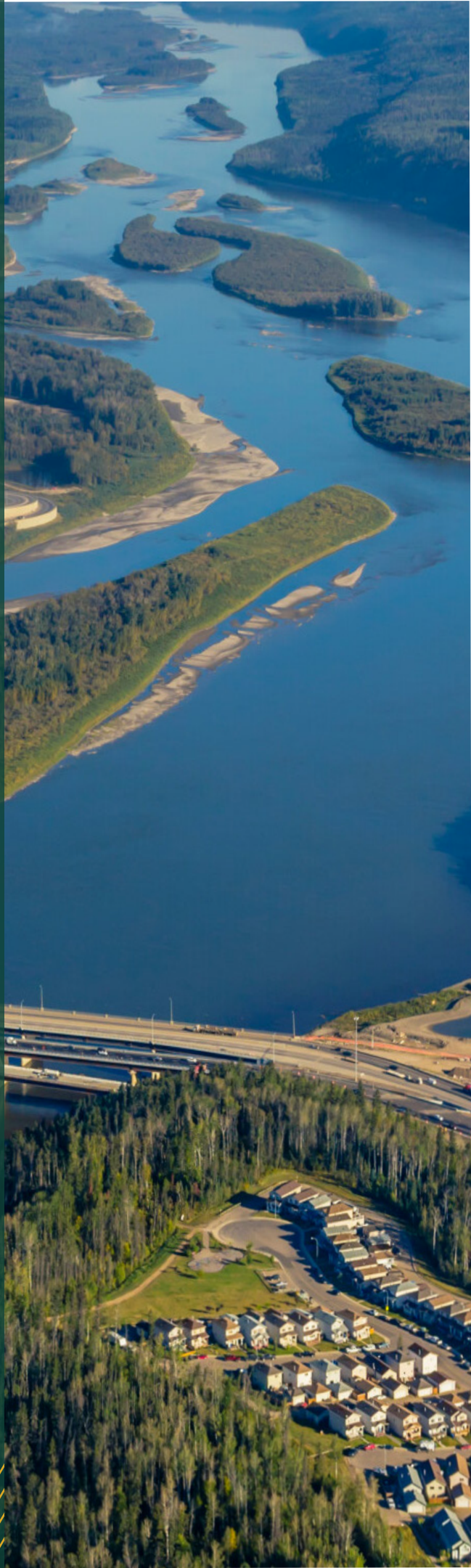
Impact Assessment Guide & Toolkit

FOR INDIGENOUS COMMUNITIES

For Working with Industry and Regulators to Conduct Socio-Economic Impact Assesments Under the Impact Assesment Act of Canada



In Memoriam

While creating this toolkit, our team lost an invaluable member, Shannon Edward Earle, who passed suddenly and tragically on February 17, 2023, at his home in Fort McMurray, Alberta.

Shannon worked in The Regulatory Affairs Department at McMurray Métis Local 1935. While not originally part of the project team, Shannon joined the project as a logistical coordinator in May of 2022. As was his way, Shannon very quickly and very quietly became an integral part of our work. In addition to organizing and coordinating our monthly meetings, Shannon became an invaluable contributor, drawing from his experience working both for industry and for Indigenous governments to help bridge divides and foster mutual understandings.

Self-effacing to a fault, Shannon would likely recoil at being recognized in this way. The project team, however, felt it was important to recognize Shannon's valued contributions to our work. We therefore dedicate this toolkit to Shannon Earle, our friend and colleague, whom we lost on this collective journey, but whose memory will not be forgotten.

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Acknowledgements

This toolkit is the outcome of more than a year of in-depth engagement with a diverse group that included McMurray Métis staff, community members, industry, academic partners, and consultants. This work would not have been possible without the sustained and thoughtful participation of the following 18 team members:

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Joe Hamelin
McMurray Métis Elder and land-user, former Board Member

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All photos come from McMurray Métis

This toolkit was created across eleven sets of workshops held on weekday evenings and weekends in 2022 and 2023. Each workshop began with protocol to ensure the work proceeded in a good way -- opening and closing with an Elder's prayer, approaching our learnings with humility, listening respectfully, and ensuring there was always plenty of food, coffee, and laughter to go around.

This project was more than community-based: it was community-driven. Our process reflected McMurray Métis' vision of how Impact Assessment should be done: with honesty, openness, respect, and collaboration. McMurray Métis community members generously contributed extraordinary amounts of time, energy, and knowledge to produce this document. The role of industry, academic partners, and consultants, was to support, complement, and enrich the vision of the community.

During our first workshop in March 2022, the group established shared principles for the conduct of our work together: Respect, Humility, Connection-Building, Openness, Empathy, and Reflection. These principles guided the workshops and all conversations and activities that comprised them. Maintaining the spirit of our principles throughout, we actively worked to encourage dialogue rather than confrontation and to create a transparent and nonjudgmental atmosphere.

We are grateful for the investments of time, knowledge, and expertise by our industry partners, who came to the work with open ears and hearts and always honoured our shared principles. Our partnering consultants facilitated discussions, designed activities and guiding questions, provided context for each workshop, and helped draft the final document. Most importantly, McMurray Métis members and staff provided the founding vision for this work, shared their invaluable knowledge and experience, while asking questions that guided this work. Their contributions ensured that Indigenous priorities and values are at the heart of this toolkit.

We are also grateful for the support of McMurray Métis staff who provided logistical support and kept things running smoothly, even though our work took place outside of office hours. A special thanks to Sheryl Huppie, who always ensured we were well fed with meals, snacks, and beverages. Thank you to NOBLE Agency and Madilyn Hite (MPH Productions) who provided the exceptional digital design and formatting expertise, as well as the wonderful photos, that made this toolkit beautiful.

We would also like to acknowledge the funding provided by the Impact Assessment Agency of Canada's Policy Dialogue Program, without which this work could not have taken place.

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Introduction

How We Created This Document

Our work was funded by the Impact Assessment Agency of Canada (IAAC) with the objective of producing guidance for doing socioeconomic Impact Assessments (SEIA) with Métis communities under the Impact Assessment Act of Canada, 2019 (IAA). To do this, we brought together a diverse team of Métis community members, industry representatives, and consultants. We strove to make our team as diverse and representative as possible, with the majority being female, a mix of Elders and youth, and holders of many kinds of knowledge, based on varied life experiences.

Several things became clear from early in the process: the first was that we needed to build trust between the diverse members of the team, including community members, industry representatives, and consultants. Given that many of the participants have been and are presently engaged in consultation and impact assessment processes, including with each other, it was important to establish a space in which all participants felt safe to express their fullest range of experiences, concerns, and recommendations.

To support the creation of this space, our March 2022 workshop focussed on two main activities: (1) establishing a set of shared principles to guide our workshops and interactions, and (2) building a sense of shared vision and objectives. Our team came up with the following key principles, which guided the development of this toolkit, and which we believe can be used to facilitate more collaborative Impact Assessment processes.

OPENNESS AND EMPATHY
SHARED PRINCIPALS ◆ REFLECTION
HUMILITY AND CURIOSITY
RESPECT ◆ BUILD CONNECTIONS

Workshops typically began with short informational sessions on the IAAC process. These would be followed by experimental activities to test research methods (what works and what doesn't), collect different perspectives, and provoke reflection and innovation. Some activities used physical tools like writing boards and sticky notes while others used online collaboration tools.

These activities included a mix of small (break-out) and large group discussions that contained different mixes of community members, industry representatives, and consultants, to find the right combinations. Where we wanted to integrate Gender-Based Analysis Plus (GBA+), break-out groups were organized by demographic and sociological categories (gender, age, ethnicity, occupation). After breakout sessions, small groups presented their findings to the full group, which was followed by a discussion period. All workshops were recorded and transcribed to ensure faithful representation of the knowledge and perspectives shared in each session.

While our initial objective was to develop tools for Métis communities doing socioeconomic Impact Assessment, it quickly became clear that most of our discussions and findings would be of relevance to Indigenous communities. As we proceeded, it became clear that industry and regulators were similarly in need of guidance on how to navigate the IAAC process and work more constructively and collaboratively with Indigenous communities. We thus reframed the toolkit as a way to advance more collaborative and effective socioeconomic Impact Assessment processes, where these involve Indigenous communities.

Who Can Use This Document

While this document is primarily for Indigenous communities carrying out SEIA under the IAAC, we have designed the toolkit to bring together the major parties in socioeconomic Impact Assessment under the new legislation. We thus offer guidance and suggestions to the proponent and regulators to work with and support Indigenous communities, to produce more collaborative and effective Impact Assessments and to build better projects, which is the ultimate goal of a meaninful Impact Assessment.

INDIGENOUS COMMUNITIES

This toolkit is designed to guide your community through the IAAC process. In it, you will find guidance and tips for all phases of the process, including what you need to have in place before you begin. The IAAC process is long and will require considerable time and energy. Done right, this process can build capacity within your government and community, in terms of knowledge and experience gained, the resources invested, and the information collected. These can be used for a variety of other purposes, beyond just Impact Assessment.

PROPONENT

For the proponent, we believe this toolkit can help you better understand the perspectives and needs of Indigenous communities participating in the IAAC process. At various points in the document, we highlight places and ways in which the proponent can better support and work with Indigenous communities. Our hope is that you can take this toolkit to the Indigenous communities you are working with, and use it as a guide to build stronger relationships, do more collaborative Impact Assessments, and build better projects.

IAAC/THE AGENCY

We heard from community members and proponents that IAAC/The Agency need to be more involved in this new process, both to support information collection and distribution in key areas, like cumulative effects, and to ensure it is the Crown that is truly discharging the duty to consult, not the proponent. Throughout this document, you will find information on the needs of Indigenous communities and the proponent throughout the process, as well as suggestions for how IAAC/The Agency can better support Indigenous communities and proponents to conduct better Impact Assessments and build better projects.

How To Use This Document

One of our workshop tasks was to review a variety of guidance documents related to Impact Assessment and Indigenous Peoples, to figure out what works and what doesn't, so that we can design the document in the most accessible way. We designed the document to incorporate as many images, graphics, and colours as possible, to make it less intimidating and improve ease of use. Ideally, this is a document that all users can pick up and put down easily, depending upon where they are in the process, and can use as a roadmap, with timelines, benchmarks, and tips for each phase.

The substantive sections of this document are organized around the 5 Phases of the IAAC process, with the exception of sections on "Challenges of Impact Assessment" and "Pre-Planning Checklist", which cover things Indigenous communities, the proponent, and IAAC/The Agency should know and do before the process begins, and the "Plain Language Dictionary" at the end, which attempts to put the technical jargon of IA in more accessible terms.

While we encourage all users to read the document in its entirely, we also know that consultation and Impact Assessment are fast-moving worlds where people rarely have the time to sit down and read documents from cover-to-cover. To address this, we use icons to clearly identify where information is meant for specific groups, and where information is meant for everyone..

We also know that this process may seem overwhelming to Indigenous communities, proponents, and The Agency staff who may lack experience with consultation and Impact Assessment of this kind, as well as the human and financial resources that are required to do the work right. To help navigate this process, we have included an Appendix consisting of additional information and examples.

The Challenges of Impact Assessment and Consultation

The Impact Assessment Act

WHAT IS IMPACT ASSESSMENT?

Impact Assessment (IA) is a process designed to consider the potential impacts of human activities (usually an industrial project) on people and their environments. IAs go by many names in different places, including Environmental Impact Assessment, Environmental Assessment, Cultural Impact Assessment, and Socio-Economic Impact Assessment. IAs are usually overseen by federal or provincial regulators, sometimes together, with the final decision on major projects most often made by The Agency or the government.

WHY DO WE DO IMPACT ASSESSMENTS?

In short: to build better projects. IAs provide opportunities to identify both the positive and negative impacts of a project, and to find ways to maximize the benefits and minimize the negative effects. Done right, IAs bring together the companies proposing projects, potentially affected groups, like Indigenous Peoples, and regulators to ensure projects support the long-term sustainability of our communities, environment, and economy.

The Impact Assessment Act

The Impact Assessment Act (IAA) is the law that governments Impact Assessments conducted at the federal level. The IAA came into force in 2019 and lays out the rules for when a federal IA is required, as well as what the IA process must consider. The IAA establishes the Impact Assessment Agency of Canada (IAAC) to oversee and manage federal IAs.

How to Trigger a Federal IA?

The Physical Activities Regulation of the IAA establishes a list of projects – called "designated projects" – that meet the requirements for a federal IA. The requirements are quite complex, but in generally including the following:

- Projects carried out in a National Park or Protected Area;
- The construction or expansion of mines, mills, quarries, and sand/gravel pits with production over certain levels;
- Look for way to communicate what triggers exist for nuclear.;
- Construction of new or changes to existing military bases;
- Fossil-fuel extraction, processing, and power plants beyond certain production levels;
- Offshore pipelines and transmission lines and pipelines over certain lengths;
- Construction of expansion of renewable energy facilities/projects over a certain size or generating capacity;
- Transportation infrastructure (road, rail, bridge/tunnel and so on) of a certain size;
- Hazardous waste facilities and water projects (dams, dikes, and so on).

INDIGENOUS COMMUNITIES

GOOD TO KNOW

If a project does not meet the criteria of the Physical Activities Regulation but you are concerned it may impact Indigenous Rights as protected under section 35 of the Constitution Act, 1982, you can request that the Minister of Environment and Climate Change use their power to designate projects for federal review under section 9 (1) of the IAA. In making your request, be sure to provide as much evidence as possible that the project will potentially have negative effects on the section 35 rights of Indigenous Peoples.

What's New in the IAA?

The IAA represents a significant overhaul of the IA process from the previous system under the Canadian Environmental Assessment Act, 2012. For the purposes of conducting Socio-Economic Impact Assessment (SEIA) with Indigenous communities, there are three major changes that deserve to be highlighted: **Indigenous Rights, Gender-Based Analysis Plus (GBA+), and Sustainability.**

INDIGENOUS RIGHTS

One of the most important changes from the IAA is that all major projects must now assess impacts to the rights of Indigenous peoples and their territories. This requirement changes the way Indigenous communities, proponents, and Regulators will assess project impacts, since different kinds of impacts (from impacts to wildlife and land to impacts on health) affect rights. Because of its importance, and the fact that communities may not have experience assessing impacts to rights, discussions of impacts to rights should begin early.

INDIGENOUS RIGHTS

What Are Your Rights?

These are your rights, and it is crucial that you define them. Don't be limited by what the Government of Canada acknowledges at any given moment under s. 35 of the Constitution Act, 1982. Consult the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), your leadership, Elders, and community members to get as full of a definition of your rights as possible.

What does the community need to exercise their rights?

Once you have identified what your rights are, think about what resources need to be in place so your community can exercise those rights meaningfully. For example, if harvesting is one of your identified rights, what do your hunters need to be able to exercise those rights? Do they need intact habitat close to where they live; clean, healthy animals; time and resources to harvest; knowledge and protocols of how to harvest; what else? Identifying the things the community needs to exercise their rights will help you identify the many different ways a project may affect your rights.

What Are the Cumulative Effects To Your Rights?

The 2021 Yahey vs. British Columbia decision established that there exist limits to the infringement (or undermining) of Indigenous Rights. A rights assessment should not only look at the impacts of a proposed project; it must understand how previous industrial development, laws, and government policies have affected your rights. After all, if a right has already been so undermined that the community can no longer meaningfully exercise that right, then any negative impact to rights may be unacceptable.

Rights assessments are a crucial area for The Agency involvement, including providing support and resources to help communities identify and assess impacts to rights. Given the Yahey decision, it is important that The Agency work closely with Indigenous communities and proponents to share information on these and design mitigation measures to address and reverse these to rights, where warranted.

Because of the constitutional and legal protections around Indigenous Rights, it is important to work closely with Indigenous communities to identify potentially affected rights early in the process. Remember, rights assessments are relatively new to IA in Canada, so it is important that you provide adequate time and resources for communities to define and assess impacts to their rights, including sharing baseline data and information on potential project impacts.

GENDER-BASED ANALYSIS PLUS (GBA+)

GBA+ is way of gathering information and thinking about potential project impacts. GBA+ isn't just about gender: it's about all the ways our differences (e.g., gender identity, age, income, ethnicity, etc.) affect our experiences and opportunities in life.

GBA+ asks us to:

- consider the differences and inequalities between groups, within a community, or between communities;
- identify how the specific impacts of a project may affect different groups of people in different ways;
- design projects so that they reduce inequalities between people, rather than making them worse.

For example, say a gold mine is going to lead to a big increase in housing prices and rents. Those changes will affect different groups differently. Older homeowners might benefit from increases in housing prices, while young people looking to buy their first home, people who do not have access to the higher-income jobs at the mine, or a single mother looking to rent an apartment might be hurt by an increase in home prices and rents. To address these concerns, a project could prioritize hiring local Indigenous Peoples or support the construction of affordable housing or a women's shelter.

Gathering all this potentially sensitive information can feel overwhelming, but while GBA+ is a new requirement, it's not a new kind of analysis. In fact, it's how a lot of social science has been done for decades. As a result, there are many existing ways to gather GBA+ information, including surveys, interviews, and focus groups, all of which can be made anonymous.

PROPONENT

If you are feeling overwhelmed by gathering GBA+ information, you're not alone. Imagine what it's like for Indigenous communities with limited staff, time, and resources to dedicate to IA research. While GBA+ analysis presents a lot of challenges, it also opens opportunities for collaboration and sharing. When you're discussing research with communities, try two things: (1) ask communities what their information needs are and think about how this process can gather information that will be useful to them outside the IA process; and (2) establish how you can gather and share information together, who will hold the information, and how privacy will be upheld. Indigenous communities will be gathering lots of information to support your Impact Statement; try to identify ways you can share information to support their work.

IAAC/THE AGENCY

The new GBA+ requirements represent a significant increase in the time and effort required to gather and analyze information, in addition to designing mitigation and monitoring programs. This is true for both proponents and Indigenous communities. It is important to meet early and regularly with proponents and Indigenous communities to discuss what their needs are and how The Agency can support the process. This could be through providing training seminars and access to Government of Canada research and data, or other means.

SUSTAINABILITY

IAs must now examine the contribution of the project to sustainability, and makes the contribution to sustainability one of the factors that determine whether a project will be approved. The sustainability assessment has four guiding principles:

- consider the interconnectedness and interdependence of human and environmental systems;
- consider the wellbeing of present and future generations;
- consider positive and negative impacts; and
- apply the precautionary principle and consider uncertainty.

Because of its emphasis upon holistic assessment, wellbeing, and positive impacts, the sustainability assessment represents a key point of potential collaboration between Indigenous communities and proponents seeking to find common ground and maximize the socio-economic sustainability of communities and projects.

While the IAA lays out the four sustainability principles, you do not need to restrict yourself to these, and Indigenous Knowledge has much to teach about sustainability. Early on, meet with community members and ask what 'sustainability' means to them? What does a sustainable community look like? What does a sustainable project look like? In our workshops, for instance, Indigenous participants identified connections to ancestors and traditional territories, as well as the knowledge of Elders, as key elements of sustainability. Sustainable communities and projects, could be those that acknowledge, honour, and strengthen those connections to ancestral knowledge, practices, and places.

The 'sustainability' of projects is typically considered in negative-environmental terms, i.e., how to minimize negative environmental effects. The definition of sustainability provided by the IAAC, however, opens the door to a positive definition of sustainability and creates space for collaboration with Indigenous communities. Early on in the consultation process, engage Indigenous communities on the issue of sustainability. Work with them to determine what a sustainable community looks like from their perspective and how your project could contribute to a more sustainable community. Working in this way will allow you from early on to gather your information and assess impacts in a way that highlights the contributions of your project to one of the five public interest factors: the extent to which a project contributes to sustainability.

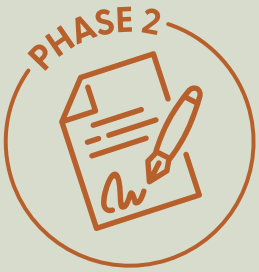
The IAAC Process

PLANNING

Timeline: up to 180 days (see page 38-39)

Key tasks:

- organize community Steering Committee;
- identify community needs – including external supports – and priorities for consultation and negotiation;
- determine how you want to be consulted by The Agency;
- sign relationship agreement with proponent;
- co-develop IA workplan with Proponent and IAAC;
- select key valued components;
- provide input on Project Descriptions, Summary of Issues and Response, and Tailored Impact Statement Guidelines.



IMPACT STATEMENT

Timeline: up to 1,095 days

Key tasks:

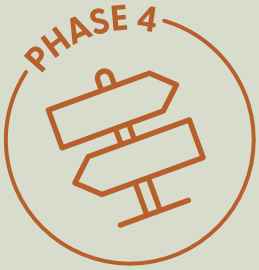
- develop assessment methodology;
- collect baseline information on past, current, and future impacts; carry out project and cumulative effects assessment;
- identify mitigation, offset, and enhancement measures;
- develop monitoring and adaptive management plans;
- review proponent's Impact Statement;
- begin negotiating Impact Benefit Agreement, if desired.

IMPACT ASSESSMENT

Timeline: up to 300 days for Agency Assessment; up to 600 days for Review Panel (see page 76-77)

Key tasks:

- provide input into IA process;
- participate in consultation activities;
- finalize Impact Benefit Agreement, if desired;
- participate in public hearings, if desired;
- provide input on/co-develop Impact Assessment Report, approval conditions, and Consultation Report.



DECISION MAKING

Key tasks:

- Continue to engage in consultation with Proponent,The Agency, and the Minister.

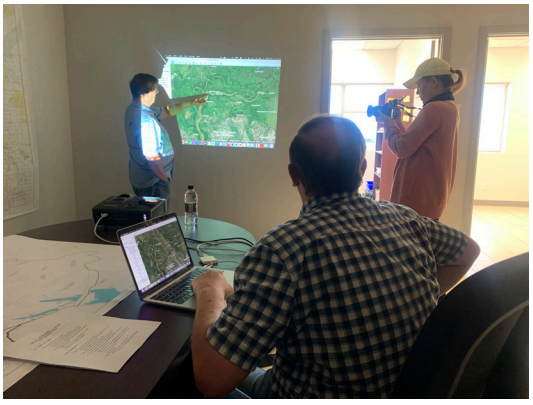
POST-DECISION

Key tasks:

- implement IBA, if signed, including consultation and monitoring activities;
- participate in Environmental Monitoring Committees for the project, if established;
- work with Proponent and IAAC to ensure approval conditions are met.

What do we mean by "Socio-Economic Impacts"?

The Impact Assessment process has significantly expanded what needs to be considered, what kinds of impacts need to be assessed and what kinds of information needs to be gathered. One of the new parts of the process is a much deeper dive into understanding socioeconomic impacts.



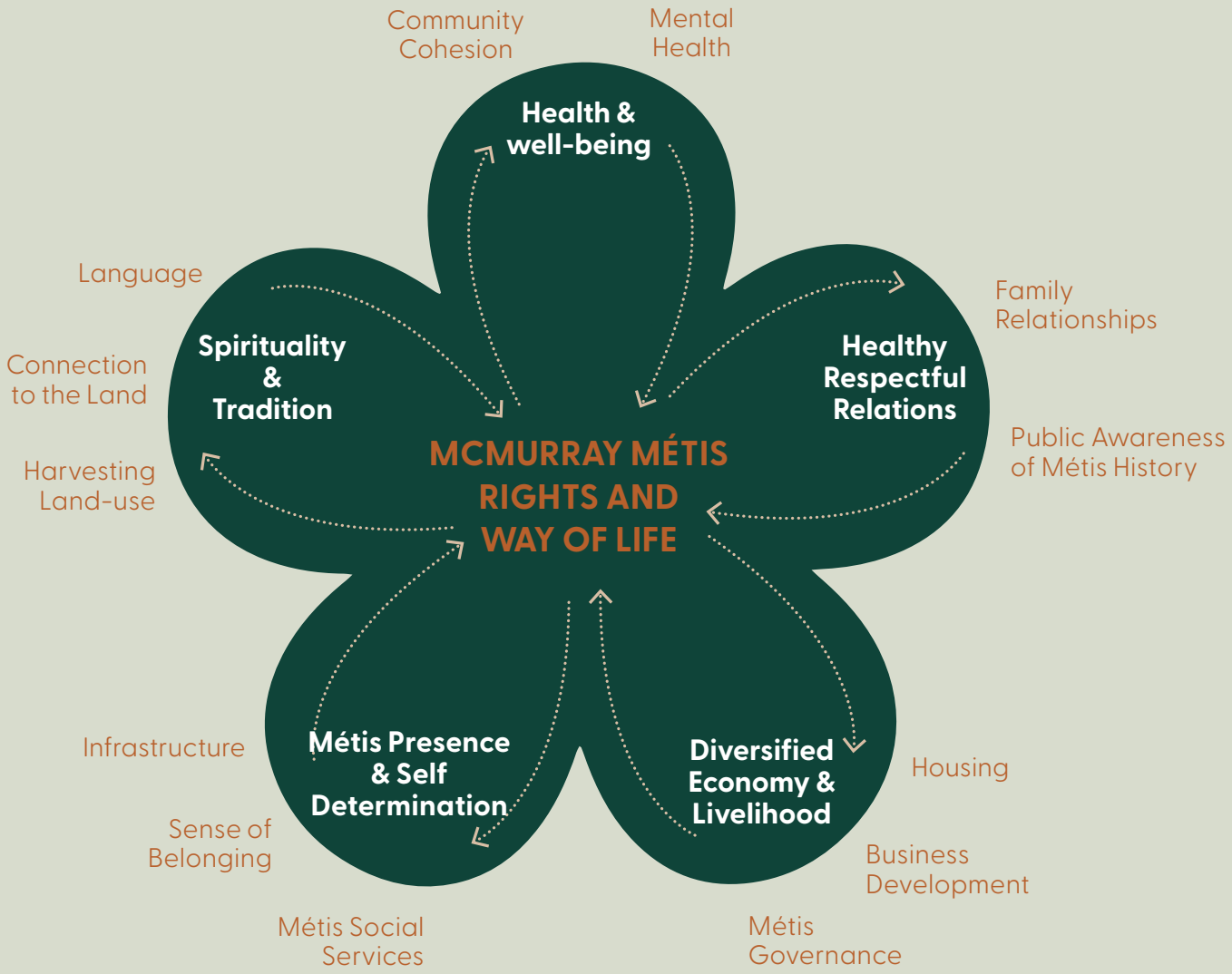
Social Impacts are impacts to the ways that humans and human communities interact with their socio-cultural, economic and environmental surroundings.

Indigenous understandings of social well-being tend to be holistic and may include health and spirituality connections to land & water, culture & language, family relations, and many other elements.

Economic Impacts are impacts on the economy of a population(s), including changes in local employment and income, investment and business opportunity, and taxation and other revenues for governments.

Indigenous understandings of economic well-being may also be more holisitic and incorporate things like the practice of rights, traditional economic activities, subsistence practices and local ways of giving, sharing and relations of reciprocity lived out, for example, through feasts or community freezers.

It is important to work with community members to understand what "socio-economic" means to them and how it should be defined, so that impacts are assessed in a way that connects to community ways of knowing.



In early workshops, our team worked together to produce some visuals for conceptualizing Métis perspectives on the socio-economic, and the many different values that it comprises. Here is a sample of what we came up with.

For many Indigenous communities, socio-economic impacts should be considered holistically to capture their many interconnections. Socio-economic can be intrinsically connected to the environment, to spiritual life, to Indigenous Rights and self-determination, as well as culture, language, and many other things.

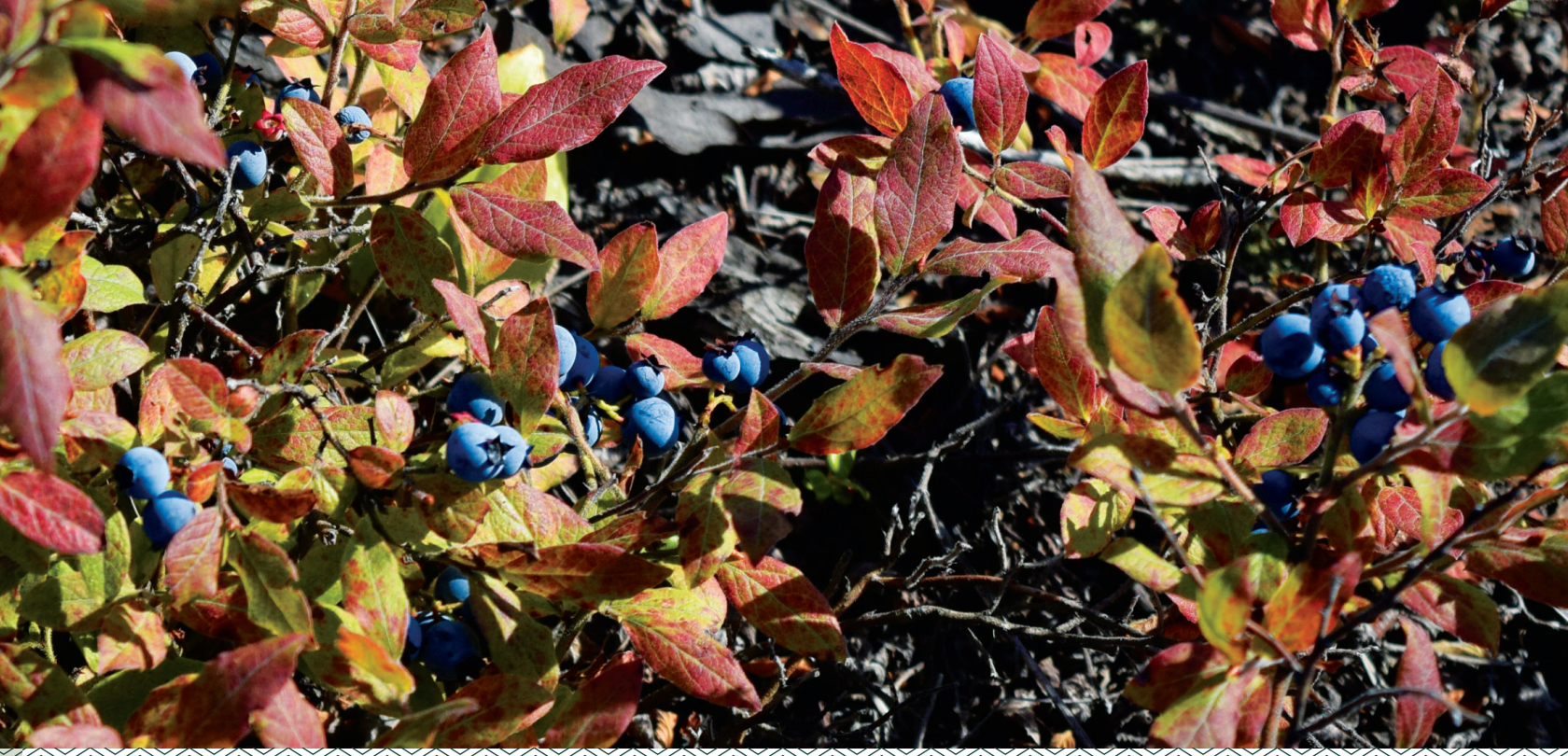
Although these things are typically separated out in Impact Assessments, they are in reality closely interconnected, as our visual suggests. For example, values like "sense of belonging" appear across the major categories, from well-being and health, spirituality and tradition, and Métis presence and self-determination to healthy and respectful relations, and a diversified economy and livelihood. GBA+ analysis, moreover, reminds us that the things someone requires to feel a sense of belonging can be different for different groups within a community, for instance for Elders, youth, or women.

CONSIDER THE FOLLOWING EXAMPLES:

Imagine a company proposes a project that will require the construction of a plant requiring lands in an area where there are large berry patches where members of an Indigenous community have been harvesting berries for generations.

This impact could easily be framed as environmental – involving a quantifiable loss of land resources. But impacts to these berries could have further impacts on culture and rights, if harvesting berries in the area is an Indigenous Right and a significant part of the culture of the people. It is also a social impact because berry-picking might be an activity that brings family members or multiple families together, and thus nurtures healthy family dynamics and community cohesion. Harvesting berries may also play an important role in the passing down of traditional knowledge, stories, and oral histories, as multiple generations spend time together on the land. Berry picking could have an economic impact, insofar as it plays a part in the local economy, whether the berries are used for sustenance or sale. Impacts to the berry patches could affect health and well-being if berries are part of a healthy diet and spending time on the land with family provides a sense of belonging and well-being.

Like other kinds of impacts, socio-economic impacts are distributed unevenly across populations. For instance, impacts to berry patches could disproportionately affect those groups most likely to harvest the berries, such as women and Elders; those who may lose out on the social and cultural benefits of berry-picking, such as youth who lose opportunities to spend time with Elders and learn about their culture, or families that lack resources to replace harvested berries with similar foods from stores. This is where GBA+ analysis becomes critical for better understanding impacts and developing better mitigation and monitoring programs.



Or take another example: imagine a major oil and gas project that will create thousands of jobs in a region. Potential socio-economic impacts from this project could include rising incomes for local populations, as well as rising housing prices and a rising cost of living, as thousands of people migrate to the region looking for jobs, driving up prices.

These impacts would be experienced differently by different groups of people. Good-paying jobs could be good for young people in the community, allowing them to find work and stay in their communities. Likewise, an established homeowner might benefit from the increasing value of their home, which for many people is the single biggest source of wealth.

On the other hand, increases of temporary workers in a community could negatively affect Indigenous women or or members of the 2SLGBTQIA+ community. Similarly, increases in housing prices and the cost of living could hurt low-income families and Elders on fixed-incomes. If Elders are renting, they may be forced to move outside the community, which can affect families and communities as care-givers and knowledge holders are lost.

As you can see, socio-economic impacts can be very complex. The trick to good socio-economic Impact Assessment, consultation, and project planning is not only to maximize positive effects while minimizing the negative ones; it is to ensure that these impacts are distributed within the community in such a way as to reduce inequality and strengthen community cohesion and well-being.

Challenges of IA

In several workshops, our team worked together to identify some of the biggest challenges to doing community-led and collaborative IAs that build bridges between diverse perspectives and meet regulatory requirements. The challenges listed here were those identified by both community members and the proponent representatives, where there was room to find solutions that address the needs of and challenges faced by both sides.

On the basis of these challenges, we have identified advice and strategies that can be pursued by communities, proponents, and regulators to facilitate a more effective, collaborative, and efficient IA process.

The more robust considerations in the new IA process mean there are lots of requirements for Indigenous communities and proponents to fulfill in a short period of time. The timelines and scheduling parameters of The Agency can place an enormous burden on all participants, but particularly upon Indigenous communities, many of which may enter the IA process without the resources necessary to participate in a full and effective way.

Once the official "clock" starts ticking, the process can move very quickly and make communities feel rushed. It is important that communities, proponents, and regulators begin the work of building relationships and providing supports before The Agency clocks begins to tick.

It is important that you begin preparing for an IA before the process begins.

Consider some of the strategies and actions provided in the Pre-Planning Section as a way to prepare. Review the process. Take stock of what resources and capacities you have in place, what you will need, and how you can best prepare yourself for the multi-year commitment a federal IA entails.

Let The Agency and the Proponent know of your community's needs and priorities early, including any timing and capacity limitations that you think could frustrate your community's participation.

Consider some of the strategies and actions provided in the Pre-Planning Section as a way to prepare for the IA process before it officially begins.

Provide communities with access to meaningful funding as well as accessible information sessions to better understand the new IA process.

Proponents can't afford to wait until after an application is submitted to begin building relationships.

Consider some of the strategies and actions provided in the Pre-Planning Section as a way to prepare for the IA process before it officially begins. Early investments in consultation can pay long-term dividends and save time and resources down the road.

Approach communities as early and as transparently as you can. Talk to them about the IA process, what your needs and timelines are as a proponent, and discuss what a step-by-step workplan might look like. Try to co-develop timelines so that the plan is responsive to the community. Communicate your plans, process, timelines and expectations in clear, accessible language.

RESOURCES

The core challenge:

The significant increase in the information required under the Act, as well as the potential number of communities to be engaged, represents a significant increase in the time and resources required from both communities and proponents. While these changes can result in more robust and responsive assessments, they pose important challenges.

Let the proponent and agency know of your capacity and resource needs early on. They may be able to provide support. Consider collaborating with other local communities involved in this process to reduce the resource burden.

The community builds the capacity it will need to be full and effective partners in a collaborative IA process.

The Agency has increased the information required of communities to participate. It is incumbent upon The Agency to provide adequate resources to meet these requirements. Consider providing communities with early funding to determine their capacity needs to participate in a federal IA.

CONSISTENT AND ACTIVE PARTICIPATION OF AGENCY

The core challenge:

Both community members and proponents expressed the view that while the new IA process places increased information burdens on communities and proponents, The Agency has not yet increased its role in a commensurate way.

As the representatives of the Crown, The Agency needs to be involved early and often, and not just to check in to see how things are going. Meeting directly with communities and proponents to clarify requirements, develop relationships, and share resources are all part of a more proactive and constructive role.

COMPLEXITY

The core challenge:

Doing socioeconomic Impact Assessment is extremely complex. Because impacts and values are so interconnected, things can get big, fast – and this can be overwhelming, especially given the time limits of the new IA process.

Engage with your members early to identify what the core priorities and concerns of your community are. This will help you focus your time and energies on the things that matter most to your community. Having a sense of your main priorities and concerns will likewise help focus your early conversations with proponents.

Consider the new IA requirements as an opportunity to build more collaborative IA. After all, no one party can provide all the information. Reach out to communities to see how you can share information and support each other at every stage of the IA process, and across the many areas where information is required.

As projects move through the new IA process in the coming years, The Agency could make public and share an index of common concerns, issues, and obstacles faced and raised by communities. Making this information publicly-available would help communities to identify potential obstacles and concerns early in the process, which improves the chances that these will be addressed meaningfully.

DIVERSITY AND REPRESENTATION

The core challenge:

Historically, IAs haven't adequately represented the diverse needs and experiences of community members. Representing this diversity is key to building better projects, but it also creates challenges within the existing time and capacity constraints.

When building the group that will guide your community through the IA process, make sure your team includes individuals from a variety of different identities and perspectives, including people of different genders, age groups, education, and work status, and geographies.

The GBA+ requirements can seem overwhelming. Instead of seeing these as a burden, see them instead as an opportunity to support communities to collect information that will serve them beyond the IA process, and build more equitable and sustainable projects.

Be clear on what The Agency is requiring to satisfy the GBA+ requirements. Bring proponents and communities together early to see how they can work together, and what information the federal government can provide to support the parties

FLEXIBILITY

The core challenge:

IAs require agility and flexibility from all parties. For example, the price of resources can be volatile – leading to shifts in market prices and budgets, and even to projects getting put on hold. New concerns and potential impacts may be identified later in the process, and require all parties to adapt. Community timelines, shaped by things like internal capacity or the seasonal availability of community members, may not always align with the timelines of The Agency process.

Bring a diverse group of members to the table early on and make sure the wider community is regularly updated. These steps will help you identify concerns and potential impacts early and avoid issues later in the process.

Develop a workplan early with the Proponent and keep The Agency informed of your timelines and scheduling limitations, so that tlmelines can be adjusted to meet your needs.

Be as transparent with communities as you can from the beginning. Explain the challenges you face as a proponent and keep them up-to-date on shifting conditions on your end. Make sure you build workplans and timelines with flexibility and buffers to address unexpected developments.

TRUST

The core challenge:

Historical and contemporary experiences with colonialism and racism may lead to a community's lack of trust toward proponents and government agencies. These negative past experiences, even if a proponent has no history with the community, can quickly turn the IA process into an adversarial one, and introduce issues that proponents and regulators may be unprepared to address.

Invite representatives from proponents and The Agency to your community early. Extend invitations to community or non-work-related events, or on to your traditional territory. This can help build relationships outside the IA process, which can in turn support the process down the road.

Before an application is submitted, look for meaningful opportunities to build relationships and trust. Visit the community, get out on the land with members, or attend community events.

Listen humbly. Don't dismiss concerns because they don't relate to your company or your project directly.

Come prepared to talk about your company: What your values are and what your track record is elsewhere. Admit when you've made mistakes in the past, and explain what you've learned.

Do your own learning. Find out about the community's history as much as you can so you're not placing a burden on them to teach you.

Hire Indigenous Peoples in decision-making and engagement roles.

Be present early and often. Look for meaningful opportunities to build trust and relations with communities.

Host engagement sessions in a location and format that is accessible to Indigenous communities where you can share information about the IA process.

Take responsibility for the harmful roles that regulators and governments have played in Canada's history of relationships with Indigenous Peoples.

Send people into communities who can make decisions, not just report back to those who can. This shows respect and a commitment to doing the process right.

COMMUNICATION AND ACCESSIBILITY

The core challenge:
One of the obstacles to building trust and collaborative IAs is that the process can easily become overly technical and driven by consultants on both sides. Where timelines are tight, communication can become one-sided and top-down. Where expectations are unclear, communication can break down and result in mistrust.

Work with the proponent and Agency beforehand to make sure presentations are put in a language and format that will make sense to your members.

Consider circular format for meetings with the company, to foster dialogue and back-and-forth.

Make sure you are regularly communicating with members, so there aren't long breaks between updates.

Share information in plain language and in a setting and format that is accessible to people in the community. Reach out to communities to discuss what this might look like.

Consider opportunities to support capacity-building within communities, so that they can recruit members to do some of the work that consultants are often relied on for. This can be a win-win for communities and proponents.

Take time to provide information about key concepts that may not be familiar to all community members.

Consider translating guidance on key concepts into Indigenous languages.

CONTINUITY AND STABILITY

The core challenge:

Because IAs will take several years, it is likely there will be staff and participant turnover for communities, proponents, and the even The Agency. This turnover can make it hard to build relationships and trust, and keep the momentum needed to meet The Agency timelines.

Consider establishing a community standing committee for large projects, with rotating members. Include land users whenever possible, and representatives from other directly affected groups. The more invested your members are, the more likely they will be to sustain their participation.

Make sure you have multiple staff members participating on the IA process, to hedge against staff turnover. Make sure you are keeping clear records of consultation and engagement sessions.

Let The Agency and Proponent know early on what your capacity needs are for sustained participation in the IA. There may be funding and support available to help.

Make sure you have multiple staff members involved on community engagement and keep clear, consistent records of consultation and engagement.

Develop a continuity plan to ensure you are prepared if key members of your team leave for other opportunities.

Talk with communities about how you can help them sustain their participation and maintain continuity of their team.

Be present early and often. The consistent and active participation of representatives of The Agency is critical to a more sustainable IA process.

Provide meaningful funding to support community participation – or direct communities to other relevant sources of funding.

Pre-Planning Stage

WHY DOES THIS MATTER?

With so many moving parts and a relatively short timeframe (180 days), it can often be challenging for Indigenous communities to participate fully at the Planning Phase, and for Proponents to develop strong consultation and assessment plans with communities. The challenges are even greater when communities lack experience with impact assessments, and when proponents don't have strong relationships in a region or have to engage with a lot of different communities.

A rushed Planning Phase can lead to all sorts of problems and delays down the road. Think of the Planning Phase like laying railroad tracks. Once the tracks are laid, the train leaves the station and it will be much harder to change and correct the course of the assessment process. Strategic and thoughtful preparation before the tracks are laid will lead to a much smoother and safer journey for all.

PRE-PLANNING PRINCIPLES AND ACTIONS

This section of the toolkit provides some key principles and actions to guide pre-planning activities for communities, proponents and regulators. Participating communities and proponents are invited to utilize and adapt this list to prepare forthe IA process before it officially begins.

START BY BUILDING RELATIONSHIPS BETWEEN PEOPLE EARLY AND LAYING OUT EXPECTATIONS AS SOON AS POSSIBLE.

- Invite the proponent and Agency to attend community events or gatherings in a more informal environment so everyone feels more at ease;
- Give the proponent an overview of your history and culture as a people; if you're comfortable, invite the proponent out on your territory;
- The earlier that company knows what your priorities are, the easier it will be for them to build those into their plans.
- Develop a consultation protocol to guide the relationship with Proponents and the Crown, to make it clear from the beginning what your expectations for consultation and accommodation are.
- Keep in mind that all parties are not likely going to agree on everything. Discuss your expectations for the IA and consutlation processes early on is critical. Aligning expectations early is key to building trusting relationships.

- Engage as early as you can, even if you don't have a project application. If you are doing exploration or drilling, engage with communities even if you aren't legally required to. This can lay the foundations for relationships the can support major project applications.
- Seek opportunities to build trust. Remember, you are proposing to build a project in their traditional lands. Learn about the community's history, territories, values, and priorities to develop the relationship;
- Tell communities about your company, its values, its history, including both successes and where you did things wrong, and its plans for the future.
- Be transparent about your plans and timelines: communities need to understand why you are doing what you're doing, what your timeslines are, and why if you are going to build trust and work together.
- Ask communities what their needs and priorities are; look for opportunities to provide capacity and other support, even before the formal consultation and Impact Assessment process begins. Many of the requirements of the IA process can place significant pressure on community resources and capacity; finding ways to support communities in these areas will help build trustful relationships.

- Increase your regional presence so that The Agency has staff that know specific provinces and regions, including the Indigenous communities and their histories. Having this knowledge and these relationships can help The Agency play a more proactive and constructive role in the IA process and be more responsive to the specific circumstances and needs of different regions, projects, and communities.
- Provide more robust training and capacity building programs for communities across the country, particularly in those where major projects are envisioned.
- When an application is filed, meet directly with communities to get a better sense of their needs and what you can do to support their full participation.

DEVELOP STRATEGIES FOR MAINTAINING CLEAR COMMUNICATION WITH THE COMMUNITY AND AMONGST ALL PARTIES INVOLVED.

- Create a bulletin board (digital, physical or both) where information can be shared; co-develop communications protocols and materials with proponents and regulators.
- Designate a record-keeper early on. While this may seem like an obvious step, it is helpful to have clear records of all engagements even before an assessment officially starts, in case of change or turnover down the road.
- Invite a diverse group of community members reflective of the broader population to engagement sessions. Make sure to include people from diverse identities, backgrounds, and experience.
- Include people from different regions, people of diverse gender identities, different families, youth, Elders, land-users, working members, and people with varying levels of experience with the consultation process.
- Consider the various needs and availabilities of community members coming from different backgrounds, and plan engagements accordingly. For example, parents may have a harder time getting involved if meetings happen at certain times of day. Sometimes, not everyone will have access to internet, so online meetings may not always be an accessible format.

PROPONENT

- When engaging with the community, try to communicate your plans, processes, timelines and expectations in clear, accessible language. For example, you might host a pre-assessment, community-wide presentation that covers the "5 Ws" (who, what, why, where and when) of the project, without using excessive jargonized or technical language.
- Identify points of contact within the community with whom you can engage on an ongoing and consistent basis – these may be members of the leadership team, regulatory staff, or members of the community's standing committee on large projects.
- Consider an adaptive timeline for early engagement. This might be determined by the duration or nature of the company's relationship with the community, the feasibility and likelihood of the project proceeding, the capacity of the community and other factors.
- Co-develop hared communication protocols and materials.
- Engage in transparent and consistent record-keeping. For example, you should keep records of conversations, agreements, and decisions made during the consultation process.

IAAC/THE AGENCY

- Provide communities with clear, accessible information on the IA process and meaningful funding to build internal capacity to participate in future IAs.
- Hold live information sessions in a location and format that is accessible to Indigenous communities. Take time to provide information about key concepts that may not be familiar to all community members such as the IA's understanding of socioeconomic impacts and the GBA+ framework.

Why an adaptive timeline for early engagement?

Sometimes beginning consultation too early can cause problems for relationships. If a proponent comes to a community with a project proposal which never materializes, it can create expectations and cause frustration and mistrust, particularly if the community invested resources in preparation for IA and consultation processes. This is why it is important that early engagement and relationship building be done around exploratory activities and with transparency around the factors that will affect whether or not you move forward with a project.

ASSESS AND SUPPORT COMMUNITY NEEDS SO THAT THE IMPACT ASSESSMENT PROJECT IS RESPONSIVE TO THE COMMUNITY'S PRIORITIES AND KEY CONCERNS.

- Compile any information that the community has previously gathered. Where previous studies about or with the community have been completed (e.g. traditional land use studies or community histories), you may wish to gather the reports and accompanying data in a central location so they are easily accessible later on.
- Gather demographic and socioeconomic information (broken down by age, gender, and other factors, where possible) about the community population, if you have the capacity to do so.
- Gather knowledge and information about your land-base area, your rights and your community's unique relationships with the land, water, air, plants, and animals.
- Develop a database where this information can be stored and accessed easily.
- Undertake community engagement sessions with members from as many different backgrounds as possible to identify priorities and challenges, outside of the context of a project.
- Think about what you need to know about the community and consider building a list of research questions to answer during the assessment process. For example, if you need a better understanding of the present health conditions of the community in order to properly assess the potential impacts of a project on health and well-being, you might identify this knowledge gap as something to be addressed during the Impact Assessment.
- Treat the assessment process as an opportunity to build the community's capacity and knowledge.
- Talk with the proponent and Agency about the community's other capacity and scheduling needs so that these are all considered as the engagement plan is developed.
- Inform the proponent and The Agency if you have identified any capacity gaps that would hinder the community's ability to participate fully in the assessment process. Request support and funding from the proponent and The Agency.

- During early engagements, ask where the company could provide support most usefully for the community's knowledge and information needs.
- Consider providing access to disaggregated data from past projects (e.g. project-specific data on Indigenous employment).
- Where possible, proponents might fund or otherwise support the research and information needs of potentially affected communities, for example funding a survey for the community to gather basic demographic data, or funding the establishment of a database. Proponents might also offer expertise or access to other resources to assist with such projects.
- Develop a communications plan with Indigenous communities to make sure you are providing information through the appropriate channels and respecting protocol.

- Identify ways to share socioeconomic data that is relevant to Indigenous communities (e.g. census data), as well as training and information on how to access and analyse it.
- Provide communities with access to meaningful funding – or direct them to other sources of funding – to support their research and information needs. This can help communities build their knowledge-base in a way that generates a more equitable IA process responsive to Indigenous communities.
- Develop a public index of common issues identified through consultations over the course of time. As projects move through the new IA process in the coming years, IAAC could produce a public database or index containing information of common problems, issues, or obstacles that arise for communities, and ways that these have been addressed. The index might also include an anonymized list common concerns raised by communities in similar types projects in past assessments. Making this information publicly available would assist communities in identifying and articulating concerns.
- Meet directly with communities to get a better sense of their capacity needs. Developing these understandings prior to the Planning Phase is key to The Agency playing a more proactive and constructive role and developing Indigenous engagement partnership plans that are specific and responsive to each community.

Planning: Phase 1

Step 1: Steering Committee and Key Priorities

Once approved, The Agency will post the proponent's Initial Project Description (IPD) on its website, and the 180-day timeline for the Planning Phase will begin. The Planning Phase is relatively short but is in many ways the most important phase. That's why it is crucial that you complete as much of the pre-planning work before the IAAC clock starts ticking. Think of the Planning Phase as like laying railroad track. If you lay your track well, it will guide you in the right direction; if you don't, it can send your community off the rails.

If not already in place, you may want to select your Steering Committee. The Steering Committee should oversee all aspects of the IA, from developing a workplan, participating in assessment work, reviewing submissions, and potentially reviewing agreements. Think of your Steering Committee as community liaisons for the Impact Assessment process. Depending on the size of your community and the level of interest, members of your Steering Committee may even head up sub-committees (i.e., a women's or youth sub-committee) to help gather information from specific groups and provide project updates.

Meet with communities early on to discuss what The Agency and information requirements for the process are and to determine how The Agency can best support them. Provide more robust participant funding in the Planning Phase that goes beyond document review to include setting up working committees and developing workplans for the IAAC process, to help communities better prepare and support meaningful engagement with the proponent and the Crown. Think of it as an early investment in a more efficient and more effective IA process. Be flexible with the 180-day time limit. While proponents may want to move to the Impact Statement Phase as soon as possible, given the quantity of information they must collect, rushing the Planning Phase can undermine meaningful Impact Assessment and Crown consultation processes.

Who you select for this committee is essential. One important consideration is size: if your committee is too big, it will be hard to get work done in an efficient manner; if it's too small, you will likely end up excluding key perspectives within your community. We would recommend between 6-12 members, depending on the size of your community. Here are three other key tips to keep in mind when choosing your Steering Committee:

- Include land users: because land users are often the most directly affected by industrial projects, they are often the most committed participants. Having land users on your Steering Committee is a good way to fight against turnover;
- From Diverse Backgrounds: because of the Gender-Based Analysis Plus (GBA+) requirements under the IAAC, it is wise to have as diverse of a Steering Committee as possible, including gender parity and strong representation for different groups within your community.
- With Key Skill Sets: try to identify some of the core skills/experience you would want on your Steering Committee, for instance members with business or legal backgrounds and negotiation experience, members from the elected leadership, or Elders that are respected within the community; it may also be wise to include any key consultants that you are working closely with, to facilitate communication and ensure that your technical consultants are taking their direction from and are accountable to the community;

IDENTIFY KEY PRIORITIES

AGREEMENT AND WORKPLAN

DAY 60

DAY 180

One of the key pieces of information you will need in the early stages is what are the key priorities and needs of your community. This information will help you both respond to submissions and engage with both the proponent and Agency.

Given the time constraints of the planning period, this work will probably have to be done by the Steering Committee. At this stage, you will want to know (A) what your community's major concerns/priorities are with respect to the project and (B) what your community's most important needs are that you would like to see addressed through the IA and consultation processes.

PROPONENT SUBMITSINITIAL PROJECT DESCRIPTION (IPD)

INITIAL PROJECT DESCRIPTION POSTED

FORM STEERING COMMITTEE

DAY 1 — **DAY 30**

(A) One of the big challenges of Impact Assessment under The Agency is the sheer volume of potential information you will need to collect and analyze. This can easily overwhelm many communities and can lead to very little progress being made. Remember, you don't have to assess everything; focus on the most important things. Knowing what your community's major concerns/priorities are will help you make sure the Valued Components that are most important to your community are assessed in the right way. It will also help you to sit down with the proponent to develop a workplan.

(B) Another key task at this early stage in the process is to identify what your community's major needs are. This means both information needs and resource needs. Here's the difference between the two, and why they're each important:

- Information needs means both the information your community needs to do the IA work and the information your elected officials and departments need to serve the community more effectively. The first kind of information needed will give you a clearer sense for how much information you need to collect, and develop a realistic workplan to get it. While the second kind of information is equally important, it is often overlooked. The IA process requires a lot of time, effort, and resources. A key part of this is to collect information that will not only help with the Impact Assessment, but will also prove valuable beyond the IA process. For instance, if your community lacks reliable information on the needs of its members, you could conduct a census as part of the IA process, that gathers information on your community members that will support both the Impact Assessment and help your departments improve their programs and services;
- Resource needs refer to major human, organizational, investment, and infrastructure needs of your community. For instance, your government may be understaffed to conduct an Impact Assessment under the IAA. Knowing this will help you negotiate capacity support from the proponent to conduct the work. Likewise, your community may have serious housing needs that it would like the proponent to work with your community to address. Even if housing is not a sector that will be significantly impacted by the project, you can ask that the proponent work with your community to address housing needs as part of the consultation process. Most proponents will appreciate knowing what your community's major needs are early on, so they can figure out how to support your community most effectively.

Step 2: Consultation Agreements and Workplans

Another major milestone during the Planning Phase is to solidify your relationship with the proponent and put together a workplan for how you plan to collaborate on the Impact Assessment and engagement in consultation.

It can be useful to draft and sign a Consultation Agreement with the proponent during the Planning Phase. This can help solidify the relationship, build trust, and lay out a clear process according to which consultation and Impact Assessment processes will proceed. A Consultation Agreement could include several components, including but not limited to:

Consider developing relationship agreements with communities in the Planning Phase. There are many benefits for industry to signing a Consultation Agreement, including aligning expectations early on, building trust, and establishing clear timelines and responsibilities.

PRINCIPLES THAT WILL GUIDE THE RELATIONSHIP

OBJECTIVES OF THE CONSULTATION AND IMPACT ASSESSMENT PROCESS

FREQUENCY AND TYPES OF MEETINGS

KEY TIMELINES AND MARKERS, INCLUDING DISCUSSIONS OF A MEMORANDUM OF UNDERSTANDING TO NEGOTIATE AN IMPACT BENEFIT AGREEMENT

INFORMATION-SHARING PROTOCOLS

PROPONENT SUBMITSINITIAL PROJECT DESCRIPTION (IPD)

INITIAL PROJECT DESCRIPTION POSTED

FORM STEERING COMMITTEE

DAY 1 — **DAY 30**

The other key part of solidifying your relationship with the proponent and ensuring your meaningful participation in the IAAC process is the development of a workplan for the Impact Assessment, which can be attached as an appendix to a Consultation Agreement. Having a strong workplan will allow your community to develop a realistic research agenda that makes sure your priority concerns are addressed properly and will help you to manage your timelines and resources more effectively. Here are some key components of a successful workplan:

- Clear timelines for each step of the research process, that will help you keep on track;
- Identification of roles and responsibilities for information collection between your community and the proponent, including where and when you will share information;
- Resources that are adequate to gather the information required;
- Balance of funding between building internal capacity and use of external consultants.

GOOD TO KNOW

The Agency requires the gathering of a lot of very detailed information. This represents both a challenge and an opportunity. While the information requirements likely exceed the capacity or any proponent of community, they create spaces for proponents and Indigenous communities to work more collaboratively on Impact Assessments. From early on, proponents, Indigenous communities, and IAAC should work together to identify information gaps and determine the best ways to gather and share information.

GOOD TO KNOW

Working with consultants is an important part of the research process. Consultants can make valuable contributions to Impact Assessments, but you need to use them correctly. Here are a few tips for working with consultants:

1. Approach more than one consultant before making a choice;
2. Do your due diligence: find out who they are, what their values are, who they've worked for, and ask for samples of their work and references;
3. Ask for scopes of work. Avoid consultants that are taking more than 50% of the total research budget. A good consultant knows that your knowledge and energies are not less important or valuable. This should be reflected in the budget.

IDENTIFY KEY PRIORITIES

(Review Key Documents)

AGREEMENT AND WORKPLAN

DAY 60 — **DAY 180**

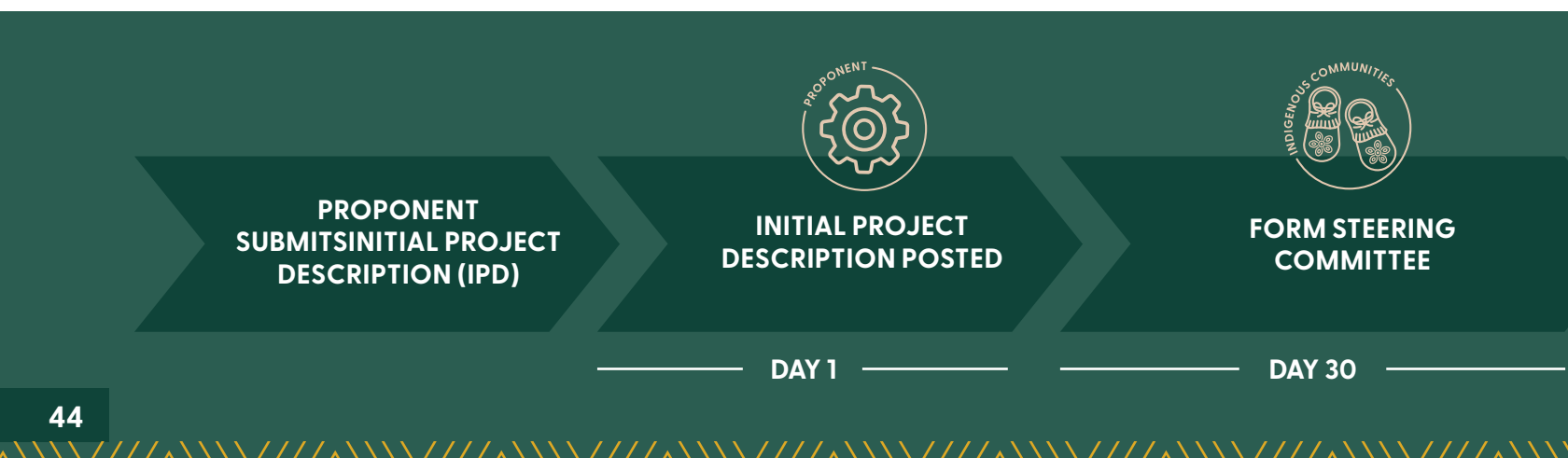
Step 3: Review Key Documents

The Planning Phase will require your community to review and provide input on a variety of documents within the 180-day timeline. This is why it is essential that you have your full project team, including your Steering Committee, staff, and consultants in place as early as possible. In consultation with the proponent and The Agency, make sure you request that all documents be accompanied by plain-language summaries, to help you to explain the project to your community and support meaningful contributions. Here are the main documents you will be required to review and provide input on:

(A) Initial Project Description: this is generally a shorter document that describes the project and its location, including maps, provides a rationale for the project, and summarizes the potential impacts of the project at a very high level. At this stage, you will want to make sure that the major concerns your community has, whether they be regarding impacts to rights, culture, socio-economic, health, or environment, are included. Set up a meeting with the proponent and your Steering Committee to review the document;

(B) Summary of Issues: following the Initial Project Description and feedback, The Agency will release a Summary of Issues and your community will have the opportunity to provide input on both. The Summary of Issues reflects The Agency's understanding of the main issues to be address in the Impact Assessment process and Crown consultation processes. Like the Initial Project Description, it is important at this stage to make sure your major areas of concern are addressed. Make sure to book a meeting with The Agency and your Steering Committee to review the document;

(C) Detailed Project Description: the next step is that the proponent will release a Detailed Project Description, based upon feedback to the Initial Project Description and the Summary of Issues. This document will be substantially longer and more technical than the Detailed Project Description. You will likely want to meet with the proponent more than once to review this document. One suggestion would be to have the proponent meet with your Steering Committee to do an initial review, then have your technical consultants meet with the proponent's technical consultants, followed by a final meeting between the proponent and your Steering Committee;



(D) Indigenous Engagement and Partnership Plan: this document will lay out The Agency's approach to Crown consultation at each phase of the IAAC process, including which communities will be consulted, what will be discussed in each phase of the process, and how engagement will take place, i.e., email, in person meetings, virtual workshops, et cetera. Make sure that you press The Agency to meet with your community, in-person, as regularly as possible, and on the issues that are priority concerns to your community. While Canadian courts allow the Crown to delegate procedural aspects of Crown consultation to proponents, this does not mean that The Agency should not be directly and substantially involved in the consultation process with Indigenous communities. An example of this is cumulative effects: while IAAC requires proponents to assess the potential cumulative effects of their projects, you can and should similarly press the Crown to address those cumulative effects, as part of Crown consultation and accommodation.

(E) Tailored Impact Statement Guidelines: the Tailored Impact Statement Guidelines (TISG) are basically the Terms of Reference for the Impact Statement Report. That is to say, the TISG spells out exactly what impacts the proponent must assess and how. For major projects, this document is likely to be very substantial and technical. As such, you will likely want to schedule multiple meetings with the proponent and to review this document multiple times, including in meetings with the proponent and your Steering Committee and in meetings between your and the proponents consultants.

IAAC/THE AGENCY

IDENTIFY KEY PRIORITIES

(Review Key Documents)

AGREEMENT AND WORKPLAN

DAY 60 — **DAY 180**

Planning: Phase 2

The second Phase of the Impact Assessment process is the longest one – lasting up to three years (with the possibility for extension). This Phase centres around a document that the Proponent must produce called the Impact Statement. This document contains all of the information required by The Agency to proceed with an Assessment.

The Agency will have determined what information must be included in the Impact Statement during the Planning Phase based on its initial review of the Detailed Project Description and its early engagements with the public and Indigenous communities. The Impact Statement must include an assessment of all the potential impacts of the project that are included in the TISG.

Because a great deal of important information goes into the Impact Statement, this Phase can be complex and overwhelming. In this section, we present some guidance in hopes of assisting communities navigating this Phase, and proponents working with them, and to suggest ways to make this Phase more collaborative.

PROPONENT

- Conducts studies and collects information based on requirements outlined in the Tailored Impact Statement Guidelines (TISG)
- Engages with Indigenous communities and the public
- Develops the Impact Statement document, containing all information outlined in the TISG and submits to The Agency.

- Connects with Proponent, Indigenous communities to provide support
- Facilitates engagement between Proponent and Indigenous communities
- Provides funding to support engagement
- Reviews Impact Statement
- Requests additional information or revisions if required
- Posts the finalized Impact Statement to the online Registry and informs the public
- Extends the timeline for the Proponent to submit if required.

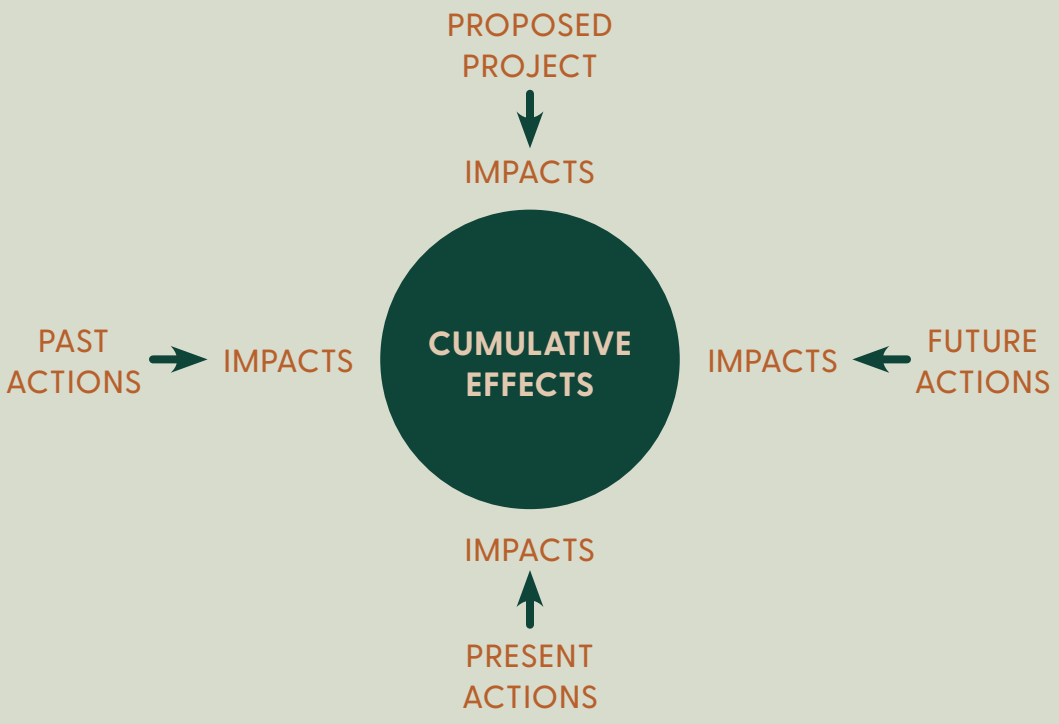
- Participate in engagement and consultation
- Apply for funding.
- Lead their own studies and compile their own information
- Share Indigenous Knowledge with the proponent and The Agency
- Work with Proponents to collect information or co-develop studies
- Are invited to review and comment on Impact Statement after it has been submitted

Step 4: Cumulative Effects

WHAT DO WE MEAN BY CUMULATIVE EFFECTS?

Cumulative effects touch every aspect of our existence. A typical definition of cumulative effects is changes to the environment and human-well being from past, present, and future human activities. Although we tend to think of cumulative effects as environmental, they are also social, economic, cultural, and political. While we tend to think of the proponent as main source of cumulative effects, in reality cumulative effects stem from many sources, including government laws and policies and social attitudes, such as racial discrimination.

A common phrase used to describe cumulative effects is "death by a thousand cuts." While this captures the way cumulative effects build up slowly over time, it ignores the fact that cumulative effects can also be positive. The negative cumulative effects experienced by some groups may translate into positive cumulative effects for others (think of land dispossession, for instance). Similarly, projects contribute both to positive and negative cumulative effects. The challenge, then, is how to design projects that maximize their contribution to positive cumulative effects while minimizing and even reversing their contribution to negative cumulative effects.



EXAMPLE

One example of negative cumulative effects are the disparities in health outcomes between Indigenous and non-Indigenous Peoples. These disparities have complex, interconnected origins across time and include a wide variety of factors, including residential schools, proximity to contamination from industrial development, lower rates of income and employment, the loss access to land, clean water, and healthy traditional foods, and discrimination in the Canadian healthcare system, among many other factors. As you can see, cumulative effects can come from many directions and result from many changes over a long period of time.

WHY DO CUMULATIVE EFFECTS MATTER?

Indigenous communities have been saying for a long time that impacts cannot truly be understood on a project-by-project basis, but rather must be understood from a cumulative and holistic point of view.

The IAA requires that proponents describe all likely potential effects of the proposed project in their Impact Statement. The document must include a separate section containing an assessment of any predicted cumulative effects of the project and interactions with the effects of other past, present and foreseeable projects and activities.

It is important therefore to consider the connections between the predicted impacts of a project and the existing web of cumulative effects that these will contribute to and be amplified by.

The better we understand cumulative effects, the better equipped we will be to monitor, manage, and respond to them, within the context of a major project and beyond.

WHAT SHOULD WE CONSIDER?

To be meaningful to Indigenous communities, cumulative effects cannot be an afterthought or a final chapter at the end of the Impact Statement. Rather, the entire Impact Assessment itself must be grounded in cumulative effects. While a comprehensive cumulative effects assessment for each Indigenous community is beyond the scope of a project-specific Impact Assessment, proponents and Indigenous communities can and should work together to discuss what priority cumulative effects can be examined to provide the most valuable information.

- Residential schools and intergenerational trauma;
- Chronic underfunding of Indigenous programs, services, and infrastructure;
- Histories of broken Treaty promises, scrip, and land dispossessions;
- Cumulative socio-economic effects to Indigenous Peoples of boom-bust economies and past major projects in the region;
- Effects of transitory workers on the safety and well-being of Indigenous women;
- Cumulative impacts of environmental disturbance and on the exercise of Treaty, Aboriginal, and Indigenous Rights;

GOOD TO KNOW

Cumulative effects are experienced differently by different groups of people, which makes them a natural fit for GBA+ analysis. When you are gathering information about the community's top priorities and concerns in the early stages, make sure you integrate as diverse a team of community members as possible. The cumulative effects that experienced by women or people living with disabilities, for instance, will likely be different from those of men and able-bodied persons. Having these types of discussions with a diverse group of community members early on can help you identify the cumulative effects of greatest concern for your community, in an equitable way.

If possible, identify key concerns of the community, the cumulative pressures and effects it is already facing, early on. Share the community's greatest concerns about cumulative effects with the Proponent or The Agency, to ensure they are meaningfully considered in the assessment.

Federal and provincial governments are responsible for many of the most significant cumulative effects Indigenous Peoples experience, while also holding the power to develop and oversee policy around projects that produce further cumulative effects. Given these roles and responsibilities, The Agency and Crown should play an active role in considering and addressing cumulative effects. While proponents do make major contributions to cumulative effects, the issues cannot be meaningfully addressed by project proponents alone.

Where possible, and as early as possible, include representatives from various government departments. These departments can share existing socioeconomic data (such as census tabulations) with Indigenous communities and proponents. They can also participate in the design and implementation of accommodation measures for cumulative effects, as part of the Crown's duty to consult and accommodate.

The Agency should take a more proactive and expansive approach to approving and conducting Regional Assessments. These assessments should be carried out in cooperation with the Indigenous governments and communities of regions. Regional Assessments provide a powerful tool not simply to assess the cumulative effects in federal assessments; they represent an opportunity to develop baselines to advance the broad goals of reconciliation between Indigenous and non-Indigenous governments and peoples.

PROPONENT

Bring up cumulative effects as early as possible when engaging with Indigenous communities; ask community representatives with whom you are engaged how they understand cumulative effects and what their greatest concerns are related to cumulative effects. Make sure these discussions are reflected in the Detailed Project Description and the Impact Statement.

When you are discussing cumulative effects, try to engage the Crown and Indigenous communities in tri-partite discussions to maximize resources and the potential benefits.

GENERAL GUIDANCE FOR WORKING WITH CUMULATIVE EFFECTS DURING THE IA PROCESS

Assessing cumulative effects doesn't have to result in thresholds that put a stop to all future develop within an area, though cumulative effects analyses may lead to project applications being refused. Rather, cumulative effects assessments are really about identifying the long-term direction of change and building projects that reverse negative directions of change and enhance positive ones. In this, both the proponent and the Crown need to be active participants.

WHEN CAN/SHOULD CUMULATIVE EFFECTS BE ADDRESSED

Indigenous communities' concerns and priorities will likely be shaped by their experiences with existing cumulative effects. If proponents and communities start talking about cumulative effects in the earlier phases of consultation, it is more likely that the Impact Statement and Impact Assessment will weave cumulative effects throughout, rather than treating them as an afterthought.

We recommend starting discussions about existing and foreseeable cumulative effects as early as possible – even as early as the pre-planning stage, so that the Impact Statement will clearly reflect the concerns and needs of communities.

Step 5: Study Areas

WHAT DO WE MEAN BY STUDY AREAS?

While cumulative effects help us to think about impacts over time, study areas help us to think about impacts across space (in other words, across a region or geographical area). Study areas establish the geographic boundaries of the assessment, and should be drawn to capture impacts to the greatest extent.

WHY DOES IT MATTER?

In the Planning Phase, the Proponent is required to say where the project will take place and how far the company anticipates the impacts (environmental, socioeconomic, cultural, and others) will spread. This study area needs to be updated at the Impact Statement Phase, based on engagements with Indigenous communities and other experts, and based on other information collected.

Typically, study areas are drawn on the basis of the location of the project and the how far they expect the impacts to affect a particular Valued Component (for instance, impacts to air or water quality may extend farther than impacts to vegetation). Study areas will be most effective when they are drawn collaboratively by proponents and Indigenous communities.

While the study areas for environmental components vary widely from quite narrow to quite large, study areas for socioeconomic components are generally much broader than for environmental components. For instance, if Indigenous Peoples in an area move frequently between locations, or travel considerable distances to work at project sites, as is the case in northeastern Alberta, then socio-economic study areas need to be large enough to capture the larger geographic areas in which impacts are experienced by families and communities.

PROPONENT

Bring up study areas as early as possible when engaging with Indigenous communities; in your early engagements, ask community representatives what their greatest concerns are and how widespread their area of concern is. Doing so early on will facilitate the design of a project, and of follow-up initiatives, that are more reflective of community needs and priorities.

IAAC/THE AGENCY

Communities will need to engage in knowledge-gathering and research to be able to meaningfully participate in the conversation around study areas. The Agency should provide access to meaningful funding for Indigenous communities to do the initial information gathering required to identify meaningful spatial boundaries for the assessment. Also, providing communities with access to existing socioeconomic data that is relevant to them (e.g. census data), as well as training and information on how to access and analyse it, would help build capacity to do this work. Such support early on will ensure The Agency plays a more proactive and constructive role in Indigenous Engagement. It also will help develop assessments that are less Project-centric and more reflective of community needs and priorities.

INDIGENOUS COMMUNITIES

Just because study areas are typically drawn on the basis of project location and valued component doesn't mean they have to be. For your community, your traditional territory, and the cumulative disturbance of your lands, may be your study area for impacts to hunting rights, for instance. Start thinking about how to draw study areas once you have identified your priority concerns and issues. Talk with your land users to find out where they use the land and what their concerns are; find out where you community members live, go to the doctor, or have family. All of these factors will influence the geographic areas where your community will be impacted by a project.

Step 6: Indicators

WHAT DO WE MEAN BY INDICATORS?

Indicators are what we we use to measure change over time. When we're developing indicators, we need to ask ourselves, what do we want to know and how to we want to know it? Indicators can be quantitative (like the levels of heavy metals in waterbodies or levels of employment and income) or qualitative (like levels of trust in the safety of wild game or experiences of discrimination on the job). Indicators should be varied and incorporate multiple different ways of knowing. Once you have identified the Valued Components, proponents and Indigenous communities should work together to develop indicators to monitor impacts to those Valued Components over time.

Examples

For an environmental example, if you want to measure the effects of a particular activity or project on moose, you might apply quantitative indicators such as a population count over time, population distribution within a geographic region, or qualitative indicators, such as Indigenous land users' perceptions about the quality and safety of moose meat over time.

For a socioeconomic example, if you want to measure the effects of a particular activity on people's mental health, you might apply quantitative indicators like changes in intake levels at mental health units in healthcare facilities, or qualitative indicators like people's perceived mental health status.

Valued Component	Importance	Project Component	Impact
			
Freshwater Mussels	Mussels maintain the rivers ecosystem	Project distance from River	Water Pollution; declining Mussel population

WHY DO THEY MATTER?

What is measured and how plays a big role in the Impact Assessment, mitigation, and monitoring over the life cycle of a project. The types of indicators we use will determine the kinds of positive impacts we are assessing and the answers we will get. If you have the wrong indicators, you run the risk of missing out on some kinds of impacts entirely, and thus potentially underestimating the negative effects of a project. This is why it is so important that indicators be developed collaboratively between proponents and Indigenous communities, to make sure everyone is getting the answers they need in order to have confidence in the project and in the Impact Assessment process.

Establishing measures that are relevant to and reflective of a community informs better, more collaborative assessment and monitoring. It can lead to decisions that centre Indigenous communities' priorities and concerns, as well to mitigation/enhancements strategies for impacts that are of greatest importance to communities.

The IAA requires that the Impact Statement identify and describe the indicators to be used to measure and assess impacts of the proposed project. IAA necessitates that Indigenous communities and knowledge be engaged in the selection and incorporation of indicators in the Impact Statement.

The measurements or indicators commonly used to track socioeconomic change may not always meaningfully reflect the experiences, knowledge, and values of Indigenous communities. Indicators are often based in quantitative concepts and drawn from Western- scientific models. Sometimes these are useful, but sometimes they serve to obscure impacts that are not easily put in numbers.

It's critical that Indigenous communities not only participate but wherever possible lead the work of identifying indicators, so that assessments and post-assessment results more closely align with their priorities, needs, and concerns. Indicators should be derived from the community's values, ways of knowing, and lived experiences. This means that indicators should be chosen in collaboration with diverse members of the community, especially those most affected by a project or activity.

Indigenous communities can get creative developing meaningful socioeconomic indicators – it just depends on what kinds of questions they want to ask, what kinds of impacts they want to know about, and how that information can be put into terms that make sense to and reflect the knowledge of community members.

For example, some Indigenous communities have used creative ways to evaluate and monitor changes to water, that more accurately reflect the priorites, knowledge, and concerns of their land users. Rather than rely on standard indicators quantitative water levels, for example, Mikisew Cree First Nation used as an indicator and threshold of acceptability, whether water levels were high enough for the Nation's hunters to be able to travel safely down the river in a canoe with two people and a moose.

As is the case at other steps of the process, you can use this step to build the internal capacity and knowledge base of the community. You might begin developing socioeconomic indicators when you are gathering information during other parts of the process, such as through community focus groups or oral interviews. If you need additional support to do this work, let The Agency and the Proponent know of your needs so that they can determine ways to contribute.

THINGS TO CONSIDER WHEN CHOOSING INDICATORS:

- Indicators need to be relevant to the community and drawn from their values, experience, and priorities;
- Indicators need to be measurable and comparable over time;
- Indicators should take into account the perspectives and experiences of all community members (considering age, gender identity, health status, and other factors);
- Think about indicators holistically – health, socioeconomic status, social relations, community cohesiveness, etc. are all interconnected;
- Your selection of indicators can be creative and culturally relevant and do not need to reflect existing Western conceptions and measures;
- The earlier you identify priority valued components and indicators, the sooner proponents and The Agency will be able to start working with you to incorporate them into the monitoring systems of the project

PROPONENT

Identifying community-based indicators, like valued components, can feel overwhelming and require a significant use of resources. Where applicable and feasible, consider sharing sample indicators that you have incorporated in previous assessments with communities. Find out the capacity and resource needs of the community and consider/discuss ways to support them. Support for this step can be built into agreements made early on in consultations.

Under the new legislation, proponents are required to engage with multiple communities to develop numerous indicators for many different valued components. It may prove too much to incorporate every indicator suggested by every community. Discuss these issues early in the workplan. Consider trying to identify a set of priority indicators that are most relevant to communities. You may even want to bring communities together in a regional workshop to develop a list of regional priority indicators.

IAAC/THE AGENCY

Provide communities with training and information sessions related to the more technical elements of this process such as developing and utilizing indicators. Hold live information sessions in a location and format that is accessible to Indigenous communities.

Share examples of community-based indicators that have been used in previous assessments. Develop a public database of sample indicators that have been used across a wide variety of areas and valued components.

Sample socioeconomic indicators
Appendix A contains information on and sample socioeconomic indicators.

Step 7: Collecting Information

The IAA requires that Proponents and communities collect a lot of information about all potential impacts. This information goes into the Impact Statement and is used by The Agency to inform its assessment.

The legislation and guidance encourage Indigenous communities to gather their own information in research studies during the Impact Statement phase, and to gather and share Indigenous Knowledge across many of the key parts of the Impact Assessment including:

- project design (e.g., are there important sites within the project footprint that should be avoided? Are there alternative approaches to project design?);
- identification of valued components, indicators or measurement methods;
- determination of appropriate spatial and temporal boundaries;
- baseline data collection (e.g., environmental, social, health, economic and cultural, land use, traditional place names);
- assessment of potential impacts and development of mitigation, offset, enhancement, and compensation measures
- identification of considerations for, and development of, follow-up and monitoring procedures.

Meanwhile, Proponents are required to gather a great deal of information to fulfill the requirements that The Agency outlined in the Planning Phase, including but not limited to:

- Environmental, health, social and economic baseline data for the areas potentially impacted.
- VCs included and excluded from the assessment.
- Potential interactions between effects and included VCs.
- Cumulative effects.
- Predicted impacts on Indigenous Peoples.
- Technically and economically feasible mitigation and enhancement (follow-up) measures.

Proponents are also required to keep records of all engagements with Indigenous communities through the process and to record details about these in the Impact Statement.

A lot of the information-gathering requirements outlined in IAA are new, and in many cases communities and proponents have not previously gathered this kind of information in systematic ways. This can be overwhelming especially for communities with less capacity for research and information-gathering, and for Proponents who are engaging with many different communities and/or do not have strong pre-existing relationships with the communities they're engaging. Collecting disaggregated socioeconomic data to fulfill the GBA+ requirement can also present significant challenges, especially when sensitive information is needed.

We outline here some approaches here that may encourage more collaborative and transparent information-gathering efforts. We also discuss the importance of community-led Indigenous methodologies in collecting information for Impact Statements. We suggest some of the roles Proponents and The Agency can play in supporting communities in a more collaborative way.

WHAT KINDS OF INFORMATION?

Both qualitative and quantitative methods are crucial for community-based information collection. In the past, socio-economic assessments have been criticized for relying too heavily on 'countable' information such as numbers for jobs, income, and taxation revenue. This reliance on easily accessible numbers has biased assessments towards economic results at the expense of social outcomes. As a result, impacts to things such as well-being, mental health, sense of safety, and family and community relations have gone largely unexamined. While 'countable' data is important, qualitative approaches (such as interviews and focus groups) and community engagement are also key to understanding the full range of impacts within your community.

Example

Your assessment might predict that a proposed project will bring an increase in transient workers to the region, which could have an impact local people's senses of safety and well-being. In order to understand these potential impacts, you can use quantitative information, such as data collected by social agencies. However, qualitative information will likely prove far more valuable. For example, you may want conduct interviews and focus groups with community members to assess the impacts of past projects and establish a baseline, as well as identify potential mitigation measures.

Information gathering in the community should also be community-directed and community-engaged as much as possible, embracing Indigenous research methodologies. This means it should be done in adherence with local community-specific laws, cultural protocols, values and practices for sharing knowledge. Traditional "outside-in" assessments that treat Indigenous communities as research subjects are not acceptable and result in weak assessments as they rely on outsiders' limited knowledge and assumptions. Rely upon the protocols of your community to gather information and talk to your Elders and knowledge keepers to get a better sense for how your community understands potential impacts, from an Indigenous perspective.

Because of biases in The Agency process, previous community-based assessments have tended to rely heavily upon the perspectives and knowledge of male land-users. While these perspectives are valuable and should not be ignored, it is important to gather information and perspectives from a wider cross-section of your community. This is essential to meeting the GBA+ requirements of the IAA and ultimately will produce better assessments and more equitable mitigation, offset, and compensation measures.

CHALLENGES OF INFORMATION COLLECTION

There are, however, a number of important challenges to community-led information gathering, including limited financial resources available to communities to support the work.It may also be difficult to encourage community members' participation if there is a mistrust of the proponent and/or government, or if there has been little follow-up in past research projects. In addition, gathering information in all the areas that the federal Impact Assessment process now requires can be overwhelming and can lead to the process becoming very big and extremely complex.

To navigate some of these challenges, it is a good idea for communities to identify their priorities for gathering information – determining the things the community wants and needs to know most. Where your community has already done some research before (for example in a Traditional Land Use Study or a community history project), gather that information in a central and accessible location so you can refer to it as needed. You can request additional funding and capacity support from Proponents and The Agency to facilitate information collection in a way that is appropriate in the context of your community.

Communities can thus use the IA process to build their knowledge base and community capacity. Although the information you gather during this stage may be feeding into the federal Impact Assessment for a specific project, that information belongs to the community. It could be used in the future, to inform community planning, future assessments and other important research and knowledge-gathering the community may need to do down the road.

Remember, all the information you collect as part of the IA process is yours and should be subject to OCAP (ownership, control, access, and possession) principles. That being said, information sharing is an important part of the process, to build trust and conduct more effective Impact Assessments. Make sure any agreement you sign with a proponent to collect information is subject to an intellectual property and information sharing agreement, to make sure your ownership and control of your community's information is protected, while encouraging as much sharing of information as possible. As well, keep in mind that while you can request that IAAC keeps any information you submit confidential upon request, there are certain exceptions, which are outlined on the IAAC website.

OPPORTUNITIES OF INFORMATION COLLECTION

There's no question that the new information requirements under IAA are complex and overwhelming, even for Proponents with strong positive relationships with Indigenous communities. Imagine what it would be like for Indigenous communities with limited staff, time, and resources to dedicate to IA research.

Nonetheless, these new requirements also open up opportunities for collaboration and sharing. When you're discussing research with communities, try two things: (1) ask communities what their information needs are and think about how the Impact Statement Phase can result in information that will be useful to them outside the IA process; and (2) discuss how you can gather and share information together. Indigenous communities will be gathering lots of information to support your Impact Statement; try to identify ways you can share the information you are gathering to support their work. For example, you might consider sharing company data on a disaggregated (project-by-project) basis if it is available – including statistics on Indigenous hiring, business development, and other socioeconomic components that the company has recorded in other projects. For example, you might be collecting baseline data on fish populations that would be valuable to a community's assessment of the potential impacts of the project on land use and rights. Try to find areas where the information you are collecting feeds into the assessments communities are conducting, and develop mechanisms to collaborate and share information. This can build confidence and produce better and more reliable assessments.

Where possible, proponents could fund or otherwise support the research and information needs of potentially affected communities, for example funding a survey for the community to gather basic demographic data, or funding the establishment of a traditional knowledge database. Proponents might also offer expertise or access to other kinds of resources to assist with such projects.

Finally, the process of information gathering is also limited to certain phases of the IA process. Consider ways to make it a sustainable process that extends beyond the assessment. Could the company build capacity to allow some of the information gathering work feeding into the Impact Statement to continue throughout the lifecycle of the project (e.g.supporting regular community surveys)? Thus, the information gathering process during the assessment could inform the project after commencement and during follow-up. This would help all parties meet their information collection requirements during the monitoring and follow-up phases of the project.

IAAC/THE AGENCY

The new information requirements of the IAA result in a significant increase in the time and effort required to gather and analyze information for both proponents and Indigenous communities. It is important for IAAC representatives to meet early and regularly with proponents and Indigenous communities to discuss what their capacity needs are and how IAAC can support the process. The Agency should provide access to meaningful and sustainable funding and capacity support to facilitate this work, especially for smaller communities that may not have access to significant resources to engage with their members in this complex research process. IAAC should also find ways to share existing socioeconomic data that is relevant to Indigenous communities (e.g. census data), as well as training and information on how to access and analyse it.

Step 8: Assessment Methodologies and Criteria

WHAT DO WE MEAN BY ASSESSMENT METHODOLOGIES?

Assessment methodologies refer to the tools we use to interpret the information collected in an IA and to draw conclusions about potential impacts. Because assessment methodologies strongly shape what impacts we see and what conclusions we make about how serious these impacts are, they should be developed to reflect the priorities and knowledge of your community.

When we discussed Valued Components in the previous section, we were referring to the things that matter most to a community, like clean water and air, health and well-being, or language and culture. When we talk about Assessment Methodologies we're talking about what matters most about the way these Valued Components are being impacted, and how significant these impacts are to your community.

Typically, assessment methodologies set up 'criteria' to help us think through what impacts are most important and how significant these impacts are.

Example of criteria for a "positive" impact:
In a typical socioeconomic Impact Assessment, you might look at the positive impact of job creation using the criteria of magnitude – asking how many jobs will be created.

But you can also use different criteria that are important to the community, such as equity – asking what percentage of the jobs will go to local Indigenous Peoples, and further what percentage of those jobs will be available and accessible to people of diverse age groups, education and experience levels, gender identities, etc.

You might use quality or sustainability as a criteria – asking what percentage of the jobs available to Indigenous Peoples present opportunities for career mobility, or how many come with additional certification, education or training opportunities.

Example of criteria for a "negative" impact:
In an Impact Assessment for a project that proposes to bring in outside workers, you might consider the increased strain on social and health services a potential negative impact. You could use the criteria of duration or reversibility – asking how long this strain will last and if it will be reversible or permanent.

But you could also use different criteria that may be more relevant to local Indigenous communities, such as vulnerability – asking how the strain of local social and health services will affect the most vulnerable members of the community, i.e., people with pre-existing conditions, or people without access to family and other supports.

You might also consider cumulativeness as a criteria – asking how the strain on social services will compound with existing problems with the health and social services system, such as the Indigenous community's experiences with racism and discrimination in those systems or the inaccessibility of certain health services in remote areas.

WHY DOES IT MATTER?

Assessment methodologies and criteria are important for making decisions about projects and developing follow-up plans (discussed in the next sub-section).

IAAC looks at various criteria to interpret the potential impacts of a project, and in turn to determine whether the project is in the public interest, whether or not it should proceed, and what kinds of follow-up activities are required if it does.

The IAA requires that proponents describe all predicted impacts using several standard assessment criteria in their Impact Statement, including:

- Direction (is it a positive or negative impact?);
- Magnitude or severity (is the intensity of the impact mild, moderate or high?);
- Geographic scale (how far does/will the impact spread geographically?);
- Duration (how long will the impact last?); and
- And reversibility (if it is a negative impact, can it be reversed?).

WHEN CAN/SHOULD THESE BE IDENTIFIED?

Although criteria come into play during the Impact Statement phase, it is good for all parties to be thinking about criteria as early as possible, including when you are identifying key Valued Components during Planning Phase. This way you can avoid issues.

Guidance

While the IAA's standard criteria can be useful, they may not reflect the needs, concerns, and priorities of Indigenous communities. The criteria you use should measure and reflect the things that are most important to you. After all, if you're using the wrong criteria, you won't be able to tell how a project is impacting your community. That's why it's important for communities to develop their own criteria, and for proponents and regulators to work collaboratively with Indigenous communities.

IAAC encourages collaboration with Indigenous communities to develop methodologies and criteria for assessing impacts in culturally relevant and locally meaningful ways. It states that where Indigenous communities have developed their own criteria for assessing impacts to their rights, "[IAAC's] guidance should be adapted to respect those protocols and methodologies on a case-by-case basis, in collaboration with the community."

Like indicators, Indigenous communities can be creative when developing meaningful and culturally relevant socioeconomic assessment criteria. It just depends on what is most important to you about the impacts you are most concerned about.

Working collaboratively with communities to develop assessment criteria that address their most significant concerns builds trust and relationships, fosters mutual understanding, and produces more accurate assessments and more effective mitigation measures and monitoring strategies. Remember as well that assessment criteria should be flexible, as they may need to adapt as new information and concerns emerge over the course of the assessment process.

IAAC/THE AGENCY

The assessment process should create conditions for Indigenous communities and proponents to conduct assessments together. IAAC guidance and support should encourage proponents and Indigenous communities to engage early in the co-development of assessment methodologies. The Agency can provide examples of indicators used in other assessments while making clear to that assessment methodologies should be flexible and adapted on a project-by-project basis. There is no one-size-fits-all if we want our methodologies to measure and assess the things that matter most.

Sample assessment criteria:

Appendix B contains information on and sample assessment criteria.

Step 9: Follow-up: Mitigation, Enhancement, Monitoring and Adaptive Management

WHAT DO WE MEAN?

Mitigation, Enhancement, Monitoring and Adaptive Management are all follow-up measures that are described in the Impact Statement. These are things that typically come into play after a project has commenced, but that need to be discussed and designed much earlier on. They help us to understand, track, and manage socioeconomic impacts.

Mitigation measures can take a wide range of forms from doing construction in certain seasons to reduce impacts to wildlife and land users to moving a project's location to avoid sensitive areas or purchasing land for use by Indigenous communities to 'offset' the loss of access to land from a project.

Enhancement measures are most commonly socio-economic and can include things like guaranteed training, employment, and contracting opportunities for Indigenous Peoples.

Monitoring of the effectiveness of mitigation measures is rarely done and represents a much needed area of work where Indigenous communities can play an important role.

Adaptive Management is a way of building flexibility into a follow-up program. It is a way that communities, proponents, and Regulators can work together after project commencement to deal with changes and impacts that were not foreseen at the time of the Impact Assessment.

Say mitigation measures for impacts to wildlife are less successful than expected and Indigenous harvesters are noticing big changes in the availability of game. An adaptive management plan would allow the proponent and Indigenous communities to work together to figure out what went wrong and develop new measures to mitigate or offset these negative impacts to wildlife, land use, and rights.

Likewise, the proponent may be struggling to meet their commitments for Indigenous hiring. A robust socio-economic monitoring and adaptive management plan can help proponents and Indigenous communities to identify the issues -- say a lack of information about opportunities or inadequate supports to retain Indigenous employees -- and take action before it's too late.

WHY DOES IT MATTER?

Designing follow-up initiatives and agreements that are meaningful to the community, flexible, and adaptive is critical to building better projects, and ensuring that the Impact Assessment process is truly responsive to communities' concerns and needs. Strong and collaborative follow-up measures can also produce important information on what works and what doesn't, information that can support proponents, Regulators, and Indigenous communities to carry out even better Impact Assessments and build even better projects moving forward.

Follow-up is a mandatory factor for consideration in the federal Impact Assessment process. In IAAC's guidance, follow-up is framed as a way to verify the accuracy of the IA and determine the effectiveness of mitigation measures, and as way to improve the assessment process generally.

Monitoring is important for understanding the actual impacts of a project after it has commenced, and for determining if mitigation and enhancement strategies are working. Community-led monitoring initiatives are increasingly common in Canada. Major projects are great ways to build and support Indigenous and community-based monitoring programs.

There are important benefits to be gained from strong, community-led and collaborative follow-up programs. Indigenous community-led monitoring programs can build trust and relationships between proponents and communities, and can support greater confidence among community members in major projects and the safety of traditional resources. These kinds of agreements are also important to establishing sustainable relationships that increase understanding between Proponents and communities, and reduce the likelihood of adversarial interactions.

Community-led monitoring and follow-up plans can also provide important opportunities to training and skill development, and build employment and contracting opportunities for communities in the future. The information gathered during socio-economic monitoring programs, say information on the availability of quality housing in the community, can be used for future grant proposals, investment decisions, and Impact Assessments.

GUIDANCE FOR DEVELOPING MORE COLLABORATIVE FOLLOW-UP INITIATIVES AND AGREEMENTS

The new legislation requires proponents and communities to collect information and design mitigation measures on a wide range of socio-economic areas, including gendered effects, health, income inequality, and cumulative effects. The primary source of cumulative effects are the federal and provincial governments. Therefore, all parties involved in an assessment, including the Crown and federal departments, have important roles in follow-up.

We believe there are some ways that that The Agency, proponents, and communities can all come to the table for the design and implementation of follow-up arrangements. The guidance that follows provides some ideas for how to navigate these challenges.

Often, follow-up programs and agreements do not adequately address the inequitable distribution of positive and negative impacts within communities. For example, employment opportunities may go primarily to men or community members with experience, which can increase the inequalities between genders and age groups within the community. This is why it is important that you have a diverse group of community members at the table to assess project impacts, design mitigation and follow-up measures, and ensure the Impact Benefit Agreements and project conditions address these issues. Consider who is at the table when developing follow up programs and agreements.

While leadership will often be too busy to be heavily involved in the Impact Assessment process, it is important that leadership be regularly informed. A good way to keep leadership in the loop is to have one or two members of your elected/hereditary leadership on the Steering Committee. Having leadership involved can also help them develop a better understanding of the consultation and regulatory process and the contributions these can make to the community.

Find ways to keep community members informed about progress on follow-up agreements/ initiatives as much as possible. Although many follow-up agreements often come with confidentiality clauses, share as much information with your community as you can. The steering committee for large projects can play an important role here. This committee could act as an advisory group to advise negotiators when it comes time to develop follow-up programs and agreements, and as a liaison to keep community members informed about negotiations related to agreements.

For follow-up agreements to be sustainable, several conditions should be considered. First, timing is important. As with early engagements discussed in Pre-Planning, you may wish to time follow-up negotiations with communities depending on the nature and extent of your relationship. Consider the community's preferred timeline, and be flexible and respectful of community needs and concerns.

Second, proponents should not make promises or commitments that cannot be realistically fulfilled. As we have discussed throughout, aligning expectations early in the process is a key to successful Impact Assessments and projects.

Third, be sure to apply a GBA+/equity perspective to better understand who is being reached by the benefits and mitigation measures of follow-up programs. For example, a company might propose to offer monthly affordability payments as a mitigation measure to offset the increased cost of housing that may result from an influx of outside workers. Building an equity lens into this mitigation measure would require asking questions like: who typically receives these kinds of payments? Are they directed toward new hires brought on for the project? What is the distribution across people of diverse gender identities, family dynamics and age groups? If offset payments are distributed to new employees and the the proponent is typically male-dominated, are the mitigation measures being equitably distributed, and are they offsetting the increased cost of living in ways that reach the wider population? Work directly with local communities to understand who most needs access to follow-up measures and how they can be distributed equitably.

Finally, follow-up initiatives and agreements can be co-designed in a way that empowers communities. Consider funding or building capacity for collaborative, community-based monitoring programs related to impacts of the project. This could help to build capacity in communities to lead this work, contribute to positive and sustainable relationships, and potentially produce long-term employment opportunities for community members.

In addition, where predicted socioeconomic impacts are cumulative, communities may determine that follow-up strategies should involve meaningful participation from government. The proponent might consider supporting lobbying and advocacy efforts by Indigenous communities intended to keep various levels of government accountable to its role in addressing the cumulative effects its policies have produced.

Furthermore, cumulative socioeconomic impacts such as an increased strain on accessible and culturally appropriate health services in the affected region could be mitigated through agreements that empower communities to address some of these issues on their own terms. For example, enhancement measures might include a community royalty agreement whereby direct payments are made to Indigenous communities, who could then allocate funds to the development of local, culturally appropriate healthcare services available to their members.

When negotiating impact benefit agreements, proponents should build in adaptability and negotiate clauses that are as flexible as possible so that the financial benefits of a project in a community can be used adaptively to respond to community needs as they arise – and so that communities have the autonomy to determine how and when that money is spent.

Quality collaborative follow-up initiatives and agreements require adequate funding and capacity. More substantive, accessible and meaningful federal funding is required to support community-led and collaborative follow-up initiatives.

IAA places heavy responsibility on Proponents and Indigenous communities in the monitoring and management of impacts. However, the jurisdiction to manage certain kinds of socioeconomic impacts (such as, for example, the strain on healthcare services resulting from increased population of transient workers) fall with various levels governments. Furthermore, as discussed in the Cumulative Effects subsection above, many socioeconomic impacts are cumulative – and government policy and practice have always played central roles in producing the cumulative impacts of greatest concern to Indigenous communities. Without the meaningful and adequate participation of various levels of government in the development of follow-up initiatives, the process will not be sustainable.

Therefore, the government of Canada needs to be part of the conversations around mitigation, enhancement and follow-up and consider meaningful and sustainable ways to support them – not just as a regulator but as a participant with a role in the management of impacts. This is especially the case for cumulative effects. Government officials need to be present in the conversations and follow-up related to mitigation, enhancement and accommodation of cumulative socioeconomic impacts. The government's follow-up response to cumulative effects needs to be an ongoing dialogue, since cumulative effects are constantly building. This requires substantive engagement from departments (outside The Agency) that have resources and responsibilities and jurisdiction over certain areas from early on in the process.

IAA also does not expressly articulate the role of Indigenous worldviews, perspectives and legal traditions in the design of follow-up and monitoring. More clearly setting out these potential roles in the legislation and guidance could help to embed Indigenous self-determination more firmly in the follow-up process.

As early as possible in the process, The Agency should work with proponents and Indigenous communities to identify key priorities for cumulative effects and being integrating federal departments with the jurisdiction and authority to address these issues.

Sample mitigation, enhancement and adaptive management strategies

Appendix C contains information on and sample mitigation and enhancement measures.

Step 10: Impact Benefit Agreements

Impact Benefit Agreements (IBAs) are legally-binding agreements between proponents and Indigenous communities affected by industrial projects. IBAs are increasingly common in Canada, with hundreds signed across the country over the past decade. This section will cover four essential aspects of IBAs: (1) Pros and Cons; (2) What's in One?; (3) When You Should Negotiate; and (4) Who Should be Negotiating.

(A) Pros and Cons: whether or not you want to pursue an IBA with a proponent will depend on several factors, including the significance of the potential impacts and your community's needs and broader strategic objectives. Here are some pros and cons to consider when you're deciding whether to pursue an IBA:

Pros

- IBAs can provide significant and long-term socio-economic benefits, and
- communities that have signed IBAs have better long-term socio-economic outcomes;
- negotiating and signing IBAs can increase your capacity, both in terms of capacity funding and governing experience;
- IBAs can be an important way to build long-term, positive relationships with the proponent;
- IBAs can be an effective way to ensure that good projects get approved and built;

Cons

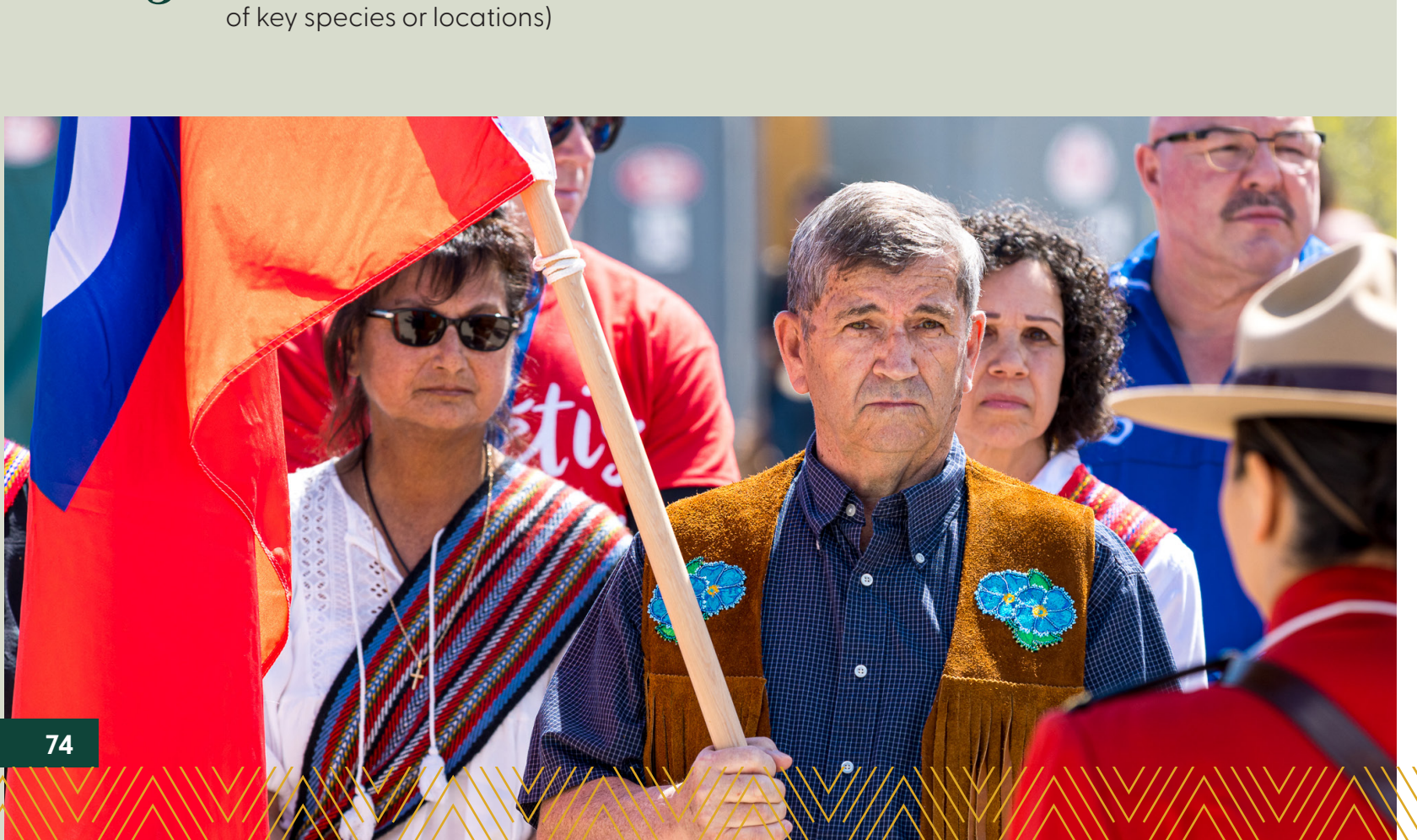
- what a 'good' deal is if you don't have much experience with IBAs;
- these agreements can limit your political and regulatory actions moving forward, i.e., you may not be able to challenge future projects from the proponent;
- IBAs run the risk of further privatizing the responsibilities of the Crown;
- IBAs can make inequalities within a community worse if you aren't careful of making sure benefits are fairly distributed

PROPONENT

IBAs are increasingly common for major projects in Canada. IBAs are a great way to gain regulatory approval and build more sustainable projects. Companies involved in federal reviews should come prepared to discuss and negotiate IBAs with impacted communities. You should build budgets for IBA negotiations and agreements.

(B) What's in One? There is no one-size-fits-all IBA. The size and scope of an IBA will depend on a variety of factors, such as the size of the proposed project and its potential impacts. That being said, there are several topics that are commonly covered in IBAs, including but not limited to:

1. Community Engagement and Information
2. Employment and Training (preferential hiring, training opportunities)
3. Enforcement and Dispute Resolution
4. Financial (profit-sharing, equity, cash)
5. Environmental Protection (monitoring and protection of key species or locations)
6. Social and Cultural Provisions (supports for social and cultural programming)
7. Confidentiality
8. Regulatory Certainty / Non-Objection
9. Economic and Business Development (preferential procurement, capacity building)



(C) When You Should Negotiate: You always want to negotiate an IBA at the time when you have the most leverage, which is to say when you are in the strongest position in relation to the proponent.

As part of the IAAC process, you don't want to start negotiations too early. Remember, information is power, and you're going to be gathering a lot of information on project impacts as part of the IA process anyways. If you start negotiating too early, you won't have the information on potential impacts you need to reach a strong agreement. The more information you can gather to demonstrate the potential impacts to your community, the stronger your negotiating position will be.

The flipside of that is that you don't want to start negotiations too late. If you don't negotiate an IBA until after a decision has been made on the project, you risk losing leverage. After all, if a company already has regulatory approval, they may be less committed to compromising in negotiations.

While the best time to negotiate can vary case-to-case, in general your period of maximum leverage is towards the end of Phase 2 (Impact Statement) and early in Phase 3 (Impact Assessment). This is the point as which you will have developed a relationship with the proponent, will have gathered all the information you need to determine impacts, but the proponent will still be seeking your approval of the project and trying to demonstrate the positive and sustainability impacts of their project to The Agency.

(D) Who Should be Negotiating: There is a balance here between community involvement, transparency, and unity, on the one hand, and the need for smaller groups to negotiate the specific details of your IBA. If your negotiating team is too big, it can slow down the negotiation process. If your negotiating team isn't connected to your community, however, it can lead to agreements that do not address the interests and concerns of the wider community, and can undermine unity and create divisions that can weaken your position.

In general, you want a smaller negotiating team, say of 3-5 individuals. One way to achieve balance between having a small and effective negotiating team, and ensuring that your deal reflects the needs of the wider community is to have a strong relationship between your Steering Committee and your Negotiating Team. It's good practice to have your Negotiating Team reporting regularly to and taking direction from your Steering Committee. Remember, your Steering Committee members are ambassadors for the project process within the community. Given the importance of strong connections between the Steering Committee and the Negotiating Committee, you may want to have some overlap of members.

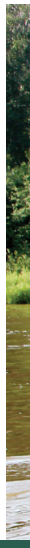
Impact Assessment: Phase 3

Step 11: Impact Assessment Report

The Impact Assessment Report is the final report submitted to the Minister by The Agency or the Joint Review Panel at the end of Phase 3. Once the Notice of Determination is posted and the 300 (IAAC Review) or 600-day (Joint Review Panel) period begins, The Agency/Joint Review Panel will begin to review the Impact Assessment Statement submitted by the proponent, as well as any information submitted by Indigenous communities.

In an IAAC Review, The Agency will continue to meet with and consult with Indigenous communities, as part of its review of information. IAAC will release a draft Impact Assessment Report, list of potential conditions, and a Consultation Report, and will seek feedback from Indigenous communities. Upon revision, The Agency will submit these documents to the Minister, who is responsible for making the decision on project approval.

In a Joint Review Panel, the JRP will call a Public Hearing after it has determined the proponent has met its information requirements. Depending on whether you have already negotiated an IBA with the proponent, you may want to participate in the Public Hearing, providing information on potential impacts to the JRP, providing oral testimony from potentially affected members, and reviewing and providing feedback on documents. At the end of the Public Hearing, the JRP will draft an Impact Assessment Report to the Minister. At the same time, The Agency will submit a suggested list of conditions and a Consultation Report (CR) to the Minister.



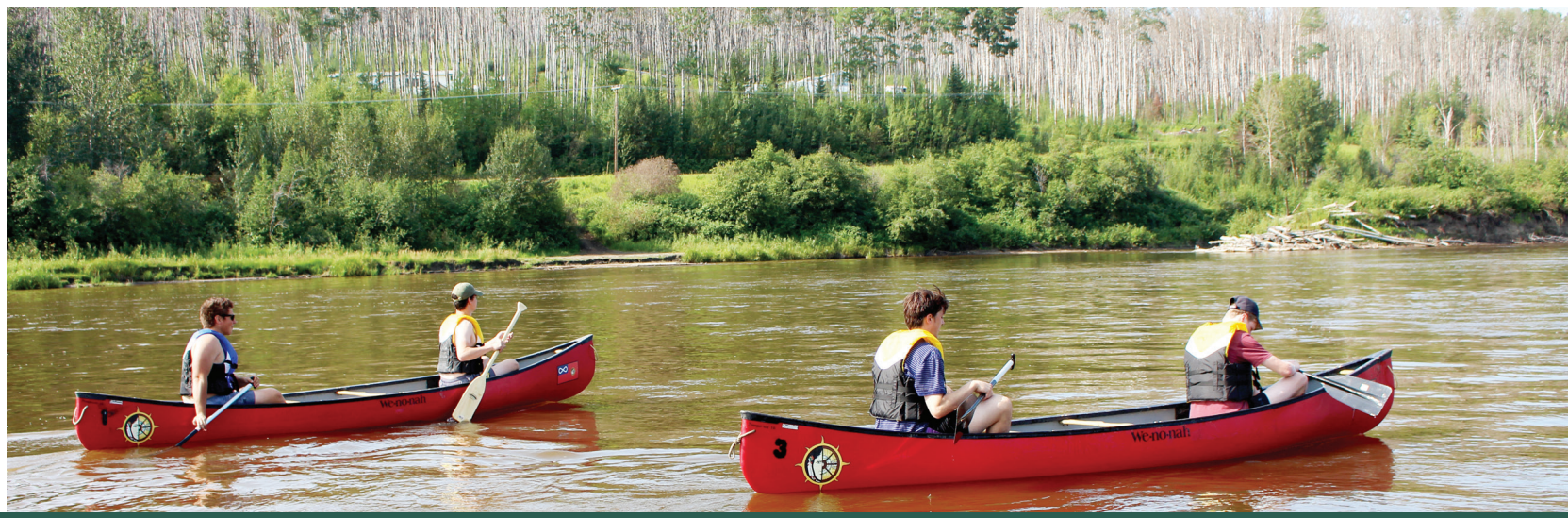
IAAC Review Timeline

Step 12: Consultation Report

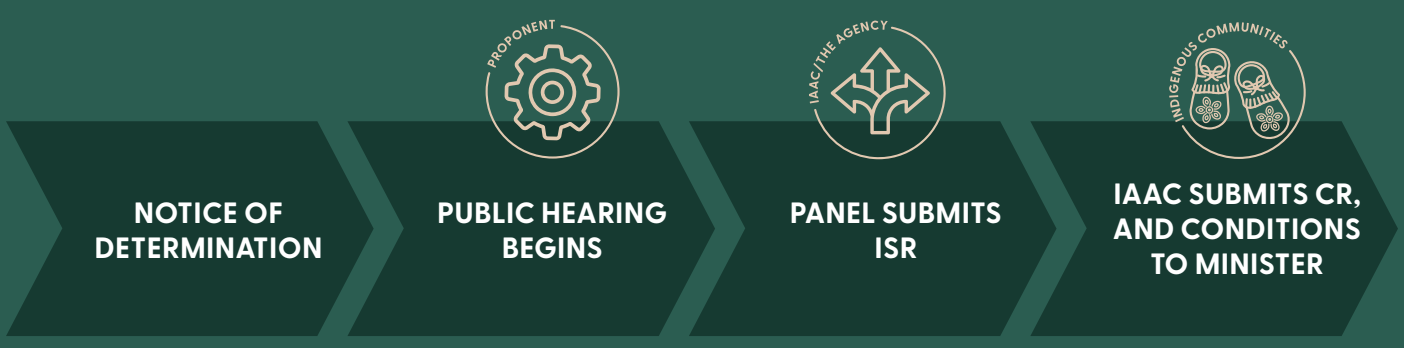
Through Phase 3, The Agency will consult with potentially impacted Indigenous communities, including regarding their satisfaction with consultation by proponents. Upon completion of this consultation process, The Agency will draft a Consultation Report (CR) and circulate the CR to Indigenous communities, who can provide feedback and draft sections. The CR will summarize all Crown consultation and will provide advice as to whether consultation as part of the IAAC process fulfilled the Crown's duty to consult and accommodate. Once the CR is finalized, it is submitted to the Minster.

Step 13: Conditions

The final component of Phase 3 is the development of conditions. The approval of almost any major project comes with specific conditions that the proponent will need to meet moving forward. These conditions can cover a wide variety of topics, from continuing consultation, monitoring, and reclamation to adaptive management, reporting, and information sharing. These conditions are distinct from measures that are included in an IBA with the proponent. One critical role of Indigenous communities in the post-decision-phase is to make sure that proponents are following the conditions approved by the Minister.



Review Panel Timeline



McMurray Métis Local 1935

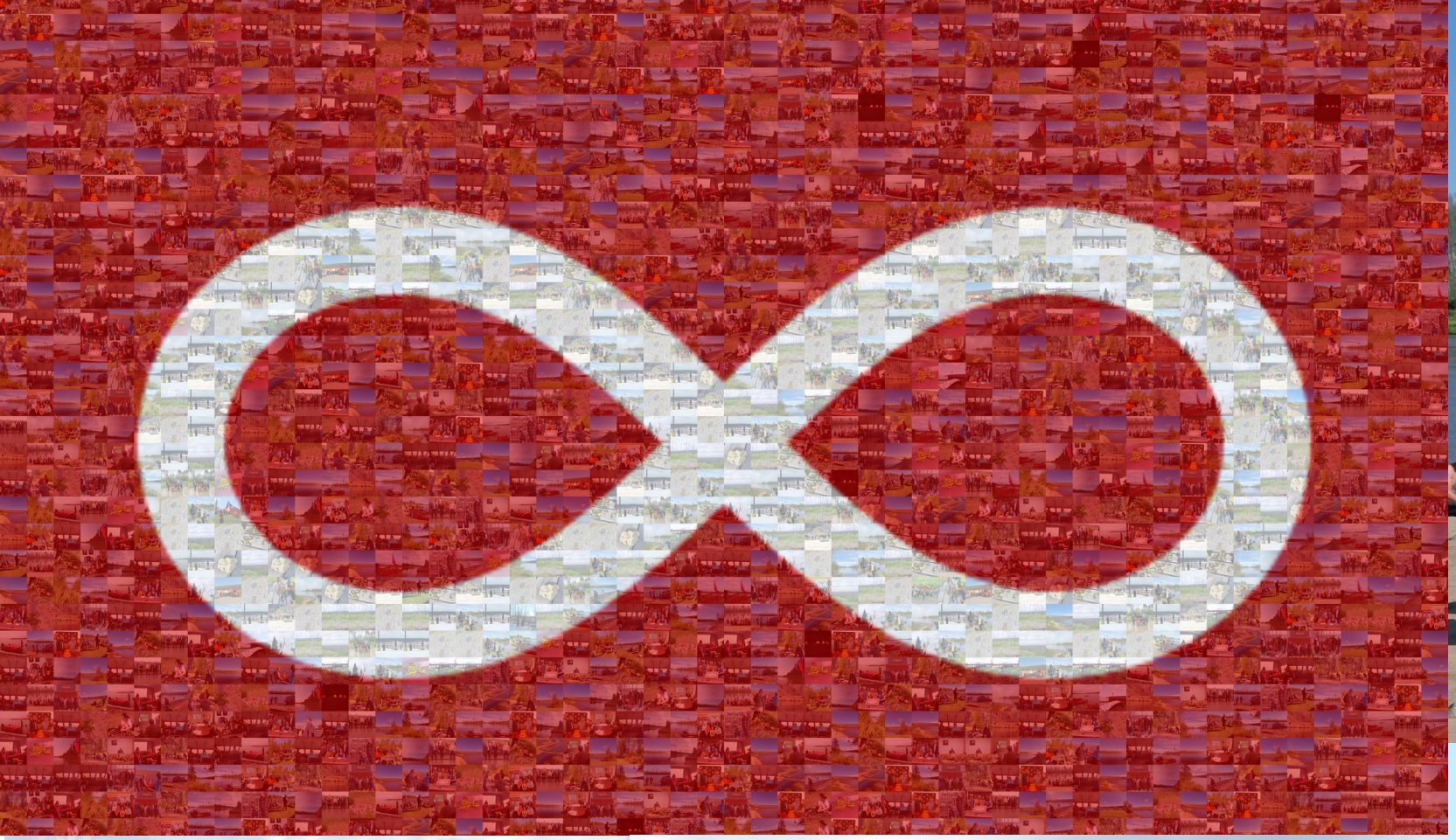
MCMURRAY MÉTIS

McMurray Métis Local 1935 was founded in 1987 and is governed under the bylaws of the Métis Nation of Alberta by an elected Local Council. It is headquartered at Fort McMurray, Alberta. Local 1935 is accountable to its membership, with a mandate to pursue the advancement of Métis people in Fort McMurray and northeastern Alberta.

McMurray Métis is a historic and contemporary rights bearing Métis community whose vibrant cultureand history is anchored in Nistawâyâw, a.k.a. Fort McMurray, AB, at the confluence of the Athabasca, Clearwater, and Hangingstone Rivers. This vibrant community is comprised of a diverse and active membership.

The McMurray Métis logo reflects the shared values of the community. Surrounded by the sun, representing McMurray Métis' fundamental connection to the land, water, and air, and the living things they sustain, the logo is split into two hemispheres. The face on the left side represents the Indigenous heritage, identify, and culture of the Métis. On the right side are symbols that represent the adaptive, resilient, and forward-looking culture of the Métis -- a Red River cart wheel, metal gears to represent the shift to industrialism, and a digital circuit, representing a culture and people that continue thrive in the digital age.

Guided by our vision, mission, and guiding principles, the McMurray Métis work every day to improve quality of life for Members, ensure sustainability for the future, and celebrate and honour Métis culture, traditions, and history.




EVERY CHILD MATTERS
BRING OUR CHILDREN HOME
EVERY CHILD MATTERS

Plain Language Dictionary

Adaptive Management
Adaptive Management is a way of building flexibility into a follow-up program. It is a way that communities and proponents can work together after project commencement to deal with changes and impacts that were not foreseen at the time of the Impact Assessment. While adaptive management plans may not begin until after project approval, they should be designed as part of the impact assessment process.

An adaptive management plan may be required by The Agency as a condition for project approval, it may be negotiated between proponents and Indigenous communities, or both.

Adverse Impacts
These refer to the negative impacts a project may have on human communities and the environment.

Assessment criteria
Assessment criteria help us to determine why a predicted impact matters, and is an important part of determining how significant potential impacts may be. While there is a common list of criteria used to assess impacts (direction, duration, magnitude, et cetera), Indigenous communities can and should work with proponents and The Agency to make sure that assessment criteria accurately reflect Indigenous worldviews, knowledge, and priorities.

Assessment Methodologies
Assessment methodologies determine how an impact will be assessed, including things like what you will assess, how you will assess it, and what kinds of information you will need to do the assessment. Methodologies in turn determine what kinds of methods (tools) you will use to gather the information you need.

For example, Gender-Based Analysis Plus (GBA+) is a methodology that requires assessments to consider how a whole host of factors (race, gender, age, and so on) shape how different groups of people are affected differently by projects. One method, or tool, you can use in a GBA+ analysis is a community survey, which allows you to gather lots of information on individuals across a wide range of factors, like age and income.

Baseline
An assessment baseline refers to the point in time where you begin to assess impacts. When you begin to assess impacts can have major implications for your findings and conclusions. For example, a baseline for an assessment of impacts to Indigenous Rights that begins from the signing of Treaty would find much greater impacts to rights than an assessment that begins from the start of a proposed project.

Conditions
Conditions are generally imposed by the Minister as part of project approval. Conditions can cover many different topics, such as consultation, reclamation, environmental monitoring, and information sharing. While conditions are generally separate from similar provisions in IBAs, Indigenous communities can play an important role in making sure that proponents follow the approval conditions.

Cumulative Effects
The impacts from past, current, and future changes to the environment and human well-being. Cumulative effects can have many sources, both human and non-human, including industrial activity, racism and discrimination, natural disasters, and government policy and regulations. Cumulative effects can likewise be felt in many aspects of our world, from animal habitats and populations to human health, economic inequality, and Indigenous Rights.

When you are assessing cumulative effects, it is important to remember that cumulative effects occur both across time (over generations) and across space (by the accumulation of of projects and impacts within a geographic area).

Decision Statement
This is a document produced by the Minister after the fourth Phase of the Federal IA process, which indicates the decision of the Minister about the project, and informs the Proponent and the public on the Public Interest Determination, i.e., whether the Minister decided the project was in the public interest or not, and why.

Decision-making Phase
This is the fourth Phase of the Federal IA process, when the Minister reviews the Impact Assessment Report, Conditions and Consultation Report in order to make a decision. The Minister must determine if the adverse effects within federal jurisdiction and the adverse direct or incidental effects are in the public interest.

The Minister may refer the determination to the Governor-in-Council (basically the Cabinet), in which case the reasons are posted to the Registry. Prior to making the determination, the decision-maker, whether Minister of Governor-in-Council, mustbe satisfied that the Crown duty to consult and accommodate Indigenous Peoples has been fulfilled.

Detailed Project Description
This is a document that the Proponent has to submit based on feedback on the Initial Project Description provided by The Agency and the communities the Proponent has engaged with.

This document will be substantially longer and more technical than the Initial Project Description. It will provide much- more detail on the potential impacts of the Project, including environmental, social, health and economic effects, and potential impacts on Indigenous Peoples and rights.

Plain Language Dictionary

Effects pathways
These describe how impacts to human well-being and the environment are transmitted. Effects pathways can be both between the source of an impact and the thing that is being impacted (i.e., the construction of a coal mine and the disturbance to forested lands), as well as between one impacted component and another (i.e., from the disturbance of forested lands to the Indigenous Rights of people who use those lands to hunt).

Identifying the effects pathways is a crucial part of the impact assessment process because it helps Indigenous governments, proponents, and regulators to determine how effects are transmitted and design mitigation measures to reduce negative effects.

For example, if an assessment determines that Indigenous lland users may stop harvesting fish in a certain area because of concerns over the impact to fish population health from a project, a monitoring program that tracks water quality and fish population health with the participation of Indigenous land users may help reduce a potential negative project impact.

Enhancement
These are things that can maximize or amplify the reach, distribution, and quality of positive impacts of a project. Enhancement measures might be established in an Impact Benefit Agreement (IBA) or in an adaptive management plan, or other follow-up programs (described in the entry for "Follow-up programs").

Follow-up program
Follow-up programs are often required by The Agency within the Conditions (during the Impact Assessment Phase). As the name suggests, they are things that are required by The Agency - determined also by Indigenous communities - that need to happen if a project proceeds.

Some examples include mitigation or enhancement strategies, monitoring, or adaptive management plans.

Follow-up measures are a way to verify the accuracy of the IA and determine the effectiveness of mitigation and enhancement measures, and as way to improve the assessment process generally.

They are typically activated once a Project has been approved or has commenced (in Phase 5: Post-Decision). However, Indigenous communities can design or co-design follow-up programs much earlier in the IA process as they engage with the Proponent and The Agency.

Gender-based Analysis Plus (GBA+)
A way of thinking that helps us to understand how different groups of people are affected in different ways by change, and how we can design projects where the benefits and harms of the project are distributed more fairly.

GBA+ isn't just about gender: it's about all the ways our differences (e.g., gender identity, age, education levels, ability/disability, sexual orientation, ethnicity, family dynamics, economic background, employment status, etc.) affect our experiences and opportunities in life.

The Agency requires a GBA+ lens be applied to parts of the IA process, and particularly to the socio-economic assessment.

Think about housing for example. Say a project is going to lead to a big increase in housing prices and rents. Those changes will affect different groups differently. For example, older homeowners might benefit from increases in housing prices, while young people looking to buy their first home or a single mother looking to rent an apartment to escape an abusive relationship might be hurt by an increase in home prices and rents.

Impact Assessment
This is a process by which we can gather information and evaluate the potential impacts of humanactivities on many things, including impacts on the environment, economies, cultures, health, well-being, and rights. While high quality, accurate, and inclusive impact assessments can require a lot of time and energy, they can also provide us with the information we need to build better and more sustainable projects.

Impact Assessment Act
The law that regulates federal impact assessments in Canada. The IAA lays out when a federal impact assessment is required, creates the body (the Impact Assessment Agency of Canada) responsible for overseeing impact assessments, determines what kinds of effects an impact assessment must consider, and establishes the criteria the Minister of Environment and Climate Change uses for project approvals.

Impact Assessment Agency of Canada (IAAC)
The federal government body in charge of impact assessments for major projects. IAAC is responsible for developing guidance for and managing federal impact assessments. IAAC also makes capacity and participant funding available to Indigenous communities who are or may become involved in federal impact assessments.

Impact Assessment Cooperation Plan
This is a document produced during the Planning Phase by The Agency. It outlines how The Agency will engage and cooperate with other jurisdictions.

Impact Assessment Report
This is a document produced during the Impact Assessment Phase by The Agency. It summarizes the Impact Assessment process and takes into consideration all the information and analysis provided by the Proponent, Indigenous communities, the public, expert federal departments, and other public, provincial, territorial and Indigenous jurisdictions. This document provides the information needed for the Minister of Environment and Climate Change or Cabinet to make a Public Interest Determination.

Plain Language Dictionary

Impact Assessment Phase
This is the third Phase of the Federal IA Process. It can last up to 300 days.

The phase begins after The Agency has reviewed the Impact Statement (or revised Impact Statement) and determined that it satisfies all the requirements that had been set out in the Tailored Impact Statement Guidelines (TISG).

During this Phase, The Agency as well as other Federal authorities and of specialized or expert knowledge review the Impact Statement. Sometimes The Agency may initiate an external technical review. It may also request that the company provides clarifications or updates as necessary.

The Agency also continues to engage with Indigenous Communities throughout this Phase. It may hold public meetings or open houses to allow Indigenous groups, stakeholders and the public to participate in the impact assessment process. These events are also opportunities for the public to ask questions of the Proponent, The Agency and federal expert departments.

The Agency then produces a Consultation Report, which includes advice to the Minister regarding the adequacy of consultations to fulfill the Crown's duty to consult and accommodate. Indigenous communities can review this Report and draft input to be included within it.

The Agency drafts an Impact Assessment Report, as well as Conditions. It considers the information and evidence provided by the Proponent, expert federal departments, Indigenous groups, the public and other jurisdictions, including provincial, territorial and Indigenous. Some sections of this report can be drafted or co-developed by or with Indigenous communities.

Once Reports and Conditions have been reviewed, they are revised and finalized, then submitted to the Minister for decision-making.

Impact Benefit Agreements
Impact Benefit Agreements (IBAs) are legally-binding agreements between proponents and Indigenous communities. IBAs have a wide range of potential benefits and issues, from employment and business development to environmental and cultural protections. IBAs can help reduce negative impacts and bring greater benefits to Indigenous communities, but they often come at the price of current and future project approval, as well as confidentiality measures, among other potential negative aspects.

Impact Statement Phase
This is the second Phase of the Federal IA process. IIt can last for up to 3 years, and is the stage where most of the information gathering takes place. A lot of work happens during this Phase, so it can be very complex.

This Phase centres around a document that the Proponent must produce called the Impact Statement. This document contains much of the information required by The Agency to proceed with an Assessment.

Impact Statements generally include a a comprehensive list of all potential impacts of the project and many measurements used to assess them (including, for example, indicators, spatial boundaries, and assessment criteria).

To generate this document, the Proponent is required to undertake research studies and collect information, and to engage continuously with Indigenous communities. The Agency encourages Indigenous communities to apply for funding- to support their participation; to engagement- and consultation; to lead their own studies or compile their own information; to share Indigenous Knowledge; and to co-develop studies with the proponent. The Agency also requires the community to reviewthe Impact Statement once the Proponent submits it.

Indicators
Indicators are what we use to measure and understand the impacts to and change of valued components. There are many kinds of indicators: environmental, cultural, biocultural, health, socioeconomic.

The types of indicators we choose determine not only what we can measure, but what kinds of questions we are asking, what answers we can get – in short, what kind of impacts we can assess.Establishing measures that are relevant to and reflective of a community informs better, collaborative assessment and monitoring, can lead to decisions that centre Indigenous communities' priorities and concerns, as well as mitigation/enhancements strategies for impacts that are of greatest importance to communities.

The IAA necessitates that Indigenous communities and knowledge be engaged in the selection and incorporation of indicators in the Impact Statement. Indigenous communities can get creative developing meaningful socioeconomic indicators – it just depends on what kinds of questions they want to ask and what kinds of impacts they want to know about.

Indigenous Engagement and Partnership Plan
This is a document produced by The Agency during the Planning Phase. It results from engagements with Indigenous communities. It describes how Indigenous groups will be engaged and consulted throughout the IA process, as well as their preferred engagement tools and strategies.

Because every community is different, it is important that these documents are tailored to respond to the diverse priorities and preferences of every community. Your community will be invited to provide feedback on and advise how you prefer to be engeaged and what you want to focus on during the process.

Plain Language Dictionary

Indigenous Rights
The rights belonging to Indigenous Peoples. There are many ways to define Indigenous Rights. The Impact Assessment Act, for example, defines Indigenous Rights in the impact assessment process as those recognized by s. 35 of the Constitution Act, 1982.

Many Indigenous Peoples, however, assert a wider set of rights, such as those included in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and other inherent rights that predate European colonization and the creation of Canada.

In an impact assessment, it is up to Indigenous Peoples to define- and assess impacts to their rights according to their own understandings.

Indigenous research methodologies
This is research by and for Indigenous Peoples, using techniques and methods drawn from the tradition and knowledges of those people.

Indigenous research methodologies are ways of gathering information and knowledge that adhere to local community-specific laws, cultural protocols, values and practices for sharing knowledge.

Indigenous-led research processes are highly diverse and vary by community, dependent on unique environmental and cultural contexts, governance approaches, history, and community objectives.

Some characteristics of Indigenous research methodologies include:

- Being community-led
- Incorporating Indigenous Worldviews, ways of knowing and being
- Being based on relationships and combating traditional power dynamics in
- "traditional" research.
- Pushing back against colonial boundaries, assumptions and methods as well as extractive research practices
- Focusing on self-determination, resiliency and resistance
- Amplifying Indigenous voices

You can apply Indigenous research methodologies in the collection of information in impact assessments to ensure that the studies are being done in a way that is responsive to and reflective of the needs of concerns, values and priorities of Indigenous communities.

Initial Project Description
This document is the first description of the Project that the Proponent submits to the Regulator as part of the Planning Phase. An Initial Project Description will cover basic information like the Project's objectives, location, and potential impacts, and it identifies local communities and Indigenous groups who may be affected.

It is submitted to The Agency before the 180-day Planning Phase officially begins. After the Initial Project Description is submitted to the Regulator, Indigenous communities will generally have 20-30 days to review the document and provide input. The Proponent will then submit a Detailed Project Description to The Agency, if The Agency determines an Impact Assessment is required or not.

Remember, Initial Project Descriptions are regulatory documents and may not be written in a clear and accessible way. You can request that the Proponent provide your community with a plain language summary of the project that contains key information that you- and your community would like to know. If The Agency determines the Initial Project Description meets the regulations, it posts the document on The Agency's Registry Site for public review. The 180-day time limit for Phase 1 of the IA process then begins.

Interconnections
Interconnections refer to the relationships among Valued Components (VCs). An assessment of the interconnections between VCs is required as part of the sustainability assessment.

VCs are all interconnected in complex ways. For example, think of jobs. An increase in good paying jobs for community members can impact all sorts of different areas of life, including things like housing, self-esteem, and the educational and health outcomes for children, to name just a few.

Understanding interconnections helps to identify priorities for monitoring and negotiations. If change to one VC has a lot of positive or negative effects in other areas, those may be the places you want to focus your monitoring and negotiations.

Mitigation
Mitigation measures are things that can be done to control, reduce or offset negative impacts.

Mitigation is built into the new legislation. IAAC requires that potential mitigation strategies for all identified adverse effects be described and recommended in the Impact Assessment Report, and states that if other parties (e.g. Indigenous groups) suggest-different mitigation measures, they will be taken into consideration.

Monitoring
Monitoring is how we actually observe and measure change related to a project (or in the case of cumulative effects monitoring, related to many activities).It also helps to determine if mitigation and enhancement plans are happening and actually working. In turn we can better manage those impacts both in pre-planned and adaptive ways.

Indigenous community-based monitoring projects are proliferating and are doing important monitoring work from communities' perspectives. The proponent and Regulators should look to partner with Indigenous communities for monitoring, particularly of socio-economic assessment, which has lagged behind environmental monitoring.

Plain Language Dictionary

Monitoring Committees
Monitoring committees are an option for follow-up plans. These may be established by the Agency should IAAC determine it is necessary once the assessment is complete.

These committees provide oversight and guidance on the requirements set out in the follow-up and monitoring programs that are established by communities, Proponents and The Agency. Monitoring committees may include experts who can help provide additional confidence in the science, Indigenous knowledge and other forms of evidence used in follow-up and monitoring programs.

The Agency may establish these committees to ensure more meaningful and robust follow-up programs, and to encourage more public trust in the assessment process.

Notice of Commencement
A document posted by IAAC at the end of the Planning Phase (Phase 1) that lays out the information requirements for the Impact Assessment Phase (Phase 2).

Parameters – Temporal and Spatial
Parameters refer to the boundaries used to assess potential project impacts. Parameters are key components to assessing cumulative effects, i.e., the effects of a project in combined with other projects and sources of change. These boundaries can be of two kinds: temporal and spatial.

Temporal boundaries refer to the time periods at which we begin and end our assessments. For example, an impact assessment may begin to consider impacts to an Indigenous community from well before the proposed project, such as from the first industrial project in a people's traditional territory, or from a key political marker like the signing of Treaty.

Spatial boundaries refer to the geographic areas used to assess impacts. For example, spatial boundaries are typically drawn to include nearby projects so an assessment can consider the effects of the proposed project with other projects in the area. Spatial boundaries also typically differ based on the topic being considered, i.e., impacts to a river may have a larger geographic boundary than impacts to vegetation, to consider downstream effects to water.

Finally, it is important that Indigenous communities participate in drawing spatial boundaries, to make sure they accurately reflect what is being assessed. For example, if you are assessing impacts to Treaty or Aboriginal rights, it may be more useful to use ancestral or traditional territories rather than buffers around a project, to capture the full extent of cumulative effects to the Valued Component (rights).

Pathways
See entry for "Effects Pathways"

Permitting Plan
This is a document The Agency produces, which outlines the licenses, permits and authorizations that are anticipated that will be required should the project proceed.

Physical Activities Regulation
This is a list of different types of projects that could trigger a Federal Impact Assessment.

When the physical activity associated with the proposed project is described in this list, the company must provide The Agency with an Initial Project Description, which is what commences the Planning Phase.

Indigenous communities can also consult the Physical Activities list and petition the Minister of the Environment and Climate Change if they feel a project should come under federal review but has not yet been designated.

Planning Phase
This is the first Phase of the Impact Assessment process. During this stage, the Proponent introduces its project, Indigenous communities are invited to respond to it, and The Agency works with the Proponent and Indigenous communities to lay the groundwork for the impact assessment and consultation processes.

The Planning Phase is relatively short but is in many ways the most important phase, because it is when you will outline your community's key priorities and concerns, and it sets the stage for the relationship and consultation in the Phases that follow.

Positive Impacts
Projects may have positive impacts that are identified in the Assessment. A lot of times, the definition of "postive" impacts depends on who you ask: sometimes the things that regulators, governments or proponents call positive impacts do not always translate to positives for Indigenous communities.

Furthermore, what are often described as positive impacts can be distributed inequitably within communities (as described in the section on GBA+) or sometimes may even be experienced as negative impacts for some members of communities. It's critical therefore to do some engagement with as diverse a group of members as possible to understand people's priorities and values, and how they would define "positive."

Post-Decision Making Phase
This is the final Phase of the Federal Impact Assessment process, which starts after the Minister has made a decision based on the Assessment.

The Minister's decision will be outlined in a Decision Statement - a document detailing reasons for the decision including the public interest determination, and any conditions that the Proponent must comply with. This document outlines any follow-up activities that are required if the project proceeds (including mitigation, enhancement, monitoring and adaptive management plans).

Following the decision, if the Project proceeds with follow-up requirements, The Agency tracks and follows up on these over time.

It is during this Phase that Indigenous communities and Proponents start mitigation, enhancement, monitoring, Impact Benefit Agreements, and other follow-up activities designed or negotiated earlier in the process. The Agency may establish and oversee monitoring committees and undertake compliance and enforcement measures. It posts information on the registry as needed.

Plain Language Dictionary

Proponent
Proponent refers to the company or organization that is proposing a major project. Proponents can be private or public entities.

Public Determination
The Impact Assessment Act requires the Minister of Environment and Climate Change to make decisions on project approval based upon whether or not the project is in the 'public interest'.

To do this, the Minister must consider five "public interest factors": a project's contribution to sustainability; the significance of potential negative effects; mitigation measures designed to reduce negative effects; impact to Indigenous Peoples and rights; the impact of a project on Canada's ability to meet its climate change commitments.

Public Participation Plan
This is a document that The Agency produces during the Planning Phase (the first stage of the Federal IA process), once it has determined that an Assessment is required.

The document outlines how the general public will be engaged throughout the IA process and the preferred engagement tools and strategies that should be used. It is produced as The Agency engages with the public, Indigenous communities, other jurisdictions, including Indigenous jurisdictions, and federal expert departments.

This is a separate engagement plan from the Indigenous Engagement Plan, which outlines how Indigenous communities will be engaged.

Qualitative Research Methods
Qualitative research methods involve collecting and analyzing non-numerical information to understand human beliefs, behaviour, experiences, values and perceptions.

Some examples of qualitative research methods might be used in socioeconomic impact assessments are analyses of the number of jobs and the amount of taxation revenue created. Indigenous communities might use a tool like a community survey to gather quantitative information on things like levels of training or food security. These methods are extremely important in the assessment of socioeconomic impacts, because many socioeconomic impacts can't be well only understood through numerical data.

Quantitative Research Methods
This is a way of doing research that involves collecting and analyzing "countable" or numerical data. The way it is collected and analyzed depends on what you are trying to do.

Some examples of quantitative research methods that might be used in socioeconomic impact assessments might be surveys or questionnaires.

Sometimes, depending on what you're trying to find out, it is appropriate to use strictly quantitative research methods. Other times, it is good to use qualitative methods (described in the above entry) or a mix.

Indigenous groups, the public, federal authorities and other participants during consultations and engagement.

Your community can review the Company's response to determine if your concerns and priorities have been properly represented and discussed.

Registry
This is a searchable database where IAAC posts public information about Applications and Impact Assessments.

You can find information on potential and current projects, regional and strategic assessments and projects on federal lands and outside Canada.

You can access it here:
https://iaac-aeic.gc.ca/050/evaluations/index?culture=en-CA

Response to Summary of Issues
This is something that the company has to include in their Detailed Project Description. This response has to provide more detailed information about the project and updates the information provided in response to issues raised by provincial, territorialand Indigenous jurisdictions, Indigenous communities, the public, federal authorities and other participantsduring consultations andengagement.

Your community can review the Company's response to determine if your concerns and priorities have been properly represented and discussed.

Review Panel
The Minister of Environment and Climate Change can decide that an impact assessment be carried out by a review panel, instead of by the IAAC. A review panel consists of a group of independent experts appointed by the Minister. Review panels can also be establishedwith other authorities. Ajoint review panel can be createdwhere multiple levels of government(say the federal governmentand a provincial level of government)wish to conduct an impact assessment together.

An integrated review panel, on the other hand, must be established where a project is regulated by the Impact Assessment Act and legislation that establish the socalled "lifecycle regulators", such as the Canada Energy Regulatoror the Nuclear Safety Commission.

Plain Language Dictionary

Socio-Economic Impact Assessment (SEIA)
This is an assessment of the effects of human activities aand economic aspects of our communities. Socio-economic assessments can and should be holistic and connect to many other aspects of our world, including environmental and culture, among others.

Social Impacts are impacts to the ways that humans and human communities interact with their cultural, economic and environmental surroundings.

Indigenous understandings of the social tend to be holistic and may include health and well-being, culture and language, family relations, and many other elements.

Economic Impacts are impacts on the economic and livelihoods of of a population(s), including changes in local employment and income, investment and business opportunity, and taxation and other revenues for governments. Indigenous understandings of the economic may also be more holistic and incorporate things like the practice of rights, traditional economic activities, subsistence practices and local ways of giving, sharing and reciprocity such as feasts or community freezers.

Socioeconomic impact assessments take these many factors and their connections into account to draw a more holistic picture of the potential effects of a project or some other human activity.

Socioeconomic impacts are also often cumulative. See the entry for "Cumulative Effects" above for more information.
The new regulations under the IAA are much more robust and holistic and require study and consideration of potential socioeconomic impacts.

Summary of Issues
This is a list of issues raised by consulted parties (e.g. the public or Indigenous communities) in the planning phase that is prepared by The Agency. This document provides the company with an understanding of issues and allows participants to see how their comments and concerns have been characterized.

Sustainability
Sustainability means different things to different people, but often refers to the ability to support life or sometimes a specific process or activity continuously over time.

Sustainability is a key consideration in the new federal Impact Assessment process, requiring IAs to examine the contribution of a project to sustainability to determine if a project will be approved. There are four guiding principles laid out by the IAA:

1. considering theinterconnectedness and interdependence of human and environmental systems;
2. considering the wellbeing of present and future generations;
3. considering both positive and negative impacts; and
4. applying the precautionary principle and considering uncertainty.

However, Indigenous communities may have their own unique understandings of what sustainability means.

Because the sustainability requirement addresses positive impacts, it is an important starting point for Indigenous communities and proponents to build a shared understanding of how the project can make positive contributions to more sustainable communities.

Tailored Impact Statement Guidelines (TSIG)
Tailored Impact Statement Guidelines lay out instructions for what kinds of informationproponents must include in an Impact Assessment Report, including the topics to be covered and the kinds of evidence to be used.

TSIGs are issued by the IAAC during the Planning Phase of an impact assessment. Indigenous communities have the opportunity to submit feedback on draft TISGs, to ensure their issues of concern and kinds of evidence areincluded in the Impact Statement Report.

Thresholds
Thresholds are another term for limits that trigger actions. There are two kinds of thresholds in the IAAC process.

The first are the thresholds/limits that trigger a federal review. For example, a new oil sands mine that will produce 10,000 m3 of bitumen (the threshold) will trigger a federal assessment.

The second kind of thresholds refer to the limits of acceptable impacts. For instance, an Indigenous community may determine that a decline of key fish populations of more than 10% (the threshold) is unacceptable and will require mitigation or offset measures to reduce the negative effects.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
This Declaration was adopted by the United Nations in 2007. It is a comprehensive instrument on the rights of Indigenous Peoples. It establishes a universal framework of minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world and elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of- Indigenous Peoples.

The Declaration provides an important framework for defining the rights of Indigenous Peoples in ways that go beyond those recognized by the federal and provincial governments. You can consult this when you are working in your community to develop a full definition of your rights.

Here is a link where you can access UNDRIP:
https://social.desa.un.org/sites/default/files/migrated/19/2018/11/UNDRIP_E_web.pdf

Valued components
When we say “Valued Components”, or VCs, what we’re really talking about are the things that are important to communities.

VCs can be almost anything. They can be environmental (e.g., key animal or plant species), health-related (e.g., mental health), social (e.g., strong and healthy families), economic (e.g., jobs, housing), cultural (e.g., the intergenerational transmission of knowledge), or spiritual (e.g., burial grounds, ceremonial sites).

Choosing Valued Components is a very crucial part of the Planning Phase of an Impact Assessment. After all, if you’re not looking specifically at something specific, you won’t know what the impacts are.

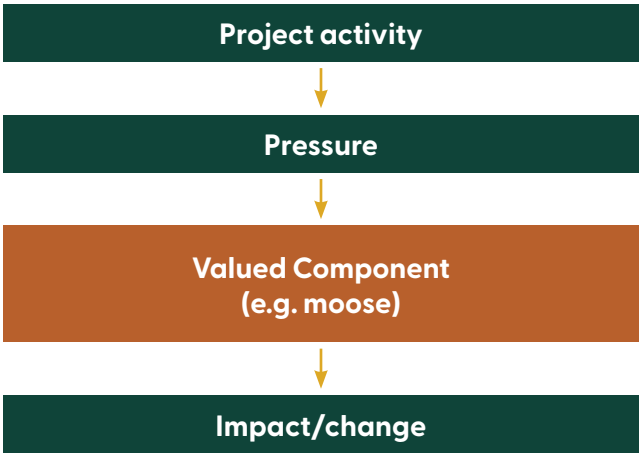
Appendix A

What are indicators?

Indicators are **what we use to measure the effects** of activities (projects) on valued components.

There are many kinds of indicators: environmental, cultural, biocultural, health, socioeconomic.

Indicators **should be drawn from a community's priorities, values, and lived experiences.**



Example of Community-Based Indicators

Berries

- How long does it take to fill a pail or how many pails can you fill?
- What do you look for in healthy berries?

Hunting

- How does much it cost to go hunting?
- What does healthy moose meat taste like?

Community Involvement

- How many people show up for membership meetings?
- How many people vote?

Employment

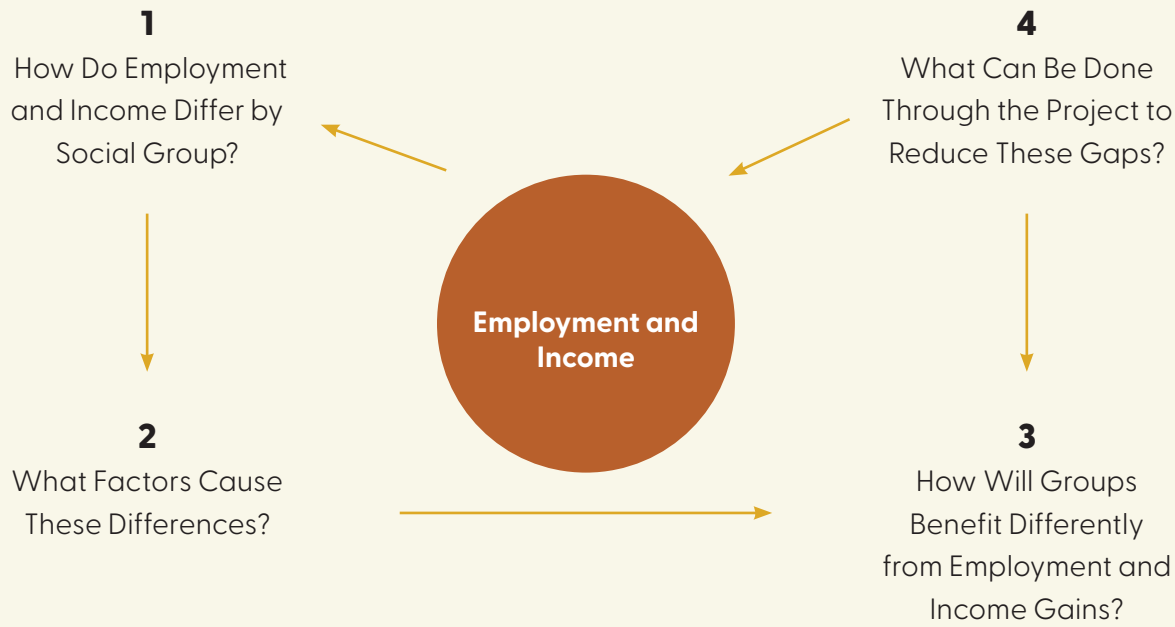
- What is the kind and duration of the jobs for Indigenous workers (what % are management)?
- How often are Indigenous people getting promoted?

Gender-Based Analysis + (GBA+)

What Is Gender-Based Analysis + and Why Does It Matter?

- It is *NOT* only about gender or women.
- It is about ***ALL*** the ways out differences affect our opportunities.
    - Gender, Race/Ethnicity, Age, Education/ Occupation, Geography, Sexual Orientation, Ability/Disability, et cetera.
- It is about equity and equality, and designing projects that contribute to fairer and more equal communities.

Gender-Based Analysis + (GBA+)



How Can We Make Indicators GBA+ Friendly?

Berries

- Who gathers berries? Who benefits from their consumption?
- Who will the loss of berries hurt?
- How can mitigation increase the kinds of people who collect berries?

Hunting

- Who goes hunting? Who benefits from wild game?
- Who will the loss of hunting hurt?
- How can mitigation increase the number and kinds of people who hunt and benefit from wild game?

Employment

- Who has traditionally benefitted from industrial employment?
- What genders and age groups have benefitted most from project opportunities?
- How could mitigation distribute opportunities to wider populations?

Housing

- What populations are most vulnerable to housing cost increases?
- How can mitigation support and protect more vulnerable populations?

Appendix B

Assessment methodologies: what are they?

Assessment methodologies establish the criteria to interpret the information gathered in an impact assessment and draw conclusions about potential impacts.

They help us to understand which potential impacts matter, where we need to focus on mitigation efforts, and they guide decision makers about potential projects.

What Do We Mean by Assessment "Criteria"

When we talked about **Valued Components**, we said they were the things that matter most important to a community, like water, clear air, or language and culture;

When we talk about **"criteria",** we're talking about what matters most about the way these Valued Components are being impacted.

For example, in a typical IA you might measure job creation in terms of the direction of the impact (+ or -) or magnitude (how many jobs will be created).

But you can also use other criteria, like the impacts of employment opportunities on Inter-Group Equity (both between and within communities).

To do that, instead of just looking at the number of jobs created, you can track things like what % of the jobs will go to Indigenous peoples; how many of those jobs will be in management; or how long will those Indigenous positions will last?

Public Interest Determination from IAA guidance

IAA Public Interest Criteria
Extent to which project contributes to sustainability.
Significance of adverse effects.
Implementation of mitigation measures.
Impacts of designated project on Indigenous peoples and rights.
Extent to which effects contribute to or hinder Canada's environmental commitments and obligations with respect to climate change.

Not many criteria are explicitly provided in the new guidance, beyond those listed under what IAA calls the Public Interest Determination Factors.

Sample Assessment Criteria

Standard criteria	Indigenous community examples
Direction (negative or positive)	Inter-group Equity
Intensity/magnitude (how "big" is the potential impact)	Level of Community Concern/Cultural Consequence
Geographic scale	Cumulativeness
Duration (timeline)	Interconnectedness (i.e. connections among impacts/cascading impacts)
Reversibility	Intergenerationality

IAA Impact severity

IMPACT INEQUITY

Low
Sub-groups of the population are resilient enough to sustain impacts of the project and maintain the exercise of their rights. The impacts would be temporary and would allow intergenerational transfer of knowledge and exercise of right to continue into the future. Potential benefits resulting from the project would flow between all segments of the community.

Moderate
Transfer of knowledge between generations may be interrupted for a moderate period of time by the project. Vulnerable sub-groups of the population are likely to experience a higher impact on their ability to exercise rights. Impacts may be reversed within one generation. Some benefits may accrue to sub-groups.

High
Sub-groups of the population will be disproportionately impacted by the project and experience little to no benefit. Intergenerational transfer of knowledge would be interrupted for an extended time period and may not be reversed either in whole or part.

Appendix C

Mitigation

Mitigation measures are things that can be done to control, reduce, or offset negative impacts.

IAA says: Mitigation is built into the new legislation. The Agency requires that potential mitigation strategies for all identified adverse effects be described and recommended in the Impact Assessment Report, and states that if other parties (e.g. Indigenous groups) suggest different mitigation measures, they will be taken into consideration.

EXAMPLES:

Negative impact: increased experiences of racism related to population growth

Sample mitigation strategy: company provides anti-racism and diversity training to employees and contractors

Negative impact: strain on health and social services related to population growth

Sample mitigation strategy: proponent works with Indigenous government to lobby various levels of government for improved quality/accessibility/availability of culturally sensitive social services; proponent commits to provide funding support for the community to provide health services.

Enhancement

Measures are things that can **maximize or the reach, distribution, and quality of positive impacts** of a project.

Enhancement measures might be established in an Impact Benefit Agreement (IBA) or in an adaptive management plan.

IAA says: The Impact Assessment Act requires holistic consideration of a project's impacts. It explicitly requires that the positive economic impacts of major projects be considered. The reporting of positive impacts encourages broader public awareness of the contribution projects may make to the public interest.

EXAMPLES:

Positive impact: increased employment and business opportunities related to construction, operation, and reclamation.

Sample enhancement strategy: company ensures % of total employment to Indigenous peoples, at all categories of employment; companies allocates % of business opportunities to Indigenous-owned contractors.

Positive impact: project will generate significant profits and royalites that will be paid to provincial and federal governments

Sample enhancement strategy: company provides equity stake in project to Indigenous governments; industry works with Indigenous governments to lobby for % of royalties to be distributed directly to affected Indigenous communities

Monitoring

Impact statements/assessments provide **predictions** about impacts.

Monitoring is **the process through which we observe and measure change resulting from a project** (or multiple projects in the case of cumulative effects).

Monitoring **helps to to determine if mitigation and enhancement plans are happening and actually working.**

IAA says: The legislation refers to "follow-up," including monitoring, as a way to verify the accuracy of the IA and determine the effectiveness of mitigation measures, and as way to improve the assessment process generally.

The IAA requires implementation of a follow-up project if a proposal has been approved. But explicit guidance around the nature and implementation of monitoring is not provided- esp. around monitoring socioeconomic impacts.

Also, no Canadian legislative framework (including IAA) expressly articulates the role of Indigenous worldviews or legal traditions in designing follow-up initiatives.

SAMPLE MONITORING INITIATIVES:

- Communities could train community members to monitor the abundance and health of key species (terrestrial and aquatic), working together with industry and government
- Communities could implement a regular census of their population to track changes to socio-economic indicators, like employment, health, safety, et cetera.
- Communities can develop Cumulative Effects Monitoring System (like Metlakatla First Nation has done) to track changes to their environmental, socio-economic, and cultural priorities. Communities could seek industry contributions over the lifecycle of projects to support cumulative effects monitoring.

MCMURRAY MÉTIS

Government of Canada
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