



Summary of the First Meeting of the Indigenous Advisory Committee July 18-19, 2019, Gatineau

Meeting Objectives

The mandate of the Indigenous Advisory Committee is to provide the Canadian Environmental Assessment Agency (the Agency) expert advice for the development of policy and program development to help ensure that the unique rights, interests and perspectives of Indigenous peoples are acknowledged, affirmed and implemented in environmental and impact assessment. The Committee will also be asked to advise on approaches for co-development and engagement with Indigenous peoples on policy and guidance products. The Committee is comprised of 12 experts working in their personal capacity who will provide advice to the Agency that is non-project specific.

The objectives of the Committee's first meeting were to discuss the governance of the Committee and to engage the members on the following topics: the Tailored Impact Statement Guidelines, the Indigenous Knowledge Framework, the Agency's research priorities, and future Indigenous policy priorities.

DAY 1 – July 18, 2019

Welcome and opening remarks

The meeting began with an opening prayer by Elder Verna McGregor from the Algonquin Community of Kitigan Zibi Anishinabeg. The Agency's Ex-Officio member of the Committee and the President of the Agency welcomed the members. In his

remarks, the President noted that the Committee was established to obtain expert advice on environmental and impact assessments reflecting broad and inclusive perspectives of the unique rights, interests and priorities of the Indigenous peoples in Canada. It was noted, that the Agency was preparing for the coming into force of the Impact Assessment Act. The President expressed his confidence in the collective expertise of the Committee in providing advice to the Agency to help navigate the challenges related to transitioning to the new system. The Ex-Officio member underscored his commitment to take the Committee's advice to the right parts of the Agency and relevant government departments.

Agenda item: Working together

The co-chairs led a discussion on ground rules for meetings. There was an initial discussion of the most effective manner to provide input to the Agency. Members indicated that they had not reviewed all materials provided, therefore feedback should not be taken as formal advice at this point.

- Members emphasized the need to have a clear understanding of the Agency's priorities and objectives in transitioning to the new system.
- Members indicated that it would be important for them to understand how the Committee's advice was used by the Agency and recommended that the Agency provide regular feedback to the Committee.
- Members agreed that Indigenous youth could be observers, as appropriate.
- Members agreed to the suggestion from the Agency that the meeting inputs would be summarized in non-attributable reports, which the Agency would make available to the public (via its website).
- Committee members emphasized the importance of sharing information with the Technical Advisory Committee (TAC). The idea of having a member of IAC attend a TAC meeting on a rotational basis was also discussed.
- Members decided on discussing the role of external observers at the next meeting.

Agenda item: Terms of Reference (TORs)

The co-chairs led a discussion on the Committee's TORs. Based on the discussion, the Committee proposed the following revisions to the current draft of the TORs:

- Add a clause about how the Agency will use the input and advice of the Committee.
- Members agreed to add a clause to make clear to communities that the Committee does not replace Crown Consultation.
- Members emphasized the need to include a Code of Ethics into the body of the text that will emphasize respect.
- Add a clause about engaging with the media, stating that media queries should be referred to the Agency. It was noted that the Agency is well placed to support communications.

Members agreed that confidentiality is addressed sufficiently in the current draft. As outlined in the current draft, the Committee will operate in an open and transparent manner and the final records of proceedings and Committee reports will be made publicly available on the Agency's website, subject to confidentiality requirements under legislation or government policies.

In reference to a question about extending membership tenure, the Agency noted that Co-chairs and members are appointed for a term of up to three years and tenures are staggered to allow for continuity and systematic rotation of membership. The Agency noted that there is flexibility to re-evaluate and re-appoint members at the end of their tenure.

Members emphasized the need for clear and reasonable timelines for the Committee to obtain documents (e.g., meeting summary, agendas and meeting documents) in order to ensure sufficient time for review. The Committee will review the summary (or minutes) prepared by the Agency before it is published. In the case that no comments are provided within the given deadline, it will be deemed there are no revisions to the current draft.

Agenda item: Agency Policy priorities

The Agency provided an overview of the policy work that has been undertaken to date as well as future planned work. Priority areas for policy development and guidance include:

- Indigenous cooperation regulations and collaboration approaches;
- Assessment of Impacts on Indigenous Peoples and Rights;
- Participation in Impact Assessment;
- Indigenous Capacity Support Program; and,
- Indigenous Knowledge.

The Agency noted it was leading a series of workshops with Indigenous organizations and communities and outlined how it plans to continue to engage with Indigenous organizations and communities in the upcoming months.

To focus the work of the Committee, members were asked to consider what priority areas they would like to focus on going forward. The Agency will update these documents over time based on input and consultations with communities.

Agenda item: Agency Research Priorities

The Agency sought the Committee's views on the Agency's priorities for "Targeted Research," situating it in the context of its 5-year research plan. An overview of past research was provided. Members suggested cumulative effects and adaptive management as a potential area for policy research.

Agenda item: Policy Discussion – Indigenous Knowledge

A member of the Interdepartmental Task Team on the Environmental and Regulatory Reviews presented the collaborative work (coordinating with the Agency, Transport Canada, Department of Fisheries and Oceans and Natural Resources Canada) on drafting an Indigenous Knowledge (IK) Policy Framework for project reviews and regulatory decisions. The draft Framework will build on existing best practices and expertise to support consistency, transparency and predictability across federal departments.

The Agency also provided a brief overview of interim procedural guidance on IK under development that aimed at supporting practices under the IAA.

Members discussed the following topics:

- The Guidance materials need to be clear about the intended audience.
- The distinction between Indigenous Knowledge shared in meetings with a community in general and studies done for the purpose of collecting IK.
- How to reconcile differences between IK and Western Science to ensure consideration on an equal footing.
- The importance of determining impact of IK on project outcomes.
- Concern that Indigenous Knowledge provided may be subject to scrutiny unlike Western Science.
- The enforcement provisions available in cases of unauthorized release of IK.
- The role of Proponents for carrying out obligations for collecting Indigenous Knowledge.

DAY 2 – JULY 19, 2019

Agenda item: Collaboration with Indigenous Communities

The Vice-President of the Agency's External Relations and Strategic Policy Sector spoke to the importance of the Committee and led a discussion on how the Agency can better collaborate with Indigenous peoples going forward.

Members highlighted their experiences and noted a number of best-practices and examples for further consideration:

- The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) Indigenous Knowledge Committee;
- Canadian Coast Guard Risk Assessment of Search and Rescue;
- Ajax Mine in Kamloops British Columbia;
- Collaboration on design and location of the Three Nations Crossing project;
- Squamish Nation and Woodfibre LNG collaboration; and

- Alberta Pacific Forest Industry and the development of an Aboriginal Policy to go through Environmental Assessment (EA).

An Agency official provided an overview on what has been done to date to collaborate on policy development, including a series of technical workshops, launching a Capacity Support Program, providing community-level funding to support feedback in the engagement process, as well as working with this Committee to develop approaches to go back into communities for engagement sessions.

Members discussed the following issues:

Collaboration

- Variance in community capacity to participate in the EA process.
- One member suggested that communities might not be prepared to carry out Indigenous-led assessments. Guidance document captures these issues for the collaboration process.
- Looking at evaluating capacity support in communities to determine adequacy of funding provided. The Committee could review what the TISG would mean from a resources perspective.
- An example in British Columbia was provided when five project applications were filed at one time in the energy corridor. Emphasis should be on land use planning and management, supported by the government to ensure proposals have feasible timelines

Public Interest

- Members questioned the relative importance of economic benefits in the decision-making process.
- Members discussed the importance of re-investing economic benefits towards preserving ecological integrity.

Agenda item: Draft Tailored Impact Statement Guidelines (TISG)

An Agency official presented an overview of the TISG and invited the Committee to provide comments on the draft version, particularly with respect to engagement, establishing baselines on Indigenous Rights and effects to Indigenous people (section 19).

Members discussed the following issues:

Engagement timelines

- Members discussed pre-consultation with Indigenous communities, to see communities engaged before the process with the proponent begins.

Community/Federal Responsibilities

- Members questioned the appropriate role of proponents in the assessment of impacts on rights. This was noted for future discussion.

Agenda item: Member's Interests and Planning for Forward Agenda

- Members noted a number of important issues in terms of working together going forward:
- Clarity on Agency expectations for Member's feedback;
- Focusing work on priority areas;
- Co-developing the agenda and adhering to it; and,
- Ensuring co-chairs are leading discussions.
- The co-chairs led a discussion on the importance of building a trusting relationship with other members and the Government of Canada (i.e. providing feedback on why recommendations by Committee were not taken by the Agency), in order to contribute to a healthy dialogue.
- Members agreed that priority areas going forward would be determined at a September teleconference.
- The next meeting will occur November 6-7, 2019, location TBD.

Indigenous Advisory Committee

Action Items from July 18-19 Meeting

Secretariat Action Items:

- Prepare meeting minutes for Members to review and finalize.
- Create a GC collaboration site to facilitate document sharing.
- Provide a list of the draft guidance materials that are targeted for release this summer and future policy priorities to inform the Committee's work planning.
- Post documents including past research on Gender Based analysis
- Share Draft Interim IK Policy Framework with members once available.
- Share additional information from the Department of Fisheries and Oceans on the modernized Fisheries Act.
- Inform members how widely draft documents can be shared.
- Share communications products with Members announcing the Committee before posting online.
- Organize teleconference in September to support follow-up action on items.

Members' Action-items:

- Revise draft Terms of Reference prior to the next meeting.
- Discuss the process for having external observers at the next meeting.
- Provide any ideas for short term research priorities within 2 weeks and longer term suggestions to Secretariat.
- Review and discuss list of Agency priorities and settle on Committee priorities for discussion at September teleconference.
- Provide any additional comments on the TISG to Secretariat; a revised interim version will be posted online.
- Determine location for Meeting # 2 (November 6-7, 2019)

Attendees

Co-Chairs

Elmer Ghostkeeper

Sue Chiblow

Committee Members

Rachel Olson
Stanley Oliver
Suzie O'Bomsawin
Kyle Vermette
Angel Ransom
Deana Sappier
Paul Jones
Melody Lepine

Regrets

Jocelyn Gosselin

Canadian Environmental Assessment Agency

Ron Hallman
Brent Parker
Susan Winger
Steve Chapman
Miriam Podalsky
Erin Groulx
Janice Zeitz
Emily Fairbairn
Alana Green

Interdepartmental Task Team on the Environmental and Regulatory Reviews

Allan Clarke

Date modified:

2019-11-25