

Summary of the Indigenous Advisory Committee (IAC) Meeting

January 10-11, 2023

Vancouver, BC - Hybrid Meeting

Meeting Objectives

- To hear an update from the Joint Sub-Committee work on Indigenous Knowledge and Science in the decision-making space.
- IAC to provide feedback on Phase two work for assessing impacts on rights operational guidance.
- Discuss path forward for Emerging issues from workplan including: Committee reporting update, Circle of Experts work and draft Chapters for discussion paper, and input on Agency-specific guidance.

Agenda item: Introduction & opening remarks

The meeting began with a cultural welcome and an opening prayer from an Indigenous Elder. An Impact Assessment Agency (Agency) official provided Agency updates on Agency organizational changes to senior leadership and the creation of a new Indigenous Relations Sector. An update was also provided on ongoing Agency work including the development of a Reconciliation Framework, which will be brought back to the Committee for discussion in March.

Agenda item: Indigenous Knowledge Policy Tools in Impact Assessment: Review of Template for Letter to Document Confidential Indigenous Knowledge

An Agency official provided an overview of a letter template to document confidential Indigenous Knowledge (IK). This template is a tool to use when an Indigenous community has informed the Agency that they wish to provide confidential IK. Members highlighted several considerations including:

- Respecting Ownership, Control, Access, and Possession principles;
- Impact on data collection; and,
- Understanding the need for providing IK for smaller Agency-led projects;

Agenda item: Circle of Experts update

An IAC member provided a milestone check-in for the Circle of Experts for the Indigenous Cooperation Agreement Regulations including progress from recent meetings and input to date on the approach for national engagement on the discussion paper. An Agency official walked through draft chapters for Indigenous Cooperation Agreements to identify potential challenges and seek input on an approach for national engagement and co-development.

Introduction/vision Draft Chapter:

An Agency official provided an overview of the vision of the discussion paper which focused on Indigenous cooperation agreements, a potential new mechanism for cooperation between the federal government and Indigenous Peoples in assessment processes. Members highlighted the importance of using smaller project examples in the discussion paper.

Powers, Duties and Functions Draft Chapter:

An Agency official walked through what it would look like exercising powers, duties and functions (PDFs) under the *Impact Assessment Act*. Members noted nuances between jurisdictions and being able to consent i.e. Free Prior and Informed Consent. Members also noted the importance of shared decision-making, even when there are competing interests.

Capacity and Readiness Draft Chapter:

An Agency official continued the discussion on the Capacity and Readiness draft chapter, outlining varying levels of capacity required to negotiate agreements, and carry out assessment powers including: technical capacity, governance capacity and territorial identification. Members highlighted the importance of understanding timelines and flowing funds for long-term stability and project-specific activities.

Nature of Agreements Draft Chapter:

An overview was provided on the Nature of Agreements draft chapter, which covered who is involved, the process to establish eligibility and capacity as well as the required public comment period. Members agreed that other venues should be explored beyond a public comment period for an agreement with an Indigenous community. Members also highlighted the importance of resources and ensuring budgets can fulfil the mandate to tangibly put UNDRIP principles into practice.

Proposed Engagement Approach:

An overview was also provided on the proposed national engagement approach, which will allow the Agency to seek views from Indigenous rights holders across Canada on issues contained in the discussion paper and to inform the development of the policy approach, and eventually the regulatory package. Members provided tangible feedback on timing for engagement activities, funding for both workshops and written submissions, and the importance for providing a rationale on why comments were not incorporated. A multi-layered approach was also suggested to include both the National and regional levels throughout the engagement process.

Agenda item: Assessing Impacts on Rights Sub-Committee Update

The Sub-Committee Champion presented the preliminary draft for the second phase of this work building on previous principles to develop operational guidance to proponents with regards to Impacts on Rights. Members agreed that the phased approach is necessary due to the complexity of this subject. There was consensus this topic could flow into the next fiscal year.

Agenda item: Indigenous Knowledge and Science Joint Sub-Committee work update

The Champion provided an overview of the Sub-Committees work to date which will focus on the consideration of IK and Science in the decision-making phase. The deliverable will indicate an equitable analysis with Science and IK, and serve as a tool for Agency products including the IA Report. The Committee discussed examples of working with scientists and/or Elders or Knowledge holders in an effective way.

Agenda item: Emerging Issues – IAC Progress and Impacts Report

The Co-Chair provided an overview of the IAC Progress and Impacts Report, a public facing communications piece that will provide an update o IAC. Members were engaged on structure, additional content, translation to Indigenous languages, and visuals. Members agreed the document should capture IAC values such as consensus-based decision-making.

Agenda item: Overview of Early Planning with Early Lessons Learned

An Agency official walked through a high-level overview of the differences between EA under CEAA 2012 and IA under the *Impact Assessment Act* as a follow-up to a previous meeting on the Agency's internal processes. Members discussed challenges and opportunities for capacity resourcing recognizing the need for processes to be in place for funds to flow directly to communities.

Agenda item: Emerging Issues: Upcoming Breadth of Consultation Assessment Guidance

An Agency official provided a high-level overview of the Agency's breadth of Consultation Assessment guidance, a frequently asked questions document for proponents on completing a preliminary consultation analysis. Members highlighted several important considerations including:

- Collaborative approaches to notify affected communities, talking with communities as opposed to relying on public data;
- Analysis through strength of claim;
- Ensuring an inclusive list of affected communities, disclosure requirements and potential side effects; and,
- Verification process/GIS mapping when assessing if a community is facing a potential impact from development

The meeting ended with a closing prayer from an Indigenous Elder.

Attendees

IAC Co-Chairs

Kyle Vermette

Sue Chiblow

IAC Committee Members

Paul Jones

Angel Ransom

Jocelyn Gosselin

Suzie O'Bomsawin

Julia Jennedy-Francis

Derrick Pottle

Stanley Oliver

Melody Lepine

Elmer Ghostkeeper

Rachel Olson

Impact Assessment Agency

Ian Ketcheson

Deborah Quaicoe

Mary Nemeth

Carolyn Dunn

Anna Kessler

Christina Mulvena

Janice Zeitz

Emily Fairbairn