

Impact Assessment Agency of Canada

INDIGENOUS PARTICIPATION IN THE IMPACT ASSESSMENT PROCESS



Overview

- Introduction
- Impact Assessment Process
- Indigenous Participation
- Discussion / Questions

Who we are

The Impact Assessment Agency of Canada (IAAC):

- Federal agency reporting to the Minister of Environment and Climate Change
- Conducts federal impact assessments under the *Impact Assessment Act* (IAA)
- Coordinates consultation with Indigenous Peoples



Webequie Supply Road Project



Blackwater Gold Mine Project




Woodfibre LNG Project



Deltaport Fourth Berth Project

What is an impact assessment?



A process that the federal government uses to make decisions on major development projects in Canada

Assesses the potential positive and adverse effects of proposed projects

Looks to prevent or mitigate the adverse effects of projects in federal jurisdiction





What components does the *Impact Assessment Act* emphasize?

- Engagement with Indigenous groups and communities
- Environment, health, social and economic
- Adverse effects on Indigenous Rights
- Funding programs
- Indigenous governments can exercise powers and duties
- Indigenous-led assessments and Indigenous Knowledge
- Transparency

Amendments to the IAA

- October 2023, the Supreme Court of Canada (SCC) issued its decision that found the IAA was partially unconstitutional
- The Supreme Court of Canada did not call into question any of the provisions of the IAA that relate to consultations with Indigenous Peoples and recognition of Indigenous Knowledge
- On June 2024, the amended IAA came into force
- The amended IAA continues to ensure rights and interests of Indigenous Peoples are respected throughout federal impact assessments

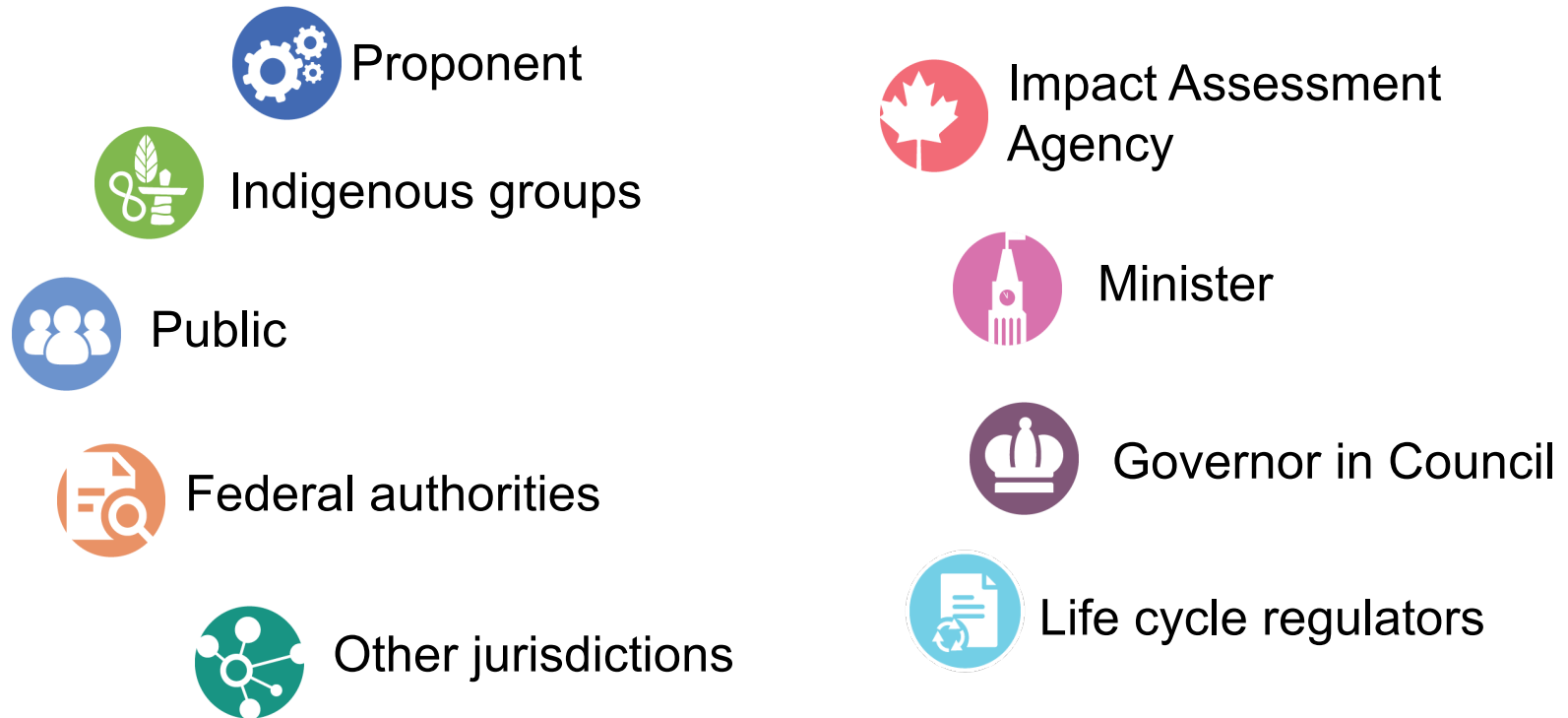


Projects subject to the Act

EXAMPLES

- Designated projects are described in the *Physical Activities Regulations* (Project List) – only projects with non-negligible adverse effects in federal jurisdiction
 - Minister may designate a project with potential non negligible federal effects not described in regulations, based on factors set in the legislation
 - Non-designated projects on federal lands and outside Canada are assessed by federal authorities before decisions are made
- Renewable energy
 - Oil and gas
 - Linear and transportation-related
 - Marine and freshwater
 - Mining
 - Nuclear
 - Hazardous waste
 - Federal lands and protected areas

Key Participants in IA process



Introduction

Impact Assessment Process

Indigenous Participation

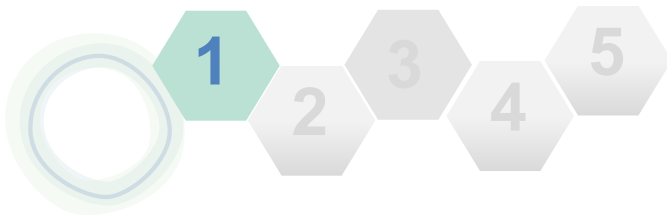
Let's begin....



Preparing for the Planning Phase

- Plan to attend proponent information sessions and share your community views and concerns
- Decide how you want to participate and/or take a leadership role
- Begin determining potential impacts on rights
- Apply for funding





DURATION: 180 days



What initiates the Planning Phase?

DAY 1

Agency posts the **Initial Project Description** to the **Canadian Impact Assessment Registry**. The Initial Project Description must conform with the *Information and Management of Time Limits Regulations*.

Once accepted, IAAC will initiate an opportunity for comments on the project.



[Comments on Initial Project Description - Upper Beaver Gold Project](#)



KEY DOCUMENT

Initial Project Description

Must contain

- General information about the project
- Project information
- Location information and context
- Federal, provincial, territorial, Indigenous and municipal involvement and effects
- Potential effects of the project
- Summary



[Sorel-Tracy Port Terminal Project](#)



[Practitioner's Guide to Federal Impact Assessments](#)



[Crawford Nickel Project](#)



PHASE 1: PLANNING Key Steps and Timelines

- Posts Initial Project Description
- Consults with other jurisdictions
- Consults with Indigenous groups
- Engages with the public
- Sends Federal Authority Advice Record

- Prepares Summary of Issues, then submits to proponent and posts in Registry

- Reviews the response to the summary of issues and the detailed Project Description if required
- Determines if IA required



- Engages on Initial Project Description
- Provides Indigenous Knowledge, as appropriate
- Learns about the IA process

- Engages with Proponent and Agency
- Accesses funding



INDIGENOUS GROUPS

- Engages with Indigenous groups and public

- Prepares Response to the Summary of Issues, and if needed the Detailed Project Description



PROPONENT

- Engages on Initial Project Description
- Provides community knowledge

- Engages with Proponent
- Accesses grants, as appropriate



PUBLIC

How does the Agency determine if an Impact Assessment is Required?

In making its decision, the Agency must take into account the following factors:

- the Initial Project Description and the Response to the Summary of Issues
- the adverse effects within federal jurisdiction — or the direct or incidental adverse effects
- Adverse impacts on the rights of the Indigenous peoples of Canada
- Comments from the public and from any jurisdiction or Indigenous group
- Study or plan by a jurisdiction
- Any other relevant factor

PHASE 1: PLANNING Key Steps and Timelines

DAY 100 - 180

- Develops Drafts:
- Tailored Impact Statement Guidelines (TISG)
- Public Participation Plan
- Indigenous Engagement and Partnership Plan
- Cooperation Plan
- Permitting Plan

- Engages on TISG and the IEPP
- Leads federal consultation and engagement throughout the phase

- Finalizes and posts TISG and 4 plans
- Post Notice of Commencement



- Engages on Indigenous Engagement and Partnership Plan and TISG
- Continues to engage with Proponent and Agency
- Accesses funding



INDIGENOUS GROUPS

- Engages with Indigenous groups and public
- Supports Agency-led engagement, as needed

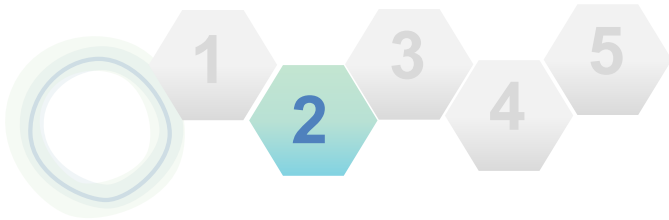


PROPONENT

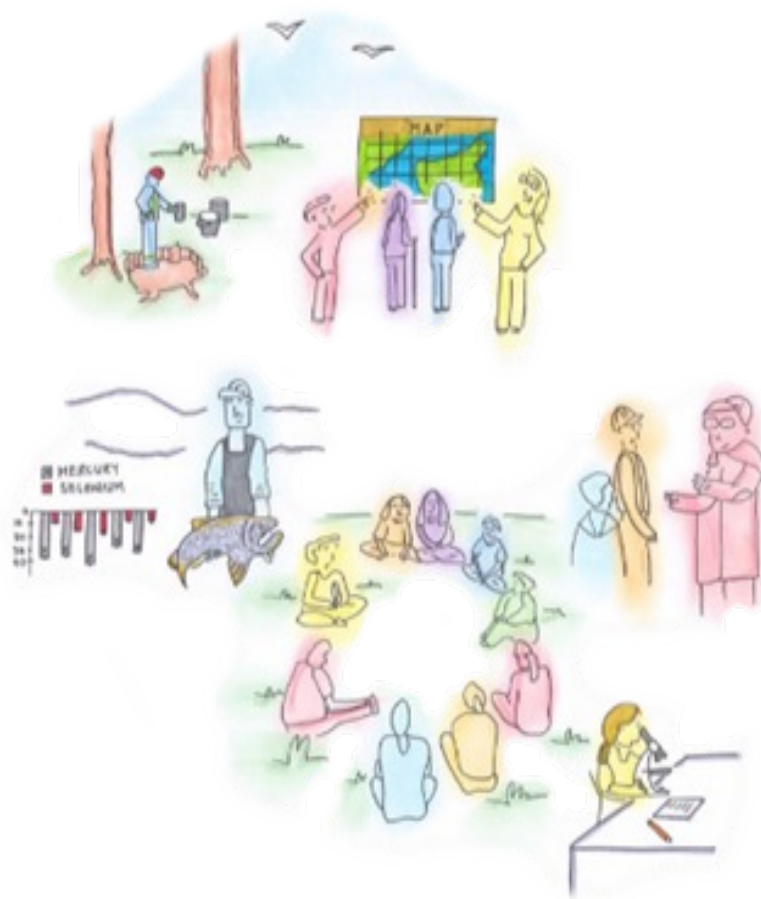
- May access funding
- Engages on Public Participation Plan and TISG



PUBLIC



DURATION: TBD

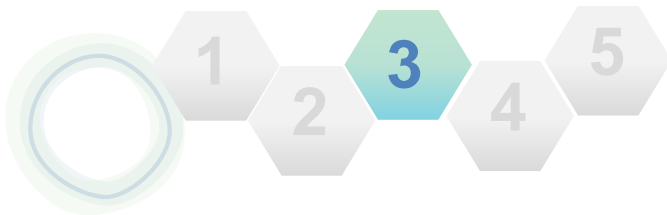


STUDY
PHASE 2:
IMPACT STATEMENT



ASSESS

PHASE 3:
IMPACT ASSESSMENT

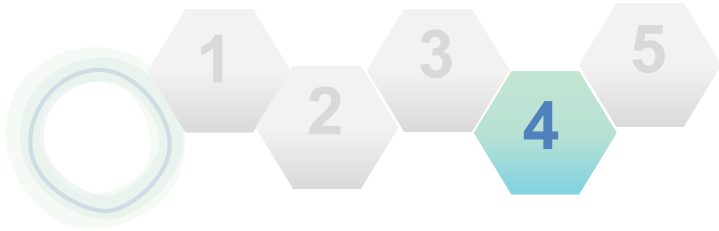


DURATION: TBD



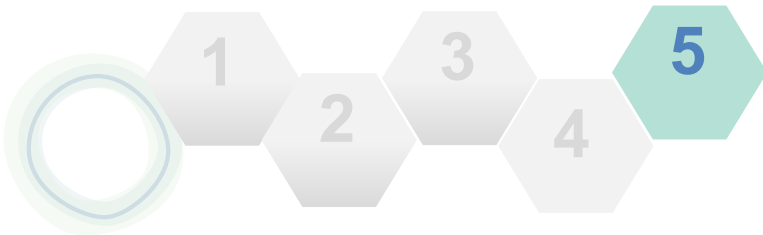
DECIDE

PHASE 4:
DECISION-MAKING



DURATION: TBD





DURATION: TBD





Introduction

Impact Assessment
Process

Indigenous Participation

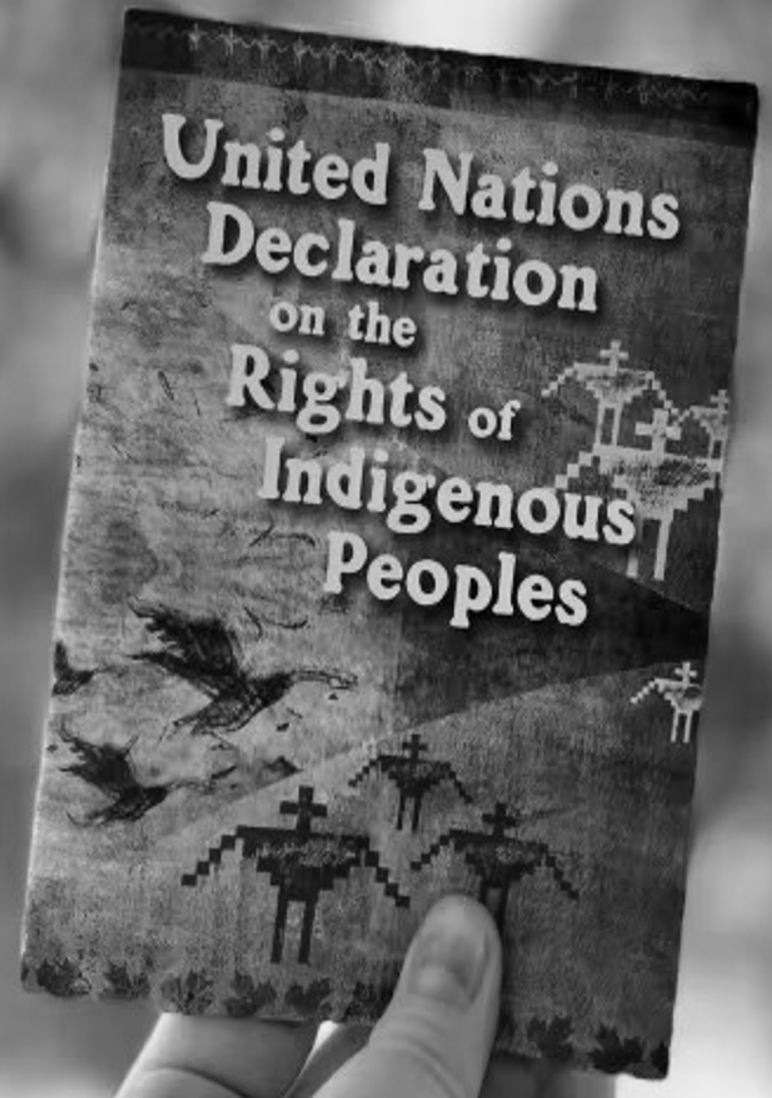
Why is Indigenous Consultation so important?

- Meets “duty to consult” obligations from s.35 *Constitution Act, 1982*
- Meets statutory obligations as outlined in the *Impact Assessment Act*
- Fulfills the Government’s commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples*
- Meets IAAC’s commitments to effective implementation of Indigenous relations and engagement
- Ensures that Indigenous perspectives, concerns and Knowledge contribute to informed decision-making on major projects

How does IA align with the United Nations Declaration on the Rights of Indigenous Peoples?

The Impact Assessment Agency of Canada works to advance the Government of Canada's commitment to the United Nations Declaration on the Rights of Indigenous Peoples by meaningfully involving and partnering with Indigenous Peoples during all phases of federal assessments.

- centering reconciliation in its work
- creating ethical space needed to collaborate with Indigenous Peoples
- continuing to work with Indigenous Peoples to evolve IAAC's best practices in impact assessment processes
- further respecting the Rights affirmed in the Declaration



Spectrum of Engagement



PARTICIPATION

- Input into plans and documents
- Participation in engagement events
- Discussion with Crown on potential impacts
- Identify valued components, indicators and thresholds of acceptable change
- Determine whether resources can be pooled between multiple Indigenous groups

COLLABORATION

- Development of consultation Protocols
- Establishment of joint methodology for assessing impacts to Rights
- Funding to undertake independent studies or collaborate on a study with the Proponent
- Establishment of technical working groups
- Joint delivery of community-based training

PARTNERSHIP

- Formal co-operation agreements
- Development of consultation protocols
- Develop and issue information requirements to the Proponent



Agency Funding Programs



[Funding Programs](#)

- Participant Funding (project-specific)
- Policy Dialogue
- Indigenous Capacity Support
- Research

The funding is available to **Indigenous groups, individuals** and incorporated **not-for-profits**.



How to apply:

- Opportunities are posted to the Registry
- Access the application form
- Submit the completed application form and supporting documents

Eligibility requirements:

- Living or owning property in proximity to the project
- Having community or Indigenous Knowledge relevant to the assessment
- Having expertise on the project's potential impacts
- Possess an interest in a project's potential impacts on Indigenous Peoples' rights



Discussion & Questions

Quick links

- [Policy context: Indigenous participation in impact assessment](#)
- [Guidance: Indigenous participation in impact assessment](#)
- [Policy context: Assessment of potential impacts on the rights of Indigenous peoples](#)
- [Guidance: Assessment of potential impacts on the rights of Indigenous peoples](#)
- [Guidance: Collaboration with Indigenous peoples in impact assessment](#)
- [Guidance: Indigenous Knowledge under the *Impact Assessment Act*: Procedures for Working with Indigenous Communities](#)
- [Guidance: Protecting Confidential Indigenous Knowledge under the *Impact Assessment Act*](#)
- [Indigenous Knowledge](#)

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