



# Pan-Territorial Assessment and Regulatory Boards Forum

Workshop Summary Report

## Date of submission:

January 28, 2016

## SUBMITTED TO:

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Pan-Territorial Assessment and Regulatory Boards Forum Steering Committee

## PREPARED BY:

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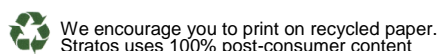
## Our Vision

A healthy planet. Engaged communities. A sustainable economy.

## Our Mission

We work collaboratively with governments, business and civil society to address complex natural resource management and sustainability challenges.

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



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# Executive Summary

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On January 14-15, 2016, the Canadian Economic Development Agency – Northern Project Management Office (CanNor) hosted a Pan-Territorial Assessment and Regulatory Boards Forum. The purpose of the forum was to bring together, for the first time, representatives from each of the environmental assessment and regulatory (licensing/permitting) boards across the Northern Territories to discuss common challenges as well as opportunities for working together to address these challenges. This report provides an overview of the workshop, its presentations and discussions, and summarizes the outcomes of the workshop.

The specific objectives of the forum were to:

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

Progress was made on each of the Forum objectives and there was general agreement that the event was a success. Participants were in favor of CanNor's suggestion to hold another Forum this year and perhaps to make it an annual event. As well, participants would like to share some of the guidance/policy/standards documents that were identified during the Forum and also pursue informal communications with other Boards as issues arise.

In the near term, the participants agreed that the Steering Committee should reconvene and act on the following:

1. Draft and submit a letter to the federal government about some of the common issues facing all the Boards;
2. Develop a press release describing some of the common issues and solutions identified during the Forum; and
3. Initiate planning on a second Forum in the fall of 2016.

# 1 Introduction

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On January 14-15, 2016, the Canadian Economic Development Agency – Northern Project Management Office (CanNor) hosted a Pan-Territorial Assessment and Regulatory Boards Forum. The purpose of the forum was to bring together, for the first time, representatives from each of the environmental assessment and regulatory (licensing/permitting) boards (Boards) in the North to discuss common challenges as well as opportunities to for working together to address these challenges. This report provides an overview of the workshop, its presentations and discussions, and summarizes the outcomes of the workshop.

## 1.1 FORUM OBJECTIVES

The specific objectives of the forum were to:

- Discuss and understand the key challenges facing Northern regulatory and environmental assessment boards (Boards);
- To learn from individual successes and exchange best practices with respect to common challenges;
- Provide an opportunity for building relationships between the Boards that will allow for ongoing support and information sharing; and
- Identify possible opportunities for developing more consistent approaches to common processes as appropriate.

## 1.2 STEERING COMMITTEE

A Steering Committee was formed to guide the development of the forum objectives, the invitation list and the final agenda. The Steering Committee members included representatives of CanNor (Bernard LaRochelle, Marie Adams) as well as the Executive Directors of the Yukon Environmental and Socio-economic Assessment Board (YESAB), the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the Mackenzie Valley Land and Water Board (MVLWB) and the Nunavut Impact Review Board (NIRB). The facilitators for the meeting, Michael van Aanhout and Kathy Racher, worked with the Steering Committee during the planning phase of the forum.

## 1.3 FORUM PARTICIPANTS

The invitation list for the forum was limited only to representatives of environmental assessment boards, water boards or land/water boards from the three northern territories. The Steering Committee did consider inviting government departments or land use planning boards that are involved in regulatory processes but, in the end, decided that it would be better, at least for this first meeting, to keep the workshop small and focussed. Each Board was asked to bring up to two representatives to the forum that were well-versed in the details of Board processes and operations. The meeting was attended by two members of CanNor, 18 Board representatives and two facilitators. **Appendix A** lists all attendees.

## 1.4 PRE-FORUM SURVEY

In recognition that this was the first meeting of its kind in the north, the Steering Committee decided that it would be helpful to survey participants in advance of the forum. The survey asked questions related to the Boards' perceived challenges, about best practices, and about each Board's interest level in different topics. Survey results are discussed in section 2.3 and **Appendix D**.

## 1.5 FORUM AGENDA

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

1. Introductions, Context and Learning About the Boards
  - Welcome and Introductions.
  - Getting to Know Each Other – A representative of each Board presented some key information about their organization using a PowerPoint template that covered the following topics: legislation and mandate; projects and processes; stakeholders/participants in the process; Board administration information; and one unique thing about each Board.
  - Overview of Key Survey Results for Northern Boards – A presentation was given by one of the facilitators that summarized the results of the survey sent to participants in advance of the forum.
2. Exploring Challenges, Best Practices and Opportunities
  - In break-out groups or as part of a facilitated group discussion, participants were asked to explore challenges related to the following three topics:
    - 1) Environmental Assessment and Regulatory Process Challenges
    - 2) Relationships with Government, Industry and Stakeholders
    - 3) Board Administration.
  - Following a discussion on each of the topics, participants shared best practices to address the challenges and discussed opportunities to collaborate in order to address each challenge.
3. Discussion of Next Steps
  - The group discussed how to follow-up on some of the ideas generated during the forum and how subsequent forums could be designed.

**Appendix B** contains the participant's agenda.

The presentations given by participants are attached as **Appendix C**. Key discussion points from the three parts of the forum are summarized in Sections 2, 3 and 4, respectively, of this report.

## 2 Summary of Forum Discussions

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Day 1 of the Forum began with a short opening address from the Director General of the Northern Project Management Office to welcome everyone and reiterate the Forum objectives. Each participant was given an opportunity to introduce themselves and state their own expectations for the Forum. Following introductions, a representative from each Board gave a short presentation to describe some key facts and features of their Board; a short facilitated discussion followed to understand the similarities and differences between the Boards. After a presentation summarizing the results of the pre-Forum survey, break-out groups were formed to begin exploring some of the key challenges identified in the survey. In the break-out groups, participants also shared some best practices and opportunities for collaboration in order to address different aspects of the identified challenges.

### 2.1 PARTICIPANT EXPECTATIONS OF THE FORUM

Matt Spence, the Director General for the Northern Project Management Office, started the forum by welcoming the participants and explaining some of CanNor's goals in hosting the event. Mr. Spence explained that CanNor wanted to get northern regulatory boards together in order to allow the Boards to learn from each other and provide an opportunity for all boards to improve their respective processes. He also stated that CanNor had an interest in seeing a forum like this one happen on a more regular basis and looked forward to discussing this idea at the end of the two days.

Each participant was asked to state their name, the organization they represented and to summarize in one sentence, using one of many images provided, their expectations for the forum. Some of the key messages and/or expectations from participants included:

- To acquire some new ideas on best practices from other Boards that have the same basic processes
- To begin to dismantle barriers to effective participation in Board processes
- To strengthen connections and encourage more dialogue amongst Boards
- To find out what other Boards are doing to improve their processes or operations
- To make our northern regulatory systems as robust as possible
- To gain support from working together instead of working in silos
- To acknowledge that although each Board is distinct, all the Boards are trying to achieve similar objectives which includes balancing the protection of the land, the water and the people
- To ensure that we learn from the past while building the future
- To use the opportunity to see what is going on around each of them instead of only focussing on their own Board

### 2.2 GETTING TO KNOW EACH OTHER – SUMMARY PRESENTATIONS FROM EACH BOARD

Prior to the Forum, participants were sent a PowerPoint template presentation and were asked to insert information about their Board in relation to the following topics:

- Mandate, key responsibilities, and legislative basis
- Types of projects and number of processes/workload

- Types of stakeholders/participants that are typically involved in Board processes
- Board administration details (members, staff, funding, budget)
- One unique thing about the Board

The presentations given by each Board are attached to this report in **Appendix C**. Participants asked a lot of questions during the presentations which illustrated the range of comprehension of the legislative and regulatory context of Boards in other territories. Some of the similarities or differences noted between the Boards included:

- the different levels to which the assessment and licensing processes were integrated
- that each new Board or legislative framework was able to learn from the previous implementation experiences – and that the trend is toward increasingly integrated systems
- that fact that though the legislative frameworks were similar across the territories, each Board has “rolled out” or interpreted those frameworks differently
- that all the Boards had a lot of different stakeholders and that the amount of public interaction or access was increasing for all Boards
- that it seemed like the role of territorial government in the Board processes or administration decreased from east to west in the northern territories
- the effect of devolution on Board processes has been different

## 2.3 OVERVIEW OF KEY RESULTS FROM THE PRE-FORUM SURVEY

Approximately 6 weeks prior to the Forum, participants were sent an online survey that asked the following questions:

- 1) What organization do you represent?
- 2) Please list some of your Board’s current or emerging issues/challenges with respect to: Board administration/governance,
- 3) In your opinion, what are the key challenges facing northern Boards in general?
- 4) What are the best practices (e.g., activities, policies, guidelines etc.) that your Board has adopted to help deal with past or emerging challenges with respect to: Board administration/governance, stakeholder or government relations/communications, and regulatory processes?
- 5) Are there any best practices that other Boards have adopted that you would like to know more about?
- 6) Are there any best practices from southern jurisdictions that you would like to know more about?
- 7) Are there any specific topics/issues that you would like to discuss or share at the Forum?
- 8) Are there any other comments for the Forum organizers about topics or meeting format?
- 9) What is your interest level in the following topics: Board administration, Board governance, regulatory processes, coordination of processes between Boards, technical capacity, strategies for ongoing inter-Board communications and/or knowledge sharing?

Approximately 75% of the Forum participants participated in the survey; the survey responses have been summarized in **Appendix D**. There was a large number of answers given to each of the questions; however, there was some overlap with respect to the identified challenges. For example, some of the most common challenges identified by respondents are listed below along with the % of respondents who gave that answer:



- Building/maintaining capacity in communities, stakeholders, and government to participate effectively (including participant funding) – 90% of respondents.
- Delayed Board appointments or vacant seats on Boards – 56% of respondents.
- Consultation/engagement re: role clarity, transboundary projects, scoping for valued components, large geographic scope, and uncertainty in areas without land claims – 56% of respondents.
- Respective roles/information flow between Board and staff – 33% of respondents.
- Lack of government/stakeholder capacity to fully participate – 33% of respondents.
- EA/Licensing: understanding overlaps and seeking deficiencies by coordinating or integrating processes – 33% of respondents.
- Website/registry/social media uses and development – 33% of respondents.

The survey results related to examples of best practices revealed a long list of policies, procedures, guidelines, strategies and other activities that individual Boards have in place or are developing. Although a list of these best practices can be found in **Appendix D**, participants also had an opportunity to discuss specific practices related to the three discussion topics as described in section 2.4.

Finally, the survey revealed a number of other topics that participants expressed interest in discussing. Although there was not time in this initial Forum to explore any of these additional topics, the survey results can be used as a basis for setting agenda items for subsequent Forums.

## 2.4 EXPLORING CHALLENGES, BEST PRACTICES AND OPPORTUNITIES

Based on the survey responses, the agenda was set up to allow participants to explore challenges related to the following three topics:

- a) environmental assessment and regulatory processes;
- b) relationships with government, industry and stakeholders; and,
- c) Board administration.

Since each topic was relatively broad, they were broken up into 2 or 3 sub-topics to be discussed in break-out groups. The process for each break-out group was as follows:

- Step 1: Each group chose a facilitator and recorder;
- Step 2: Each member of the break-out group was asked, in turn, to describe their most significant challenge related to the subtopic and these were recorded;
- Step 3: After the group had an opportunity to dissect each challenge through discussion, the group was asked to share any best practices they used or knew of that could address those challenges. Participants were also asked to think about and discuss ways in which northern regulatory Boards might be able to work together to address challenges; and,
- Step 4: Participants came back together and presented their ideas with the plenary.

This process was followed for topics 1 and 2; due to time constraints, topic 3 was discussed in plenary instead of in break-out groups. The results from each discussion are recorded in the sections below.

## 2.4.1 Topic 1: Environmental Assessment and Regulatory Process Challenges

By grouping similar survey responses together, three types of issues were identified for this topic:

- a) Environmental assessment (EA) process challenges
- b) Licensing process challenges
- c) EA/licensing process coordination challenges

Break-out groups each contained about 5-6 participants. Each group took notes on flip charts that were shared with the group – notes from each break-out group are shown in tables 1-3 below.

**Table 1: Environmental assessment process challenges – Notes from break-out group**

Description of Challenge	Best Practices/Opportunities for Collaboration
<p><b>Cumulative Effects:</b></p> <ul style="list-style-type: none"> <li>• Legislative requirement, how to evaluate info that comes in: how good is that info, how to weight this evidence, who's doing it/who's science is "right"</li> <li>• CIMP: various research but not targeted to EA process, or in a format to help inform decisions</li> <li>• EA measure: be more specific about on-the-ground research/info needed</li> <li>• Understand the scale of effects</li> </ul>	<ul style="list-style-type: none"> <li>• Partner with government/others to collect baseline data</li> <li>• Build relationships with CIMP so collected data fits with regulatory/EA process</li> <li>• Directing strategic regional studies</li> <li>• Environmental Audit in NWT may help direct future planning</li> <li>• Educating/planning training for Board members – hearing from CIMP/others about who's doing what, who needs what.</li> <li>• Enabling CIMP to intervene on process to communicate what effects will contribute to the whole</li> <li>• Make contacts here: email to collaborate on common initiatives – (guidelines/policies)</li> </ul>
<p><b>Understanding roles and responsibilities:</b></p> <ul style="list-style-type: none"> <li>• Stakeholders not understanding</li> <li>• Organizations not understanding roles of other organizations</li> <li>• How to communicate/inform folks involved in process – with high turnover of staff</li> <li>• How and who to respond to measures</li> </ul>	<ul style="list-style-type: none"> <li>• Helpful to at least understand each other's processes through meetings like this</li> </ul>
<p><b>EA Measures:</b></p> <ul style="list-style-type: none"> <li>• Wording needs to be clear</li> <li>• Follow-through of measures/enforcement</li> </ul>	<ul style="list-style-type: none"> <li>• Actual process of follow-up measures (esp. with respect to monitoring) that does not duplicate regulatory requirements</li> <li>• Reporting on performance of measures (can be included as a recommendation)</li> </ul>
<p><b>Temporal consideration of EA vs. development activities</b></p> <ul style="list-style-type: none"> <li>• Catching up with changes to legislation</li> <li>• Changes to government direction (and capacity)</li> </ul>	<p><i>&lt;none recorded by group&gt;</i></p>
<p><b>Lack of land use plans:</b></p> <ul style="list-style-type: none"> <li>• Need teeth/strength, need to provide certainty</li> <li>• Input to LUP: stakeholder capacity and interest and assumptions about process (rely on evidence provided, may not be complete)</li> <li>• Who does LUP conformity check – what this process looks like (sequence of events) and timelines</li> </ul>	<ul style="list-style-type: none"> <li>• Need "experts" to talk to upfront to determine whether a project is conforming</li> <li>• Ensure land use plans account for new types of developments like fracking etc.</li> </ul>

Description of Challenge	Best Practices/Opportunities for Collaboration
<ul style="list-style-type: none"> <li>Where none exist: no certainty for proponents, exhaustive to system when projects referred to EA</li> </ul>	
<b>How to determine significance</b> <ul style="list-style-type: none"> <li>Have to understand technical meaning, legal meaning and other interpretations</li> </ul>	<none recorded by group>
<b>Transboundary EAs:</b> <ul style="list-style-type: none"> <li>Haven't come up often and are usually reactive</li> </ul>	<ul style="list-style-type: none"> <li>Would be useful to start discussions again between MVEIRB-YESAB-NIRB</li> </ul>
<b>Socio-Economic/Cultural impact assessment</b>	<ul style="list-style-type: none"> <li>Include in recommendation and indicators</li> <li>Build community—specific framework to assess these impacts</li> <li>Lessons learned from various agreements, IBA-negotiators, other that have input on socio-economic/cultural impacts/mitigations</li> </ul>

Table 2: Licensing process challenges – Notes from break-out group

Description of Challenge	Best Practices/Opportunities for Collaboration
<b>Municipal water licence compliance:</b> <ul style="list-style-type: none"> <li>Capacity and awareness not there</li> </ul>	<ul style="list-style-type: none"> <li>Reporting templates (LWBs)</li> <li>Government enforcement – enhanced</li> <li>Annual training of community members for sampling</li> <li>More education and awareness</li> <li>Board can shorten the term of the water licence</li> </ul>
<b>Enforceable water licence conditions</b> <ul style="list-style-type: none"> <li>Board does not always see the inspection reports</li> </ul>	<ul style="list-style-type: none"> <li>Regular communications with inspectors and community</li> <li>Invite inspectors to Board meetings</li> <li>Joint/coordinated meetings to address multiple inspection groups (in the NWT and Yukon)</li> <li>Standard conditions list</li> <li>Inspection reports should go directly to the Board</li> </ul>
<b>Balancing stakeholder concerns with drafting licence/permit:</b> <ul style="list-style-type: none"> <li>How to ensure Reasons for Decision are comprehensive</li> <li>How to describe the balance that the Board ends up striking</li> </ul>	<ul style="list-style-type: none"> <li>Have more comprehensive Reasons for Decision</li> <li>Invite NGOs into Board meetings</li> <li>Online review system (Yukon/NWT) – using these systems, people can see the evolution of their comments from proponent response to inclusion into a permit</li> <li>Education – guidelines, standards</li> <li>Avoiding conflict of interest in advance</li> </ul>
<b>Changes in CEAA legislation</b> <ul style="list-style-type: none"> <li>CEAA used in the Inuvialuit region</li> <li>CEAA has changed and no longer includes consideration of wildlife but this is not ok with this region</li> </ul>	<ul style="list-style-type: none"> <li>Helpful to at least understand each other's processes through meetings like this</li> </ul>
<b>Legislated changes</b> are not fast enough	<none recorded by group>
<b>Relinquishment (NWT)</b>	<none recorded by group>
<b>Separate PS9 licensing processes</b> in the Yukon	<none recorded by group>
<b>Land use plan conformity (NWT)</b>	<none recorded by group>

**Table 3: Licensing process challenges – Notes from break-out group**

Description of Challenge	Best Practices/Opportunities for Collaboration
<p><b>Time and efficiency – not always realized:</b></p> <ul style="list-style-type: none"> <li>• Works when there is agreement on content</li> <li>• Parallel submissions can save time</li> <li>• Sometimes stakeholders only see a reduced number of opportunities to intervene, can be affected by capacity</li> <li>• Different rules of procedure for EA/licensing Boards</li> <li>• Not everyone realizes that legislated timelines have a “stop the clock” caveat for developer time</li> <li>• Difficult to find the sweet spot for level of coordination</li> </ul>	<ul style="list-style-type: none"> <li>• Sharing resources, staff manuals, templates, communication staff</li> <li>• Outreach/guidance materials</li> <li>• Regular workshops/joint workshops</li> <li>• Continued education for proponents, staff, communities</li> <li>• Post-coordination audit: sharing of results</li> <li>• Retention and management of corporate knowledge</li> </ul>
<p><b>Gap between EA and Regulatory processes:</b></p> <ul style="list-style-type: none"> <li>• Different jurisdictions and mandates</li> <li>• Need to communicate timing for evidence/information</li> <li>• EA is broad information, licensing is more detailed</li> <li>• EA informs licences though</li> </ul>	<ul style="list-style-type: none"> <li>• Share expertise or have secondments between staff</li> <li>• Shared training: staff workshops, other events</li> <li>• Specialist advice from LWB during EAs</li> <li>• Detailed questions at screening through to EA</li> <li>• Understand respective and collective process</li> <li>• Monitoring: avoid duplication – review and track orphaned items</li> <li>• Communication of coordination needed – joint products?</li> </ul>
<p><b>Preliminary screening:</b></p> <ul style="list-style-type: none"> <li>• Concerns need to be raised here</li> <li>• Need to understand different jurisdictions between EA and WB</li> <li>• Need to understand where things can be left to licensing phase</li> </ul>	<ul style="list-style-type: none"> <li>• Licensing agency to participate in EA process</li> <li>• Regulator feedback</li> <li>• evaluations</li> <li>• Invite NGOs into Board meetings</li> <li>• Online review system (Yukon/NWT) – using these systems, people can see the evolution of their comments from proponent response to inclusion into a permit</li> <li>• Education – guidelines, standards</li> <li>• Avoiding conflict of interest in advance</li> </ul>
<p><b>Evaluating the efficacy of EA measures;</b></p> <ul style="list-style-type: none"> <li>• How do EA measures get incorporated into terms and conditions?</li> <li>• What worked or what didn’t about the process?</li> <li>• No regulator feedback</li> <li>• Issue with the availability to time and resources</li> <li>• Enforcement is a problem</li> </ul>	<ul style="list-style-type: none"> <li>• Regulator feedback or other follow up on the effectiveness of EA measures or project certificates</li> </ul>
<p><b>Land use planning/EA coordination</b></p> <ul style="list-style-type: none"> <li>• Strategic EA or regional EA</li> <li>• Use of reasonably foreseeable industry</li> </ul>	<ul style="list-style-type: none"> <li>• Having EA practitioners participate in land use planning processes</li> </ul>

### 2.4.2 Topic 2: Relationships with stakeholders, government and industry

By grouping similar survey responses together, three types of issues were identified for this topic:

- a) Consultation/engagement issues
- b) Building/maintaining capacity for communities, stakeholders, and government to participate effectively
- c) Website/register/social media uses and development

Break-out groups each contained about 5-6 participants. Each group took notes on flip charts that were shared with the group – notes from each break-out group are shown in tables 4-6 below.

**Table 4: Consultation/engagement issues – Notes from break-out group**

Description of Challenge	Best Practices/Opportunities for Collaboration
<p><b>General issues:</b></p> <ul style="list-style-type: none"> <li>• Effects on timing of hearings</li> </ul>	<ul style="list-style-type: none"> <li>• Guidelines for consultation and engagement</li> <li>• Define consultation and engagement expectations pre-submission</li> <li>• Have process maps that are targeted to communities specifically in order to show them where the key points for consultation are, how to best provide input and when</li> </ul>
<p><b>Understanding adequacy:</b></p> <ul style="list-style-type: none"> <li>• Is it a presence/absence test?</li> <li>• How to judge quality or conformity to expectations</li> </ul>	<ul style="list-style-type: none"> <li>• Can be a stepwise process – need to hear from affected parties about quality as they go along</li> <li>• Effectively measure adequacy of consultation</li> </ul>
<p><b>High cost</b></p> <ul style="list-style-type: none"> <li>• Distance between communities – high travel expenses</li> <li>• Cost of carrying out consultation and engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Helpful to at least understand each other's processes through meetings like this</li> <li>• Provide interpreters only upon request</li> </ul>
<p><b>Consultation fatigue</b></p>	<ul style="list-style-type: none"> <li>• Try community hearings and formal hearings</li> <li>• Ensure government departments give expert advice</li> <li>• Invite government on community tours</li> <li>• Allow communities to hear from other impacted communities – for example have follow-up reports/videos after community meetings</li> <li>• Target representative groups within communities – a cross-section of residents (women, youth, harvesters etc)</li> <li>• Boards can go to communities overnight to allow consultation done on the first day to “gel” and hear again from them the next day – makes the cost more worth it too</li> <li>• Possibly licensing Boards should consider doing scoping sessions like the review Board to narrow issues</li> </ul>
<p><b>Lack of participation funding</b></p> <ul style="list-style-type: none"> <li>• Money is needed for participants to analyze information and prepare recommendations for very technical processes</li> <li>• More than having just money to travel</li> </ul>	<ul style="list-style-type: none"> <li>• Is it possible to have a pre-qualified list of consultants who know the process and offer this to communities to choose from</li> </ul>

**Table 5: Relationships with communities, stakeholders, and government – Notes from break-out group**

Description of Challenge	Best Practices/Opportunities for Collaboration
<p><b>Getting people involved in the process:</b></p> <ul style="list-style-type: none"> <li>• Hard to get people engaged and interested in the process unless it affects them personally</li> <li>• Part of the problem is that stakeholders don't have the money</li> <li>• Want to go out to communities more but haven't been able to follow-up</li> <li>• Need more on the ground work with communities</li> </ul>	<ul style="list-style-type: none"> <li>• Try to do more outreach and education using communication staff</li> <li>• Get proponent to do pre-engagement</li> <li>• Would be good to work with other northern Boards on a regular basis to share information</li> </ul>
<p><b>Lack of participant funding:</b></p> <ul style="list-style-type: none"> <li>• Don't have staff in communities to read and understand applications – no technical expertise</li> <li>• Why is it different for federal versus territorial processes?</li> <li>• Could eventually result in a legal challenge if communities feel that they can't adequately determine if their rights are infringed upon or not</li> </ul>	<ul style="list-style-type: none"> <li>• MVLWB has tried to raise the profile of this issue through their Perspective's Paper</li> <li>• Could try to highlight the issue in the Audit</li> <li>• Can cost-recovery legislation help?</li> <li>• Write a joint letter from the Boards (and industry?) to the federal government</li> </ul>
<p><b>Lack of technical capacity in communities:</b></p> <ul style="list-style-type: none"> <li>• Hard to "translate" scientific or legal language for elders and community members</li> <li>• Need to build technical capacity in community then they can contribute themselves</li> </ul>	<ul style="list-style-type: none"> <li>• Find a way to pare down the questions we ask communities to answer when we send out applications or plans etc. instead of just giving all the details - a focused set of questions about water uses and what impacts are acceptable</li> <li>• Be proactive with communities</li> </ul>
<p><b>How to get community members to believe the scientific reports about causes and effects?</b></p> <ul style="list-style-type: none"> <li>• Community members do not trust the "experts" involved in the process, especially from the companies</li> <li>• Even after the Board has ruled on something, communities continue to believe their own interpretation</li> </ul>	<ul style="list-style-type: none"> <li>• Scientific experts have to build trust with communities by building relationships – allowing for a back and forth of information, listening etc – can take years</li> <li>• Need to ensure the right people are in the room</li> <li>• Train scientists to speak "English" or in plain language</li> <li>• Has to be a process of sharing rather than teaching</li> </ul>
<p><b>Reduced funding for government departments</b></p> <ul style="list-style-type: none"> <li>• They are not giving as much evidence as they use to which means Boards must get evidence elsewhere</li> <li>• This is exacerbated by the lack of participant funding</li> </ul>	<ul style="list-style-type: none"> <li>• Can we do a joint letter from the northern Boards to ask for more support</li> </ul>
<p><b>Government departments don't work together so Boards end up mediating:</b></p> <ul style="list-style-type: none"> <li>• Causes more work for Boards to sort out conflicting points of view</li> </ul>	<ul style="list-style-type: none"> <li>• Have regular (non-project specific) meetings with staff from Board and with departments (though difficult to get people together)</li> <li>• Need a land claim-liaison – because department staff don't know or understand the land claim requirements</li> </ul>
<p><b>Relationships with Industry:</b></p> <ul style="list-style-type: none"> <li>• Don't always understand issues from an industry-perspective</li> </ul>	<ul style="list-style-type: none"> <li>• Have regular meetings with proponents and industry groups</li> <li>• Guidance for industry</li> <li>• Reduce duplications with other regulators</li> </ul>

**Table 6: Registry, website and social media – Notes from break-out group**

Description of Challenge	Best Practices/Opportunities for Collaboration
<p><b>Online registries:</b></p> <ul style="list-style-type: none"> <li>• Old information needs to get in the registry</li> <li>• Not always usable – access restricted by limited ability to navigate</li> <li>• Conversion challenges with data sets</li> <li>• Costly to maintain and upgrade</li> <li>• Geospatial data needed</li> </ul>	<ul style="list-style-type: none"> <li>• Lessons learned need to be shared</li> <li>• Open access versus knowing who is online – possibly subscriptions?</li> <li>• Have online dialogue between reviewers and proponent</li> </ul>
<p><b>Lack available analytical data:</b></p> <ul style="list-style-type: none"> <li>• Limited baseline data and cumulative effects data</li> <li>• Lack of socio/economic data</li> </ul>	<ul style="list-style-type: none"> <li>• Yukon knows of an online map portal which includes assessment information, maps, research (including socio/ec information)</li> </ul>
<p><b>Lack of consistency across Boards:</b></p> <ul style="list-style-type: none"> <li>• Everyone has different registries and different companies maintaining them</li> </ul>	<ul style="list-style-type: none"> <li>• Might be a benefit to a more collaborative approach to designing and maintaining the websites</li> <li>• NIRB has conducted a survey in preparation for updates to their own website/registry and could share this with the group</li> </ul>
<p><b>Usability:</b></p> <ul style="list-style-type: none"> <li>• Limited capacity (bandwidth) and technology</li> <li>• Reviewers are able to navigate registries but general public has a harder time</li> </ul>	<ul style="list-style-type: none"> <li>• Survey users? Conduct system reviews?</li> <li>• See NIRB survey idea above</li> </ul>

### 2.4.3 Topic 3: Board Administration

By grouping similar survey responses together, two types of issues were identified for this topic:

- a) External decisions that affect Board operations
- b) Internal Board operation challenges

The original agenda for the meeting anticipated breaking the participants into two groups to discuss the topics above; however, due to time constraints, a decision was made to discuss the whole topic as a group. Table 7, below, shows the results of the facilitated group discussion.

**Table 7: Board Administration – Notes from facilitated group discussion**

Description of Challenge	Best Practices/Opportunities for Collaboration
<p><b>Board appointments:</b></p> <ul style="list-style-type: none"> <li>• Delays in appointments cause many issues with ensuring a continuity of process, especially when the Board is in “hearing mode” – it has happened that hearings have been delayed because of lack of quorum which is not good for industry</li> <li>• Some delays have been as long as 2.5 years and counting</li> <li>• Appointments are done in “reactive” mode instead of being pursued proactively even though most Boards actively canvas government for appointments on a regular basis</li> <li>• Tend to be political appointments with Boards caught in the middle</li> <li>• Feels like too many people are involved in the process – which slows it all down</li> </ul>	<ul style="list-style-type: none"> <li>• Different regions have different processes based on legislation</li> <li>• Put out a general call for nominees and develop a pool of pre-qualified candidates – with criminal/credit record checks already done for example</li> <li>• Develop a service standard for appointments</li> <li>• Highlight this as an issue for all northern Boards – a joint letter to government would be useful</li> <li>• This could be a possible “project” or initiative for the next meeting</li> </ul>
<p><b>Remuneration:</b></p> <ul style="list-style-type: none"> <li>• Rates are set by government, but each Board has its own policies about how to decide how many hours or types of activities (reading days, travel days etc.) to remunerate for</li> <li>• Some Boards are having a hard time attracting good members because the honoraria are so low – qualified members are much better paid by their other jobs and don’t want to spend much time on Board work</li> <li>• Hard to attract younger Board members because they can’t get much time off their job – even territorial government employees aren’t allowed to take much time off to be on Boards</li> </ul>	<ul style="list-style-type: none"> <li>• Another possible topic for the next meeting</li> <li>• Boards could look at sharing policies to look at consistency</li> <li>• Boards could request a review of the remuneration rates</li> </ul>
<p><b>Board training</b></p>	<ul style="list-style-type: none"> <li>• Look at sharing NWT Board Forum training/orientation package with other Boards</li> </ul>
<p><b>Board funding:</b></p> <ul style="list-style-type: none"> <li>• Amounts and how funding flows</li> </ul>	<ul style="list-style-type: none"> <li>• Although different Boards have different mechanisms of funding, it would still be useful to compare notes to see what works and what doesn’t</li> </ul>
<p><b>Human resources and compensation</b></p>	<ul style="list-style-type: none"> <li>• Possible project/session at next meeting to exchange salary ranges and compensation/benefits policies</li> <li>• Look into secondment opportunities – between Boards but with government as well</li> </ul>



## 2.5 DISCUSSION OF NEXT STEPS

The last agenda item included a discussion of how participants would like to follow-up on some of the ideas generated during the Forum and specifically what their interest was in meeting again.

Matt Spence started the discussion by saying that CanNor was interested in making this a regular event – suggesting that it could happen one or two times per year in different locations. Other participants also saw the value in having subsequent meetings and expressed enthusiasm for doing so as long as it could be demonstrated that there would be tangible outcomes from each event. There was also agreement on some initiatives that participants could pursue before the next meeting. Discussions around each of these ideas are summarized in the sections below.

Section 2.5.3 below also captures some of the participant’s closing remarks.

### 2.5.1 Potential format for subsequent meetings

In terms of the format for subsequent, the main considerations related to the name, the location, the invitation list and the desire to have tangible outcomes from each meeting.

It was agreed that the original name for this event, the Northern Regulatory Board Forum, should be changed because it was too similar to the NWT Board Forum. One participant suggested replacing “northern” with “pan-territorial” as the latter was more descriptive. As well, there was some discussion of whether to replace “regulatory” with “assessment and regulatory” or “assessment and licensing”; however, it was determined that the term “regulatory” captures both the environmental assessment and licensing/permitting boards. Overall, there was general agreement that the name of this event should be the Pan-Territorial Regulatory Board Forum<sup>1</sup>.

For this initial meeting, the invitation list was deliberately limited to boards from the three territories who had a specific mandate for performing environmental assessments (and screenings) as well as issuing water licences. Despite the acknowledgement that other boards (e.g., Land Use Planning Boards) and federal/territorial government departments play important and sometimes overlapping roles in the regulation of resource development in the north, it was felt that at least the initial meeting should be a smaller group to help focus discussions. Participants agreed that the approach worked for this Forum in that all participants “spoke the same language”, easily understood each other’s challenges related to regulatory processes, and were able to have detailed and productive discussions on common challenges. In the end, there was general agreement that the participants in this Forum would form the “core group” of subsequent events as well but that other organizations should be brought in in situations like:

- When there are topics on the agenda that apply to the other organizations and so all parties would benefit from wider experiences. For example, it would be helpful to invite other northern boards if the main discussion topic is related to the administration of northern boards in general.
- When other organizations have some particular expertise that regulatory boards could benefit from hearing about. For example, there may be organizations that are particularly good at doing consultation/engagement and could give the boards some practical advice.

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<sup>1</sup> In reviewing the draft report from the Workshop, the Steering Committee decided to use the name Pan-Territorial Assessment and Regulatory Boards Forum and this report has been updated accordingly.

- When other organizations have some decision-making authority in an area (e.g., board appointments), it may be helpful to invite those organizations for a focussed discussion to resolve differences or develop options for working together.

In the end, participants agreed that when developing the invitation list, it was important to be clear on which topics would be discussed and what the roles of each of the participants would be. There was an openness to inviting other boards or government departments as long as the final agenda was structured in a way that encouraged focussed discussions on operational issues and solutions.

Another related aspect of developing the invitation list was how to determine who should represent a given board; for example, should it be operational staff, technical staff, administrative staff, policy advisors, board members or perhaps some combination? Participants agreed that although they wanted to keep the Forum discussions on an operational level (as opposed to a theoretical or political level for example), each board was likely to differ as to which combination of staff and/or board members would most appropriate to send to the event. It was suggested that a distinction should be made between this event and the NWT Board Forum, as the latter is seen as a more “high level” meeting than what is desired for the Northern Assessment and Regulatory Boards Forum. Finally, it was acknowledged that the choice of board representatives would also be affected by the specific topics that were going to be discussed.

In terms of the format for the next event, participants stated that they would like to define, in advance, very specific topics to discuss. There was an idea that if they defined a topic, like web registries for example, each board could come with a presentation to share – for example, on how their specific registry worked, the pros and cons, etc. As was done for this Forum, meeting facilitators could send out a Powerpoint template that asked each board for the same types of information in order to ensure that everyone was fully prepared to discuss a topic in detail and work on concrete solutions. As stated earlier, participants want to ensure the meeting is set up so that there would be tangible outcomes.

If this Forum is to become an annual event, then participants thought it would be a good idea to move the location every year. Whitehorse was specifically suggested for the next venue, with the specific timing to be decided once we know more about other events happening this year in Whitehorse. There was an idea that it might be interesting for boards in the host city to invite local speakers who could share their expertise on a topic relevant to the regulatory boards.

## **2.5.2 Potential agenda items for subsequent meetings**

Several participants stated that although it made sense that this initial meeting to explore a broad range of topics, they would prefer that future Forums have discrete, well-defined topics that everyone could really “sink their teeth into”. When asked for what some priority topics might be for a subsequent meeting, the following ideas were put forward:

- Proponent guidelines
- For water boards – discuss security conditions, compensation, the “guts of a water licence”
- Technology behind registries
- Consultation/engagement techniques
- Templates/standard/best practices
- How information requests are handled/vetted
- A demonstration of a geo-spatial platform or community readiness efforts
- Capacity gaps for communities

- Government perspective on consultation
- Socio-economic effects and government responsibilities

In addition to the ideas above, an idea was put forward to split the group on the first day into EA boards and licensing boards to talk about their own specific issues; the group could come back together for the second day of the Forum to discuss general or common issues.

At the end, there was a recommendation to send out a survey closer to the Forum date to ask boards what they have to share, what they are currently working on or what specific topics are most relevant in the moment.

### **2.5.3 Initiatives to work on before the next Forum**

One initiative that received broad support from the participants was to draft a letter or communique that describes some of the things that northern regulatory boards have discovered, through this Forum, are common issues. The audience for the letter would be the federal government and addressed to the Minister of INAC or CanNor. The letter would be drafted by the Executive Directors and signed by the Chairs. There was a desire to make a letter that was very positive in tone in order to encourage the new government to work with the boards to make meaningful and useful changes. For example, the letter could contain language about supporting the government's practices of seeking stakeholder participation and how it is important to make sure that northern communities have the capacity to do so in regulatory processes. In drafting a letter, attention will have to be paid to ensuring that messages are relevant to all boards who will sign on to it.

CanNor brought up the idea of forming some kind of secretariat to keep initiatives going in between meetings. Several participants supported this idea and put forward the idea that the secretariat could also perform functions like distributing some of the guideline/policy/standards documents that were discussed during the Forum, or putting together other information like the similarities/differences between all the boards.

Several people said they hoped that if any board was about to embark on their own new initiative, then they would notify the other boards in case there was a good reason to collaborate. For example, more than one board is currently working on updating its rules of procedure. Another example came from the Nunavut Impact Review Board as they have recently completed a survey of website/registry design and are about to begin a major update of their website and registry. In addition to notifying each other of upcoming projects, participants also felt that they would likely follow-up individually with each other now that they are aware of best practices in other jurisdictions.

### **2.5.4 Dissemination of information from this meeting**

CanNor stated that they would send a copy of this Forum report to other boards or government departments who might be interested. Additionally, the participants thought it might also be useful to send out a press release which summarized some of the key findings of this first Forum of the northern regulatory boards. Someone suggested that the press release could have the same type of wording as the letter to the federal government as described in section 2.5.3.

A full list of contact names, numbers and email addresses of all the Forum participants was compiled and sent under separate cover to those participants.

### **2.5.5 Summary of closing comments from participants**

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

- Feeling encouraged from all the different ideas – noting that almost all the ideas were relevant because of the small group sizes.
- That although they were not sure what exactly to expect at the beginning, they were leaving feeling encouraged and positive about the experience especially in having made some good contacts.
- Very useful to meet directly with other practitioners who knew exactly where you were coming from and what you were facing – thought a lot of time could be saved in future by knowing exactly who they could call next time.
- Interesting to learn about the overlaps, similarities and differences between the boards; very happy to make new contacts.
- When the initial concept for the meeting came up, they were not sure if it would work; but in the end they felt that using a steering committee to develop the meeting and then keeping the group size small worked very well.
- There had been some individual efforts at outreach among the boards before but having the ability to see as a group that there are so many common issues was very helpful; it was also helpful to know that they can work on things together and not duplicate their efforts.
- Good to recognize the number of other organizations with common goals.
- Had heard about things going on in different jurisdictions over the years, but it was much better to hear it directly; would like to continue to work together.
- Good to meet everybody, all dealing with similar things, and hopefully something positive can come out of it.

Overall, it was clear that everyone both enjoyed the Forum and found it very useful. There was complete support for pursuing common initiatives, continued communications and for more events like this in the future.

### 3 Immediate Next Steps

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

- CanNor should distribute this report, once finalized, to Forum participants as well as other interested board and federal/territorial government departments.
- CanNor or the Executive Directors of the boards should develop a press release to let the public know about the Forum and possibly describe some of the common issues/solutions that were identified.
- The Executive Directors draft a letter to the federal government as described in section 2.5.3. The letter, which would be signed by the board Chairs, would describe some of the common issues identified in this Forum and express an interest to working together to address those issues.
- The Steering Committee to initiate planning for the second Northern Assessment and Regulatory Boards Forum.

## Appendix A – Forum Participants

Organization	Name	Position
Cannor		
Northern Projects Management Office	Matthew Spence	Director General
	Sarah Robertson	Project Manager
Nunavut		
Nunavut Impact Review Board	Ryan Barry	Executive Director
Northwest Territories – Inuvialuit Region		
Environmental Impact Screening Committee	John Ondrack	Chair
Environmental Impact Review Board	Herbert Felix	Board Member
	Richard Binder	EIRB Coordinator
Inuvialuit Water Board	Mardy Semmler	Executive Director
	Bijaya Adhikari	Science/Regulatory Coordinator
Northwest Territories - Mackenzie Valley Region		
Mackenzie Valley Review Board	Mark Cliffe-Phillips	Executive Director
	Brett Wheler	Senior Policy Advisor
Gwich'in Land and Water Board	Leonard Debastien	Executive Director
Sahtu Land and Water Board	Paul Dixon	Executive Director
Wek'eezhii Land and Water Board	Ryan Fequet	Executive Director
Mackenzie Valley Land and Water Board	Willard Hagen	Executive Director
	Rebecca Chouinard	Regulatory/Technical Director
	Angela Plautz	Regulatory Policy Advisor
Yukon		
Yukon Environmental and Socio-economic Assessment Board	Kirk Tyler	Policy Advisor
	Jay Chou	Policy Advisor
Yukon Water Board	Roger Lockwood	Executive Director
	William Lebarge	Board Member
Facilitation Team		
Stratos Inc.	Michael van Aanhout	Chairman
K. Racher Consulting	Kathy Racher	Principal

# Appendix B – Participant Agenda

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## Northern Regulatory Board Forum

January 14 - 15, 2016

Greenstone Building, 5101 50 Ave, Yellowknife

Large Boardroom on Second Floor

### Participant's Agenda

**Convener:** Canadian Northern Economic Development Agency

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

#### Forum Purpose:

The purpose of this Forum is to, for the first time, bring together representatives from each of the assessment and regulatory boards in the North to discuss common challenges as well as opportunities for working together to address these challenges.

#### Forum Objectives:

More specifically, the Forum aims to:

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

## DAY 1: Thursday, January 14, 2016

#	Agenda Item	Approximate timing
<b>Introductions, Context and Learning About the Boards</b>		
1	<b>Network, Coffee and Uploading Presentations</b>	8:30- 9:00
2	<b>Welcome &amp; Introductions</b>	9:00- 9:30
3	<p><b>Getting to Know Each Other:</b> Overview of Assessment and Regulatory Boards across the North</p> <p><u>Objective:</u> Orient everyone on the key similarities and differences of processes in the jurisdictions.</p>	9:30 – 11:45 (with breaks and discussion)
	<b>LUNCH (not provided)</b>	11:45 – 1:00
4	<p><b>Overview of Key Survey Results for Northern Boards:</b></p> <p><u>Objective:</u> To present and briefly discuss the key results and themes from the pre-Forum survey.</p>	1:00 – 1:45
<b>Exploring Challenges, Best Practices and Opportunities</b>		
6	<p><b>Topic 1: Environmental Assessment and Regulatory Process Challenges</b></p> <p><u>Objective:</u> To discuss the major challenges identified in the survey, to share best practices and identify opportunities for collaboration. This will be done through a combination of break-out groups and discussions with the plenary. This topic includes three subtopics:</p> <ul style="list-style-type: none"> <li>• environmental assessment (EA) process challenges</li> <li>• regulatory process challenges</li> <li>• EA/regulatory coordination</li> </ul>	1:45 – 4:30 (with breaks)
7	<b>Reflections on Day 1</b>	4:30 – 4:45
8	<b>Social Event – Reservations at a local restaurant have been made for those participants that are interested in continuing discussions after the meeting</b>	TBD



## DAY 2: Friday, January 15, 2016

#	Agenda Item	Approximate timing
<b>Exploring Challenges, Best Practices and Opportunities - Continued</b>		
1	<b>Network and Coffee</b>	<b>8:30- 9:00</b>
2	<b>Welcome back</b>	<b>9:00- 9:15</b>
3	<p><b>Topic 2: Relationships with Government, Industry, and Stakeholders</b></p> <p><u>Objective:</u> To discuss the major challenges identified in the survey, to share best practices and identify opportunities for collaboration. This will be done through a combination of break-out groups and discussions with the plenary.</p> <p>This topic includes three subtopics:</p> <ul style="list-style-type: none"> <li>• consultation/engagement,</li> <li>• building/maintaining capacity for communities, stakeholders</li> <li>• website/registry/social media uses and development</li> </ul>	<b>9:30 – 11:45 (with breaks)</b>
	<b>LUNCH (not provided)</b>	<b>11:45 – 1:00</b>
4	<p><b>Topic 3: Board Administration</b></p> <p><u>Objective:</u> To discuss the major challenges identified in the survey, to share best practices and identify opportunities for collaboration. This will be done through a combination of break-out groups and discussions with the plenary.</p> <p>This topic includes two subtopics:</p> <ul style="list-style-type: none"> <li>• external decisions that affect board operations,</li> <li>• challenges with internal board operations</li> </ul>	<b>1:00 – 3:00</b>
<b>Discussion of Next Steps</b>		
5	<p><b>Next steps</b></p> <p><u>Objective:</u> To discuss how to follow up on the ideas generated over the past two days as well as interest in future forums like this one.</p>	<b>3:30 – 4:30</b>
6	<b>Closing comments</b>	<b>4:30 – 4:45</b>

# Appendix C – Board Presentations

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# Appendix D – Summary of Pre-Forum Survey Results

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Note that, responses have been summarized so that if one answer was given several times by different respondents then that answer is only listed once below with the number of times the answer was received indicated at the end of the answer (e.g. “3X” etc.)

## **Q1: Which organization do you work for?**

Respondents to the survey included:

- Wek’eezhii Land and Water Board (WLWB)
- Nunavut Impact Review Board (NIRB)
- Canadian Northern Economic Development Agency (CanNor)
- Environmental Impact Screening Committee (EISC)
- Environmental Impact Review Board (EIRB)
- Mackenzie Valley Land and Water Board (MVLWB)
- Yukon Environmental and Socio-economic Assessment Board (YESAB)
- Mackenzie Valley Environmental Impact Review Board (MVEIRB)
- Inuvialuit Water Board (IWB)

## **Q2: Please list some of your Board’s current or emerging issues/challenges with respect to:**

### ***Board administration/governance:***

- Delayed Board appoints, vacant seats on Boards (mentioned 5X)
- Respective roles/information flow between Board and staff (e.g., Board oversight of operations, policy development; mentioned 3X)
- Orientation/Training Board Members;
- Developing/Maintaining HR Policies
- Remuneration of Board members
- Renewal of Implementation funding (10 year cycle)
- Review and update of policies and rules of procedures
- Uncertainty due to continued legislative changes (e.g., board amalgamation)

### ***Stakeholder or government relations/communications***

- Consultation/Engagement re: role clarity, transboundary projects, scoping for VCs, large geographic scope, uncertainty in areas without land claims (5X)
- Lack of stakeholder/government capacity to fully participate (3X)
- Procedural fairness questions re: information accessibility, proponent review of draft EA and regulatory outcomes (2X)
- Website/Registry/Social Media uses and development (3X)
- Keeping informed about other processes/initiatives
- Collaboration with stakeholders (including government) on shared goals
- Messaging to government departments
- Devolution - Regional Jurisdiction and Name Change

### ***EA/Regulatory processes***

- EA/Regulatory: understanding overlaps and seeking efficiencies by coordinating or integrating processes (3X)
- EA specific concerns: cumulative effects assessment, transboundary impact assessment, lack of land use plans forcing broad issues to EA;

- LWB specific concerns: Improve: preliminary screening process, Land Use Plan conformity reviews, relinquishment of security with respect to water licences
- Lack of consistency between: jurisdictions, Boards/staff,
- lack of government/expert support during public reviews and LWB proceedings
- New legislation (NuPPAA)
- lack of a participant funding program
- The timing of decisions and quality of same continues to me negatively affected by the lack of all-round knowledge about regulatory authorities mandates and more specifically about the regulations, monitoring and enforcement
- Respecting and differentiating the role of an assessment body in making recommendations to avoid significant adverse effects from the role of a government or independent regulator in making decisions based on a broader suite of considerations (fullcost accounting)
- Regulatory gaps (Air, Wildlife, Socioeconomic/Cultural)
- Substitution of process from CEAA to avoid duplication (EIRB)
- Municipal water licence compliance issues
- Standards - Terms and Conditions and Report/Document Templates

#### **Other**

- Processes stalled by proponents because of market conditions (i.e. losing momentum, maintaining capacity)
- Limited community capacity which can impact how communities participate in our proceedings or their own licensing processes
- Pan-northern databases
- Measuring and monitoring effectiveness of EA measures to mitigate identified significant impacts

#### **Q3: In your opinion, what are the key challenges facing northern Boards in general?**

- Building/Maintaining capacity in communities, stakeholders, government to participate effectively (includes participant funding question) (8X)
- Changing legislation and incomplete understanding of the implications of some changes from govt. (e.g., devo in the NWT, impending devo in Nunavut, regulatory improvement etc.)
- Alignment of assessment and regulatory responsibilities (2X)
- Decreasing support/participation from governments and experts due to budget cuts or legislative changes (Fisheries Act, Nav Act etc.) (2X)
- Consultation/engagement issues and methods (2X)
- Perceptions of various stakeholders, primarily industry and government, re: 1) processes are too complex, lengthy and uncertain; 2) effect of environmental disasters in other jurisdictions. (3X)
- Board appointments
- Shared understanding of roles and responsibilities of the different players
- Follow-up monitoring
- Identification, characterization and mitigation of socio-economic effects
- Securities relinquishment processes
- Issues associated with running small, independent organizations with large, unique mandates – HR capacity, financial capacity
- Lack of land use plans in some areas
- Development of northern specific guidelines (e.g., water quality)
- Availability and access to baseline info for cumulative effects assessment
- Communication among Regulatory Boards
- As the North continues to experience resource (and other) development pressures, significant amounts of information will be generated through the environmental and socio-economic assessments of proposed resource projects. This information is needed to support not only the

management of resource development activities, but also their socio-economic outcomes, and is used by industry, regulators, governments, Indigenous and community groups and other stakeholders in their respective permitting, planning, management, and monitoring activities. The efficient and cost effective accumulation, compilation, storage, and access to vast amounts of socio-economic data is also critical to the management of resource developments' cumulative impacts. In order to maximize the potential of this information to support strategic decision-making, northern Boards, regulators, industry and other stakeholders should consider developing coordinated and standardized approaches to data stewardship. As part of the Board Forum agenda, a discussion is proposed by CanNor of how northern Boards' respective regulatory review processes address collective data needs, such as developing protocols for the standardization of collection, storage, access, and reporting of socio-economic data, and how this data can be strategically used in other contexts.

**Q4: What are the best practices (e.g., activities, policies, guidelines etc.) that your Board has adopted to help deal with past or emerging challenges with respect to:**

***Board administration/governance***

- Orientation modules for Board Members (NIRB, MVEIRB);
- HR/Board Governance Policies (NIRB);
- Budgeting/Work Plan (NIRB)
- Continued Training and Development for Board members to keep the Members current (up-to date) (EIRB)
- Administration Policy (MVLWB),
- Rules of Procedures (MVLWB)
- Updated Strategic Plan (IWB)
- Orientation training for all new Board members and staff

***Stakeholder or government relations/communications***

- MOUs with territorial/federal agencies (MVLWB Public guides; (NIRB)
- new public registry system (NIRB)
- One community tour per year, Includes the Inuvialuit Game Council, Federal and GNWT representatives (NEB, PMO) We also include school visits. (EIRB)
- Engagement and Consultation Policy (MVLWB)
- Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits, IMAs, Land Claim Agreements, Land Use Plans (MVLWB)
- We are trying to rebuild our public registry and website to be more responsive to stakeholders as well as our own information needs. (EISC)
- Helping communities to fulfill water licence monitoring requirements – site visits/training by Board staff and Inspectors together (WLWB)
- YESAA Forum (YESAB)
- Developing strategies to engage others (IWB)
- Engagement tours in other jurisdictions (MVEIRB)
- EA Practitioner's Workshop (MVEIRB)
- Regulatory meetings with GNWT and NPMO (MVEIRB)

***EA/Regulatory Processes:***

- Coordination MOUs; (NIRB)
- updated guidance documents (NIRB)
- We try to meet with regulatory agencies periodically to confirm communication channels and learn more about each other's practice.

- In times of low core activity we are looking back critically at ourselves and working for example on decision process improvements
- Water and Effluent Management Policy (MVLWB)
- Guidelines for Developing a Waste Management Plan, (MVLWB)
- Guide to the Land Use Permitting Process, (MVLWB)
- INAC's Guidelines for Spill Contingency Planning, (MVLWB)
- Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories(MVLWB)
- Document Submission Standards, (MVLWB)
- Standards for GIS, (MVLWB)
- Standard Outline for Management Plans, (MVLWB)
- Standard Process for New Land Use Permit Conditions, (MVLWB)
- Standard Land Use Permit Conditions List, (MVLWB)
- (AANDC) Spill Contingency Plan (MVLWB)
- The timing of decisions and quality of same continues to me negatively affected by the lack of all-round knowledge about regulatory authorities' mandates and more specifically about the regulations, monitoring and enforcement. (EISC)
- Mine Licensing Improvement Initiative (YESAB);
- Including decision bodies (governments or government departments) and independent regulators in the adequacy stage of assessments (YESAB);
- Proposal submission completeness check (YESAB)
- Online review system (MVEIRB)
- Standardized Municipal WL Terms and Conditions (IWB)
- Regular assessor-regulator meetings (YESAB);

#### **Other**

- EA budgets and associated costing predictions have been well-received by federal government;
- new public registry about to go live will enhance public engagement (NIRB)
- Reviewed Rules of Procedures to conform to the Inuvialuit Final Agreement. Rebuilt our Website and Registry for easy access. (EIRB)
- Our organization is once again operating without the intended mandate for decision making. This process has to be fixed. We are presently without two members being the territorial nominees appointed by Canada. (EISC)
- Limited community capacity which can impact how communities participate in our proceedings or their own licensing processes
- Online timeline tracker (MVEIRB)
- Online Register repatriated and updated (IWB)

#### **Q5: Are there any best practices that other Boards have adopted that you would like to know more about?**

- existing security relinquishment processes
- decreasing support from governments and experts during the LWBs public review process
- methods/practices for community engagement & building capacity (2X)
- The mechanism used by NIRB to sort through regulators' numerous information requests to ensure these are aimed directly at adequacy of Project Proposals and not seeking detailed info needed during permitting stages (e.g., detailed engineering designs).
- Concurrent processes for EA and regulatory between NIRB and NU Water Board
- Proponent guides - information requirements - NIRB and YESAB
- Project Certificates - development, implementation and monitoring – NIRB

**Q6: Are there any best practices from other southern jurisdictions that you would like to know more about?**

- existing security relinquishment processes
- decreasing support from governments and experts during the LWBs public review process
- methods for community engagement & building capacity
- Training initiatives,
- applicability of technical guidelines etc. to northern environments,
- Engagement requirements throughout the life cycle of the authorization,
- Standardizing conditions,
- process for preparing reasons for decision,
- preliminary screening process,
- considerations of land use plans
- Public scoping;
- Pre-submission engagement with proponents or terms of reference for assessments;
- Integration/alignment of assessment and water licensing processes;
- Attracting staff, current recruitment and assessment techniques for assessors and assessment practitioners
- CEA Decision Statements
- Regional studies or strategic EA
- Use of offsets or compensatory mitigation
- Some jurisdictions outside of the north issue 'draft' EA reports before a board finalizes its response to govt. This opportunity to comment may result in a legally more defensible report or recommendations that are more feasible to implement. Other areas for study may be the preliminary screening process. Is there a means through guidelines development to refer a project quickly without taking a long period for initial screening if it is apparent more review is necessary?. Is there an opportunity for boards to apply guidelines such as a type of 'class assessment' (similar to old CEAA) for projects with very similar characteristics which would then result in a same suite of basic recommendations (with appropriate additions specific to the projects location etc.).

**Q7: Are there any specific topics/issues that you would like to discuss or share at the Forum?**

**WLWB:**

- existing security relinquishment processes
- decreasing support from governments and experts during the LWBs public review process
- methods for community engagement & building capacity

**Cannor:**

- Discussion re: referrals of a Project to a Panel Review, based on "significant public concerns", when those concerns may not be in regards to environmental impacts, but to other issues. What non-traditional mechanism could be used to address concerns without a full-blown Assessment or Review?

**MVLWB:**

- any court decisions and Ministerial decisions relating to our processes,
- key Environmental Audit findings

**YESAB:**

- Interchange possibilities;
- Shared training/conferences/workshops

**MVEIRB:**

- Transboundary reviews - joint review processes

**Q8: Any other comments for the Forum organizers about topics or meeting format?**

- lots of interaction and information sharing, and less presentations
- Identification of how our processes are the same and where they are different

**Q9: What is your interest level in the following topics (no interest, low interest, moderate interest, high interest):**

	No interest	Low interest	Moderate Interest	High Interest
Board administration (e.g., human resources, budgeting, maintaining capacity etc.)			6	2
Board governance		1	4	3
Relationships with stakeholders, industry, governments			2	7
Regulatory processes		1		8
Coordination of processes between Boards (e.g., EA/regulatory or between jurisdictions)			1	7
Technical capacity			4	5
Strategies for ongoing inter-Board communications and/or knowledge sharing		1	2	5