4. Compliance, inspection, enforcement 	1. 1:00-1:40pm 2. 1:50-2:30pm 3. 2:40-3:20pm
Health Break	3:20-3:30pm
Plenary <ul style="list-style-type: none"> • Discussion & Day 1 Wrap up 	3:30-4:00pm

Wednesday, January 25, 2017 Location: Soaring Eagle Friendship Centre	
EVENING OPEN HOUSE <ul style="list-style-type: none"> • An opportunity for the public to ask questions to organizations involved in the Resource Co-Management System 	6:30-8:30pm

RESOURCE CO-MANAGEMENT WORKSHOP

Mackenzie Valley
Review Board



Draft Agenda – Day 2

Thursday, January 26, 2017 Location: Chief Lamallice Complex, Kátł'odeeche First Nation Reserve	
ARRIVAL TIME (coffee and snacks provided)	8:30-8:45am
Review of Day 1	8:45-9:00am
<p><u>Panel Discussion:</u> Incorporating Traditional Knowledge into the Review Process</p> <ul style="list-style-type: none"> A discussion of TK, how it's incorporated into the co-management review process and what can be improved Participants will have an opportunity to ask questions <p>Panel Members include:</p> <ol style="list-style-type: none"> Tim Heron, Northwest Territory Métis Nation Bill Ross, Past Chair, Independent Environmental Monitoring Agency Peter Redvers, Land Director, Kátł'odeeche First Nation Florence Catholique, Łutsel K'e Dene First Nations Joachim Bonnetrouge, Chair, Dehcho Land Use Planning Committee 	9:00-10:00am
Health Break	10:00-10:15am
<p><u>Breakout Sessions</u> Four 40-minute breakout sessions will run concurrently. Participants will have an opportunity to take part in ALL sessions listed below.</p> <p>Topics were determined based on feedback from outreach to workshop participants and will include:</p> <ol style="list-style-type: none"> Land Use Planning in Action How Traditional Knowledge is incorporated into reviews Roles and responsibilities of communities and Aboriginal governments in the system Parking Lot – this topic will be determined based on feedback from Day 1 	<p>1. 10:15-10:55</p> <p>2. 11:05-11:45</p>
Lunch (provided on site)	11:45-12:30pm

<p><u>Panel Discussion:</u></p> <p>Resource Co-Management System: Report Card</p> <ul style="list-style-type: none"> • A panel discussion on what's working and what we can do more of • Participants will also have an opportunity to ask questions <p>Panel Members include:</p> <ol style="list-style-type: none"> 1. Peter Redvers, Kátf'odeeche First Nation 2. Todd Slack, Ni Hadi Xa 3. Matthew Miller, NWT Power Corporation 4. Rosy Bjornson, Deninu Kue First Nation 	12:30-1:45
<p><u>Breakout Sessions</u> (continuation of previous session)</p> <p>Four 40-minute breakout sessions will run concurrently. Participants will have an opportunity to take part in ALL sessions listed below.</p> <p>Topics were determined based on feedback from outreach to workshop participants and will include:</p> <ol style="list-style-type: none"> 1. Land Use Planning in Action 2. How Traditional Knowledge is incorporated into reviews 3. Roles and responsibilities of communities and Aboriginal governments in the system 4. Parking Lot – this topic will be determined based on feedback from Day 1 	<p>3. 1:45-2:25</p> <p>4. 2:35-3:15</p>
Health Break	3:15-3:30pm
<p>Plenary</p> <ul style="list-style-type: none"> • Discussion & Day 2 Wrap up • Closing Remarks • Closing Prayer 	3:30-4:15pm



Wildlife

Resource Co-Management Workshop - January 25, 2017

Government of
Northwest Territories

Land and Water Board Responsibilities

- Section 26(1)(h) of the Mackenzie Valley Land Use Regulations allows land and water boards to include permit conditions related to the “protection of wildlife habitat and fish habitat”.
- Wording limits the land and water boards’ jurisdiction to habitat protection and not to protection of wildlife in general.



Environment and Natural Resources Responsibilities

- The Department on Environment and Natural Resources is responsible for the implementation and enforcement of the *Wildlife Act*.



Environment and Natural Resources Responsibilities

- A Wildlife Management and Monitoring Plan (WMMP) may be required under Section 95 of the Wildlife Act if the development is likely to:
 - a) result in a significant disturbance to big game or other prescribed wildlife;
 - b) substantially alter, damage or destroy habitat;
 - c) pose a threat of serious harm to wildlife or habitat; or
 - d) significantly contribute to cumulative impacts on a large number of big game or other prescribed wildlife, or on habitat.



Environment and Natural Resources Responsibilities – Wildlife

- ENR is required under Section 97 of the *Wildlife Act* to comment on applications for a land use permit or water licence that may affect wildlife or its habitat.





MVRMA Compliance Inspections and Enforcement

January 12th, 2016

Government of
Northwest Territories

Inspections, Compliance & Enforcement

- ❑ Mackenzie Valley Resource Management Act and the Waters Act
 - ❑ The two key instruments that allows for development to occur in most the NWT
 - ❑ Accountability in ensuring due diligence is carried out when applying for authorizations
 - ❑ Ensures community concerns and environmental challenges are heard
 - ❑ Boards to set terms and conditions



Inspections, Compliance & Enforcement

- ☐ Application and review
- ☐ Risk Assessment
- ☐ Compliance tools
 - ☐ Inspections
 - ☐ Directions/orders
 - ☐ Investigations/prosecutions



Inspections, Compliance & Enforcement

☐ Key GNWT authorities under the Act include

- ☐ Designation - S 84(1) MVRMA & 65(1) WA.
- ☐ Inspector powers - S 85(1) MVRMA & 66(1) WA
- ☐ Inspectors Orders & Directions- S 86(1)&(2) MVRMA & 67(1) WA.
- ☐ Non compliance with Order - S 86.2(1) MVRMA & 67(3) WA.



Inspections, Compliance & Enforcement

- ❑ Key DoL authorities under the Regulations include
 - ❑ Requirement to give time to comply – S 34(1)
 - ❑ Ability to order cessation – S 34(1)



Inspections, Compliance & Enforcement

- ❑ Application and Review
 - ❑ DoL and ENR review all applications submitted to the Board
 - ❑ Request information and clarification.
 - ❑ Communicate our concerns to the Board
 - ❑ Makes recommendations with respect to terms and conditions



Inspections, Compliance & Enforcement

- ❑ Application and Review
 - ❑ On more complex projects...
 - ❑ Participation in Environmental Assessment
 - ❑ Participation at hearings and public proceedings



Inspections, Compliance & Enforcement

- ❑ Risk Assessment and Inspection Frequency
 - ❑ A severity and probability rating
 - ❑ An overall numeric risk rating
 - ❑ Where the file fits with respect to the low, moderate or high risk categories
 - ❑ And a baseline inspection frequency



Inspections, Compliance & Enforcement

☐ Risk Assessment and Inspection Frequency

☐ severity

- ☐ potential impact on the environment
- ☐ potential impact on people
- ☐ potential impact on property or traditional lifestyle
- ☐ potential impact on financial or legal responsibilities



Inspections, Compliance & Enforcement

☐ Risk Assessment and Inspection Frequency

☐ Probabilities (or frequencies)

- ☐ also weighted from a low to very high potential of something occurring
- ☐ It is Jury driven as well based on their knowledge of known activities that normally occur on projects



Inspections, Compliance & Enforcement

❑ Risk Assessment and Inspection Frequency

Risk Rating

Category:	Severity:	Probability:	Overall Rating:	Risk Rating:	Inspection Frequency:
QUARRY SITE - Existing	2	4	8	Moderate	>>2 PER YEAR

Risk Rating

Category:	Severity:	Probability:	Overall Rating:	Risk Rating:	Inspection Frequency:
QUARRY SITE - New	3	4	12	High	BI-WEEKLY

Comment / Justification:

History of the proponent as well as the volume of material quarried warrants more frequent inspections.



Inspections, Compliance & Enforcement

☐ Risk Assessment and Inspection Frequency

☐ Modification of inspection frequency

- ☐ Environmental conditions
- ☐ Environmental sensitivity
- ☐ Project challenges
- ☐ Record of compliance (to date or historical)



Inspections, Compliance & Enforcement

- ❑ Compliance

- ❑ Inspections

- ❑ In person

- ❑ Inspection reports

- ❑ Unacceptable noted conditions

- ❑ Directions/orders/stop work/suspension

- ❑ Investigation and prosecution



Inspections, Compliance & Enforcement

☐ Compliance

☐ Inspections

- ☐ conducted by DoL and ENR personnel
- ☐ Primary mode of education
- ☐ Primary mode to assess project status
- ☐ Primary mode to assess environmental conditions and challenges in direct relation to the project activities
- ☐ The time and the place to provide Departmental feedback to the permittee/licencee on their performance



Inspections, Compliance & Enforcement

☐ Compliance

☐ Inspections

- ☐ Do we achieve the inspection frequencies identified in the plans? Yes
- ☐ Do we inspect 100% of the open and active files in the NWT? No
- ☐ The intent of the risk assessment model described in the previous slides, is to ensure a consistent approach is employed in identifying and prioritizing the projects that need to see the greatest frequency of inspections.



Inspections, Compliance & Enforcement

☐ Compliance

☐ Inspection Reports are the primary vehicle used by Inspectors to:

- ☐ Communicate to the licensee/permittee
- ☐ Stipulate expectations where necessary
- ☐ Communicate to issuing authorities such as the Boards
- ☐ Communicate to other regulating authorities



Inspections, Compliance & Enforcement

☐ Compliance

☐ Inspection Reports

[MV2014X0027__March19-2015_Prohibition&GBRiver.pdf](#)

[MV2005L4-0008 Bluefish Inspection 16-Jul-15_.pdf](#)



Inspections, Compliance & Enforcement

☐ Compliance

☐ Directions and Orders

- ☐ When Inspections and instruction within the reports do not achieve the desired results, our ability to issue direction and orders is often exercised.
- ☐ They are issue specific
- ☐ A separate document from an inspection report
- ☐ Have a clear timeline to comply within
- ☐ Copied to the respective Board



Inspections, Compliance & Enforcement

☐ Compliance

☐ Stop Work Orders and Suspensions

- ☐ When previous attempts to gain compliance fail, Inspectors have the ability to order the cessation of the operation, or any part of it.
- ☐ On the Inspectors satisfaction that compliance has been achieved, he or she may lift the order to allow the operation to proceed.



Inspections, Compliance & Enforcement

☐ Compliance

☐ Investigation and prosecution

- ☐ Generally the tool of last resort when other methods of gaining compliance have been exhausted but;
- ☐ The tool of choice in situations where significant negligence has occurred or;
- ☐ In situations where serious environmental impacts have occurred.



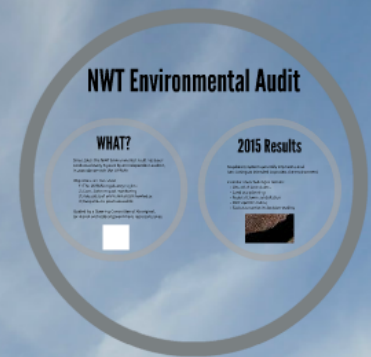
Inspections, Compliance & Enforcement

☐ In Conclusion

- ☐ The inspections, compliance and enforcement programs the GNWT is responsible for is healthy, robust and working well.
- ☐ Is it perfect? Probably not
- ☐ Are we making it better? Every opportunity we get.

THANK YOU





NWT Cumulative Impact Monitoring Program and Environmental Audit



NWT CIMP

WHAT?

NWT CIMP conducts environmental monitoring to support **better land and water resource decision-making**

We fund and collect information, Analyze and report on **cumulative impacts and environmental trends**

Since 2012, focused on **caribou, water and fish in development "hot spots"**

NWT CIMP is a part of an **integrated environmental management system**. Settled land claims and Part 6, MVRMA



HOW?

Partnerships

- GNWT is the responsible authority, provides \$1.8M per year in funding and 5 staff
- Cumulative impacts are a joint government responsibility

Steering Committee guidance

- 8 regional Aboriginal organizations and observers

Using all sources of knowledge

- Science, TK and other sources of knowledge

Building Aboriginal and community capacity



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Achievements

Stats

- Since 2010: NWT CIMP has funded 30 projects @ \$1.8M per year, leveraging funds at a ratio of 3:1
- ISR 22, Gwich'in 20, Sahtu 18, Wekeezhii 10, Dehcho 27, South Slave 35, Multiple regions 57
- **Caribou, water, fish, snow, ground ice, permafrost, moose, other mammals (terrestrial), other wildlife (avian), marine mammals, vegetation, climate**



Results

NWT CIMP is one of the territory's best sources of high quality information to support evidence-based decision making. **16 peer-reviewed papers published last year.**

NWT CIMP has identified **18 environmental trends**, and analyzed cumulative impacts in **7 regions**.

Last year NWT CIMP contributed information directly to **2 regulatory processes**



Community Focus

Last year:

- **80%** of NWT CIMP projects were led by or partnered with Aboriginal, community or co-management organizations
- **17 results presentations** were given by project-leads directly to interested communities. Dehcho results workshop
- **60%** of projects created new or enhanced community capacity



Accessible Results



NWT CIMP monitoring results are accessible to communities and the public.

- NWT CIMP.ca
- NWT Discovery Portal
- Inventory of Landscape Change Webviewer
- Mackenzie DataStream

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Cumulative impacts of diamond mines on water quality in Lac de Gras. Contributed to regulatory review



Changing hydrology in the Taiga Shield. Contributing to Giant Mine Remediation licensing



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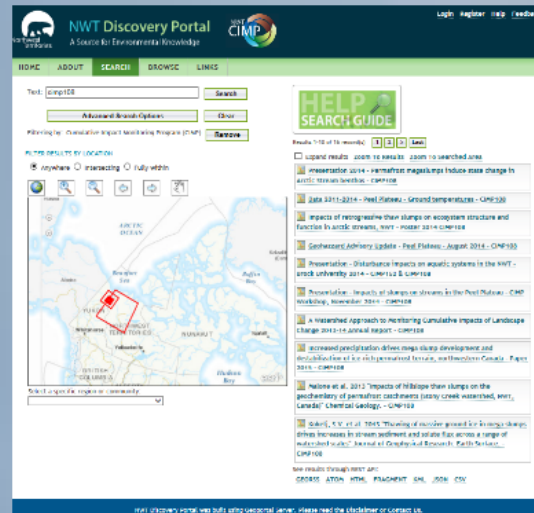
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NWT Environmental Audit

WHAT?

Since 2005, the NWT Environmental Audit has been conducted every 5 years by an independent auditor, in accordance with the MVRMA

Objectives are to review:

- 1) The MVRMA regulatory regime
- 2) Cumulative impact monitoring
- 3) Adequacy of environmental knowledge
- 4) Response to previous audits

Guided by a Steering Committee of Aboriginal, territorial and federal government representatives



2015 Results

Regulatory system generally improving and functioning as intended to protect the environment

Foundational challenges remain:

- Unsettled land claims
- Land use planning
- Federal Crown consultation
- Participant funding
- Socioeconomics in decision-making



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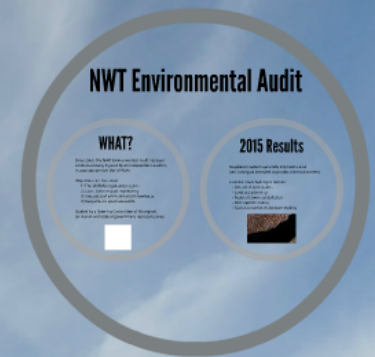
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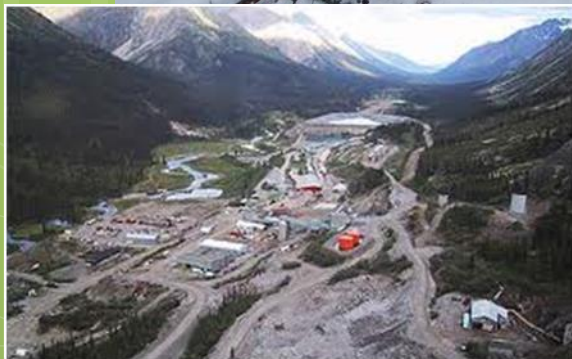
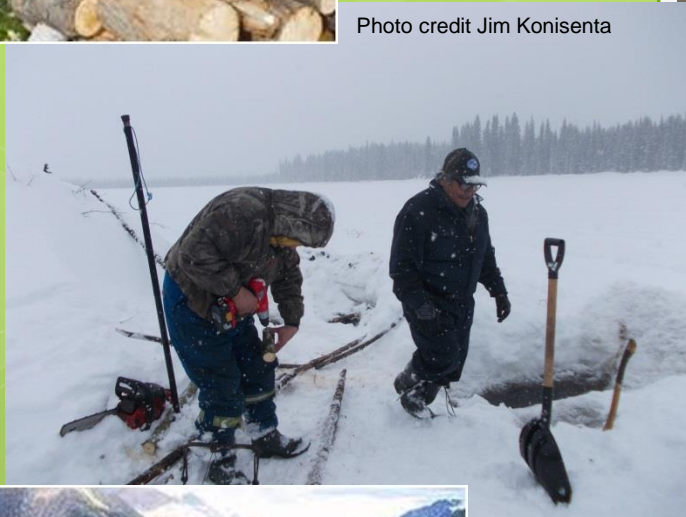


NWT Cumulative Impact Monitoring Program and Environmental Audit





Photo credit Jim Konisenta



January 2017 -
Resource Co-Mgmt.
Workshop

Dene Nahe Nahodhe and the Draft Interim Dehcho Land Use Plan

Joachim Bonnetrouge
Chair
Dehcho Land Use Planning
Committee

Important steps to gather direction and advice

1. Map the traditional land use (1997 to 2003) with harvesters and elders
2. Community meetings (2003-2004)
3. Elders workshop (2004)
4. Report back to elders workshop (2014)
5. Report back to harvesters workshops (2015, 2016)



Dehcho Dene Nahe Nahodhe

“Yamoria came to the homeland of the Dehcho Dene with laws from the Creator. These laws were given to the Dene to live by. The most important law was Respect for Creation-Mother Earth. The foundation of our Dehcho government and Mother Earth is Nahe Nohodhe. Nahe Nahodhe is who we are and where we came from. We stand firm behind this belief”.

**Accepted by the Elders and Youth
at the DLUPC Dene Nahodhe
workshop in Fort Providence on April
1, 2004**

Respect Dene Laws

- Recommendation #7 in the plan asks all people who use the land to be aware of Dene laws, values and principles.



Dene Principles

- Everyone has a right to be heard and to take part in the decision-making process for matters that affect Dehcho people
- Developing the land use plan involved:
 - About 4 meetings in every community over 10 years
 - Regular updates to communities and Dehcho Assembly and leaders
 - Workshops with elders and hunters to find out most important areas for protection

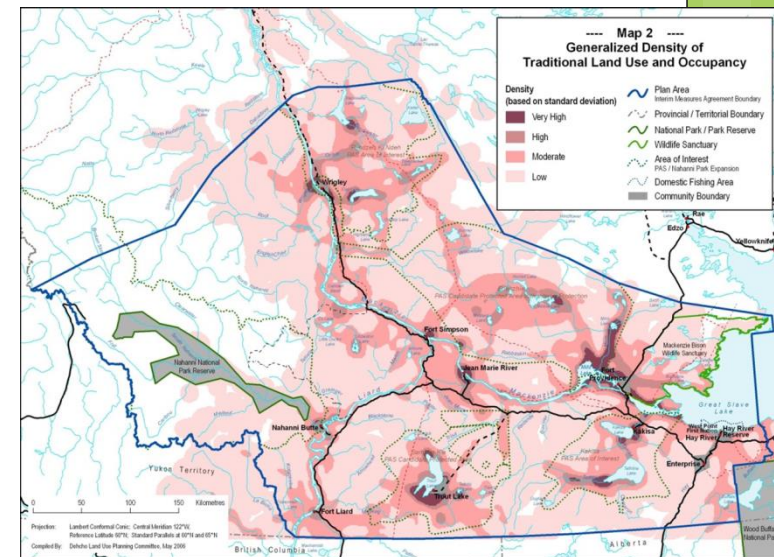


Dene Principles – we live off the land

- We continue the cycle of life - we take only what we need from the land, we honour the land, we do not waste anything and we share the land



- The land use plan identifies areas where the land is to be shared for economic opportunities for communities and the land use plan sets limits for how much development there should be so the land can be renewed



Dene Principles – we keep the land healthy

- The Land is Mother Earth - No one individual has right to own the land and we have a collective responsibility to protect the land and resources for our children and grandchildren
 - The land use plan protects areas and says where land use can occur.
 - The plan is reviewed every five years so that our children can make their own decisions about how the land should be protected and used for their children

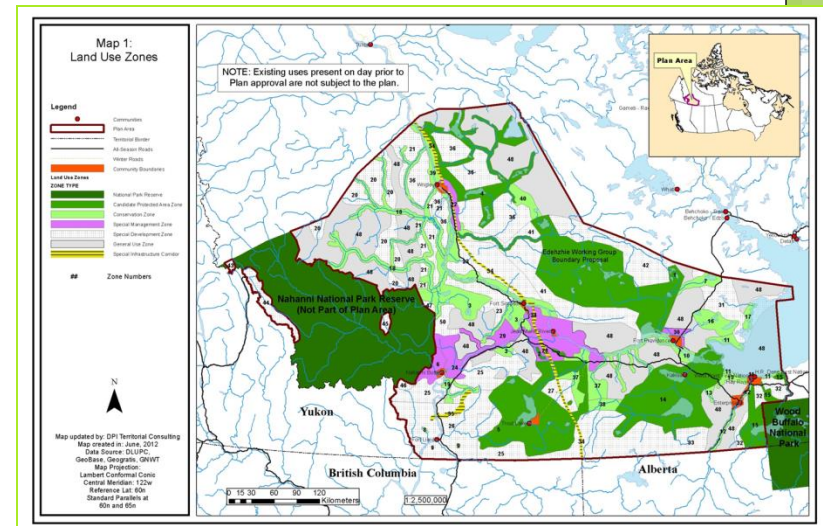


Dene Principles

- Respect each other and our elders

- The land use plan uses the knowledge of the elders as the foundation for the plan and the foundation of the most important areas to protect

- At the Dene Nahodhe workshop in 2004, elders said what the land use plan should do to respect Dene ways and traditions



Harvesters and Elders Said “Keep the Land Clean”



- The land use plan has two recommendations to help keep the land clean:
 - The guidelines for how mines are cleaned up after the mine is shut down should be regularly reviewed and updates with communities
 - When a disturbed area is being replanted, plants from the area should be used

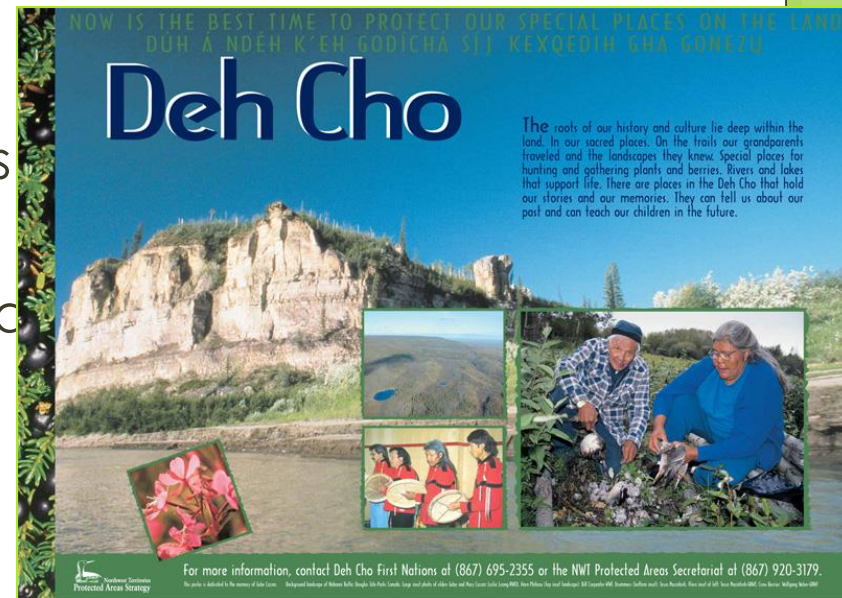
Harvesters and Elders Said “Keep the Language Strong”

- The land use plan has a recommendation #8 that says:
 - Companies and communities should work together to find ways for Dene to be used at worksites, schools and signs
 - Finish the Dene Place Name Mapping for the whole Dehcho
 - Dehcho Land Use Planning Committee held two terminology workshops



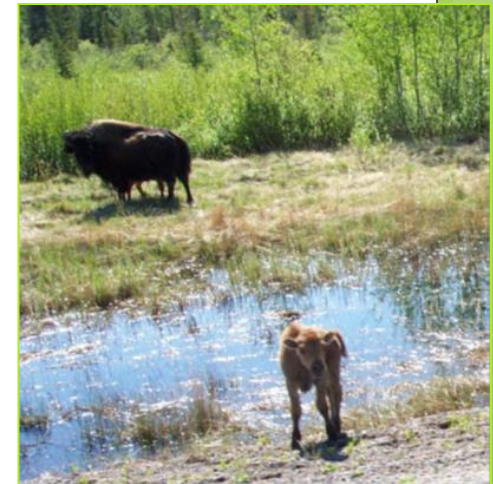
Harvesters and Elders Said “Protect Sacred Areas”

- The land use plan has a law (Conformity Requirement #2), an Action # 2 and a Recommendation #1 that says land users should find out where sacred areas are by talking to communities and find ways to prevent impacts on these areas
- The land use plan also has Conservation Zones where development is not permitted
- A map of Dene Place Names is being completed to inform people of the history of the land



Harvesters and Elders Said “Protect the Wildlife”

- The land use plan has a law (Conformity Requirement #2) and Recommendations #1 and 22 to help protect wildlife:
 - Conservation Zones protect important hunting areas as these are productive for wildlife
 - land users should find out important wildlife areas by talking to communities and find ways to prevent impacts to these areas
 - the plan lists important times for wildlife like breeding season, bird nesting times



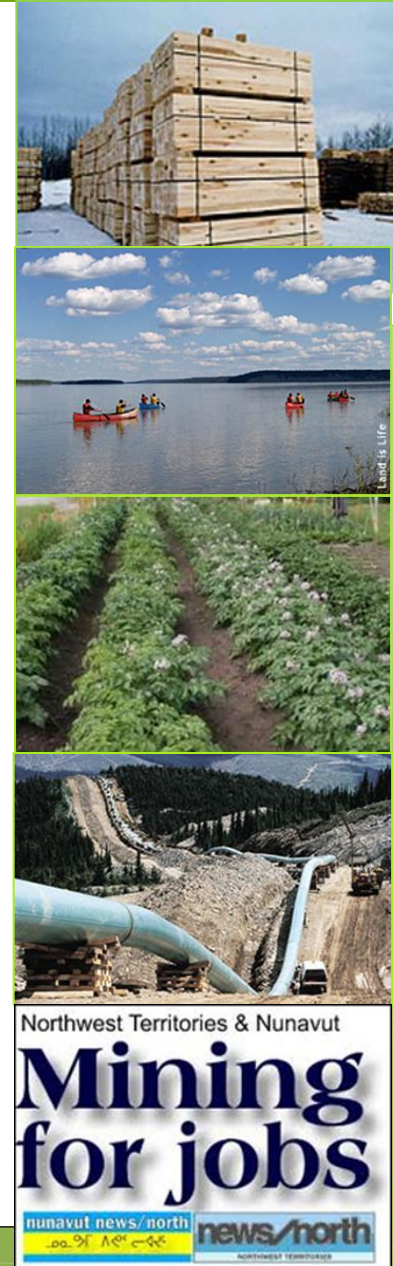
Harvesters and Elders Said “Protect Water”



- The land use plan has two laws (Conformity Requirements #6 and #7) and Recommendations #1 to help protect water by:
 - Land users must say how they will prevent impacts to areas where a community gets its water
 - Hydro dams that create lakes will not be allowed
 - Land users must describe in land use applications how they will reduce or prevent impacts to rivers and lakes

Harvesters and Elders Said “Control Development”

- The land use plan says where the following land uses may take place:
 - Logging
 - Tourist camps
 - Farming
 - Oil and gas seismic lines and wells
 - Mines
- The land use plan proposes a balance of lands for conservation (49%) and lands for development (51%)
- The land use plan sets limits for how much development can take place in different parts of the Dehcho



Respect Mother Earth

- The land use plan was built to respect Mother Earth
- Respecting Mother Earth means to take care of the land
- The land use plan does this by:
 - Protecting most important areas
 - Saying how and where land uses may take place
 - Setting limits for development (cumulative effects)



How to Participate in Environmental Assessment

The 'how', 'when', and 'what' of participation in environmental assessments

Brett Wheler

Senior EA Policy Advisor



Mackenzie Valley
Review Board



Outline – How to Participate in EA

1. How to Participate: Guidelines

2. Strategies for Effective Participation

- Proponent Engagement
- Terminology
- Understanding jurisdiction
- Recommendations, rationale, evidence
- Timing

3. Open Discussion & Questions



Guidelines - Introduction

- Integrated resource management system
 - Everyone has a role
- Boards publish guidance to:
 - Clarify expectations
 - Explain roles
- Understanding increases effectiveness of your participation
 - ...and co-management as a whole!



Board Policies and Guidelines: Overall Goals

- Facilitate effective and efficient review processes!
- Explain Board expectations
 - More clarity, less uncertainty...
- Proponents will **know what to expect** before they apply
- Reviewers and participants will **understand how they can contribute** to Board decision-making processes

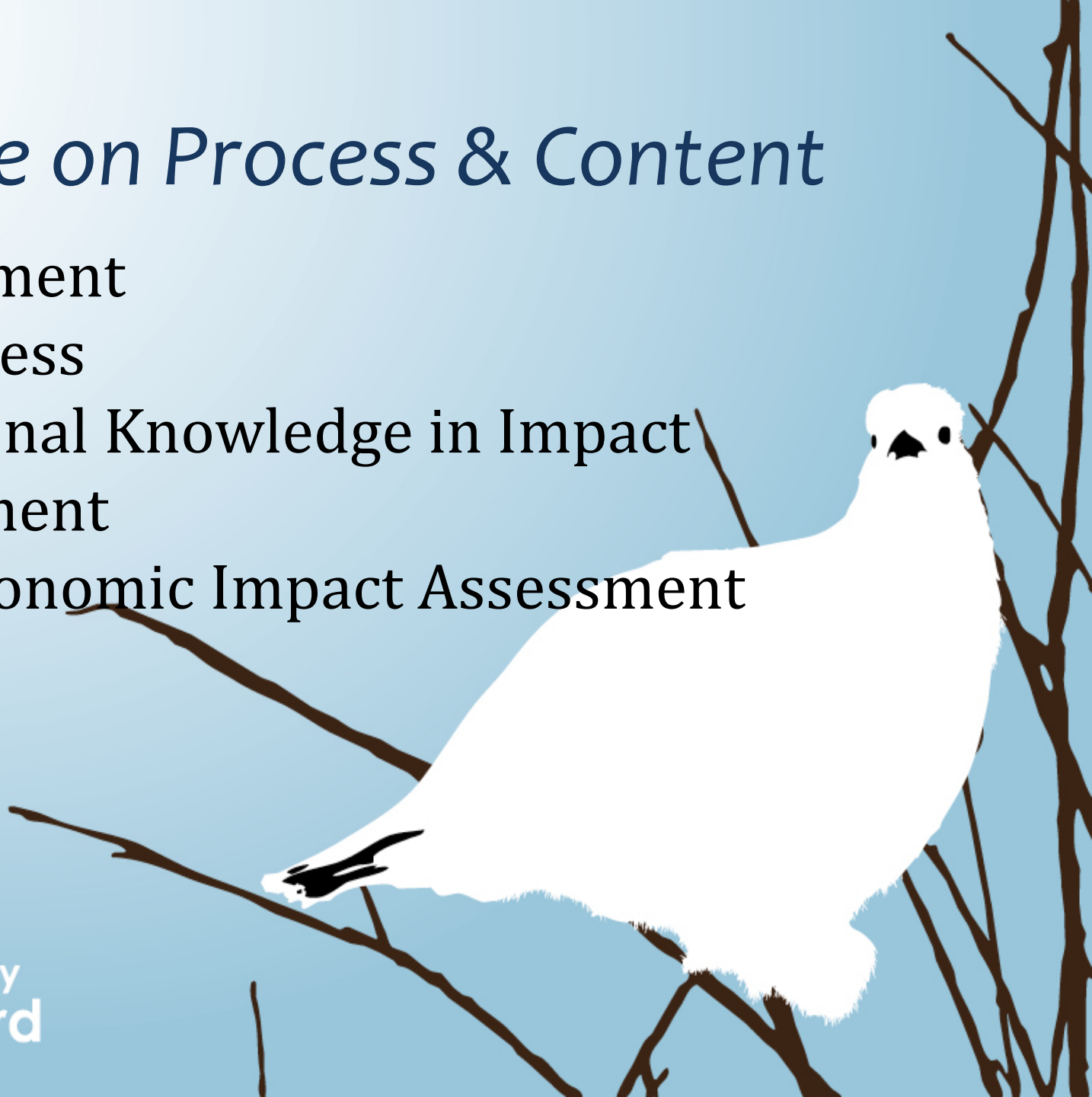


Guidance on Process & Content

- Engagement
- EA Process
- Traditional Knowledge in Impact Assessment
- Socioeconomic Impact Assessment



Mackenzie Valley
Review Board



Guiding Principles of MVLWB Engagement & Consultation Policy

- **Shared Responsibility** – coordinated responsibilities of Proponent, Canada, NWT, Aboriginal Gov/org, Boards
- **Appropriate disclosure** – all relevant info made available in timely manner and consider culture, language, and tradition of affected party
- **Inclusiveness** – potentially affected, incl. youth, elders, women given opportunity to be involved
- **Reasonableness** – all parties must be reasonable when setting expectations and enter in spirit of cooperation

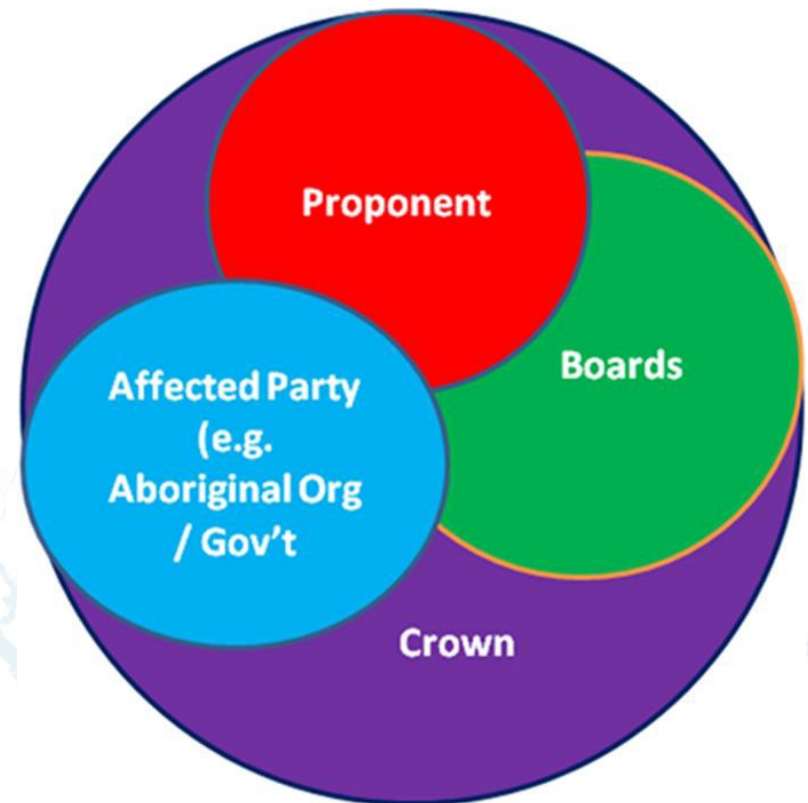


- **Crown** is ultimately responsible for ensuring the Duty to Consult is met

Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73

• **Proponent** and **administrative tribunal (Board)** consultation processes contribute to the discharge of the duty

Taku River Tlingit First Nation v. British Columbia (Project Assessment Director), 2004 SCC 74



Engagement Guidelines: Expectations of Proponents

- Make genuine effort to seek out and understand parties' concerns
- Consider opportunities to mitigate impacts
- Scale engagement with activity and level of interest
- Respond to concerns and work with affected parties to jointly resolve issues



Environmental Assessment Process Guidance

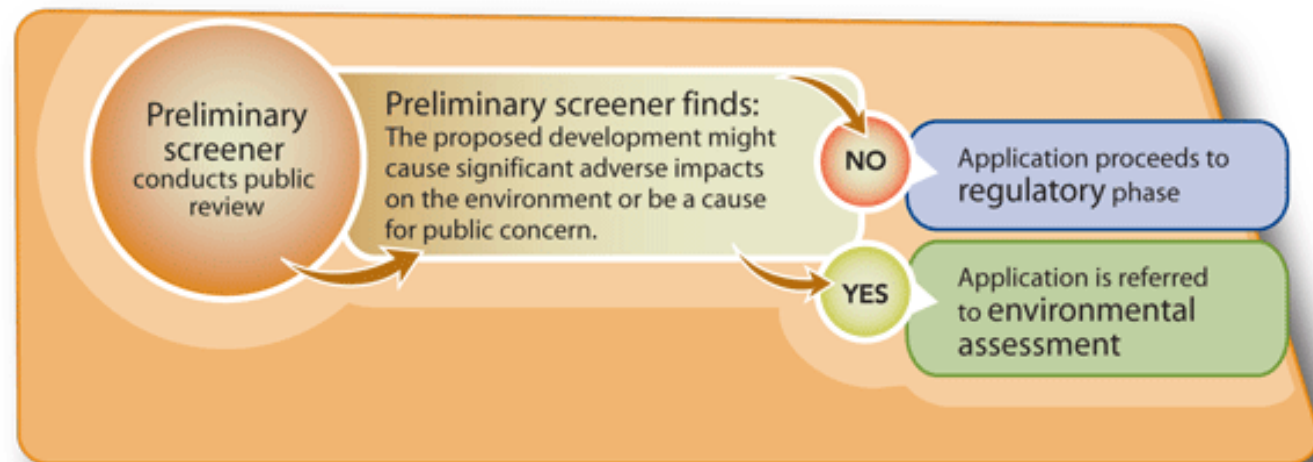
- **EIA Guidelines**

- Purpose: Help all parties understand the EIA process and its components
- Review Board's overarching guideline
 - Reflects the law and best practices
- Explains how impact assessment steps are implemented
 - Scoping issues, Identifying baseline conditions, Predicting impacts, Identifying mitigations, Evaluating significance, Applying mitigation and monitoring



EA Process Guidance

- EIA Guidelines & Overview Booklet
 - Summary
 - Available in many languages
- Review Board notices of proceeding or direction on procedure
 - Timely guidance on new, evolving, or one-off issues



EA Process Guidance

- **New concept: Draft EA Initiation Guideline**
 - Goals: thorough project description, inform scoping, EA focus, limited duplication
 - Draft Guideline describes types of information and level of detail required:
 - Project Description
 - Description of Environment
 - Preliminary Impacts and Mitigations
 - Engagement Record and Plan
 - Draft Guideline to be distributed for review



EA Methods: Traditional Knowledge Guidelines

“In exercising its powers, the Review Board shall consider any traditional knowledge and scientific information that is made available to it” (MVRMA s. 115.1)

- **Purpose:** Incorporating TK contributes to a fair and balanced process, encourages public participation, and respects the value and benefits of TK for good environmental decision-making
- Guideline emphasizes importance of:
 - Context and cultural sensitivity
 - Gathering TK (community protocols & policies)
 - Relationships (Agreements, Prior Informed Consent)
 - Relevance and appropriateness



EA Methods: Socioeconomic Impact Assessment Guidelines

- **Purpose:** to help developers and parties identify and propose mitigation for potential socio-economic and cultural impacts
- The *SEIA Guidelines* help developers and parties:
 - Understand and implement key concepts and goals of SEIA
 - Understand how SEIA relates to the requirements of the MVRMA
 - Understand the roles and responsibilities of all parties
 - Understand the Review Board's expectations for conducting SEIA
 - Access tools, methods, & other SEIA resources



Strategies for Effective Participation



Mackenzie Valley
Review Board



Participate in engagement

- Get your priorities into the project and/or project review through proponent engagement
- Better understanding of all sides of an issue: values, views, trade-offs
- Understanding issues and building relationships can lead to
 - More effective participation in Board processes
 - Potential for adaptation and improvement of the project



Terminology: Review Board / EIA Principles

- the **protection of the environment** from significant adverse impacts
- the **protection** of the social, cultural and economic **well-being** of Mackenzie Valley residents and communities.
- regard for **public concern**



Terminology: EA Legal Requirements

Review Board must consider:

- Importance of conservation to well-being and way of life of Aboriginal peoples
- Traditional knowledge & scientific information

Board must also:

- Run fair processes
- Make decisions based on the evidence
- Operate in a transparent manner



Understanding Jurisdiction: where do your issues fit into legal framework

- **Preliminary screening, EA, EIR**
 - Broadly speaking: whole environment
- **Permitting/licensing**
 - Land and water...



Use Organized Reasoning to Connect the Dots

- Make positions & recommendations exceedingly clear
 - clearly link your concern to why it matters (i.e. to your values and to the law),
- Provide evidence to back up your argument
- Propose solutions (that the boards can work with)
- Make an effort to understand the reasons for the proponent's & other parties' positions



Timing: Involvement Opportunities

- Scoping (EA/EIR)
 - Community & technical scoping
 - Terms of Reference review
- Review of DAR
- Technical Sessions & Information Requests
- Public Hearing
 - Written intervention
 - In-person presentation and questioning
 - Written closing arguments



Timing

- Be involved early and often
 - Get your issues on the table
- Timing relates to jurisdiction
 - Screening/EA? Permitting/licensing?
- Repetition and the last word
 - Argue for your issue throughout process and in closing arguments



Recap

- Participating in engagement
- Using the Boards' terminology
- Understanding jurisdiction
- Clarity: being clear & connecting the dots between recommendations, rationale, evidence
- Timing: participating early & often; closing arguments

Other resources at reviewboard.ca

- *Board policies and guidelines*
- *Review Board [Tips for Public Hearings](#) pages 7-9*



Discussion

- What has challenged or empowered you in effectively participating in Board processes?
- Consider key messages you may want to get across and discuss how you could maximize effectiveness of your message to the Board
 - Consider workshop content, these slides, your own experience...
- Are there things you would like the Boards or government or developers to do (differently) to help facilitate your effective participation?



Some things the Boards are doing...

- Public involvement opportunities
 - Written, online, in-person, formal, informal
- Policies and Guidelines: Engagement, etc.
- Community scoping / cultural sessions / hearings, draft terms of reference, adequacy review, more time for closing arguments
- Please feel free to give us your feedback about EA participation or write on a notecard to leave with us
- Mahsi Cho, Thank you!

