



Pan-Territorial Environmental Assessment and Regulatory Board Forum

Final Report

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1 Background

Since 2014, the Canadian Northern Economic Development Agency's (CanNor) Northern Project Management Office (NPMO) has hosted the annual Pan-Territorial Environmental Assessment and Regulatory Board Forum (the Forum). This Forum brings together representatives of each of the impact assessment (IA) boards and Licensing or Water boards (LWBs) across the Yukon, Northwest Territories (NWT), and Nunavut with the aim of facilitating discussion and initiatives on matters of common interest. Participating Boards include:

Region	Yukon	Mackenzie Valley	Inuvialuit Settlement Region	Nunavut
Assessment Boards	<ul style="list-style-type: none"> Yukon Environmental and Socio-economic Assessment Board (YESAB) 	<ul style="list-style-type: none"> Mackenzie Valley Environmental Impact Review Board (MVEIRB) 	<ul style="list-style-type: none"> Environmental Impact Steering Committee (EISC) Environmental Impact Review Board (EIRB) 	<ul style="list-style-type: none"> Nunavut Impact Review Board (NIRB)
Licensing Boards	<ul style="list-style-type: none"> Yukon Water Board (YWB) 	<ul style="list-style-type: none"> Wek'èezhii Land and Water Board (WLWB) Mackenzie Valley Land and Water Board (MVLWB) Gwich'in Land and Water Board (GLWB) Sahtu Land and Water Board (SLWB) 	<ul style="list-style-type: none"> Inuvialuit Water Board (IWB) 	<ul style="list-style-type: none"> Nunavut Water Board (NWB)

The **objectives** of the annual Forum are to:

- Discuss and understand the key challenges with regulatory and environmental assessment boards operating in the three territories;
- Share best practices and success stories 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.

2 Introduction

The 2020-21 Forum was conducted virtually as four sessions during the month of February 2021. Twenty participants from eight Boards participated across the four sessions (see Appendix A for a list of participants).

The Forum's Steering Committee – in collaboration with the meeting facilitators – guided the development of the Forum's final agenda (see Appendix B of this report).

The following **design considerations** informed the planning for the 2020-21 Forum:

- Reengage in a virtual format for the first fully remote PTBF.
- Acknowledge the significant change that has accompanied operating in a global pandemic.
- Build a future-oriented component into discussions to encourage forward-looking thinking.
- Focus on topics that are relevant to both impact assessment and licensing Boards.
- Keep advanced preparation efforts light, recognizing the busy schedules of Boards.

The following table outlines the topics discussed at the 2020-21 PTBF.

Table 1: 2020-21 PTBF Schedule at a Glance

Session 1 February 10	Session 2 February 23	Session 3 February 24	Session 4 February 25
Update from assessments, licensing and permitting boards, including mutual learning on response to COVID-19	Coordination of IA and Licensing for Projects: Opportunities for coordination on information required	Transboundary Issues: Discussing opportunities for coordination	Reflection of Traditional Knowledge in assessment and regulatory processes, including where Traditional Knowledge has improved regulatory outcomes

The Forum included plenary discussions, small breakout groups to enable sharing across regions as well as the use of interactive virtual tools.

Session 1 included a plenary discussion on Board's activities in their regions as well as an opportunity to share reflections on how Boards have adapted to COVID-19.

The topic for **Session 2** was coordination between IA and Licensing Boards, focusing on the information required from proponents across the regulatory lifecycle, recognizing that there may be an opportunity to minimize effort and duplication in the exchange of information, which creates benefits for all Parties involved (Boards, reviewers, proponents). The session included the use of mentimeter, a plenary discussion on the current state of coordination between IA and Licensing Boards in response to mentimeter questions and breakout groups to discuss opportunities and approaches for coordination.

The topic for **Session 3** was transboundary projects and transboundary impacts of projects. The session began with a quick poll of updates in plenary, using mentimeter, followed by reflections from MVEIRB on the Jay project, which was assessed in coordination with the NIRB. Participants then

headed into small breakout groups to discuss what coordination could look like for two fictional scenarios.

The topic for **Session 4** was the reflection of Traditional Knowledge in assessment and regulatory processes. The session began with a roundtable by board on new guidelines, procedures, approaches or practices Boards have undertaken to reflect Traditional Knowledge since the last Forum. Participants then headed into small breakout groups to discuss projects where traditional knowledge has improved regulatory outcomes – with the goal of compiling lessons learned.

This report summarizes the rich discussions that were held over the four sessions, capturing the main themes, questions, and opportunities for follow-up.



The following symbol is used throughout the report to highlight potential future Forum discussion topics, as flagged by participants during the discussions.

3 Session 1: Updates from Boards

As in previous years, the first session allowed Boards to provide an update on activities they are undertaking in their regions. Each Board delivered a short update covering: the development activity currently taking place in their region; developments on the horizon; changes or updates in the regional context that influence the work of their Boards; anticipated challenges given the regional profile; as well as tools or strategies Boards are using or will need to respond to these challenges. The growing number of transboundary projects (now and into the future) was a theme that was raised by a few different Boards. Board updates are provided in Table 2.

Table 2: Regional Updates from IA and Licensing Boards

Board	Regional update
Yukon	
Yukon Environmental and Socio-economic Assessment Board (YESAB)	<ul style="list-style-type: none"> • In 2020, around 200 projects were submitted to the Yukon Environmental and Socio-economic Assessment Board (YESAB) for assessment. • Most of these projects were for placer mining projects, the other large sector was quartz mining. • Two major mine assessments are currently being assessed at the executive level (Coffee Gold Mine and Kudz Ze Kayah Mine). The Faro Mine Remediation assessment is also underway. • The Kudz Ze Kayah project assessment was submitted to decision-bodies and the federal government returned the project to YESAB for re-consideration. Once the process is completed, YESAB will consider lessons learned from the Kudz Ze Kayah project assessment. • YESAB recently completed the assessment of the Dempster Fibre Optic Line which runs from Inuvik to Dawson. The Mackenzie Valley Land and Water Board conducted a preliminary screening of the NWT section of the project. There may be an opportunity for discussion between Boards on lessons learned. • YESAB currently has a high level of designated project reviews, which signals that there will be a busy exploration season. This aligns with the high price for minerals. • Major projects on the horizon include the Alaska to Alberta (A2A) Rail line as they have started to engage in Yukon. • Working on a pre-submission engagement process for major project assessments. Working to front end the work with affected participants and the proponent. • Undertaking a joint initiative on process alignment between YESAB and YWB to find efficiencies and opportunities to coordinate the assessment and licensing process. • Held a Forum on cumulative effects assessment, monitoring and management which will inform YESAB's work and approach to cumulative effects.

	<ul style="list-style-type: none"> • Current challenges include being very busy with 80 active project evaluations by the Designated Offices and 4 major project screenings by the Executive committee. • Tools and strategies include developing information bulletins to share how we do assessments/consider certain contextual factors i.e., cumulative effects and Aboriginal and Final Agreement Rights in YESAB Assessments with external stakeholders. • For major projects, contracting a copy editor to ensure the final assessment report is written from 'one voice'. This has been a helpful tool and strategy to ensure reports are coherent.
Yukon Water Board (YWB)	<ul style="list-style-type: none"> • Held a public interest hearing on wetlands in the Fall. Board currently working on a What We Heard document from that session. • Half a dozen quartz mining applications are currently in renewal or up for amendment. A few more on the horizon. • Existing hydroelectric projects are all up for renewal. The YWB is engaging on these projects. • Compensation has been a big topic of conversation between the Yukon Energy Corporation and Government of Yukon for hydroelectricity water license renewals. • For the Aishihik Hydroelectricity project, Parties signed compensation agreements. There were no specific requests to the YWB to look at those agreements separately. The license was only extended for a period of three years to allow for further assessment and work to be done in advance of a long-term renewal. • Looking for opportunities to increase efficiency in the regulatory process between YESAB, YWB and decision-bodies (Yukon Government, Federal Government and First Nations), in respond to recent Mineral Development Strategy • Pilot with Yukon Government Minerals on Reclamation and Closure Planning and security costing on the Victoria Gold Project (largest operating project in Yukon). • The Government of Yukon, through an OIC of government, allowed governments to extend / renew authorizations based on the public interest under certain circumstances, including based on the public interest. A few requests were received but Government of Yukon did not support these.
Mackenzie Valley	
Mackenzie Valley Environmental Impact Review Board (MVEIRB)	<ul style="list-style-type: none"> • New Environmental Assessment of the Pine Point Mine Project. MVEIRB ordered directly to Environmental Assessment (i.e., determined that a screening was not required). Board ordered project to EA based on size, scale and scope of the development. • Due to new draft EA Initiation Guidelines, if the proponent has conducted early engagement with communities, a screening may not be required. • Draft EA Initiation Guidelines informed the process the company undertook, as well as a series of engagements with a Resource Development Advisory Group convened through GNWT and CanNor. This process saved time for both the developer and the regulatory boards.

	<ul style="list-style-type: none"> • Scoping process for this assessment will be different. This new approach adds level of detail to the scoping process, including the developer's project description, methodology, pathways that are not leading to significant adverse effects. The scoping will focus on validating the conclusions of the proponent. • Three main Parties asked to review the submission before it was submitted to the Board. We hope this approach starts us on a better path to move forward. • Given COVID, offering a menu of scoping opportunities to communities to determine what will be effective for their participation in the process. • Board looking into developing engagement plans with key Parties for this project. Holding ourselves accountable to what we ask other stakeholders to do. • MVEIRB is seeing more and more transboundary projects (with large footprints or impacts outside the jurisdiction). Working with other jurisdictions, including developing MOUs and Cooperation Agreements with partners in other territories and with the federal government. • Developing a Policy for Assessing Impacts on Wellbeing (mandated under the legislation) and Guidelines to assess impacts on people. • Developing a joint Engagement and Consultation Policy with the LWBs to align our approach to consultation and engagement during our respective proceedings. • Developing Guidelines for Preliminary Screeners to give step by step practical guidance for conducting preliminary screenings under our legislation. • Going forward we also have Cumulative Effects guidelines on our radar.
Land and Water Boards of the Mackenzie Valley (LWBs)	<ul style="list-style-type: none"> • The Land and Water Boards are very busy with development activities. Larger files include Type A Water Licence proceedings. • Projects include Canadian Zinc Type A Water Licences, Rayrock Remediation Project (WLWB). • SLWB is working on a municipal water license for Fort Good Hope and work is underway with Imperial Oil for remediation in Norman Wells. • WLWB is also working on water licence renewal proceedings for the Ekati Diamond Mine (recently sold to Arctic Canadian Diamond Company). Diavik Diamond Mine Type A water licence proceeding for an amendment to deposit process kimberlite into the underground mine workings. • Tlicho All Season Road Project (97km road under construction). • Potential future projects include significant transboundary files like the Slave Geological Province Corridor Project, Mackenzie Valley highway, possible hydro expansion and A2A project. • LWBs are currently in a critical position for Board member vacancies. The appointment process continues to hamper the work. By May, the LWB family will be down to about 10 Board members (of the 20 needed). Creating significant challenges for all Boards. • The MVLWB deals with the highest volume of preliminary screenings as there are generally a higher number of files in the region and they are responsible for processing transboundary files.

Nunavut	
Nunavut Water Board (NWB)	<ul style="list-style-type: none"> Nunavut focus has been on mining, specifically gold mines as well as some municipal files. In the last 5 months, NWB has issued 5 Type A water licenses and 12 Type B water licenses. This year has felt less busy for Type B licenses but has been quite busy for Type A water licenses, focused on expansions for operating mines and municipalities. Implications of COVID for the territory has created its own challenges. NWB is starting to see more adaptive management approaches for operating mining projects.

3.1 SHARING OF PRACTICES AND LESSONS LEARNED ON COVID-19

The second half of the session provided an opportunity for each Board to share practices and lessons learned related to operating during the COVID-19 pandemic. Each Board was invited to reflect and present on the following discussion questions:

- What new key approaches have you adopted since COVID-19 (Consider: engagement approaches, use of technology for receiving comments and information, HR / people management, etc.)
- What have you been learning? What has been working well? Are you encountering any challenges? What approaches will you maintain post-COVID?

Reflections across Boards are shared below.

Adaptations to Engagement Approaches:

- Most Boards have moved to a hybrid approach (in-person and remote) for public hearings.
- The MVLWB hosted hearings where most participants were in a room that allowed for physical distancing and the proponent participated remotely (as they were not based in the Northwest Territories).
- YWB experimented with live streaming a public hearing over Facebook and YouTube.
- During public meetings, YESAB has hired external facilitators. This practice has enabled the Executive Committee Members to ask questions, rather than focusing on facilitating sessions. In Nunavut, the combination of in-person, use of on-line platforms (Zoom) and teleconference has had successes and some challenges. Given the strong preference for oral tradition in Nunavut, communities have expressed a strong desire to hold community consultations and public hearings in person.
- An intervenor in the NIRB's processes acquired funding to live stream an assessment process on a television channel, including broadcasting on the community cable television channel.
- The NWB is considering new approaches to engage and inform communities of their processes, including the use of radio (as access to internet can be limited).
- MVEIRB has been spending more time in engagement planning, including doing a lot more 'groundwork' such as calls with stakeholders and communities to let them know about engagement, prior to undertaking formal activities. The Board feels that they have been

engaging better as a result and this approach is influencing their review and update of their engagement policy.

- The pandemic has highlighted the importance of 'levelling the playing field' and ensuring EA processes are accessible. MVEIRB is working to create videos about their processes to raise awareness with stakeholders. They will be looking to develop videos for each stage of the Pine Point project.
- Communities have adapted very quickly to remote engagement approaches but MVEIRB is considering whether these approaches are accessible to all community members or if they may favour some voices over others (e.g., Elders, Youth, etc.). MVEIRB is thinking carefully about new approaches for community participation.
- The Nunavut Water Board has been successful in holding their technical meetings over teleconference and Zoom.

Adaptations to Process:

- Some First Nations governments in the Yukon did not have the capacity to meet timelines for submitting comments, specifically for designated office reviews (i.e., with shorter timelines) based on the adjustments they were making to respond to COVID-19. As a result, a YESAB motion in the summer maximized timelines for designated office screenings to allow assessors to extend timelines at their discretion.
- YWB has also received requests for extensions on comment periods during the pandemic. The Board extended the written comment period for their public hearing on wetlands. YWB adjourned the hearing to receive additional information based on what was heard during the hearing.

Use of technology for receiving comments and information:

- YESAB has been using their Facebook page for the last year as a tool to advertise new project proposals and policy initiatives.
- YESAB is not currently using their Facebook page to broadcast public meetings but this is something they may consider doing going forward.
- YESAB updated their online registry last summer to be much more user friendly. Stakeholders are able to submit audio, video or larger files into this updated registry.

Human Resources or People Management:

- YESAB has six designated offices across the Yukon. Before the pandemic, the designated offices would join team meetings remotely, while the majority of staff from the Head Office, would join from a boardroom in Whitehorse. Since the pandemic, many employees are joining team meetings remotely. Designated offices employees prefer this approach as do other employees.
- YWB has moved to rotational shifts in the office, which has limited inter-staff discussions and sharing ideas.
- YWB has had a challenge with Board members participating in hearings remotely. They are considering options to provide information to Board members in a different format in order to ensure Board members are able to participate effectively in hearings.

Challenges Experienced:

- Many communities closed their offices and were not available in the early days of the pandemic.
- Determining the appropriate virtual platform for engagement.

- Zoom fatigue is a major concern as it can be challenging for people to remain engaged in a virtual setting. MVEIRB has addressed this concern by reducing the length of sessions and spreading them out over a few days.
- Some logistical challenges, for example, the WLWB mentioned the need to book physical spaces for interpreters during technical sessions or hearings as well as to consider how to share translated materials with participants.

Opportunities:

- Lessons learned on these adaptations will be incorporated into internal manuals for staff as well as engagement and consultation policies.
- MVEIRB and WLWB considering creating video tools to better engage community members, especially youth in communities.
- Some Boards are finding that remote processes are enabling greater participation or observation of their processes. The audio-visual aspect is creating opportunities for community members to participate in a more meaningful way than in the past.
- Remote context has enhanced safety and financial savings as Board members no longer have to travel to attend hearings or meetings.

3.2 SESSION 1 SUMMARY

The following themes emerged from the updates across Boards, including approaches in response to the COVID-19 pandemic:

- All Boards are anticipating submissions of transboundary projects in the near- to medium-term.
- The Mackenzie Valley Environmental Impact Assessment Board and the Yukon Environmental and Socio-economic Assessment Board are both advancing approaches to the pre-submission phase to support effective and efficient environmental assessment processes.
- All Boards have adapted their engagement processes in light of COVID-19 and are adopting various tools to ensure remote engagement is accessible to community members or other stakeholders.
- The pandemic has led to innovations in the Boards' processes, including considerations for accessibility, access to information and to facilitate two-way dialogue with stakeholders and communities.

4 Session 2: Coordination on Information Required for Projects

The topic for the second session was coordination between IA and Licensing Boards, focusing on the information required from proponents across the regulatory lifecycle, recognizing that there may be an opportunity to minimize effort and duplication in the exchange of information, which creates benefits for all Parties involved.

This was a discussion topic at the 2019-20 PTBF, where participants highlighted both the challenges and opportunities of coordination across regulatory bodies.

Approaches are heavily influenced by the regulatory framework. For example, Nunavut has had an established coordinated process since 2009 between the NIRB and the NWB. One of the challenges shared by participants at the previous Forum related to the fact that IA and Licensing are meant to be sequential. Coordination may be challenging for this reason as projects are often fluid, conceptual and not final until the IA is complete and the decision for the project is released. As a result, detailed discussions on implementation, as required for licensing, can be challenging to have at the IA stage. Participants at the 2019-20 Forum raised opportunities for coordination including areas where Boards can be more fluid or flexible with their approach to coordination, such as less controversial projects or amendments to existing projects.

The objectives of the second session were to:

- Explore the current state and desired future state related to coordinating information required for in IA and Licensing by region (considering any 'pain points' experienced currently or key opportunities)
- Share and learn from the practices and ideas across regions.

Results of the discussions from the second session of the 2020-21 PTBF are summarized below.

4.1 CURRENT STATE OF COORDINATION

Mentimeter was used as a tool to support the discussion on the current state of coordination between IA and Licensing Boards across regions.

4.1.1 Mechanisms or practices for coordination

The following list summarizes the mechanisms or practices highlighted in mentimeter.

- Exploring post-assessment engagement
- Developing Letters of understanding
 - YESAB is considering developing a Letter of Understanding or an MOU with the YWB, which would include different tools for coordination between the two Boards.
- Shared technical resources including coordination on policy initiatives and guides for proponents, assessment process options, and as needed discussions between regulators.
- Not really licensing – in Yukon, there is coordination between the Yukon Land Use Planning Council (YLUPC) and YESAB. Specifically, YLUPC submits conformity checks to YESAB on project proposals.

- In Yukon, there is coordination between the Yukon Land Use Planning Council and YESAB as YESAB considers the Council's conformity check in their assessment. **Conformity with land use plans may be a topic of interest during future Forum discussions.**
- EA measures can introduce goals for regulators while giving them space to decide exactly how to achieve the goal in their conditions.
 - MVEIRB is creating EA measures that are less prescriptive, thus enabling the LWBs to develop appropriate measures in licensing. Some challenges of this approach include ensuring the EA measures are implemented according to their intention. MVEIRB has been working collaboratively and communicating with the LWBs to enhance coordination.
- Regular staff-to-staff communication on specific projects (including during preliminary screenings), shared calendars and attending each other's technical sessions (i.e., staff participating in both regulatory and EA processes).
- Regulatory and EA staff participating in Resource Development Advisory Groups (RDAGs)
- Occasional staff interchange between regulators and EA Board.
- Coordinating timing of IA and Licensing, including technical meetings or public hearings with proponents and intervenors associated with major projects assessment / licensing.
- Draft guideline reviews and providing input on each other's guidance / requirements.
- Pre-submission engagement with proponents.
- Accessibility of project amendments / licensing renewals.
- Invite observers from licensing board to attend IA process meetings.

The discussion then moved into how different Boards are addressing **orphan terms and conditions**, in other words, finding the right 'home' (i.e., existing regulatory instruments) for terms and conditions recommended through assessments.

- More qualitative measures or issues that do not have a clear legislative home (e.g., migratory birds) receive less attention from decision-bodies in Yukon because decision-makers do not know how to implement these terms and conditions. They have been labelled orphan term and conditions. From an assessment point of view, YESAB is recommending these measures be incorporated into decision-making to mitigate significant adverse effects but regulators then do not know how to implement these conditions.
- MVEIRB is starting to conduct assessments in a more holistic and integrative way. Part of the challenge of this approach is that the regulatory instruments are not holistic. The mandate of the Board is very broad, but the regulatory system is not designed to accommodate this approach.
 - In the NWT, assessment is conducted in an integrated nature through preliminary screening. The challenge in the NWT is determining the appropriate home for EA measures (e.g., water licence, land use permit, etc.). MVEIRB is looking to ensure measures are implemented through all available instruments. They are able to ensure these measures are put in place through the monitoring, follow-up and reporting requirements on all the regulators. The LWBs also write very detailed reasons for decisions, which clarify through which regulatory instruments EA measures are implemented. For example, the TASR project included conditions for a Wildlife Monitoring and Management Plan and a parallel review process was run between the GNWT and the WLWB because of the overlap in jurisdiction (i.e. wildlife habitat).
 - MVEIRB was hoping that legislated development certificates would be a remedy to some of the concerns for orphan measures. However, the way the MVRMA is still

written, where there is a regulatory home, the regulators need to incorporate the conditions of the development certificate. Once you decouple the pieces into their regulatory homes, it begs the question of whether these measures are achieving their intended purpose. MVEIRB is now looking into maintaining oversight or implementation of conditions post-EA. MVEIRB recently released a reference bulletin on development certificates.

- NIRB deals with a similar issue but from a different perspective as they deal with many regulators. NIRB assesses issues that may be dealt with in a water license (e.g., drinking water) but looks at the issue from a different lens (e.g., community concerns) to include conditions for wildlife or impacts to the rest of the environment. While NIRB tries to coordinate on information received from proponents, often they will need additional information from the proponent on impacts to the environment and additional impacts on other valued ecosystem components (VECs).
 - In Nunavut, the project certificate workshop is the key starting point for the conversation on regulatory instruments. These are discussed throughout the assessment but once the terms and conditions are issued, especially because the Minister can vary or adjust the terms and conditions of the Board, the project certificate workshop is the key place for Parties to determine the appropriate regulatory body for certain issues.
 - The most challenging aspect of the project certificate workshop is that many proposals occur either partially or entirely on Inuit-owned lands. The NIRB has found that Inuit organizations tend to deal with their responsibilities internally and are less likely to publicly report on those issues or report on them early-on in the process. Overall, there is less direct reporting back to the NIRB from Inuit organizations. As a result, the NIRB has had to go back to the proponent and ask for follow-up information on those measures.
 - Given the sequential nature of assessment and licensing processes, while the NWB tries to coordinate with the NIRB at the beginning of the process for licensing, this coordination is very limited at the end of the process because the NWB will never go to public hearing without having a project certificate issued by NIRB or without a Ministerial decision. The project certificate informs the licensing, and, in some cases, the Minister's decision may provide some direction to the NWB to look at conditions within the license terms and conditions.

Finally, the discussion turned to the **accessibility of project amendments or licensing renewals**.

- This topic was brought forward by YESAB as YESAB is facing challenges with determining when a change to a project will trigger the need for assessment. YESAB, YWB, regulators and decision-bodies in Yukon are working together to understand or determine the mechanisms to apply to jointly determine when the need for further assessment is triggered.
 - A few reports have been commissioned recently by the Government of Yukon, which have recommended that YESAB consider broader project scoping at the outset. YESAB has responded that project proposals drive project scoping and responses to information requests. There seemed to be a failure to recognize that broader scoping provisions through YESAA also require further information from proponents earlier on in the assessment process.
- This is an issue that has also come up in the Mackenzie Valley. MVEIRB has started to provide guidance to regulators on what MVEIRB believes constitutes a change to a project to require further screening. This guidance has gone into the MVEIRB's new guidelines for screeners, which will be going out for consultation shortly. Essentially, this guidance states

that a new screening is required if there is a change to the project that would affect the project's scope or the significance determinations, including if the change has the potential to increase the magnitude, extent or duration of the impacts or geographical scope, or if it is a change that the Board already described as an outcome and has included a significance mitigation that likely would be satisfied then there is no need for a whole new referral or requirement for screening.

- A participant remarked that this topic is a common challenge for many EA practitioners. The NIRB has guidance that may be relevant for project amendments. Additionally, a participant highlighted that remediation is also a change to a project as the scope and activities are very different from operation.
- NIRB has had to come out with guidance to proponents as they have had many projects that have submitted amendments or significant changes post-EA. The challenge they are facing is for Board members to keep track of the many changes proposed within an operating project and therefore determining if these amendments or phases require further assessment.
 - NIRB offered to share the guidance they have developed to address this issue. The NIRB may also initiate an amendment if they are finding that a term or condition is not meeting its goals, based on post-EA monitoring.
 - NWB highlighted that Nunavut moved to a one-window regulatory approach in 2015. As a result, any modifications or renewals to a project require a review by the NIRB prior to moving to other regulatory organizations (as determined by the Nunavut Planning Commission).
 - Often, these renewal applications at the pre-licensing stages (e.g., assessment process), requires a confirmation to the NWB that no assessment is required but, in some cases, when an assessment may be required the NWB would take into account what is provided by the organizations in the pre-licensing process.
 - In Nunavut, there was a situation where a proponent could not commit to a timeline for the project starting. That factored into the Board's decision in the IA phase.

Participants then highlighted the importance of distinguishing between the **temporal scope of a project/assessment and the shelf life of an assessment**, taking the context for the project fully into account.

- YESAB has recently had a few projects returned for further assessment by decision-bodies, on the basis that a new authorization or an amendment to an authorization is required. In looking at the projects, YESAB has questioned whether the context for the project has significantly changed. If it is the same project, in the same context, there is a principle in administrative law that could prevent YESAB from revisiting that decision. YESAB has gone back to decision-bodies and asked about the changes that have occurred. In a couple of cases, 5 or more years have elapsed, but they were still the same project. YESAB has noticed that there is a tendency of decision-bodies and regulators to conflate the temporal scope of the assessment and the timeline of the project. In these cases, no contextual changes have occurred. This has raised the question of the shelf life for the assessment, as distinct from its temporal scope.
- There are provisions explicitly within the MVRMA that describes the conditions of past assessments. One of the things contextually to look at to scope the requirements for further assessment where temporal scope has changed, include significant cumulative effects (i.e., where there may have been a change to the existing environment). If a project was assessed 10 years ago, the environmental conditions now are much different then they were then (e.g., caribou or other species at risk). These contextual changes would likely change the significance determinations on some of the aspects of the EA decision.

- Alternatively, there may be a project in an area where there have not been significant changes to the state of the environment, either socio-cultural or environmental. That decision may still stand but there may be some contextual factors to consider when looking at large temporal timeframes.
- For MVEIRB, an additional challenge is determining how long a ToR or guidelines for a developer may be applied as many developers will take 4+ years before providing a developer's assessment report to the Board. The challenge is determining what tools MVEIRB has for updating that guidance. Developers have been open to revisiting that guidance as it may be beneficial to them as they go through EA.

4.1.2 Pain points

In small breakout groups, participants discussed the 'pain points' they are experiencing that point to opportunities for coordination on information required. Participants noted that:

- They are acutely aware of the pain points in their processes and jurisdictions, especially when discussing coordination between proponents, assessment boards and regulatory bodies.
- Information requirements vary considerably based on the 'entry point' into the regulatory process (e.g., information requirements for a water license will not be the same as for an environmental assessment).
- Challenge in detail of information needed during the assessment phase and later into the licensing phase. The level of information is often more fluid early in the process and becomes more detailed / specific as the project moves through the regulatory process. This can create pain points for proponents and intervenors in the process.
- Challenges include having full information packages from the outset of the process. This information would enable more efficient processes throughout the regulatory process.
- Challenges also include impacts to timelines if decision-makers do not make timely determinations as to the need for an amendment. If regulatory timelines are taken up making the determination that an amendment is required, that significantly strains the regulatory authorities' ability for an effective EA process.
- In circumstances where you have an EA board, a regulator and a decision-body, it may be beneficial to request that the decision-body make a preliminary assessment or determination that a full assessment will be required.
- In circumstances where a project may have several activities, these activities may not require a new environmental assessment.
- Challenge that the timescale that regulators work under is sometimes different from EA as many regulatory instruments have specific time limits. Challenge of integrating these processes together in a meaningful way.
- Challenges for the capacity of parties to submit information throughout the process, for example, asking intervenors to present information pre- and post- hearings can lead to fatigue.
- YESAA set up that YESAB is responsible for recommendation to decision-bodies on a project. The decision-bodies then can vary, accept or reject YESAB's recommendations. Post-decision, the project is submitted to the YWB. Throughout that continuum, there can be some different hands on the project, or it can become convoluted regarding which decisions were made and when.

4.1.3 Opportunities and Approaches

Participants also discussed the opportunities these pain points create for coordination, including some outcomes they hope to achieve. Participants were also invited to reflect on the approaches they heard about from others that they would like to know more about or try in their jurisdictions and what this might look like in practice. Participants noted that:

- Early engagement between communities, regulators and proponents may be a tool to get commitment or buy-in early in the process.
- Staff interchange to enhance understanding of regulatory processes between EA Boards and regulatory Boards.
- Both regulatory Boards and EA Boards attending technical sessions to build a shared understanding of the EA and enhance social capital. The NIRB recently applied this approach with the NWB and has shown to be effective. This approach increases awareness of the issues and sensitivities during the IA that may then be carried over into the licensing.
- Following Reports of EA, EA Board to host a session to share the results for all regulators, including federal and territorial entities. This approach can help to engage all regulators and ensure a smooth transition from an EA to the regulatory process.
- Detailed guidelines and workshops on the different aspects of the EA for approaches to address gaps between EA and regulatory processes.
- A participant suggested having a 'quarterback' to work with proponents to support them as they go through the stages of the regulatory process, acknowledging up front that the level of detail will change between the respective processes.
- Compatibility of EA Board and Licensing Board registries. This compatibility reduces administration and enables information sharing.
- Development of a master report or document with different pieces of information in one place, so that if someone was looking at a monitoring plan or doing inspections, you have one document that has all the bits of information together.
- Use of Resource Development Advisory Groups (RDAGs).
- Early discussions between the regulators and the EA Boards, in planning what the project could look like and determining what assessments and permits may be required. Often, these discussions require funding from a federal level but there may be more appetite to do these types of activities from a regional perspective, getting these parties to the table regularly, rather than waiting for longer federal processes.
- Federal government to track orphaned measures to ensure all these measures are effectively implemented.

4.2 SESSION 2 SUMMARY

The following themes emerged as a result of the discussions during the second session.

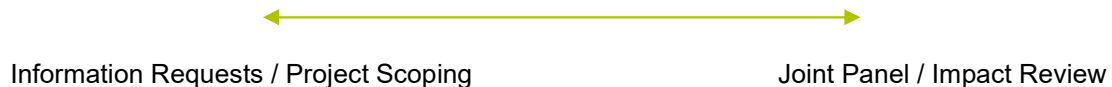
- Many participants highlighted that coordination is already taking place between assessment and licensing Boards but the level of granularity of information required for assessment versus licensing processes as well as the sequential nature of these processes make them challenging to coordinate.
- Many participants commented that there may be opportunities to share information between EA and licensing Boards early in the process, including understanding the intent of the proponent and the approach taken for mitigation measures during EA. Participants also commented that information could be shared throughout the process to facilitate connections between assessment and licensing.

- Various mechanisms could be used to promote coordination between assessment and licensing Boards, including staff roles and interchanges, broader and ongoing engagement including with the full suite of regulators, participation of licensing throughout the assessment process and shared guidance, systems or reports.

5 Session 3: Transboundary Issues: Opportunities for Coordination

The topic for the third session was transboundary projects and transboundary impacts of projects. This was also a discussion topic at the 2019-20 PTBF and participants noted an interest in further exploring opportunities to coordinate regulatory activities between jurisdictions.

During the 2019-20 Forum, participants raised that options for addressing transboundary projects include cooperation and coordination, which can occur along the following spectrum:



In practice, coordination has included sharing staff across Boards, developing cooperation agreements and MOUs and sharing best practices or lessons learned. Boards also identified that they have various tools at their disposition, including common information requests, substitution and collaborating with other Boards to screen the entire project rather than simply the components of the project within their jurisdictions.

The objective of the third session was:

- To explore what coordinating on transboundary projects (or projects with transboundary impacts) could look like in practice, through discussion of realistic project scenarios.

Results of the discussions from the third session of the 2020-21 PTBF are summarized below.

5.1 TRANSBOUNDARY PROJECTS ON THE HORIZON AND CURRENT COORDINATION

Mentimeter was used as a tool to support the discussion on transboundary projects or projects with transboundary impacts that may be undergoing regulatory review in the near future.

The following list summarizes the transboundary projects or projects with transboundary impacts that may be undergoing regulatory review.

- Grays Bay Port and Road
- Pine Point Mine
- Selwyn Mine
- Suncor Oilsands Project
- Alaska to Alberta Rail Line (A2A)
- Kivalliq hydro-fibre link
- Mactung (over longer term)
- Mackenzie Valley highway
- Slave Province Road
- Dempster Fibre Optic Link (Inuvik- Dawson)

The majority of participants have been coordinating in some form since the last PTBF through the following mechanisms:

- Developing, re-signing or updating existing MOUs and Cooperation Agreements
 - MVEIRB is currently updating an MOU with the NIRB to expand the content to explain the functions of coordination, cooperation and collaboration. The MOU will be used as a basis for future discussions with other jurisdictions. This MOU will be complimented by an Implementation Plan.
 - The NIRB has been working to renew its MOU with the Canada Energy Regulator. Public health restrictions have resulted in a slow down of projects submitted to the NIRB. As a result, NIRB has been able to advance some policy frameworks to better prepare them for future projects, including transboundary projects.
 - YESAB is developing MOUs with Boards in the Inuvialuit Settlement Region (ISR). Given the overlapping jurisdictions, YESAB and the ISR Boards have mutual roles and responsibilities for certain regions of the Yukon North Slope.
- Using existing notification requirements of existing agreements.
- Some discussions between Dawson designed office and the MVLWB.
- Discussions with IAAC and other regulators / decision-makers (including informal communications / meetings).
 - MVEIRB has recently received a letter from the Impact Assessment Agency of Canada requesting discussions to develop a Cooperation Agreement (in light of discussions that have been occurring with Suncor and the Alaska to Alberta Rail project).
 - MVEIRB has also been having discussions with Yukon organizations.
- Regular meetings with other jurisdictions on upcoming projects.
- Discussions on the pathway to JRP.

5.2 REFLECTIONS ON THE JAY EXPANSION OF THE EKATI DIAMOND MINE

Mark Cliffe-Phillips provided a brief presentation of a project where there was an expansion of an existing project and where the development may have downstream impacts on other jurisdictions. The case included:

- Potential downstream water impacts to the Nunavut community of Kugluktuk.
- Concerns identified during the project of impacts on Kitikmeot Inuit Association (KIA) members who use the project area and potential for affects downstream which might extend into Nunavut.
- A letter was sent from KIA expressing concerns about the impacts to their traditional land users.
- Request within the provisions under the Nunavut Settlement Agreement that the NIRB should undertake a review of the project for impacts on Inuit and transboundary impacts on Inuit.
- There are also provisions under the Mackenzie Valley Resource Management Act (MVRMA) where MVEIRB is required to look at impacts not only to residents of the Mackenzie Valley but any First Nation or Inuit organization or people who use the Mackenzie Valley.
- Discussions occurred between the NIRB and MVEIRB and ultimately a letter was written to the Minister of Indigenous and Northern Affairs (at the time).
- The Boards established a process through their MOU that MVEIRB would host a public hearing in Kugluktuk to hear directly from land users and the KIA.
- MVEIRB sent a notice of proceeding indicating that they would host the hearing to hear about those impacts. MVEIRB notified the NIRB to look for cooperation to host the hearing (including staff provided at the venue and technical staff provided pre- and post- hearing).

- In the end, it was decided that MVEIRB would conduct the assessment through their provisions of the MVRMA rather than proceeding with multiple assessments by different Boards. This approach was accepted by the Minister.
- KIA was supportive of MVEIRB coming to Kugluktuk. KIA did not propose any specific mitigations to the Board because they accepted that the Board's mitigations were protective of their use of land, both in the Mackenzie Valley and downstream.
- This process was well received. NIRB was able to leverage the relationships and the trust built with the Regional Inuit Association (RIA) but did it in such a way to build on the existing regulators assessment of the project rather than to split the assessment.
- A key takeaway was the importance of having staff who understood both the Nunavut process and the Mackenzie Valley process and how they could coordinate.

5.3 OPPORTUNITIES FOR COORDINATION

Participants discussed two fictional scenarios in small breakout groups. Scenarios are included in Appendix C of this report. Participants were invited to consider opportunities for coordination during the following steps of the regulatory process (see Figure 1) and to reflect on a set of questions (see Figure 2).

Figure 1: Steps in the Regulatory Process

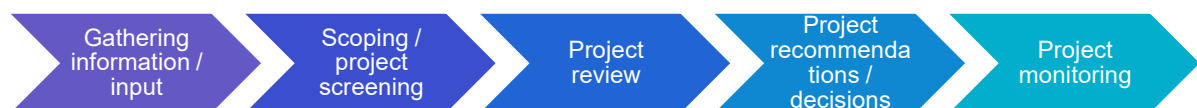
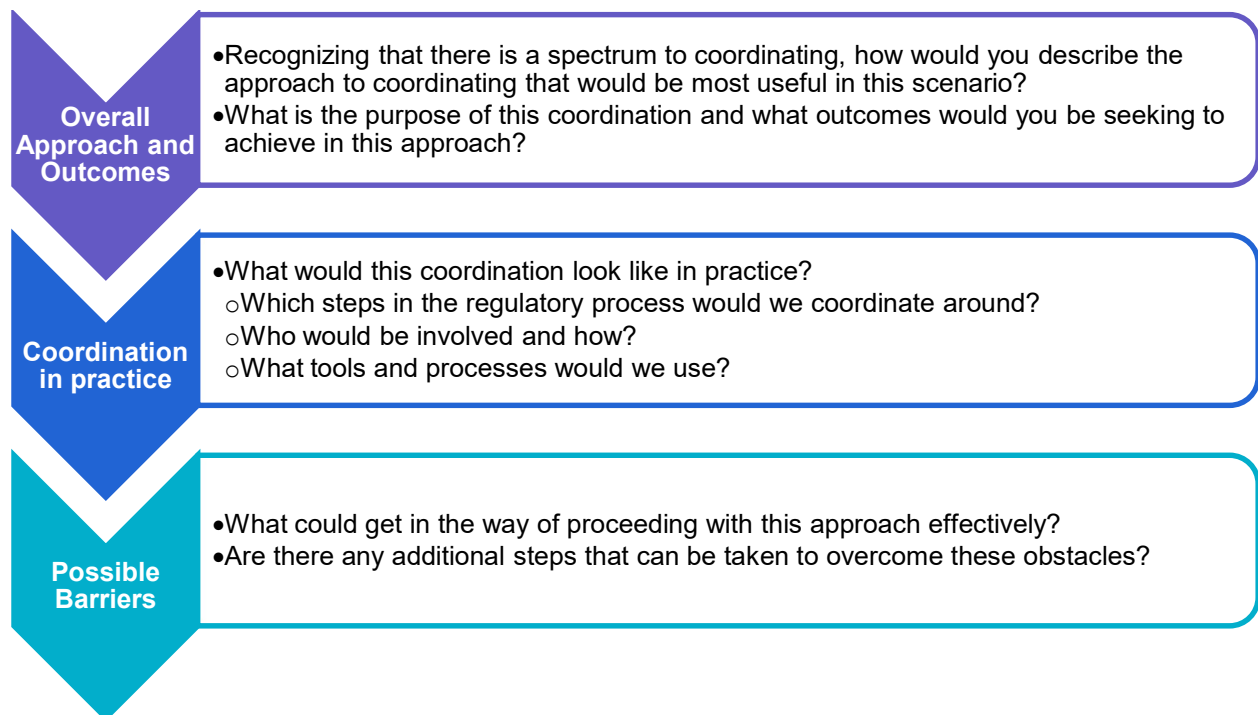


Figure 2: Discussion Questions



The following sections represent a reporting back from small breakout groups, outlining the overall approach that would be taken in the scenario, along with how it could be executed and any barriers that may exist for transboundary coordination.

5.3.1 Transboundary Scenario 1: Yukon and NWT Transboundary Mine

Overall approach and outcomes:

- Various options to consider in this scenario. If the project is straddling both sides of the border, there are two options: 1) coordination of the reviews or 2) Boards could enter into an agreement to request a Joint Review Panel. The second option would require federal ministerial approval.
- From the Licensing perspective, the assumption was made that the project had already undergone an environmental assessment.

Details on Coordination Approaches:

- Participants discussed the process of establishing a Joint Review Panel and/or making the determination for the appropriate type of coordinated review process. This included considerations regarding the jurisdiction receiving the application (jurisdiction where the project mostly lies geographically or submitted to both jurisdictions) and where in the assessment process a coordinated assessment would be triggered with another jurisdiction.
 - The participants preferred approach was a Joint Review Panel as it would create the most clarity and efficiency for all Parties involved. Participants expressed support for this approach as it would ensure the review was conducted consistently. Collaborative reviews conducted in two different jurisdictions may be assessed differently (given different legislative and regulatory rules, guidelines, procedures and approaches for consultation with parties).
 - Under a Joint Review Panel, clarity could be applied early in the process through ToRs between jurisdictions or a Cooperation Plan, which would get filtered up to the Minister. This would ensure a unified approach for the review.
- Should a Joint Review Panel not proceed, a coordinated review may still occur. This may include coordinated timelines and consistent information requirements across jurisdictions but the approach to the assessment may vary.
 - Other transboundary assessment approaches may include the YESAB Executive Committee participating in or observing a public hearing process under the MVRMA.
 - Other opportunities for coordination include joint technical sessions or joint public hearings.
 - Coordination on the EA may include other parties, for example the Major Project Office taking the lead for the project Charter in Yukon. In the NWT, bodies such as RDAGs or GNWT ITI sometimes coordinate.
- Regarding the licensing and permitting process, there is a need to consider an MOU or a joint workplan to align the processes across licensing Boards to find opportunities for coordination.
 - These include coordinating to make sure the application was determined to be complete and put out for review around the same time. In the Yukon, the adequacy review is the only step in the process with legislative timelines. In the NWT, there is a legislated timeline for the licensing process (9 months).
 - The process may also be coordinated through the application of other jurisdictions tools. For example, the Mackenzie Valley LWBs have a standard water licence conditions template that Boards often turn to initially for the conditions of the licensing. This may be something the YWB could look to in order to start their

development of conditions. The LWBs also have other tools, including internal and external templates for workplans.

Possible barriers:

- The Federal Minister Decision. The Boards could develop an MOU or a Cooperation Plan to propose to a Federal Minister but ultimately, it is up to the discretion of the Minister to entertain the request. That could be challenged by the politics of the day or lobbying by decision bodies that could complicate things.
- Questions on the final decision-making authorities and how measures and conditions of a Joint Review Panel would be implemented. This question also applies for licensing purposes.
 - The way decisions can be varied or reconsidered under the MVRMA may be different from the process under YESAA. As a result, the implementation of the decision may be different for different jurisdictions.
- Financial security would be a complex issue as there are many different players. The Boards would be the ones to determine the security, but the territorial governments would be the ones holding and making decisions about the sufficiency, or releasing, of these securities.
- In the NWT, the project may also require a Land Use Permit.
- In this scenario, there is a First Nation that is not a signatory to a Final Agreement. This creates significant uncertainties for engagement and consultation approaches as well as compensation. Different considerations would apply in the two jurisdictions.
- Licensing is subject to questions of strict jurisdiction for responsibilities of the Boards (e.g., use of water and the deposit of waste). Licensing Boards are limited to assessing and licensing impacts to resources under their jurisdiction. As a result, transboundary impacts may not be scoped into the licensing process.
- Potential further challenges should the project be amended post-initial assessment and licensing.

5.3.2 Transboundary Scenario 2: Road between NWT and Nunavut

Overall approach and outcomes:

- NIRB has had no formal transboundary assessments initiated under its legislation to date.
- Multiple Agencies and decision-bodies need to be included, including three different decision-bodies (Federal, Territorial and Indigenous at minimum). May also include the IA Agencies, Land Use Planning Agencies.
- Proposals in this area start with public concern from Indigenous groups, given the high likelihood of impacts on caribou calving grounds, Indigenous groups would have to be heavily involved.

Details on Coordination Approaches:

- Board to Board communication or Agency to Agency communication.
- Decision makers would need to lead and advise on coordination options, including Mineral Development Advisory Groups (MDAGs) or RDAGs to more often start the process with everyone and start the investigation ahead of an assessment.
- Would require decision makers to lead so the Boards could advise them on potential panels, coordinated steps (e.g., considering options for coordinated technical meetings and hearings or would they occur separately, occur at a planning level, at the IA level, etc.). Would require leadership from decision-makers to get the buy-in of all parties.
- During baseline collection or during initial steps, hold meetings with MDAGs and RDAGs to develop an understanding of the project but also for individual Boards to come together as

joint decision-makers, coordinated decision-makers or coordinated reports or the same reports.

Possible barriers:

- Joint panels could be tri-cultural groups (i.e., First Nations, Inuit, non-Indigenous).
- Would need staff working together and perhaps more staff input to ensure that all information is accessible, and materials are suitable for all Board members.

5.3.3 Outstanding Questions or Areas to Explore

Participants were invited to reflect on any outstanding questions they had or areas they would like to explore further.

Questions identified:

- How would a Board like MVRB be involved in a JRP if they are not a party officially to it (e.g., Suncor)?
- What have we learned from transboundary project assessment/licencing coordination to date? What should we do differently in the future?
- When a project is trans-jurisdictional (e.g., MV and Yukon, MV and ISR, MV and Nunavut), how do we do a true preliminary screening of the whole project?
- Do all JRPs require equal participation? For example, consider a project that is 2% in one jurisdiction and 98% in another. Equal decision-making influence seems questionable in this case.
- In what instances has a Minister(s) rejected a request for a JRP?
- How to best participate when impacts cross boundaries (even when development does not)?
- How would the process for coordinating the decisions of a JRP decision look and what implications may that have on a panel's decision?
- Are existing MOUs/protocol agreements sufficient? Do we need to develop individual transboundary project coordination agreements?

Additional areas to explore:

- Consideration of how to best enter into an agreement to request a joint review process (what are the thresholds or steps).
- Opportunities for future legal analysis to ensure coordination options are defensible.
- Alignment of legislation between jurisdictions for MOU implementation.
- Opportunities for MOUs with regulatory agencies like CER and CNSC.
- MOUs with the Water Boards and Impact Assessment Boards outside of Mackenzie Valley (e.g., Try to identify similar milestones).
- Working with the federal minister to establish principles and processes for getting to joint processes.
- Additional opportunities to learn about each other's tools (e.g., Guidance documents, etc.)
- Identifying scenarios where transboundary coordination does not make sense.
- Building on experience and current level of awareness, consider developing hypothetical process maps, in case these are needed.
- Interest in developing 'secrets for a successful joint review' including working with the federal Minister to establish principles and processes for getting joint processes and developing a



better understanding of instances where a Minister(s) have rejected a request for a Joint Review Panel.

5.4 **SESSION 3 SUMMARY**

During the third session, we heard that:

- Transboundary projects and impacts are:
 - Complex, including multiple parties, considerations and jurisdictions to consider.
 - Dynamic and there is some tailoring that needs to happen when determining approaches for coordination.
- Advanced planning – to put frameworks and processes in place ahead of projects coming before the Boards and to facilitate engagement with decision bodies - is key.

Session 4: Reflection of Traditional Knowledge in Assessment and Regulatory Processes

The topic for the fourth, and final, session was the reflection of Traditional Knowledge in assessment and regulatory processes. This was a discussion topic at the 2019-20 PTBF. At the 2019-20 Forum, participants noted an interest in compiling lessons learned across jurisdictions for the reflection of Traditional Knowledge, with an emphasis on how Traditional Knowledge has improved regulatory outcomes. This discussion included moving assessments and regulatory processes beyond the collection and analysis of Traditional Knowledge to fully incorporating it into processes themselves.

The objective for the fourth session was:

- To explore examples where Traditional Knowledge has improved regulatory outcomes and identify common factors or practices that led to the successful reflection of Traditional Knowledge in regulatory processes.

Results of the discussions from the fourth session of the 2020-21 PTBF are summarized below.

5.5 REFLECTION OF TRADITIONAL KNOWLEDGE IN ASSESSMENT AND REGULATORY PROCESSES

Boards were invited to discuss any new guidelines, procedures, approaches or practices they have undertaken to reflect Traditional Knowledge in IA or Licensing for projects since the last Forum as well as one key lesson they have learned in the last year that they will be applying to their work. Board updates are further elaborated in Table 3 below.

Table 3: Reflection of Traditional Knowledge in Assessment and Regulatory Processes

Board	Approaches, Practices and Lessons Learned
NIRB	<ul style="list-style-type: none">• Developing an Inuit Qaujimajatuqangit Strategy based on lessons learned during the Strategic Environmental Assessment (SEA) of the Baffin Bay and Davis Strait. The SEA was based on Inuit Qaujimajatuqangit and this was shared with the Minister and other parties. This process led the Board to realize that there was a need to develop guidance for staff and proponents on how Inuit Qaujimajatuqangit informs the NIRB's processes.• Over the coming year, NIRB will be developing a strategy informed by current Board practices, including the work of QIA for the SEA of the Baffin Bay and Davis Strait. Objectives of this work will be achieved through seeking input from staff and designated Inuit organizations. Looking to link this to the NIRB's Technical Guides.• Inuit Qaujimajatuqangit is a significant part of what the Board hears in its reviews.• The Board is composed of people from Nunavut with knowledge of the land. They are applying that knowledge to the decisions made. Recently, there has been growing public expectations to expressly demonstrate how IQ is used. This applies to all levels of decision-making of the Board.

	<ul style="list-style-type: none"> • In individual assessments, the NIRB is noticing a dramatic shift in what the communities accept as proof of integration of Traditional Knowledge. Communities want to play an active part in planning amendments and processes and the design of the project proposals. Communities are now suggesting that information should not be collected by non-Inuit because only Inuit can interpret how Inuit Qaujimajatuqangit applies to a proposal or monitoring activity. • Communities want to be more involved in the processing, summarizing and the interpretation of that knowledge for the activities of the project. These new approaches will need to be reflected in our expectations to proponents and our guides. • NIRB is seeing dramatic shifts in expectations from the communities, they are requesting new ways of sitting at the table, including new approaches / involvement in data collection, integration, and monitoring. As a result, they are requesting additional funds to support these activities.
YWB	<ul style="list-style-type: none"> • Government of Yukon is developing a whole of government approach or policy to the use of Traditional Knowledge; however, this is not easy as there is no one size fits all when it comes to Traditional Knowledge. • Board is working to update and improve its Rules of Procedure. This has led to some interesting discussions, including whether Traditional Knowledge is the right term to be using, some prefer Indigenous Knowledge while others prefer Local Knowledge. • Updates to Rules of Procedure include approaches for how the Board considers Indigenous Knowledge as evidence and what approaches it can take to keep that information confidential while maintaining procedural fairness and that the Board's processes are public processes. • Adding detail on use of interpreters, including when YWB can seek and provide interpreters as participants in a licensing proceeding to give evidence. • Updating Operations and Administration Manual which is an overarching document to provide more context procedures and guidance for the mandate of the Board.
YESAB	<ul style="list-style-type: none"> • Yukon is not a co-management regime; it is a co-governance regime. • Self-governing First Nations in Yukon see themselves as the repositories of Traditional Knowledge. Access to that information or to knowledge holders is obtained through the First Nation governments. That presents some challenges in access to information. • YESAB is a decentralized organization, with Designated Offices in six communities across the territory. The organization was designed in this way so that staff would be immersed in local culture and knowledge and can reflect that context in their assessment work. • Traditional Knowledge is implicit in the work of YESAB and in the commentary received by First Nations and Indigenous groups to support assessments. • Traditional Knowledge has a significant bearing on assessment outcomes but may not be as tangible as YESAB would like. It is sometimes

	<p>challenging to depict what the Traditional Knowledge is and how it has affected the assessment's outcomes.</p> <ul style="list-style-type: none"> • YESAB has struggled to communicate concepts such as 'sense of place' to regulatory decision-makers. For example, this has come up for a relicensing for a hydroelectric facility that has legacy effects. YESAB tried to look at legacy effects as a Valued Component which was initially described as self-determination but what we were trying to get at is how those legacy effects have affected the First Nations citizens way of life in relation to that project. • Interest in revisiting the Truth and Reconciliation Calls to Action, including putting greater emphasis on generating a more robust understanding of Traditional Knowledge and the ways it can be better incorporated into the work of the Boards. • YESAB has updated their online registry to include larger capacity to accept audio and video files. • YESAB recently released a series of information bulletins including an assessment methodology information bulletin, which touches on how Traditional Knowledge informs the assessment process, from Valued Component selection to baseline conditions. This is not guidance, but it highlights how YESAB considers Traditional Knowledge. • YESAB staff and Board members attended a powerful workshop at Yukon University on the history of Yukon First Nations, including the impacts of colonialism, residential schools and reconciliations efforts. This workshop left a profound impact on staff to be mindful of the ongoing impacts of colonialism when working with Yukon First Nations. • MVEIRB presented on wellbeing at YESAB's all staff meeting. • YESAB is currently assessing a few abandoned mine projects. The assessments are based on remediation objectives, which are collaboratively established between the parties and reflect Traditional Knowledge.
MVLWB and LWB Family	<ul style="list-style-type: none"> • Conducting Traditional Knowledge training with internal regulatory specialists, which has included on the land / immersive approaches. • Development of internal training videos. • Recently hosted the first Traditional Knowledge Panel with Traditional Knowledge experts from three regions to present their views on TK and history in the NWT to approx. 40 LWB staff and Board members. • Developing a Discussion Paper which will be presented to the staff to create awareness of Traditional Knowledge and help staff understand how to accommodate this knowledge in regulatory processes. The approach or framework is presented from an Indigenous worldview and the four Indigenous guiding principles of relationship, respect, reciprocity, and responsibility. • Developing a Policy and Guidelines on Traditional Knowledge for the LWBs. • Discussion regarding Closure and Reclamation Guidelines, and whether these should be reviewed to address Traditional Knowledge for closure. Many community members talk about closure and reclamation or remediation as "healing closure" from a project.

	<ul style="list-style-type: none"> • Two new standard Licence conditions specifically requiring proponents to demonstrate how Traditional Knowledge has been gathered and considered or used to inform their operations, including planning, maintenance, closure. • Release of new Aquatic Effects Monitoring Program Guidelines that require the consideration and use of TK at all stages of the Program. • Looking for opportunities to better incorporate Traditional Knowledge into our processes. For example, currently undergoing a website overhaul to eliminate barriers for Elders to provide oral evidence. • Updating the Engagement and Consultation Policy. • The LWBs are exploring the Truth and Reconciliation Calls to Action in order to redress the legacy of residential schools and advance the process of Canadian reconciliation.
Sahtu Land and Water Board (SLWB)	<ul style="list-style-type: none"> • Lessons include that Traditional Knowledge is experience-based (you learn by going out on the land, hearing stories, doing things physically). The Board is trying to offer more on the land or experiential opportunities for staff. Traditional Knowledge is separate from Scientific Knowledge - they cannot be combined. • Trying to establish a process for undertaking Traditional Knowledge review of evidence or statements made by Elders or community members during technical sessions or public hearings to ensure they were accurately captured or translated. This would involve hiring a Traditional Knowledge expert to assist with translation and follow-up interviews with community members to validate the statements made. Similar to how we conduct a Technical review of evidence. • The Sahtu Renewable Resources Board has renamed 'public hearings' to 'public listening' sessions to reflect Dene and Metis Laws, rights and cultural values for better decision-making. New ways of recording through live graphic illustration supports cross-cultural understanding and sharing observations, experiences and knowledge systems. • A lot more attention is being paid to the translation of terms and concepts and use of and Indigenous language by the co-management Boards (SRRB, SLUPB, SLWB) to translate key concepts, vision statements and goals into Sahtu languages so that community members can better understand and embrace these concepts. • Changing language from 'integration' of Traditional Knowledge to 'accommodation'. Integration implies subsuming it into our processes which is not what we are trying to do.
WLWB	<ul style="list-style-type: none"> • Developed a translation document to translate technical terms into Tlicho language terms. • WLWB working to assess and consider how Traditional Knowledge can be better incorporated into the Board's processes. This has been ongoing over many years. • Board is very concerned with ensuring staff have a good understanding of Tlicho culture and Traditional Knowledge. As a result, the Board hosts an annual on the land retreat with staff to learn about the culture and to get a better understanding of what Traditional Knowledge means to the Board members so that staff can bring that forward in their respective roles.

MVEIRB	<ul style="list-style-type: none"> • MVEIRB has had long standing Traditional Knowledge guidelines (in place since 2005). Have been implementing the requirements for Traditional Knowledge by collection by communities, that have been submitting Traditional Land Use Studies (TLUS) or Traditional Knowledge studies into the record for more of the IAs conducted by the Board. • Traditional Knowledge is also submitted by the developer through the program they may support for the development of their impact assessment reports. • MVEIRB has been working collaboratively with the LWBs to update a series of other guidance (e.g., EA Initiation Information Guidelines, Policy and Update to Socio-economic Impact Assessment Guidelines, including developing a new Guideline for Impacts to People). • Given MVEIRB's mandate include looking at impacts to wellbeing and many of the communities being Indigenous in nature, their process is grounded in Traditional Knowledge. • Without Traditional Knowledge, the Board cannot meaningfully consider impacts to wellbeing, especially impacts to cultural wellbeing. • A key lesson that MVEIRB has found is that without meaningfully considering Indigenous Knowledge in IA, the assessor may be subject to large information gaps which come back at the end of the IA to create uncertainty or there is a need to create more measures that require more collection and consideration of Traditional Knowledge after the fact (e.g., Decision of the Federal Minister on Canadian Zinc). • MVEIRB is looking at values-based decisions, which are grounded in Indigenous Knowledge and reflective of wellbeing and way of life of the Indigenous peoples.
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5.6 PROJECTS WHERE TRADITIONAL KNOWLEDGE HAS IMPROVED REGULATORY OUTCOMES

Boards were invited to highlight one project where Traditional Knowledge had improved regulatory outcomes, including the factors or practices that led to the successful reflection of Traditional Knowledge.

Canadian Zinc All Season Road, Mackenzie Valley Environmental Impact Review Board

- Project was a phased component of the overall development of the project in Nahanni National Park.
- Located within the traditional territory primarily of the Nahanni Butte Dene Band but also a traditional use area for other Dehcho First Nations, primarily of the Łı́ı́ıı Kúę First Nation in the Fort Simpson area.
- Original EA only included a winter road. Project was amended to include an **all-season road** through Nahanni National Park. All season roads include broader considerations for impacts on wildlife, river systems, etc.
- The Traditional Knowledge Study from the previous EA was validated by the Nahanni Butte Dene Band. This study had been seasonally appropriate for the winter road (as the Nahanni Butte were the most localized users during the winter season) but other groups use the region for their traditional practices during other seasons (e.g., moose and sheep hunting).

- During the EA, MVEIRB realized that there was little Traditional Knowledge provided by other groups.
- **MVEIRB hired a knowledge interpreter from the Dene cultural institute and facilitated cultural workshops in the communities to hear directly from land users on the cultural use of the region and potential impacts to cultural wellbeing. As a result, land users for Łíídlı́ Kúę First Nation identified that their local knowledge was not considered meaningfully in the assessment or in the project design.**
- The Board put forward measures to identify gaps in Indigenous Knowledge that needed to be addressed in the monitoring and mitigation design and as well as other measures put forward by the Board.
- When the Crown conducted their post-EA consultation with the other Dehcho First Nations groups, they all said they appreciated the work of the Board. First Nations came back and said they wanted these measures put in place before the decision was made to protect their cultural use and wellbeing within the project area. The Crown requested the company to provide information on how they were going to implement all the considerations (including agreements and funding put in place in support of the measures of the Board) as it saw these as accommodation measures.
- **MVEIRB used language of use of land and impacts on cultural use. The Crown saw these as rights infringement. This was the first time they halted a decision-making process and sent IRs back to the developer.**
- In the end, the Indigenous groups all supported the final decision being approved under the negotiated conditions.

Diavik Diamond Mine, Mackenzie Valley Environmental Impact Review Board

- In the assessment of the project, it was determined that Traditional Knowledge had not been adequately considered by the developer when determining their closure criteria.
- **Determined the need for the developer to meet with Traditional Knowledge holders and develop indicators for closure that cultural use would be protected.**
- MVEIRB applied a holistic approach in the assessment to consider impacts in combination with one another. The Board used a holistic consideration of impacts in its determination of significance and the results of that consideration included a holistic suite of measures designed to work together.
- **Report of EA was structured with attention to individual VECs but also looking at impacts holistically.**
- MVEIRB hosted workshops with interpreters and a key takeaway was that many English / technical terms do not translate to the Dene language. **In the Diavik EA, MVEIRB stopped using the term 'Aquatic Effects Monitoring Program benchmarks' and moved towards language of 'water is safe for fish, aquatic life and people'.**
- MVEIRB included a measure in the EA to government to develop cultural wellbeing indicators to measure community specific wellbeing indicators.

Case Study of Colville Lake development, Sahtu Land and Water Board

- The SLWB has always required that Traditional Knowledge be submitted with applications, stemming from the Sahtu Dene and Metis Comprehensive Land Claim Agreement.
- Conducted a review of all Traditional Knowledge studies for the Colville Lake region available on the registry (2000 – 2007) or the SLWB library (1980 – 1990) spanning a 40-year time period of oil and gas exploration including seismic lines and 14 wellsites. Comments were assembled from 23 interview respondents and these were compared with western science

- data and information about the Bluenose West barren-ground caribou herd population estimates over time to look for patterns and trends about the effects of resource development on caribou herd habitat and migration.
- The purpose of the review was to determine how Traditional Knowledge had been incorporated into the decisions of the Board.
 - Traditional Knowledge studies indicated spatial and temporal changes to the caribou since oil and gas developments occurred in the region. Scientific reports (satellite collar data) and Renewable Resource Board harvest studies also showed declines in the species. Together the data indicated that industrial activity could have been responsible for local population declines from 2000 to 2005.
 - **The study found that there were many Traditional Knowledge studies with various recommendations (including conducting a collaborative Elders Monitoring Program, or restricting drilling in preferred foraging habitat or important migration routes, or assessing cumulative impacts) but none of these were ever translated into permit or licence condition(s).**
 - **The study demonstrated the utility of using both traditional and scientific ways of knowing (two-eyed seeing) to understand a problem and arrive at solutions (knowledge co-production) before significant impacts occur that may affect traditional ways of life (well-being).**
 - The challenge is to use the insights of caribou habitat and movement patterns from observational monitoring programs to develop adaptive guidelines and conditions for land use permits. Traditional laws and rules respecting caribou should also be applied to industrial resource development.

Jay Project at Ekati Diamond Mine, Wek'èezhii Land and Water Board

- MVEIRB required the company to fund an Elders group, focus was to advise on the construction, operation and monitoring of the Jay road.
- **The advice of the Elders group has translated into the licensing and regulation of the mine. In their water licences and land use permits, the WLWB required the company to describe how the input from the Elders group is received on specific aspects of the project (e.g., closure planning initiatives for waste rock management).**
- The general water licence conditions developed and applied by the LWB family now include provisions for the company to describe how Traditional Knowledge was considered (i.e., the proponent is not only working with the Indigenous group but also describing how the Traditional Knowledge was considered and if and how it is used and if not, why).

General Water License Conditions, Mackenzie Valley Land and Water Board

- LWBs have included conditions that were linked to the measures of the EA (similar to the Jay Project reference above) on having proponents describe how they incorporated Traditional Knowledge and when and why they did not. This information has to be included in their reports and management plans so that people have the opportunity to review and make comments.
- **As this approach is in its infancy, may be opportunity for further discussion at future Forums.**



Hard Rock Exploration Program, White River Claim Block, Yukon Environment and Socio-Economic Assessment Board

- Located in the traditional territory of the White River First Nation and the Kluane First Nation. Area frequented by the Chisana caribou herd (in recovery). Both First Nations had voluntarily imposed a harvesting ban on the species.
- The assessment report focused mainly on impacts to caribou and concluded that the effects were significant and could not be mitigated. However, information subsequent to the assessment indicated that this may not be the case. As a result, YESAB's recommendation was overturned by the decision-body. That decision was then challenged through judicial review. The courts returned the project to an earlier Crown consultation stage, requiring the decision-body to re-engage with White River First Nation.
- **This led to a much more fulsome discussion of some of the narrative contained in the assessment report around sense of place, cultural and spiritual value attached to the Chisana caribou and to the lands encompassed within the claim block.**
- Through further discussions on the concept of sense of place, and other considerations within that concept, the decision-body came to a much fuller understanding of the cultural and spiritual significance of the landscape within the claim block. **As a result, the decision-body came to a different conclusion.**
- This is an example of where there was some timidity at the time to fully embrace the cultural and spiritual value or identify sense of place as a value that needed to be fully assessed and upon which terms and conditions may be attached. Through the process of judicial review and further Crown consultation, cultural and spiritual values / sense of place considerations emerged as the priority and drove the regulatory decision to reject the project.

Placer Mining in the Indian River Watershed, Yukon Water Board

- The Water Board recently held a public interest hearing on placer mining in wetlands areas. The hearing was held in October and was conducted virtually. Given the virtual nature of the hearing, participation was widespread, and people participated from many different regions (e.g., Old Crow, Watson Lake, etc.).

Aishihik Hydro Plant Relicensing, Yukon Water Board

- Project was originally built in the late 1950s, included land flooding. This is the fourth or fifth renewal of the license.
- Subsequently, a YWB public hearing was held both in person in Haines Junction and remotely. There was significant interest in this public hearing.
- The outcome of the project was not only related to the Indigenous Knowledge itself but also the delivery of that information. Was striking for Board members to attend a session in the community (sessions are usually hosted in Whitehorse due to logistics or capacity issues). As a result of the virtual nature of the Forum, Board members witnessed Elders delivering information with their grandchildren around them.
- **Moving forward, the Board will be considering a hybrid option for public hearings to enable greater community participation.**
- **This process also highlighted the importance of the precautionary principle for the Board.**

Various Examples, Nunavut Impact Review Board

- NIRB receiving many video testimonials from community members at home or on the land, pointing to regions where there have been impacts from projects (e.g., seal holes changed because of dust, etc.).
- NIRB has quite a few examples where Traditional Knowledge was a major contributor to an assessment.

- Example of this is an authoritative Agency submitting a paper on potential vessel strikes in the marine environment and whales. A NIRB board member questioned the results of the paper based on Traditional Knowledge (in this case, that whales do move). A good reminder to bring the scientific conclusions back to their practical application.
- Additional example of a monitoring workshop in Pond Inlet on the marine environment. The local hunters kept coming back to an aerial picture of a pod of narwhal to ask what was happening in the picture. The proponent was using the picture to illustrate a successful family pod (i.e., adults, juniors, and evidence of reproduction). While the proponent was using this picture to demonstrate the success of the monitoring program, the hunters pointed out that the narwhal were all breathing at the same time, stressed, moving very fast, running away from something and had concerns about this. This perspective was quickly understood by the proponent around the awareness they needed to have (even in picking a picture).
- Introduction of new legislation in 2015 required proponents' submissions and NIRB decisions to highlight how Inuit Qaujimajatuqangit (a morality that is the base of Inuit existence. It is the belief system at the core of Inuit identity and governs Inuit society) and Inuit Qaujimaningit (what Inuit know and a collective knowledge that is more recent in nature. It can be related to Inuit Qaujimajatuqangit that has evolved or changed in recent time)¹. The NIRB has to highlight how these are used and how they are linked to the Boards decision.
- **Often information from community members is not free flowing and forthcoming. We have to ask the right questions.**
- **The NIRB often sees Traditional Knowledge informing project design.**
- NIRB is seeing a major shift in the jurisdiction of who is allowed to interpret the knowledge provided. A lesson learnt is that many people from the community perspective are struggling to understand how their knowledge is built into the assessment process. They want something simpler and more transparent, beyond guides and sections of reports.
- **NIRB is working to link both scientific knowledge and Inuit Qaujimajatuqangit more directly through the entire IA process, especially how it affects project design and decision-making process.**
- Processes and expectations of community members are always shifting and pushing forward.

¹ Definitions from the NIRB's Strategic Environmental Assessment of the Baffin Bay and Davis Strait.

<https://www.nirb.ca/publications/Strategic%20Environmental%20Assessment/first%20row-first%20file%20-190731-17SN034-Final%20SEA%20Report-Volume%201-OPAE.pdf>

5.7 SESSION 4 SUMMARY

- Interpretation of Indigenous Knowledge (who does it, how it is verified, how it is accommodated) and greater demonstration of how it is accommodated were recurring themes that emerged across regions.
- Throughout the discussion, it also emerged that 'Traditional Knowledge' is a narrow framing that may not be reflective of more holistic worldviews, objectives and framing.
 - The challenge of incorporating Traditional Knowledge speaks to the siloed systems, structures and approaches in place for assessment and licensing processes. Although co-management regimes were designed to incorporate worldviews of Indigenous peoples, Traditional Knowledge itself has been siloed out rather than serving as a holistic frame.
- Boards are somewhat constrained in how they respond in this context, because they must work within existing structures; however, they aim to evolve approaches that will ensure the integrity of the process and decisions.
 - Some Boards are moving beyond Traditional Knowledge as a VEC and/or applying it with a reductionist approach to a more holistic consideration of wellbeing and way of life of Indigenous peoples.
 - This shift has resulted in some challenges, but Boards are learning, adapting and applying new approaches to weave these concepts and to be more reflective of Indigenous Knowledge, wellbeing and ways of life in their work.

**The following was shared by
Mason Mantla at the 2020
Resource co-management in the
Mackenzie Valley Workshop:**

Mason shared his perspective that the NWT regulatory system is inherently colonial, and that Indigenous People have little choice but to participate within it. The system was built using western perspectives as a base, with those working within the system then trying to apply traditional knowledge. *However, he asked, why isn't it the other way around with traditional knowledge as the foundation?*

6 Closing

In closing, participants provided key reflections on the 2020-21 Forum. These included key learnings or 'aha' moments participants would take with them (see Figure 3) and some key outcomes or achievements of the Forum they feel most proud of.

Figure 3: Key Learnings or Aha Moments



Key outcomes or achievements participants feel most proud of include:

- Board participation and input from across the North including taking time to meet during busy times and seeing newer faces.
- The personal connections made to enable future learning and coordination, including drawing on experiences of other Boards.
- Relationships built across jurisdictions, gaining a better understanding of other jurisdictions and continuing to learn from each other.
- The PTBF has become a support network.

Participants were also invited to provide feedback on what worked well about the planning and delivery of the 2020-21 Forum and what could be improved in the future. Feedback on what worked well included:

- Participants remarked that there are benefits to virtual engagement, but they miss the experience of other environments and cultures. Participants suggested future forums include a combination of both virtual and in-person sessions.
- Participants also remarked that the virtual nature of this year's Forum allowed for more flexibility to participate.
- Participants remarked that the facilitation worked well, they enjoyed the use of mentimeter and they liked the approach taken (e.g., multiple shorter sessions). They also appreciated the

flexibility to accommodate larger group discussions as this helped to keep the conversation flowing while learning from one another.

- Participants remarked that they appreciated the preparation booklet provided in advance of the sessions.

Opportunities for improvement:

- Enhancing visuals or slides to support the discussions.
- A participant suggested moving beyond knowledge sharing to exploring coordinated action on key themes (e.g., regional studies).
- A participant suggested bringing in a professional or academic to speak or present on a topic.
- While participants appreciated the preparation booklet, a little more time in advance with the material would have been helpful.
- Ensuring participation of all northern regions, notably the ISR.
- A participant suggested a shared resource page or dropbox where members could share and access materials that are discussed during the sessions.
- A participant suggested sharing a summary of action items or tangible outputs from previous PTBFs.
- If the PTBF is to be conducted virtually, hosting something in the Fall.
- Participants indicated an interest in an in-person event as soon as public health measures allow. Zoom and teleconferences are great but the spontaneous sidebar dialogue that occurs with in-person engagement is seen as particularly valuable.

Participants were invited to brainstorm topics they would be keen to explore at a future Forum along with additional inputs to inform next steps and/or planning for future PTBFs.

These include:

- Cumulative effects and regional studies (including developing a Pan-Territorial communique on regional studies).
- Specific process steps and actions taken to better engage communities, including a focus on well-being indicators.
 - Follow up on outcomes of the Mackenzie Valley well-being workshop.
- Engagement and consultation policies and practices, including hosting online public engagement sessions.
- Sharing a summary of the work to update websites or public registries as many boards /organizations seem to be doing this work.
- Bringing in a keynote speaker on a topic of mutual interest.
- Sharing a synopsis of previous PTBFs (where and when)



Appendix A: Participants List

	Name	Organization
1.	Shelagh Montgomery	MVLWB
2.	Angela Plautz	MVLWB
3.	Tanya Lantz	MVLWB
4.	Ryan Fequet	WLWB
5.	Sarah Elsasser	WLWB
6.	Bonnie Bergsma	SLWB
7.	Roger Lockwood	YWB
8.	Caleb Light	YWB
9.	Tim Smith, ED	YESAB
10.	Nick Grzybowski	YESAB
11.	Mark Cliffe-Phillips	MVEIRB
12.	Chuck Hubert	MVEIRB
13.	Chris Rose	MVEIRB
14.	Alan Ehrlich	MVEIRB
15.	Catherine Fairbairn	MVEIRB
16.	Stacey Menzies	MVEIRB
17.	Kate Mansfield	MVEIRB
18.	Assol Kubeisinova	NWB
19.	Tara Arko	NIRB
20.	Karen Costello	NIRB
21.	Lisa Dyer	CANNOR
22.	Manik Duggar	CANNOR
23.	Ozgur Oner	CANNOR
24.	Boyan Tracz	CANNOR
25.	Vicky Weekes	Stratos
26.	Emily Caddell	Stratos

Appendix B: Agenda

6.1 SCHEDULE AT A GLANCE

	Session 1	Session 2	Session 3	Session 4
Topic	Update from assessments, licensing and permitting boards , including mutual learning on response to COVID-19	Coordination of IA and Licensing for Projects: Opportunities for coordination on information required	Transboundary Issues: Discussing opportunities for coordination	Reflection of Traditional Knowledge in assessment and regulatory processes, including where Traditional Knowledge has improved regulatory outcomes
Date (in 2021) Duration / Time	Wednesday, February 10 3-hour session 10:00am – 1:00pm MT	Monday, February 22 2-hour session 10:00am – 12:00pm MT	Tuesday, February 23 2-hour session 10:00am – 12:00pm MT	Wednesday, February 24 3-hour session 10:00am – 1:00pm MT
Session Objectives	<ul style="list-style-type: none"> Sharing on regional context (current and anticipated) and responsive practices by region Mutual learning and exploring on adaptations to COVID-19 	<ul style="list-style-type: none"> To explore the current state and desired future state related to coordinating on information required across IA and Licensing for projects (considering any 'pain point' experienced currently or key opportunities) To share and learn from the practices and ideas across regions 	<ul style="list-style-type: none"> To explore what coordinating on transboundary projects (or projects with transboundary impacts) could look like in practice, through discussion of realistic project scenarios 	<ul style="list-style-type: none"> To explore examples where Traditional Knowledge has improved regulatory outcomes and identify common factors or practices that led to the successful reflection of Traditional Knowledge in regulatory processes
Session Format	<ul style="list-style-type: none"> Regional Updates from IA and Licensing Boards (80 min) – breakout 	<ul style="list-style-type: none"> Discussion of opportunities for coordinating on information required across 	<ul style="list-style-type: none"> Taking stock of transboundary projects on the horizon and progress 	<ul style="list-style-type: none"> Roundtable discussion by Board on the reflection of Traditional Knowledge in

	<p>discussions by region; reporting back in plenary</p> <ul style="list-style-type: none"> • Sharing of practices and lessons learned on COVID-19 (60 min) – roundtable sharing by Board 	<p>IA and Licensing for projects – breakout discussions by IA and Licensing Boards; reporting back in plenary</p>	<p>on coordinating activities; quick poll of updates by region in plenary</p> <ul style="list-style-type: none"> • Coordinating opportunities through project scenarios discussion; breakout groups to discuss coordination in the context of two scenarios 	<p>Assessment and regulatory processes</p> <ul style="list-style-type: none"> • Breakout group discussion followed by plenary discussion on projects where Traditional Knowledge has improved regulatory outcomes
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SESSION 1 :UPDATES FROM ASSESSMENT, LICENSING AND PERMITTING BOARDS, INCLUDING MUTUAL LEARNING ON RESPONSE TO COVID-19

Date: Wednesday, February 10, 10:00am – 1:00pm MT (3 – hour session)

Session Objectives:

- Reflect on regional context (current and anticipated) and responsive practices by region
- Create mutual learning and exploring on adaptations to COVID-19

No.	Timing	Agenda	Discussion Questions
	9:45 – 10:00	Settling In and informal coffee chat <ul style="list-style-type: none"> • Participants can join ahead of time for an informal “coffee chat” with other PTBF participants 	
1.	10:00 – 10:15 (15 minutes)	Welcome and Roundtable Introductions <ul style="list-style-type: none"> • Welcome from Stratos and CanNor • Roundtable introductions • Review of PTBF objectives and agenda for the Forum 	
2.	10:15 – 11:35 (80 minutes)	Regional Updates from IA and Licensing Boards <ul style="list-style-type: none"> • Breakout groups by region: Yukon, Mackenzie Valley, ISR, Nunavut (40 minutes) • Plenary report back by region (30 minutes – 7 min / region) • Reflections across regions (10 minutes) 	Discussion questions: <ul style="list-style-type: none"> • What development activity is currently taking place in your region? Looking forward, what kinds of developments are on the horizon? • Are there any changes / updates in the regional context that influence the work of Boards? • Given the regional profile you’ve shared, what challenges do you anticipate? • What tools and strategies are you using / will be needed to respond to these challenges?
	11:35 – 11:45	Informal Coffee Break	

No.	Timing	Agenda	Discussion Questions
	(10 minutes)	<ul style="list-style-type: none"> Participants to be sent into short break out groups for informal sharing and exchange between participants 	
3.	11:45 – 12:45 (60 minutes)	Sharing of practices and lessons learned on COVID-19 <ul style="list-style-type: none"> Sharing by Board (in response to questions provided) (50 minutes - 5 min / Board) Overarching reflections (10 minutes) 	Report back on the following questions: <ul style="list-style-type: none"> What new key approaches have you adopted since COVID-19? <ul style="list-style-type: none"> Consider engagement approaches; use of technology for receiving comments and information; HR/people management, other What have you been learning? <ul style="list-style-type: none"> What is working well? Are you encountering any challenges? What approaches will you maintain post-COVID?
4.	12:45 – 1:00 (15 minutes)	Wrap up and Next Steps <ul style="list-style-type: none"> Plan for next sessions Input on feedback for future sessions Closing remarks 	

SESSION 2 : COORDINATION OF IA AND LICENSING FOR PROJECTS: OPPORTUNITIES FOR COORDINATION ON INFORMATION REQUIRED

Date: Monday, February 22, 10:00am – 12:00pm MT (2-hour session)

Session Objectives:

- **Rationale:** Coordination between IA and licencing Boards was a discussion topic at the 2019-20 Forum. Participants noted an interest in further exploring opportunities to coordinate on the *information required* from proponents across the regulatory lifecycle, to minimize effort and duplication in the exchange of information.
- **Objectives:**
 - To explore the current state and desired future state related to coordinating on information required for in IA and licencing (considering any 'pain points' experienced currently or key opportunities)
 - To share and learn from the practices and ideas across regions

No.	Timing	Agenda	Discussion Questions
	9:45 – 10:00	Settling In and informal coffee chat <ul style="list-style-type: none"> Participants can join Zoom meeting ahead of time for an informal “coffee chat” with other PTBF participants 	
1.	10:00 – 10:15 (15 minutes)	Welcome and Session 2 Kick-Off <ul style="list-style-type: none"> Roundtable introductions Setting the scene - recap Coordination discussion from 2019-20 PTBF Outline approach to today's session 	
2.	10:15 – 10:45 (30 minutes)	Current state of coordinating on information required across IA and Licencing for projects <ul style="list-style-type: none"> Plenary discussion (30 minutes) 	Discussion questions: <ul style="list-style-type: none"> Current state: What coordination is currently taking place between IA and Licencing Boards in your region on information required from proponents? <ul style="list-style-type: none"> What specific practices have your applied? Which subject matter have your coordinated on?
3.	10:45 – 11:15 (30 minutes)	Current state of coordinating on information required across IA and Licensing for projects (<i>continued</i>)	Discussion framework / questions:

No.	Timing	Agenda	Discussion Questions
		<ul style="list-style-type: none"> Breakout groups: by IA and Licensing Boards (30 minutes) 	<ul style="list-style-type: none"> Opportunities: What are the 'pain points' experienced by parties that point to opportunities for coordinating on information required? <ul style="list-style-type: none"> What opportunities does this create for coordination? What outcomes would you hope to achieve? What approaches did you hear about from others that you'd like to know more about or try? Approach: What could greater coordination look like in practice? <ul style="list-style-type: none"> What specific tools or approaches would you use / like to try (e.g., guidelines, processes, systems, tools, other?)? Desired future state: What is the desired future state for coordinating on information required? <ul style="list-style-type: none"> What outcomes would you hope to achieve? What tools or approaches would you like to try?
	11:15 – 11:50 (35 minutes)	Plenary report back on breakout group discussions <ul style="list-style-type: none"> Plenary report back by breakout group discussions (20 minutes – 10 min / group) Reflections across regions (15 minutes) 	
4.	11:50 – 12:00 (10 minutes)	Wrap up and Next Steps <ul style="list-style-type: none"> Plan for next sessions Closing remarks 	

SESSION 3: TRANSBOUNDARY ISSUES: DISCUSSING OPPORTUNITIES FOR COORDINATION

Date: Tuesday, February 23, 10:00am – 12:00pm MT (2-hour session)

Session Objectives:

- **Rationale:** Transboundary projects and transboundary impacts of projects were a discussion topic at the 2019-20 Forum. Participants noted an interest in further exploring opportunities to coordinate regulatory activities between jurisdictions, including mapping roles and responsibilities of all northern boards to align approaches for transboundary projects or transboundary impacts.
- **Objectives:**
 - To explore what coordinating on transboundary projects (or projects with transboundary impacts) could look like in practice, through discussion of realistic project scenarios

No.	Timing	Agenda	Discussion Questions
	9:45 – 10:00	Settling in and informal coffee chat <ul style="list-style-type: none"> Participants can join Zoom meeting ahead of time for an informal “coffee chat” with other PTBF participants 	
1.	10:00 – 10:15 (15 minutes)	Welcome and Session 3 Kick-Off <ul style="list-style-type: none"> Roundtable introductions Setting the scene – recap Transboundary discussion from 2019 – 20 PTBF Outline approach to today’s session 	
2.	10:15 – 10:35 (20 minutes)	Taking stock of transboundary projects on the horizon and any progress on coordination activities <ul style="list-style-type: none"> Quick poll of updates by region in plenary: Yukon, Mackenzie Valley, ISR, Nunavut (10 minutes) Lessons learned from Jay Project (10 minutes) 	Discussion questions: <ul style="list-style-type: none"> What are the transboundary projects and/or projects with transboundary impacts that may be undergoing regulatory review in your region in the near future? Since 2019-20, have you been able to advance any transboundary coordination activities? If so, what?
3.	10:35 – 11:15 (40 minutes)	Coordination opportunities through project scenario discussion <ul style="list-style-type: none"> Breakout groups to discuss coordination in the context of two scenarios (40 minutes) 	Discussion questions: <ul style="list-style-type: none"> Recognizing that there is a spectrum to coordinating, how would you describe the approach to coordinating that would be most useful in this scenario (e.g., sharing staff

	<ul style="list-style-type: none"> ○ Scenario 1: YK/NWT transboundary impacts related to a mine <ul style="list-style-type: none"> ▪ Breakout group 1: IA for NWT / YK ▪ Breakout group 2: Licensing boards for NWT / YK ○ Scenario 2: NWT/NU transboundary project related to a road <ul style="list-style-type: none"> ▪ Breakout group 3: IA for NWT / NU ▪ Breakout group 4: Licensing boards for NWT / NU • Scenarios attached under separate cover • Review the scenario as a group, considering opportunities for coordination during the following steps of the regulatory process: <ul style="list-style-type: none"> ○ Gathering information / input ○ Scoping / Project screening ○ Project review ○ Project recommendations / decisions ○ Project monitoring 	<p>across Boards, cooperation agreements or MOUs, common information requests, coordinated conditions and licenses, etc.)</p> <ul style="list-style-type: none"> ○ What is the purpose of this coordination and what outcomes would you be seeking to achieve in this approach? • What would this coordination look like in practice? <ul style="list-style-type: none"> ○ Which steps in the regulatory process would we coordinate around? ○ Who would be involved and how? ○ What tools and processes would we use? • What could get in the way of proceeding with this approach effectively? Are there any additional steps that can be taken to overcome these obstacles?
	11:15 – 11:50 (35 minutes)	Plenary report back on breakout group discussions <ul style="list-style-type: none"> • Plenary report back (20 minutes – 5 min / group) • Reflections across groups (15 minutes)
4.	11:50 – 12:00 (10 minutes)	Wrap-up and Next Steps <ul style="list-style-type: none"> • Plan for next session • Closing remarks

SESSION 4: REFLECTION OF TRADITIONAL KNOWLEDGE IN ASSESSMENT AND REGULATORY PROCESSES, INCLUDING WHERE TRADITIONAL KNOWLEDGE HAS IMPROVED REGULATORY OUTCOMES

Date: Wednesday, February 24, 10:00am – 1:00pm MT (3-hour session)

Session Objectives:

- **Rationale:** The reflection of Traditional Knowledge into assessment and regulatory processes was a discussion topic at the 2019-20 Forum. Participants noted an interest in compiling lessons learned across jurisdictions for the reflection of Traditional Knowledge, with an emphasis on how Traditional Knowledge has improved regulatory outcomes.
- **Objectives:**
 - To explore examples where Traditional Knowledge has improved regulatory outcomes and identify common factors or practices that led to the successful reflection of Traditional Knowledge in regulatory processes

No.	Timing	Agenda	Discussion Questions
	9:45 – 10:00	Settling In and informal coffee chat <ul style="list-style-type: none"> • Participants can join Zoom meeting ahead of time for an informal “coffee chat” with other PTBF participants 	
1.	10:00 – 10:15 (15 minutes)	Welcome and Session 4 Kick-Off <ul style="list-style-type: none"> • Roundtable introductions • Setting the scene – recap Traditional Knowledge discussion from 2019 – 20 PTBF • Outline approach for today’s session 	
2.	10:15 – 11:05 (50 minutes)	Reflection of Traditional Knowledge in Assessment and Regulatory Processes <ul style="list-style-type: none"> • Roundtable by Board (50 min – 5 min/Board) 	Discussion questions: <ul style="list-style-type: none"> • Please discuss any new guidelines, procedures, approaches or practices your Board has undertaken to reflect Traditional Knowledge in IA or Licensing for projects since the last Forum.

No.	Timing	Agenda	Discussion Questions
			<ul style="list-style-type: none"> Please discuss one key lesson you have learned in the last year that you are/will be applying to your work (from another jurisdiction, through engagement, etc.)
3.	11:05 – 11:50 (45 minutes)	Projects where Traditional Knowledge has improved regulatory outcomes <ul style="list-style-type: none"> 3-4 breakout groups (45 minutes) 	Discussion questions: <ul style="list-style-type: none"> Each Board to highlight one project where Traditional Knowledge has improved regulatory outcomes (share a brief project overview) How did Traditional Knowledge improve regulatory outcomes in that example? What were the factors or practices that led to the successful reflection of Traditional Knowledge?
4.	11:50 – 12:00 (10 minutes)	Break	
5.	12:00 – 12:30 (30 minutes)	Plenary discussion: Reflection of Traditional Knowledge <ul style="list-style-type: none"> Plenary report back (20 min - 5 min / group) with the goal of building a lessons learned summary on: <ul style="list-style-type: none"> Key projects Outcomes achieved Key practices / success factors Reflections across groups (15 min) 	
6.	12:30 – 1:00 (30 minutes)	Closing <ul style="list-style-type: none"> Closing reflections (Participants) Feedback on first virtual PTBF Next steps for the PTBF Closing remarks (CanNor, Stratos) 	

Appendix C: Transboundary Project Scenarios

PROJECT SCENARIO 1

COMPANY	PROPONENT X
PROJECT	ZINMAN MINE

Proponent X is the Canadian subsidiary of Proponent Y which is a public company listed on the International Stock Exchange. Proponent X is headquartered in Winnipeg, Manitoba and they have a corporate office in Whitehorse, Yukon. The company also has plans to open community offices in southeastern Yukon and in Yellowknife. The company is in the advanced exploration phase for the proposed zinc-lead Zinman Mine located in southeastern Yukon. The project straddles the border between Yukon and the Northwest Territories (see Map 1).

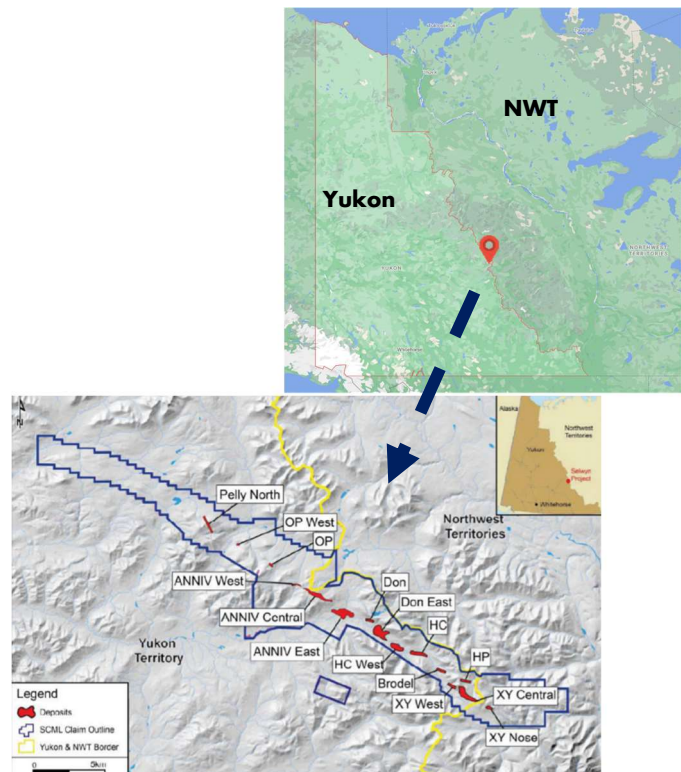


The mine will process 35,000 tonnes per day (tpd) of ore, resulting in a production of 2,500 and 600 tpd of zinc and lead concentrate, respectively. The Zinman Mine is expected to create approximately 2,500 jobs during mine construction and operation. Proponent X has previously worked with the Mackenzie Valley Land and Water Board to obtain permitting for road construction and upgrades to prepare for mine construction which is expected to cost about \$2 billion.

The mine site is located on the traditional territory of a First Nation that is not a signatory to a Final Agreement and is not currently involved in ongoing negotiations. Proponent X has made an agreement with the First Nation regarding socio-economic benefits associated with the project and has committed to supporting a Traditional Knowledge Study.

Field studies for information on baseline data, fisheries and caribou habitat started as early as the mid-2000s and were completed in the early to mid-2010s. Some concerns have been noted about the project including the environmental track record of the company and regarding cumulative effects, given a high concentration of ongoing and proposed projects in the region.

Map 1: Project location



PROJECT SCENARIO 2

COMPANY	PROONENT Z
PROJECT	GENERAL TRANSPORTATION CORRIDOR

The northeast region of the Northwest Territories contains many known deposits of precious and base metals and existing operational diamond mines. A road, power and port access are required to harness the economic potential of these mines and known deposits. Proponent Z is currently in the planning stage for a potential 413-kilometre, two-lane gravel corridor in the northeast region which would allow mine access to a potential Arctic deep-water port in Nunavut and connect Nunavut to Canada's highway systems. Proponent Z has experience working with the Mackenzie Valley Review Board on a similar infrastructure project in the region. This corridor, estimated to cost \$1.1 billion, is a strategic infrastructure investment as it is an opportunity to lower costs of exploration and development while supporting future infrastructure developments such as roads, hydro transmission lines and communications.



The proposed corridor intersects with several Indigenous traditional territories in the NWT and is in the Kitikmeot region of Nunavut.

There are a variety of concerns about the project, including:

- cumulative environmental and social effects
- impacts of climate change on the project
- contribution of the project to climate change
- impacts on the Bathurst Caribou Herd
- impacts to fish and wildlife habitat
- impacts to the marine environment
- impacts to existing tourism operations in the region
- the proponent's procurement policies (including lack of prioritization of northern businesses).

