

# Local Citizens Need a Community Benefits Agreement and an Independent Oversight Committee

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On Behalf of Citizens for Responsible Industry in  
Northwestern Ontario

*Miigwetch to Biigtigong Anishinaabek for sharing their  
unceded traditional territory with us today.*

# What is Possible?

- Effective network of government agencies, citizens, business people, academic institutions, and non-government organizations working together to build a project that benefits all stakeholders, over the long term to ensure optimized benefits DURING project while also ensuring future benefits from land/water/resources are not eroded.
- Holistic/systems thinking that includes cumulative impacts
- Clear, measurable goals



Town of Marathon from Picnic Hill

# What is a Community Benefits Agreement?

- A signed, legally enforceable agreement, having clear monitoring and enforcement mechanisms;
- Specific to a particular project (rather than an institutional policy);
- An inclusive, collaborative and accountable process of leveraging a development project towards achieving a broader range of policy objectives such as equity, poverty reduction, environmental sustainability and local economic development;
- A CBA details in writing the specific benefits that a community will receive from a given development project. These benefits might include equitable hiring practices, funding for training, neighbourhood improvements, support for social enterprises, etc.;
- There is substantial community involvement in all phases of the CBA.

# Where is this Currently Happening?

- Indigenous communities throughout Canada and the US
- Stillwater in Montana: Good Neighbour Agreement
- NorthWest Territories now requires a Community Benefit Agreement for every mining project
- 2014 Ontario Bill 6: Community Benefits Agreements required for Infrastructure projects
- Vancouver Olympic Village



# Why a Community Benefits Agreement, Here? Why Now?

- Ensure that citizens of north shore experience a NET benefit over the long term
- Ensure that lifestyle of enjoying sustenance and recreation from the land is sustained
- On the north shore, governance\*\*\*
- Mitigate boom/bust scenarios
- Compensate for risk of insufficient government monitoring and enforcement



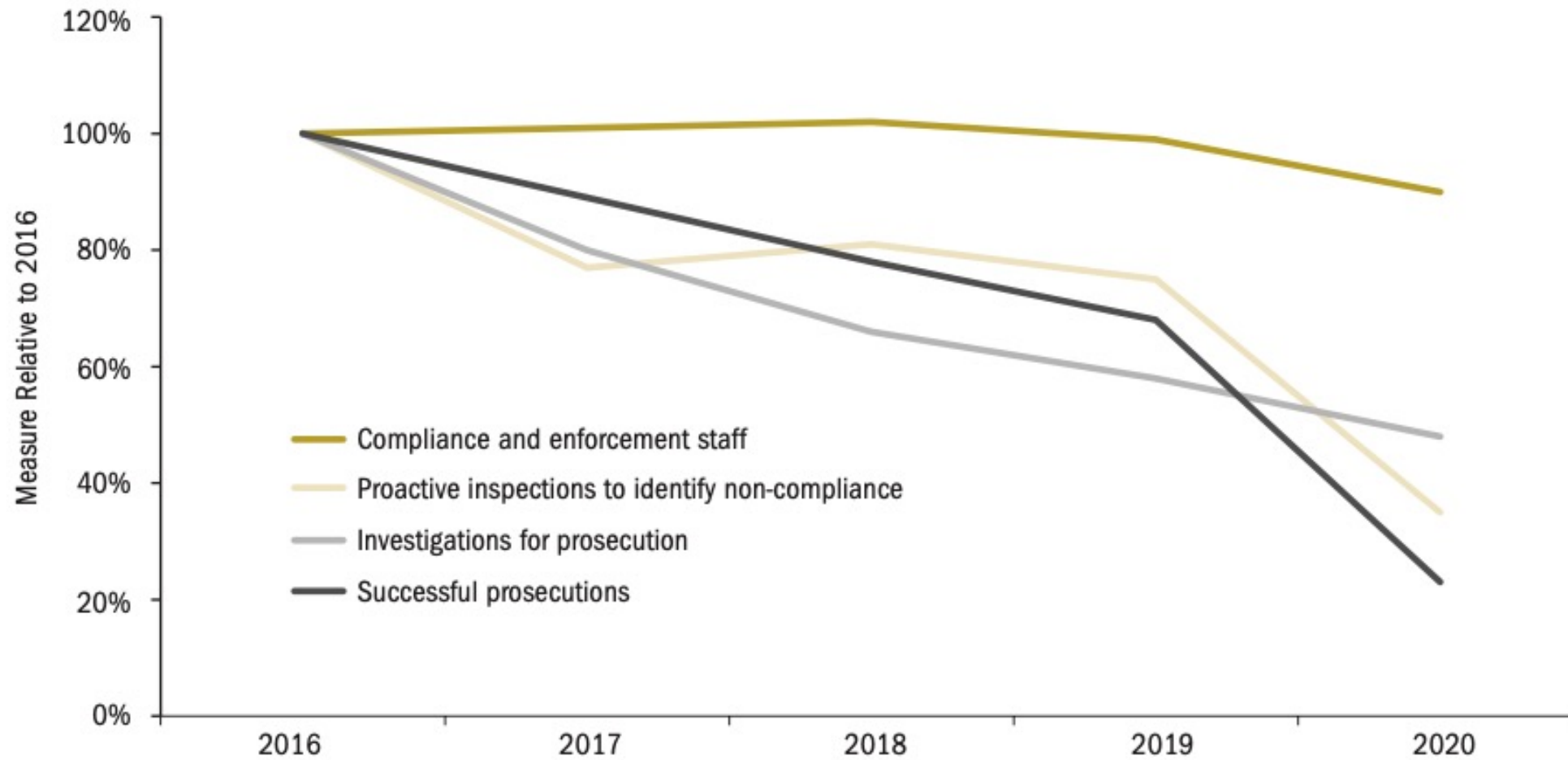
# Current Problems with Government Monitoring and Enforcement



Neys Provincial Park

**Figure 15: Environment Ministry Proactive Inspections and Compliance, 2016–2020**

Source of data: Ministry of the Environment, Conservation and Parks



Note: Emergency measures to ensure public safety during COVID-19 affected the number of inspections in 2020.

**Exhibit 2.6—Between January 2013 and June 2018, Environment and Climate Change Canada inspected metal mines every 1.5 years on average, but less frequently in Ontario**

Region	Number of mine sites	Number of on-site inspections	Average frequency of on-site inspections
Ontario Region	47	71	Every 3.6 years
Quebec Region	35	214	Every 0.9 years
Prairie and Northern Region	25	99	Every 1.4 years
Pacific and Yukon Region	16	59	Every 1.5 years
Atlantic Region	15	47	Every 1.8 years
<b>Total</b>	<b>138</b>	<b>490</b>	<b>Every 1.5 years</b>

Source: Based on data from Environment and Climate Change Canada

- 2.72 We found that the frequency of on-site inspections was significantly lower in Ontario than in other regions. We did not find any risk-based rationale for the lower frequency.
- 2.73 We also found that during this five-and-a-half-year period, 5 of the 47 Ontario mine sites received no inspections, and an additional 18 mine sites were inspected only once.
- 2.74 **Recommendation.** Environment and Climate Change Canada should review its enforcement plan to ensure that it conducts sufficient on-site inspections of metal mines, and it should track inspections by mine site.

**Environment and Climate Change Canada’s response.** Agreed. Environment and Climate Change Canada is developing a risk framework that takes into account risks to the environment and human health, including from non-compliance with the Department’s laws and regulations. The risk framework will be completed in 2020 and will be used to inform the Department’s enforcement planning and priorities, including metal and non-metal mines.

The Department can track inspections by mine site, and it is being done when warranted. By 2021, the Department will develop a more effective way to track data on metal and non-metal mines at the site.



# Who Needs to be on a Community Benefits Agreement Oversight Committee?

People with:

- No profit motive / no financial conflict of interest
- Institutional project memory
- Technical expertise
- Governance expertise
- Local community/regional commitment
- Individuals who reflect the population, including indigenous community members and youth



# How?

- Establish CBA immediately as project approved
- Establish oversight committee when CBA signed and prior to project initiation
- Initial quarterly meeting
- Twice yearly review “at maturity”
- Access to reports from proponent and government agencies
- Dispute resolution protocol in place
- Accountable to: communities, academics, environment commissioner
- Transparent
- Independent budget allocated annually,
  - That allows for hiring expert consultants as needed
  - Over life and closure of project
  - Not tied to committee performance
  - Independent of changes to project ownership



Fishing & Recreation on Pic Island, Neys P.P.

# For the greater good...

- As a first of its kind in Ontario for a resource project, position the CBA oversight committee as an opportunity to learn, iteratively improve
  - Provide neutral policy expert observer
  - Research opportunity to study process, impact, opportunities to improve
- Position committee to be “first in class”, best practice example of how industry can work in partnership / collaboration with communities to ensure benefits to community from project without eroding future benefits after project closure



# The Art of the Possible

Done well, a community benefits agreement with this project positions Generation Mining to hold expertise in this important and growing area of mining project collaboration.

It positions the people of the Marathon area and the North Shore to be leaders in the nation in this kind of agreement.

