New Horizons for IBAs: Brownfields, Renegotiation, Meaningful Implementation

Guy Polden and Ginger Gibson, PhD
The Firelight Group

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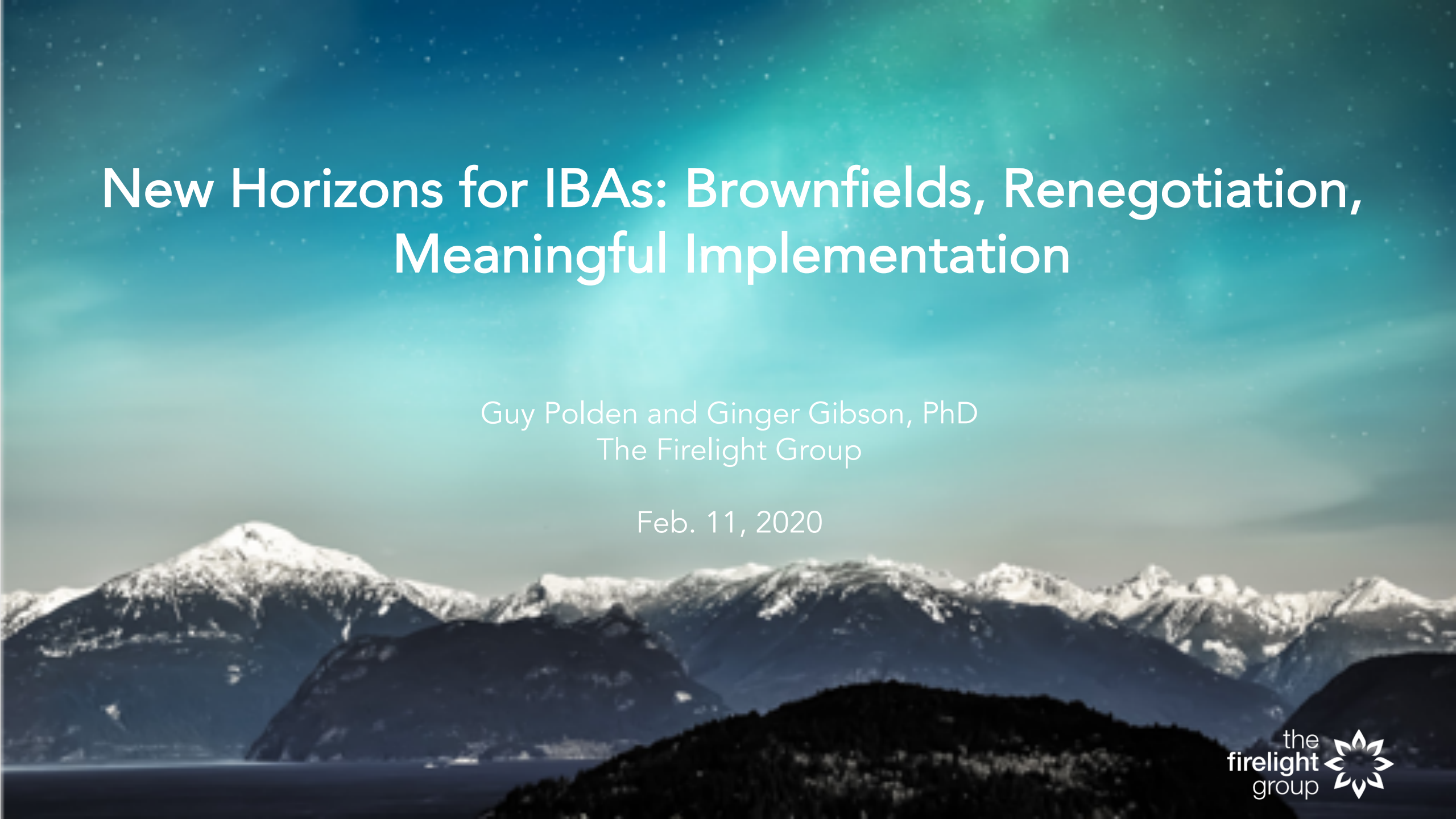

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We are **Indigenous-owned**, and work for Indigenous communities and organizations **only**.

We **equip staff** with the **tools** to take this **work** on in the **future**.

Over the past **10 years**, we have **transformed** the way governments and industry **engage** with **Indigenous** communities.

WHAT WE DO

TUS	GIS	ECOLOGY	EA	IBA	PLANNING	SOCIO-EC	HEALTH
Work with communities to identify and map key values in relation to industrial projects	Give communities the tools and training they need to create and manage their own spatial data	Support communities as they use their knowledge to assess, monitor, and manage animals, plants, and landscapes	Assist communities to participate in environmental assessment processes	Support communities to negotiate and implement impact benefit agreements	Help communities to develop plans, policies, protocols	Help communities to identify and monitor economic and social priorities	Environmental scans, assessments, evaluations of projects and programs, and Indigenous knowledge studies of health and wellness

ABOUT US

QUALITY
High quality, objective, evidence-based, and peer reviewed research

FAIRNESS
Collaborative and supportive approach to work and research

RESPECT
Work that is respectful and respected by all parties

SOCIAL RETURN
Support initiatives that are culturally, politically, or ecologically important

- ✓ Free for Indigenous Nations/Organizations
- ✓ Hands on training
- ✓ Relevant key note speakers
- ✓ Knowledge exchanges

Apply at **indigenousmaps.com**

Google

Google Earth Outreach

NASA

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FIRST NATIONS UNIVERSITY OF CANADA

Our Clients

IBA Negotiation and Implementation

- Aim to help communities negotiate strong agreements with companies
- Support community negotiating teams leverage agreements that meet the community's priorities and values
- Bring together traditional knowledge and use, ecology and socio-economic research
- Enhancing capacity through the IBA Community Toolkit as well as training workshops for community negotiators

New horizons for IBAs

New Horizons for IBAs

- Brownfields and Care & Maintenance Agreements
- Renegotiation of Agreements
- Long-term Implementation

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Brownfields Negotiations

Brownfields or C&M IBAs

Brownfields IBA: Negotiated in a context where a project is already operating

Care and Maintenance (C&M) IBA: Negotiated in a context where a mine has been placed in care and maintenance

Brownfields or C&M IBAs

Start on a much different footing than greenfield negotiations

Communities

- Experience of living without an agreement and experiencing impact without any benefit
- Opportunity to re-establish agency over the use of their lands and to gain control over operations

Companies

- Gain certainty
- May be because of permit renewal, shift in corporate ownership or vision

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Brownfields or C&M IBAs

Outcome	Greenfield	Brownfield
Employment	Jobs are planned, however it is relatively simple to develop targets, and start from the ground up. Training is likewise easy to gain funding, partners, and traction for as this is new economic development in a region.	All the jobs are held, and often the only way to gain any new positions is through attrition. Benefits can be found in setting targets that are small (any increase represents some increase), and in setting positions for community-based positions to assist with training & employment readiness.
Business	The opportunities have not been given away, and both the process and the business opportunities are open for discussion	Business opportunities are largely negotiated. The opportunity lies in finding contracts that may expire, and negotiating strong processes for tender and review.
Financials	There are often financial reports that area easily available, depending on the stage of planning, but often financials are only just emerging. There is no value lost at this point.	Years of mining have occurred, and that past value is foregone. The financial value of the project is often well understood at this point. The number of years left of value is often small.
Environment	Environmental impacts are often well described in impact assessments. These are often used to make project changes, and then create environmental monitoring approaches, controls, and jobs.	Often permits were issued under legislation from a different decade, making it so the permit conditions are difficult to reconcile with currently permitted projects. Reclamation often appears as an opportunity for joint engagement, and as an area where productive joint work can occur for reconciliation.
Traditional Use	As nothing (but some exploration) has occurred, there is often a limited existing impact. Traditional use can be identified, and project plans can be made to avoid impacts.	There has often been ongoing and long-term impact to traditional use that may never have been discussed or accommodated. There is often heavy alienation from the area, and mistrust and anger to consider. Joint solution may lie in valuation of past historical losses.

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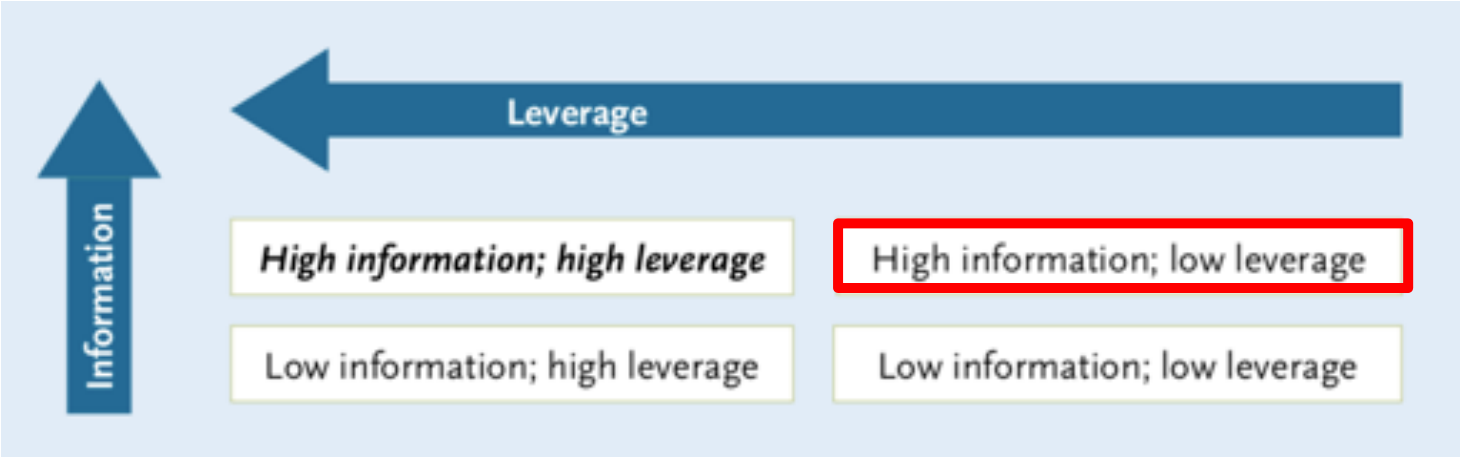
Brownfields or C&M IBAs

- Getting to the table can be the hardest part
- Greater amount of information available on impacts



source: IBA Community Toolkit: Gordon Foundation

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Renegotiation of Agreements

Renegotiation

- Trigger is usually a clause in the agreement, or a permit or regulatory requirement
- Allows parties to “take a look in the mirror” and hit the reset button
- Can be set alongside a permitting and licensing period
- Can meaningfully update the benefits
- Unique opportunity for *retroactive impact assessment* look back at predictions made in environmental assessment and assess their accuracy

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Implementation

Implementation

- Strong transition periods between negotiation and implementation
- Consistency on representatives, or process for transition for shift in representatives to manage turnover
- Capacity to manage and utilize funds in place
- Annual community meeting to celebrate the new relationship
- Making sure outcomes are understood locally
- Peer-to-peer knowledge exchanges

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Indigenous Project Ownership

Calgary

Indigenous-led group submits unsolicited bid to buy Trans Mountain pipeline

'This is a pivotal moment for Indigenous peoples,' says Project Reconciliation founder

Sarah Rieger · CBC News · Posted: Jul 24, 2019 10:07 PM MT | Last Updated: July 25, 2019

source: cbc.ca

FIRST NATIONS MAJOR PROJECTS COALITION

The Role of Indigenous People in Major Project Development:

Paths for Indigenous Participation in Electricity Infrastructure

First Nations Major Project Coalition
www.fnmpc.ca
executivedirector@fnmpc.ca

July 10, 2019

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IBA COMMUNITY TOOLKIT

Negotiation and Implementation of Impact and Benefit Agreements

Summer 2015 edition

By Ginger Gibson and
Ciaran O'Faircheallaigh

WALTER & DUNCAN
GORDON FOUNDATION

Commissioned by
The Gordon Foundation

THANK YOU

EMAIL

guy.polden@firelight.ca

ginger.gibson@firelight.ca

PHONE

(604) 563-2245

firelight.ca

@thefirelightgp

@thefirelightgroup