

Lesley Griffiths
Chair, Minister's Advisory Council on Impact Assessment
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<email address removed>

Dear Lesley Griffiths:

Thank you for the inaugural report of the Minister's Advisory Council on Impact Assessment (the Council) and for the Council's significant efforts leading up to it. The *First Report to the Honourable Jonathan Wilkinson, Minister of Environment and Climate Change* (the Report) was tabled in both Houses of Parliament on June 11, 2021, and I am pleased to provide you with these comments on its recommendations.

The Council plays an important role in providing advice related to the implementation of the *Impact Assessment Act* (the Act) to help ensure its public policy purposes are met. This includes fostering sustainability; ensuring respect for the rights of and promoting cooperation with Indigenous peoples; facilitating meaningful public engagement; promoting cooperation and coordinated action between jurisdictions; and ensuring a fair, predictable, and efficient impact assessment process that enhances Canada's competitiveness.

As the Report recognizes, reconciliation is central to all aspects of the Government of Canada's relationship with Indigenous peoples. The Government is committed to implementing the Act in partnership with First Nations, Inuit, and Métis communities in a manner that fosters reconciliation. The Impact Assessment Agency of Canada (the Agency) seeks to establish strong relationships with Indigenous peoples through: respectful, reciprocal, and substantive dialogue related to potential impacts on their rights and interests, partnership and consultation on policy development, and implementation of the Act. The Agency also invests in continuous internal capacity building and learning in this regard. In my view, these activities are well aligned with the objective underlying the Report's recommendations relating to ethical space, that is, to further strengthen the Agency's critical work with Indigenous peoples.

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The Report also recommends that the Agency carry out further work with Indigenous peoples on the design of the *Indigenous Cooperation Regulations*, which are referenced in the Act to authorize agreements that would allow Indigenous governing bodies to exercise powers and authorities in relation to impact assessments on specified lands. The Government is committed to working with Indigenous peoples to co-develop these important Regulations. In addition, and as the Report recommends, the Agency's funding programs remain available for capacity building to help enable full participation under the future agreements. The Agency continues to improve access to these funds as well as efficiency in delivering them to recipients.

In the interim, the Agency will continue to work cooperatively with Indigenous communities on assessments. For example, the Cree National Government and the Agency signed a joint agreement to conduct environmental assessments under the *Canadian Environmental Assessment Act 2012* for two proposed projects, and recently issued a draft joint environmental assessment report for the Rose Lithium-Tantalum Mine.

With respect to the Report's recommendations on regional and strategic assessments, I have confirmed that the Agency will be publishing policy frameworks in the next year that will outline the respective overall purposes of these assessments, guiding principles, key elements and the range of approaches and outcomes that could apply to regional and strategic assessments going forward. The policy frameworks will also include information on the requirements, approaches and support required for meaningful public participation in regional and strategic assessments, as well as on the provision of information to the public. I have asked the Agency to consider carefully the Council's advice in the development of these documents.

The frameworks will also include considerations that the Agency will use in providing me with advice to inform my decision on whether regional or strategic assessments should be conducted by a committee or the Agency, as well as information on the Agency's role in supporting these processes and any related committees.

I agree with the Council's recommendation to learn from completed regional and strategic assessments and better understand how these assessments have met the purposes of the *Impact Assessment Act*. The outcomes of regional and strategic assessments are reviewed on a case-by-case basis. For example, a follow-up program is currently underway for the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador. It will track and report on the Government's commitments in response to the recommendations in the regional assessment. I have asked the Agency to consider how regional and strategic assessments could be included in the Agency's formal or informal evaluation activities.

With respect to the Report's recommendations on improving assessments in the planning phase, I agree that a multi-party working group may bring benefits in that phase, including expanded engagement, multi-stakeholder expert input, and the tailoring of impact statement guidelines. The Agency has informed me that it is committed to exploring such opportunities and to examining options to optimize the timing of decisions on whether to conduct an impact assessment.

Given the relatively short amount of time the Council has had so far for its deliberations, the three areas of focus outlined in my December 2020 mandate letter to Council members (governance, regional and strategic assessments, and early planning) should continue to apply to the Council's work going forward. Indigenous perspectives will be essential for comprehensive deliberations and inclusive recommendations on each of these topics. I have also asked the Agency to ensure that the work of the Indigenous Advisory and the Technical Advisory Committees aligns with the priorities I have established for the Council, and to ensure that the work of all three advisory bodies complement each other.

More specifically, I consider the following to be priorities for the Council's future work:

- *Regional and Strategic Assessments*: The Report states that the Council intends to review the considerations developed by the Agency for prioritizing regional and strategic assessments, and identify priority topics for strategic assessments. I support the Council's plan to provide advice on these areas.
- *Governance and the Planning Phase*: The Report outlines the Council's plan to hear from Indigenous peoples and stakeholders involved in the planning phase to understand better the issues and challenges associated with the governance of this phase. I endorse this approach and would welcome the Council's advice on how the planning phase documents, structures, and engagement activities can further ensure a fair, predictable, efficient, and participatory process.

As Minister of Environment and Climate Change, I am committed to protecting the environment for all Canadians, for today and into the future. As the Government advances and continues to improve its impact assessment regime, the work of the Council will help ensure that project decisions are made in the interest of all Canadians.

I would like to express my gratitude once more for the work that the Council has done in such a short time. There is certainly more work to do, and I count on further advice in the Council's next report in 2023, or as your advice is ready. I would be pleased to meet with the Council later in the fall in order to discuss these priorities and any other questions members may have.

Sincerely,

The Honourable Jonathan Wilkinson, P.C., M.P.