Arctic EIA Workshop in Utqiagvik (Barrow) Alaska
November 27-29, 2017
Executive Summary

On November 27-29, 2017 in Utqiagvik, Alaska, Indigenous Peoples, Alaska Native corporations, government agencies, industry, Indigenous Knowledge holders, and scientists came together to discuss Meaningful Engagement of Indigenous Peoples within Environmental Impact Assessment (EIA). This was the first workshop held for the project on Good Practice Recommendations for Environmental Impact Assessments and Public Participation in the Arctic – a project under the auspice of the Arctic Council Sustainable Development Working Group. The workshop was organized by the Institute of the North and the Voice of the Arctic Iñupiat, and assisted by Inuit Circumpolar Council who also played a key role in reporting.

The purpose of the workshop was to bring together a variety of local, state, national, and international experts and community members to hear directly from Indigenous Peoples their experience and perspectives of consultation in an effort to move from consultation into meaningful engagement and to improve the utilization of Indigenous Knowledge (IK) in EIAs. This effort was facilitated through panels, presentations, discussion, and Alaskan case studies of Indigenous consultation, which informed the project in gathering lessons learned and good practices within Arctic EIA processes.

The agenda began with a strong opening from an Indigenous Peoples listening circle comprised of local and regional North Slope members followed by a statewide Indigenous Peoples listening circle. Those listening circles addressed issues related to (1) the goals of consultation from different perspectives, (2) the expectations of communities and Indigenous Peoples, (3) where and what we have learned from past mistakes, (4) where success is today and in the future, (5) existing barriers to meaningful engagement, (6) what meaningful engagement should look like, and (7) how Indigenous Knowledge should be utilized.

While many good practices exist, it is important to hear directly from Indigenous Peoples on what is and what is not working effectively. Indigenous Peoples at the workshop expressed a need for improvement in ‘meaningful engagement’ and a desire to share how they interpret that phrase. To the benefit of the workshop, presenters shared examples of individuals in agencies, research institutes, consultants and communities that have strong relationships with Indigenous communities. Those relationships developed through decades of collaboration and whose experience is hard to replicate. The care with which they approach issues – and the trust they have earned – goes well beyond a good practice but has been instrumental in promoting meaningful engagement in certain situations.

It is important to note that this Workshop was scheduled during the annual Bureau of Indian Affairs (BIA) Tribal Providers conference. Thus, Tribes who are an important part of this process did not have the opportunity to engage in this workshop.
Workshop organizers

Arctic Council Sustainable Development Working Group (SDWG)

SDWG is a working group under Arctic Council established in 1998 at the Arctic Council Ministerial meeting in Canada. The Arctic Council is the leading intergovernmental forum promoting cooperation, coordination and interaction among the Arctic States, Arctic Indigenous communities and other Arctic inhabitants on common Arctic issues. https://www.sdwg.org/

Institute of the North

The Institute of the North is a non-partisan policy center that provides best practices from around the Circumpolar North to address critical challenges and take advantage of timely opportunities stemming from an increasingly active region. The Institute hosts initiatives that cross sectors and jurisdictions to empower northern peoples, increasing knowledge of northern issues at local, national and international levels of governance while strengthening Alaskans’ voices in decision-making processes. https://institutenorth.org/

Voice of the Arctic Iñupiat

Voice of the Arctic Iñupiat is a nonprofit corporation formed in 2015, creating a communication network amongst Arctic Slope region communities. It provides local advocacy and engagement for the Iñupiat of the Arctic Slope to state, federal and international forums addressing Arctic issues. https://voiceofarcticinupiat.org

Inuit Circumpolar Council (ICC)

Founded in 1977 by the late Eben Hopson of Utqiagvik, (Barrow) Alaska, the Inuit Circumpolar Council has flourished and grown into a major international non-governmental organization representing approximately 165,000 Inuit of Alaska, Canada, Greenland, and Chukotka (Russia). The organization holds Consultative Status II at the United Nations Economic and Social Council and is a Permanent Participant at the Arctic Council. https://www.iccalaska.org

The sponsors of the workshop:

North Slope Borough
North Slope Science Initiative
ConocoPhillips
ExxonMobil
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Introduction

The Arctic Environmental Impact Assessment (EIA) project is endorsed by the Sustainable Development Working Group of the Arctic Council (www.sdwg.org). The Arctic EIA project is led by Finland during the Finnish chairmanship of the Arctic Council in 2017–2019. The project is co-led by Canada, the Kingdom of Denmark and Gwich’in Council International. The project aims at providing Arctic specific EIA recommendations that can be applied to reducing and mitigating impacts to the vulnerable and changing Arctic environment and to the Indigenous Peoples and other inhabitants who live there. Since economic activities are likely to increase in the Arctic, the role of EIA in project planning will be increasing. Documenting and implementing good practices, sharing experiences, learning from each other and co-creating recommendations form the core of this project.

The Arctic EIA project continues the early cooperation in the field of EIA by the Arctic countries. To take a look at the 1997 publication Guidelines for Environmental Impact Assessment (EIA) in the Arctic, please visit: https://www.unece.org/fileadmin/DAM/env/ea/documents/EIAguides/Arctic_EIA_guide.pdf

The Utqiagvik workshop was the first of three project workshops to be held on the good practices of EIAs and public participation in the Arctic. Two other workshops have since taken place and in the following locations:

- Rovaniemi, Finland was held on November 11-12, 2017 under the title: Tomorrow’s Arctic EIA: Nordic possibilities and new perspectives. This Nordic workshop was supported by the Nordic Council of Ministers.
- Yellowknife, Canada was held on April 24-26, 2018. This workshop was focused on sharing Canada’s experiences within northern co-management, including the fundamental importance of Indigenous and local engagement within these processes.

Key Concepts

Indigenous Knowledge is a systematic way of thinking and knowing that is elaborated and applied to phenomena across biological, physical, cultural and linguistic systems. Indigenous Knowledge is owned by the holders of that knowledge, often collectively, and is uniquely expressed and transmitted through Indigenous languages. It is a body of knowledge generated through cultural practices, lived experiences including extensive and multi-generational observations, lessons and skills. It has been developed and verified over millennia and is still developing in a living process, including knowledge acquired today and in the future, and it is passed on from generation to generation.

The Ottawa Traditional Knowledge Principles, agreed upon by all six Permanent Participants of the Arctic Council, provide good guidance that Indigenous Knowledge:

- Be understood as a systematic way of thinking and knowing
- Has been developed in a living process, including knowledge acquired today and in the future
- Holds methodologies, evaluation and validation processes

www.arcticpeoples.com/our-work-2/#traditional-knowledge-1
Abbreviations

AEWC  Alaska Eskimo Whaling Commission
ARCUS  Arctic Research Consortium of the U.S.
BIA  Bureau of Indian Affairs
BOEM  Bureau of Ocean Energy Management
CAA  Conflict Avoidance Agreement
EIA  Environmental Impact Assessment
IK  Indigenous Knowledge
NEPA  National Environmental Policy Act
NOAA  National Oceanic Atmospheric Administration
NSSI  North Slope Science Initiative

Good Practices on the Meaningful Engagement of Indigenous Peoples in Arctic EIA

“Good” practice is challenging to define:

- For a government agency/ministry, “good” might mean consistent with current law and customary practice, the ability to be impartial but responsive
- For a project proponent, efficient but effective may be considered good, as they are concerned with timeliness as well as the outcomes of a decision
- For Indigenous Peoples, “good” might mean proponents of a project listening to concerns and observations followed by a response where a project is changed to reduce or eliminate potential harmful impacts.

Generally speaking, the Arctic EIA project states that

“Different actors have different views on what works well and what does not in the process of EIA. Generally good practice can be defined as practice that has proven to work well and has produced good results, and can therefore be recommended as a model.”

Good practices will allow a proponent to better understand and assess impacts within an EIA. For the purposes of this project, good practices should be implementable across the Arctic.
For Indigenous Peoples, good practice will feel right if the ultimate decision is value-driven and the project is modified according to a community’s concerns; that type of response is an element of meaningful engagement. Good practice recommendations expressed by Indigenous Peoples at the workshop included:

- Build strong relationships with the community and region prior to any discussion of a project.
- Realize that Indigenous Peoples are not merely stakeholders, but rightsholders and that the Arctic is their homeland.
- Implement effective coordination among (1) agencies, (2) project proponents, (3) the community, and (4) rightsholders within the region to mitigate meeting burnout within Indigenous communities from multiple consultation meetings for the same project or other projects in the same area.
- Recognize that meaningful engagement of Indigenous Peoples and Indigenous Knowledge are two different things and can be achieved through a good EIA process.
- Engage Indigenous Peoples throughout all stages of an EIA, prior to scoping and prior to any decisions being made, with an effort to turn consultation into meaningful engagement.
- Urge agencies and industry to be accountable for following up with communities on whether and how their testimonies have impacted the trade-off decisions made.
- Build recognition, trust, and respect for Indigenous Knowledge and worldviews into the EIA process. Respectful utilization of Indigenous Knowledge requires empowering Indigenous Knowledge holders to be meaningfully engaged in every step of the process, necessary in order to fully understand impacts and the changes within the ecosystem.
- Recognize that there are needs for institutions to adapt and policies to change in order for Indigenous Peoples to have an equitable role within EIA processes.
- Urge agencies to move towards a co-production of knowledge approach (multi-disciplinary and multi-knowledge approaches that rely on both Indigenous Knowledge and science), where Indigenous Knowledge holders and scientists are equitably involved in developing the research questions, deciding upon the research methods, gathering and analyzing the data, and in reporting the research findings back to the community.

Meaningful engagement reflects these practices and occurs when equitable partnerships are built and where Indigenous Peoples, local rightsholders, and government agencies work in true collaboration. Building these relationships and partnerships takes time, well before development and well before a project’s EIA, but can be demonstrated within an EIA process with robust communication, empowerment, and respect.

One of the challenges of meaningful engagement within Arctic EIA, however, is to determine the extent to which local input and Indigenous Knowledge impacts the trade-off decisions made. Under the existing EIA framework in the United States, decisions are based on science, not on Indigenous Knowledge and are not inclusive of Indigenous methodologies. The ultimate issue is how Indigenous Knowledge and community input is weighted and ultimately who gets to decide whether a project should move forward, or not, which is beyond the scope of this analysis and the Arctic EIA project but is an important issue for Arctic states to consider.
Goals of Meaningful Engagement

Meaningful engagement of Indigenous Peoples, which goes well beyond consultation and includes both formal and informal versions, should be determined by Indigenous Peoples and not government agencies or project proponents. In order to understand what meaningful engagement means to Indigenous Peoples, engagement must occur in a culturally appropriate way. Meaningful engagement enhances a project through bridging Western and Indigenous perspectives, building relationships, and empowering communities to decide and negotiate upon mutually beneficial outcomes. Building relationships with communities goes well beyond consultation or an EIA process. It extends into every facet of government, industry and research activities. The goals from this relationship building are to understand and respect Indigenous cultures, worldviews, and Knowledge, which will ultimately result in trust and respect for the region and peoples, which in turn also results in improvements to the projects.

The history of projects and research in the Arctic shows that time and time again mistakes are made when Indigenous and local peoples were not meaningfully engaged. More successful projects found value derived when communities were engaged, when they are community driven, where Indigenous and local peoples are engaged, and when Indigenous Knowledge is embedded in the design, implementation and decision-making. Time and energy is also saved when Indigenous Peoples are meaningfully engaged, which can reduce litigation, avoid lawsuits and legal challenges, and allows for relationships, trust and understanding to build. This not only results in better outcomes, including reduced costs to the project, but also increases safety related to activities in the region.

Current and future leadership in the region have inherited the Knowledge and wisdom of their elders along with decades of experiencing top-down processes where everyone else assumes to make decisions on their behalf. A new generation of rightsholders is keenly aware of – and frustrated by – the lessons learned that have to be repeatedly taught to incoming federal or project officials. This new generation relies on cultural values and Indigenous Knowledge and is also experienced within the current EIA system. However, an imbalance within the current EIA framework inhibits the equitable role that Indigenous Peoples should have in the entire process.

As sovereign governments, Alaskan Native Tribes demand a more robust level of engagement and corresponding expectations. Expectations can range from being informed early in a project scoping (or even before scoping occurs) to follow up throughout the life of an EIA. Multiple meetings with government agencies requires multiple follow up engagements that answer questions or provide additional information. It is imperative that the government is held accountable for consultation and accountable for following their own policies.

The impact of an EIA remains incomplete if only the government is involved in decision-making. In contrast, decisions made should reflect a balanced outcome that is beneficial to all parties involved. Indigenous Peoples should be meaningfully engaged throughout the EIA process in order to effectively mitigate negative impacts and to balance development with environmental protection, food security, and cultural sustainability.
Meaningful engagement means that Indigenous Peoples should see their perspectives and values reflected within a Record of Decision. This is how communities will know that they have been listened to and engaged with meaningfully. Finding a balance between values-driven decision-making, as opposed to rules-driven decision-making, could be a significant step towards meaningful engagement. Ultimately, it will be Indigenous Peoples who will determine whether an engagement has been meaningful, or if a practice is good.

Regional Coordination

The diversity within a region requires a strong understanding of the relationships and roles of authorities and rightsholders. In the U.S. Arctic, at the community level, this can be thought of as tri-lateral engagement – with the tribal government, local government, and land/resource owner (which are the Regional and Village Native Corporations). Additionally, where they exist, borough governments will have a role.

These different rightsholders have differing capacities to engage in an EIA process and successful engagement often depends on collaboration. Those with greater capacity often act as conduits to or as a go between for other partners. The value of having capacity at the regional level is that coordination is more likely to result in informed rightsholders.

Beyond the formal role of some rightsholders, innovative approaches have been taken to ensure regional cooperation and communication. Regional organizations can be established to act as an intermediary between communities and government agencies or project proponents. The goal here is not to replace or displace local rightsholders but to ensure effective engagement and to advocate in the interests of Indigenous Peoples in the region.

Role of North Slope Borough

The local or regional government, too, can implement laws that provide guidance for federal agencies and project proponents. The North Slope Borough, for instance, requires a subsistence representative to be in place within a community in which a project proponent operates, and that representative has the role to advise the company on activities that might impact subsistence resources.

The subsistence representative is an Indigenous Knowledge holder that is in place because of local laws, which reflect local values and often Indigenous priorities.

www.north-slope.org

Other relevant links

Executive Order 13175 – Government to Government Consultation

The Conflict Avoidance Agreement – a good practice of meaningful engagement

Since 1981, the Alaska Eskimo Whaling Commission (AEWC) has managed the bowhead whale hunt through a cooperative agreement with the National Oceanic Atmospheric Administration (NOAA). In addition, the cooperative agreement calls for NOAA to consult with AEWC on any action undertaken by any agency or by the federal government that could affect the bowhead whale. Outside of this cooperative agreement, the AEWC has also developed a Conflict Avoidance Agreement (CAA) with industry. Through the CAA, AEWC works with oil and gas companies to develop mitigation measures to ensure that industry does not impact the availability of bowhead whales to the AEWC communities.

The goal of the CAA is to balance development with Inuit hunting so that Inuit traditional food resources and livelihood are protected while the USA and communities receive the benefits of development. The CAA is in place across all 11 Alaskan Inuit whaling villages. For example, Conoco Phillips has supply vessels that arrive in the summer time to Point Thompson and Prudhoe Bay to deliver supplies.

The CAA in action is very simple and is usually no problem. Inuit usually will ask a company to hold off their delivery/arrival by about 15 days for Inuit to get their whaling quota during the whaling season. This results in a mutually beneficial outcome when governments, industry, and others give adherence to the CAA.

The development of the Conflict Avoidance Agreement by the Alaska Eskimo Whaling Commission is an important tool that helps to mitigate negative impacts of project development. The North Slope Borough, a home-rule borough, supports AEWC by requiring companies to work with them. The Iñupiat Community of the Arctic Slope passed a regional Tribal government Resolution 78-14, which empowers AEWC to manage and protect aboriginal subsistence whaling. All 11 Tribal villages have passed a similar Resolution that empowers AEWC to protect their way of life – whaling. The Conflict Avoidance Agreement is a good practice of meaningful engagement of Indigenous Peoples. The AEWC, a co-management group, has been able to inform companies and regulators of how offshore activities will affect whales. It has been successful in mitigating negative impacts to whaling, an effort to protect and sustain the Iñupiat and St. Lawrence Island Yupik culture, as bowhead whale is the center of their culture and society.

Meaningful Engagement within Research

Engagement goes well beyond a checkbox in a research proposal, but how that engagement should be meaningful is still not well established or standardized. It will be up to Indigenous Peoples to determine “meaningful.”

The research community is becoming responsive to the interests and priorities of Indigenous Peoples, but there remains a challenge to include or even recognize Indigenous Knowledge, let alone co-produce knowledge, which should be the goal.
The contributions that Indigenous Peoples make to research activities in the region should be respected, credited, and mutually beneficial. More importantly, Indigenous Peoples need to be meaningfully engaged at every step of the research process from conception of the idea, helping to develop the research questions, providing the context to the data, in analyzing the data, and in evaluation through their own methodologies and evaluation processes. Researchers should ensure follow up with a community or contributor, but also be sure to “leave something behind” so that the community is learning as well about that research. This can help build capacity within a community or even inspire future Indigenous researchers. Bureau of Ocean Energy Management’s (BOEM’s) “Science Nights” are a good example of giving back.

Scientists should engage Indigenous Peoples, including Indigenous Knowledge holders in the research done in the Arctic and within EIA processes. Indigenous Knowledge is expressed and translated through cultural practices and lived experiences that go back thousands of years, passed down from generation to generation. It is a living process that is verified over millennia and is continuously developing every day.

One of the more recent efforts in Alaska has been to work with regions on overlaying traditional geographies with potential projects, which can be important to understand future impacts (e.g.; Nelson Delta project, or Northwest Arctic subsistence mapping). This collaboration between Indigenous Knowledge holders and Western science and technology provides an opportunity to more completely understand what is happening in the Arctic. Traditional Land Use inventories can be an important resource not only for Tribal or local governments, but in leading to successful projects.
Indigenous Knowledge and the Co-Production of Knowledge

Indigenous Knowledge is passed down over thousands of years. It is expressed in stories and worldviews that are hard to understand for non-indigenous governments or researchers. At its heart are “native” ways of knowing that are based on these cultural pathways. Indigenous Knowledge systems have an extended time depth, are holistic and intimate, are participatory and experiential (based on an individual’s experience and not generalized). These are part of a memory culture, based on elder knowledge and interpretation.

The power of elder knowledge is well-recognized within a community but not well understood by government agencies, and certainly not reflected in an EIA process. Often an elder’s understanding and expectation of what they are contributing to a public hearing, for instance, is a decision by the community and not necessarily just an individual. Indigenous Knowledge should be taken seriously and respectfully as reflecting the interests and values of Indigenous Peoples. It is a collective resource with a spiritual component and should not be taken out of context.

Meaningful engagement can be thought of, in some ways, as an effort to bridge worldviews as it relates to different perspectives on reality, nature, methodology, experience, history and relationships. This is tacit culture, which must be internalized. It takes time, sharing and relationship-building to fully connect. Those relationships should result in partnerships, which goes well beyond consultation. Partnerships should reflect equitable distribution of power and decision-making, as well as the co-production of knowledge used in that decision-making.

There can be four ways to approach Indigenous Knowledge, or three purposes. The first purpose is internal, where Indigenous Peoples are consumers and that Knowledge is used to sustain a culture. Secondly, Indigenous Knowledge can be used to provide an alternative or contrast to Western science. Finally, Indigenous Knowledge can complement Western science, filling in the missing pieces. A fourth

Other relevant links

UIC Science – Indigenous led research coordination

UIC Science is a subsidiary of the Ukpeaġvik Iñupiat Corporation (UIC). UIC Science provides logistical and technical support services to researchers and agencies, and conducts archaeological research throughout Alaska's North Slope. In late 2015 UIC Science became the first Indigenous organization member of ARCUS (Arctic Research Consortium of the U.S.)

https://www.arcus.org/witness-the-arctic/2016/2/article/25682

North Slope Science Initiative (NSSI)

The North Slope Science Initiative (NSSI) seeks to improve scientific and regulatory understanding of terrestrial, aquatic and marine ecosystems for consideration in the context of resource development activities and climate change.

https://northslopescience.org/
approach is less a purpose and more a suggestion that Western science and current technology can be used by Indigenous Peoples even advance traditional approaches or Indigenous understandings.

**Calricaraq facilitators guide**

Calricaraq facilitators guide is developed by the Yukon-Kuskokwim Health Corporation and presented by Steve Street from the Association of Village Council Presidents.


The Indigenous worldview embodies cultural and spiritual components that are intertwined with Indigenous Knowledge and cultural identity. Indigenous Knowledge holders and researchers are often asking different questions and approaching those questions differently. Furthermore, Indigenous Knowledge offers another way to understand and interpret the world that is unique to Indigenous Peoples.

Within Indigenous Knowledge is a holistic approach inherent with the way Indigenous Peoples view the world, the questions they ask about the environment they live within, and how they behave within their environment. This is what is meant when Inuit are pushing to apply a food security lens. They look at their food web, in which Inuit (people) are a part of the ecosystem, where their culture is part of the ecosystem. Hunting, sharing, community feasts, the land and ocean that provides for them, air, language, spirituality, and everything in between makes up their ecosystem.

A problem occurs when someone comes in and looks at just one of those pieces within their ecosystem and then makes policy recommendations or decisions on what is happening in the Arctic without engaging Indigenous Peoples, the people who live there. Indigenous Peoples understand these pieces that make up their ecosystem and the points in between, which are always adjusting and will always need to adjust. In order to understand food security and in order to understand the Arctic, all of these pieces should be taken into consideration and need to be looked at holistically. The key to that is having Indigenous Knowledge holders meaningfully engaged in every step of the process; where Indigenous Knowledge is respected and taken seriously.

Indigenous Knowledge should be present throughout an EIA process and is especially important in the design, review of study design, and at the point of data interpretation. Additionally, Indigenous Knowledge holders must be engaged in the peer review process and supported in utilizing Indigenous methodologies, evaluation processes, and verification processes in order to have an equitable role in the co-production of knowledge.
Project Proponents as Partners

In northern Alaska, Industry may be the most responsive to establishing meaningful relationships with local communities and Indigenous Peoples. Companies have more flexibility and are less responsible for a large area, so they can fine-tune their engagement in an area where they have interest. Staff are often embedded within a community and often have much longer tenure within the company than an agency rotation might allow. Furthermore, industry is often seeking a long-term relationship with communities, where being “good neighbors” is beneficial to projects.

Good practice examples occur when industry works closely with Indigenous Peoples and regional partners to determine the best way to gather input and gain trust within a project area. This can’t simply be done in just one community or generalized between communities, but a region should be “unitized” such that regional differences and cultural contexts can be fully understood and applied.

No One is Listening

Communities remember what has been said over decades of consultation. The promises of follow up, answers and accountability are often not met, but communities will remember.

There were some examples of government agencies following the checkbox approach, to the extent that:

- A plane ticket was used as evidence that an attempt was made to consult, though weather prohibited the flight from occurring and though the consultation had not occurred.

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**ICC food security project**

The Food Security project within the ICC was born from the realization that there was a need to fully share what food security means to Inuit within the Alaskan Arctic. Alaskan Inuit food security is described as the natural right of all Inuit to be part of the ecosystem, to access food and to care-take, protect and respect all of life, land, water and air.

Inuit food security is characterized by environmental health and is made up of six interconnecting dimensions: 1) Availability, 2) Inuit Culture, 3) Decision-Making Power and Management, 4) Health and Wellness, 5) Stability and 6) Accessibility. This definition holds the understanding that without food sovereignty, food security will not exist.

The objectives for the three-and-a-half-year project were to define food security, identify drivers of food (in)security, create a conceptual framework and provide an assessment process to determine Alaskan Inuit food security.

Read more: https://iccalaska.org/media-and-reports/inuit-food-security-project/

*Source: Alaskan Inuit Food Security Conceptual Framework (2015)*
Consultation might occur with one or two people, but was rarely formally organized through the Tribal government or with a large enough portion of the community.

Agencies often consult researchers or the scientific literature before consulting Indigenous Peoples. Western science is approached and included first, as the baseline, after which Indigenous Peoples and their Knowledge are brought in. This is backwards. Indigenous Knowledge is often included only if it aligns with agency priorities or is otherwise considered anecdotal. However, Indigenous Knowledge holds a much deeper understanding of the ecosystem and often science is based off of only relevant observations. An example is that the Indigenous Knowledge of bowhead whales has proven to be more in-depth than scientific knowledge of the whales time and again. The result is science trying to catch up with Indigenous Knowledge instead of working with Indigenous Knowledge holders to better understand how bowheads use the Arctic.

Including science, but not Indigenous Knowledge in the process is not meaningful. It is important to understand that consultation is not engagement. Consultation should inform an EIA process from the beginning and lead to meaningful engagement throughout, such that it is not used to just comment upon already established research, project design and decisions made. Consultation should lead to meaningful engagement.

Communities are continuously experiencing fatigue from inconsistent and intermittent consultation with little to no benefit. In general, consultation occurs through the public hearing process, where agencies assert control of what will be covered at a consultation meeting. They tell Indigenous Peoples to ask them what they think about a project or impacts from a project. Questions and concerns posed by Indigenous Peoples are often deemed “not part of the process.” Once the consultation meeting is concluded, the agency goes away without any follow-up of how the testimony and Indigenous Knowledge has impacted the trade-off decisions made. That is not meaningful engagement. The process does not allow for follow up regarding the issues raised, and decisions frequently do not reflect what Indigenous and local peoples have said. There is little incentive to participate, beyond the dramatic potential negative impact that non-participation would result in.

Consultation and EIA Guidelines

Every agency has a different approach to consultation, as well as a different set of guidelines for NEPA or other EIAs. The turnover of agency staff is high and during the EIA process agency leads may change. The lack of coordination within and between agencies, and the lack of clarity with regard to guidelines and expectations also create difficulties.

Strategic, programmatic and project EIAs are all opportunities for meaningful engagement with Indigenous Peoples, but approached differently and not utilized universally.

In Alaska, the land and resource owners are generally the village and regional corporations, who may be consulted in a less formal manner than the government to government consultations between the federal government and the Alaskan Native tribes.
Adaptive management requires adaptive institutions, instead of forcing Indigenous Peoples into a box that contradicts their cultural identity and traditional practices. Adaptive management can and should empower Indigenous Peoples and should be reflected in co-management opportunities. In many ways, the rights of Indigenous Peoples are embedded in their role and responsibility to co-manage, to define for themselves what happens in the Arctic, their homelands.

Indigenous Peoples have an intimate understanding of the environment, based on their own worldview and deeper than science; they are stewards and voices for their resources.

One needs to actively support the utilization of Indigenous Knowledge and push agencies to a path that recognizes the value of Indigenous Knowledge and meaningful engagement with the aim of true collaboration as a key to overall success.

One of the more innovative responses has been Bureau of Ocean Energy Management’s (BOEM’s) Traditional Knowledge panels, which they have collaborated on with the North Slope Borough. These might be a model as well for onshore activities.

Good practices within agencies is generally due to good people, individuals who have long-term experience and meaningful relationships in place with community members. However, in order to move closer towards true collaboration and meaningful engagement, agencies and institutions need to adapt and policies need to change.

Other Relevant links

NEPA and Section 106 of the National Historic Preservation Act
https://www.npi.org/NEPA/sect106

MMPA 101(a) SAD and ESA and Whaling Convention Act
Requires development impacts be mitigated to preserve the availability of marine mammals for Alaska Native subsistence.

On the Arctic

Even within the Arctic, regions, cultures, ways of life, and political landscapes are different. The region cannot be approached as one unit, but instead EIA processes must reflect the differences between or within regions. The Arctic Council, as an intergovernmental forum that includes Indigenous Peoples as Permanent Participants, can help to articulate the similarities and differences that the region experiences.

The Arctic is unique as a region. A fragile environment, the presence of permafrost or sea ice, and a high population of Indigenous Peoples who still depend on traditional activities define the Arctic. The region is rich in resources, is interconnected by the land, the sea, and the ice, faces extreme cold climate and logistical challenges, and is experiencing higher rates of climate change impacts than other regions.
Indigenous Peoples of the Arctic are resilient, in anticipating the cyclicity, variability and predictability of environmental vulnerability, hazards, impacts, adaptation, and recovery. Indigenous cultures are intimately tied to their ecosystem in which they are a part of. Indigenous Peoples hold deep understanding and knowledge of their environment, which is applied and evolves every day. This ever-present connection between people and the environment, and the centrality of their hunting and fishing culture, is important for agencies and project proponents to consider when making decisions and policy recommendations.

People have multiple roles within communities, which are small in size and remote. These “hats” mean that at any one time they could be representing a Tribal government, local government, corporation or co-management organization. There are different systems of governance and cooperation within the Arctic that needs to be understood but also that can be leveraged to better inform an EIA. This will require different timing for meetings, coordination between agencies, flexibility for meetings, possible translation, and a significant investment in time, travel and engagement.

An Arctic EIA does have an obligation to more meaningfully engage Indigenous Peoples. Additionally, international or transboundary linkages will be important, as Indigenous Peoples of the Arctic span across multiple countries.
APPENDIX 1. SHARED IN GROUP WORKS OF THE WORKSHOP

Case Studies – Core Principles, Current and Good Practices

- Learn from Indigenous peoples by listening, observing, and engaging
- Share information in culturally appropriate ways – keep it brief but informative, and be respectful
- Agencies use multiple methods for engagement – consultation, meetings, informal get togethers
- Consultation with Tribes is a formal process and confidential (even to communities)
  - Both parties can request consultation, and Tribes can set the time for convenience
- BOEM conducts strategic, regional and project EIA processes; considers as well the international context
- Within EIA there are many different decision points and opportunities for input, and the entire process can span years – community scoping meetings, listening sessions, official hearings, public review and comment periods
- Broad engagement is important and should be with Tribes, the public, and different levels of government
- Agencies working to reduce time it takes to make decisions
- Agencies produce and share knowledge – share social indicators with communities, research findings published and shared, topics include Indigenous Knowledge, Arctic Council
- Work with schools, youth, host science fairs, fund projects
- Banish word stakeholder; use “rightsholder” instead if referencing Indigenous Peoples
- Agency has Tribal and Community Liaison officer —573 federally recognized Tribes in U.S., 40% of which are in Alaska – establish, develop and maintain relationships with Tribes, communities, Native Corporations, and organizations
- Build relationships and trust, learn about community, mosaic of relationships
- Show respect for values and traditions, active listening, collaboration, engagement, frequent conversations, exchange of reports and findings, sharing
- Whaling crews identified potential conflict between fall whaling and development
- Mitigation measures provided by community were described in draft EIS
- Set quiet periods during whale migration and harvest
- Winter construction to proactively avoid and minimize conflicts
- Marine Mammal Observers on vessels to avoid animals
- Limited vessel speeds and routes to minimize potential impacts
- Coordinate input from multiple regional partners, support the utilization of Indigenous Knowledge, coordinate and share science in the region, inclusive decision-making

Comments by the Inuit Circumpolar Council:

2 Not sure that this is the best idea
3 If Indigenous Peoples were extended this opportunity, it would be more meaningful
- Maintain and improve agency and public access to contemporary and traditional local knowledge
- Multi-institutional and multi-jurisdictional collaboration
- Involve external networks – academic institutions, non-governmental organizations, international collaborators
- One stop shop for data management and information portal
- Simplify community and Indigenous knowledge input and feed into existing frameworks – complex government systems unable to process otherwise (current, does not reflect aspirational)
- Industry-led research, voluntary programs to produce baseline data
- Industry cooperation – cost sharing, resource sharing
- One large study vs many small studies, reduces impact on community capacity and ecosystem
- Many years of building up trust and close cooperation with whaling communities resulted in the conflict avoidance agreement
  - Work with local whaling crews and regional association to avoid conflict during harvest
- Local workforce, real time tracking of vessel traffic, community point of contact
- Ecosystem approach inclusive of Indigenous Peoples & Indigenous Knowledge
- Data consistency – data sharing agreement, all raw data on public website
- Accountability and transparency – all activities, products on public website
- Marine Mammal Observers on all vessels
- Communication by phone, email and social media
- Training for staff, client, field crew – cultural awareness, community members (elders/hunters)
- Community meetings to identify research interests, community outreach
- Trained and culturally responsive, passionate personnel are essential
- Long-term funding for research assists in stakeholder engagement, relationship building
- Conflict can be perceived or real – either way need to take appropriate action
- Project proponents build in mitigation measures to plans, resulting in economic benefits to community, capacity building
- Conservation easements and remediation projects

Comments by the Inuit Circumpolar Council:

4 This should already be done through engagement of Indigenous Peoples and to support the utilization of IK. Yes, access to data and information is crucial. However, it is not ok to replace IK with some data stored on a database and not ok to interpret IK through another worldview and cultural lens. This is why IK holders need to be meaningfully engaged.
5 Realizing that utilization of IK requires working directly with IK holders who have intellectual property rights over their knowledge. IK cannot be taken out of its cultural context.
6 IK cannot feed into existing frameworks that don’t support the utilization of Indigenous Knowledge and its methodologies.
7 Should say community led research
8 Indigenous Peoples are not stakeholders. We are rightsholders. This excludes Indigenous Peoples if we only say stakeholders.
9 Suggest alternative language, like instead saying community engagement or engagement and relationship building of Indigenous Peoples and communities.
• Companies maintain community presence and strong working relationship with community partners
• Ensure hunting/gathering access as determined by the community—pull-outs for hunters, ramps to cross roads
• Subsistence oversight panel established for each project
• Project proponents not required to do government-to-government consultation but each company has own process for accomplishing engagement, with regular feedback loops built in to listen, learn and share, while building and maintaining relationships
• Engage at school, health and science fairs, co-management meetings
• Companies provide support for community and regional projects or research—food security, mapping traditional hunting and land use areas—lead to capacity building and more meaningful consultation
• Improve conceptual models by working with and learning from Indigenous Peoples
• Understand stressors—land use, climate, competing interests
• Conduct scenario planning—include hypothesis of ecological change
• Micro-topography makes a difference for habitat
• Need to develop conceptual models of climate impacts\textsuperscript{10}; predictive capability
• Meaningful engagement—equity for local stakeholders\textsuperscript{11,12} to have input into and influence on local development; build local capacity, spur economic benefits, and offset negative impacts
• Each community has different priorities, capacity and knowledge
• Industry should be a good partner—respectfully utilize Indigenous Knowledge, build local buy-in, reduce local impacts, have social license
• Agencies should fulfill their consultation obligations, streamline permitting processes, have balanced mitigation measures, and build relationship of trust
• Stakeholders are empowered communities and indigenous peoples, strengthened capacity, economic and social benefits, business development\textsuperscript{13}
• Need for historical perspective—agencies and companies change, communities remember
• Hybrid collaboration in region—
  o Indigenous land and resource management
  o Private to private partnerships
  o Community based non-governmental organization
  o Public to public co-management
• Memorandum of Understanding in place for impact mitigation, business development, conflict avoidance, access to hunting and gathering areas
• Local development should result in local benefits
• Adapt to decisions and make the most of any situation such that local peoples remain involved with seat at table and shared intellectual space

Comments by the Inuit Circumpolar Council:

\textsuperscript{10} Or utilize alternative, Indigenous methods as defined by Indigenous Peoples
\textsuperscript{11}\textit{Indigenous Peoples are not stakeholders. We are rightsholders.}
\textsuperscript{12}\textit{Suggest replacing the word stakeholders with community members}
\textsuperscript{13}\textit{Suggest saying that communities and Indigenous Peoples are empowered through strengthening capacity, economic and social benefits, business development.}
• Trickle-up strategy – amplify local voices and ensure regional collaboration
• Indigenous Peoples in Alaska have worked to create various mechanisms to manage and promote local influence on Arctic resource development with industry and agency partners
• Proactive Engagement is important to transition from inconsistent and intermittent consultation to meaningful engagement throughout the entire process
• Meaningful engagement is part of Indigenous self-determination
• Mackenzie data stream example – programs to educate people how to collect web-based data
• LEO program – network of community based observations
• Indigenous Knowledge is complementary to science
• Move away from “integration” – understand and accept Indigenous worldview, alternate methodologies, and ways of knowing
• Follow up on commitments, especially to share information and answer questions
• Use words that government understands, that are already in law
• Approach of care and concern – trust, respect, active listening
• Locate people in agencies that are doing the right thing, work to replicate or scale up
• Begin transition planning for those who are doing things well, training new generation

Comments by the Inuit Circumpolar Council:

14 Yes, but that doesn’t improve anything if what is necessary in order to meaningfully engage Indigenous Peoples requires change in the laws and policies.
15 What we want is for them to work directly with Indigenous Peoples - not take what they think they know and try to replicate it.
### Barriers to Engagement

<table>
<thead>
<tr>
<th>Barrier</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>Multiple meetings with multiple agencies</td>
<td>Inter-agency cooperation or community-led</td>
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<tr>
<td>Weight of local input vs. eNGO- undermine</td>
<td>Consult &amp; meaningfully engage directly with Tribes and IP</td>
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<tr>
<td>Indigenous Peoples (IP)</td>
<td></td>
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<tr>
<td>Lack of connection to community</td>
<td>Build personal relationship outside project</td>
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<tr>
<td>Seven year EIA process = consultation fatigue</td>
<td>EIA processes need to be more practical for communities and the general public</td>
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<td></td>
<td>to be a part of the entire process</td>
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<td>Tribal capacity</td>
<td>Funding, Education and partnerships</td>
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<td>Distant decision-making in DC</td>
<td>Litigation, strengthen relationships with DOI</td>
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<tr>
<td>Lack of BIA representation</td>
<td>Include BIA in NSSI, other forums</td>
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<tr>
<td>Lack of funding to support Indigenous</td>
<td>Include funding for IPs to ensure that IK is utilized in a respectful &amp;</td>
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<tr>
<td>Involvement</td>
<td>appropriate way</td>
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<tr>
<td>Not Incorporating IK in study design and</td>
<td>Empower communities to drive research, support IK holders and the</td>
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<tr>
<td>analysis</td>
<td>co-production of knowledge</td>
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<tr>
<td>Avoid conflicts</td>
<td>Listen to community</td>
</tr>
<tr>
<td>35,000 comments average EIS</td>
<td>Respond if substantive; ability to pull out local/Indigenous</td>
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<tr>
<td>35,000 comments average EIS</td>
<td></td>
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<tr>
<td>Lack of understanding of NEPA and inequity</td>
<td>Institutions, including agencies, need to adapt and empower Indigenous</td>
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<tr>
<td>of IPs role in the NEPA framework</td>
<td>Peoples</td>
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<tr>
<td>Reactive</td>
<td>Proactive</td>
</tr>
<tr>
<td>Inclusion of IK in databases**</td>
<td>Explore National Tribal GIS, managed by IPs</td>
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<tr>
<td>Not enough cumulative impact analysis</td>
<td>Agency needs to adapt- Framework for EIS needs to include IK on IPs own terms/</td>
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<tr>
<td></td>
<td>methods.</td>
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</tbody>
</table>

BIA (Bureau of Indian affairs), IPs (Indigenous Peoples), IK (Indigenous Knowledge), EIS (Environmental Impact Statement), NEPA (National Environmental Policy Act), GIS (Geographic Information Systems)

* Inuit Circumpolar Council comment: *Utilization of IK requires working directly with IK holders who have intellectual property rights over their knowledge. IK cannot be taken out of its cultural context.*

### Meaningful Engagement during an EIA Process

**Environmental studies & research**

- CSESP (Chukchi Studies Environmental studies program)
- Long-term monitoring to detect change (natural + project impacts)
- Have TK & science discussions at the same time – Nagruk
- Can have qualitative studies as well as quantitative – Statoil
- Cumulative impacts
- Proponents hire local and indigenous communities to conduct IK studies + to participate in other environmental studies
Plain language communication of tech/scientific info
Indigenous tech experts are not equivalent to Indigenous Knowledge holders
Unlikely U.S. agency will conduct original/new research – dependent on applicant/proponent In application.

What should be done – Research

- “science” translation/communication/non-technical audience (i.e. locals)
- Full understanding of regulatory environment
- Co-production of knowledge working directly with Native/Indigenous organizations
- Co-production of knowledge- defined by both Indigenous Knowledge holders and Scientists

Mitigation

- Hear the voice of the Indigenous Peoples impacted + how to reduce impacts -> shared decision making power

What should be done – Mitigation

- Address affected resource/community impact
- Allow for inclusion of options by impacted peoples

Decision-making

- Hear the voice of people impacted – listen – consider -> real or perceived al concerns are valid
- Post EIS indigenous consultation: Ask does report of EA create any impacts on established or asserted indigenous rights?
- (EIS) Meets legal obligation to include local input in scoping, review and cooperating agency participation, as is used by “deciders”. Legally defensible.
- Define what is meant by “decision-making” and who are the “decision-makers”
- Subsequent to NEPA ROD, local, state and regional permitting process include public notice and comment periods gathering further input and development of specific stipulations and mitigations or denials
- Shared decision-making from the beginning between Indigenous Peoples and other actors-industry-gov-science

What should be done – Decisions

- Tri-lateral engagement/consultation

Strategic, Regional or Project Scoping/Project planning

- NHPA, Sec. 106 process parallel to NEPA?
- Scoping sessions in local communities, in local language
- Open ended questions on questionnaires – context is important
- Ensure scoping takes all legal requirements into account (fed, state, local, tribal...)
- This is where we can get things right, equitable role-defining + shared decision making

What should be done – Scoping

- Coordinated and funded tribal consultation or NHPA – NEPA
- Agency scoping should not be the first time a community hears about a project

Impact Analysis

- Inclusive of IK along with science and research
- Dependent (in part) on info collected through scoping, in particular local to project area
- Indigenous Peoples defining what this is through their own framework through all stages from conception of the idea
- Ensure language usage is consistent across partners/stakeholders (e.g. meaningful and cross-culturally understandable)
- Defensible, i.e. rooted in concerns voiced and agreement in results leading to viable alternatives (Design changes? Mitigations?)

What should be done – Analysis

- Ensure feedback loop present of obvious
- Provide opportunity for review of analysis by all parties prior to final submission

Review

- Allow for enough time for meaningful review to occur; respond to requests for extensions
- Anyone (NEPA-US) can participate – multiple formats to provide comment are available
- By including local input from project design, reduce/eliminate need for costly/time-consuming review of draft

What should be done – Review

- Tri-lateral engagement/consultation

Alternatives

- Rooted in & dependent of quality of cooperating agency participation + scoping
- Practicable requirements
- Mission/agency driven – e.g. LEDPA
- “No action” is an (required!) alternative (US-NEPA)
- Value driven – respectful and mutually beneficial of cultures/world views

Meaningful engagement

- Holistic view
- Multiple definitions – not limited to 1
- Preplanning – scoping
- “Driver’s seat” equitable role at the table where decisions are made – from conception – planning – analysis – evaluation – review
- Multiple world views at play
- Mutually beneficial – who is deciding what this is envisioned to be?
- IK and science – equitable role where decisions are made

Other
- Project proponents should include more than just “agency” (i.e. identify appropriate indigenous partnerships).
- FB (replacing VHF in Alaska) has bridging impact for relationships.
- Communication both ways: frequent, informal + formal, to assure meaningful engagement + promote understanding.
- Corporate/industry project proponents must meaningfully engage with communities years prior to applications + so that partnerships/relationships are built and are meaningful and so that the project is done right.
- Go to the communities!
Workshop program

Meaningful Engagement of Indigenous Peoples within an Environmental Impact Assessment
Utqiagvik, Alaska * November 27-29, 2017 * Iñupiat Heritage Center

Goals:
1. To hear from Indigenous Peoples their experience with and perspectives of consultation
2. To improve utilization of Indigenous Knowledge (IK) in EIAs
3. To review Alaskan case studies of Indigenous consultation
4. To discuss methods that move consultation to meaningful engagement
5. To contribute lessons learned and good practices to the EIA analysis of the Sustainable Development Working Group (SDWG) of the Arctic Council

Monday, November 27, 2017

0900 Welcome
- Sayers Tuzroyluk, Voice of the Arctic Iñupiat
- Päivi A. Karvinen, Project Coordinator, Arctic EIA; Ministry of Environment Finland

Introduction of Session and Goals
- Nils Andreassen, Institute of the North

Local and Regional Indigenous Peoples Listening Circle
- Sayers Tuzroyluk, Voice of the Arctic Iñupiat
- Nagruk Harcharek, UIC Science
- Popsy Kinneeveauk, Tikigaq Corporation
- Jim Nash, Native Village of Point Hope
- John Hopson, Jr., City of Wainwright

1200 Lunch

1300 Statewide Indigenous Peoples Listening Circle
- Steve Street, Association of Village Council Presidents
- Vernae Angnaboogok, Inuit Circumpolar Council
• Arnold Brower, Alaska Eskimo Whaling Commission
• Robert Suydam, North Slope Borough, Department of Wildlife Management

1500 Indigenous Knowledge Contributions and Practice – Review of Concepts and Reflection on Listening Circle Content

Focus Questions
• What are the goals of consultation, from different perspectives?
• What are the expectations of communities, and Indigenous peoples?
• Where and what have we learned from past mistakes?

• Where do we see success today?
• What are the barriers to meaningful engagement?
• What does success look like in the future?
• What does meaningful engagement look like?
• How is Indigenous Knowledge utilized?

1630 Adjourn Day 1

Tuesday, November 28, 2017

0900 Welcome and Review of Project Goals
• Päivi A. Karvinen, Project Coordinator, Arctic EIA; Ministry of Environment Finland
• Nils Andreassen, Institute of the North

0930 Alaska Case Studies – Presentations and Panel Discussion
• Liberty Project and OCS Leasing Plan
  o Michael Haller, BOEM
• NSSI and BLM activities
  o Sara Longan, NSSI
• Chukchi Sea Environmental Studies Program
  o Sheyna Wisdom, Fairweather Science

1200 Lunch

1300 Alaska Case Studies – Presentations and Panel Discussion (continued)
• North Slope Borough – analysis and application
  o Gordon Brower, Director of Planning, North Slope Borough
• Greater Mooses Tooth 2
  o Rusty Brown, ConocoPhillips
• Local Collaboration in Alaskan Arctic Development
  o Teresa Imm, Vice President, ASRC

1500 Break
1530 **Circumpolar Perspectives - Presentations and Panel Discussion**

*Moderated by Liza Mack, Aleut International Association*

- Seija Rantakallio, Finland Ministry of the Environment
- Adam Chamberlain, Gwich’in Council International
- Kjerstin Lange, Arctic Economic Council
- Kim Pawley, Indigenous and Northern Affairs Canada
- Pamela Lesser, Arctic Centre, Finland
- Dennis Thurston, BOEM

1630 Review of Findings

1700 Adjourn

    Aggi (Traditional Dance)

1830 Dinner – Northern Lights

**Wednesday, November 29, 2017**

0900 Welcome and Review of Day Two

0930 Best Practice Arctic Café

*Based on case studies, small groups will be organized to discuss thematic areas consistent with lessons learned or best practices observed. Participants will focus on policy relevant findings, gaps and challenges, and paths to implementation:*

- Government processes
- Project proponent approaches
- Innovative collaboration
- Utilization and Co-Production of Indigenous Knowledge
- Meaningful engagement
- Project and community impact

1100 Report out in plenary

1200 Lunch

1300 From Consultation to Meaningful Engagement

*Small group dialogue*

- Key features
- Pathways

1500 Break
1530  Good Practice Review and Prioritization  
Review of Findings and Submission to SDWG project leads

1630  Adjourn

Thank you to

- Voice of the Arctic Iñupiat
- North Slope Borough
- North Slope Science Initiative
- ConocoPhillips
- ExxonMobil
- Institute of the North

for sponsorship.