

Recent Trends in Aboriginal Consultation

A Consultant's View

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BEST 2016

May 26th 2016

About Stantec

The Stantec community unites more than 15,000 employees working in 250 locations.

We collaborate across disciplines, regulatory agencies and industries to bring buildings, energy and resources, and infrastructure projects to life.

Our work focuses on planning, engineering, architecture, design, environmental sciences, and project management.

2 Our Work

Our Aboriginal Services team supports projects by providing a number of services, including:

- **Strategic consultation support to meet regulatory requirements**
- **Traditional Knowledge programs**
- **Aboriginal community development planning**

Agenda

1 New Trends and Changing Environments

2 Responding To Trends

3 Three Tips for Successful Projects

1 New Trends and Changing Environments



Current Trends

- Court decisions continue to underline need for meaningful consultation and reasonable accommodation
- Aboriginal communities
 - growing expectations
 - greater capacity
 - more experience
 - stronger voice
 - more emphasis on:
 - self-government
 - shared decision making and land/marine use planning
 - economic independence

Current Trends

- Regulations and best practices are changing to meet emerging legal requirements and international norms
- Regulators want proponents to work with affected Aboriginal communities to find practical solutions
- Evolving and increasing role for Aboriginal communities in regulatory processes
- Project proponents need to demonstrate that they have 'social license' to operate – especially from affected Aboriginal communities
- Consultants need to provide a different set of products and services for clients and governments

Where Are We Headed?

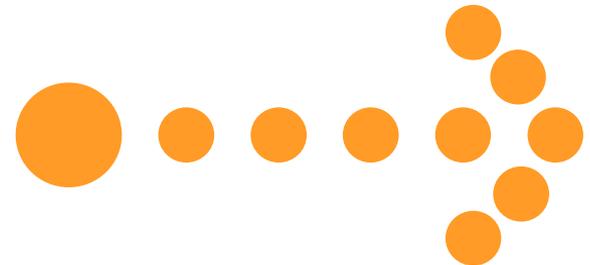
Regulatory
Environment



Aboriginal
Expectations



Shared Responsibility



How Are Proponents Responding?



How Are Aboriginal Communities Responding?



SAULTEAUX CONSULTING
& ENGINEERING



North Coast-Skeena
First Nations
Stewardship Society

UNBC UNIVERSITY OF
NORTHERN BRITISH COLUMBIA



First Nations
Environmental Monitor Training Program

Entry Level Training for Environmental Monitoring

Canadian Council for
ABORIGINAL
BUSINESS



Our Approach



2 Responding to Trends

- Consultation and Engagement
- Traditional Knowledge
- Effects Assessments
- Permitting and Follow-up Monitoring

Consultation and Engagement

“Engagement”

- Building mutually beneficial and respectful relationships
- An on-going process
- Working towards common goals and understandings of priorities and concerns

“Consultation”

- Specific legal and regulatory context
- Different ‘depths’ depending on to potential effects of a Crown decision
- Government-to-government, but with delegation to project proponents
 - Part of a larger engagement process

Know the Community

- Develop community profiles
- Review community concerns with similar projects
- Understand the community
 - How is it governed?
 - Capacity and community resources
 - Socio-economic realities
 - External influences
 - What else is happening in territory?



Understand the Legal and Regulatory Realities

- Review and seek guidance on roles and responsibilities
- Understand timing and thresholds
- Establish a good working relationship with regulators
- Know when to ask for clarification or guidance
- Stay flexible
- Understand that its an evolving process
- Explore experiences of similar projects, their methods and outcomes
- Seek multiple perspectives and opinions

Make Space for Traditional Knowledge

- Adds value to environmental assessments and project planning
- Contributes to meaningful engagement and relationships with First Nations
- Helps identify community concerns and is a interactions
- Can involve other practitioners (e.g. sociologist, biologists, anthropologists)



Scoping a Traditional Use Study

- Establish the timing and scoping needs for both the effects assessment and the Aboriginal community involved
 - Encourage scoping meetings with all relevant practitioners
- Understand the data needs and processes
 - Work with the community to meet combined goals

Scoping a Traditional Use Study

- The more specific the information the better
 - Consider mapping and detailed location and use information
- Establish means to capture confidential information and use that information respectfully

Environmental Assessments

- “One window” or parallel processes (federal and provincial)
- Consider unique effects on each Aboriginal community
- Focus on measurable and predictable effects first
- Be specific

Environmental Assessments

Consultation Reporting

- A strong regulatory tool
- Can capture general concerns and document processes
- Can be used to show collaborative relationships and on-going discussions

Focus on Mitigations

- Change in design, operations and process from direct feedback
 - Encourage and focus on identifying and resolving issues
- Solicit suggested mitigations from communities
 - Encourage communities to suggest or develop their own mitigation
- Understand Mitigation vs Accommodation
 - Mitigations do not typically include financial compensation
 - Track issues and keep regulators informed

Consultation Reporting

- Build a strong and robust consultation record
 - Check and review early and often
 - Legacy value for future permitting
- Have a strong follow-up and tracking program
- Everyone should be recording and tracking
- Have a realistic understanding of the process

**Responding to Aboriginal issues
and concerns is the goal**

Permitting and Follow-Up

Permitting

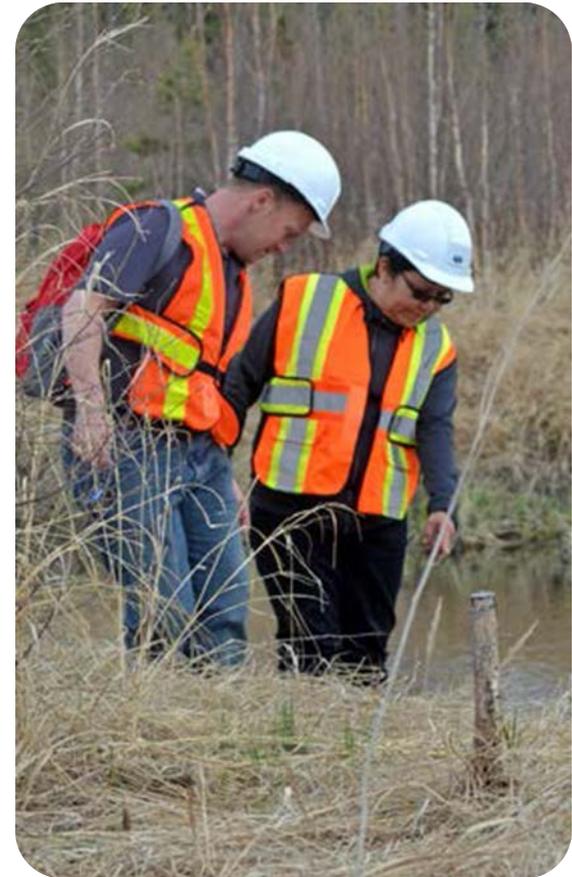
- Often overlooked
- Key part of the regulatory process

Monitoring

- A chance to follow through with practical solutions
- Builds and maintains trust and strong relationships

Community Feedback and Involvement

- Continued relationships



Permitting and Follow-up

- Be specific early on
 - Commit to continued conversations
- Understand the requirements
 - Plan for them and work with communities from the start
- Establish solid communication protocols
 - Clear and transparent



3. Tips for Success

- 1) Document and follow-up with everything
- 2) Set clear goals and deliverables
- 3) Know your roles and responsibilities



Thank You



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