



Pan-Territorial Environmental Assessment and Regulatory Board Forum

Final Report

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Executive Summary

On October 11-12, 2016, the Canadian Economic Development Agency – Northern Project Management Office (CanNor) hosted the second Pan-Territorial Environmental Assessment (EA) and Regulatory Board Forum (the Forum) in Whitehorse, Yukon. Like the first forum, that was held in Yellowknife in January 2016, the purpose of the Forum was to bring together representatives from each of the EA and regulatory boards (i.e., EA and licensing/permitting boards) in the North to share best practices and to discuss opportunities for collaboration. This report provides an overview of the workshop, its presentations and discussions, and summarizes the outcomes of the workshop.

The specific objectives of the Forum were to:

- Learn from individual successes and exchange best practices with respect to common challenges;
- Provide an opportunity for building relationships between the boards that will allow for ongoing support and information sharing; and,
- Identify possible opportunities for developing more consistent approaches to common processes as appropriate.

Progress was made on each of the Forum objectives and participants agreed that they would like to have another such event next year in Nunavut. During the Forum, participants co-created a Pan-Territorial Process Map which is intended to be an ongoing tool/resource to identify gaps and opportunities for further collaboration. Several ideas were put forward by participants with respect to collaborative initiatives, including:

- Setting up some kind of web portal or online location for sharing documents or resources;
- Joint presentations at meetings like the International Association of Impact Assessment (IAIA) meeting (noting that the next IAIA meeting will include an Arctic Panel), the NWT Board Forum, the NWT Geoscience Forum or the Nunavut Mining Symposium;
- Participating in federal reviews of relevant environmental legislation including reviews of the Canadian Environmental Assessment Act, the National Energy Board, and the Fisheries Act;
- Sharing or collaborating on best practices in greater detail;
- Sharing inventories of priority projects (e.g., guidelines in development, process improvements) that boards might be able to collaborate on; and,
- Preparing and sending a joint letter to the Minister regarding participant funding.

CanNor offered to continue to support and act as secretariat to the Forum and the Steering Committee agreed to continue to work collaboratively to coordinate activities between meetings and planning for the next Forum.

1 Introduction

On October 11-12, 2016, the Canadian Economic Development Agency – Northern Project Management Office (CanNor) hosted the second Pan-Territorial Environmental Assessment and Regulatory Board Forum (the Forum). The purpose of this Forum is to meet annually to bring together representatives from each of the assessment and regulatory boards in the North to discuss common challenges and solutions as well as opportunities for working together to address these challenges and share solutions. This report provides an overview of the workshop, its presentations and discussions, and summarizes the outcomes of the workshop.

1.1 FORUM OBJECTIVES

The specific objectives of the Forum were to:

- Learn from individual successes and exchange best practices with respect to common challenges;
- Provide an opportunity for building relationships between the boards that will allow for ongoing support and information sharing; and,
- Identify possible opportunities for developing more consistent approaches to common processes as appropriate.

1.2 STEERING COMMITTEE

A Steering Committee was formed to guide the development of the Forum objectives, the invitation list, and the final agenda. The Steering Committee members included an “ex-officio” representative of NPMO/CanNor, as well as the Executive Directors of the Yukon Environmental and Socio-economic Assessment Board, the Mackenzie Valley Environmental Impact Review Board, the Mackenzie Valley Land and Water Board, the Inuvialuit Water Board and the Nunavut Impact Review Board. The facilitators for the meeting, Michael van Aanhout and Kathy Racher, worked with the Steering Committee during the planning phase of the Forum.

1.3 FORUM PARTICIPANTS

As was done for the first Forum in January 2016, the invitation list for this Forum was generally limited only to representatives of CanNor, the environmental assessment boards, water boards or land/water boards (i.e., licensing boards) from the three northern territories. This year, the Steering Committee also invited the Director General of the Natural Resources and Environment Branch of Indigenous and Northern Affairs Canada (INAC). Each board was provided with the preliminary agenda and asked to bring the representatives they felt were best suited to join in or benefit from the planned discussions. This year, only one board member came to the Forum; the rest of the participants were operational staff and executive directors. The following boards were represented at the Forum:

- Yukon Water Board (YWB),
- Yukon Environmental and Socio-economic Assessment Board (YESAB),
- Environmental Impact Screening Committee (EISC),
- Inuvialuit Water Board (IWB),
- Gwich'in Land and Water Board (GLWB),
- Sahtu Land and Water Board (SLWB),
- Wek'eezhii Land and Water Board (WLWB),
- Mackenzie Valley Land and Water Board (MVLWB),
- Mackenzie Valley Environmental Impact Review Board (MVEIRB),
- Nunavut Impact Review Board (NIRB),
- Nunavut Water Board (NWB).

Appendix A lists all attendees.

1.4 PRE-FORUM SURVEY

In advance of the Forum, a survey was distributed to all the participating boards with questions developed by the Steering Committee. The survey asked the boards to list and briefly describe their major challenges and any innovative solutions that have been developed. The survey also tried to gauge interest in potential discussion topics that had been identified at the end of the January 2016 Forum. The full text of the survey results can be found in **Appendix B**.

1.5 FORUM AGENDA

The workshop, held in Whitehorse, was organized into three broad sections:

1. Introductions, Context, and Best Practices
 - Welcome and Introductions
 - Presentations on Best Practices – A representative of each board was asked to present on one of the organization's best practice. The best practice could be any kind of practice, process, guideline, policy, etc. that had helped the organization work more effectively or efficiently. Boards were given a Powerpoint template that covered the following topics: a brief description of the best practice; why the practice was originally developed; how the practice has helped the board; and a summary of feedback that the board has received on the practice.
2. Exploring Challenges, Best Practices, and Opportunities
 - During this part of the workshop, breakout groups were asked to discuss topics that were identified in the pre-Forum survey.
 - On the afternoon of day one, participants formed two break-out groups made up of representatives of the EA or licensing boards, respectively. The proposed topics for discussion were as follows:
 - 1) EA boards:
 - Guidance on submission requirements
 - Guidance on consultation/engagement requirements
 - Follow-up on EA Measures
 - 2) Licensing boards:
 - Standard terms and conditions for water licences
 - Guidance on consultation/engagement requirements
 - Compensation
 - On the morning of day two, participants formed two break-out groups that were a mix of representatives of the EA or licensing boards. One group discussed training initiatives, capacity gaps for communities, guidance for proponents/reviewers and pre-submission engagement/consultation requirements. The second breakout group worked on developing a map of the whole regulatory process (from pre-application to closure) that identified the operational/legislative similarities and differences between the boards from different regions.
3. Discussion of Next Steps
 - The group discussed how to follow-up on some of the ideas generated during the Forum.

Appendix C contains the participant's agenda.

The presentations given by participants are attached as **Appendix D**. Key discussion points from the three parts of the Forum are summarized in Section 2 of this report.

2 Summary of Forum Discussions

Day 1 of the Forum began with a short opening address from the Director General of the Northern Project Management Office to welcome everyone and reiterate the Forum objectives. Each participant was given an opportunity to introduce themselves and state a specific area or practice that they hoped to learn about during the Forum. Following introductions, a representative from each board gave a short presentation to describe a best practice from their board, followed by an opportunity for questions. Break-out groups were formed to share each board's approach or process with respect to specific topics including what was working or not and whether there were opportunities to collaborate.

2.1 PARTICIPANT EXPECTATIONS OF THE FORUM

Matt Spence, the Director General for the Northern Project Management Office (NPMO), started the Forum by welcoming the participants and explaining some of CanNor's goals in hosting the event. Mr. Spence explained that NPMO has noticed that there is a stark contrast between environmental assessment (EA) processes in the south versus the north. For example, he noted that the nation-to-nation relationships are more robust here in the north and that this promotes confidence in the EA and regulatory processes. He also noted the importance of retaining that public confidence through effective two-way communication and ensuring the public feels part of the process. He remarked that fora like this should help all the boards have a better sense of what is working well or not and his organization would like to know what they can do to continue to support best practices across the north.

Each participant was asked to state their name, the organization they represented and to describe a specific area or practice that they hoped to learn about from their peers during the Forum. Some of the goals participants expressed for this Forum included:

- To collaborate with other boards on guidance documents.
- To know more about regional environmental assessments.
- To learn more about the differences and similarities between processes and activities in different territories.
- To continue building transboundary relationships – to share the variety of areas where there are best practices especially around follow-up and monitoring.
- To establish clear communications with other boards.
- To refresh their organization's practices.
- To better understand the basis of the differences between boards – for example, when are the differences intentional (e.g., based on legislation) versus unintentional (e.g., based on policy choices or different practices).
- To gain a better understanding of the difference between this meeting and the NWT Board Forum.
- To share and understand all the best practices (existing or in development) for the boards across the north.

2.2 SHARING BEST PRACTICES – SUMMARY PRESENTATIONS FROM EACH BOARD

Prior to the Forum, participants were sent a PowerPoint template and were asked to insert information to describe one of their board's best practices. Boards were encouraged to focus on one practice that they felt, at the current time, was the most helpful in making their organization work effectively or efficiently. Each presentation provided the following information:

- A brief description of the best practice;
- Why they developed that best practice;
- A description of how this best practice has helped their board; and,

- Feedback that the board has received on the practice.

The best practices described by each board are summarized below; the full presentations given by each board are attached to this report in **Appendix D**.

Board	Best practice presented	How this practice has helped the board
NIRB	Incorporation of Inuit Qaujimagatuqangit into assessments and decision making	Has allowed the establishment of consistent connections with communities, building trust, managing expectations
NWB	Amendments to sections 4 and 5 of the Nunavut Water Regulations – describes the types of water uses and waste deposits that can be approved without a licence.	Board and reviewers have more time to focus resources on more major undertakings.
EISC	Arctic Marine Tourism Guideline – for cruise ship operators visiting the Inuvialuit Settlement Region	By working with Transport Canada, proponents are more aware of EISC as a regulator and environmental impacts of tourism are minimized
IWB	Revised Rules of Procedure	IWB revised the Rules of Procedures using the Inuvik to Tuktoyaktuk Highway Public Hearing process as a test case, to ensure a more efficient Public Hearing process. A major revision included the definition of Participant to be all inclusive and all information submitted during the process is available on the IWB website.
MVEIRB	Technical sessions on cultural impacts in the communities	Allows for active participation by communities in identifying solutions to potential cultural, social or environmental impacts; has improved incorporation of TK into processes.
Land and Water Boards of the Mackenzie Valley (WLWB, GLWB, SLWB, MVLWB)	Engagement and Consultation Policy and Guidelines	Has resulted in more and earlier engagement between proponents and communities; clarity for all parties.
YESAB	Consultation Guidance for Proponents	Greater clarity for all parties, timelier determinations by Executive Committee, more efficient compilation of consultation records.
YWB	Conflict of Interest Rules for the Board	Assist members in avoiding real or perceived bias, provides options to address any issues of potential impartiality.

Although he had not prepared a formal presentation, Mark Hopkins, the Director General of Natural Resources and Environment at INAC, also got up to share some thoughts from INAC’s perspective. Mr. Hopkins made some of the following observations during his presentation:

- Overall, the northern regulatory regime is considered more successful than in the south because it is based on land claims and integrates consultation into the process. In his opinion, this builds credibility and confidence in the decisions that are being made.

- The quality of decision making rests on the quality of the science and TK that comes forward. He believes that there needs to be continued emphasis and commitment to TK and science integration in processes.
- Participant funding in the north is somewhat ad hoc. He said that such funding is meant to ensure “meaningful” public participation but there isn’t currently a consistent definition of what that is. He recommended that since the environmental assessment/environmental impact review processes are different in every territory, it would be good to develop consistent principles for encouraging meaningful participation and to providing participant funding.

There was a brief facilitated discussion after the presentations about opportunities for developing more consistent approaches to common processes. The following key points were raised:

- There is a need for the boards to communicate a clear and consistent message to the Minister of INAC on the issue of participant funding in the north.
- Participants would like to figure out a more formal way of collaborating on certain projects. It isn’t clear right now how to initiate collaborations. Some boards may require a formal invitation, others may do things in a more casual way.
- There was an interest in sharing more information on revisions to Rules for Procedures. The MVLWB and MVEIRB are currently in the process of doing this. There is a desire to have common definitions in the procedures and to include a procedure for embedding conflict of interest discussions into hearing procedures.
- It would be useful to share lists of “works in progress” with respect to best practices among the boards. Often boards have “rainy day” lists of things that they would like to work on when they have time – if they knew of other boards who were doing similar things then they might take the opportunity of working together.

With respect to the last bullet above, note that question 2 of the pre-Forum survey asked participants to share their most recent innovative solutions to common board challenges; many of the boards shared long lists of these solutions and this information can be found in Appendix B. The boards’ most pressing challenges are also listed in Appendix B under responses to question 3 of the pre-Forum survey.

2.3 EXPLORING BEST PRACTICES, CHALLENGES, AND OPPORTUNITIES FOR COLLABORATION

Based on feedback at the end of the January 2016 Forum, the agenda for this Forum was set up to include time for small group discussions and more specifically for discussions among EA boards separately from licensing boards. A total of four breakout groups engaged in facilitated discussions during the afternoon of day one and the morning of day two of the Forum:

- Breakout Group 1: EA Board representatives discussing the following topics:
 - Guidance on submission requirements
 - Guidance on consultation/engagement requirements
 - Follow-up on EA Measures
- Breakout Group 2: Licensing Board representatives discussing the following topics:
 - Standard terms and conditions for water licences
 - Guidance on consultation/engagement requirements
 - Compensation
 - Security
- Breakout Group 3: Mix of EA and licensing board representatives discussing the following topics:
 - Training initiatives
 - Capacity gaps for communities
 - Guidance for proponents/reviewers
 - Pre-submission engagement/consultation requirements

- Breakout Group 4: Mix of EA and licensing board representatives who undertook the development of a process map to describe and compare EA and regulatory processes in the three territories.

Facilitators of Breakout Groups 1, 2 and 3 asked participants to describe the following with respect to each topic:

- 1) Their board’s current approach or process with respect to the topic.
- 2) What works or doesn’t work with their board’s current approach.
- 3) Whether collaborative efforts could help to address any issues and, if so, how.

At the end of each of the breakout sessions, one member of the group reported back to the plenary. Notes from the discussions of the four breakout groups are presented in section 2.3.1 to 2.3.4, respectively.

2.3.1 Breakout Group 1: EA Board Discussions

Representatives of the EISC, NIRB, MVEIRB, YESAB and the NPMO participated in Breakout Group 1 discussions. Due to time constraints, only two of the three original topics were discussed in detail: submission requirements and follow-up on EA measures. Notes from the two discussions are summarized below.

2.3.1.1 Submission Requirements

Participants in the group were asked to share their region-specific practices or approaches and these are captured below in Table 1.

Table 1: EA Board Submission Requirements

Region	Current practices and challenges
Nunavut	<ul style="list-style-type: none"> • In Nunavut there are unique linkages between the Nunavut Impact Review Board, the Nunavut Planning Commission and the Nunavut Water Board. • Some of the barriers include working with different legislation and independent agencies • There are plans to come together at a Nunavut joint session • Going forward there are plans to develop standardized guidelines for EIS and EA level review information requirements • A key challenge is finding the right level of specificity in a guidance document as there is no “one size fits all” approach. This could be alleviated by pre-submission engagement • In Nunavut, translation is a limitation in the depth of information requested
Yukon	<ul style="list-style-type: none"> • Yukon Government is currently leading a Mine Licensing Improvement Initiative with intent to “to define and develop an overall licensing framework that is clear and effective, fosters protection of the environment, considers social values and encourages responsible development” • It was observed that the regime is more “siloeed” in the Yukon. • YESAB is looking at combined info requirements with the YWB • Use of “completeness check” • Yukon regime very “sector based” <ul style="list-style-type: none"> ○ E.g. placer vs quartz mining • Yukon has offices in different locations
Northwest Territories	<ul style="list-style-type: none"> • In the NWT there is a Resource Development Advisory Group coordinated by NPMO - The developer need to initiate this process • Informal meetings at Nunavut Mining Symposium and NWT Geoscience Forum • Referring to good case studies • Develop guidelines for different audiences

Region	Current practices and challenges
	<ul style="list-style-type: none"> • MVEIRB – developing sector based EA

Following the roundtable discussion, the group generated a number of additional suggestions concerning EA submission requirements:

- It was suggested that a “Path finder” process could be helpful to guide developers
- A standard form/template with boiler plate language and amplification for specific sectors/projects
- It would be helpful to map information requirements at different stages of review across the North from Screening – Impact Reviews – Licensing (note: a group undertook this on day 2).
- There was a discussion around the value of front loading information requirements and how much baseline do you need?
- One way around this is to use “restrictions” e.g. archeological studies

2.3.1.2 Follow-up on EA Measures

This session started with another roundtable that was most relevant to NIRB and MVEIRB. The Nunavut regime is well set up to do this with provisions for NIRB to issue Project Certificates and to have a roll in monitoring. One challenge that NIRB faces is dealing with amendments. MVEIRB is transitioning into a similar approach to NIRB by crafting measures around monitoring, reporting and adaptive management. One of the challenges this creates is that the EA Registry is becoming central repository for all monitoring information and there is a need to formalize the feedback mechanism in the system. Another challenge is posed by projects that “come back” multiple times to ensure that measures carry forward and are tracked.

The group identified the following area for future potential for collaboration: looking at experience in monitoring implementation of measures /terms and conditions, perhaps breaking discussion into smaller groups (e.g. Caribou).

2.3.2 Breakout Group 2: Licensing Board Discussions

Representatives of the IWB, YWB, NWB, GLWB, SLWB, WLWB, and the MVLWB participated in Breakout Group 2 discussions. Notes from the discussions are summarized below.

2.3.2.1 Standard Terms and Conditions

Notes summarizing the different boards’ approaches or processes related to developing standard terms and conditions for licences are presented in Table 2 below. Key messages or conclusions are summarized below.

Table 2: Standard Terms and Conditions – Board approaches or process

Board	Summary of Board’s approach/process
Nunavut Water Board	<ul style="list-style-type: none"> • Board has a general suite of conditions for water licences that they use and then they add project-specific conditions. • Have heard from people that there hasn’t been much consistency in conditions over time. • They had a workshop a few years ago to review all conditions and managed to define a consistent set of conditions for exploration licences. This was done with the Water Resources Division of INAC. • Board is now considering re-visiting the standard conditions with respect to interpretation and intent. They are looking for support from the federal government to continue the work. • Also, have had some issues with Inspectors with respect to how conditions are enforced.

Board	Summary of Board's approach/process
Yukon Water Board	<ul style="list-style-type: none"> • Have water licence templates (developed using internal processes only) that are mostly for placer mining. Templates are always being revised • The Board brings in enforcement officers into Board meetings once per month – this helps to have consistent interpretations of conditions • The template conditions are augmented by the “one-off” conditions from Decision Documents • Have continued to refine the “definitions” in water licences – especially for those definitions where there is a need to reconcile between Acts and Regulations • In the Yukon, the Major Mine Licensing Improvement Initiative is underway and may result in some of the standard conditions going directly into Regulations.
Inuvialuit Water Board	<ul style="list-style-type: none"> • Standardizing water licence conditions is an issue that keeps coming up. • Board has approved standard conditions for municipal water licences. IWB reviewed water licences from various communities from NWT with populations similar to ISR community populations. They compared the Terms and Conditions and compiled a standard set as a starting point although the final conditions depend on location, type of waste management etc. The conditions are made to fit individual municipalities. • Board is interested in standard terms and conditions for industrial operations – specifically for oil and gas operations and reclamation projects. • Still updating old terms and conditions from the 1970s that were developed for the entire NWT and not specific to the ISR. • They have adopted standards and have shared with the GNWT assessment group
Land and Water Boards of the Mackenzie Valley (WLWB, GLWB, SLWB, MVLWB)	<ul style="list-style-type: none"> • Boards have made progress on some standard conditions for Type A licences • Currently, new water licences are developed by staff by basically using old WLs as a guide or template for new licences • Have developed standard conditions for LUP conditions. In this case they: <ul style="list-style-type: none"> ○ Developed 5 characteristics of an “ideal” condition <ul style="list-style-type: none"> ▪ Part of Board mandate ▪ Practical ▪ Matches the scale of the project ▪ Does not conflict with legislation ▪ Enforceable ○ Held 2 workshops and had a public comment process as well to finalize • With respect to conditions, they sometimes have issues with timelines or “approval” and this area requires refinement • Grammar issues often arise and they have found it important to review the final wording with legal counsel. • Board sends out draft permits and WL's for review and comment prior to approval. • They have a flowchart to help guide staff to develop unique conditions and whether to make it a standard condition. • Their standard WL conditions are still in an internal draft stage and they have not yet gone out for review.

A lot of the discussion centered on the need for standard conditions when drafting new water licences, but one participant asked the question of whether the boards were doing a good enough job of determining if the conditions were working as intended after the licence is issued. The question posed was: “Does everything just fall apart after licence issuance?” Some of the boards admitted, for example, that although they require proponents to submit monitoring reports, staff don't have time to evaluate the reports. Most boards do prioritize the review of management reports for major projects but there is some worry that the requirements imposed on proponents might not always match a board's capacity to review submissions. Overall, participants felt that it would be a good idea to evaluate or monitor the utility of water licence

conditions post-issuance. They felt that if they could do “performance monitoring” on the conditions it would help to build confidence in the process after the issuance of a water licence.

In terms of potential collaborations, the boards recognized that there are many similarities to the water licence legislation across all three territories so that it would be possible to share ideas on standard conditions. The Mackenzie Valley boards are finalizing a draft of their standard water licence conditions and will be sending it out for public review. The NWB plans on pursuing meetings with the federal government to generate a new list of standard conditions. The YWB has a working group that includes enforcement officers to work on this issue. The boards agreed that they would share their lists with each other. The boards also felt that they could look at performance monitoring of standard conditions after finalization and implementation of standard conditions.

Other ideas raised during the discussion included the idea of discussing standardized EA measures/recommendations with the EA boards and looking at developing standard conditions based on industry. Going forward, the boards will share any progress on the development of standard conditions with each other.

2.3.2.2 Consultation/Engagement

Initial discussion on this topic led to the group deciding to distinguish between consultation/engagement requirements for proponents and the consultation/engagement/public review process that the boards do. Therefore, discussion notes are separated accordingly below.

Table 3: Consultation/Engagement Guidelines for Proponents – Board approaches or process

Description of Challenge	Summary of Board’s approach/process
Nunavut Water Board	<ul style="list-style-type: none"> • No requirement for pre-application engagement/consultation for proponents • In Nunavut, land use permits do require screening and engagement
Yukon Water Board	<ul style="list-style-type: none"> • Don’t require pre-application engagement from proponents • YWB does have a requirement for public review though • Differences in screening requirements in YT vs NT
Inuvialuit Water Board	<ul style="list-style-type: none"> • No specific guidelines for consultation/engagement for proponents • However, Board will evaluate what engagement the proponent has done and, recommend consulting with the community groups during the application review process. Board will send the proponents contact information for community organizations that require engagement and request meeting logs or records • Board will deem the application incomplete if community consultation has not been completed, either during the initial screening process, or the application submission and review process.
Land and Water Boards of the Mackenzie Valley	<ul style="list-style-type: none"> • Have published a policy and a guideline document on consultation and engagement • Staff have a checklist for seeing if engagement standards have been met and application can be deemed complete • Board expects a lot of engagement pre-application as well as during the term of a WL; however, there is no real checking or enforcement during the term of a WL. • The LWBs clarified that they only did small “c” consultation (establishing a robust process that allows for engagement and consultation); in other words, they do not take responsibility for conducting Section 35 consultation on behalf of the crown. However, any party may file a Request for Ruling whereby the Board must assess the adequacy of Crown Consultation

Description of Challenge	Summary of Board's approach/process
	<ul style="list-style-type: none"> One effective tool they use is their online review/comment system.

Only the licensing boards in the Northwest Territories have requirements for proponents to both conduct and document pre-application engagement with the public. The process difference is due to the legislative differences between the territories. For example, the Mackenzie Valley the Land and Water Boards are responsible for screening applications whereas the NWB and YWB are not. It was discussed that the MVLWB should potentially work with NIRB and YESAB to harmonize pre-application engagement requirements.

The question was raised about how the boards would handle a transboundary project application when application requirements are different in the two territories. In that case, it might be necessary to set up a memorandum of understanding of shared work plan.

Unlike the differences in pre-application engagement as discussed above, all the Boards share a requirement for a public review process. The boards would consider sharing best practices with respect to public review.

Table 4: Public Engagement and/or Review Processes – Board approaches

Board	Summary of Board's approach/process
Nunavut Water Board	<ul style="list-style-type: none"> The Board conducts public review of applications and on some submissions from during the term of the water licence. The Board will conduct workshops in communities on plans or WLs to discuss issues prior to requesting public comments; they can conduct regional workshops too. In Nunavut, the public is generally not as engaged in the water licensing process as they are in the environmental assessment process. Because of this, not many members of the public attend public hearings. An example of lack of interest is the fact that Iqaluit doesn't even have a water licence. The Board doesn't have any specific funding for conducting engagement Board staff try to collaborate with SAOs to give training (with Inspectors) on sampling and analysis for compliance to municipal WLs.
Yukon Water Board	<ul style="list-style-type: none"> After EA, there is not as many people involved in YWB processes – the processes are “front-end loaded”. They don't use the word “consultation” in their proceedings.
Inuvialuit Water Board	<ul style="list-style-type: none"> Conducts annual workshops with Hamlet Mayor and Staff: SAOs and Water Treatment Plant operators. ENR is responsible for enforcement of non-compliance issues. This year, the Board invited community Mayors to their workshops to explain water licensing, including terms and conditions, best practices, water/waste management initiatives, etc. The Board also brought in representatives of Municipal and Community Affairs, Environment and Natural Resources and Health & Social Services to explain their role or responsibilities in water and waste management. Identified areas of non-compliance with municipal licences: sampling, Spill Plans, O&M Plans, Hazardous Material Plans Board brought in a representative from Taiga Lab to teach sampling protocols to Hamlet Staff responsible for sampling. Once per year the Board and staff visit a community to tour the water and waste management facilities and meet with community leadership and staff members prior to

Board	Summary of Board's approach/process
	licence renewal. Community WL renewals are scheduled so that only one needs a renewal in any one year. Each municipal water licence has a term of 5 years.
Land and Water Boards of the Mackenzie Valley	<ul style="list-style-type: none"> • Many of these boards have had issues with compliance to municipal licences – they have had success with getting board staff, lab staff and/or an Inspector to go out and do sampling training for communities. • In addition to standard review processes, these boards have a variety of tools including technical sessions, technical workshops, community workshops etc. to allow parties the opportunity to understand all the issues prior to requesting comments on applications or plans.

All boards have experienced difficulties in ensuring compliance to municipal water licences. The breakout discussion allowed the boards to share some of the good ideas of how to improve compliance. All the boards agreed that it was useful to be proactive and go out to individual communities.

2.3.2.3 Compensation

Notes summarizing the different boards' approaches or processes related to compensation claims are presented in Table 5 below. Key messages or conclusions are summarized below the table.

Table 5: Compensation Practices – Board approaches or process

Board	Summary of Board's approach/process
Nunavut Water Board	<ul style="list-style-type: none"> • Compensation built into Inuit Benefit Agreements (use 3rd party consultant to value) • The Board has never had a compensation claim although they have come close. • The Board always ask the public at hearings but only once has some party said "maybe". If someone at a hearing said they had a claim, then they would not be able to issue the WL until the compensation was dealt with.
Yukon Water Board	<ul style="list-style-type: none"> • The Board has guidelines for compensation and a template which was developed for an application that was made in 2008. Template is for a hydro project and there were no problems with that claim. • Compensation in the Yukon is under Waters Act and the Umbrella Final Agreement (the latter is outside the YWB process)
Inuvialuit Water Board	<ul style="list-style-type: none"> • No compensation claims identified to date. • Specific provisions within the Waters Act for dealing with compensation.
Land and Water Boards of the Mackenzie Valley	<ul style="list-style-type: none"> • The Act states that compensation claims must be made within the prescribed timeline • WL cannot be issued until any compensation claims have been resolved or a process to resolve them has been established • The Boards have had very few compensation claims. In one recent case, the MVLWB made a compensation determination, but the claimant challenged the Boards' decision in court. The judge ruled that the Board's process for deciding on the compensation was not fair; the MVLWB is currently in the process of resolving this matter.

The Waters Acts for all the boards allows downstream water users of licensed undertakings to claim compensation. Participants could only cite two examples where compensation has been applied for and granted, making compensation a very under-utilized tool in water board proceedings. Participants noted that none of the boards currently directly ask for claims prior to the public hearing for an application and it is likely that the public doesn't fully understand the process for

claiming compensation. Those boards that have had compensation claims pointed out that claims require a lot of evidence and that the process can be very complicated.

Participants agreed that compensation claims could arise anytime and, if the boards are not prepared to deal with them expediently, such claims could cause significant delays to water licensing processes. To mitigate this risk, participants agreed that it would be important to develop fulsome procedures and guidance for compensation claims.

Interest was expressed in collaborating on the development of compensation guidance. The MVLWB is currently involved in finalizing a process for the compensation claim that was referred back to them from the court. The additional experience gained by the MVLWB can be used to update the YWB's template and possibly revise all the boards' rules of procedure with respect to compensation. One question every board will have to address is whether they should deliberately notify parties about compensation or just wait for affected parties to apply.

2.3.2.4 Security

Notes summarizing the different boards' approaches or processes related to water licence security are presented in Table 6 below. Key messages or conclusions are summarized below.

Table 6: Security Deposits – Board approaches or process

Board	Summary of Board's approach/process
Nunavut Water Board	<ul style="list-style-type: none"> • In Nunavut, proponents face the issue of double-bonding – this is where both the Regional Inuit Association (RIA) and INAC ask the company for a security deposit. To avoid having proponents having to put up twice the amount of security on a project (i.e., double-bonding), INAC has entered into special agreements with the RIA. • During the Board's process, the proponent, the RIA, and INAC come forward with security proposals (usually by unit cost) and the Board determines the final number. • Water licences have conditions for Annual Security Reviews.
Yukon Water Board	<ul style="list-style-type: none"> • Mine Licensing Improvement Initiative may address this.
Inuvialuit Water Board	<ul style="list-style-type: none"> • The Board is currently to working with ENR on itthis issue. • Lands and other GNWT Departments have been working on developing GNWT policies and procedures associated with security deposits.
Land and Water Boards of the Mackenzie Valley	<ul style="list-style-type: none"> • Criteria/guidance has been prepared - it has gone out for review and may be approved soon. • One thing they are still hoping to get clarity on is the \$/component as this would help to figure out what could be returned upon progressive reclamation

Participants discussed how the current model for determining security amounts, RECLAIM, is largely too complicated or convoluted but there is no solid alternative. The NWT boards are still working with the GNWT to resolve some issues with respect to security; because of devolution, the GNWT has not yet finalized their process. The feeling amongst participants was that it was too early to have anything to collaborate on. The boards would like to discuss their progress on this topic at the next Forum.

2.3.3 Breakout Group 3: Mixed EA and Licensing Board Discussions

Representatives of all the boards participated in Breakout Group 3 discussions. Due to time constraints, only two of the four original topics were discussed in detail: training initiative and community capacity/participant funding. Regional environmental assessments were also briefly discussed. Notes from the three discussions are summarized below.

2.3.3.1 Training Initiatives

The group shared and discussed training approaches at 3 levels: staff, community, and board. Table 7 summarizes the current situation and opportunities in each region.

Table 7: Training Initiatives by Region

Region	Current initiatives
Nunavut	<ul style="list-style-type: none"> • NIRB developed Community toolkit in Nunavut around marine issues • NWB does not have resources for training • Nunavut interested in NWT model for NIRB + NWB • Language challenges as well as bandwidth limitations for on-line training • Consider value of secondments • Could folks from Nunavut be observers at NWT Board Forum? • Nunavut has supported communities through an outreach approach: <ul style="list-style-type: none"> ○ Open houses ○ Visiting high schools ○ Meeting with Nunavut Union of Municipalities ○ Developing more focused toolkit ○ Use a "Tag on" approach - visiting adjacent communities • NIRB holds annual board governance training with legal council • Board assesses itself against policy/ 'audit' • At NIRB, By-Laws are rules of procedure • NIRB offered to share policy and training with other boards
Yukon	<ul style="list-style-type: none"> • Online tools • Interested in approach taken in NWT • Challenge: <ul style="list-style-type: none"> ○ Number of practitioners and turnover • Deliver curriculum through Yukon College in collaboration with academics/experts <ul style="list-style-type: none"> ○ EA 101 and Beyond ○ Cumulative effects • Training for communities by YESAB has been through informal outreach, and YESAA 101 at community level – it is a current priority to engage in discussions on how to improve • It is also a priority at the YWB but there is a very small budget
Northwest Territories	<ul style="list-style-type: none"> • NWT Board Forum brings together all Resource Management Boards <ul style="list-style-type: none"> ○ Advantage of collaborative approach ○ Orientation training for all boards ○ On-line tools exist ○ Public hearing training ○ Administrative law ○ Wildlife resource management • Private technical training related to Administration/Tribunals <ul style="list-style-type: none"> ○ Reasons for decision ○ Handling evidence

Region	Current initiatives
	<ul style="list-style-type: none"> • Moving from in-person training to making it available online • Edumine training from UBC is also a good resource for new staff: <ul style="list-style-type: none"> ○ Mining 101 ○ Tailings

The group agreed to the value of practitioner training and identified a number of events, resources and sources of funding:

- AIA Arctic Forum
- Eco Canada environmental professional designation
- INAC NUPA workshop
- IST IFA Training
- INAC implementation funding

2.3.3.2 Community Capacity/Participant Funding

The group discussed how to ensure communities have sufficient capacity to participate. It was acknowledged that there had been political concern about environmental advocates taking advantage of participant funding. Representatives from the NWT described the role of independent oversight bodies at the diamond mines and a question was raised as to whether this approach could be taken at a regional level? In discussing potential funding sources the possibility of cost recovery for participant funding was suggested (with a threshold for juniors). It was agreed that there is shared interest in addressing this across the territories but it was recognized that it could look a lot differently in different regions. The group discussed what would be the best way to elevate these ideas:

- It was proposed to start off by developing a shared understanding of what participant funding looks like in the North – perhaps by using the process map to identify where the gaps exist and where support is needed
- Where do requests come from? What do communities want? Where is funding available?
- This information could be collected in a discussion paper supported by CanNor, and could be used to develop a set of shared principles
- It was proposed that a letter be prepared (supported by the report from this meeting) an invitation to INAC to engage/dialogue on this important subject
- It was also pointed out that CEAA review meetings are coming up, and that this group could coordinate and provide a “northern voice” to the CEAA Review on this and other topics.

2.3.3.3 Strategic/Regional Environmental Assessments

The group had a brief discussion to take stock of what was happening across the north in the area of strategic/regional environmental assessment. A key question that arose was who will lead SEAs in the different jurisdictions. There are interesting potential SEA opportunities arising in the Yukon. In Nunavut, NIRB likely to lead an SEA of the Davis Strait. In the NWT, a regional study was carried out: the West Kitikmeot/Slave Study. It was pointed out that there needs to be support for small projects/operations and for communities to participate. There would be value in identifying and sharing good examples/case studies.

2.3.4 Breakout Group 4: Development of a Pan-Territorial Process Map

Building on the suggestion from Breakout Group 1 on Day 1, representatives of all the boards except for YESAB were able to participate in the development of a pan-territorial process map as part of Breakout Group 4 discussions. The results of this exercise that were recorded on flip charts on the wall have been transferred into the following tables that provide a summary of the key steps in the process of going from the development of a project proposal through an environmental assessment and/or licensing to operation and closure of the project. Specific information about regulatory processes in

the different territories can be found at the websites of individual boards; some specific process information for the different regions can be found here:

- <http://www.nirb.ca/nunavut-regulatory-system>
- http://www.nwb-oen.ca/regulatory-process/licensing-process/timelines_and_process_diagrams
- <http://www.nwtboardforum.com/process/regulatory-system-in-the-mackenzie-valley-region/>
- <http://www.nwtboardforum.com/process/regulatory-system-in-the-inuvialuit-settlement-region/>
- <http://www.yesab.ca/the-assessment-process/>
- <http://www.yukonwaterboard.ca/procedures.htm>
- <http://www.inuvwb.ca/procedures.htm> (Application Process Guide (2015))

PRE-APPLICATION PHASE/PROPOSAL DEVELOPMENT			
Goal: To set up everyone for a successful process.			
Main Activities: <ul style="list-style-type: none"> • Prepare project description • Engage with government departments, board staff, affected parties, land use planning boards • Secure land access or tenure • Informal conformity check with environmental assessment, licensing, and land use planning boards 			
Region-Specific Notes			
Yukon	Inuvialuit Settlement Region	Northwest Territories – Mackenzie Valley	Nunavut
Proponents are responsible for carrying out all the activities listed above. Board staff in all territories make themselves available to provide guidance to proponents.			
Major Differences between regions: <ul style="list-style-type: none"> • Proponents are expected to do a significant amount of pre-submission engagement with stakeholders in the Mackenzie Valley. 			

PRELIMINARY DETERMINATION ON SUBMITTED APPLICATION/PROPOSAL			
Goal: Administrative decision to require further assessment or to proceed directly to permitting			
Main Activities: <ul style="list-style-type: none"> • Check proposed project against approved Land Use Plan • Conformity check of completed Application and supporting materials against thresholds or application standards 			
Region-Specific Notes			
Yukon	Inuvialuit Settlement Region	Northwest Territories – Mackenzie Valley	Nunavut
<ul style="list-style-type: none"> • Project proposal goes to the Development Assessment Branch (DAB) of the Yukon Government • DAB determines whether proposed activities require an assessment or whether it can go directly for licensing by the YWB or other government agency • These determinations are made by the DAB staff without public input 	<ul style="list-style-type: none"> • Project proposal/application goes to the EISC for screening – see next step 	<ul style="list-style-type: none"> • Application goes to the LWBs • LWBs determine whether the application is complete or not • LWBs determine compliance to approved Land Use Plan • LWBs determine whether project is exempt from further screening • These determinations are made by the Board staff without public input 	<ul style="list-style-type: none"> • Project proposal/application goes to Nunavut Planning Commission (NPC) • NPC does a conformity check and compares proposed activities to exemption list to decide whether additional assessment is necessary (in which case the proposal goes to NIRB) or if it can proceed directly to licensing (in which case it does to NWB) • These determinations are made by the Board staff without public input
Major Differences between regions: <ul style="list-style-type: none"> • Initial applications are submitted to different types of boards in each region 			

SCREENING OF APPLICATION/PROPOSAL			
Goal: To decide what level of assessment necessary			
Main Activities: <ul style="list-style-type: none"> • Application/proposal is sent out for public review to identify significant concerns or to make recommendations • Board decides on what level of environmental assessment, if any, is necessary 			
Region-Specific Notes			
Yukon	Inuvialuit Settlement Region	Northwest Territories – Mackenzie Valley	Nunavut
<ul style="list-style-type: none"> • The Designated Office (DO) of YESAB sends the application/proposal out for public review • The DO decides whether the project can proceed (with or without conditions), not proceed, or if it requires an evaluation by 	<ul style="list-style-type: none"> • EISC sends application/proposal out for public review • The EISC or any co-management board in the ISR can refer the project to EIRB for an assessment 	<ul style="list-style-type: none"> • LWBs send application/proposal out for public review • Project can be referred to environmental assessment by the LWBs, the MVEIRB or other government agencies 	<ul style="list-style-type: none"> • NIRB sends application/proposal out for public review • NIRB decides whether the project should have an environmental assessment, be abandoned or modified, or if it can proceed straight to licensing.

YESAB's Executive Committee		<ul style="list-style-type: none"> • MVEIRB can decide on whether the referred projects get an environmental assessment or an environmental impact review 	
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Major Differences between regions:

- LWBs in the Mackenzie Valley perform the environmental screening of the project instead of the assessment board – in every other region, an EA board performs that screening.
- In the YT, the ISR, the MV, and the NU, this step is called a DO Evaluation, a screening, a preliminary screening, and a screening (45 day assessment), respectively

ENVIRONMENTAL ASSESSMENT/IMPACT REVIEW

Goal: A thorough assessment of all potential impacts to the biophysical, biological and human environment

Main Activities:

- Scoping – development of terms of reference or other guidance
- Proponent submission of project description (e.g., developer's assessment report (MV), environmental impact statement (NU, ISR), proposal (YT))
- Adequacy/conformity check (internal process)
- Technical review – information sought from the public, information requests to address gaps
- Technical and community sessions
- Public hearings
- Board decision

Region-Specific Notes

Yukon	Inuvialuit Settlement Region	Northwest Territories – Mackenzie Valley	Nunavut
<ul style="list-style-type: none"> • The Executive Committee may refer the project to a review by a panel of the Board • In the YESAB process, the technical review/info request phase is called the Evaluation Stage • Technical sessions only if warranted by proposal scope • Recommendations sent to relevant Decision Body for approval 	<ul style="list-style-type: none"> • EIRB conducts community meetings • EIRB conducts the assessment and determines terms and conditions under which the process can go ahead 	<ul style="list-style-type: none"> • MVEIRB typically conducts technical sessions and community meetings • MVEIRB's Report of EA including recommended measures is sent to the Minister for approval 	<ul style="list-style-type: none"> • NIRB conducts technical meetings, community round-tables, and pre-hearing conferences • NIRB issues a final report to the Minister and, if approved, develops a Project Certificate • NIRB conducts follow-up monitoring on the project

Major Differences between regions:

- Inconsistent use of technical or community sessions across the regions
- In Nunavut, a Project Certificate is issued and NIRB will conduct follow-up monitoring to ensure compliance to the conditions of the certificate. In all other regions, the assessment boards have no further involvement with the project after a decision is made.
- In the Yukon and the Mackenzie Valley, there are two levels of assessment. For the Yukon, it is an Executive Screening or a Panel Review. In the Mackenzie Valley, it is called an environmental assessment or environmental impact review.

PERMITTING/LICENSING (for initial application, amendment or renewal)

Goal: To issue an authorization to the proponent to allow work to occur. Terms and conditions to reflect Board mandate, legislation and EA requirements

Main Activities:

- Proponent submission
- Completeness check/administrative review (N.B., “clock” on licensing timeline starts after application deemed complete)
- Public/stakeholder/government review of application and comment
- Information requests of proponent
- Technical sessions and/or pre-hearing conferences
- Final submissions or interventions from stakeholders and proponents
- Public hearings
- Some jurisdictions allow for a public review of a draft WL
- Final decision on Type A WLs are sent to Minister for approval

Region-Specific Notes

Yukon	Inuvialuit Settlement Region	Northwest Territories – Mackenzie Valley	Nunavut
<ul style="list-style-type: none"> • Proponent submits its application to the YWB • Board staff responsible for completeness check (confirm information is adequate to proceed) without public review • No legislated timeline for WL process • May allow additional information requests but usually no technical session; will conduct pre-hearing conference • Allows a public review of draft WL • Final decision and WL sent to territorial Minister for approval 	<ul style="list-style-type: none"> • Proponent submits its application to the IWB • Board staff review application to determine completeness and information is adequate for Board to deem complete. • Has a legislated timeline for WL review and approval process • May have technical session and additional information requests depending on application; also has pre-hearing conference • Allows for a technical review of draft WL • Final Reasons for Decision and WL sent to territorial Minister for approval, for Type A WL and Type B WL with a Public Hearing; • Board approves Type B WL 	<ul style="list-style-type: none"> • If the project underwent an EA, the proponent submits an Updated Project Description to the LWBs • Board staff responsible for completeness check (confirm information is adequate to proceed) without public review • Has a legislated timeline for WL process • Public review and comment phase with proponent responses • For Type A WLs, a technical session is usually held; Type B WLs may also involve a technical workshop • Allows a public review of draft WL • Final decision and WL sent to territorial Minister for approval (for Type A WL, and Type B WLs that included a public hearing) 	<ul style="list-style-type: none"> • Proponent submits its application to the NWB • Completeness check (confirm information is adequate to proceed) on application involves a public review process • Has a legislated timeline for WL process • Conducts a technical meeting and pre-hearing conference at the same time; may issue additional information requests • Final decision and WL sent to federal Minister for approval

Major Differences between regions:

- All jurisdictions except for the Yukon have legislated timelines for WL process
- Inconsistent use of additional process between public review and public hearings – some boards routinely have technical sessions and additional information request periods in an effort to reduce the number of issues at the public hearing, others do not.

- Draft WLs are sent out for technical review by all jurisdictions except Nunavut
- In the Mackenzie Valley of the NWT, the boards issue water licences and land use permits; in other regions, land use permits are issued by the territorial (YT, ISR), Land Owner (ISR) or federal (NU) government.

Limited time was available to finish the final two phases of the licensing process: WL Administration and Project Closure. Therefore, for these phases only the main activities and the main differences were recorded.

LICENCE ADMINISTRATION
Goal: To monitor/ensure compliance with the WL
<p>Main Activities:</p> <ul style="list-style-type: none"> • Ensure submissions are in on time • Review and approve some management plans and reports • Ensure water use fees and security deposits are submitted • Liaise with inspectors to ensure compliance • Ensure WL conditions are working as intended (adaptive management of WL)
<p>Major Differences between regions:</p> <ul style="list-style-type: none"> • In the Yukon, Inspectors seem to play a bigger role in ensuring compliance; in the Mackenzie Valley and ISR, Board staff seemed to take a more active role in ensuring compliance.

PROJECT CLOSURE
Goal: To ensure reclamation plan is implemented and to return security deposit
<p>Main Activities:</p> <ul style="list-style-type: none"> • Finalize closure plan • Assess progressive reclamation and return security incrementally • Possible need for assessment/new WL for closure
<p>Major Differences between regions:</p> <ul style="list-style-type: none"> • In the Yukon, projects that have Type A WLs may go to a Type B WL upon implementation of the closure plan. • In the Mackenzie Valley, older projects that were “grandfathered” under the MVRMA may need to apply for a new WL for closure and this may require an environmental assessment

One of the participants identified the need to describe the terminology for different steps in the processes above based on region. A “terminology” list was started but not fully fleshed out. The following definitions were agreed upon during the moment:

- Preliminary Determination:
 - NU: conformity
 - MV: screening exemption
- Screening:
 - YT: Designated Office Evaluation

The full group had an opportunity to react to the work the breakout group had completed and provided the following comments:

- It is best to keep the mapping exercise at a higher level to start
- It would be helpful to:
 - Include timelines in the mapping exercise
 - Provide terminology around equivalencies

- Discuss intended vs. unintended differences
- Inventory legislation
- Once completed, how will this information be disseminated?

2.4 DISCUSSION OF NEXT STEPS

The last agenda item included a discussion of how participants would like to follow-up on some of the ideas generated during the Forum and to gather ideas for the next event. Summaries of these discussions are provided below in sections 2.5.1 and 2.5.2. Section 2.5.3 captures some of the participant’s closing remarks.

2.4.1 Format and agenda items for the next Forum

There was interest from all participants in attending another Forum next year; CanNor supported this idea as well. Participants agreed that next year’s Forum should be in Nunavut – mostly likely in Cambridge Bay where the NIRB main office is located. The exact time of year for the event was not decided.

There were no specific suggestions for topics next year, but participants were interested in structuring the meeting so that they could focus on “taking action”. One suggestion was for boards to compare their “wish lists” for addressing gaps or weak points in their processes as well as describing what they are currently working on. The desired focus would be to identify feasible and strategic ways to make everyone’s processes run more smoothly. It was also suggested that the pan-territorial process map could be quite helpful in identifying common areas of concern and area where boards could work together to collaborate.

As was done for the last Forum, invitations did not specify whether boards should send board members or staff members to the meeting; instead, boards were provided with the agenda and asked to choose representatives that they thought would most benefit from the meeting. During the final plenary discussion, it was noted that only one board member attended this Forum and that the other participants representing the boards were all staff members. This was not seen as a problem necessarily, only that having board members attend and hear their discussions can be very useful in that it helps board members to better understand staff challenges. The suggestion was made to again revisit how the invitations are made in preparation for next year’s event.

2.4.2 Initiatives to work on before the next Forum

CanNor offered to provide some secretariat support in between forums if the boards had an interest in pursuing specific initiatives together or sharing information. For example, CanNor could do some research to pull together key information for the Steering Committee to analyze and act on. Several ideas were put forward by participants with respect to collaborative initiatives, including:

- Setting up some kind of web portal or online location for sharing documents or resources;
- Joint presentations at meetings like the International Association of Impact Assessment (IAIA) meeting (noting that the next IAIA meeting will include an Arctic Panel), the NWT Board Forum, the NWT Geoscience Meeting or the Nunavut Mining Symposium;
- Participating in federal reviews including reviews of the Canadian Environmental Assessment Act, the National Energy Board, and the Fisheries Act;
- Sharing or collaborating on best practices in greater detail;
- Sharing inventories of priority projects (e.g., guidelines in development, process improvements) that boards might be able to collaborate on; and,
- Preparing and sending a joint letter to the Minister or and INAC representative regarding participant funding.

There was a feeling that the list of potential initiatives was relatively long and a suggestion was made to prioritize the group's efforts. Since all the boards had expressed issues with communities' capacity to participate meaningfully in board processes, the first collaborative initiative will be to draft a joint letter about participant funding to the INAC Minister or the Minister of Finance. The group discussed how they would like the letter to describe the connection between effective participation and public confidence in the regulatory system. A suggestion was made to avoid characterizing the issue as solely a funding problem. Instead, the letter could highlight the need to agree on the key concepts that participant funding is meant to address and then develop more holistic approaches to addressing identified gaps. The letter could lay out the key drivers for the work from the boards' perspective and make a request to work together with government on this issue going forward. Mark Cliffe-Phillips (from MVEIRB) offered to hold the pen on the letter but asked for key messages or bullets from the other boards.

As noted above, CanNor offered to provide some secretariat support with respect to collaborative initiatives, and will need to continue working with a Steering Committee. Participants were asked if there were any new volunteers for the Steering Committee but none came forward so the committee will continue with its current composition.

2.4.3 Summary of closing comments from participants

At the end of both days, participants were asked to say a few words regarding their experience of the Forum. Some of the key comments included:

- Appreciation for the meeting atmosphere in which everyone seemed enthusiastic, willing to engage/share and to be helpful. Nice to part of something collaborative instead of continuing on in individual silos.
- Meeting was informative, productive and objectives were met. The meeting format worked well including the separation of the EA and licensing boards for part of the time.
- It was good to see some of the same faces – in order to make progress on issues, it is often good to have the same people.
- Impressed with the amount of expertise in the room and all the different perspectives. It is a great opportunity to innovate and make progress on common challenges.
- The experience generated a sense of renewed optimism. Some of us have been in this system for a very long time and have all experienced capacity issues – but we are still here, passionate about our work and fighting to resolve problems.
- Sense of validation that the boards are working on similar challenges and trying to achieve the same objectives.
- The pan-territorial process mapping exercise was helpful and interesting. It showed how all the boards have the same overall goals and vision but do things differently, sometimes because of legislative differences and sometimes because of policy choices. The comparison is very useful for illuminating potential points of collaboration.
- Seeing all the common efforts and potential points of collaboration generated a sense of optimism. By collaborating, we have a much better chance of developing and implementing those process improvements that we know would make our lives easier but that are hard to complete alone.
- It was interesting to note how many of the best practices presented at this Forum were addressing public participation and, therefore, public confidence in the regulatory process and decision making. Southern boards have something to learn from these northern boards.
- It was great to get confirmation that people saw value in this meeting and wanted it to continue.
- A sense of building momentum going forward. For example, the last Forum was about learning and sharing in general but this time there was more prioritization on what to collaborate on or to what to have a collective voice on. Looking forward to the next Forum for continued prioritization and development of concrete actions.
- One participant said that they realized that they kept thinking of the boards as new and still under development – but that in fact the boards have matured a lot since the land claims were settled and are now in a continuous cycle of improvement.

- In addition to the formal discussions in breakout groups or in plenary, it was great to see how everyone kept talking on the breaks or over dinner. There was a sense that the informal discussions (including sharing, commiserating etc.) were an important and rewarding part of the Forum.
- Excellent way to make friends and build relationships with others with similar issues and with a similar desire to continuously improve the northern regulatory system.

Overall, participants agreed that the Forum is a very valuable initiative and that it should be continued. There was also an appreciation for CanNor's continued support of the Forum going forward.

3 Immediate Next Steps

The participants agreed that the Steering Committee should reconvene in the near term and with CanNor act on the following:

- CanNor should distribute this report, once finalized, to Forum participants as well as other interested board and federal/territorial government departments.
- As discussed in Section 2.4.2, the Steering Committee should draft a letter to INAC describing community capacity issues and offering to collaborate on improvements to participant funding efforts to resolve those issues.
- CanNor to consider options for how to collect, store and distribute information that boards would like to share. Eventually, information could be collected on a website but for now it can be distributed by email. CanNor will send an email distribution list to all the boards.
- The Steering Committee to initiate planning for the third Pan-Territorial EA and Regulatory Board Forum.

Appendix A – Forum Participants

Organization	Name	Position
Cannor		
Northern Projects Management Office	Matthew Spence	Director General
	Bernard LaRoche	Project Manager
Nunavut		
Nunavut Impact Review Board	Ryan Barry	Executive Director
	Tara Arko	Director of Technical Services
Nunavut Water Board	Stephanie Autut	Executive Director
	Karén Kharatyan	Technical Advisor
Northwest Territories – Inuvialuit Region		
Environmental Impact Screening Committee	Darrell Christie	Coordinator
Inuvialuit Water Board	Mardy Semmler	Executive Director
Northwest Territories - Mackenzie Valley Region		
Mackenzie Valley Review Board	Mark Cliffe-Phillips	Executive Director
	Brett Wheler	Senior Policy Advisor
Gwich'in Land and Water Board	Leonard Debastien	Executive Director
	Holly Jones	Communications Specialist
Sahtu Land and Water Board	Paul Dixon	Executive Director
Wek'eezhii Land and Water Board	Ryan Fequet	Executive Director
	Sarah Elsasser	Regulatory Manager
Mackenzie Valley Land and Water Board	Rebecca Chouinard	Executive Director
	Angela Plautz	Regulatory Policy Advisor
Yukon		
Yukon Environmental and Socio-economic Assessment Board	Tim Smith	Executive Director
	Mara Pollock	Legal Counsel
	Martin Haeefe	Manager, Whitehorse Office
Yukon Water Board	Loralee Johnstone	Board Chair
	Roger Lockwood	Executive Director
Indigenous and Northern Affairs Canada		
Natural Resources and Environment	Mark Hopkins	Director General
Facilitation Team		
Stratos Inc.	Michael van Aanhout	Chairman
K. Racher Consulting	Kathy Racher	Principal

Appendix B – Summary of Pre-Forum Survey Results

Question 1: What organization do you work for?

- CanNor – Northern Project Management Office
- Environmental Impact Screening Committee (EISC)
- Environmental Impact Review Board (EIRB)
- Inuvialuit Water Board (IWB)
- Mackenzie Valley Environmental Impact Review Board (MVEIRB)
- Mackenzie Valley Land and Water Board (MVLWB)
- Nunavut Impact Review Board (NIRB)
- Sahtu Land and Water Board (SLWB)
- Wek'eezhii Land and Water Board (WLWB)
- Yukon Environmental and Socio-economic Assessment Board (YESAB)

Question 2: We're seeking innovative solutions to common issues for Northern Boards and would like to hear more about what is working well for you: Please name and/or briefly describe any processes or products that your organization has implemented in the last few years which have, in your opinion, meaningfully improved your organization's operations, workload or client relations.

Organization	Answer
CanNor	Community Readiness Initiative (CRI); supporting comprehensive community planning in northern indigenous communities, to help them prepare for major resource projects in their region. Although not a substitute for broad participant funding, CRI allows communities to examine the costs and benefits of resource development and submit more substantive evidence into project's environmental and socio-economic assessments.
EISC	Having a full-time, responsible, knowledgeable, and reach-able Coordinator whom is a beneficiary of the Inuvialuit Final Agreement (IFA) has definitely aided our Committee's operations.
EIRB	We have made improvements to the web-site so it's more user friendly, easy access to the public registry. Keep these updated on a regular basis. Make sure all parties are provided notice on any update.
IWB	Standard Terms and Conditions - Municipal Water Licences; 5 year Strategic Plan; Communications Strategy; Revised Rules of Procedures - approved January 2015
MVEIRB	Some of the recent process improvements have been: 1. Implementation of the Online Review System for document review and information request phase; 2. Open information requests - no vetting by the Board, but a process for rulings on specific IR's if required; 3. Adequacy reviews conducted by the Board over and above the past conformity with terms of reference; 4. Measures which include post EA monitoring and reporting on implementation and performance of measures, with adaptive management requirements; 5. Having developer's produce a draft terms of reference prior to scoping of the EA; 6. Dedicated policy staff to work on EA policy, guideline and collaborative initiatives and assist Board and staff; 7. Standardized approaches to develop EA measures - writing and the use of argued reasoning to reach decisions; 8. Written board reasons throughout the process (e.g.. scoping reasons for decision).
MVLWB	-Engagement and Consultation Policy and Guidelines -Waste Management Guidelines -Water and Effluent Quality Management Policy -Guide to Land Use Permitting Process -Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories -Regulatory Staff Manual for Land Use Permits (internal) -Standard Land Use Permit Conditions -Online Review System/Public Registry
NIRB	Improved process guides for specific target audiences (Proponents, Intervenors, Communities) focused on topics of specific concern, and using much more color and plain language as applicable for the audience.
NIRB	Implemented a new online public registry and internal enterprise management system to improve public access to assessment materials (replacing ftp site) and internal file management. We're still experiencing growing pains with implementation, but continue to move in a positive direction. Reformatted NIRB Project

	Certificates to better delineate the specific term and condition wording from other implementation information, allowing for increased certainty around when formal reconsiderations are or are not required. Completed internal organizational review with outside professional firm, with focus on achieving new efficiencies, increasing employee satisfaction and advancement opportunities, redefining responsibilities and identifying recommended updates to organizational chart.
SLWB	The SLWB has not developed anything specific to our Board in recent years. But our collective (MVLWB) Administration Policy has been a big help. Using a common HR framework across the MV has been helpful.
WLWB	While I wasn't able to attend, the feedback from various attendees regarding the recent Preliminary Screening Workshop held by MVEIRB (happy to send agenda along) was structured very effectively to go through the life-cycle of an authorization. I would suggest a similar deep-dive into the life-cycle of authorizations (possibly separated into EA and Permitting/Licensing Boards) to find out how we do things at the operational level in similar/different ways and why. It also helps uncover some of the tools and support resources each organizations uses at different steps. It might also be helpful to have a time on the agenda to discuss general topics such as 'Interaction with Inspectors', 'Education/Awareness Initiatives', 'Balancing Staff Workloads', etc. to learn from each other's success.
YESAB	The Yukon Environmental and Socio-economic Assessment Act (YESAA) requires proponents to consult affected First Nations and communities before submitting a proposal to the Executive Committee for a screening. The Executive Committee must, in turn, satisfy itself that this statutory consultation obligation has been met. To address uncertainty around the requirements for consultation, and to distinguish between Crown and statutory obligations, YESAB is developing a guide to consultation under YESAA.

Question 3: *What keeps you awake at night as a Northern EA/Licensing Practitioner? Please name and/or briefly describe those major challenges that your organization has been experiencing in the last few years. If your organization has ideas or plans on how to address these challenges through new/revised products or processes, please describe those efforts.*

Organization	Answer
CanNor	Increasing number of times that indigenous communities assert that they have inadequate resources to effectively participate in project reviews. Risk of continuing to review projects without providing groups with adequate resources may be a legal risk associated with inadequate consultation. CanNor continues to work with other government partners to address this issue.
EISC	Nothing ... I am glad that everything we (the EISC) does is governed by, and directed by, the IFA. The only slight challenge that has faced the EISC recently has been the increase in off-shore, NWP attempts via cruise-ships. We met this challenge, and have build the appropriate relationships with the various regulators who have jurisdiction in off-shore marine traffic in Canadian waters.
EIRB	Communication is key, make sure everyone (all parties) is on the same page.
IWB	None
MVEIRB	1. Cumulative effects assessment in general and assessing new projects in areas that are already experiencing significant cumulative effects. The Board has recently made decisions that look at using offsetting measures to minimize cumulative effects to pre-new development conditions. 2. How to determine significance of public concern, particularly when the concern is related to "intangibles", such as loss of cultural values? We have some organizational documents and papers produced over the years, but need to revisit the topic. 3. How to ensure measures are fully implemented and performing their intended role to minimize significant impacts. Recent measures for reporting, monitoring and follow-up have been used in recent EA decisions. 4. How much baseline do we need to assess a project? We are working on developing EA initiation guidelines to help address this gap. 5. How and when to move from an EA to an Impact Review? 6. Commitments vs. Suggestions vs. Measures - when to use each appropriately to ensure significant effects are mitigated. 7. How to deal with Aboriginal Rights issues in EA?
MVLWB	- Improved Engagement/Consultation Communications (eg. community sessions/workshops/feedback, internal protocols when issues arise) - Standard Water Licence Conditions (work in progress) - Acid Rock Drainage Guidelines (including water quality predictions) (work in progress) - Updating Strategic Plan, Governance Document, and Rules of Procedure (including rules to address compensation claims) - Relinquishment of security - Preliminary Screening (information requirements, review, assessment, recommendations)

NIRB	Workload and finding qualified individuals that are hard working and a fit with living in the North.
NIRB	Difficulty in advancing regulatory improvement initiatives while maintaining heavy required workload (i.e. not enough time available to further initiatives with potential to improve processes). Prioritization of initiatives is critical to progress, however there's never enough time or resources available to achieve all that is desired. Board appointments: long-term vacancies on the Board itself place additional burden on current membership, increasing time commitments and stress for members. Increased political advocacy for addressing the issue and reappointing existing members as a means of ensuring capacity. Current focus on phased and incremental development for projects challenges ability to accurately delineate potential project effects and increases need for robust cumulative effects assessments. Challenges public engagement efforts as we appear to be in a permanent assessment cycle. Working on updating/standardizing standard EIS guidelines to expedite review process and investigating how project certificates issued for related projects can be designed/updated to complement one another. Federal Government approach to section 35 requirements: GOC has begun circulating board hearing reports asking potentially affected groups for their opinions on the reports, rather than focusing efforts on those areas/issues falling outside of the assessment process for which accommodation might reasonably be necessary. Creates inappropriate expectations that board processes should be addressing these issues directly.
SLWB	Keeping staff has always been an on-going issue for us at the SLWB, because we are located in a small semi-isolated community causes some long-term staff stability issues. But we survive and our present org structure has some redundancy that seems to keep corporate knowledge within the organization. I believe that staff living here have a better understanding of real issues facing the north outside the capital region. It helps regulate activities because you have real world experience with what our clients (stakeholders and proponents) work with when conducting reviews or work. Our issue is that we operate in one Sahtu community and our understanding of local issues are sometimes specific to our community of residence. Travel within the Sahtu is also difficult and results in less interaction with neighboring communities.
WLWB	- declining level of participation in the Board's public review process from all parties; continued awareness and education initiatives - proponent's understanding the requirements in their authorizations; having monthly meetings with Licensees - enforcement of conditions within an authorization; legal is analyzing to determine next steps
YESAB	The structure of YESAB is unique with its Executive Committee responsible for 'screenings' of larger more complex projects and six community-based designated offices, which carry out 'evaluations' of projects at a local level. While this decentralized structure presents opportunities, it also creates some challenges. Communications, cohesion, delivery of training, building a strong community of practice and ensuring consistency in the application of assessment methodologies are among the challenges. YESAB addresses these challenges through a strong assessment team, or A-team, coordinated training and a focus on strengthening the assessment framework.

Question 4: *With respect to environmental assessment processes and given the answers you gave to Questions 2 and 3, what is your interest level in discussing the following topics:*

	Very interested	Somewhat interested	Not very interested	Total	Weighted Average
How information requests are handled/vetted	18.18% 2	54.55% 6	27.27% 3	11	1.91
Guidance for proponents/reviewers	72.73% 8	18.18% 2	9.09% 1	11	2.64
Process of follow-up on EA measures	63.64% 7	27.27% 3	9.09% 1	11	2.55
Transboundary EAs	18.18% 2	54.55% 6	27.27% 3	11	1.91
Socio-economic/cultural impact assessment	54.55% 6	45.45% 5	0.00% 0	11	2.55

Question 5: *With respect to licensing processes and given the answers you gave to Questions 2 and 3, what is your interest level in discussing the following topics:*

	Very interested	Somewhat interested	Not very interested	Total	Weighted Average
How information requests are handled/vetted	22.22% 2	33.33% 3	44.44% 4	9	1.78
Guidance for proponents/reviewers	77.78% 7	22.22% 2	0.00% 0	9	2.78
Water licence security conditions	44.44% 4	22.22% 2	33.33% 3	9	2.11
Compensation	55.56% 5	22.22% 2	22.22% 2	9	2.33
Municipal water licence compliance	11.11% 1	55.56% 5	33.33% 3	9	1.78
Enforceable water licence conditions/standard conditions	66.67% 6	11.11% 1	22.22% 2	9	2.44

Question 6: *With respect to regulatory processes overall and given the answers you gave to Questions 2 and 3, what is your interest level in discussing the following topics:*

	Very interested	Somewhat interested	Not very interested	Total	Weighted Average
Technology behind registries	36.36% 4	54.55% 6	9.09% 1	11	2.27
Consultation/engagement techniques or requirements	54.55% 6	36.36% 4	9.09% 1	11	2.45
Preliminary screening practices	18.18% 2	54.55% 6	27.27% 3	11	1.91
Issues/best practices for projects transitioning from EA to licensing	54.55% 6	27.27% 3	18.18% 2	11	2.36
Capacity gaps for communities	54.55% 6	36.36% 4	9.09% 1	11	2.45
Training initiatives	81.82% 9	18.18% 2	0.00% 0	11	2.82

Question 7: *Are there are any other topics you would be very interested in discussing at the Forum?*

Organization	Answer
CanNor	Increasing number of times that indigenous communities assert that they have inadequate resources to effectively participate in project reviews. Risk of continuing to review projects without providing groups with adequate resources may be a legal risk associated with inadequate consultation. CanNor continues to work with other government partners to address this issue.
EISC	None.
EIRB	None
IWB	None
MVEIRB	None.
MVLWB	Commonalities: Preparing Reasons for Decision, Staff-Sharing initiatives, Pan-Territorial communication plan (to continue sharing ideas between sessions)
NIRB	Aligning or coordinating strategic environmental assessments for oil and gas development, new technology in the North, and increases to shipping and vessel movement for community re-supply plus mining developments.
NIRB	Ability to develop common board governance policies across the North... all working from difference legislation, but all have similar appointment process, expectations for conduct, etc. Could something be developed as a common template endorsed by government with allowances for modifications to ensure applicability to each Board? Professional development for board members and staff: what is working well? Out of the box solutions or custom made by each group?
SLWB	How established organizations like EA and Regulatory bodies support the integrated co-management approach. Also, how have these same organizations reduced or streamlined regulatory submissions or licencing to be effective. Has anyone removed process steps or streamlined processes that has better supported the regulatory or EA process.
WLWB	Updates on any legal proceedings underway or recent 'major decisions'
YESAB	None.

Appendix C – Participant Agenda

Pan-Territorial Environmental Assessment and Regulatory Board Forum

October 11 - 12, 2016

Westmark Whitehorse Hotel and Conference Centre
201 Wood St, Whitehorse, YT Y1A 2E4

Participant's Agenda

Convener: Canadian Northern Economic Development Agency

Facilitators: Michael van Aanhout, Kathy Racher, Stratos Inc.

Forum Purpose:

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Forum Objectives:

More specifically, the Forum aims to:

- Learn from individual successes and exchange best practices with respect to common challenges;
- Provide an opportunity for building relationships between the Boards that will allow for ongoing support and information sharing; and
- Identify possible opportunities for developing more consistent approaches to common processes as appropriate.

DAY 1: Tuesday, October 11, 2016

#	Agenda Item	Approximate timing
Introductions, Context and Best Practices		
1	Network, Coffee and Uploading Presentations	8:00 - 8:30
2	Welcome & Roundtable of Introductions	8:30 - 9:00
3	<p>Presentations on Best Practices</p> <p>Representative of each Board to provide a 10 minute presentation that describes one best practice/process/guideline/policy that their Board uses and describe both how it works and how it has impacted Board operations.</p> <p>Specific questions presenters could answer:</p> <ul style="list-style-type: none"> • What challenge were you addressing when you developed this best practice? • How has implementation of this best practice helped your organization? • Any feedback from staff, clients, other parties? <p><i>There will be up to 5 minutes for questions after each presentation</i></p> <p>Plenary discussion.</p>	9:00 - 12:00 (with break and discussion)
LUNCH (not provided)		
4	<p>Break Out Group Discussions on Priority Topics</p> <p>Break into 2 Groups - EA and Licensing Boards.</p> <ul style="list-style-type: none"> • EA Boards to discuss: <ul style="list-style-type: none"> i. Guidance on submission requirements ii. Guidance on consultation/engagement requirements iii. Follow-up on EA Measures • Licensing Boards to discuss: <ul style="list-style-type: none"> iv. Standard terms and conditions for water licences v. Guidance on consultation/engagement requirements vi. Compensation <p>Reporting Back to plenary.</p>	1:30 – 4:30 (with break)
7	Reflections on Day 1	4:30 – 4:45
8	Social Event/Dinner	TBD

DAY 2: Wednesday, October 12, 2016

#	Agenda Item	Approximate timing
Exploring Challenges, Best Practices and Opportunities - Continued		
1	Network and Coffee	8:30- 9:00
2	Welcome back	9:00- 9:15
3	<p>Break out Group discussion on Priority Topics</p> <p>Break into groups that mix EA and Licensing Board representatives</p> <ul style="list-style-type: none"> • Topics to discuss: <ul style="list-style-type: none"> ○ Submission requirements ○ Training initiatives ○ Consultation/engagement techniques or requirements ○ Capacity gaps for communities <p>Report back to plenary and discuss.</p>	9:30 – 12:00 (with break)
	LUNCH (not provided)	12:00 – 1:30
4	<p>Moving Forward Together</p> <ul style="list-style-type: none"> • Discussion of ways to collaborate during the year – training initiatives, conferences, bilateral sharing of information, etc. • Communications and support after the Forum 	1:30 – 3:00
5	Break	3:00 – 3:15
Discussion of Next Steps		
6	Closing Roundtable and Next Steps	3:15 – 4:30

Appendix D – Board Presentations of Best Practice

STRATOS

Pan-Territorial EA and Regulatory Board Forum

Day 1

October 11 - 12, 2016
Whitehorse, Yukon

 Canadian Northern Economic Development Agency | Agence canadienne de développement économique du Nord

Strategies to Sustainability

STRATOS

Best Practices

Representative of each Board to provide a 10 minute presentation that describes one best practice/process/guideline/policy that their Board uses and describe both how it works and how it has impacted Board operations.



CANADA

2 | October 11, 2016 | EA and Regulatory Board Forum | Strategies to Sustainability

STRATOS

Nunavut



Strategies to Sustainability

3 | October 11, 2016 | EA and Regulatory Board Forum



NUNAVUT IMPACT REVIEW BOARD

Introductory Presentation for the Pan-Territorial Environmental Assessment and Regulatory Board Forum

October 11-12, 2016

Incorporation of Inuit Qaujimajatuqangit

- Inuit traditional knowledge into assessments and decision making:
 - *Balancing understanding provided by both scientific and traditional knowledge*
 - *Board functions in respect of IQ principles*
 - *Assessments involve community members, Inuit organizations, neighboring Aboriginal groups*
 - *Community Roundtables - representatives from each potentially impacted community, youth and Elders actively participate*



Why we developed this best practice

- The challenge our Board was addressing in developing this best practice was:
 - *Incorporating direction of the Nunavut Land Claims Agreement and Nunavut Planning and Project Assessment Act*
 - *Conducting business while respecting language requirements and Inuit principles*
 - *Expectations to lead best practices, in consideration of tight implementation timelines and budgets*



How this best practice has helped our Board

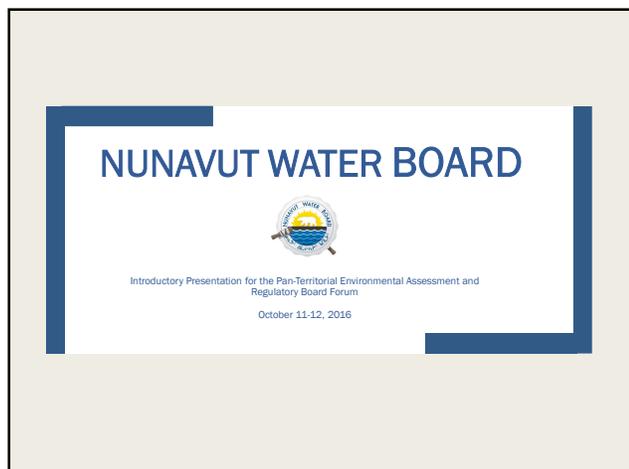
- NIRB reports highlight the weighing of evidence, specifically discussing Inuit Qaujimajatuqangit provided/considered, and how it contributed to the decision. Operations benefit through:
 - *Helping board and staff set goals for entire organization*
 - *Establish consistent connections with communities, resources, and manage expectations*
 - *Trust established through consistency - established with communities, agencies, transboundary organizations*



Feedback we have received

- Important step in providing transparent process and successfully implementing mandate through productive meetings
 - *Continue to hear from industry and regulators on the trust and consistency of the NIRB practices*
 - *Other government agencies and organizations regularly request information on how to budget and organize similar events*
 - *Increase in public confidence in the NIRB process*





Nunavut Waters Regulations

Sections 4 and 5:
Use of Waters Without a Licence;
Waste Deposit Without a Licence.

- A brief description:
 - Sections 4 and 5 of Nunavut Waters Regulations (Regulations) adopted in April 2013 outline specific uses of water and deposits of waste for which a licence is not required. According to Regulations
 - a use of waters or a deposit of waste without a licence that is described in section 4 or 5 is not authorized by these Regulations unless the Board has approved the use or deposit.
 - A completed Application for the Approval for the Use of Water or Deposit of Waste Without a Licence still needs to be submitted to the NWB, and Board approval must be obtained.

Why we developed this best practice

- The challenge our Board was addressing in developing this best practice
 - According to Nunavut Land Claims Agreement (NLCA)
 - With the exception of domestic or emergency use of waters as set out in Section 5 of the Northern Inland Waters Act RSC 1985, c. N-25, no person may use water or dispose of waste into water without the approval of the NWB.
 - The Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRTA) that replaced Northern Inland Waters Act RSC 1985, c. N-25 states
 - licence means, unless the context otherwise requires, a type A or type B licence, in accordance with the criteria prescribed by the regulations, issued for the use of waters or the deposit of waste, or both, in Nunavut under section 42.
 - 42 (1) Subject to this Act and on application, the Board may issue the appropriate licence.
 - All research camp activities with minor water use and deposit of waste required Type "B" Water Licenses before adoption of Regulations. The processing of application for Type "B" Water Licence takes generally up to 3 months with extensive public review process.

How this best practice has helped our Board

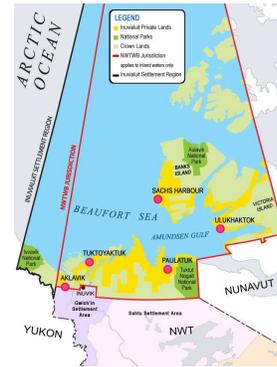
- The adoption and implementation of Nunavut Waters Regulations helps the NWB to save time and resources in processing of applications related to minor undertakings, and allows the NWB to better focus on applications for major undertakings.
- As the technical review of application for Approval without a Licence is conducted internally this also helps the federal and territorial agencies to better use their resources when carrying out their mandates in reviewing applications for major undertakings.

Feedback received

- Feedback received from proponents, especially from research community working in the Territory was very positive as less time (2-3 weeks) is needed to get NWB's Approval without a Licence as opposed to Type "B" Water Licence. Applications for Approval without a Licence are straightforward with basic information required.
- Feedback received from agencies involved with water licence applications' review process was very positive as well as they could better use their resources to focus on the review of applications related to major undertakings.



Northwest Territories - Inuvialuit Settlement Region



EISC

Introductory Presentation for the Pan-Territorial Environmental Assessment and Regulatory Board Forum
October 11-12, 2016

Arctic Marine Tourism Guideline

- A brief description:
 - Developed for cruise ship operators visiting the ISR
 - 16 points / conditions to address potential environmental impacts
 - Via our process, EISC "facilitates" these visits

Why we developed this best practice

- The challenge our Board was addressing in developing this best practice was:
 - Raising awareness amongst the operators and the regulators
 - To best help all involved: the Inuvialuit and our Communities and our Region (ISR), and the operators and the regulators ... so all benefit

How this best practice has helped our Board

- **Timeliness & Relationship-building**
 - *By having this guideline, which affects to aid proponents with our process, we have a more robust file for our decision-makers*
 - *The main regulator in this area: Transport Canada actively promotes the EISC when cruise ship operators first contact them with their planned itineraries*
 - This relationship has greatly strengthened over the past two years
 - Invited by TC to participate in a national best practices exercise with the goal of producing a Best Practices Guideline for cruise vessels attempting the NWP

Feedback we have received

- Feedback:
 - **From the Inuvialuit Game Council:**
 - The use (issue) of MMO's onboard, and WM's ashore, and early community engagement are all addressed and the guideline provides a baseline to work from
 - **From the operators:**
 - Great work: the guideline provides them a basis point to start from when planning shore visits, etc ... and the guide provides baseline info re community contacts etc.,
 - **From the regulator(s):**
 - TC: we have worked hard to build a strong and respectful relationship with TC whom we view as a complete "stakeholder" in our process

INUVIALUIT WATER BOARD

Introductory Presentation for the Pan-Territorial
Environmental Assessment and Regulatory Board Forum

October 11 - 12, 2016

IWB Rules of Procedures

- A brief description:
 - Reviewed Rules of Procedures in August 2014;
 - Utilized Inuvik to Tuktoyaktuk Highway Public Hearing process and revised existing Rules based on lessons learned;
 - Proceeding - a major improvement being the removal of the need for different parties to copy other parties with documents as the proceeding advances - all documents filed on and accessible through the IWB web site - Rule 26;
 - IWB still has the responsibility for "additional information requests" - Rule 43;
 - Revised and Approved in January 2015

Why this "best practice"

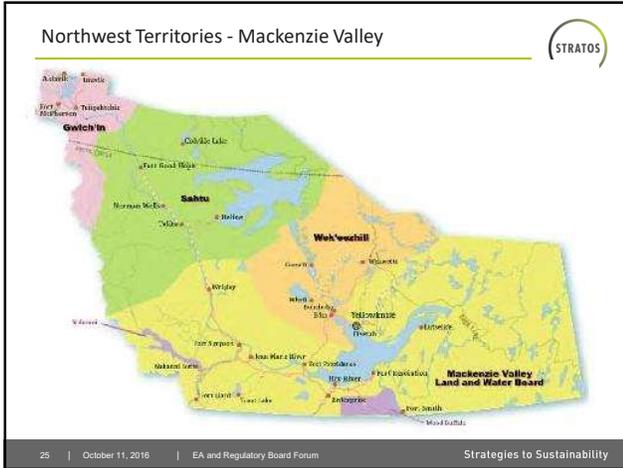
- The challenge our Board was addressing in developing this best practice was:
 - Definition of "Participant" is all inclusive, and includes the applicant;
 - Process for distribution of information was cumbersome;
 - Previous Rules included the responsibility of sharing information regarding the proceeding to all Participants;
 - Current Rules identified the IWB Electronic Register as the means for "Participants" to review and access information for the Proceeding

How "best practice" has helped our Board

- The IWB website includes the IWB Electronic Register;
- All information received that is specific for a water licence is uploaded to the electronic register;
- IWB staff are able to direct stakeholders to the IWB Electronic Register;
- Allows the stakeholders to review information electronically.

Feedback received

- ENR Water Resources Officer - can access information from the website vs having to come to the office to look over the Public Register;
- Access to water licence information prior to conducting inspections



**MACKENZIE VALLEY
ENVIRONMENTAL IMPACT
REVIEW BOARD**

Introductory Presentation for the Pan-Territorial Environmental Assessment and
Regulatory Board Forum
October 11-12, 2016

Technical Sessions on Cultural Impacts

- In July, the Review Board hosted technical sessions on cultural impacts in Nahanni Butte & Fort Simpson as part of the EA of the Prairie Creek Road
 - Similar to typical "technical sessions" hosted by the Board for all EAs, but...
 - Focus exclusively on cultural impacts
 - Focus on community members, not on 'parties' to the EA
 - To seek info on cultural values and traditional knowledge

Why we developed this best practice

- The challenge our Board was addressing in developing this best practice was:
 - S.115.1 of the MVRMA requires the Review Board to consider TK as well as scientific information
 - Typical technical sessions primarily have focused on scientific information
 - The cultural sessions sought evidence from traditional and local knowledge holders, at venues in their own communities
- The purpose was:
 - To gather information - particularly traditional knowledge and cultural values - from community members and land/resource users about potential cultural impacts and mitigations
 - Agenda was designed to provide significant opportunity for active participation and bringing forward of:

How this best practice has helped our Board

- We have a Traditional Knowledge Policy
 - TK includes knowledge and perspectives of aboriginal peoples
 - TK consists of large sets of observations about environment over substantial time period, can add important perspective and understanding of variability of biophysical, social, and cultural environment
 - TK holders can often identify links between seemingly unrelated components of environment
- Incorporating TK and implementing our policy is a challenge
 - Cultural Impact Session helps give opportunity to fulfill Board mandate in a way that is meaningful to people most directly affected by project
 - Focusing on culture and TK, and taking the time to work with the community, can empower people to actively participate in identifying solutions to cultural, social and other environmental impact concerns
 - Making solutions/mitigation measures more likely to be effective

Feedback we have received

- Parties and Proponent:
 - Positive general feedback; sessions were worthwhile.
- From independent facilitator:
 - staff and facilitator spent several hours going door to door to notify people and encourage participation. This contributed to strong attendance in general, including amongst elders and council members.
 - Very worthwhile and effective for gathering evidence on cultural values and traditional knowledge

Introductory Presentation for the Pan-Territorial Environmental Assessment and Regulatory Board Forum

October 11-12, 2016



Mackenzie Valley Land and Water Board

MVLWB Engagement and Consultation Policy

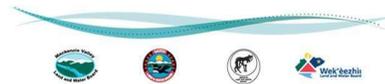
June 1, 2013

Mackenzie Valley Land and Water Board
Gwich'in Land and Water Board
Sahtu Land and Water Board
Wek'èezhìi Land and Water Board



MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits

Mackenzie Valley Land and Water Board
Gwich'in Land and Water Board
Sahtu Land and Water Board
Wek'èezhìi Land and Water Board



Mackenzie Valley Land and Water Board

Engagement and Consultation Policy

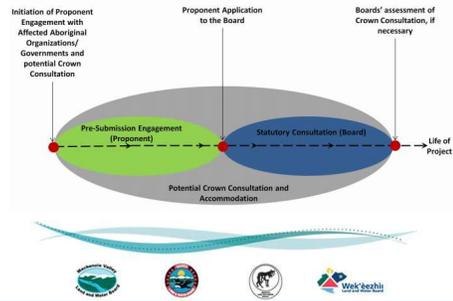
Describes the:

- Submission requirements for applicants and holders of LUPs and WLs pertaining to pre-submission and “life-of-project” engagement with affected parties; and
- Administration of Board responsibilities for statutory consultation under the *Mackenzie Valley Resource Management Act*.



Mackenzie Valley Land and Water Board

Engagement and Consultation Policy



Mackenzie Valley Land and Water Board

Engagement Guidelines

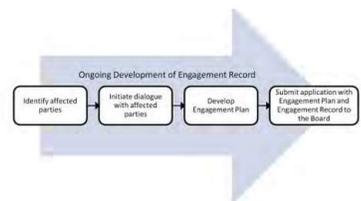
The Guidelines assist proponents to conduct engagement activities by outlining:

- ✓ A proponent’s submission requirements for engagement prior to and during the life of a project;
- ✓ The Boards’ engagement criteria against which they will assess adequacy;
- ✓ The recommended step-by-step process for successful engagement outcomes; and
- ✓ Suggested best practices for conducting engagement.



Mackenzie Valley Land and Water Board

Engagement Guidelines



Mackenzie Valley Land and Water Board

Why we developed the Policy and Guidelines

- To ensure that the Boards obligations for meaningful consultation (as set out by the land claims and applicable legislation) with all affected parties are met and clearly articulated



Mackenzie Valley Land and Water Board

Why we developed the Policy and Guidelines (con't)

- To specify requirements and suggested best practices for pre-submission engagement and engagement planning for the life of a project with affected parties



Mackenzie Valley Land and Water Board

How this best practice has helped our Board

The Policy and Guidelines clearly describe roles and responsibilities of the proponent, the Board, and the Governments, where as in the past, it was not clear. It also provides affected parties with information on how they can participate.

If issues do arise, the Policy and Guidelines set out procedures that can be used to resolve them:

- Guide to Identifying Impacts to Aboriginal Rights and Required Depth of Consultation (Appendix E of the Policy)
- Request for rulings on adequacy of Crown consultation (Appendix F of the Policy)



Mackenzie Valley Land and Water Board

How this best practice has helped our Board (con't)

Boards retain discretion:

- To make determinations on a case-by-case basis (exemptions or additional engagement will be considered)
- To address proponent engagement with affected parties throughout the regulatory process (e.g. requirement of an engagement plan as a condition)



Mackenzie Valley Land and Water Board

Feedback we have received

“The LWBs and MVEIRB continue to make progress on community engagement. In particular, we heard that the MVLWB Engagement and Consultation Policy (June 2013) has generally resulted in more and earlier engagement between proponents and communities. We heard less concern on engagement and consultation challenges than during the 2010 Environmental Audit.”

-2015 Northwest Territories Environmental Audit



Mackenzie Valley Land and Water Board

Other Land and Water Board Resources

- Closure and Reclamation Guidelines (w/INAC)
- Water and Effluent Quality Management Policy
- Waste Management Guidelines
- Standard Land Use Permit Conditions
- Guide to Land Use Permitting Process
- Operation and Maintenance Plan Templates



Mackenzie Valley Land and Water Board

Resources “in the Pipes”

- Municipal Landfill Guidelines (w/GNWT)
- Standard Water Licence Conditions
- Guide to the Water Licensing Process
- Guidelines for Closure and Reclamation Cost Estimates for Mines
- Metadata Standards (w/CIMP)
- Guideline for Effluent Mixing Zones (w/GNWT)
- Guideline for GIS Submission Standard
- Guidelines for the Development of a Surface and Groundwater Monitoring Program for Unconventional Oil and Gas Exploration in the Mackenzie Valley
- Metal Leaching and Acid Rock Drainage Guidelines



Mackenzie Valley Land and Water Board

THANK YOU



Mackenzie Valley Land and Water Board

Yukon

STRATOS

45 | October 11, 2016 | EA and Regulatory Board Forum | Strategies to Sustainability

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT BOARD

Introductory Presentation for the Pan-Territorial Environmental Assessment and Regulatory Board Forum
October 11-12, 2016

Consultation Guidance for Proponents

- Audience: proponents of Executive Committee screening-level projects
- Purpose: designed for 2 main purposes
 1. to help proponents understand the purpose of consultation under s.50(3) of Yukon Environmental and Socio-economic Assessment Act (YESAA); and
 2. to help them understand what type of information the Executive Committee is looking for in order to evaluate whether a proponent has met this requirement.

Why we developed this best practice

- The challenge our Board was addressing in developing this best practice was:
 - continued confusion about the consultation requirement under s.50(3) YESAA
 - many confuse YESAA consultation requirement with the requirement for the Crown to consult with First Nations
 - consultation records are often incomplete or poorly organized
 - the determination process longer and more difficult than need be

How this best practice has helped our Board

- Anticipated results:
 - Greater clarity for proponents, consultants, governments, and the public regarding the basis for determinations
 - Greater clarity for proponents on their obligations
 - Timelier determinations by Executive Committee
 - More organized and efficient compilation of consultation records

Feedback we have received

- Still in draft form but
 - distributed to select proponents who anticipate submitting proposals within the year
- Early feedback:
 - document well received by consultants, proponents and YESAB staff
- Provides needed clarity and establishes some parameters within which to work

YUKON WATER BOARD

Introductory Presentation for the Pan-Territorial Environmental Assessment and Regulatory Board Forum
October 11-12, 2016

Conflict of Interest Rules

- A brief description:
 - The Yukon Water Board is a quasi-judicial administrative tribunal which is bound by the principles of natural justice and administrative law.
 - The Board is committed to the highest standards of ethics and integrity.
 - Yukon is a small jurisdiction and not meeting quorum is a "real" and "significant" risk.

Why we developed this best practice

- The challenge our Board was addressing in developing this best practice was:
 - Modernize and enhance existing Conflict of Interest Rules (2005).
 - Recognize the need to foster values described as balanced, ethical, collaborative, transparent and open.
 - Create efficient and effective processes.
 - Comply with Administrative Justice and Procedural Fairness.

How this best practice has helped our Board

- These Rules assist Board Members in fulfilling their duties in a manner that is fair and unbiased in both practice and appearance by:
 - More clearly defining "conflict of interest".
 - Helping recognize and take reasonable steps to avoid any real or perceived conflict of interest or bias.
 - Detailing pro-active steps for addressing conflict.
 - Providing the Board with flexible options in addressing issues while maintaining the highest level of impartiality.

Feedback we have received

- Positive verbal feedback from:
 - Board members and Secretariat staff.
 - Board lawyer.
 - Government.
 - Lawyer from one First Nation.