



# Opportunities for Maximizing Indigenous Leadership in the Impact Assessment Process

2023 ONTARIO ASSOCIATION FOR IMPACT ASSESSMENT CONFERENCE - OCTOBER



Impact Assessment  
Agency of Canada

Agence d'évaluation  
d'impact du Canada

Canada

# Objectives

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During this presentation, the Impact Assessment Agency of Canada (the Agency) will discuss its approach to:

- (1) **scoping Indigenous communities for consultation** prior to the planning phase;
- (2) **working with Indigenous communities** prior to determining whether an impact assessment is required, to understand the community's interest and potential impacts from the project; and
- (3) identifying communities for consultation in the **Indigenous Engagement and Partnership Plan** at the end of the planning phase.



# Item #1

SCOPING INDIGENOUS COMMUNITIES FOR CONSULTATION PRIOR TO PLANNING PHASE



# Scoping Indigenous communities for consultation

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The Agency's **scoping considerations** in a preliminary consultation assessment prior to the **planning phase** include:

- Multiple **sources of information** available including from Indigenous communities, the proponent, CIRNAC, past projects
- Approximate **geographic extent of potential effects** for various effect pathways
- Location of **traditional territories, reserves and land claims** in proximity to potential effects
- Where communities have **indicated the potential for impacts** through early engagement
- Where communities have **indicated interests or rights in the region** through public documents related to previous Crown engagement



# Item #2

WORKING WITH INDIGENOUS COMMUNITIES



# Conduct Overview

Three basic components to impact assessment conduct:

## 1. Seek input and dialogue



## 2. Conducting studies

Social Impact Assessment

e.g. impacts to culture

Economic Impact Assessment

e.g. impacts to commercial use of resources

Health Impact Assessment

e.g. impacts to subsistence use of resources

Environmental Impact Assessment

e.g. impacts to traditional way of life

## 3. Providing advice

# Participation of Indigenous Communities

Phase	Key Opportunities
Planning phase (and before planning phase where possible)	<ul style="list-style-type: none"> <li>• Provide <b>views on what should be studied</b> (valued components) and on the consultation process</li> </ul>
Planning and impact statement phase (and in pre-planning where possible)	<ul style="list-style-type: none"> <li>• Share <b>Indigenous Knowledge</b> with the proponent and the Agency</li> <li>• Participate in, or lead, <b>studies</b> to inform the Impact Statement, as arranged with the proponent</li> </ul>
Impact statement and impact assessment phase	<ul style="list-style-type: none"> <li>• Collaborate on the <b>assessment of impacts on the exercise of rights</b>, as arranged with the proponent, the Agency, or on own</li> </ul>
All phases	<ul style="list-style-type: none"> <li>• <b>Review documents</b> from the proponent and Agency and provide views on whether input provided is reflected</li> </ul>







# Working with Indigenous Communities

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- **Planning phase (and prior where possible) – Indigenous communities invited to confirm**
  - Their **interest in participation** and **the potential impacts** from the project to be assessed
  - Their **consultation preferences** (including protocols)



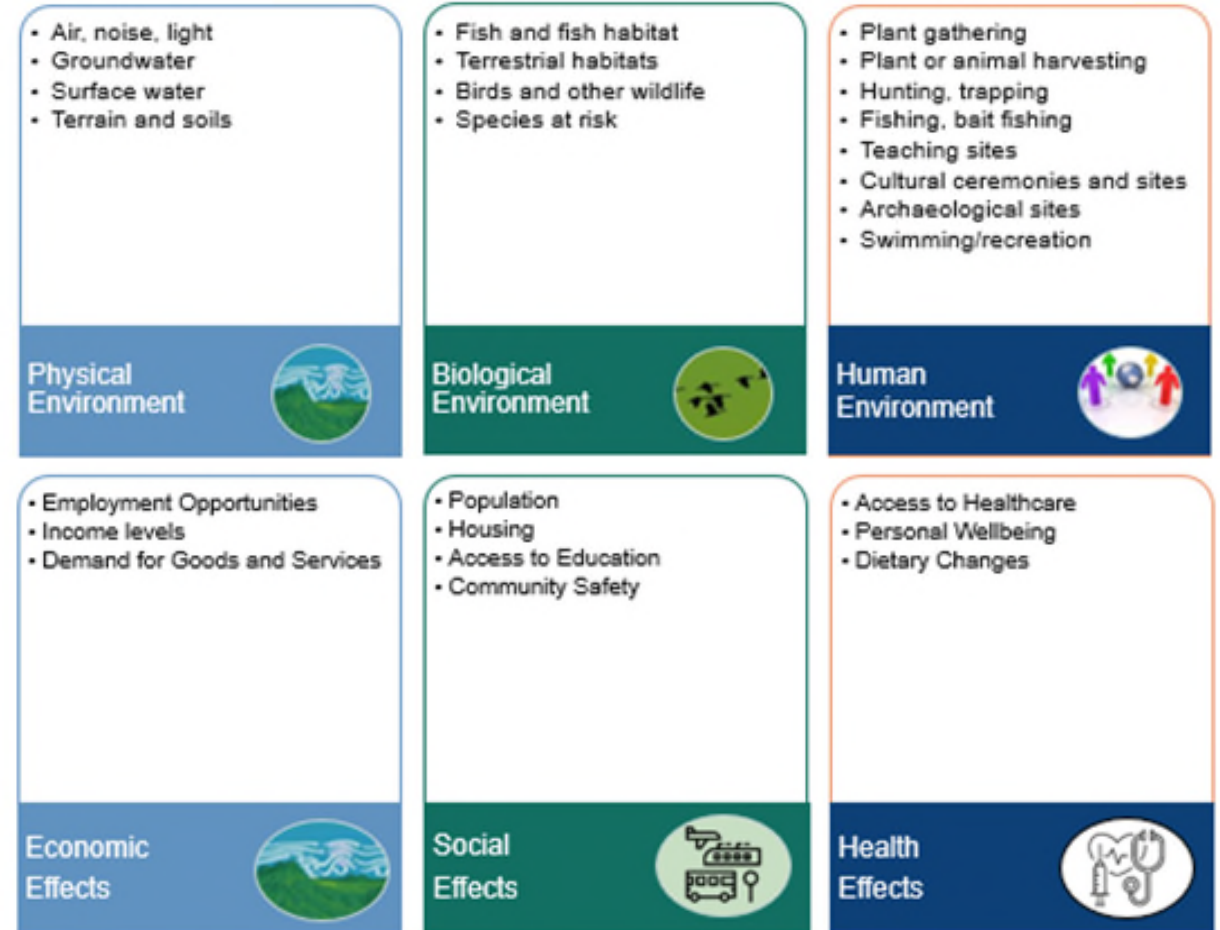
# Working with Indigenous Communities

- **First half of the planning phase – Indigenous communities invited to comment on**
  - a) Whether any impacts were missed based on the Initial Project Description including:
    - ◆ physical and cultural heritage?
    - ◆ current use of lands and resources for traditional purposes?
    - ◆ structures, sites or things of historical, archaeological, paleontological or architectural significance?
    - ◆ health, social and economic conditions?
    - ◆ the exercise of Aboriginal and/or treaty rights of your community?
  - b) Valued components that are important to the Indigenous community and **require further study**.
  - c) Why are these valued components important to the Indigenous community?



# Working with Indigenous Communities

- **Outcome – First half of the planning phase**
  - Summary of Issues
  - Efforts to document what the Agency has heard to validate with Indigenous communities



# Item #3

## INDIGENOUS ENGAGEMENT AND PARTNERSHIP PLAN



# Indigenous Engagement and Partnership Plan (IEPP)

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The IEPP includes:

- **Section 3:** Objectives of Indigenous engagement and partnership
- **Section 4:** A list of the Indigenous communities identified by the Agency for Crown consultation and engagement
- **Section 5:** Information related to the methods and tools that may be used for consultation and engagement
- **Section 6:** Table of Indigenous consultation and engagement approaches during each phase of the impact assessment process



# The Agency's Objectives

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The Indigenous Engagement and Partnership Plan sets out the Agency's objectives:

- Conduct meaningful Crown consultation on the **potential adverse impacts** of the Project on the exercise of Aboriginal and/or Treaty rights of the Indigenous peoples of Canada recognized and affirmed in section 35 of the *Constitution Act, 1982*
- Meaningfully engage with Indigenous communities regarding **Indigenous Knowledge** that they may wish to apply when considering potential effects and impacts of the Project and impacts on the exercise of Aboriginal and/or Treaty rights

(cont.)



# The Agency's Objectives

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The Indigenous Engagement and Partnership Plan sets out the Agency's objectives:

- Meaningfully engage with Indigenous communities throughout the impact assessment process with opportunities to **provide comments on key documents** and the engagement process
- Ensure engagement is consistent with the Government of Canada's commitment to implement the **United Nations Declaration on the Rights of Indigenous Peoples** as a comprehensive international human rights instrument, and Canada's roadmap for reconciliation
- Provide meaningful **opportunities for collaboration** with Indigenous communities on methodologies or processes to assess the impact on the exercise of rights



# Working with Indigenous Communities

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- **Second half of the planning phase – Indigenous communities invited to confirm**
  - The potential for impacts on valued components identified as important
    - ♦ physical and cultural heritage?
    - ♦ current use of lands and resources for traditional purposes?
    - ♦ structures, sites or things of historical, archaeological, paleontological or architectural significance?
    - ♦ health, social and economic conditions?
    - ♦ the exercise of Aboriginal and/or treaty rights of your community?
  - Approach to consultation
  - Interest in collaboration





# Interest in collaboration

## 1. Seeking input and dialogue - *collaboration can be*

- elaborate or simple
- focused on own community, or a group
- focused on one valued component, or a group
- with the proponent and/or Agency
- studies, working groups, co-writing, or simply providing input

## 2. Conducting studies - *collaboration can be*

- participating in proponent studies or leading studies to inform the Impact Statement
- completing an Indigenous-led assessment to inform community decisions, the Impact Statement or Impact Assessment Report

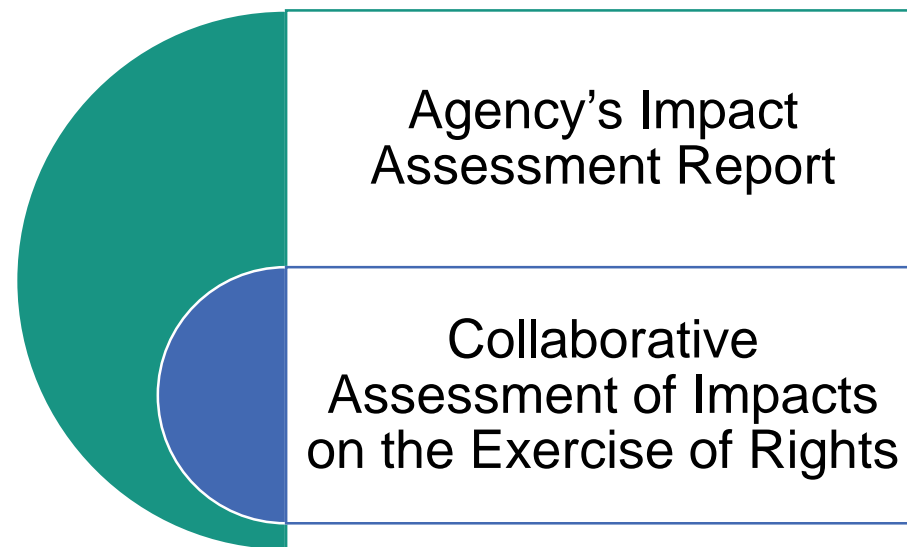


*The Agency encourages collaboration with nearby communities to ensure that studies meet all views and needs*

# Interest in collaboration

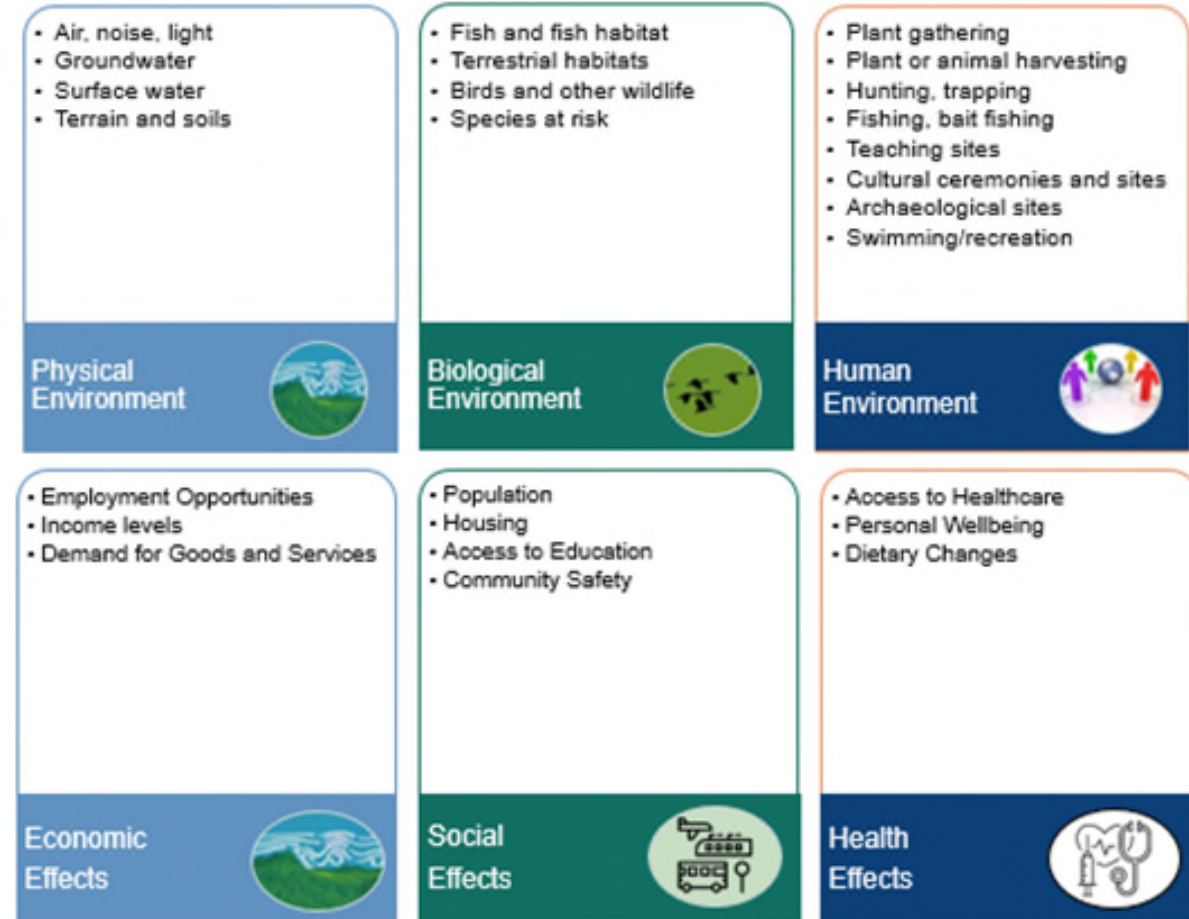
## 3. Providing advice

- The main tool used by the Agency to provide advice is the *Impact Assessment Report*
- Opportunities to collaborate on the assessment of impacts on the exercise of rights already exist
- Could write the assessment of impacts on the exercise of rights in collaboration with the Agency
- What other opportunities might exist?
  - e.g., share copies of studies and Indigenous-led assessment, if not already incorporated into the Impact Statement
  - e.g., share views on the resolution of issues



# Working with Indigenous Communities

- **Outcome – Second half of the planning phase**
  - Finalization of the Indigenous Engagement and Partnership Plan
  - Finalization of the Tailored Impact Statement Guidelines
  - Commitment with those communities that are interested in innovative collaboration to work on next steps during the early part of the impact statement phase







# Thank You!

## **Contact:**

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