



Pan-Territorial Assessment and Regulatory Board Forum

Final Report

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SUBMITTED TO:

Pan-Territorial Assessment and Regulatory Board Forum – Participants

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Our Vision

A healthy planet. An equitable world. A sustainable future.

Our Mission

We work together to empower organizations to take real steps towards sustainability.

Stratos runs its business in an environmentally and socially sustainable way, one that contributes to the well-being of our stakeholders – clients, employees and the communities in which we operate. Reflecting this commitment, we have an active Corporate Social Responsibility program. For more information about our commitments and initiatives, please visit our Web page: www.stratos-sts.com/about



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Note: Board presentations from the Forum as well as images from the flipcharts are provided as supplemental materials to the report.

1 Introduction

On August 29 - 30, 2017, the Canadian Economic Development Agency's (CanNor) Northern Project Management Office (NPMO) hosted the third annual Pan-Territorial Board Forum (the Forum) in Cambridge Bay, Nunavut. This Forum brings together representatives of each of the impact assessment (IA) and land and water boards (LWBs) across the Yukon, Northwest Territories (NWT) and Nunavut with the aim of facilitating discussion and initiatives on matters of common interest.

The objectives of the third annual forum were to:

- Discuss and understand the key challenges with regulatory and impact assessment boards (Boards) operating in northern territories;
- Learn from individual successes and exchange best practices with respect to common operational challenges;
- Provide an opportunity for building relationships between the Boards that will allow for ongoing support and information sharing; and
- Identify possible opportunities to collaborate on operational policies, processes and guidelines and develop more consistent approaches, as appropriate.

This report provides an overview of the discussions, ideas, and opportunities for future collaboration raised at the Forum.

1.1 FORUM DESIGN

The Forum's Steering Committee – in collaboration with the meeting facilitators – guided the development of the Forum's objectives and final agenda. The specific make up of the Steering Committee is outlined in the Forum's Terms of Reference in Appendix A. The list of Forum participants is provided in Appendix B.

Additionally, the Forum was informed by a survey, distributed to all the participating boards with questions vetted by the Steering Committee. The full text of the survey results can be found in Appendix C. The complete participants Agenda can be found in Appendix D.

2 Summary of Discussion

2.1 PARTICIPANT EXPECTATIONS OF THE FORUM

Each participant was asked 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:

- build on previous Forums in starting new and interesting conversations
- build and strengthen networks and relationships with Boards across the north
- learn from others' experiences and share best practices so we do not need to reinvent things
- dive deeper into priority topics to inform our upcoming priorities and initiatives
- absorb information while providing unique input from a board member's point of view
- better understand how we can support staff in doing their job

- explore how the licensing process and review processes work together
- focus on what challenges the Boards face in the north, including the connection between statutory requirements and crown obligations
- learn to better coordinate our work

2.2 PRIORITY TOPIC: LINKAGES BETWEEN IA & LICENCING

Prior to the Forum, participants were sent a PowerPoint template and were asked to develop a presentation around linkages between IA and licensing processes in their regime. Presentations were to include a brief description of the IA and licensing processes in their regime; common challenges; best practices, as well as ideas or opportunities to share.

These presentations are provided as a supplemental attachment to this report (as are the flipcharts from the Forum). A summary of the discussion following these presentations is provided below. Specific opportunities for collaboration stemming from the entire Forum are rolled up and provided in Section 3.

Adaptive management

- The importance of following up after the review and regulatory phases through monitoring, reporting and adaptive management was discussed by participants.
- Participants discussed the extent to which Boards should rely on the precautionary principle versus adaptive management.
- Participants noted capacity challenges in undertaking adaptive management. Specifically, the Nunavut Water Board (NWB) noted a backlog of 2500 – 3000 management plans that they ask of applicants, but that they have not had the resources to review. The Mackenzie Valley Land and Water Board (MVLWB) addresses this challenges through their Online Review System (ORS), that automatically sends uploaded plans to distribution lists, facilitating reviews and comments from the public.
- A lack of guidance was noted as an impediment to effective adaptive management, though it was noted that the Mackenzie Valley Environmental Impact Review Board (MVEIRB) does have a response framework setting out some guidelines.
- One large challenge is getting developers to come up with meaningful thresholds to manage change.

Coordination between the review and regulatory phase

- Participants discussed misconceptions that coordination always makes the review and regulatory process quicker. For example, the Nunavut Impact Review Board (NIRB) and NWB are currently following new legislation that makes coordination of review and regulatory phases the default state. They have found in some cases that this has added complexity and even additional time to the process.
- Coordination can also overwhelm community capacity to comment and engage – reducing the total time provided for engagement and consultation.
- Other natural barriers to coordination include the fact that projects are generally in different states for the IA and regulatory phase. Often projects undergoing review do not have finalized designs, which are required for the regulatory phase.
- Participants noted the need for additional guidance on coordination to be developed for both internal and external audiences.
- It was noted that some projects are better suited to coordination than others. For example, established projects requiring changes to their certificate and permits are often well suited to

coordination – while new projects at the review phase may be more conceptual and therefore not ready for the regulatory phase.

Orphaned terms and conditions

- Participants discussed challenges associated with the enforcement of orphaned terms and conditions – those terms and conditions that cannot be carried into other government authorizations. Enforcement is government’s responsibility and there is a reliance on existing regulatory constructs in which to build terms and conditions.
- The Yukon Environmental and Socio-economic Assessment Board (YESAB) does have a provision where they can recommend follow-up processes to help address this.
- The NIRB structures their terms and conditions with sub-categories, including purpose and objectives to help provide the rationale for these and mitigate issues of non-compliance.

2.3 PRIORITY TOPIC: ENGAGEMENT & CONSULTATION

Engagement and consultation, as well as the related policies, strategies and guidelines, was identified as a priority topic for the Forum. Participants were asked to reflect their Boards’ approach to engagement and consultation and any supporting documents – specifically noting successes that they are proud of and gaps or challenges they experienced. These challenges and successes were then themed and divided into four areas for deeper discussion in breakout groups.

A summary of these discussions is provided below followed by an overview of collaborative next steps for working together.



GROUP 1 MECHANICS OF CONSULTATION

Logistical challenges in visiting small, remote communities

- There are cost and timing related challenges to having hearings and events in smaller communities, as well as with all affected communities. Specific hurdles include: availability of accommodation, weather and transportation delays, and the availability of appropriate meeting space and equipment.
- Opportunities exist to cost-share with proponents and governments. Participants noted that this can be done without compromising Board objectivity by being pro-active about communications, and clearly and openly explaining the cost-share arrangements and rationale up front.
- Opportunities exist to reinforce each others’ approaches and strategies in terms of budgets and work plans requiring government funding approval. Essentially, using each other as a form of precedent or proof of common practice, when governments push back on funding costly community visits for engagement and consultation activities.
- Staffing local community liaison positions in smaller communities can also help mitigate some of these challenges.

Other considerations discussed

- There are benefits and challenges around regional offices and a decentralized approach as in Nunavut’s model.
- Communities are trying to create their own process within the existing Board process. This can pose some difficulties to Boards. There is a desire to support community capacity in a way that contributes to Board processes.



GROUP 2 INTERNAL CAPACITY BUILDING

Staff skills, capacity, satisfaction and retention

- Boards have few staff spread out across many jurisdictions, leading to difficulties in terms of skills capacity and retention.
- Opportunities exist to facilitate networks and knowledge sharing between key staff in various capacities across the Boards. This could include identifying parallel positions across organizations – at various levels – and bringing individuals together to share information, resources and practices. Building on this is the opportunity for a buddy system, secondment or worker exchanges between Boards and jurisdictions.
- There are also opportunities for capacity building and training, enhancing the skills and responsibilities of existing staff. This internal skills development has the added benefit of allowing for more career opportunities given the shallow organizational structure of many Boards, thereby promoting staff satisfaction and retention.

Organizational stability, resources and knowledge

- An internal and external (e.g. guidance) resource tool 'share and compare' exercise could be valuable in identifying areas for sharing and collaboration across the Boards.
- It was suggested that post assessment / licencing debriefs could be held between Boards to discuss and share experiences and lessons learned.
- Succession planning and the importance of institutional knowledge was viewed as critical in maintaining capacity.

Role of the Forum

- The Forum can better support this by retaining discussions of past forums; keeping agenda items consistent; enabling more action items; and facilitating additional venues for information sharing between meetings.



GROUP 3 EXTERNAL PERSPECTIVE

Community understanding of the IA / regulatory processes

- Holding non-project specific community information sessions, lunch and learns (e.g. *Mackenzie Valley Resource Management Act* [MVRMA] in a day), and school visits (both short and long-form) can increase local literacy around the regime and IA / regulatory processes.
- Development of educational and skills development programming, including creating curriculum or internship initiatives could also help increase local understanding and capacity to engage.
- Pre-proceeding overviews can help communities understand processes and provide a general snapshot as to what to expect, regulatory / IA process stages, and realistic timelines for development, among other aspects of the regime.
- It is important to target both the medium and message of communication to specific audiences (e.g. NIRB's public guides targeted to different audiences).
- Incorporating general regime overviews in all events (i.e. always start with general summary of the regime) can help to further expose / solidify understanding of the IA and regulatory processes.

Community understanding and knowledge about issues and topics

- Holding non-project specific technical training sessions and workshops can increase the capacity of interested parties to engage (e.g. understanding the effects of development on caribou).
- Opportunities exist for the co-development of manuals and materials between the Boards on key issues and topics, as well as hands-on experiential learning modules.
- Pre-proceeding overviews of technical topics can also be held, explaining important technical issues and providing foundational knowledge to feed into engagement and consultation around a specific project.

Community interest to participate / ability, and or participation fatigue

- Improving understanding of process and specific topics can improve the effectiveness of engagement, better equipping communities and affected parties to engage on topics of importance to them.
- Writing clear Reasons for Decision (RFD), demonstrating that Boards heard and considered community inputs, and explaining why decisions were made is key to maintaining community engagement in the long-term.
- Technological solutions including A/V recording and live streaming can encourage greater participation.
- Other strategies and tactics for enabling greater participation can include:
 - Clearly indicating when and how parties can participate through multiple advertising approaches and clear communication.
 - Offering multiple pathways of participation in the process, including systems such as the Mackenzie Valley Regime's Online Review System, in-person attendance, and audio and written submissions.
 - Offering multiple opportunities to participate, recognizing scheduling and potential conflicts.



GROUP 4

BOARD & STRATEGY PERSPECTIVE

Communication with board members

- There is a need to improve communication between Board members and staff, and between Boards and Indigenous, federal and territorial governments. This includes increasing the understanding of the various mandates.
- One major challenge Board members need to address is how to consult Indigenous groups. There is not always clarity as to what is meant by consultation. There is a need to develop consultation process guidelines – both internally and externally. Board members need to hear and understand concerns and ideas from staff and communities and other stakeholders.

Resourcing and delivering on this Forum

- There is a need for resources to follow-up on this work at the organizational level, and it is important to attach timelines to any initiatives pursued.
- There are opportunities to cost-share between the Boards. This is already happening in the Mackenzie Valley, where a communications officer is shared between the MVLWB and Gwich'in Land and Water Board.
- The next Forum might focus on taking ideas and making them a reality. There is a need to go further with this – to continue to build and empower staff.

HEADLINES EXERCISE



As a warm-up exercise on day two, participants were asked to write a headline that they would like to appear in the news / on Twitter a year from now on something the boards accomplished working collectively:

- “Pan-Territorial Board Forum protest on Parliament Hill to advocate for participant funding”
- “Protect the caribou: northern Boards sign MOU establishing caribou protection measures”
- “New website launched to explain regulatory processes North of 60”
- “NEB and Regulatory Boards issue guidelines on Northern Gas in all the Territories!”
- “Southern Canada Looks Up: Northern Boards set bar sky high - project approval done right”.
- “Canadian Northern Boards reaching out to communities - leaders in Indigenous engagement”

2.4 PRIORITY TOPIC: INCORPORATING TRADITIONAL KNOWLEDGE

The incorporation of Traditional Knowledge (TK) into project reviews and licensing was another priority topic identified for this year’s Forum. Participants were asked to reflect on areas of guidance that is required or that would be helpful in incorporating TK into the IA and regulatory processes. As with the previous exercise, these reflections were themed and divided into areas for deeper discussion in breakout groups. An overview of these discussions is provided below.



GROUP 1 DEFINING TRADITIONAL KNOWLEDGE

“The indigenous people of the world possess an immense knowledge of their environments, based on centuries of living close to nature. Living in and from the richness and variety of complex ecosystems, they have an understanding of the properties of plants and animals, the functioning of ecosystems and the techniques for using and managing them that is particular and often detailed. In rural communities in developing countries, locally occurring species are relied on for many – sometimes all – foods, medicines, fuel, building materials, and other products. Equally, people’s knowledge and perceptions of the environment, and their relationships with it, are often important elements of cultural identity”

The Director General of United Nations Educational, Scientific and Cultural Organization (Mayor 1994 cited in Emery 1997:4)

- There is a misunderstanding of the definition of TK and how it should be used.
- It is important to classify areas where TK is most available, appropriate and applicable to be used, and by the same token where it is not. For example, TK is not likely to be useful in informing the design of a tailings facility, but can very well inform its location.
- In contemporary science, errors can creep in in the form of assumptions, bias, improper data collection and techniques, etc. Similar errors can occur with TK. It is important to have a strong understanding of appropriate methodologies and to spend time in the community so that you can understand the potential for errors. While there are practical concerns associated with having consultants live in a community, there is a need to get to know communities in order to be able to use TK effectively and accurately. There is no shortcut to this cross-cultural understanding.

- Incorporating TK into project design and regulatory decision making can help to build support and social license.



GROUP 2 METHODS OF COLLECTION

- Weighting and classifying TK received by Boards in a way that is defensible and transparent is essential. For example, there can be challenges if an individual comes forward with TK but the community questions their status as a holder of TK.
- Identifying established organizations, Indigenous groups and designated community representatives as knowledge holders can better enable the use of TK.
- Capitalizing on what is already policy by other organizations, including Indigenous groups, and adapting those standards and policies can support Boards' use of TK.
- Other challenges of collecting and storing TK include those of privacy and confidentiality, though it was noted that the Boards already have systems for managing confidential information.



GROUP 3 USING TRADITIONAL KNOWLEDGE INTERNALLY

- It is challenging to reconcile the holistic world view of TK, with the narrower scopes of IA. For example, how does the IA and regulatory process consider cultural landscapes as a valued component, or the value of preserving a way of life? How does one assign thresholds to these?
- Establishing land use plans and classifying areas with cultural significance can help to address this. This should include conversations with land users about the importance of areas and how they use land.
- There are privacy concerns related to challenges of preparing RFDs without compromising sources.
- There are challenges in incorporating TK in smaller proposals, due to short time frames and less local engagement.
- Additional guidance on TK could also be useful. This should include:
 - Internal guidance on how Boards can make a decision based on TK, and how information is shared between staff and Board members. This should include practices to review and monitor how the incorporation of TK has worked on previous projects to provide feedback.
 - Internal guidance on how to write RFDs without compromising sensitive information.
- Better communicating the use of TK and recognizing where TK informed or led to decisions can lead to recognition of the importance of TK by proponents and others.



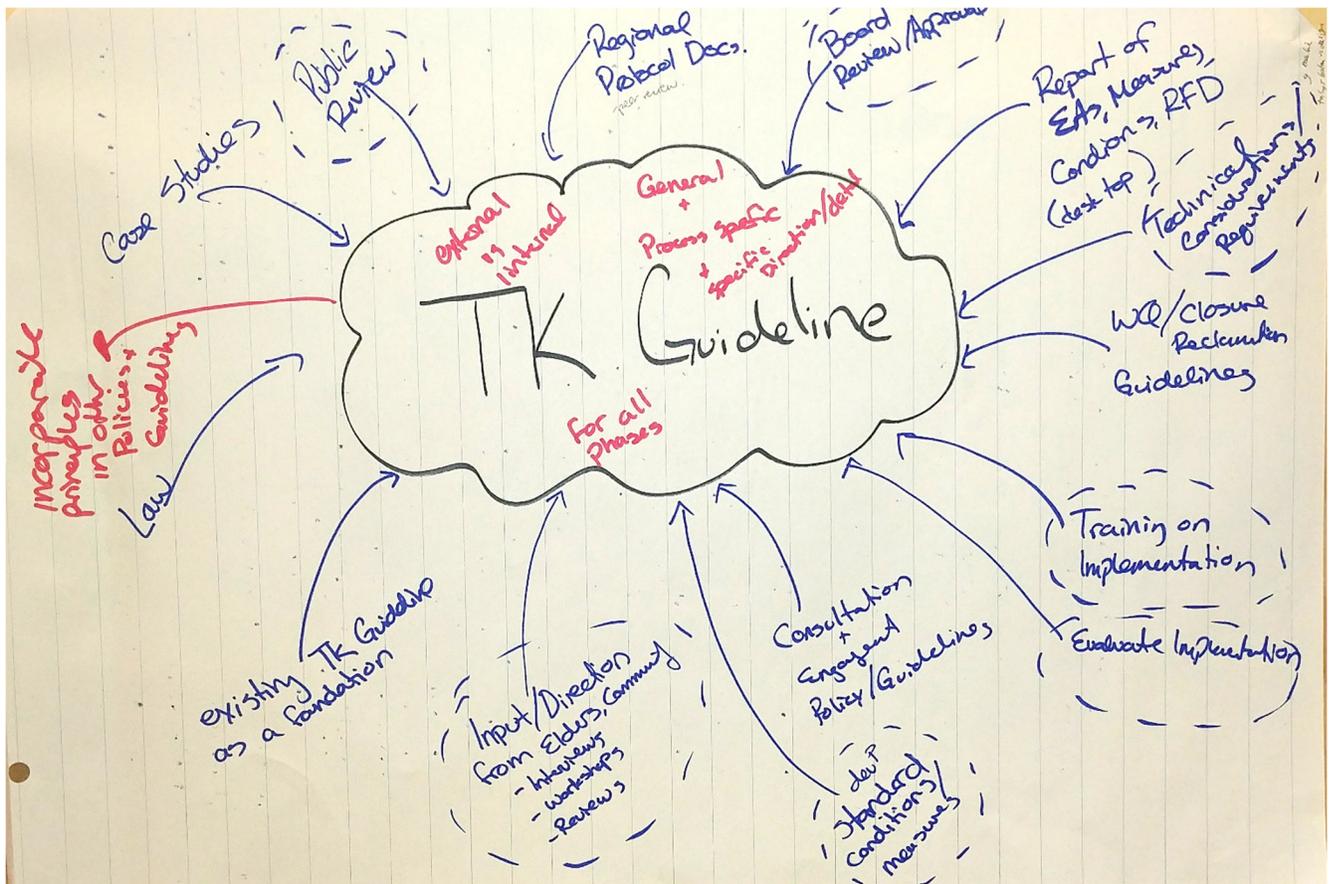
GROUP 4 USING TRADITIONAL KNOWLEDGE EXTERNALLY

- The group tasked with reviewing the use of TK externally identified three primary areas of guidance to focus on:
 - **Guidance on principles of relationship building engagement.** This should stress the importance of engagement and relationship building early on, before the start of the IA

process to access TK and understand the issues it might be more relevant to and incorporate them into the design and application.

- **Guidance on best-practices for identifying, collecting and using TK.** Participants noted a need to be cautious against being too prescriptive, and the need to obtain guidance from appropriate knowledge holders from the region.
- **Guidance for incorporating TK into specific elements of projects.** This includes project designs, monitoring, impact prediction, and closure, as well as setting objectives and limits for protection scenario predictions.

Figure 1: TK Guideline Mind Map Created by Participants



2.5 PRIORITY TOPICS: MIXED

While a number of priority topics were identified through the pre-workshop engagement, workshop participants had expressed a preference to add some additional issues. The four topics discussed in breakout groups included:

- Transboundary issues
- Security, compensation and relinquishment
- Phased development, adaptive management and monitoring
- Best measures for determinations

No reporting back by each of the breakout groups took place during this exercise so the following notes reflect a translation of flip chart notes with minimal interpretation by the report writers.



GROUP 1 **TRANSBOUNDARY ISSUES**

- There are number of different review types incorporating transboundary projects or impacts. These can include joint-reviews, where multiple regulators undertake a single review, as well as separate but coordinated reviews, where two reviews are held but the regulators work together to ensure coordination.
- Coordination does not always increase efficiency and can lead to longer, complex processes. The NIRB and NWB have experienced this in their coordinated processes.
- A lack of clear, joint processes can cause companies to design projects in sub-optimal ways to stay in a single jurisdiction (e.g. project splitting).
- While MOUs are established there is a need for a more detailed framework and/or working groups based on project type.
- There is a need to map out processes to understand where it is possible to coordinate, the various types of coordination and how best to go about initiating coordinated reviews.
- There is a need to show preparedness and confidence to the Federal Government to encourage a Northern Board-led process in cases with overlapping federal jurisdiction.
- Board Chairs will need to meet to discuss needs for transboundary readiness.
- Specific opportunities exist to share panel members between regulators for review, and coordinate around consultation on transboundary impacts.
- One potential way forward is requiring a single environmental impact statement with concordance, noting separate requirements.



GROUP 2 **SECURITY, COMPENSATION & RELINQUISHMENT**

- There is a lack of knowledge of compensation rights in land claims, legislation and regulations.
- Legislation is not clear about how or if security can be used to pay compensation.
- Discrepancies exist in how security is calculated, including the treatment of future unknowns and reclamation models.
- Double bonding remains a key issue, with cooperation required around security management agreements.
- There is a need to clarify processes, ensuring consistency where possible. This includes clarifying the process from the perspective of: Board staff, applicants, proponents, the public and land owners.
- Security updates and the relinquishment of security also require further refinement, including the potential for return schedules to be built into conditions.
- Legislative amendments can clarify wording – including who sets security, who holds security and when it is to be collected.
- Other practices identified by participants include:
 - Notification in public postings (e.g. newspaper, distribution lists)
 - Standard line of questioning at public hearings
 - Standard line of questioning in Information Requests when compensation is or may be claimed
 - Standardized application forms that address compensation
 - GTC (for land authorities)

- Guideline on compensation claims
- Case law and RFDs (e.g. Taltson)



GROUP 3

PHASED DEVELOPMENT, ADAPTIVE MANAGEMENT AND MONITORING

Phased development

- Scope of development that was assessed.
- Modifications to trigger screening: small vs. large project.
- Move information from the first phase to inform the second.
- Avoid project splitting and the “reasonably foreseeable” future phase.
- Questions around cumulative effects.
- Simultaneous and concurrent applications: resources; community understanding and resources; use models to explain relationship and development plans (public effective partnership).
- Questions around the life of the project, closure, reversibility and duration of impacts.
- Questions around phased vs. induced.
- Guidelines for phased developments.

Monitoring and adaptive management

- Oversight of developments and government monitoring of EA outcomes.
- Encourage regional initiatives.
- Review the MVEIRB / MVLWB response framework.
- Feedback for future assessment and land use planning.
- Consider linkages with other monitoring initiatives.
- Requirement to determine whether mitigation is working and predictions are accurate.
- There is a balance to be found between prescription and adaptive management.



GROUP 4

BEST MEASURES FOR DETERMINATIONS

- Setting and clearly articulating the objective or purpose of the measure helps focus and better communicate terms and conditions.
- Quantitative measures can be used to ensure achievement.
- Effects and perception vs. toxicological effects (e.g. tastes change).
- Measures need to be inclusive of both TK and scientific knowledge and processes.
- Measures need to be specific, enforceable, measurable and adaptive.
- EA process is in some ways a handing forward process, but there is a desire not to duplicate in the regulatory phase.
- There is a challenge associated with receiving reports with unusable information.
- There is a lack of capacity to analyze reporting and assess if measures are met.
- Individual and technical monitors chosen by the communities for community-run inspection and enforcement can support better monitoring and enforcement. Examples of this include the new LNG development through an environmental agreement with the company and the TUK highways.
- Board coordination to submit a strategic budget request to the Federal government for in-house inspection enforcement for non-regulatory measures and conditions

2.6 MOVING FORWARD TOGETHER

Following the priority topics, the discussion turned to the Forum itself. There was unanimous agreement by participants to continue with the Forum. Several updates were collectively made to the Forum's Terms of Reference. The updated Terms of Reference is included in Appendix A.

Participants decided to hold the fourth Forum in Yellowknife, Northwest Territories in August of 2018.

A summary of ideas of how Board members could collaborate in the future is summarized in the next section.

3 Summary of Ideas for Collaboration

1. Further working groups as required	Participants noted a number of opportunities for working groups at different levels to explore potential collaborative and knowledge sharing opportunities relating to common functions (e.g. online review systems)
2. Joint guidelines and/or policy development	Participants noted an opportunity to jointly develop guidance or policies on a variety of topics including, but not necessarily limited to: <ul style="list-style-type: none">• Engagement and consultation• Traditional Knowledge (using the MVEIRB guidance document as a starting point)• Compensation (using YESAB's guidance as a starting point)• Modern / standardized EIS guidelines or terms of reference• Technical or issue specific guidelines, for example acid rock drainage or metal leaching
3. Joint Training Program Development	Participants noted the potential for pooling resources to develop tailored training for their staff relating to a number of areas including, but not limited to, community engagement and consultation and the use of traditional knowledge. The idea here is that combining resources would allow for economies of scale and making the tailored training more financially feasible to the Boards.
4. Knowledge Base	YESAB, MVLWB and MVEIRB are finalizing a new SharePoint site and offered to set up a site for the Forum to serve as a knowledge base and information sharing platform. This can be used to share relevant documents and track activities and action items through the creation of SharePoint lists.
5. Opportunities for Staff	Opportunities exist to facilitate networks and knowledge sharing between key staff in various capacities. This could include identifying parallel positions across organizations – at various levels – and bringing individuals together to share information, resources and practices. It could also take the form of a buddy system, secondments or worker exchanges between Boards and jurisdictions.

6.	<p>Demonstrating transboundary preparedness</p> <p>Participants noted a need to demonstrate transboundary preparedness to ensure effective northern-led processes in the future. This could take the form of MOUs, guidelines and/or working groups in place to address transboundary impacts and reviews.</p>
7.	<p>Post-project sharing</p> <p>Participants noted that the immediate aftermath of project reviews or licencing provide opportunities for sharing and joint-reflection. This could be done through dedicated presentations / sessions, whereby the regulators present and discuss a specific project. Alternatively, other Boards can attend existing events, such as the 'show and tells' that the NIRB conducts following the issuance of their project certificates.</p>
8.	<p>Other knowledge sharing</p> <ul style="list-style-type: none"> • Yukon to share their mine licensing improvement example with MVEIRB/MLWB • Yukon to share devolution lessons learned with NWT and Nunavut • The Boards are at different rates of sophistication with regard to their information management systems. The Mackenzie Valley regime noted success with their online review system and a willingness to share best practices with other jurisdictions as required. • NWB and NIRB can share collaboration models that Nunavut is using for their licensing and EA processes

Appendix A – Terms of Reference

PAN-TERRITORIAL BOARD FORUM

Representing impact assessment and land and water boards across the Yukon, NWT and Nunavut

Terms of Reference

September 2017

1) Purpose

These Terms of Reference establish the Pan-Territorial Assessment and Regulatory Board Forum (the Forum) as a collaborative body of the Boards with responsibilities for the conduct of the impact assessment and land and water regulatory processes in the Yukon, Northwest Territories and Nunavut, with the aim of facilitating discussion and initiatives on matters of common interest.

2) Objectives

- Convene regular meetings of the Members of the Forum;
- Increase mutual awareness amongst the Members regarding their respective activities;
- 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;
- Identify possible opportunities for developing more consistent approaches to common processes as appropriate;
- Identify and develop collaborative approaches to resolve issues of common concern;
- Collaborate on strategic and operational planning initiatives where mutually beneficial;
- Engage collaboratively and share perspectives on government initiatives that may affect multiple boards or jurisdictions;
- Identify opportunities to share resources and expertise (e.g., cost sharing certain initiatives, sharing human resources and/or information technology, sharing lessons learned and best practices);
- May invite representatives from industry, governments and other parties to present on issues of common interest not specific to a development under active assessment or regulatory consideration; and
- Pursue collaborative training and development initiatives where beneficial.

3) Membership

The Members of the Forum are:

- Yukon Water Board (YWB),
- Yukon Environmental and Socio-economic Assessment Board (YESAB),
- Environmental Impact Review Board (EIRB),
- Environmental Impact Screening Committee (EISC),
- Inuvialuit Water Board (IWB),
- Gwich'in Land and Water Board (GLWB),
- Sahtu Land and Water Board (SLWB),
- Wek'èezhìi Land and Water Board (WLWB),

- Mackenzie Valley Land and Water Board (MVLWB),
- Mackenzie Valley Environmental Impact Review Board (MVEIRB),
- Nunavut Impact Review Board (NIRB), and
- Nunavut Water Board (NWB).

Each Member will assign a delegate or delegates to attend the meeting of the Forum based on the agenda topics and issues to be discussed. Delegates should be selected from senior staff, the Chairperson or Board Members with relevant experience and knowledge to best meaningfully participate in the meeting of the Forum.

4) Organizational Matters

Timing, Hosting and Chairing

The Members will hold regular meetings of the Forum, where feasible annually. At each regular meeting of the Forum, a Member or a combination of Members will be selected to host the next meeting at a date and location to be determined by the Members. The Chairperson for meetings of the Forum will be one of the delegates of the host Member(s). Other special meetings of the Forum may be agreed to by the Members.

Decision-making

Decisions of the Forum, its committees and its working groups will be consensus-based. If consensus is not possible, a simple majority vote will prevail.

Agenda

The agenda for Forum meetings will be approved by the Steering Committee after consulting with the Members.

Administration and Coordination Support

The Northern Projects Management Office (NPMO) of CanNor will provide administrative and co-ordination support for the Forum, including maintaining the records of the Forum.

Funding

Members and participants will be responsible for their own travel and accommodation costs. NPMO will provide a share of the common logistical costs, such as facilitation/reporting services and venue rental, subject to available resources.

5) Committees and Working Groups

Steering Committee

There will be a standing committee of the Forum called the Steering Committee. The participants on the Steering Committee will be confirmed at each meeting of the Forum and should include:

- Executive Director, YESAB;
- Director, YWB;
- Executive Director, MVEIRB;
- Executive Director, MVLWB;
- Executive Director, IWB;
- Member of Screening Committee or Review Board;
- Executive Director, NIRB;
- Executive Director, NWB;
- A representative of the NPMO; and
- Other representatives of the Members as interested.

Members may designate an alternative as long as the alternate has decision making power. Quorum of the Steering Committee should represent a majority of membership, to the extent possible.

The Steering Committee will be responsible to:

- Draft the agenda for any meeting of the Forum;
- Coordinate the review and approval of the agenda by the Members;
- Facilitate any communication and operations within the Forum; and
- Facilitate communication between the Forum and other interested individuals and organizations.

Other Committees and Working Groups

From time-to-time, the Members may establish committees and working groups for specific purposes and initiatives, such as: training, outreach and communications, and special projects.

6) Review of Terms of Reference

The Members will review these Terms of Reference at the request of any Member or upon the recommendation of the Steering Committee.

Appendix B – Forum Participants

Name	Position	Organization
Ryan Barry	Executive Director	Nunavut Impact Review Board (NIRB)
Elizabeth Copland	Chairperson	Nunavut Impact Review Board (NIRB)
Tara Arko	Director, Technical Services	Nunavut Impact Review Board (NIRB)
Jaida Ohokannoak	Manager, Technical Administration	Nunavut Impact Review Board (NIRB)
Tim Smith	Executive Director	Yukon Environmental and Socio-economic Assessment Board (YESAB)
Nick Grzybowski	Policy Officer	Yukon Environmental and Socio-economic Assessment Board (YESAB)
Herbert Felix	Board Member	ISR Environmental Impact Review Board (EIRB)
Mark Cliffe-Phillips	Executive Director	Mackenzie Valley Environmental Impact Review Board (MVEIRB)
Brett Wheler	Senior Environmental Assessment and Policy Advisor	Mackenzie Valley Environmental Impact Review Board (MVEIRB)
Mardy Semmler	Executive Director	Inuvialuit Water Board (IWB)
Bijaya Adhikari	Science and Regulatory Coordinator	Inuvialuit Water Board (IWB)
Mavis Cli-Michaud	Chair	Mackenzie Valley Land and Water Board (MVLWB)
Rebecca Chouinard	Executive Director	Mackenzie Valley Land and Water Board (MVLWB)
Angela Plautz	Senior Regulatory Policy Advisor	Mackenzie Valley Land and Water Board (MVLWB)
Larry Wallace	Chair	Sahtu Land and Water Board (SLWB)
Stephanie Autut	Executive Director	Nunavut Water Board (NWB)
Karén Kharatyan	Senior Technical Advisor/Acting Licensing Manager	Nunavut Water Board (NWB)
Bernard LaRochelle	Project Manager	Northern Projects Management Office (NPMO), Canadian Northern Economic Development Agency (CanNor)
Julie Pezzack	Director and Vice President	Stratos Inc.
Adam Fryer	Senior Consultant	Stratos Inc.

Appendix C – Results of Pre-Forum Survey

Q1: What organization do you work for?

- MVLWB
- NIRB
- IWB
- WLWB
- YESAB

Q2 & Q3: In the space below, please list your Board's priority operational initiatives/projects (e.g. public guides, process maps, process improvements, procedural rules, engagement guidelines, etc.) that you believe would benefit from collaboration with some or all the other Boards. In the corresponding space below, please list why collaboration would be important or useful related to each of your Board's priority operational initiatives/projects identified in Question 2 (i.e. what would you hope to gain from collaboration? Are there any specific items within your ongoing initiatives/projects that you would appreciate receiving feedback on?).

Board Priority Projects	Why collaboration would be important or useful...
Engagement Strategies/Consultation Policy/Guidelines (5)	<ul style="list-style-type: none"> • Gain better understanding of how engagement is undertaken in other jurisdictions, what works, how challenges are addressed • Lessons learned from other jurisdictions, review drafts of our updates – use our existing as a reference for others • Nice to align Licensing with EA wrt engagement • YESAB has conceptualized a pre-submission engagement (PSE) process for Yukon and could benefit from the experience of other northern jurisdiction, particularly with respect to the collaborative identification of values and the development of terms of reference
Transboundary Engagement Approaches	<ul style="list-style-type: none"> • How best to identify potentially interested groups, how to engage, how to involve/notify other boards
ARD Guidelines, Legislative Amendment wish lists, Transboundary MOUs	<ul style="list-style-type: none"> • Collaborate, lessons learned, reviews, co-develop
Standard WL Conditions	<ul style="list-style-type: none"> • b/c some have already started this project
Compensation Policy/Guidelines	<ul style="list-style-type: none"> • Lessons learned from other jurisdictions, review drafts
Draft Technical Guides	<ul style="list-style-type: none"> • What topics are covered in technical guides, how in depth, how are they most effectively structured and presented
Traditional Knowledge Policy/Guidelines	<ul style="list-style-type: none"> • Share case law examples, lessons learned, potential collaboration

Board Priority Projects	Why collaboration would be important or useful...
Treaty/Aboriginal rights in Assessments	<ul style="list-style-type: none"> • Experience of other jurisdictions in defining rights and navigating between different knowledge systems (reductionist western science perspective and holistic Indigenous world view)
Regional Studies/Assessments	<ul style="list-style-type: none"> • Shared interest, challenges and opportunities
Monitoring Program Frameworks	<ul style="list-style-type: none"> • How can the NIRB's experience with monitoring programs inform the development of these programs in other jurisdictions

Q4: With respect to environmental assessment processes, what is your interest level in discussing and/or collaborating on the following topics:

	Not Interested	Somewhat Interested	Interested	Very Interested	Total	Weighted Average
Sharing lists of "best" measures/conditions for EA determinations	0.00% 0	20.00% 1	40.00% 2	40.00% 2	5	3.20
Strategies/approaches for monitoring and reporting on the efficacy of EA measures/conditions	0.00% 0	40.00% 2	40.00% 2	20.00% 1	5	2.80
Regional /strategic assessments	0.00% 0	40.00% 2	40.00% 2	20.00% 1	5	2.80
Process for incorporating TK in assessments	0.00% 0	20.00% 1	20.00% 1	60.00% 3	5	3.40
How best to coordinate on transboundary issues and assessments	20.00% 1	20.00% 1	20.00% 1	40.00% 2	5	2.80

If you are interested in discussing best measures/conditions for EA determinations, what specific areas would you like to discuss (e.g. caribou, water, etc.):

- Implementation at the regulatory phase
- Impacts to caribou
- Water
- Relationship to WL conditions to ensure integration and not duplicity, gaps, or too far reaching
- Induced harvesting associated with linear infrastructure

Q5: With respect to licensing processes, what is your interest level in discussing and/or collaborating on the following topics:

	Not Interested	Somewhat Interested	Interested	Very Interested	Total	Weighted Average
Sharing standard terms/conditions for water licences - what works best	20.00% 1	40.00% 2	20.00% 1	20.00% 1	5	2.40
How best to ensure water licence conditions are working as intended	0.00% 0	40.00% 2	60.00% 3	0.00% 0	5	2.60
Implementation of EA measures in licences - How could the EA process better serve licensing	0.00% 0	0.00% 0	60.00% 3	40.00% 2	5	3.40
Improving compensation processes and procedures	0.00% 0	20.00% 1	40.00% 2	40.00% 2	5	3.20
Improvements to the review process between initial application and public hearings	0.00% 0	20.00% 1	60.00% 3	20.00% 1	5	3.00

If you are interested in "sharing standard terms/conditions for water licences", what specific areas of a licence (e.g. security, monitoring, water use) or licence type (e.g. municipal) are you most interested in focusing on:

- Interested in discussing this at a high-level at the Forum and collaborating via our Areas of Operations working group post-Forum
- All conditions

Q6: With respect to regulatory processes overall, what is your interest level in discussing and/or collaboration on the following topics:

	Not Interested	Somewhat Interested	Interested	Very Interested	Total	Weighted Average
How best to coordinate on transboundary issues and assessments	0.00% 0	20.00% 1	40.00% 2	40.00% 2	5	3.20
Pre-application consultation /engagement requirements	0.00% 0	0.00% 0	20.00% 1	80.00% 4	5	3.80
Review of P-T process maps (dev'd last year) to discuss relative merits or process differences based on policy, not legislation	20.00% 1	20.00% 1	40.00% 2	20.00% 1	5	2.60
Issues/best practices for projects transitioning from EA to licensing	0.00% 0	20.00% 1	40.00% 2	40.00% 2	5	3.20

Q7: Are there any other topics you would be very interested in discussing at the forum?

- Pan Territorial Forum Terms of Reference
- Amendment triggers (relating to management plans)
- Potential to coordinate on staff/board training

Appendix D – Participant Agenda

Pan-Territorial Environmental Assessment and Regulatory Board Forum

August 29-30, 2017

Community Hall

Cambridge Bay, Nunavut

Participant's Agenda

Convener: Canadian Northern Economic Development Agency (CanNor)

Facilitators: Julie Pezzack and Adam Fryer, Stratos Inc.

Forum Purpose:

The purpose of the Forum is to meet annually as a collaborative body of the entities with responsibilities for the conduct of the environmental assessment and land and water regulatory processes in the Yukon, Northwest Territories and Nunavut, with the aim of facilitating discussion and initiatives on matters of common interest.

Forum Objectives:

The specific objectives of the Forum are to:

- Discuss and understand the key challenges with regulatory and environmental assessment boards (Boards) operating in Northern Territories;
- Learn from individual successes and exchange best practices with respect to common operational challenges;
- Provide an opportunity for building relationships between the Boards that will allow for ongoing support and information sharing; and
- Identify possible opportunities to collaborate on operational policies, processes and guidelines and develop more consistent approaches, as appropriate.

PRE-FORUM: Monday, August 28, 2017

#	Agenda Item	Timing
Social		
1	Social Event and Dinner (transportation and food provided) Meet at NIRB Offices - 29 Mitik Street for travel to NIRB Executive Director Ryan Barry's cabin for a social and bbq	4:00 – tbd

DAY 1: Tuesday, August 29, 2017

#	Agenda Item	Timing
Introductions, Sharing and Working on Priority Topics		
1	Network, Coffee and Uploading Presentations	8:00 – 8:30
2	Welcome, Opening Prayer and Roundtable of Introductions	8:30 – 9:00
3	<p>Priority Topic: Linkages Between EA and Licensing</p> <p>Representative of each Board to provide a 10 minute presentation describing the linkages between environmental assessment and licensing in their region, describing both how it works and any innovations applied to streamline it. <i>Please use the PPT template provided to develop your presentation.</i></p> <p>Specific questions presenters could answer:</p> <ul style="list-style-type: none"> • What challenges are you facing, or have you addressed (e.g. redundancies between the two)? What opportunities exist? • What would be valuable for other Boards to know from your experience, or what would you be interested in understanding from the experience of others? <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)
	LUNCH (provided)	12:00 – 1:00
4	<p>Priority Topic: Engagement Strategies/Consultation Policy/Guidelines</p> <p>Plenary discussion to gain a better understanding of how engagement is undertaken in various jurisdictions, what works and how challenges have been addressed.</p> <p>Break into groups and tackle developing different aspects of guidance on engagement/consultation requirements. Participants are encouraged to bring a copy of existing policies, processes or guideline examples from their Board.</p> <p>Report back to plenary and discuss.</p>	1:00 – 4:15 (with break)
5	Reflections on Day 1	4:15 – 4:30
6	Social Event (transportation provided) - Meet at NIRB Offices - 29 Mitik Street for travel to Owayok Territorial Park for a hike	6:00 – tbd

DAY 2: Wednesday, August 30, 2017

#	Agenda Item	Timing
Sharing and Working on Priority Topics - Continued		
1	Network and Coffee	8:30 – 9:00
2	Welcome back	9:00 – 9:15
3	<p>Priority Topic: Incorporating Traditional Knowledge</p> <p>Plenary discussion to gain a better understanding of how traditional knowledge (TK) is incorporated in various jurisdictions, any lessons learned, and case law examples.</p> <p>Break into groups and tackle developing different aspects of guidance on incorporating traditional knowledge. Participants are encouraged to bring a copy of existing policies, processes or guideline examples from their Board.</p> <p>Report back to plenary and discuss.</p>	9:15 – 12:00 (with break)
	LUNCH (provided)	12:00 – 1:00
4	<p>Priority Topics: Mixed</p> <p>Rotational breakout groups to discuss and share practices for other priority topics of interest, including:</p> <ul style="list-style-type: none"> • Improving compensation processes and procedures in water licensing • Best measures/conditions for EA determinations (Note: survey respondents expressed interest in: implementation at the regulatory phase, impacts on caribou, induced harvesting associated with linear infrastructure, water, relation to water licence conditions) • How best to coordinate transboundary issues and assessments • Other (Note: add an additional topic that emerges during the Forum / leave with three priority topics) <p>Participants are encouraged to bring a copy of existing policies, processes, guidelines or other examples from their Board for any of the topics in the list above.</p> <p>Report back to plenary and discuss.</p>	1:00 – 3:15 (with break)
5	<p>Moving Forward Together</p> <ul style="list-style-type: none"> • Discuss and validate Terms of Reference • Discuss ways to collaborate during the year • Communications and support after the Forum 	3:15 – 4:00
Discussion of Next Steps		
6	Closing Roundtable and Next Steps	4:00 – 4:30