CHAPTER 5

INTEGRATED MANAGEMENT PLANNING IN CANADA'S WESTERN ARCTIC:

AN ADAPTIVE CONSULTATION PROCESS

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In collaboration, stakeholders learn and therefore change. While heterogeneity and diversity may be impediments to dialogue, they are also an immense source of creative potential. Collaboration leads to the reconciliation of diverse frames of reference, and therefore to the transformation of agents' mindsets, and thus, indirectly to the modification of the original setting .

– Paquet and Wilkins 2002, 9

THE REGIONAL CONTEXT

The Inuvialuit Settlement Region (ISR) lies in the Canadian western Arctic region (see Figure 5.1). Created with the signing of the Inuvialuit Final Agreement (IFA) in 1984, the ISR covers 906,430 square kilometres. It includes four distinct geographic regions: the Beaufort Sea, the Mackenzie River Delta, the Yukon North Slope, and the Arctic islands. The Mackenzie Delta includes lake, swamp, and river channels covering 35,000 square kilometres. The population of the region in 2003 was about 5,600 people, including 3,300 Inuvialuit.

The marine environment of the ISR includes a permanently ice-covered region, a seasonally ice-covered region, and a coastal area influenced by the mixing of salt water and fresh water from the Mackenzie River. The continental shelf of the Beaufort Sea is quite narrow, nowhere exceeding 150 kilometres offshore. The average depth of the shelf is less than 65 meters, and ranges from around 10 meters in the Mackenzie Delta to 600 meters around Amundsen Gulf. The shelf seas and ice edges provide food for the Inuvialuit and other top predators. The Beaufort Sea marine region has a large population of polar bear, ringed and bearded seals, the largest summer feeding population of bowhead whales, and perhaps the world's largest summering stock of beluga whales.

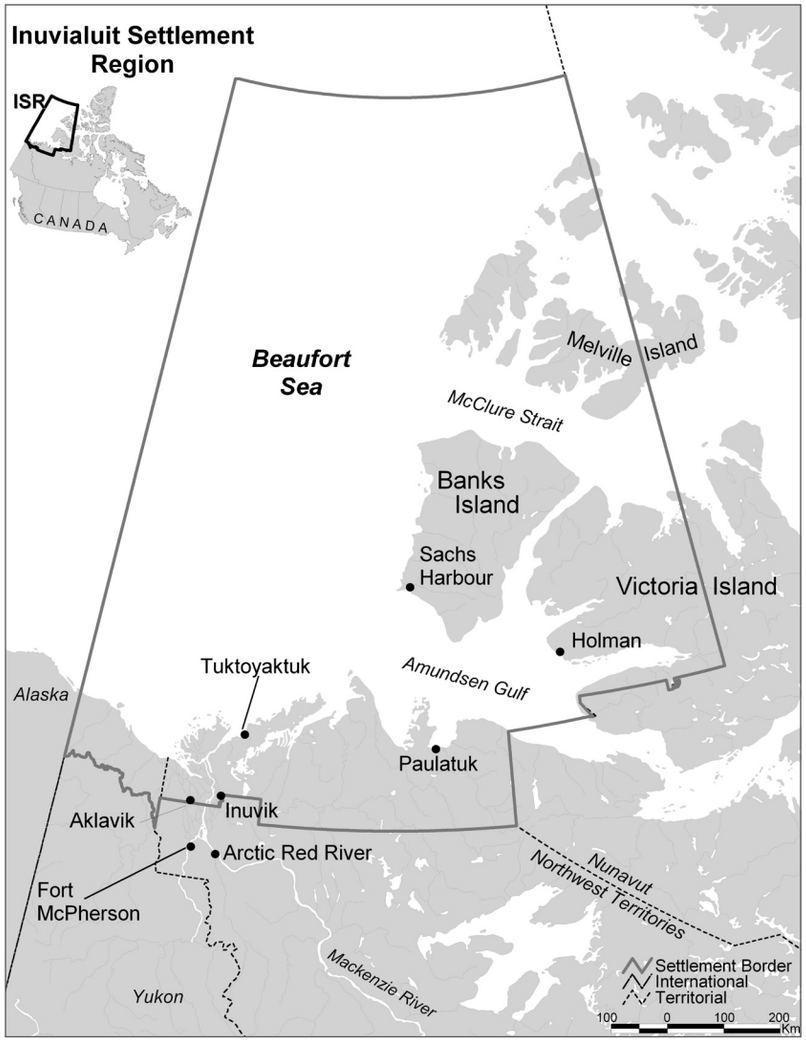

Figure 5.1 Map of Inuvialuit Settlement Region.

The region is rich in non-renewable hydrocarbon resources. Hydrocarbon exploration in the Canadian Beaufort began in the late 1960s, fuelled in part by the discovery of oil at Prudhoe Bay, Alaska, in 1968. The period of exploration which followed lasted approximately twenty years and resulted in a number of significant oil and gas discoveries both in the nearshore and offshore areas of the Beaufort Sea. A proposal to construct a pipeline from the Mackenzie Delta was tabled in the 1970s. The Federal Government responded by holding an inquiry to assess what impacts would occur with the construction of a pipeline. The Report of the Mackenzie Valley Pipeline Commission (Berger 1977) recommended that comprehensive land use planning be undertaken to address resource use conflicts identified during the commission's hearings, and further, that part of the area of West Mackenzie Bay should become a beluga sanctuary. The commission also recommended a ten-year moratorium on the construction of the pipeline in order to allow time to settle land claims in the Mackenzie Valley. The recommendation for a moratorium coincided with a fall in oil prices. Hydrocarbon exploration activities in the Beaufort Sea were subsequently scaled back and ultimately shut down.

Six years later the Task Force on Northern Conservation was established to provide advice to DIAND (Department of Indian and Northern Affairs) concerning the development and implementation of a comprehensive conservation policy for northern Canada (DIAND 1984a). The recommendations tabled by the Task Force emphasized the need for marine conservation management and planning initiatives, including a comprehensive network of land and/or water areas subject to special protection, taking into account local knowledge and uses of the area. The IFA which was signed in the following year provided legislative support to those recommendations.

The three goals of the IFA are:

a) to preserve Inuvialuit cultural identity and values within a changing northern society;
b) to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and
c) to protect and preserve the Arctic wildlife, environment and biological productivity. (DIAND 1984a, x).

Under the IFA the Inuvialuit Regional Corporation (IRC) was given responsibility for managing the compensation and benefits received by the Inuvialuit. The Inuvialuit Game Council (IGC) was given responsibility for representing the collective Inuvialuit interest in wildlife. The Fisheries Joint Management Committee (FJMC) was given the responsibility to assist Canada and the Inuvialuit in administering the rights and obligations relating to fisheries under this Agreement, and to provide advice to the Minister of Fisheries and Oceans Canada in carrying out his responsibilities for the management of fisheries. The Wildlife Management Advisory Council (NWT) (WMAC) with representation from Canada, the Government of the Northwest Territories, and the Inuvialuit, was created to give advice to the appropriate minister on request, on all matters relating to wildlife policy and the management, regulation and administration of wildlife habitat and harvesting in the western Arctic region.

The Wildlife Management Advisory Council (NWT) and the FJMC drafted the Inuvialuit Renewable Resource Conservation and Management Plan (IRRCMP) (FJMC and WMAC 1988). This plan lays out a long-term strategy for the conservation and management of fish and wildlife in the Inuvialuit Settlement Region. Soon after, efforts initiated earlier by the Department of Fisheries and

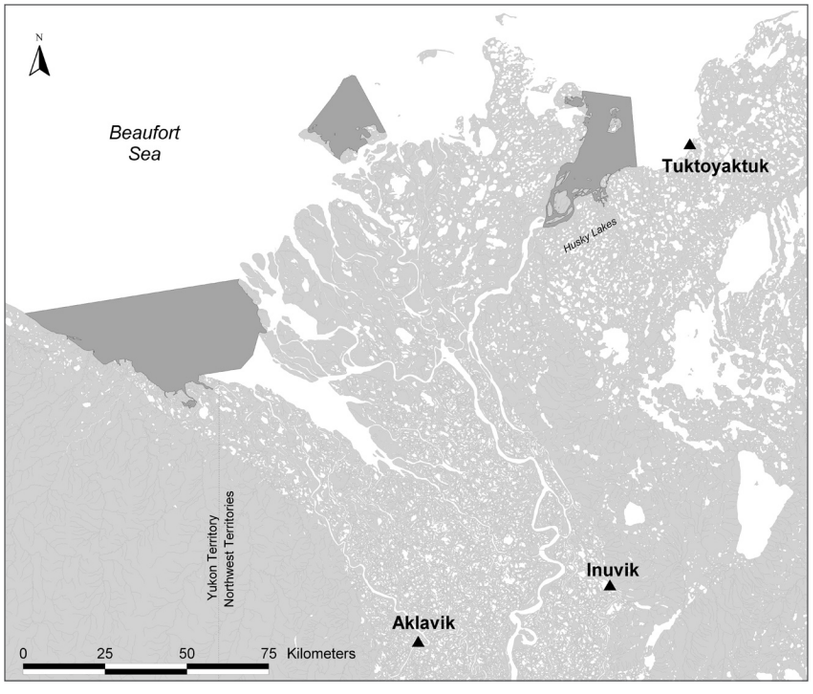

Figure 5.2 Map of the Zone 1(a) areas.

Oceans (DFO) toward the development of a beluga management plan were concluded with drafting of the Beaufort Sea Beluga Management Plan (BSBM Plan) (FJMC 2001). FJMC assumed responsibility for implementing the plan. Parties to the plan included the FJMC, the six community Hunters and Trappers Committees, and DFO. Consistent with the themes and goals of the IRRCMP, the purpose of this plan was to ensure the responsible and effective long-term management of the beluga resource by the Inuvialuit and the Department of Fisheries and Oceans.

Management issues addressed under the BSBM Plan include the following: oil, gas, and mining exploration, production and related development including dredging drilling, seismic and sounding surveys, island/camp maintenance, vessel movements, helicopter and fixed-wing flights, and ice-breaking, shipping routes, port development, possible future commercial fisheries development, contaminant levels in marine waters and mammals, a developing tourism industry, a myriad of regulators, transboundary issues, subsistence hunting practices and traditional values closely related to the beluga harvest, and climate change.

Compliance with the BSBM Plan is voluntary. The document was intended to provide clarity for industrial and other users wishing to conduct activities in the Beaufort Sea. Authors of the BSBM Plan classified the estuarine and marine waters into four management zones. These zones were consistent with the values and wishes of Inuvialuit communities. Areas zoned as levels two and three allowed for development that would not adversely affect the beluga or their habitat. Zone four was used to classify international waters. Beluga management issues here are an international responsibility.

Areas classified as Zone 1a and 1b were regarded as areas needing special protection, and strict limits were placed on the types of activities allowed. Three areas known to be important beluga habitat in the Mackenzie River estuary were identified as Zone 1(a) areas. These areas were also important to maintaining the local subsistence economy. In order to protect these interests, the BSBM Plan states that "in the review of any development proposal, Zone 1 is to be considered a Protected Area [and] the oil and gas industry should not be permitted to explore for resources within or on the shores of any Zone 1 waters nor to produce hydrocarbons or construct/operate any type of facility" (FJMC 2001, 13). The Zone 1(a) areas include a large section of Kugmallit Bay, an area bounded by Kendall, Pelly and Garry Islands (hereafter referred to as Kendall Island) and a large area in the northern portion of Shallow Bay (also known as Mackenzie Bay) (Figure 5.2). The total area covered by these three Zone 1(a) areas is 1,716 square kilometres.

A GROWING NEED FOR INTEGRATED MANAGEMENT

In the late 1990s interest in oil and natural gas exploration in the Mackenzie Delta and Beaufort Sea resurfaced. The legacy left in the Beaufort Sea offshore area by earlier exploration activities included eleven Exploration Licences, one Production Licence, and thirty-two Significant Discovery Licences. (A Significant Discovery License [SDL] is granted by Indian and Northern Affairs Canada and gives the licence holder the rights to the petroleum resources within the SDL, as well as the right to apply for a production licence whenever they choose to do so.) The area covered by these licences is 10,096 square kilometres. While the economic potential offered by the resurgence of activity was generally welcomed, the potential for negative environmental effects was of concern to community members who depended on the natural resources in the region for food, and whose culture and traditional way of life depended on their continued use of the land and sea.

The continued protection of the three Zone 1(a) areas is an important issue. In addition to their ecological importance, these areas are culturally significant to the Inuvialuit and an important source of food. Traditional fishing and whaling camps have long been established in each of the three Zone 1(a) areas. Inuvialuit from the communities of Aklavik, Inuvik, and Tuktoyaktuk (Figure 5.2) are primary users of the areas. Tuktoyaktuk is situated on the coast while Inuvik and Aklavik are located in the Mackenzie Delta. The Inuvialuit of Aklavik are the primary users of the Shallow Bay Zone 1(a) area. The Inuvialuit of Inuvik use both the Kendall Island and Kugmallit Bay Zone 1(a) areas for traditional harvesting. Residents of Tuktoyaktuk harvest beluga primarily in the Kugmallit Bay Zone 1(a) area.

Driftwood is used to make smokehouses for fish along the Beaufort Coast, Inuvialuit Settlement Region. Photo by B. Spek, Department of Fisheries and Oceans.

The types of environmental impacts likely to occur with renewed exploration and development of hydrocarbon resources in the Mackenzie Delta-Beaufort Sea will be significant. These activities will also potentially bring major employment opportunities for northerners. They include a large increase in ship movement and barge traffic through the region. A shipping corridor exists through Kugmallit Bay. This shipping corridor is essential for the supply of goods and materials for coastal communities both in the ISR and in parts of western Nunavut. The corridor also plays an important role logistically for oil and gas activities in the ISR. Several Significant Discovery Licences exist within the Kendall Island Zone 1(a) area. During periods of intense activity in previous decades it was not uncommon to see an average of a hundred vessels of all types in Kugmallit Bay at any given time – including barges, platforms, and supply vessels. Dredging activities will also increase.

The shorebases that will be built to support offshore activities are known to produce localized impacts on the marine environment. For example, Tuktoyaktuk Harbour and McKinley Bay served as staging areas for offshore drilling that was carried out in the Beaufort Sea during the 1970s and 1980s. Studies have shown that some of the highest hydrocarbon concentrations in the Arctic occur in Tuktoyaktuk Harbour and McKinley Bay. These hydrocarbons appear to originate primarily from chronic fuel spills and runoff from work-yards (AMAP 1998). Tuktoyaktuk Harbour plays an important role in the shipment of goods throughout the region and beyond. The Northern Transportation Company Limited (NTCL), the largest shipping company in the region, has a large docking and staging facility in Tuktoyaktuk Harbour. During the earlier hydrocarbon exploration days this harbour was the main base for companies operating in the Beaufort Sea.

Beluga summering in the Beaufort Sea migrate through areas where oil and gas production and transportation activities are proposed for the future. They concentrate in areas where mining (gravel removal), deep water port development and shipping could affect water regimes, water quality, and food availability. Such activities could affect beluga either directly (underwater noise, oil spills) or indirectly (changes in stability or integrity of ice, timing of breakup, chronic hydrocarbon contamination of food species). The aggregations of beluga whales during the summer months is a large draw for tourism activity in and around the Zone 1(a) areas. Since whale harvesting is also conducted during the summer, the Beaufort Sea Beluga Management Plan prohibits tourism activities such as whale watching in the area from spring breakup (normally in July) until August 15. As well, the Zone 1(a) areas are important for migrating anadromous fish such as inconnu, Arctic cisco, and, in the Mackenzie Bay section only, Dolly Varden char (North/South Consultants Inc. and Inuvialuit Cultural Resource Centre 2003, 2004).

Considering the magnitude of possible development scenarios, members of the FJMC and Inuvialuit beneficiaries expressed concern regarding the absence of legally enforceable mechanisms available under the BSBM Plan. The lack of scientific knowledge that could be used to assess the relative sensitivity of marine mammals and their habitat to disturbance by various activities in the Zone 1(a) areas was identified as another management concern. Finally, industry and others had repeatedly requested simplification of the maze of legislation and regulation which currently governs management decision-making processes in the region. Recognizing that a time of major change was imminent, the Inuvialuit Regional Corporation (IRC), the Inuvialuit Game Council (IGC), the Fisheries Joint Management Committee (FJMC), the Department of Fisheries and Oceans (DFO), and industry represented by the Canadian Association of Petroleum Producers (CAPP) met to consider whether the recently passed *Oceans Act* (Canada 1997) could be used to facilitate implementation of a planning process that would balance development and community interests in the months and years to come.

With passage of the *Oceans Act* (Canada 1997), Canada had become one of the first countries in the world to make a legislative commitment to a comprehensive approach for the protection and development of oceans and coastal waters. The *Oceans Act* calls for wide application of the precautionary approach to the conservation, management and exploitation of marine resources. It also recognizes the significant opportunities offered by the oceans and their resources for economic diversification and the generation of wealth for the benefit of all Canadians, particularly those in coastal communities. To achieve these commitments, the Act calls on the Minister of Fisheries and Oceans to lead and

facilitate the development of plans for integrated management. The concept of integrated management as described in the *Oceans Act* includes collaborative planning and management of human activities to minimize conflict among users. This planning process respects existing divisions of constitutional and departmental authority, and does not abrogate or derogate from any existing Aboriginal or treaty rights.

In 1999 the Inuvialuit management and co-management bodies, DFO, and industry agreed to follow the model outlined in the *Oceans Act* and collaborate on the development of integrated management planning for marine and coastal areas in the Inuvialuit Settlement Region. This agreement is called the Beaufort Sea Integrated Management Planning Initiative (BSIMPI). The BSIMPI Senior Management Committee (SMC) represents the interest groups that formed the initiative. The committee is responsible for overseeing the development of a management planning process for ocean-related activities in the Beaufort Sea. One of its first actions was to form a Working Group to implement effective collaboration on ocean management efforts in the region. Representation on the Working Group mirrors that of the SMC, with the addition of a member from DIAND.

The Senior Management Committee and Working Group are not formal co-management bodies; however, the balanced representation on these committees is consistent with the principles of co-management outlined in the IFA. This ensures that the Inuvialuit have a strong leadership voice in the decision-making process. Administrative, technical, and communication support for the Senior Management Committee and Working Group is provided through the BSIMPI Secretariat, which consists of regional DFO Oceans Program staff and the independent Chair of the BSIMPI Working Group. The secretariat works to ensure that other organizations, governments, and communities with an interest in ocean use and management are brought into the BSIMPI process by inviting them to participate in selected WG meetings. As well, the secretariat keeps these groups informed of BSIMPI activities and progress, and ensures that any issues, comments, and recommendations are brought back to the Working Group and, if appropriate, the Senior Management Committee (Figures 5.3 and 5.4). The BSIMPI Secretariat is responsible for leading consultations, often with the participation of Inuvialuit Working Group members.

SMC members agreed during their first meetings that balancing both the conservation and development interests in the BSMBP Zone 1(a) areas was a high priority. It was understood that developing a working relationship between BSIMPI partners would take time, and that building a shared sense of trust was paramount to long-term success. It was agreed that given the extremely complex, dynamic, and unproven environment in which the BSIMPI had been created, that the BSIMPI Working Group would be asked to focus on one major task. Doing so would provide the opportunity for participants to identify shared interests and develop mutual understanding and respect for one another's values. Consistent with this intention, and consistent with National DFO Oceans' priorities at the time, the BSIMPI WG was directed to conduct an evaluation of the merits of establishing a MPA in the Zone 1(a) areas. The work commenced in early in 2001.

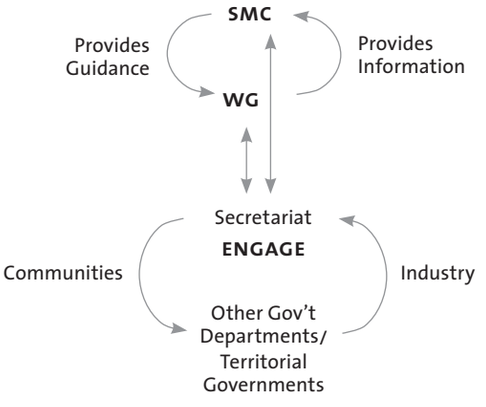

Figure 5.3 Oceans Governance – BSIMPI.

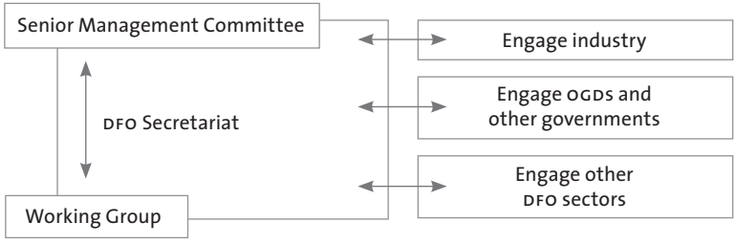

Figure 5.4 Organizational structure of the BSIMPI.

THE CONSULTATION PROCESS

As specified in the National Framework for Establishing and Managing Marine Protected Areas (DFO 1999), and consistent with the philosophy espoused in the *Oceans Act*, the BSIMPI Working Group initiated assessments of the ecological, economic, social, and cultural environment of the proposed MPA, as well as of the technical merits of the proposal (North/South Consultants Inc. 2002; North/South Consultants Inc. 2001; Kavik-AXYS Inc. 2002; Elliott 2002). The purpose of these assessments was to provide baseline information needed by the communities, industry, government, and others to evaluate the proposed MPA against the stated criteria for an MPA (Canada 1996). Section 35(1) of the *Oceans Act* defines an MPA as

an area of the sea that … has been designated … for special protection for one or more of the following reasons:

(a) the conservation and protection of commercial and non-commercial fishery resources, including marine mammals, and their habitats;
(b) the conservation and protection of endangered or threatened marine species, and their habitats;
(c) the conservation and protection of unique habitats;
(d) the conservation and protection of marine areas of high biodiversity or biological productivity; and
(e) the conservation and protection of any other marine resource or habitat as is necessary to fulfil the mandate of the Minister [of Fisheries and Oceans].

The assessment reports indicated that the Zone 1(a) areas met the requirements for a Marine Protected Area as set out in the *Oceans Act*.

The next task was to conduct a consultation process with ISR communities, industry stakeholders, and government organizations. The objective of this process was to determine the level of support and interest among the Inuvialuit, government, and industry for the idea of creating a Marine Protected Area (MPA) in the three Zone 1(a) areas. If sufficient interest was expressed in proceeding, further direction would be sought on implementing the MPA.

The consultation process ramped up as the various assessments were being drafted, vetted, and finalized. The level, extent, and depth of the consultation process undertaken exceeded that of other consultations processes which had to date been conducted in the communities. This meant that secretariat staff and BSIMPI Working Group members participating in these processes had to design and test working models even as they were conducting the actual work of evaluating the areas for MPA status. This proved to be a challenging task, requiring a capacity for flexibility and adaptation and a high tolerance for change. Though the process has proven dynamic and often unpredictable, principles established by BSIMPI to guide the process lent a sense of stability and focus to these efforts. These principles included the following:

- recognition of Inuvialuit rights established under the IFA;
- respect for the views of all parties;
- commitment to building consensus;
- the ongoing use of local, traditional, and scientific knowledge to inform the evaluation; and
- the adoption of transparent, timely, and coordinated procedures.

Three separate consultation strategies were developed to meet the unique needs of the communities, industry, and government. There were common elements across all three strategies which ensured that the consultations would ultimately bring the interest groups to the same level of understanding. Early stages of the consultation process sought to ensure that as many participants as possible would achieve a common basic level of understanding of various aspects of process. This included knowledge about BSIMPI, its membership, its purpose, and what options were available for meeting with that group. Explaining the role of BSIMPI provided an opportunity to discuss Canada's *Oceans Act*, and the expectation that ocean resources should henceforth be managed collaboratively with coastal communities, industry, government, and other interested parties. The concept of integrated management as elaborated in Canada's *Oceans Act* and how it could be applied in the Inuvialuit Settlement Region was discussed. Finally, the opportunity to protect marine areas of special interest with a regulation leading to a Marine Protected Area was presented.

Once these concepts had been communicated, discussed, and understood, it became possible to move to elaborate on the specific process that could lead to the establishment of an MPA in the three Zone 1(a) areas of the BSBM Plan, and to discuss the implications of establishing an MPA. The purpose of these discussions was to ensure that communities, government agencies, and industry stakeholders would have an opportunity for a thorough and open dialogue considering the proposed MPA and how it could be established.

The concerns, views, and desires expressed throughout the process were documented. This record of information fed into future meetings and guided the thinking as plans for the establishment of a MPA advanced and were formalized into draft documents. This living document was shared with the Inuvialuit management and co-management bodies, interested government agencies, and industry stakeholders. The BSIMPI Working Group was kept informed of progress achieved, and special meetings were called as necessary to work through potential conflicts as soon as they became apparent.

Consultations were supported by other BSIMPI activities. For example, Working Group members were provided opportunities to visit the Zone 1(a) areas. These field trips proved invaluable in increasing the awareness of these areas for members based outside the Inuvialuit Settlement Region. The trips also served to increase the visibility of BSIMPI and helped build a foundation of trust with the people camping at these sites. Other supporting activities included annual Oceans Day celebrations and youth retreats in the communities of Aklavik and Tuktoyaktuk. A community-based monitoring program designed to monitor fish health and abundance in these two communities also served to profile the practical relevance of ocean management to the daily lives of coastal residents.

Community Consultations

Formal community consultations are documented in Table 5.1. Of the six Inuvialuit communities, Aklavik, Inuvik, and Tuktoyaktuk are the ones directly affected by the proposed MPA. For this reason consultations were conducted more frequently in these communities. The communities of Paulatuk, Holman, and Sachs Harbour were consulted initially; however, they opted to let the communities active in the Zone 1(a) areas represent the overall community interests

Table 5.1
RECORD OF BSIMPI CONSULTATIONS FALL 2001 TO MARCH 2003*
(does not include informal presentations, telephone communications or other non-face-to-face correspondence)

Date	*Group Consulted*	*Summary of Information*
Fall 2001	• Northern Canadian Marine Advisory Council includes Major shipping companies in North as well as Canadian Coast Guard and Dept. of Transportation	Attended annual meeting and provided information on BSIMPI and process underway.
Fall 2001	• Dept. of Environment • Other Federal Dept. if NWT Federal Council • Renewable Resources, Wildlife and Economic Development-GNWT	Overview of Canada's *Oceans Act* and BSIMPI
Fall 2002	• Industry	Overview of Canada's *Oceans Act* and Strategy, Who and what is BSIMPI? Value added of MSIMPI to Industry
Fall 2002	• Inuvik Hunters and Trappers Committee • Tuktoyaktuk Hunters and Trappers Committee • Tuktoyaktuk Elders Committee • Inuvik Community Corporation • Inuvik Elders Committee • Aklavik Community Corporation • Aklavik Hunters and Trappers Committee	Phase 1 Presentation: Introduction to BSIMPI, What is a Marine Protected Area? What is Canada's *Oceans Act*? How is BSIMPI evaluating the BSBMP Zone 1(a)? Overview of BSIMPI's Consultation Strategy
Fall 2002	• Northern Canadian Marine Advisory Council: includes Major shipping companies in North as well as Canadian Coast Guard and Dept. of Transportation	Information sharing (see Fall 2002 industry and community meeting descriptions above).
Fall 2002	• Dept. of Renewable Resources, Yukon Gov't • Dept of Environment • Other Federal Departments in the NWT Federal Council • Geophysical Forum – various government departments both Federal and Territorial	Canada Oceans Strategy and BSIMPI, information sharing
Winter 2002	• DFO Regional Oceans Coordinating Committee	BSIMPI and proposed Marine Protected Area
Fall-Winter 2002–03	• Individual meetings with Petroleum Companies: Devon Canada, Aanadarko Canada and Suncor Energy • Northern Environmental Managers Group • Meetings, Telephone updates with Tourism Companies: Arctic Nature Tours and Ookpik Tours	Information sharing (see Fall 2002 industry and community meeting descriptions above).
Winter 2003	• Aklavik Hunters and Trappers Committee • Aklavik Community Corporation • Aklavik Elders Committee • Tuktoyaktuk Elders Committee • Tuktoyaktuk Community Corporation • Tuktoyaktuk Hunters and Trappers Committee	Review of Phase 1 Presentations, Phase II: Review of Assessment Report Results, Overview of next steps, Active Dialogue on Issues facing MPA.
Winter 2003	• Inuvik Hunters and Trappers Committee • Inuvik Elders Committee • Inuvik Community Corporation • Public Meeting in Tuktoyaktuk • Public Meeting in Inuvik • Public Meeting in Aklavik	Update on process and results of Assessment Reports
Winter 2003	• National Energy Board • Environment Canada and Canadian Wildlife Service	BSIMPI, proposed MPA and regulatory responsibilities
March 4, 2003	• Joint Meeting: All Hunters and Trappers Committees, Community Corporations and Elders Committees	Brought all organizations together to discuss views, and determine support for continuing the process of evaluating the MPA.
March 6, 2003	• BSIMPI Working Group meeting with Tuktoyaktuk Community Corporation	Addressed specific concerns of the Community Corporation as brought up during March 4 meeting.
March 20, 2003	• BSIMPI Senior Management Committee Meeting	Letters of conditional support for continuing the evaluation process from the community organizations were tabled.

in the consultation process. (See Table 5.1 for a summary of BSIMPI consultations beginning in the fall of 2001 to March 2003.) Organizations represented on the BSIMPI were encouraged to have their members attend and participate in community consultations. Their active participation helped to reduce, or even on occasion eliminate, concerns that the process was a DFO-driven initiative. As well, industry participation allowed the communities to hear industry voice its support for and/or concerns regarding various issues directly. In turn, their participation allowed industry to hear directly from the community regarding local concerns and expectations. An extra benefit of having industry participate in community meetings was the capacity to answer and apply expertise to industry-specific questions immediately.

To ensure effective consultation with the communities, the strategy had to allow for varying interests and changing priorities between and within the communities. This required a multi-phased process. During each phase a series of meetings was held with various subgroups within each community. These typically included the following: the Hunters and Trappers Committees; the Community Corporations; the Elders' Committees; and a general public meeting. The Hunters and Trappers Committees manage fish and wildlife issues; the Community Corporations represent economic interests; and the Elders' Committees ensure that the traditional knowledge and history of the area is taken into account when decisions are made. All meetings were documented, and the notes taken were sent back to the respective groups for their approval.

The strategy proposed for involving a given community in the evaluation process was presented to each of the various groups during the first information-sharing meeting. At that time community members were asked to give their opinions on the strategy and to comment on whether or not they felt it was a viable strategy for achieving the consultation goals. In response to community requests, an additional round of consultation meetings was organized to bring together the Hunters and Trappers Committees from all three communities to share their views. Similarly, the Community Corporations and the Elders' Committees from the three communities were given the opportunity to meet and to share their views with their peers.

Industry Consultations

Three industry sectors were identified as working in and/or around the Zone 1 (a) areas. These sectors included oil and gas, transportation (marine and air), and tourism. The industry consultation plan had to be flexible and adaptive to allow for varying levels of interest and capacity among the companies in these different sectors. Industry interest and capacity were highest in the oil and gas sector and lowest in the tourism sector. Initial contact with these groups included phone calls and the distribution of printed materials documenting BSIMPI activities and the provision of background information. The level of response to these contacts helped assess the level of interest of individual companies in participating further. Meetings were subsequently scheduled as required. The

Beluga muktuk (blubber) about to be prepared, Inuvialuit Settlement Region. Photo by P. Cott, Department of Fisheries and Oceans.

industry representative on the BSIMPI Working Group proved integral to engaging individual oil and gas companies with interests in the area. Subsequent individual consultations were conducted as required based on the level of interest expressed by the company. Those with significant interest were invited to make presentations to the BSIMPI Working Group. Information gaps identified by industry were addressed through reports, workshops, or the identification of research needs whenever possible. Once again, the results from industry consultations were shared with other interested groups.

Government Consultations

Government consultations were held at both the federal and territorial level. Federally, consultations occurred within DFO and with other federal departments. Within DFO, an existing Regional Oceans Coordinating Committee provided a forum for the consultations. Frequent updates were also given to staff of local DFO offices. Since the level of responsibility for the marine environment varies widely among the different federal departments, in general the level of consultation was directly related to that level of responsibility. If a department wished to have a higher level of engagement this was arranged. Meetings with the membership of the Northwest Territory Federal Council were used to provide information and determine levels of interest of the broad suite of federal departments. Departments which had larger regulatory or mandated responsibilities within the marine environment were engaged more frequently and actively.

Governments of the Northwest Territories and Yukon have limited regulatory responsibility in the Beaufort Sea. Formal consultations with territorial government agencies were completed as needed. Informal updates on the MPA assessment process were often worked into discussions on other issues of mutual interest such as climate change, contaminants, and/or land/ocean interactions.

EVALUATION OF THE CONSULTATION PROCESS

The overt purpose of the extensive three-year consultation process described was to assess the level of support among the Inuvialuit, government, and industry for the idea of creating a Marine Protected Area in the Zone 1(a) areas of the Beaufort Sea Beluga Management Plan. This was to be achieved by ensuring that communities, government agencies, and industry

stakeholders were fully informed of BSIMPI, the *Oceans Act*, integrated management, and the concept of Marine Protected Areas and its application to the Zone 1(a) areas. Indicators of knowledge and understanding are difficult to measure. There was, however, an observable shift from uncertainty and lack of trust to a willingness to participate constructively. The authors attribute this to a better understanding of the issues. Though the decision that resulted from the consultation process was to proceed with the steps necessary to establish a Marine Protected Area, the success of the consultation process should be determined by assessing whether or not the original objectives of the consultation strategies were met, not whether the decision was to proceed with a MPA.

To ensure transparency of the consultation process, detailed records were kept and verified with the consulted parties. The verification process ensured that the secretariat had an accurate understanding of the views expressed and that the information they passed on to the other organizations and to the BSIMPI Working Group was reflective of the views and concerns brought forward through the consultations. This ongoing process of sharing information was an essential role of the secretariat. For example, the secretariat presented documentation of the consultations to the Working Group, and in turn, when the Working Group presented their recommendation to the Senior Management Committee, they were able to present this together with the documented results of the consultations. By presenting their recommendation in this manner, the Working Group felt confident that accurate information was being incorporated into the decision-making process. This also served as a demonstration of transparency in the consultation process, as organizations were able to see that their comments and concerns were tabled with the decision-making bodies during the decision-making process.

A larger purpose of the process was to develop effective working relationships between members of the BSIMPI. There was a desire to use this exercise to build a shared sense of trust that would allow the BSIMPI to begin broader integrated management planning for the marine waters of the ISR. Measures used to evaluate progress achieved toward building effective working relationships included a willingness of community groups and others to participate constructively in the consultation process; a willingness to contribute resources to the effort, whether cash or in-kind; and finally a willingness to accept that the information exchanged was fair and accurate.

An increased willingness to participate in the process was demonstrated when organizations increased their effort and level of contribution to the process, and when organizations which had not previously been involved sought to participate. As the consultation process continued over time, the benefits of participation became more apparent and initially reluctant partners recognized that the process facilitated their ability to represent their interests. In many cases the result was a gradual shift toward becoming a more willing partner. Willingness to participate became also more evident as the number of rumours and highly negative or inflammatory statements such as "an MPA would mean a pull-out of hydrocarbon activities in the Beaufort Sea" were reduced.

Over time, constructive participation in the process grew. Early consultation meetings were occasionally antagonistic and used as a platform to raise other issues not related to BSIMPI. As understanding of the process and why it had been initiated increased, meetings became more focused and more constructive in nature. BSIMPI in turn developed a greater understanding of the issues of concern to the various stakeholders and determined how to communicate more effectively with various sectors.

An increased willingness to contribute resources, especially in terms of in-kind support, became apparent as the process continued. At the community level, in-kind support translated into assisting in the organization of community meetings. For industry and other organizations support included dedicating staff for two-to-three-day periods for meetings and workshops, and covering costs associated with attending those meetings. Government agencies and industry contributed financially to several workshops conducted by the BSIMPI.

Developing trust between BSIMPI and the various stakeholders was not without its challenges. As the *Oceans Act* is relatively new legislation, its implementation and the ramifications of its implementation were not well known or understood. In addition, organizations and communities were concerned that BSIMPI was really a DFO- or government-led process rather than a partnership with the Inuvialuit. Three factors that likely contributed to this perception are: the BSIMPI Secretariat is made-up of DFO staff; funding for BSIMPI initiatives is primarily from DFO; and the legislation under which the MPA evaluation process was being undertaken is a DFO responsibility. The Inuvialuit are often skeptical of new government-led initiatives because of past negative experiences. The enactment of the gun registry and the inability of the Inuvialuit to change a national park boundary are two recent examples of government-led initiatives that caused concern and contributed to the perception that "government will do what it wants despite what the communities say."

BSIMPI has tried to counter this sense of mistrust in a number of ways. Representatives from each organization in BSIMPI participated in the consultation meetings in communities. Having adequate representation assisted in fostering the sense that BSIMPI was a partnership and not just DFO with a different name. This participation was particularly beneficial when the Inuvialuit partners emphasized their role in BSIMPI, defended BSIMPI as a partnership and indicated their support for the BSIMPI process. The presence of industry at meetings further helped address this issue. DFO also provided assurances that it would continue to respect and work with the co-management arrangements established by the IFA, and further that if an MPA were created in the ISR it would be managed through a co-management body. Being able to relay this message to the communities in the form of a written assurance from the Minister of Fisheries and Oceans was imperative to the process of building trust.

Canada's *Oceans Act* and its associated policies provided the regulatory and policy framework in which to initiate BSIMPI and its associated consultation process. In an effort to achieve a consensus-based decision regarding the designation of an MPA, BSIMPI designed and implemented consultation strategies that were specific to the needs of the Inuvialuit, government, and industry. BSIMPI created a forum that included key interested parties in the decision-making process, thereby providing the opportunity to contribute directly to the management of ocean resources.

BSIMPI created a tailored consultation process that has proven effective in the ISR. This process addressed the needs of organizations with a diverse range of interests and overcame challenges resulting from the diversity of the participants. BSIMPI made a commitment to lead a participatory process in which all parties would be involved in the decision-making process at all levels. As a result of the extensive consultation process adopted, all parties will be able to come to a mutually agreed-upon decision, regarding creation of an MPA.

Reflecting on other lessons learned during the process is important for informing further work in the western Arctic and elsewhere. For example, it proved important to ensure that key individuals and organizations were able to participate regularly and at key points in the consultation process. Extra attention was given to accommodating the constraints faced by these individuals in order to ensure the process would not subsequently be delayed because of perceived or real gaps in support for the process.

Staff regularly reviewed basic understandings and agreements reached at all meetings. Since there was routinely a high turnover among participants, this helped to bring newcomers up to date. It also served to quell false rumours or expectations about how the results of the process would be used or the MPA implemented. Staff maintained liaison functions with members of key organizations and agencies so that they would be able to anticipate whether organizations, groups, or individuals had intentions of raising unrelated or personal agenda items and so derailing the intended discussions, whether deliberately or otherwise. If so, they would come prepared to keep discussions on course. Another major concern in the relatively small communities of the ISR is consultation fatigue. Efforts were made to coordinate the consultation efforts with other scheduled meetings and to ensure the meetings were well organized and well managed.

Developing collaborative partnerships has been a key component of the consultation process adopted by BSIMPI. Berkes *et al.* (2001) describe the term participatory as referring to the inclusion of local groups, land claimants and other stakeholders in the decision-making process. Collaborative (participatory) processes, especially those focusing on communities, have become widely used in a variety of sectors around the world (Ananda and Herath 2003; Berkes *et al.* 2001; Wells and White 1995; and Wiseman *et al.* 2003). Much of the literature on participatory processes focuses on public or community participation (Fenton *et al.* 2002; Kaza 1988; Wells and White 1995). Although the importance of community consultations cannot be overstated, broader consultation that includes industry, government bodies and other interested parties is required.

Seismic operations in the Mackenzie Delta, winter 2002. Near Tuktoyaktuk, NT.
Vibrator Energy Source and Recording Equipment. Photo by Pete Millman, Devon Canada Corporation.

Mitchell (1997) refers to collaborative partnerships as those in which real decision-making power is shared with the intent to achieve mutually compatible objectives. These benefits are apparent in the BSIMPI process, and the basic benefits of a participatory process described by Mitchell (1997) have been achieved. For example, there has been a better definition of issues or problems. Communities, Inuvialuit management and co-management bodies, industry, and government agencies, including DFO, have a better understanding of the complexities of balancing conservation and development in the complex offshore environment of the Beaufort Sea. Access to information and understanding beyond a single realm such as science has been achieved. Over the past three years the BSIMPI has provided an effective conduit for exchanging information between communities, industry, and government. The lack of scientific knowledge has been acknowledged and traditional knowledge has been accessed to achieve a better environmental understanding. Ultimately, the objective of integrated management is to influence human behaviour. This is the realm that has been advanced through the BSIMPI consultation process.

The identification of alternative solutions which are acceptable to all parties is another benefit of the participatory process discussed by Mitchell. The BSIMPI process has brought pro-development interests, conservation interests, and

political interests to one table. The uncertainty in terms of understanding the natural systems and/or the risk assessment of action vs. inaction has created an atmosphere of mutual understanding and a willingness to respect alternative views. The BSIMPI process described has led to respect for the wishes of Inuvialuit coastal communities, and it is that group which will largely influence the final recommendation to the Minister of Fisheries and Oceans on whether to proceed with the MPA or not. In this regard, then, Mitchell's observation that a sense of ownership over the plan or solution will facilitate implementation will also characterize the process described in this chapter. Completion of a participatory consultation process can also reduce the potential for future conflicts, lead to greater acceptance of the end result, provide acceptable solutions to problems, build social capital, reduce regulatory offences through voluntary compliance, and be viewed by all involved as an acceptable process through which possible new initiatives could be launched. Ideally, when the process is completed, participants will feel comfortable that their views and ideas have been utilized in the decision-making process and have a sense of ownership and control over the decisions taken.

BSIMPI has taken many positive steps toward attaining the goal of establishing good working relationships and developing trust. These relationships will be tested as BSIMPI moves into broader integrated management initiatives. As well, it is to be expected that management organizations will experience changes in membership and that individuals new to the process will require time and effort to be integrated into the mindset that has been achieved to date. It is anticipated that many of the difficulties that have been encountered and overcome to date will re-emerge as the process continues. They will require ongoing management.

The consultation process followed was not without difficulties. The BSIMPI Secretariat identified issues such as misunderstandings, delays, and contradictory expectations as challenges throughout the process. It was particularly important that BSIMPI's level of decision-making power was clearly communicated repeatedly to ensure that expectations were not exaggerated or underestimated. This also helped to emphasize that processes and bodies established under the IFA would not be diminished. The varying interests, cultural backgrounds, levels of education and technical expertise, methods of communicating and interpreting information, values, and expectations of the groups involved in the process often contributed to the challenges mentioned above. Expectations regarding the length and speed of the process also had to be addressed. Some voiced concerns that the process was moving too quickly, while others voiced concerns that the process was moving too slowly. The secretariat addressed these concerns as they were raised by reviewing as often as needed the steps in the assessment process, and by modifying the speed of the process as appropriate. Significant progress was made in alleviating these difficulties; however, continual management of these issues was required.

Despite the challenges, the BSIMPI consultation strategies have contributed to strengthening partnerships between stakeholders, engaging Canadians in oceans related decisions in which they have a stake and developing inclusive and collaborative oceans governance in the ISR. The process followed and the strategies adopted support modern ocean management as outlined in the *Oceans Act* and Canada's Oceans Strategy (DFO 2002). The principles used to develop BSIMPI's consultation strategies for this process can be adapted and used to facilitate participatory decision making in other multi-stakeholder environments.

Paquet and Wilkins (2002) comment that "socio-political factors are as important as the dynamics of the natural system in the governance of oceans" (p. 21), and further that "in a turbulent environment, organizations can only govern themselves by becoming capable of learning both what their goals are, and the means to reach them, *as they proceed*" (28). The consultation process described in this chapter illustrates the truth of these observations. The process demanded adaptability, in order to meet the needs of those being consulted and to address changes in priorities and issues as they arose. Those being consulted came from different cultural backgrounds, different levels of technical expertise, different interests, motivations, and mandates. Our limited scientific knowledge of the area dictates that likely impacts on the environment of further oil and gas exploration in the Beaufort Sea are at best a guess. Likely cost/benefit outcomes for proceeding with a Marine Protected Area are equally difficult to ascertain. Given these levels of uncertainty, socio-political factors are driving the initiative.

The consultation processes that have been developed over the past three years have promoted learning and resilience among communities, industry, and government departments. Canada's Oceans Strategy has been adapted to the regional context and implemented with considerable success. A model for effective local coordination of information and decision making has been developed and tested. Core principles that can serve to guide further ocean management efforts in the Inuvialuit Settlement Region have proven viable in a dynamic, complex, and multi-faceted context.

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