



NUNAVUT IMPACT REVIEW BOARD

A Proponent's Guide to Conducting Public Consultation for the NIRB Environmental Assessment Process

August 2006

1. Purpose of the Guide

- To provide clarification regarding NIRB requirements for the Proponent to conduct public consultation within the environmental assessment process.
- To provide assistance through recommendations to the Proponent when developing and implementing effective public consultation within the NIRB environmental assessment process.

2. What principles should guide public consultation?

There are a number of principles which underlie the concept of effective and appropriate consultation, and they are the following:

1. Consultation should be part of an ongoing relationship between the Proponent and the potentially-affected communities by a project proposal, in which mutual trust and understanding is built up over time, through a continuing process of discussions, decisions, and follow-through. Importantly, consultation generally takes place before a project proposal is developed and decisions are made regarding the project.
2. Consultation is a two-way communication process, in which all parties listen and contribute views, information and ideas. The Proponent should communicate back to participants to confirm understanding of the information, and indicate what happened with their views, information and ideas.
3. Consultation leads to action. It is an opportunity for genuine and respectful listening. This does not necessarily mean that every suggestion made in a consultation is implemented, but that input will always be taken into account.

3. Why does a Proponent conduct public consultation?

Well-planned and appropriate consultation should create an open, honest, and transparent process that includes the public in decisions about project activities. It is intended to assist both the communities and the Proponent to understand what effects a project will have on potentially-affected communities. It also helps to avoid potential misunderstandings and conflict with the public, which could potentially affect the timeframe for the development of the project.

The participation of community members, including Elders, and community organisations in all stages of project activities can ensure that local knowledge and Inuit Qaujimagatuqangit are considered by a Proponent. However, it is important to note that public consultation efforts **do not** replace the design of appropriate studies and information-gathering sessions geared towards local knowledge and Inuit Qaujimagatuqangit., nor does it replace the input gathered by NIRB during public Hearings.

4. When should a Proponent conduct public consultations?

It is recommended that the Proponent begin consultations with affected individual members of an affected community, as well as organized community interest groups, as soon as possible when considering a proposed project and prior to submitting a project application. NIRB recommends that consultation occur throughout the life of the project, including, but not limited to:

- Project proposal development
- Environmental assessment process (screening process and/or review process)
- Licensing/Permitting process
- Project development
- Closure
- Post-closure

NIRB recognizes that the extent to which consultations are conducted will be dependent upon the scope, size, and location of the Project Proposal.

SCREENING STAGE

Project proposals submitted to NIRB for screening should contain a description of the public consultation programme/strategy the Proponent has conducted, or intends to conduct.

If, following screening, a project proposal is approved by NIRB pursuant to 12.4.4(a) of the NLCA, the Screening Decision may contain various terms and conditions NIRB recommends be attached to licenses or permits necessary for the project activities to proceed. The terms and conditions may include recommendations regarding public consultation. For example, NIRB may recommend that the Proponent continue with, or begin, consulting with the potentially affected communities about the project proposal or activities. NIRB may also ask for this information to be included into an annual report submitted to NIRB.

REVIEW STAGE

Following a NIRB screening, if NIRB indicates to the Minister that a project proposal requires review, there are additional requirements for the Proponent to meet in the environmental assessment process (see NIRB Guide 5: "The NIRB Review Process"). Section 12.5.2 of the NLCA directs NIRB to issue project-specific guidelines to the Proponent for the preparation of an Environmental Impact Statement (EIS). The requirement for the Proponent to conduct public consultation related to the Project Proposal is incorporated into the project-specific guidelines issued to the Proponent, as it is one of NIRB's '10 Minimum EIS Requirements'. The requirement reads:

Pre-project consultations with locally affected persons must meet or exceed usual consultation practices in Canada. When at all possible, information about the project must be distributed and comments collected with a view to resolving any differences. Discussions should include, but not be limited to, land uses, policies, resource uses, archaeological areas, infrastructure, and terrain sensitivities. Inuit cultural concerns must be highlighted throughout. All comments from the public must be summarized, documented, and presented in the EIS.¹

Recognizing that guidelines are issued on a project-by-project basis, there are some *general* requirements regarding public consultation NIRB will include into most guidelines. They include, but are not limited to, the following:

- Description of public consultations/ public consultation program undertaken to gather relevant information, including relevant documentation. This includes records of dates and location of meetings, the names of participating individuals and/or organizations (e.g. minutes);
- Description of the results of the consultation process as it pertains to the following:
 - Identification of patterns of land and resource use;
 - Identification Valued Ecosystem Components (VECs) and Valued Socioeconomic Components (VSECs);
 - Determination of the criteria for evaluating the significance of potential impacts to VECs and VSECs;
 - Determination of mitigation measures;
 - Formulation of compensation packages; and
 - Identification and implementation of monitoring measures.
- Demonstration of clear linkages between the results of the consultation process and how the consultation process has influenced project proposal decisions, such as project design, mitigation measures and/or monitoring;
- Description of any issues raised during consultations and any resolutions to those issues; and

¹ 10 Minimum Environmental Impact Statement Requirements – Nunavut Impact Review Board

- Description of the proposed communications program/strategies for the life of the project and/or a public involvement plan that will be implemented should the project receive approval.

It is important that any information requested in the NIRB guidelines regarding public consultation be integrated, as best possible, into the EIS in a clear and systematic manner.

5. What can a Proponent consider to be an affected community?

There are two general categories to determine which communities could potentially be affected by the Project Proposal and should therefore be consulted. They include but are not limited to:

1. Ecosystemic boundaries; and
2. Socio-economic influenced areas.

With respect to ecosystemic boundaries attention to watersheds and wildlife migration routes within the project area should be considered. Socio-economic influenced areas can include any areas that may be drawn upon for employment initiatives, business opportunities, project supplies or hunting areas. Boundary delineation can also include communities which lie outside of the Nunavut Settlement Area, as the NIRB screening or review process may take into account the well-being of residents outside the Nunavut Settlement Area².

6. With whom should a Proponent conduct public consultations?

The Proponent may be required to consult with any potentially affected person in potentially affected communities, which includes individual members of an affected community, as well as organized community interest groups. In each community there are a number of individuals and community interest groups who may have varying knowledge related to the proposed project, and as such, can be approached by a Proponent for their area(s) of expertise. The following is provided to give the Proponent direction regarding types of common Nunavut community interest groups and affiliates that should be considered in a consultation program:

² Nunavut Land Claims Agreement – 12.2.5

- Regional Inuit Association (RIA) Liaison Officer
- Regional Inuit Association Community Lands and Resource Committee (CLARC)
- Community Beneficiary Committees (CBC)
- Hamlet Council
- Hunters and Trappers Organization (HTO)
- Wildlife Officer
- Women's Group
- Youth Group
- Elders Committee
- Elementary School Principal
- High School Principal
- Arctic College Dean
- Community Liaison Officer (CLO)
- Economic Development Officer (EDO)
- Local Development Corporation
- Senior Administrative Officer (SAO)
- Interagency Committee
- Housing Association
- Royal Canadian Mounted Police (RCMP)
- Member of the Legislative Assembly (MLA)
- Health Centre

7. What should a Proponent consider when preparing for public consultations?

NIRB requires that the Proponent engage affected communities about projects and activities in a way that informs them, consults with them, and enables them to participate to some degree in the development of the project. However, it is useful to outline the *general* considerations NIRB recommends when conducting public consultations:

- Identification of affected communities
- Identification of, and consultation with, appropriate individuals, community organizations and interest groups, agencies,
- Facilitation of general public meetings
- Appropriate timing and notice for consultations
- Frequency of consultations
- Appropriate recognition of cross-cultural setting and local languages
- Appropriate information dissemination during consultations
- Appropriate methods to inform consultation participants regarding how information was collected or will be used
- Appropriate collection and use of information from consultation participants

- Development of appropriate mechanisms and strategies to deal with consultation results
- Proposed communication programme/strategies

Appropriate consideration of the above should assist the Proponent with developing an effective public consultation program to meet NIRB requirements.

8. How should a Proponent conduct public consultations?

There are several different techniques and strategies to ensure maximum participation in the public consultation process; one may be more effective for one project than another.

The key is to take a proactive approach to the consultation process to facilitate early identification of any potential conflicts, in order resolve them in a timely fashion.

It is important to present information in an acceptable manner with a focus on the recognition of the cross-cultural setting in Nunavut. The Proponent should recognize the history and economy of the community, as well as past community and knowledge related to development and the NIRB process. Knowing this information is fundamental to ensuring successful consultation.

9. What additional information regarding the NIRB EA process is available?

A series of guides have been produced to provide information about NIRB and the NIRB process. They are all available at <http://ftp.nirb.ca/>:

- Guide 1 – The Nunavut Impact Review Board
- Guide 2 – Terminology and Definitions
- Guide 3 – Filing Project Proposals and the Screening Process
- Guide 4 – Projects Exempt from Screening
- Guide 5 – The NIRB Review Process
- Guide 6a – NIRB's Public Awareness and Participation Programs: The Review Process
- Guide 6b – A Proponent's Guide to Conducting Public Consultation for the NIRB Environmental Assessment Process
- Guide 7 – Preparation of Environmental Impact Statements
- Guide 8 – Project Monitoring
- Rules of Procedure

10. How can I contact NIRB?

NIRB's contact information:

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