



Sustainable
Development
Working Group



ARCTIC COUNCIL

ARCTIC ENVIRONMENTAL IMPACT ASSESSMENT WORKSHOP

YELLOWKNIFE, NORTHWEST TERRITORIES
APRIL 24-26, 2018



Canada



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Prepared by:

Onfoot Consulting
649 Long Lake Road
Whitehorse, YT Y1A 6N2
Canada
Tel: +1 867 335-3747



Executive Summary

On April 24-26, 2018, the Sustainable Development Working Group's (SDWG) Canadian Arctic EIA Workshop met in Yellowknife, Northwest Territories, Canada, gathering delegates from across the circumpolar world to share knowledge and expertise on how the practice of Environmental Impact Assessment can be improved across the Arctic. Building on previous Arctic EIA workshops held in Utqiagvik (Barrow) Alaska, and in Rovaniemi, Finland, the three-day program in Yellowknife was designed to:

- reflect on domestic and international good Arctic EIA practices;
- emphasize the fundamental importance of Indigenous and local engagement to these processes; and
- hear from domestic and international experts on how Arctic EIA can be improved in the circumpolar context.

Seventy-five delegates from five countries (Canada, Finland, Norway, Denmark / Greenland and the United States) took part in this invitation-only event. Domestically, all three northern territories, plus Nunavik and Nunatsiavut were represented, as well as four of the Arctic Council's Indigenous Permanent Participants. The Government of the Northwest Territories, Canadian Northern Economic Development Agency (CanNor), and the Mackenzie Valley Environmental Impact Review Board generously co-hosted this SDWG event. A series of cultural and social activities were held throughout the week to further bring people together and enhance circumpolar networks.

With a view to ensuring that every participant was able to contribute their voice to its outcomes, the Yellowknife Arctic EIA workshop was designed around a balance of presentations and facilitated conversations. Through a highly participative process, participants shared their significant experiences, expertise, and collective wisdom related to EIA in the Arctic. Out of this engagement, significant insights emerged, including shared themes, lessons, challenges and suggestions for moving forward.

Day One of the workshop focused on identifying what has been learned to date from some important initiatives: the Arctic EIA Project, a sampling of Indigenous-led impact assessments, plus the various experiences of Canada's Northern EIA boards: the Nunavut Impact Review Board, The Mackenzie Valley Environmental Impact Review Board, the Yukon Environmental and Socio-Economic Assessment Board, and the Inuvialuit Environmental Impact Review Board.

Day Two was designed around four conversations, each with a specific focus and a small panel of experts interacting with each other and the larger group. The first was a high-level 'Regional Expert' overview, followed by conversations with, respectively, representatives of Arctic Council Permanent Participants, Industry leaders, and the Pan-Canadian Territorial Board Forum. From these conversations insights were identified and explored, with recommendations being developed for moving forward.

Day Three featured a series of iterative processes that generated specific recommendations and proposals, drawing on all the work and insights of the first two days.

Eight themes and concerns consistently emerged through the course of the workshop:

1. The critical importance of sharing and collaborating across the Arctic;
2. The essential conditions that allow for full and meaningful community consultation and engagement;
3. The need for Arctic EIA processes to balance certainty and adaptability, so that stakeholders¹ may provide relevant input throughout entire EIA processes;
4. The importance of recognizing, understanding, and taking into account appropriate knowledge systems, including Indigenous knowledge;
5. Legislation and regulation play foundational roles, and precedents exist that tailor EIA processes to conditions that are unique to northern and Arctic regions;
6. Roles and responsibilities need to be clearly identified, with adequate resources for meaningful participation on the part of stakeholders and key partners;
7. Arctic EIA processes need to be holistic, thinking of 'environment' in broad terms as including socio-economic concerns, cultural values and traditions, including for future generations; and
8. Decisions should be transparent, reflect established goals and values, and identify positive as well as negative impacts

The process that yielded these themes is summarized in this report, with the complete transcript of all the workshop outcomes included in Appendix C.

As a next step, the results identified in Yellowknife will be used alongside the findings from the Utqiagvik and Rovaniemi workshops to support the SDWG's Editorial Committee develop a final set of Good Practice Recommendations in Arctic EIA for presentation to Arctic Council Ministers in May of 2019. These recommendations will be a key deliverable of Finland's 2017-19 Chairmanship of the Arctic Council.



Arctic EIA Workshop delegates at the conclusion of Day Three
Yellowknife, NWT, Canada, April 26, 2018

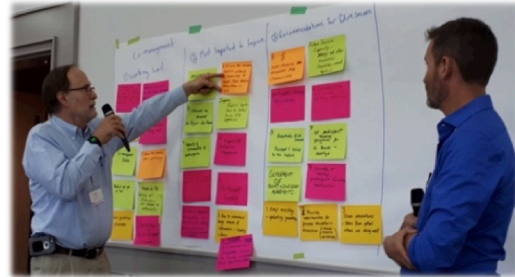
¹ Stakeholders can include anyone with an interest, from governments and statutory bodies, through to the public and local communities.

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Summary Report Introduction

Each of the workshop plenary sessions and presentations were followed by facilitated conversations designed to draw out and consolidate insights, raise questions and identify lessons. The transcript in Appendix C provides an archive of these data in their raw form. In the summary that follows, plenary sessions will be described along with some of the key themes that emerged. Links to the presentations provided can be found on the Arctic EIA Project page of the SDWG's website (www.sdwg.org/activities/sdwg-projects-2017-2019/arctic-eia/arctic-eia-new/). The conclusion of this summary report describes what emerged most clearly and consistently among the workshop delegates.



Opening Remarks

The workshop began with acknowledgement that we were gathered as guests within the traditional territory of the Yellowknives Dene on Chief Drygeese Territory, with an opening prayer from **Chief Edward Sangris** accompanied by a Dene Drum Dance.

Mr. Willard Hagen, Deputy Minister of Lands for the Government of the Northwest Territories (GNWT) added an official welcome on behalf of GNWT.

Sarah Cox, Head of the Canadian Delegation to the Arctic Council's Sustainable Development Working Group (SDWG), welcomed the participants, expressing appreciation for the contributions made by the SDWG's strong group of domestic and international partners and gratefully acknowledging the generous support of the workshop's co-hosts: the Government of the Northwest Territories (GNWT), the Canadian Northern Economic Development Agency (CanNor) and the Mackenzie Valley Environmental Impact Review Board (MVEIRB).

Concluding the welcome, workshop facilitators **Barrett Horne** and **Michael Pealow** introduced the goals of the three days:

- To showcase leadership, expertise, successes, and key challenges relating to Arctic EIA;
- To share Canada's broad experiences with northern co-management, including the fundamental importance of Indigenous and local engagement to these processes; and
- To hear directly from EIA practitioners, including Indigenous Peoples, community leaders and industry representatives on how Arctic EIA can be improved, and to identify a path for future success

They explained that the workshop processes were designed to ensure that every participant would be able to contribute their voice to its outcomes, with a careful blend of presentations, facilitated conversations and group processes. Through these means participants would be enabled to explore their various experiences and expertise related to EIA in the Arctic, constructively capturing their diverse perspectives, knowledge, and collective wisdom. The net product of the workshop would become a collection of insights, lessons, challenges, and proposals for moving forward.

Opening Keynote Address: Jill Baker

After the welcome and introductory remarks, an opening Keynote address was delivered by **Jill Baker**, Executive Director of the International Association of Impact Assessment (IAIA.org). Her remarks set an effective tone by highlighting the value of moving from basic public consultation towards meaningful engagement and collaboration and integrated impact assessment. For consideration, quoting directly from Dr. John Sinclair (University of Manitoba), Ms. Baker described meaningful public participation as a process that *“establishes the needs, values, and concerns of the public, provides a genuine opportunity to influence decision, and uses multiple and customized methods of engagement that promote and sustain fair and open two-way dialogue.”* Ms. Baker underscored the importance of clear and effective communication skills when advancing recommendations from technical EIA practitioners to decision-makers, underscoring the importance of meaningful involvement in building public trust. (Ms. Baker’s presentation is available here: [URL to IAIA PPT](#))

Presentation #1: Arctic EIA Project Reports

The first plenary session involved hearing from three presentations, each one sharing Arctic EIA results to date from a specific perspective. In order to maximize the opportunity for engaging with the presenters, the delegates were divided into three smaller groups, with each group rotating through the auditorium corners where each presentation was repeated three times.

The three perspectives were:

- (1) the Genesis and Evolution of the Arctic EIA Project, given by **Seija Rantakallio**, Project Lead, Finland, and Ministerial Adviser at the Finnish Ministry of the Environment
- (2) Results from the Utqiagvik Project (Barrow, AK), given by **Vernae Angnaboogok**, Cultural Sustainability Advisor at the Inuit Circumpolar Council (ICC), Alaska
- (3) Results from the Rovaniemi Project (Finland), given by **Paivi Karvinen**, Project Coordinator for the Arctic EIA Project, Ministry of the Environment, Finland and **Anni-Helena Ruotsala**, Environmental Secretary, The Sami Parliament of Finland

These presentations outlined results and lessons from previous studies and workshops that fed into the current project, delivering a timeline and a useful snapshot of current project partners, thus providing an overview of the Arctic EIA Project at the Arctic Council’s Sustainable Development Working Group. And, in the process, reflecting the goals of circumpolar cooperation and the proposed outcomes of the Arctic EIA Project. An overview of the Arctic EIA project, along with summaries of the two previous workshops can be viewed directly at www.sdwg.org/activities/sdwg-projects-2017-2019/arctic-eia/arctic-eia-new/.



Following the presentations, participants were guided through a series of conversations in which they considered what were “genuinely vital” lessons to draw from the presentations with a view to ensuring successful Arctic EIA projects. Four themes emerged as predominant:

- Engagement and collaboration needs to begin early and meaningfully involve all stakeholders/rights holders.
- EIA decisions need to incorporate insights from Indigenous knowledge, local knowledge, and science, taking into account long term risks and benefits, including cultural impact.
- There is a need for clear guidelines and terms of reference, with a coordinated approach between government and industry.
- Addressing capacity issues for stakeholders and rights holders to engage is a critical need

Lunchtime Presentation: Three Indigenous-Led Impact Assessment Case Studies

An additional presentation was delivered during the lunch break on Day One by **Ginger Gibson** (The Firelight Group / Gwich'in Council International) on Emerging Practices of Indigenous-Led Impact Assessments. By asking about the key features and outcomes of Indigenous-led impact assessments, Dr. Gibson examined three case studies within Canada as potential models for further discussion: a Tłıchǫ review of the Nico Mine in the Northwest Territories, a Glencore and Inuit review of the Sivumut Project in Quebec, and a Squamish Nation review of a LNG Processing Plant in British Columbia. Additional details of Dr. Gibson's study are available on the Gwich'in Council International website here: <https://gwichincouncil.com/arctic-environmental-impact-assessments>

Presentation #2: The Experience of Four Canadian Co-Management Boards

The second plenary was designed to share the experiences of 'Canada's co-management approach to Arctic EIA and featured presentations from each of four co-management boards (each presentation is linked to its respective PPT):

Tim Smith (YESAB) on Canada's Northern Approaches to EIA in the Yukon Context

Mr. Smith's presentation described the federal legislation and historical context of the Yukon Environmental and Socio-Economic Assessment Board, along with some pressing questions about current challenges and opportunities within the region. ([URL to YESAB PPT](#))

Ryan Barry (NIRB) on Canada's Northern Approaches to EIA in the Nunavut Context

Mr. Barry described the historical, geographical, and modern factors relevant to EIA assessments in Nunavut, with a thorough vision of what the assessment process includes and what monitoring processes will follow an assessment. It closed by discussing future goals and aspirations for EIA processes in the territory. ([URL to NIRB PPT](#))

Jim Umpherson (IERB) on the Environmental Impact Review Board in the Inuvialuit Settlement Region

Mr. Umpherson outlined the history of the Inuvialuit Environmental Impact Review Board and described how the Board manages the referral of projects to EIA. The presentation considered the EIA in the Inuvialuit Region in current context, as well as future goals. ([URL to EIRB PPT](#))

Mark Cliffe-Phillips (MVRB) on Environmental Impact Assessment in the Mackenzie Valley, NWT

By discussing the past, present, and future of the Mackenzie Valley Review Board, Mr. Cliffe-Phillips provided an overview of the land and resource management in the Northwest Territories as well as the EIA process in the Mackenzie Valley. He also discussed future conditions which include paying close attention to cultural impact assessments and traditional knowledge. ([URL to MVEIRB PPT](#))

Following the presentations, delegates were once again guided through a series of conversations in which they gathered their reflections around three questions about the co-management board experiences. To the question of what was working well, delegates expressed general enthusiasm for the Canadian co-management board process, noting that the Arctic EIA boards were perceived as having legitimacy, with stakeholders generally engaged and enthusiastic. It was noted that there seemed to be a growing commitment to the importance and value of Traditional Knowledge in the co-management process.

With respect to important improvements, the main point that emerged had to do with capacity. “Building on-going capacity in communities to enable their effective participation in EIA” was expressed as being critically necessary, with ‘capacity’ related not only funding, but also how the engagement process is designed (to foster trust and partnership), and how information is made accessible and understandable. It was also noted that Canadian federal legislation (south of sixty degrees) is being improved “to reflect Arctic EIA approaches.” The hope was expressed that there would be continued progress towards co-governance.

The delegates were then invited to consider what they would recommend to ensure future success of the co-management process. Not surprisingly, their recommendations focused largely on improving capacity. Participant funding was consistently noted, including the need for resources like translators, consultants, and logistical support. A related recommendation had to do with process education—ensuring that EIA participants were able to understand and engage with the Arctic EIA processes. Also related was the recommendation that collaboration and sharing was taking place so that communities could learn from one another, embracing useful innovations and drawing lessons and developing guidelines from what worked well.

Fishbowl #1: Arctic EIA through the Lens of Regional Experts

The second day of the Workshop featured a series of ‘fishbowl’ conversations in which a subset of experts with relevant Arctic EIA experience sat in a small circle and interacted with each other around questions related to their particular areas of expertise, following which a larger outside circle of the Workshop delegates were given the opportunity to interact with the experts, asking questions and engaging in conversation. The structure of the conversation enables questions and answers to flow between the participants and the experts.



The first session was chaired by **Adam Chamberlain**, a lawyer and partner with Gowling WLG’s Environmental Law Group, specializing in northern, environmental, Indigenous and energy matters, with considerable experience working in Canada’s Northern and Arctic regions. Participating with Mr. Chamberlain in the inner circle were:

Parnuna Egede: Inuit Circumpolar Council – Greenland
JoAnne Deneron: Chairperson, Mackenzie Valley Environmental Impact Review Board
Violet Camsell-Blondin: T’licho Government
Elizabeth Copeland: Chairperson, Nunavut Impact Review Board

Significant themes in their conversation were about trust, collaboration, and partnerships in the environmental assessment process. The importance of different discussion formats, such as hearings, forums, and roundtables, were highlighted, thinking about the need to encourage active participation from multiple demographics of community members. The concept of incorporating oral history into formal public hearings and the importance of procedural fairness was also emphasized. It was noted that while the processes may be legislated, there remains room to be creative and adaptive in hearings to ensure that people are able to engage in meaningful ways.

Fishbowl #2: Arctic EIA through the Lens of Arctic Council Permanent Participants

The second session featured a conversation with **Arctic Council Permanent Participant** experts discussing their experiences and perspectives around good practices and key priorities for improving Arctic EIA processes. The centre circle participants were:

Jordan Peterson: Gwich’in Council International
Vernae Angnaboogok: Inuit Circumpolar Council – Alaska
Gunn-Britt Retter: Saami Council

Themes that emerged and resonated with delegates in this conversation included making a distinction between meaningful engagement of Indigenous peoples and meaningful engagement of Indigenous Knowledge, noting that these are not the same thing. The participants also observed that ‘capacity building’ works both ways—with a need for ‘institutions’ to adapt to Indigenous communities and knowledge as much as vice versa. Also, with respect to capacity, concerns were expressed about over-governing within some Indigenous communities, where a community member may have multiple roles that place them in an inadvertent conflict of interest. It was emphasized that every community needs to be understood within its own unique context: “If you’ve been to one Indigenous community, you’ve been to ONE Indigenous community.”

It was further noted that capacity and funding challenges can make it difficult for Indigenous governments to attract qualified candidates to their often-remote locations and provide competitive salaries. It was also highlighted that there is a lack of understanding within Indigenous communities on how one project can trigger multiple EIAs throughout its project life. There was agreement on the need for rights holders and recognized stakeholders to work together from the earliest stages. The importance of regional and strategic environmental assessment processes and lands use planning were highlighted – with both seen as being integral.

Fishbowl #3: Arctic EIA Projects through the Lens of Industry

The third session looked at Arctic EIA good practices and key priorities for process improvements through the lens of Industry. The Industry experts were:

Claudine Lee: Dominion Diamond
Kenneth Ruptash: Nahanni Construction Ltd.



Kjerstin Lange: Statoil
Erik Madsen: DeBeers, Canada
Tom Hoefer: NWT & Nunavut Chamber of Mines

An industry-related theme that resonated with delegates was expressed “as the need to ensure meaningful engagement as early as possible with a view to working diligently to understand what is truly important to people in a community”. Early engagement was seen as a fundamental step towards building positive relationships between industry and local communities. The idea of a ‘Pathfinder’ was mentioned as a potentially useful role to help navigate communities and processes. Small companies face particular challenges and need more help at the ‘front end’ of their work. Increasing Industry representation on governance boards was seen as a way to increase effectiveness.

The representatives noted that industry is often understandably reluctant to work where there is lack of clarity or uncertainties about EIA process, land tenure, and ownership. Thus, there is more investment in areas with settled land claims. Concerns were expressed about the potential for duplicative efforts between EIA and regulatory permitting processes, with a preference for finding efficiencies where possible. Finally, the importance of being adaptable and seeking creative win/win solutions for the good of communities and investors was seen as essential.

Fishbowl #4: Arctic EIA through the Lens of the Canadian Pan-Territorial Board Forum (CanNor)

The final ‘fishbowl’ conversation considered on the Arctic EIA processes through the lens of the Canadian Pan-Territorial Board Forum, led by CanNor. The panel experts were:

Ryan Barrie: Nunavut Impact Review Board
Teresa Joudrie: Northern Projects Management Office
Bernard Larochelle: Northern Projects Management Office
Mark Cliffe-Phillips: Mackenzie Valley Environmental Impact Review Board

This conversation highlighted the strong networking processes underway for EIA practitioners under the Pan-Territorial Board Forum. Repeated themes emphasized collaboration, getting together, sharing information and resources. It was noted that CanNor has collaboratively developed tools and resources that are available for sharing with a view to building capacities (including, e.g., web tools, HR information, and various training materials).

Paying attention to the larger contexts and systems, working always to build trust, being adaptive and generous with information, working collaboratively and proactively to increase capacity were all seen as essential parts of the Pan-Territorial Board Forum initiative.

It was noted that certainty provided by land claims agreements in the areas of land use planning and land access/ownership issues serves to clarify and streamline many Arctic EIA processes. In some cases, these land claims agreements have “led to world-class EIA systems.”

(NOTE: To date there have been three Pan- Territorial EIA forums, (one in each of Nunavut, the Northwest Territories, and Yukon). The reports are all available [here](#) and may be of benefit to the SDWG Arctic EIA Project’s Editorial Committee.)

General Observations from the ‘Fishbowl’ Conversations

At the conclusion of the four ‘fishbowl’ sessions, delegates were invited to gather their thoughts, observations, and conclusions with respect to Arctic EIA good practices and key priorities for improving processes. Six general observations emerged:

- (1) While the EIA co-management systems in northern Canada seem to be working well, these processes are the result of years of hard work and a shared commitment to continuous improvement.
- (2) Every Arctic community is unique. While they are necessary in the respective regional processes, ‘standardized procedures’ may not always apply elsewhere. Common Arctic EIA principles, however, do exist across many jurisdictions.
- (3) Collaboration is critically important at every stage, phase and scale, from beginning to end. It is essential from the start to have a plan for collaboration.
- (4) ‘Partnership’ needs to be genuine and equal. Trust takes time to build.
- (5) The EIA processes (systems, protocols, etc.) as good as they might be, are necessarily affected by issues that lie outside of the EIA process, such as land access, mineral tenures, oil and gas dispositions, etc.
- (6) Indigenous/government relationships are underway at federal and regional levels in Canada (land claims, reconciliation), with a view to improving EIA processes.

Arctic EIA Priorities, Best Practices, Challenges and Opportunities: Drawing out Insights

At the conclusion of the various plenary sessions, delegates worked in diverse break-out groups to consider and identify emerging insights about Arctic EIA priorities, best practices, challenges and opportunities, each group viewing the question from one of the following perspectives:

- Public Perspective (communities, NGOs, academia, etc.)
- Indigenous Governments/Organizations
- Industry
- Governments (non-indigenous)
- EIA Co-management Boards

Each group was asked to consider two extremes: ‘Heaven’ and ‘Hell’—the best and worst possible outcomes they could imagine for the perspective they were considering. Having

described the two extremes, the groups provided practical recommendations to avoid the negative and ensure the positive outcomes. The group conclusions are summarized below. (The complete data is included in the transcription in Appendix C.)



Public Perspective Insights

The desired outcome from the public perspective groups would be Arctic EIA decisions that maximized positive impacts and minimized negative impacts, founded upon and growing out of transparent and fair processes in which community perspectives, concerns and priorities were heard, respected, and genuinely taken into account.

The Public Perspective recommendations included:

- Ensure that scientific/technical data is made available in plain language, understandable to non-specialists
- Ensure that the co-application of Indigenous knowledge from local/community members is taken seriously and supplements the scientific/technical data
- Incorporate and include public input in all Arctic EIA processes and decision-making—the processes are transparent and open.
- Ensure that those who will be impacted have a say in the final decision-making
- Rights and ownership issues need to be recognized.
- Legislation needs to serve these outcomes

Indigenous Governments/Organizations Perspective Insights

A desired outcome from Indigenous governments/organizations would be Arctic EIA processes in which they would be treated like governments, and be fully integrated into the review and decision-making processes with equal participation in raising concerns and making decisions.

Their recommendations included:

- Empower Indigenous governments
- Provide adequate resources
- Co-design the EIA processes, ensuring that models and frameworks reflect Indigenous perspectives



Industry Perspective Insights

The groups that considered the desired outcome from the perspective industry described ideal Arctic EIA decisions as those in which the EIA process is predictable, rule-based, and collaborative.

Their recommendations included:

- Communities develop Consultation Guides
- Work together to identify risk factors and opportunities for shared benefits
- Avoid/prevent ‘project-splitting’ through careful IA process scoping, with clear responsibilities for proponents, boards, regulators
- Ensure that Industry is at the table for project-specific harmonization negotiation
- Initiatives to increase public awareness and education about human rights in general and Indigenous rights in particular
- Capacity is an issue in the North. A strong need to ensure that sufficient human and financial resources are provided

Public Governments Perspective Insights

The public government perspective groups described the ideal Arctic EIA decisions as those in which the EIA process is well-defined, inclusive and transparent; in which decisions are based on the best available information, including traditional and scientific knowledge; in which the process is timely and effective; and in which socio-economic and environmental benefits are maximized, to the satisfaction of all parties.

Their recommendations were:

- Support a “Pan-Arctic” framework that would incorporate the best available knowledge from Western science as well as from Indigenous knowledge
- Support early and consistent engagement to inform evidence-based, balanced and timely decision-making

EIA Co-Management Boards Perspective Insights

The desired outcome from the EIA Co-management Boards groups would be Boards made up of members who are active, well-informed, and adequately resourced, able to reach agreement and make timely decisions, issuing recommendations that are accepted by Indigenous peoples, proponents, and the territorial government and which result in minimal adverse impact.

Their recommendations included:

- Ensure that Board member qualifications are clearly defined
- Ensure cultural awareness and respect
- Make timely appointments
- Ensure adequate funding and resources (including for participants)
- Support public involvement and be creative and adaptive in engaging input (e.g., written/oral, formal/informal)
- Publish guidelines and procedural ‘handbooks’
- Provide training and development opportunities (e.g., around public hearing participation, rules of procedure, administrative law and fairness, etc.)
- Be transparent and generous with information
- Practice open scoping
- Use plain language (with translation) for EIA information
- Express information in terms of impacts
- Be sensitive to the broad context of each project/community

Collective Visioning: Mapping the Pathway to the Ideal Arctic EIA Processes

The third day of the Workshop invited the Delegates to engage around the various strands and themes that had so far emerged, drawing on all that they had discussed and considered. In light of all that had been presented and discussed, the delegates were charged with two tasks:

- (1) Describe what the Arctic EIA process ‘success’ looks like (thinking in terms of a three-year timeline)

- (2) Draft a concrete proposal, outlining how that ‘success’ can be achieved.

Arctic EIA Success: Defining and Describing Success

Delegates were divided into a total of nine diverse working groups in which they collaborated to define what EIA success would look like in 2021, from which the following core themes clearly and consistently emerged (the raw data is available in Appendix C):

- ‘Impact’ is understood broadly, including every aspect of the environment. As well as the natural environment, consideration is given to social, cultural, and economic concerns. Moreover, these are considered with respect to the present and also with respect to the future, thinking of how future generations will be impacted.
- The Arctic EIA processes are transparent and inclusive, reflecting a positive and collaborative involvement between all concerned parties, including industry, boards, governments, indigenous communities and all other stakeholders and rights holders.
- Roles and responsibilities are well-defined and clear.
- Processes are fair, clear and well-defined, using plain language and drawing upon the full range of knowledge and knowledge systems.
- Decisions produce clear, achievable and sustainable actions—reflecting both the negative and positive impacts of a project, with concern extending not only to minimizing negative impacts, but also addressing how to maximize positive impacts.
- On-going monitoring is part of the process, with clear rules and mechanisms for re-visiting decisions as required.

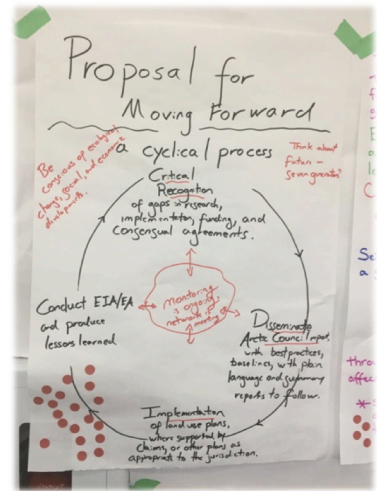
Arctic EIA Proposals: Concrete Suggestions for Moving Forward

After outlining what a successful Arctic EIA process would look like in 2021, the nine groups of delegates were asked to draft concrete “next step” proposals to make possible the success they described. Each group’s proposal was then reviewed by the other groups and refined on the basis of feedback received. At the conclusion of the process delegates indicated which of the proposals they most supported. The bullets below represent an amalgamation of what emerged. (Each of the proposals are reproduced in Appendix C and are valuable to read at length.)

- Audit current practices, form working groups, hold workshops to develop new/improved guidelines that take into account concerns identified: cumulative effects, socio-economic and cultural impact; improved scoping and EIA guidelines; climate change; consider sustainability and well-being.
- Design and implement a series of culturally appropriate forums, workshops, and/or working groups to identify priorities and scope, including issues that are trans-boundary.
- Invite all affected parties to participate in a collaborative way [government, developers, stakeholders, rights-holders (aboriginal governments), public, etc].



- Examine existing legislation to determine whether it supports achieving an Arctic EIA process that is fair, consistent, transparent, adaptable and inclusive; a process that supports well-informed outcomes, capable of producing clear, achievable actions that result in sustainable activities for present and future generations.
- Draft meaningful engagement guidelines that are
 - Adaptable to communities
 - Toolkits (That are adaptable)
 - Set procedures, critical steps and procedures defined
 - Flexible
- Create models for early and meaningful engagement
- Develop a toolkit of consultation mechanisms and processes
- Set thresholds and create guidelines for what makes a good project, taking into account
 - Criteria for assigning significance
 - Cumulative effects
 - Generational effects (positive/negative legacy)
 - Social, cultural, economic, health impacts
 - Environmental impacts
- Address capacity issues—ensure that all are able to participate effectively in the process
- Disseminate information, share experiences and best practices, put documents online, with translation and visual tools
- Clarify terminology and definitions—identify knowledge systems for purpose of common understandings
- Address pre-EIA planning and engagement questions—establish best practices and guidelines (E.g., what information is needed at the very beginning for planning and engagement?)
- Summarize and report what this workshop identified as ‘EIA Heaven’ and steps to it in SDWG report



Review of Workshop Outcomes and Next Steps

The final workshop process allowed the delegates to reflect on their individual experiences of the workshop with a view to considering what would be wise next steps for them individually and professionally. Delegates were invited to consider three questions:

- (1) What? Over the course of the workshop, what did you notice? What jumped out at you?
- (2) So What? Given what you notice, what do you make of things? What hypotheses do you form?
- (3) Now What? In light of what you observed and considered, what is your next ‘wise action’ to achieve what you have identified as being important?

The results of these conversations were intended to be useful to the delegates as individuals, enabling them personally to identify and take action around what was important to them in their particular and unique contexts and professional concerns. Nevertheless, responses to the first two questions were gathered, with the most consistent themes and observations noted below. (No data was collected concerning the personal third question. Responses to the first two questions are reproduced in full in Appendix C.)

What?

A consistent observation noted how much commonality there was among and between all the WORKSHOP participants. There were similar EIA objectives and values, even across nations. There were also similar struggles and challenges, especially with respect to capacity, community engagement, indigenous rights, and making use of Indigenous knowledge.

Given the commonalities, it was also noted that there was a great deal to learn from one another, sharing resources, best practices, and Arctic EIA success stories. Appreciation was expressed for the network among and between the delegates, characterized by a common desire to innovate, to improve Arctic EIA practice and learn from each other.

On the other hand, several delegates, while affirming all the above, also noted that practical solutions were less common than descriptions of problems and challenges.

So What?

The primary theme that emerged from the ‘So What?’ question had to do with the value and the importance of sharing and learning from one another. Noting how many commonalities they shared, great value was seen in gathering ‘interesting/good/bad’ case studies and experiences and making them accessible to the network. The common concerns and challenges, along with the presence of shared values and goals, afford a significant opportunity for collaborating and leveraging respective knowledge and resources.

Overall Concluding Summary from the Workshop Presentations and Conversations

Reflecting on the Workshop as a whole and reviewing all of the responses that were collected from the various conversations, eight primary conclusions emerge. These are as follows (in no particular order):

- A circumpolar network of Arctic EIA practitioners is vitally important for knowledge-sharing and advancing best-practices. (Action that is integrated, coordinated, coherent, and consistent.)
- Meaningful engagement/Public participation is critical for a successful Arctic EIA process. Participants must be informed, have an opportunity to be heard in a manner that is culturally appropriate, and have the necessary resources to engage meaningfully. Addressing capacity issues is a serious need around engagement.
- While certainty and trust in the process is necessary, Arctic EIA processes must be adaptable and contextually sensitive. Stakeholders and rights-holders must have real opportunity to provide input in the scope and design of the Arctic EIA processes.
- Arctic EIA processes must adapt to recognize, understand, and value different knowledge systems (such as Indigenous knowledge).
- Legislation plays a critical role in creating certainty but must allow for adaptability in the Arctic EIA process to ensure that there is meaningful engagement by stakeholders and rights-holders appropriate to the context of the assessment.

- Roles and responsibilities must be clearly identified. All stakeholders, partners, rightsholders should be appropriately resourced to participate in the Arctic EIA process.
- Assessments should be conducted holistically, taking into account ecology, socio-economic concerns, cultural values and traditions, as well as temporal considerations—thinking of impacts over generations.
- Assessment decisions should:
 - Be based on existing plans and values (cultural, environmental, etc.) identified through the engagement process
 - Recognize both the negative and positive impacts of a project undergoing assessment
 - Be transparent from beginning to end



Appendix A: Workshop Delegates

| | | | |
|-----------------------------|--|---|-------------------------------------|
| Adam Chamberlain | GCI/Gowlings WLP | Advisor/Senior Partner | Adam.Chamberlain@gowlingwlg.com |
| Adrian Paradis | CanNor | Senior Project Manager | adrian.paradis@canada.ca |
| Alan Ehrlich | Mackenzie Valley Review Board | Manager Environmental Impact Assessment | aehrich@reviewboard.ca |
| Allison Stoddart | Parks Canada | Environmental Assessment Specialist | allison.stoddart@pc.gc.ca |
| Andrea Hoyt | Nunatsiavut Government | Environmental Assessment Manager | andrea.hoyt@nunatsiavut.com |
| Andrew Smith | Government of Yukon | Senior Planner, Major Projects Yukon | andrew.smith@gov.yk.ca |
| Anni-Helena Ruotsala | The Sami Parliament of Finland | Environmental Secretary | anni-helena.ruotsala@samediggi.fi |
| Barrett W Horne | Onfoot Consulting | Sole Proprietor | barrett@onfoot.net |
| Bernard LaRochelle | Canadian Northern Economic Development Agency | Project Manager | Bernard.laRochelle@canada.ca |
| Bert Dean | Nunavut Tunngavik Inc. | Assistant Director, Wildlife and Environment | bdean@tunngavik.com |
| Brett Wheler | Mackenzie Valley Review Board | Sr. Environmental Assessment Policy Advisor | bwheler@reviewboard.ca |
| Bridget Larocque | Arctic Athabaskan Council | Researcher/Advisor | doogie3@hotmail.com |
| Bryony McIntyre | Yukon Environmental and Socio-economic Assessment Board | Board Member | bryony.mcintyre@yesab.ca |
| Cathy Jewison | Government of the NWT | Intergovernmental Relations Analyst | cathy_jewison@gov.nt.ca |
| Charlotte Henry | GNWT Department of Lands | Project Assessment Analyst | charlotte_henry@gov.nt.ca |
| Chief Bill Erasmus | Dene Nation | Regional Chief, NWT | berasmus@afn.ca |
| Claudine Lee | Dominion Diamond | Head of Environment | claudine.lee@ddcorp.ca |
| Crystal Lennie | Inuvialuit Environmental Impact Review Board | IGC Board Member | clennie@eirb.jointsec.nt.ca |
| David Krutko | Mackenzie Valley Review Board | Board Member | admin@reviewboard.ca |
| Elizabeth Copland | Nunavut Impact Review Board | Chairperson | ecopland@nirb.ca |
| Erika Zell | Government of Nunavut | Avatiliriniq Coordinator | ezell@gov.nu.ca |
| Erik Madsen | De Beers Canada Inc. | General Manager, Sustainability | Erik.Madsen@debeersgroup.com |
| Georgina Chocolate | Tłı̄chǫ Government | Traditional Knowledge Researcher | georginachocolate@tlicho.com |
| Ginger Gibson | The Firelight Group | Director | ginger.gibson@thefirelightgroup.com |
| Gunn-Britt Retter | Saami Council | Head of Arctic and Environmental Unit | gbr@saamicouncil.net |
| Herb Angik Nakimayak | Inuit Circumpolar Council | Vice President | hnakimayak@inuitcircumpolar.com |
| Hillary Corley | Government of Yukon | Mining Lands Coordinator | hillary.corley@gov.yk.ca |
| James Eetoolook | Nunavut Tunngavik Inc. | Vice President | jeetoolook@tunngavik.com |
| James Neary | Crown Indigenous Relations and Northern Affairs Canada | Environmental Policy Analyst | james.neary@canada.ca |
| Jay Chou | Yukon Government | Mineral Consultation Advisor | jay.chou@gov.yk.ca |
| Jill Baker | International Association for Impact Assessment | Executive Director | jill@iaia.org |
| Jim Umpherson | Inuvialuit Environmental Impact Review Board | Canada Board Member | jumpherson@eirb.jointsec.nt.ca |
| JoAnne Deneron | Mackenzie Valley Review Board | Chairperson | admin@reviewboard.ca |
| Jordan Peterson | Gwich'in Council International / Gwich'in Tribal Council | Board Member / Deputy Grand Chief | jordan.peterson@gwichin.nt.ca |
| Kenneth Ruptash | Nahanni Group of Companies | Vice President | kenny@nahannincl.com |
| Kim Pawley | Indigenous and Northern Affairs Canada | Manager - EA, Land Use Planning and Conservation | kim.pawley@canada.ca |
| Kjerstin Lange | Statoil | Leading Advisor, Impact Assessment and Social Performance | kjsla@statoil.com |
| Lauren Perrin | Government of Nunavut | Project Manager, Impact Assessment | lperrin@gov.nu.ca |

| | | | |
|-------------------------------|---|--|-----------------------------------|
| Leif Schenstead-Harris | Circumpolar Affairs Directorate, CIRNA | Junior Social Policy Analyst | leif.schenstead-harris@canada.ca |
| Loretta Ransom | GNWT Environment and Natural Resources | Manager, Environmental Impact Assessment | Loretta_ransom@gov.nt.ca |
| Lorraine Seale | GNWT Department of Lands | Director Securities and Project Assessment | lorraine_seale@gov.nt.ca |
| Mark Cliffe-Phillips | Mackenzie Valley Review Board | Executive Director | mcliffephillips@reviewboard.ca |
| Martin Guilbeault | Crown Indigenous Relations and Northern Affairs | Director, Environment | martin.guilbeault@canada.ca |
| Matt Bender | CIRNA - Circumpolar Affairs (SDWG) | Senior Advisor | matt.bender@canada.ca |
| Melissa Pink | GNWT Department of Lands | Manager, Project Assessment | Melissa_pink@gov.nt.ca |
| Michael Pealow | Facilitator | | consulting@michaelpealow.com |
| Miriam Padolsky | Canadian Environmental Assessment Agency | Director, Policy Development Sector | miriam.padolsky@ceaa-acee.gc.ca |
| Mishal Naseer | Nunavik Marine Region Impact Review Board | Director | mnaseer@nmrnb.ca |
| Morgan Moffitt | GNWT Department of Health and Social Services | Senior Impact Assessment Analyst | Morgan_moffitt@gov.nt.ca |
| Natasha Klink | Indigenous and Northern Affairs Canada | Environmental Assessment Co-op Student | natasha.klink@canada.ca |
| Ole Geertz-Hansen | Greenland Institute of Natural Resources | Senior Scientist | olge@natur.gl |
| Päivi A. Karvinen | Arctic EIA Project, Ministry of the Environment - Finland | Project Coordinator | paivi.karvinen@ym.fi |
| Pamela Lesser | Arctic Centre, University of Lapland | Researcher | pamela.lessler@ulapland.fi |
| Parnuna Egede | Inuit Circumpolar Council / Aalborg University | PhD Fellow | parnuna@plan.aau.dk |
| Ryan Barry | Nunavut Impact Review Board | Executive Director | rbarry@nirb.ca |
| Sara French | Gwich'in Council International | Advisor | gciadmin@gwichin.nt.ca |
| Sarah Cox | Crown Indigenous Relations and Northern Affairs | Director, Circumpolar Affairs & Head of Delegation, SDWG | sarah.cox@canada.ca |
| Seija Rantakallio | Ministry of the Environment - Finland | Ministerial Advisor, Project Leader of the Arctic EI | seija.rantakallio@ym.fi |
| Shailyn Druksis | Council of Yukon First Nations | Climate Change Community Liaison | Shailyn.druksis@cyfn.net |
| Shane Kilpatrick | Crown-Indigenous Relations and Northern Affairs | Manager - Environmental Stewardship and Policy | shane.kilpatrick2@canada.ca |
| Sophia Granchinho | Nunavut Impact Review Board | Manager Impact Assessment | sgranchinho@nirb.ca |
| Sunny Munroe | Mackenzie Valley Review Board | Board Member | admin@reviewboard.ca |
| Ted Boling | Council on Environmental Quality | Associate Director | eboling@ceq.eop.gov |
| Teresa Joudrie | CanNor | Acting Director General NPMO | Teresa.Joudrie@canada.ca |
| Tim Smith | Yukon Environmental and Socio-economic Assessment Board | Executive Director | tim.smith@yesab.ca |
| Tom Hoefer | NWT and NU Chamber of Mines | Executive Director | executivedirector@miningnorth.com |
| Tracy Utting | Canadian Environmental Assessment Agency | Prairie and Northern Region | tracy.utting@ceaa-acee.gc.ca |
| Vernae Angnaboogok | Inuit Circumpolar Council | Cultural Sustainability Advisor | vernae@iccalaska.org |
| Violet Camsell-Blondin | Tłı̨chǫ Government | Manager, Research Operation & Training | violetcamsellblondin@tlicho.com |
| Willard Hagen | GNWT Department of Lands | Deputy Minister | willard_hagen@gov.nt.ca |
| Yvonne Nakimayak | Mackenzie Valley Review Board | Board Member | admin@reviewboard.ca |
| Zabey Nevitt | Tłı̨chǫ Government | Senior Policy Advisor | zabeynevitt@tlicho.com |

Appendix B: Workshop Agenda

DAY 1 – TUESDAY, APRIL 24, 2018

0800 REGISTRATION AND CONTINENTAL BREAKFAST

0900 WELCOME

- Yellowknives Dene Drummers
- Chief Sangris – Yellowknives Dene First Nation
- Sarah Cox – Canadian Head of Delegation to the SDWG
- Willard Hagen – Deputy Minister, Department of Lands, Government of the Northwest Territories

0930 INTRODUCTION OF SESSION AND GOALS

- Barrett Horne and Michael Pealow – Workshop Facilitators

1000 KEYNOTE SPEECH

- Jill Baker – International Association of Impact Assessment

1015 BREAK

1030 PLENARY SESSION

Arctic EIA Project Results to Date

- Seija Rantakallio – Genesis & Evolution of the Arctic EIA Project
- Vernae Angnaboogok – Results from the Utqiagvik (Barrow), Alaska Workshop
- Paivi Karvinen / Anni-Helena Ruotsala – Results of the Rovaniemi, Finland Workshop

1130 PLENARY FACILITATED DISCUSSION

Drawing out the lessons: Priorities and Drivers for a Completed and Effective Arctic EIA Project

- How can the results of this work be used to drive future improvements to Arctic EIA; and
- What are the key steps and opportunities for getting there?

1200 LUNCH (PROVIDED) AND PRESENTATION

Impact Assessment in the Arctic

- Ginger Gibson – Firelight Consultants

1300 PLENARY FACILITATED DISCUSSION

Fundamental Principles of Arctic EIA

- What are the basic conditions required for successful EIA?

1430 BREAK

1445 FACILITATED DISCUSSION

Canada's Northern Approaches to EIA

- Ryan Barry – Nunavut Impact Review Board
- Mark Cliffe-Phillips – Mackenzie Valley Environmental Impact and Review Board
- Tim Smith – Yukon Environmental and Socio-Economic Assessment Board
- Jim Umpherson – Inuvialuit Environmental Impact Review Board

1545 FACILITATED DISCUSSION

EIA Lessons and Recommendations

- As partners to northern EIA processes, where are we seeing success?
- What ongoing barriers are impeding meaningful engagement and improved decision-making?
- What does successful EIA look like in the future?

1630 ADJOURN DAY ONE

1730 DINNER & CULTURAL EVENT

Prince of Wales Northern Heritage Centre, Museum Café

DAY 2 – WEDNESDAY, APRIL 25, 2018

0800 CONTINENTAL BREAKFAST

0900 WELCOME AND INTRODUCTION OF DAY TWO

0930 ARMCHAIR DISCUSSION

Regional Experts

Led by Adam Chamberlain – Gowling WLG’s Environmental Law Group

- James Eetoolook – Nunavut Tunngavik Inc.
- Parnuna Egede – Inuit Circumpolar Council / Aalborg University

1015 BREAK

1030 FACILITATED DISCUSSION

Arctic Council Permanent Participants

- Jordan Peterson – Gwich’in Council International
- Bridget Larocque / Regional Chief Bill Erasmus – Arctic Athabaskan Council
- Vernae Angnaboogok / Herb Nakimayak – Inuit Circumpolar Council
- Gunn-Britt Retter – Saami Council International

11:30 FACILITATED DISCUSSION

Industry Perspectives

- Claudine Lee – Dominion Diamonds
- Tom Hoefler – NWT and Nunavut Chamber of Mines
- Erik Madsen – De Beers Canada Inc.
- Kenny Ruptash – Nahanni Group of Companies
- Kjerstin Lange – Statoil Norway

1215 LUNCH (PROVIDED)

1315 FACILITATED DISCUSSION

Canadian Pan-Territorial Board Forum

Led by the Canadian Northern Economic Development Agency

- Teresa Joudrie – CanNor
- Ryan Barry – Nunavut Impact Review Board

1420 FACILITATED DISCUSSION

EIA Priorities, Best Practices, Challenges and Opportunities

- Drawing out and clarifying emerging key insights about EIA Priorities, Best Practices, Challenges and Opportunities

1445 BREAK

1500 FACILITATED DISCUSSION

EIA Priorities, Best Practices, Challenges and Opportunities

- Continuing to draw out and capture emerging insights about EIA Priorities, Best Practices, Challenges and Opportunities

1630 ADJOURN DAY TWO

1830 EVENING ACTIVITY – OPTIONAL, BOOKED IN ADVANCE

DAY 3 – THURSDAY, APRIL 26, 2018

0800 CONTINENTAL BREAKFAST

0900 WELCOME AND INTRODUCTION OF DAY THREE

0930 ROUND ONE: EIA COLLECTIVE VISIONING

1000 ROUND TWO: MAPPING THE PATHWAY(S) TO THE IDEAL EIA OUTCOME

- Identifying 'Practical Steps' to get there

1045 BREAK

1100 ROUND THREE: EIA COLLECTIVE VISIONING – NEXT STEPS

- Drafting a set of comprehensive 'proposals' to capture next steps, objectives, and goals for Arctic EIA

1200 LUNCH (PROVIDED)

1300 ROUND FOUR: REFINING AND CONSOLIDATING PROPOSALS

- Articulating a Critical Path

1415 BREAK

1430 REVIEW OF WORKSHOP OUTCOMES AND INDIVIDUAL NEXT WISE ACTIONS

- Review of the observations and conclusions of the workshop to identify recommended actions and next steps

1600 OBSERVATIONS AND RESPONSE FROM ARCTIC EIA PROJECT EDITORIAL COMMITTEE

1615 ADJOURN THE WORKSHOP & CLOSING PRAYER

(The full Workshop Program is available online: http://www.sdwg.org/wp-content/uploads/2018/05/NCR-10550057-v1-ARCTIC_EIA_YELLOWKNIFE_PROGRAM_APRIL_24-26_18.pdf.)

Appendix C: Annotated Transcript of Facilitated Conversation Outcomes

The following represents, in chronological order, a transcript of the outcomes from the facilitated conversations at the Yellowknife Arctic EIA Project Workshop, reflecting the content of the conversation artifacts (Post-it notes and flipcharts). With the exception of minor corrections and edits for clarity (e.g., expanding abbreviations), the wording is exactly as provided by participants. Where there is uncertainty, it has been indicated in square [] brackets.

Red font has been used where participants indicated preferences by way of 'dotmocracy votes'. The number of dots received is indicated in square brackets.

DAY #1 - TUESDAY, APRIL 24, 2018

INTRODUCTION OF SESSION AND GOALS

What I hope to bring:

- Experience
- Curiosity
- Different points of view
 - Traditional knowledge
 - Regional perspectives

What I hope to receive:

- To understand the issues
- To advance progress
- For indigenous peoples to have their say
- Opportunities for collaboration
- Open space
- How Traditional Knowledge research is being conducted internationally

SUMMARY OF THE ARCTIC EIA PROJECT RESULTS TO DATE

- Genesis & Evolution of the Arctic EIA Project –Seija Rantakallio, Project Lead (Finland)
- Results from the Utqiagvik (Barrow, AK Workshop) - Vernae Angnaboogok, ICC Alaska
- Results of the Rovaniemi, FI Workshop – Paivi Karvinen, Finland and Saami Parliament

FACILITATED CONVERSATION: Drawing out the lessons: Priorities and Drivers for a Completed and Effective Arctic EIA Project

1. *How can the results of this work be used to drive future improvements to Arctic EIA; and*
2. *What are the key steps and opportunities for getting there?*

(Using Post-it notes, participants in table groups decided 1 – 2 conclusions around these questions, recording one conclusion per Post-it note. These were then posted and reviewed by the group as a whole. Each primary bullet point below is the transcription of a Post-it note produced by the table groups.)

- Follow-up and continuous engagement (permanent relationship building)
- Discussion/website/keep talking/commitment to seminars like this
- Right holder -Fund [*sic. Might refer to providing funding for rights-holders*]
- Define cultural impacts and importance in EA. DEFINITION OF SIGNIFICANT IMPACT
- RDAG; Resource development meeting with proponent, government, agencies, prior to EA
- Common themes give outcomes more weight—identify challenges + P.P = Encourage others [*sic. Not sure what P.P. represents.*]
- Early and often meaningful engagement for all groups (industry, indigenous groups) – unbiased consultation prior to decisions being made
- Good documentation from workshop—what can be put into practice quickly
- Develop standard expectations with respect to provision of traditional knowledge
 - Compensation
 - Ownership
- Incorporate results in policy and/or legislation
- Overcoming language and cultural barriers for clear communication
- Document and utilize lessons from other countries
- How can results drive future work?
 - Change in Government policy and understanding to involve communities/indigenous people in the whole process of EIA
 - Involve communities and indigenous people from the beginning to end and include in the design making process
- Network
- Consolidate Ideas Framework
- Recommendations to Government—are they heard?
- Specific recommendations—with examples
- Decisions based on values
- Best practices—share information, develop a network
- Modernize assessment process to meet today’s needs. E.g.:
 - Protect caribou
 - Address climate change

- Carry out case studies to test EIA-related guidelines to ensure effectiveness and validity
- Improvements: further communications to understand and improve best practices
 - The ability to be adaptive
- Common understanding of indigenous rights

- Understanding differences between rights-holder and stakeholder
- Use knowledge systems together (local, traditional, etc.) for informed decisions
- Key steps: Direct engagement between developer and indigenous community (from very early and collaborative)
- Opportunities (key steps): Exchanges and secondments (long term working relationships)

FACILITATED CONVERSATION - Fundamental principles of Arctic EIA

Question: If you were responsible for drafting 1 or 2 “commandments” (critically necessary, genuinely vital) for a successful EIA anywhere in the world, what would it/they be?

(Using Post-it notes, participants in table groups agreed upon 1 – 2 ‘commandments’, recording one conclusion per Post-it note. These were then posted and reviewed by the group as a whole. Participants were subsequently given three sticky dots with which to indicate what they viewed as most important to note. The notes receiving dots are in red font. The number of dots (i.e. ‘votes’) received is also indicated, with those receiving the most ‘votes’ at the top of the list.)

- Consideration of time in EIA to mitigate risks and maximize benefits through generations **(x22)**
- Companies shall engage early, honestly, openly and provide capacity. Coordinated approach by government and industry. **(x18)**
- Collective understanding of significant (adverse) impact, incorporating traditional knowledge, local knowledge, science, etc. Upholding modern treaties and indigenous/crown, provincial/territorial relationships (legislation/regulation). **(x16)**
- Collaborate **(x12)**
- Engage and consult meaningfully with rights holders and stakeholders **(x11)**
- Focus on well-being **(x11)**
- Good engagement planning prior to a project design to better inform impact assessment **(x10)**
- Ensure long-term commitment to mitigation agreements **(x7)**
- Listen with an intent to understand, incorporate what you have heard into your decision-making—listen, incorporate, reflect **(x6)**
- Meaningful cultural impact assessment **(x5)**
- Comprehensive, accessible and accurate information **(x5)**
- Thou shalt establish a clear process including a clear terms of reference (or guidelines). **(x5)**
- Identifying all relevant knowledge sources and strategic needs and values at start of EIA process **(x4)**
- Seek to provide best possible outcomes while minimizing harm **(x4)**

- Indigenous communities input to come from them not someone 'interpreting' for them (x4)
- Thou shalt have respect for ecosystems (x3)
- Immersive engagement throughout the process (x2)
- Work toward zero sum assessment process (x2)
- Thou shalt have buy-in from the most effected
- Meaningfully engage all affected persons on their interests and values
- Thou shalt assess all risks following the application of mitigation measures

Presentations - Northern Approach to Co-Management in EIA:

Theme: Where we've come from, where we are now, and where we want to be

- Nunavut Impact Review Board (NIRB)
- Mackenzie Valley Environmental Impact & Review Board (MVEIRB)
- Yukon Environmental and Socio-Economic Assessment Board (YESAB)
- Tlicho EIRB
- Inuvialuit EIRB

FACILITATED CONVERSATION - Co-management Lessons and Recommendations

- As partners to co-management processes, where are we seeing success?
- What ongoing barriers are impeding meaningful engagement and improved decision-making?
- What does successful co-management and good environmental decision-making look like in the future?

From interviews and stories, table groups provided 1 – 2 concrete answers to each of these questions:

1. What is working **well**?
2. What is most important to **improve**?
3. What are your **recommendations** for future success?

Working well:

- Government agency in place to ensure engagement process was successful and/or complete in the EA
- Organizational structures
- Co-management bodies
- Ability to say 'yes' or 'no'
- Solid guidelines and processes
- Internal process to facilitate dialogue between governments for issuing joint decision documents
- Board led engagement is working well
- Arctic EIA boards have legitimacy
- Respect for Traditional Knowledge

- Stakeholders are engaged and enthusiastic!
- Commitment Traditional Knowledge to co-management <<expands>>

Most important to improve:

- Movement towards co-governance
- Decisions be accepted; One project—one process
- Capacity of communities to participate
- Capacity to engage and to be meaningful
- Developing standard mitigations for predictable effects (reduces pressure on resources/workload) First Nation governments
- Building and supporting on-going capacity in communities to enable their effective participation in EIA
- Improve Federal legislation to reflect Arctic EIA approaches
- Support for indigenous engagement
- Participant funding
- How to understand large volume of information—scoping and focus
- Improve Proponent’s design of engagement process, based on trust, relationships, partnerships

Recommendations for future success:

- \$ More funding programs for communities
- Participant funding necessary
- Provide or develop participant funding mechanism
- Efficiencies and building capacity
- Capacity—money and other resources (translators, consultants, logistics)
- Settlement of rights and land claim agreements
- Keep revisiting and updating guidelines
- Adaptable EIA process; Focused and scaled to the impact
- Provide opportunities for process education and discussion (schools, MVRMA workshops)
- Share innovations—learn from what others are doing well

DAY #2 - WEDNESDAY, APRIL 25, 2018

FISHBOWL CONVERSATION REGIONAL EXPERTS

Adam Chamberlain, a lawyer and partner with Gowling WLG’s Environmental Law Group

Parnuna Egede: Inuit Circumpolar Council – Greenland

JoAnne Deneron: Chairperson, Mackenzie Valley Environmental Impact Review Board

Violet Camsell-Blondin: T’licho Government

Elizabeth Copeland: Chairperson, Nunavut Impact Review Board

Observations, insights and reflections arising out of ‘fishbowl conversation’. Red font indicates ‘dotmocracy’ choices with number of dots also indicated.

- What if we don’t make guidelines but standards (like ISO)?
- Prioritize projects that benefit indigenous peoples and build capacity
- Collaboration/partnerships [are vital]
- Long-term/strategic plans [are vital]
- Experiencing other processes to learn from each other [is valuable]
- Getting people to speak can be difficult. So can getting people to stop speaking. (x1)
- Respecting cultural protocols and process needs can be difficult (e.g., elders talking)
- Fear of conflict/Need to work together. Format can make a difference. (Hearings? Forums? Roundtables? Facilitated?) (x4)
- Trust goes a long way toward improving participation
- People speak when it’s important about what’s important to them
- Make room for everybody (equal time)
- Pre-briefing/debriefing helps (expectations) (x1)
- Procedural fairness is important
- Be sensitive to where you are and the conditions (x1)
- Trust in the process can be undermined if it appears to be biased
- Translation can help (or get in the way)
- There is meaning in stories
- Participants having influence builds trust
- Relationships outside of the formal process are important (x2)
- Process (NWT) is governed by legislation, but we can modify how we do the hearings (x1)
- Work on the process ‘toolbox’
- Have a range of options to access information and understand the process (e.g., Facebook, online, printed) (x1)

FISHBOWL CONVERSATION WITH ARCTIC COUNCIL PERMANENT PARTICIPANTS – Good Practices and Key Priorities for Improving Arctic EIA

Jordan Peterson: Gwich’in Council International

Vernae Angnaboogok: Inuit Circumpolar Council – Alaska

Gunn-Britt Retter: Saami Council

Observations, insights and reflections arising out of ‘fishbowl conversation’. Red font indicates ‘dotmocracy’ choices with number of dots also indicated.

- Stakeholders vs. rights holders—terminology matters and is changing
- We need to work with other governments
- How can we get the best people from all of our organizations working together?

- Meaningful engagement of indigenous peoples and meaningful engagement of indigenous knowledge are not necessarily one and the same (x3)
- Institutions need to adapt to us and our knowledge (not community capacity building but institutional capacity building) (x3)
- “If you’ve been to one indigenous community, you’ve been to one indigenous community.”
- Keeping up with demand for review is tough when resources are inadequate
- We are upholding our rights
- We have an opportunity to speak with one voice and make sure the systems work for us
- We can have positive relationships (Chance oil) Transparency
- Relationships
- North Slope Borough has resources and a combination of science and traditional knowledge but are still not viewed equitably
- Working partnership with industry—partnering early for mutually beneficial agreements and mitigations is proactive and makes sense because of who the land holder and who the land ‘impactors’ are. (Engage early.) (x1)
- Projects are looked at in pieces which stretches capacity
- How is land planning done? Considered? (x1)
- Are cumulative impacts considered? (E.g., need for transmission lines)
- Opportunities for PPs to come together to bring priorities to Arctic Council mandate—research, policies
- It is important to meet (1-2 times per year), travel, and learn and plan
- Look at big projects and develop policy together (e.g., shipping)
- Indigenous voices are not in all arenas
- The people come from the land (it’s about the land). We need to hear their voices.
- We need to see ourselves as governments, as part of these bigger processes. We also need the capacity (time, people, \$\$)
- Strategic planning together, being proactive and not reactive. Land use planning is part of that. (x4)
- We need to look at things holistically
- Empower us to bring our expertise to the table
- Elders’ knowledge is still there
- Many organizations spreads our political leaders thin. Many ‘hats’ (conflicting priorities) (x1)
- Tough to compete with other governments (hiring staff)
- Crown needs to implement our rights (x1)
- Our partnerships as PP needs to be meaningful, not ‘tokenism’
- Meaningful, early engagement is key. Not a rubber stamp. (x2)

FISHBOWL CONVERSATION WITH INDUSTRY PERSPECTIVES - Good Practices, Key Priorities, Ongoing Challenges, and Emerging Opportunities for Improving Arctic EIA

Claudine Lee: Dominion Diamond

Kenneth Ruptash: Nahanni Construction Ltd.

Kjerstin Lange: Statoil

Erik Madsen: DeBeers, Canada

Tom Hoefer: NWT & Nunavut Chamber of Mines

Observations, insights and reflections arising out of ‘fishbowl conversation’. Red font indicates ‘dotmocracy’ choices with number of dots also indicated.

- Rigid processes are not always the best
- We need to do things that work better for the communities
- Make time (days) for things (discussion)
- We should be proud in Canada. Process is working.
- Industry wants to know the rules of the game. Industry is involved in developing the guidelines. Certainty is important (e.g. timelines)
- **We need to be adaptable to be successful (x1)**
- **Early engagement is important to find out what is important to people (x5)**
- There are adaptations and improvements still required
- Working well: openness and transparency
- As businesses, we can take a regional approach
- We can create win-win situations
- We focus on negative impacts but not on positive impacts
- **Partnerships/EIA can give us access to traditional knowledge (x1)**
- We try to have good standards
- We need more industry representation on governance boards (to provide insights and expedite process)
- **There is hesitation to work in some areas because there are no land claims agreements (x1)**
- Projects change as they go through the process
 - Additions and amendments have to be reviewed in an efficient manner/flexibility
- Understand the region you are going into (politics, rights, etc.). Government can help. (Hire local expertise; fieldtrips/country entry process; due diligence; risk factors).
- There is defensiveness, but industry does what governments cannot do (money, risk, etc.)
- Government has a duty to consult. Industry has a duty to engage. Government cannot stand back and let industry do it all.

- Small companies don't have a lot of resources and are often surprised. They need help at the front end.
- **Have a 'pathfinder' role to help navigate communities and processes. (x2)**
- EIA and water licensing means duplicated processes with the same people.
- The more streamlined/efficient a process is, the more attractive it is for investment.
- **Participant funding? (x3)**
 - Liaison positions
 - Community funding (sewing circles, recreation, etc.)
 - Impact benefit agreements
 - Leverage other funding
 - Pay for interviews (pay for scientific knowledge, pay for traditional knowledge).

FISHBOWL CONVERSATION WITH CANADIAN NORTHERN BOARD FORUM PERSPECTIVE– Key Observations, Challenges, and Next Steps

Ryan Barrie: Nunavut Impact Review Board

Teresa Joudrie: Northern Projects Management Office

Bernard Larochelle: Northern Projects Management Office

Mark Cliffe-Phillips: Mackenzie Valley Environmental Impact Review Board

Observations, insights and reflections arising out of 'fishbowl conversation'. Red font indicates 'dotmocracy' choices with number of dots also indicated.

- **Bringing people together to have conversations to learn about positive and negative impacts. (x1)**
- Boards are independent but there is collaboration.
- **Land claims agreements have led to world-class EIA systems. (x1)**
- We have similar challenges:
 - Remote locations
 - Capacity
 - Etc.
- We also have similar mandates and legislation.
- **Recognize value in bringing players together (NPMO supported with funding). (x1)**
- A lot of boards and also overlap.
- We are young organizations.
- Now that we are maturing and have built trust, we can reflect.
- Consistency is valued (assisted by board collaboration).
- Land/wildlife doesn't care about boundaries.
- Industry perspectives are important (certainty)
 - Don't want to waste industry's time
 - Don't want to waste community's time
- Forums have produced reports.
- **Capacity of communities to participate is always an issue (x1)**
 - Capacity building

- Accessibility
- Implementation
- Follow-up
- Board vacancies
- We have tools (e.g., training) and resources, policies, strategic planning. Opportunities to borrow and share. **(x1)**
- Systems are incomplete (land claims, land use planning, land access/ownership) **(x4)**
- Project EA is not designed to address land access/ownership issues, but they trickle into the EIA process. **(x2)**
- Good engagement and adaptability lead to better outcomes.
- Best we can do with our framework is to mitigate until impacts are no longer significant.
- We want our whole system to work—not just our ‘cog’.
- Not a roadblock. There to make sure development happens in the right way.
- Engagement works best when: **(x1)**
 - Inclusive, transparent and values-based
 - Early
 - Need to establish ‘hard-core’ trust

General Insights from the ‘Fishbowl’ Conversations:

- Good to talk about IA, systems, protocols and improvements, but there are fundamental problems that cannot be resolved through IA (land access, mineral tenures, oil and gas dispositions).
- Every community is different, so there is a limit to ‘standard procedures’. Principles for consistency, but the specific process needs to be tailored to the context.
- Co-management seems to be working well—but were shaped by conflict (courts).
- Indigenous/government relationships are still being worked on at territorial level.
- Collaboration across scales from beginning to end. Have a plan.
- Partnerships have to be equal. Trust, long term.

Heaven/Hell Exercise: EIA Priorities, Best Practices, Challenges, and Opportunities

Using the metaphor of ‘heaven and hell’, participants were invited to draw out and clarify emerging key insights about EIA Priorities, Best Practices, Challenges and Opportunities. Working in table groups, they defined contextual Arctic EIA ‘heavens’ and ‘hells’, identifying at least one unhelpful practice that could contribute to ‘hell’ and should be stopped. Each section below is the reporting from a table group.

Public Perspective (Communities, NGOs, Academia, etc.)

| | |
|--|---|
| Heaven Community perspectives, concerns and priorities are respected and heard within the process | Hell Community perspectives, concerns and priorities are ignored and not considered or respected |
|--|---|

Need to stop:

- Use only scientific data that nobody understands
- Suggested remedy:
- Present scientific data using plain language to complement traditional knowledge from local/community members during EA process.

Public Perspective (Communities, NGOs, Academia, etc.)

| | |
|--|---|
| <p>Heaven A transparent and fair EIA process that results in meaningful outcomes that maximize benefits and minimizes impacts through the meaningful consideration of all input from all parties in decision-making.</p> | <p>Hell An unclear/closed and unfair EIA process that doesn't consider public input in a meaningful manner; solicits information that it then ignores in making a final decision.</p> |
|--|---|

Need to stop:

- Disregard all public comments in all phases

Suggested remedy:

- Incorporate/include public input in all EIA processes and decision-making.
- Impacted people should have say in final decision-making.
- Recognition of rights and ownership
- Legislative change
- Policy change
- Land claims

Indigenous Governments/Organizations Perspective

| | |
|---|--|
| <p>Heaven Being treated like a government (full integration of indigenous governments into review and decision-making of EIA processes)</p> | <p>Hell Being treated like a lesser government/stakeholder; being ignored; being told what to do</p> |
|---|--|

Need to stop:

- Colonization of indigenous governments/processes

Suggested remedy:

- Empower indigenous governments
- Provide adequate resources
- Utilize different models and frameworks (co- or jointly designed processes)

Indigenous Governments/Organizations Perspective

| | |
|--|--|
| <p>Heaven Equal participants from start to finish in a process that includes <u>ALL</u> concerns, and indigenous decision-making</p> | <p>Hell Little to no involvement where traditional knowledge is ignored or disregarded</p> |
|--|--|

[This table group did not identify a priority 'stop doing' action.]

Industry Perspective

| | |
|---|--|
| Heaven EIA is predictable, rules-based and collaborative | Hell EIA is adversarial, ambiguous, and undefined |
|---|--|

Need to stop:

- Unsatisfactory consultation

Suggested remedy:

- Identify risk factors and possibilities together
- Public awareness/education about indigenous rights and human rights broadly
- Consultation guides developed by community
- Resources (human and financial)

Industry Perspective

| | |
|------------------------------|---|
| Heaven Absolute certainty | Hell Fractured flexibility...aka, "F***ed system |
|------------------------------|---|

Need to stop:

- Multi-jurisdictions—multiple laws, multiple parties [NB: in context-- multijurisdictional chaos]
- Badly coordinated processes trigger new EA's

Suggested remedy:

- Frameworks that can be applied to all projects
- Negotiated agreement for a project-specific EIA
- Industry at the table for project-specific harmonization negotiation
- Solve through no project splitting of comprehensive (e.g., temporal, geographic activities) IA process scoping (responsibilities for proponents, boards, regulators)

Governments (non-indigenous) Perspective

| | |
|---|--|
| Heaven A well-defined, inclusive and transparent process that is based on the best available information (indigenous and scientific knowledge) and where socio-economic and environmental benefits are maximized | Hell A unilateral, black-box decision-making process that ends up in the Supreme Court every time |
|---|--|

Need to stop:

- Ignore all input (or [only allow] biased input)

Suggested remedy:

- Encourage a pan-Arctic framework which incorporates the best available knowledge (both indigenous traditional knowledge and Western science) with early, constant and supported engagement to inform evidence-based, balanced decision-making.

Governments (non-indigenous) Perspective

| | |
|--|--|
| Heaven All expectations are met and positive outcomes | Hell An uncertain process yields questionable |
|--|--|

achieved in a timely fashion, resulting in a positive reputation

outcomes and a poor reputation. No-one is satisfied. Bribes are not only accepted, they are encouraged by everyone!

Need to stop:

- No board quorum

Suggested remedy:

- Timely appointments
- Bigger pool of qualified candidates
- Clearly define qualifications

EIA Boards Perspective

| | |
|---|--|
| Heaven <ul style="list-style-type: none">• Active participants by parties• Adequately resourced, well informed• Supporting timely decisions | Hell <ul style="list-style-type: none">• Lack of participation and uninformed• Inadequately resourced• Boggled down in indetermindedly [sic] process without good evidence to inform decisions |
|---|--|

Need to stop:

- Withhold or refuse to provide information
- Arbitrary deadline/culturally inappropriate deadlines

Suggested remedy:

- Take away process participants that don't understand or respect the co-management process

Additional 'solution' suggestions from this group:

- Outreach
 - Practitioners workshop
 - Published guidelines and procedures
 - Expectations clearly established at beginning of process
- 1.) Board and chair recognize and prioritize this issue (i.e., informed participants)
- 2.) Then apply resources to outreach and communications
- Cultural awareness: cater process to context of each project/community
 - Cultural training and certification for developers
- Detailed requirements for EA info:
 - Plain language
 - Translation
 - Express info in terms of impacts
- Subpoena powers
 - Option to ensure information available
- PARTICIPANT FUNDING

- Guidance catered to different audiences
- Multimodal engagement process
 - Written
 - Oral
 - Formal
 - Informal
- Good communication
- Board forum collaboration
- Training courses
 - Public hearing participation
 - Rules of procedure
 - Administrative law and fairness

EIA Boards Perspective

| | |
|---|--|
| Heaven Board recommendation supported and accepted by First Nations, proponent, and territorial government with minimal adverse impact | Hell Board recommendation rejected by First Nation, industry and territorial government |
|---|--|

Need to stop:

- Closed scoping—no hearings; no public participation; no meaningful engagement

Suggested remedy:

- Hire a liaison
- Follow the process in legislation/rules
- Adequate funding/resources
- Staff able to analyze/receive the information
- Support public involvement
- Public registry
- Education—increase awareness of EA process
- Open scoping

DAY # 3 – THURSDAY, APRIL 26, 2018

EIA COLLECTIVE VISIONING—CLEARLY IDENTIFYING AN IDEAL ARCTIC EIA OUTCOME

Continuing in table groups and bearing in mind the various perspectives from the previous conversation, delegates were invited imagine themselves three years in the future and to describe what an Arctic EIA ‘Heaven’ would be like.

Looking three years into the future, what is EIA ‘Heaven’?

Group 1:

Heaven 2021: A transparent, sustainable and monitored mutually beneficial process working toward enhancement of the environment, including culture and society (across the circumpolar world).

1. An adaptive, efficient and inclusive EIA process
 - Clearly identifies roles and responsibilities of all players (accountability)
2. Holistic and technically robust process that includes detailed baseline data collection, cumulative effects assessment, and ongoing monitoring.

Group 2:

A process which is fair, consistent, transparent, adaptable, and inclusive; resulting in outcomes which are well-informed and produce clear, achievable actions which result in sustainable activities for present and future generations.

Group 3:

Vision:

Process that results in minimal environmental damage, where people are considered as part of the environment that includes **early engagement and positive relationships**.

Features:

- Certainty
- Integrated, coordinated
- Cumulative impacts
- Good projects approved/bad projects not approved
- Positive working relationships
- Fair, inclusive, and understandable
- Sufficient capacity
- Follow-up monitoring
- Plain language
- Affordable
- Way of life/culture sustained

Outcomes:

- Well-supported
- **Sustainable development plans**
- Supported decisions
- Creates a climate that supports self-determination

Group 4:

A well-documented planning process which provides clear roles and responsibilities, structured process with flexibility for culture, which evaluates the impacts of a project on natural and cultural resources and socio-economic conditions.

- All jurisdictions involved and have capacity to implement

- Healthy, vibrant community and environment
- Energy plan in place

Group 5:

An ideal EIA process is pro-active, inclusive, meaningful, including all available knowledge with time dimension and cumulative impacts, with joint interpretation and decision-making that remove/minimize negative impacts and maximize benefits, or reserve rights to deny project. The process should be open with true dialogue, understanding context and have sufficient resources (in terms of capacity, funding and time) and foster trust and relationship-building.

Group 6:

EIA is a life-cycle process built on transparency, inclusive engagement that leads to informed decision-making, contributing to sustainable, healthy environment.

Group 7:

- A fully-funded collective/collaborative approach between industry, government, boards, indigenous communities and other stakeholders and rights-holders.
- A clear, transparent process built around early and comprehensive dialogue and recognition and incorporation of all knowledge systems, that results in projects with reduced impacts and positive benefits for communities.

Group 8:

What brings us here is our shared love of the Arctic environment with its animals and diversity; and our concern for its sustainability as the environment changes.

Our view of EIA heaven reflects this and applies Traditional Knowledge and other knowledge systems to design and implement actions (terms, conditions, monitoring and follow-up) through a process that is transparent and equitable, accessible and respectful, and results in adaptive management that uses traditional knowledge.

Group 9:

EIA is: A process for making informed decisions about proposed development which protect the environment and maximize benefits now and into the future. This process is initiated early, inclusive of all peoples and knowledge, with clear rules and timelines and mechanisms for re-visiting decisions as required.

EIA COLLECTIVE VISIONING—NEXT STEPS: DRAFTING A SET OF COMPREHENSIVE ‘PROPOSALS’ THAT CAPTURE AND TEASE OUT ‘THE NEXT WISE STEPS TO ACHIEVE THE OBJECTIVES AND GOALS OF THE ARCTIC EIA.

Having identified what would be ideal outcomes by 2021, the delegates were invited to draft what they considered the critically important ‘next steps’ to move toward that future. Each of nine table groups produced a considered proposal. These are transcribed below. (Red font in the proposals indicates receiving dotmocracy ‘votes’ with the number of votes also shown.)

Proposal 1:

Settle the foundation:

- Settled land-claims (ownership)
- Clear aboriginal and treaty rights
- Understanding of culture/traditional knowledge
- Respect for local culture (x1)

Enhance/ensure capacity:

- Holistic approach—create capacity/funding/policies
- Ensure capacity to effectively participate in a process (x2)

Plans and guidelines in place:

- Land use plans
- Energy plan that benefits communities and developers (opens land area to different energy production)
- How traditional knowledge and science align and work together

Meaningful engagement guidelines

- Adaptable to communities
- Toolkits (that are adaptable)
- Set procedures, critical steps and procedures defined
- Flexible (x10)

Proposal 2:

Steps toward EIA Heaven reflects our appreciation of the Arctic environment and uses traditional knowledge and other knowledge in a process that is transparent, equitable, accessible, respectful and adaptive.

1. Perform gap analysis of Arctic Council nations' EIA processes (by Arctic Council members), based on critical path factors in EIA heaven analysis. Outcomes: weaknesses, things to work on, things to improve or avoid. **(x2)**
2. Identify cases/studies from various parties (stakeholders, rights holders, regulators, jurisdictions, proponents, etc.) that show innovative practices that reflect EIA heaven and/or address identified gaps. **(x2)**
3. Summarize and report on EIA heaven and steps to it, in SDWG report. **(x7)**

Proposal 3:

1. Need framework for good foundation to EIA (*Note: overall resource management system—how does EA relate to land use planning, etc.?*)
 - Legislation, rights recognition, land use planning
2. Improved pre-EIA planning and engagement
 - Best practices and guidelines (*note: Information needed for planning and engagement*)
 - Engagement protocols (*note: MVCWB[?] guidelines*) **(x1)**
3. Improved EIA process (*Note: identify topics {below} and steps to improved processes and guidelines. Steps such as: audit current practices, form working groups, hold workshops, develop new/improved processes and guidelines.*)
 - Cumulative effects
 - Socio-economic and cultural impact assessment
 - Improved scoping and EIS[sic] guidelines
 - Climate change **(x2)**
4. Improved decisions (*Note: with follow-up and evaluations*)
 - Considering sustainability and well-being **(x2)**

Proposal 4:

Process:

- Check-in on current (or proposed) process understanding with all participants
- Examine existing funding and assess to ensure effectiveness
- Aim to craft processes that are resilient and easily accepted

| Project Assessment Actions | Information |
|---|---|
| <ul style="list-style-type: none"> • Identify impacts/mitigations that are most common, effective and relevant | <ul style="list-style-type: none"> • Promote, exchange sharing • Always build on what already exists or |

| | |
|---|--|
| <p>to optimize use of limited resources</p> <ul style="list-style-type: none"> • Check-in with conformity (plans, regulations, etc.) | <p>allow reliance on existing relevant information</p> <ul style="list-style-type: none"> • Agree and have buy-in for methods of gathering (applies to all knowledge systems—traditional knowledge, etc.) |
|---|--|

(x4)

Proposal 5:

Inclusive Knowledge System Process in EIA:

1. Identify and invite parties to participate in engagement on redesigning processes to be more inclusive of knowledge of systems.
 - a. Series of events with different groups.
2. Clarify terminology and definitions—identify knowledge systems (note: purpose of common understanding).
3. Collaboratively look at current processes, their strengths/weaknesses, gaps, etc.
4. Clarify expectations to an improved process plus set timelines/goals.
5. Co-create procedures and guidelines for recognition and use of all knowledge systems.
 - a. Planning of concrete steps, that are iterative.
 - b. Differentiate between understanding other knowledge systems and how to use them.
6. Co-led teaching courses tailored for specific parties; consistent, for new and for current
 - a. Put documents online, translated, visual tools
7. Follow-up evaluation cycles once the process is implemented

(x14)

Proposal 6:

Purpose: Re-examining existing legislation to achieve a process which is fair, consistent, transparent, adaptable and inclusive; resulting in outcomes which are well-informed and produce clear, achievable actions, which result in sustainable activities for present and future generations.

- Carry out an audit to determine where the gaps are to meeting the purpose.
- Consider the options to filling the gaps (new legislation, new guidelines, new guidance, etc.)
- Ask all affected parties to participate in a collaborative way (government, developers, stakeholders, rights-holders (aboriginal governments), public).

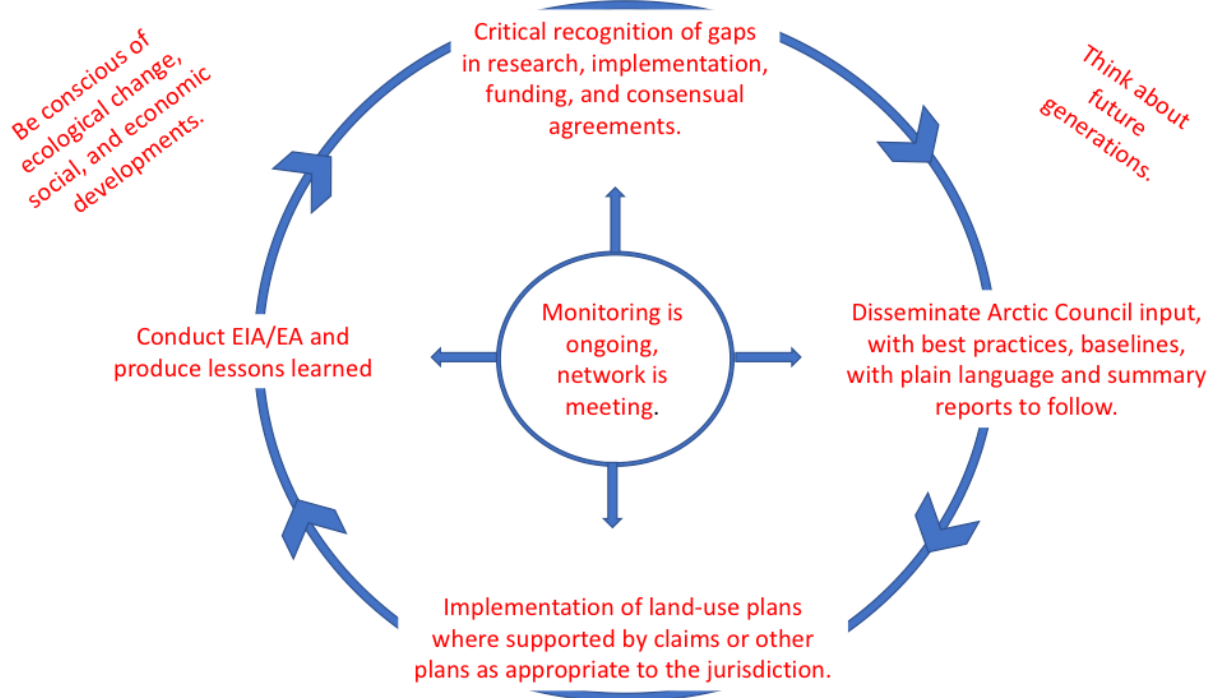
- Hold meetings/workshops that are culturally appropriate to identify priorities and scope—include issues that are trans-boundary.
- Develop small collaborative working groups to draft guidelines/legislation, etc.
- Return draft to bigger group
- Legal input and technical review
- Finalize
(x20)

Proposal 7:

1. Identify main themes for:
 - a. Meaningful consultation
 - b. Cumulative effects assessment
 - c. Integrated assessment process with positive feedback mechanisms
 - d. Adaptive managements regimes
 - e. Inclusive process that identifies bio-physical, cultural, socio-economic factors.
2. Establish protocols and mechanisms to build and maintain relationships and build trust
(x2)
3. Dissemination and management of information (technology) in a comprehensible way.

Proposal 8:

Proposal for moving forward—a Cyclical Process:



(x19)

Proposal 9:

The formation and ongoing implementation of forums/workshops to establish definitions, objectives, goals, and to build relationships which will: *

- Establish an EIA process as part of an appropriate integrated system, grounded in legislation and rights;
- Create models for early, meaningful engagement
 - How early is early enough?
 - Understanding of required resources
 - Toolkit of consultation mechanisms
- Set thresholds/guidelines for what makes a good project:
 - Criteria for assigning significance
 - Cumulative effects

- Generational effects (positive/negative legacy)
- Social, cultural, economic, health impacts
- Environmental impacts

Through collaboration between all interested/affected parties.

*Steps can be undertaken in any order, with available resources and adapted as necessary to your country/region.

(x23)

Review of Workshop Outcomes and Next Steps

The concluding Workshop process invited delegates to reflect on their individual experiences of the Workshop with a view to considering what would be wise next steps for them *individually and professionally*. Delegates were asked to consider three questions:

- (1) **What?** Over the course of the Workshop, what did you notice? What jumped out at you?
- (2) **So What?** Given what you notice, what do you make of things? What hypotheses do you form?
- (3) **Now What?** In light of what you observed and considered, what is your next 'wise action' to achieve what you have identified as being important?

Given its very personal nature, replies to the third question were not publicly shared. Answers to the first two questions were captured on Post-it notes and are transcribed below.

What?

- High awareness of indigenous roles in EIA (and related) processes
- Zooming between details (current reality) and out to abstract ideals
- Commonality of challenges regardless of where people are from and where they work
- Common focus on improving public participation and effective utilization of traditional indigenous knowledge
- Not much discussion on climate change?
- Use of terms such as trade-offs, sustainability and well-being, but used differently by different people
- Group is identifying challenges and goals easily, but not offering up solutions
- The desire to improve and innovate our processes
- Land claims and ownership changes the position in EIA (power to influence)
- Common themes and challenges in a process as diverse (geographic) as EIA
- Moving to implementation?
- Everyone wants to do better and learn from each other
- Difficult to create opportunities to engage at different depths
- Network—we are a network, good discussions
- Mostly Canadian perspective
- A lot of commonality in basic objectives of EA. Much to be learned from a comparison of specific process components!
- Multiple disciplines represented in workshop—many viewpoints

- Commonalities: capacity, engagement, traditional knowledge
- Support to enhance regions with innovation
- There are success stories (it is not perfect)
- Cumulative effects assessment—where was it?
- People and culture have a need for empowerment
 - To be heard
 - To contribute
 - To make a difference
- Legislation framework in North is working. The ‘how’ of engagement and implementation is not.
- Importance of sharing knowledge and resources (e.g., documents, etc.)
- Common themes and priorities, but communities are unique
- Respect is vital and the base of all
- We are all facing similar EIA struggles, challenges with respect to capacity, traditional knowledge, and indigenous rights
- Multiple disciplines represented in workshop = many viewpoints

So What?

- There is a lot more work that needs to be done
- Things to share and implement now:
 - Engage on how to engage
 - Scoping guidelines
 - Traditional knowledge with local protocols
- Big questions have been identified; good opportunities to collaborate together on
- Many commonalities = potential to pool resources
- Where do we go from here?
- Arctic regions respect/have equal voice/representation in EIA system
- We can articulate and raise awareness
- Arctic EIA system that has adaptive management system
- Need pan-Arctic framework
- Shared understanding of the elements of good Arctic EIA should be shared—Networking
- Communicate!
- Opportunity and innovation in successful EIA...Is boiling below the surface
- Observations are a challenge to action which provide a starting point for a network
- Short-term/long-term goals. Time is essential to accomplish all. Prioritization is key.
- Too general/abstract. Only works if you can reality-check concepts
- Bring processes to the SAO[?] level. Then to the UN.
- How much of these discussions will be implemented?
- As practitioners, we are engaged in the work over long periods of time
 - Room to adapt

- Well-intentioned
- End result will always look different than planned
- Gaps in the process but room for improvement; Striving to improve!
- Opportunities for creating change are largely dependent on our status/rights (land claims/indigenous rights)
 - Possible
 - Attainable
 - Next steps
- Develop report—what’s working/not with recommendations
- “We” are in a better position to incorporate indigenous positions and people and issues into EIA best (good) practices
- Work needs to focus on common challenges to effect changes. Better done as a group.
- We’ve developed a network of people that can be lasting and drive change
- Gather interesting/good/bad case studies and share in an accessible way
- Options: case studies for different processes (cumulative effects studies)

Appendix D: Shared Stories/Case studies/Resources

Delegates were invited to post anything they thought might be helpful or interesting on a Workshop 'Story Wall'. The following is a transcription of what was posted during the Workshop.

Parnuna Egede:

Time dimension needs to be considered in EIA process. A proponent (London Mining) had proposed a road in its exploration project for the ISUA iron ore. People objected to the route of the road going through an important reindeer calving area. In the EIA report the impact of the road was considered non-significant because the exploration was temporary. But all knew they would apply for exploration, and that they would want to use the same road, instead of building a new, less disturbing route. All phases of a potential project need to be considered, even when the EIA is only on one part of a project's life cycle.

Zabey Nevitt:

This story has many parallels with NWT EA referrals. I.e., mineral exploration project (e.g., Dayhorse[?] Bay, Whitehead Point) being sent to EA based on not wanting[?] a mine—system doesn't provide for longer view in scoping—really is a Land Use Planning issue, but creates current, real problems at EA!

Mary River: My Father's Land (Attatama Nunanga) Zacharias Kunuk film.

Colomac remediation planning process (INAC-CARD)

ICC Reports: www.inuitcircumpolar.com

Share a Good Practice Case:

Ekati-Jay: Esker road crossing and caribou road mitigation plan (MVEIRB)

Collaborative management along the Näättämö watershed (www.snowchange.org). Google "[Ponoi and Näättämö River Collaborative Management Plan](#)". Skolt Sámi + researchers + authorities