

# Environmental Assessment Revitalization Indigenous Implementation Committee Meeting – August 27, 2019 – 9:00 AM to 4:30 PM

**Chairs:** Ang Smith and Scott Bailey

**Attending Members:**

Anna Osborne, Nicole Kapell, Jessica Steele (for Melanie Walker), Sunny LeBourdais

**EAO Attendees:** Amy Avila, Mark Haines, Danielle Smyth, Bethany Thiessen

**Regrets:** Jackie Thomas, John Risdale (Chief Na'Moks), Verna Power, Bruce Muir, Chief Maureen Chapman, Angel Ransom, Melanie Walker, Nalaine Morin, Dave Nordquist

## Opening Remarks

- Today will balance the strategic and technical.
- IIC member noted that as long as input can be meaningfully incorporated.
- IIC member noted that having something to review (i.e. Straw Dog) facilitates ability to give input.
- IIC member expressed it is a tricky balance.
- Appreciate having information provided prior to the meeting but without diving too deeply into specific examples and detail. To ensure we make progress we should be recording items that need follow up and bring items back to committee. Close the feedback loop.
- Do not need specific scenarios because the experiences on both sides.
- A whole day for Indigenous Knowledge is positive and important given its complexity.
- Keeping conversation broad enough that allows everyone to contribute without delving too deeply into specific examples.
- Communication back to the community is something we need to discuss.

## Terms of Reference

- No major issues raised.
- **ACTION:** EAO to add a section of the TOR that allows for amendments, resolution of issues (i.e. use of Co-Chairs) and principle about open/honest/constructive/solutions-based discussion in the interest of moving things forward.
- **ACTION:** Once changes made, EAO to proceed offline to obtain approval from IIC.

## August 13 Meeting Minutes

- EAO provided the August 13 meeting notes to Paul and Bob for their review.

## Indigenous Knowledge– Context/Vision

- EAO Minister committed to blank slate discussion on Indigenous Knowledge (IK).
- Key concepts
  - Ethical Space
  - Respectful recognition of Indigenous Law
  - Not “handing over” IK or effects assessment or understanding of impacts to outsider to make that determination

- Recognizing multiple sets of decision-making authorities and governments
- Lessons from Ajax: process should not try to incorporate or integrate; rather the use of storytelling methodologies instead of a formulaic approach of western methodologies. Having the proponent trying to integrate tellings into a western process was disrespectful.
- Timing issue with decision making
  - Indigenous decision has to come before EAO's
  - IK lives and changes through members of the community; it's not just written knowledge that can be handed over; it's lived experience and lived knowledge that can never be adequately described in a report. This is where the concept of oral hearings came from.
  - **How and when information is brought forward to decision makers is key**

#### **4 key issues that need to be addressed:**

1. Acknowledging Indigenous Decision makers
2. Handing over IK (to Proponents or EAO to assess effects, determine mitigation, etc.) does not work – the how to share IK and do their own assessment (19.4)
3. Different governments' methods and timelines and how they align
  - Need to create space in Early engagement to understand and map out processes
  - Accessing knowledge from Knowledge Keepers will take a long, long time (i.e in historical records, or the keeper's **readiness** to provide knowledge) and not all Nations have the same capacity or readiness. Therefore we need to start building processes now to build up IK in a way that is appropriate for each Nation and revitalize the system of knowledge keepers so that the knowledge is available to be considered when it's needed. This would also use an EA or project to "leave things better than when found".
  - Federal government indigenous capacity funding – intent is to support Nations' readiness to engage in EA process. Ex. Appropriate database to store IK
  - There are two sides to the readiness 1) for Indigenous Nations to internally get ready for their own decision makers and 2) to participate in the EA process.
4. Valuing lived experience and oral history
  - Need different ways to engage Indigenous Nations based on laws and traditions – differences in hearings or reporting in the process (perhaps videos or other ways of sharing information orally).

#### **Other suggestions and comments:**

- Language surrounding IK and EA is important to get right: How do you describe and what is the word for how to consider IK – not incorporate or integrate
  - Better options may include: Respectful recognition, building bridges of understanding and experience, equity.
  - IK is often considered an input into the EA process but its more about the relationship and how that knowledge is communicated.
- The concept of Knowledge Equity was noted as important: bringing two worlds together and valuing the foundations for what they are.

## Core Principles for Guidance – What are we trying to achieve?

- Discussion on the overarching vision/purpose statement and principles generated the following:
- **Equality and Equity**
  - Equitable and ethical space of knowledge and decision-making systems
  - Indigenous Law is different but equal to BC and Federal
  - Equity of knowledge systems – ex. PhD is not more valuable than lived experience and equal capacity funding for knowledge keepers (Engineer should not be compensated higher than Elder with knowledge); this funding could go towards building and re-building knowledge systems.
- **Respect and acknowledgement**
  - for how IK is shared and brought into process (i.e opportunity for oral hearings, land based, reporting via video, etc.)
  - for decision making processes, laws and traditions – decisions take time, need to respect community timelines to create space for elder advisory committees or time on the land to consider decisions.
  - goes both ways – BC And Indigenous Governments
- **Flexibility**
  - Acknowledgement that each Nation is different – there may be specific guidance that each nation has for Indigenous Knowledge that needs to be respected. Relationship is critical for this.
- **Contribute to Nation Building and Broader Reconciliation**
  - Make efforts to align with Nation building objectives of each individual Nation (i.e. language objectives) that may not be directly related to a Project or EA but are important long term
  - Nations are setting their own land-use objectives and land use plans that need to be considered
- **Cultural Humility**
  - People that live in the same area of a Nation become part Gitxsan – recognition that cultural humility results in mutual benefit
- **Iterative and Interconnected**
  - the need to change over time – knowledge is not static and how we build bridges will change over time and in different contexts
  - Recognition that “IK is like hot sauce – you put it on everything”
  - IK it is not something that can be compartmentalized – it is part of everything and has broad connections
- **Concept of Good Guests**
  - Describing proponents as ‘guests’ can help to set expectations for the relationship. And a reminder that proponents are one guest, one of many guests.
  - Working with Proponents to understand what it means to be a good guest for each Indigenous Nation

## Advice regarding Indigenous Knowledge Guidance

- **Intentions statement** – re-directing thinking about IK; not just looking for another report. It is about how we work differently to seek an enriched picture of assessment by working together differently.
- Era of reconciliation requires a shift in Proponent asking not about what can a community give to an EA, rather how can the Proponent contribute to the community.
- Story telling (appearing tall because standing on the shoulders of ancestors) – how can we weave elements of story telling into the IK Guidance?
  - Suggestion to use stories and “tellings” as examples throughout the guidance to convey key concepts
  - Use storytelling in the structure of the document
  - Could use stories from North, East, West, South so there is a clear rationale for choosing the stories.
  - Draw on publicly available stories or those already been used in the EA context.
- How can individual Nations’ specific processes be respected while still providing high level guidance?
  - Use language that works for all – shared terminology
  - Guidance serves as a framework and fundamental respectful operating assumptions of Indigenous Knowledge; each Nation and community will have their own specific guidance and requirements.
  - Guidance will set out mutual understanding for all Parties and where IK interfaces within the EA process.
- For all Guidance, recommendation to consider how to infuse all guidance with a “message of the Co-Chairs of IIC” that sets the side by side respectful recognition at the beginning of each document that is produced by the IIC.
- Defining IK is difficult
  - Need to frame but not necessarily fully define
  - The benefits and “why it’s important” to consider IK is key
  - Use a story/story telling technique to convey what IK is – could use an example of where oral histories, telling or law improved the process or where it was ignored.
  - Important to recognize the power dynamics in defining concepts or terms – don’t want to pigeon hole Nations by being overly prescriptive.
  - Gaps identified with the MVRB definition:
    - Intergenerational element, connection to place
    - Cautions of what it shouldn’t be narrowed down to:
      - Not static
      - Not a single thing or piece of information
      - Not limited to TEK but includes values, worldviews, laws and traditions
- Suggestions to review the Alberta Regulator Guidance – has good linkages of world views, and highlights the importance of terminology.

- Effects Methodology – measures baseline now, not where you want to go; this could be a linkage to Nation Building objective; defining these objectives and understanding values will be important for assessing effects on current and future generations.
- Early Engagement – opportunity to understand Nation Building objectives, reconciliation objectives.
- Suggestion to include a Principles section and connections to the UN Declaration
- Comments that the MVRB guidance linked to different stages of the EA which was effective however there should be a “cautionary statement” that the process steps of a Nation for a project assessment may vary from EAO steps.
- Will need to have sections that are specific to Proponents and to Nations
- How to be a Good Guest (for Proponents)
- Introduce concepts of traditional/hereditary and elected governments (could potentially use as an example to illustrate the complexity)
- Knowledge systems won’t always agree but this lack of clarity or disagreement can lead to co-generation of knowledge in follow-up and monitoring to inform adaptive management. Important to acknowledge this up front so it can also be included along the regulatory continuum.
- Canoe analogy – two paddles need to be paddling at the same time to balance.
- Walking on two legs analogy – Indigenous and western ways
- Characterize as living documents so that things can change
- **ACTION:** Ang to share Gitxsan Author Paper on Indigenous Knowing and Engagement

### Session with the MVRB

- Would be ideal to have a draft of the IK Guidance by October and have a meeting with MVRB in November so we have something to provide feedback on and get the Review Board’s perspective.
- Develop a list of questions we want to ask them, for example:
  - What is their experience with different value systems working together?
  - What things are critical for creating respectful relationships with communities? What makes for healthy interaction?

### Process and Behaviours for working with Indigenous Nations

- Respect
- Cultural Humility
- Willingness to be vulnerable and find common ground
- Series of workshops Ex. FLNR collaborative session with TRU and afternoon with different panels (from BC and Nations) to show inspirational work that has been done together.
- One on one discussions to allow safety
- Understanding basics of a Nation before you talk with them (i.e. Secwepmc 101 with Child Family Services)
- Hiring processes would screen for people that have sensitivity and competencies to work with Indigenous Nations
- Creativity to do things differently and willingness to say yes

- More regional staff and connections to the community – would create more opportunities for mentorship and internships that go both ways.
- **For Early Engagement Guidance:** We should be drawing out processes/policies of Nations related to IK and appropriate use during Early Engagement
- Opportunity to codify decision making processes prior to

### Appropriate Use of Indigenous Knowledge

- How do we ensure that the Consent aspect of Indigenous Knowledge is met?
  - Agreements (with Nation and EAO and/or Proponent)
  - Not something EAO can define on its own but should include guidance on who to engage to answer questions about appropriate use
  - Collaboration should begin early on when designing instructions for proponents.
  - Information in Process Order about consent and process used to achieve
  - Statement from Proponent that IK is used and how they achieved consent
  - Project Specific workplan could include protocol and standards for steps of use of IK and consent and use of knowledge is appropriate
  - Letter from Nation

### Preparation for September 17 Meeting

- Context/brainstorming/sharing knowledge in the morning was helpful
- Set up for the afternoon and more detailed discussion
- It is expected that consensus seeking and consent may generate challenging dialogue
- Interests in how Act is implementing UNDRIP and FPIC
- How do we set ourselves up to move forward?
- How Act was developed?
  - Ministers Advisory Committee
  - How FPIC And UNDRIP are reflected in the Act
  - How its rooted in other reconciliation structures – the Act is *supporting* UNDRIP implementation along with other initiatives
- Where we got to
  - Definitions
  - What the Act is now
  - Why it is what it is
- Deep Dive Consensus Seeking
  - Tools that we can use to seek consent at different phases and how we are trying to institutionalize
- Morning – can we make it a two-way conversation; Round Table – members of the IIC could bring forward their perspectives on how the Act could inform Shared Decision making, consensus and consent; if Nation has done this type of work what this looked like?
  - Give everyone a chance to share their perspectives without taking too much time.
  - Consider using format of “What did you like and do you have something to add?”
- Would be helpful to have a discussion and develop a joint understanding of what’s possible under the Act
- Request for a visual of the process and the gates of consensus and consent

- Ang give message that we want to give everyone space (could be triggered and need for healing) create respectful space to interact in the way that works best for them
- Ang will start with a story
- Will need to have grounding conversation in the morning
- Want to hear from everyone, Chair can check in to ensure each person can contribute.

### Reviewable Projects Regulation Update

- Going for public consultation in early September along with an Intentions Paper.

### Action Items

Action	Lead	Date/Status
EAO to add a section of the TOR that allows for amendments, resolution of issues (i.e. use of Co-Chairs) and principle about open/honest/constructive/solutions-based discussion in the interest of moving things forward.	EAO	In-progress
Once changes made, EAO to seek offline to obtain approval from IIC.	EAO	In-progress
Ang to share Paper on Indigenous Knowing and Engagement	Ang	In-progress
More detailed IK Guidance to be brought back to IIC for mid October.	EAO	In-progress
EAO will revise meeting schedule to ensure that there is time for future meetings to review detailed materials (based on IIC input) for IK and RPR.	EAO	In-progress
EAO to set up meeting/session with MVRB to align with an October/early November meeting.	EAO	In-progress