



A FOCUS ON INDIGENOUS PEOPLES

PROPOSED NEW FEDERAL IMPACT ASSESSMENT SYSTEM

The Government of Canada has put forward new legislation proposing better rules for a federal impact assessment system that: **advances reconciliation; respects the rights and culture of Indigenous peoples; and protects and ensures mandatory consideration of Indigenous traditional knowledge.**

Partnerships with Indigenous peoples would be guided by the principles of **reconciliation**, recognizing and respecting their **rights and interests**, and their deep connection to their lands, territories and resources.

The new impact assessment system has been informed by what we heard from Indigenous peoples over the last 14 months and is based on:

RESPECTING THE CROWN-INDIGENOUS RELATIONSHIP

- The purpose of the Act would include respecting Indigenous rights in impact assessments.
- The Government of Canada would consult with Indigenous peoples in the development of policies and regulations for implementation of legislation.
- An Indigenous Advisory Committee would be established for ongoing collaboration and development of policy and guidance.
- The Impact Assessment Agency of Canada would be the single Agency responsible for coordinating Indigenous engagement and consultation for all impact assessments.

BROADENING THE SCOPE OF FEDERAL IMPACT ASSESSMENT

- In addition to environmental effects, assessments would examine health, social, and economic impacts of a proposed project and would include analysis of the proposal's overall net benefit and contribution to sustainability.
- Mandatory consideration of potential impacts on Indigenous peoples, including Indigenous rights and culture, would also be part of all assessments.

ENSURING EARLY AND ONGOING PARTICIPATION IN ASSESSMENTS

- Engagement with Indigenous peoples would now take place before an assessment begins through a new early planning and engagement phase. This would help identify potential issues early on and better inform the proponent's evolving project design.
- An Indigenous engagement and participation plan, developed in collaboration with Indigenous peoples, would outline how parties would work together throughout the assessment.

STRENGTHENING INTERGOVERNMENTAL COOPERATION

- Opportunities for more Indigenous jurisdictions would be enabled with an expanded definition of "jurisdiction" in the proposed Impact Assessment Act.
- Indigenous governments would have greater opportunities to exercise powers and duties under the Act, which would be enabled through regulations to be developed in collaboration with Indigenous peoples.
- Mechanisms to coordinate with assessment processes under Modern Treaties would also be expanded, including option to exclude Treaty territory from application of the Act.

STRENGTHENING TRANSPARENCY AND PUBLIC PARTICIPATION

- Expanded and streamlined participant funding would be available to support Indigenous participation.
- Funding to support capacity development in Indigenous communities.
- New requirements to include rationale in decision statements at end of the process including how impacts on Indigenous peoples and rights were considered.

CONSIDERING INDIGENOUS TRADITIONAL KNOWLEDGE AND SCIENCE

- Legislation would require mandatory consideration of Indigenous traditional knowledge.
- Tools and guidance to improve how Indigenous traditional knowledge is gathered and considered in assessments, alongside science, would be co-developed with Indigenous peoples.
- The confidentiality of Indigenous traditional knowledge would be protected from unauthorized use or disclosure.

ADDRESSING CUMULATIVE EFFECTS

- The Government of Canada would collaborate with Indigenous peoples in regional assessments to inform project assessments and guide planning and management of cumulative effects.
- Cumulative impacts on Indigenous peoples and their rights would be considered in regional assessments.