

TOOLS FOR INDIGENOUS-LED IMPACT ASSESSMENT

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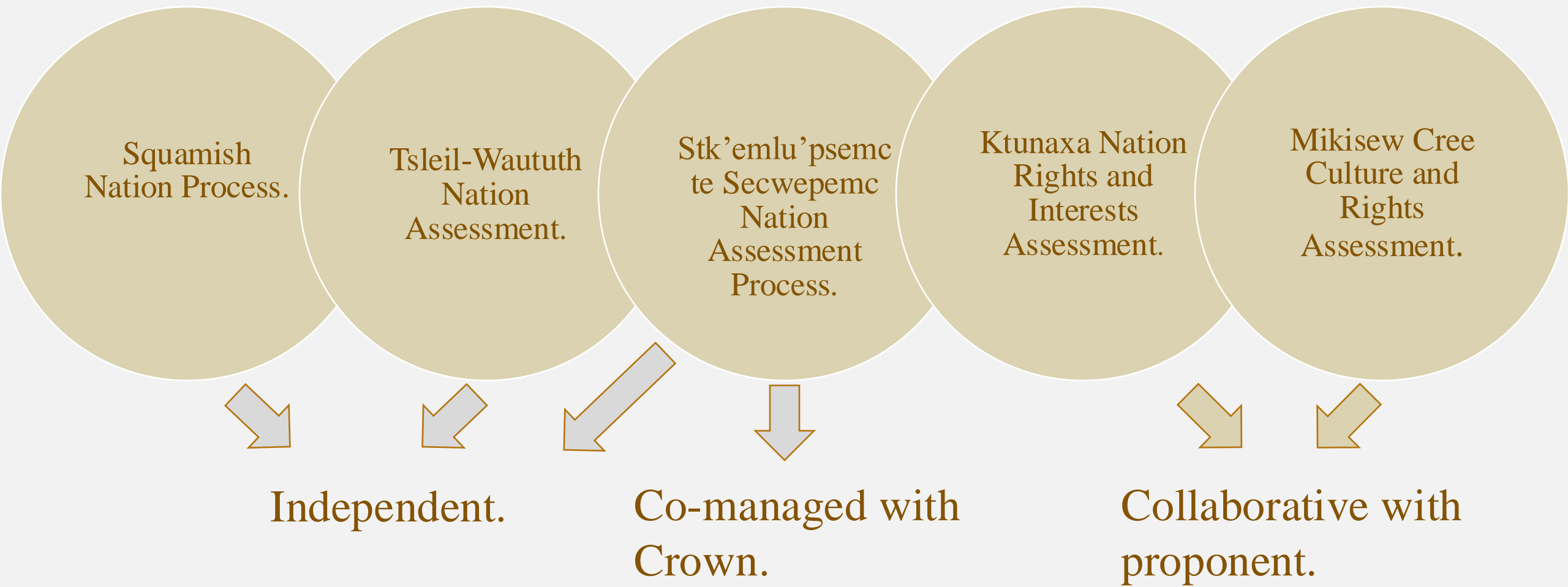
TOOLS FOR INDIGENOUS-LED IMPACT ASSESSMENT, OUTLINE FOR TODAY

- Models for Indigenous-led Impact Assessment
- The tools:
 - Land use planning
 - Land use and consultation policy
 - Formal agreements
 - Customized review panels
 - Impact and benefit agreements
- Reactive vs Proactive Approach

MODELS FOR INDIGENOUS-LED IMPACT ASSESSMENT

- **Independent Model:** Indigenous Nations/Groups conducts the assessment independent of the Crown and proponents.
- **Co-managed:** Indigenous Nations/Groups work alongside the Crown impact assessment agency.
- **Collaborative:** Indigenous Nations/Groups work alongside the project proponent to assess some or all project impacts.

Indigenous-led impact assessment process models



LAND USE PLANNING

- Land use plans can be used by Indigenous Nations/Groups and their communities to predict and accommodate human impacts, while also articulating their vision for land uses with their territories.
- Land use plans may be used to clarify acceptable land uses and resource management issues. Land use plans can further help with clarifying boundaries, completing studies and baseline data collection, and creating short and long-term objectives.
- E.g., Mikisew Cree Culture and Rights Assessment

LAND USE AND CONSULTATION POLICY

- Sets out when and where an assessment may be required.
- Can be designed to articulate expectations for how Indigenous Nations/Groups expect to be recognized and interacted with.
- A tool for communicating governance and implementing Indigenous legal orders. For example, can include how land-based decisions will be made.
- E.g., Tsleil-Waututh Nation Assessment

FORMAL AGREEMENTS

- Implementing an ILIA process that ensures meaningful consideration within the Crown EIA activities requires a formal agreement with proponents and/or the Crown, prior to the start of the assessment.
- Can take form as a co-management/joint-management/G2G framework agreement.
- The degree to which power and responsibility is shared can be established through such agreements that guides process model, funding, scope, and how the Indigenous-led assessment will be considered by proponents and/or the Crown assessment Agency.
- E.g., Squamish Nation Process; and SSN Assessment Process

CUSTOMIZED REVIEW PANELS

- Review Panel: A group of people selected to help guide systematic decision-making.
- A customized review panel can be created and applied for an Indigenous-led impact assessment.
- The customized review panel may include selected community members, leadership, and/or staff that are tasked with deep engagement throughout an assessment to ensure that the team involved- and the work they produce- understands and incorporates Indigenous values, interests, and principles.
- E.g., SSN Assessment Process

IMPACT AND BENEFIT AGREEMENTS

- Impact and benefit agreements can take place as a legally binding arrangement between Indigenous Nations/Groups and project proponents to establish compensations and benefits that Indigenous communities will receive in exchange for their support for a project proposal.
- Can be used to ensure that adequate mitigation measures are included that increase positive impacts and decrease negative impacts.
- Best negotiated following assessment determinations regarding severity and acceptability of impacts.
- E.g., Ktunaxa Nation Rights and Interests Assessment.

REACTIVE VS PROACTIVE APPROACH

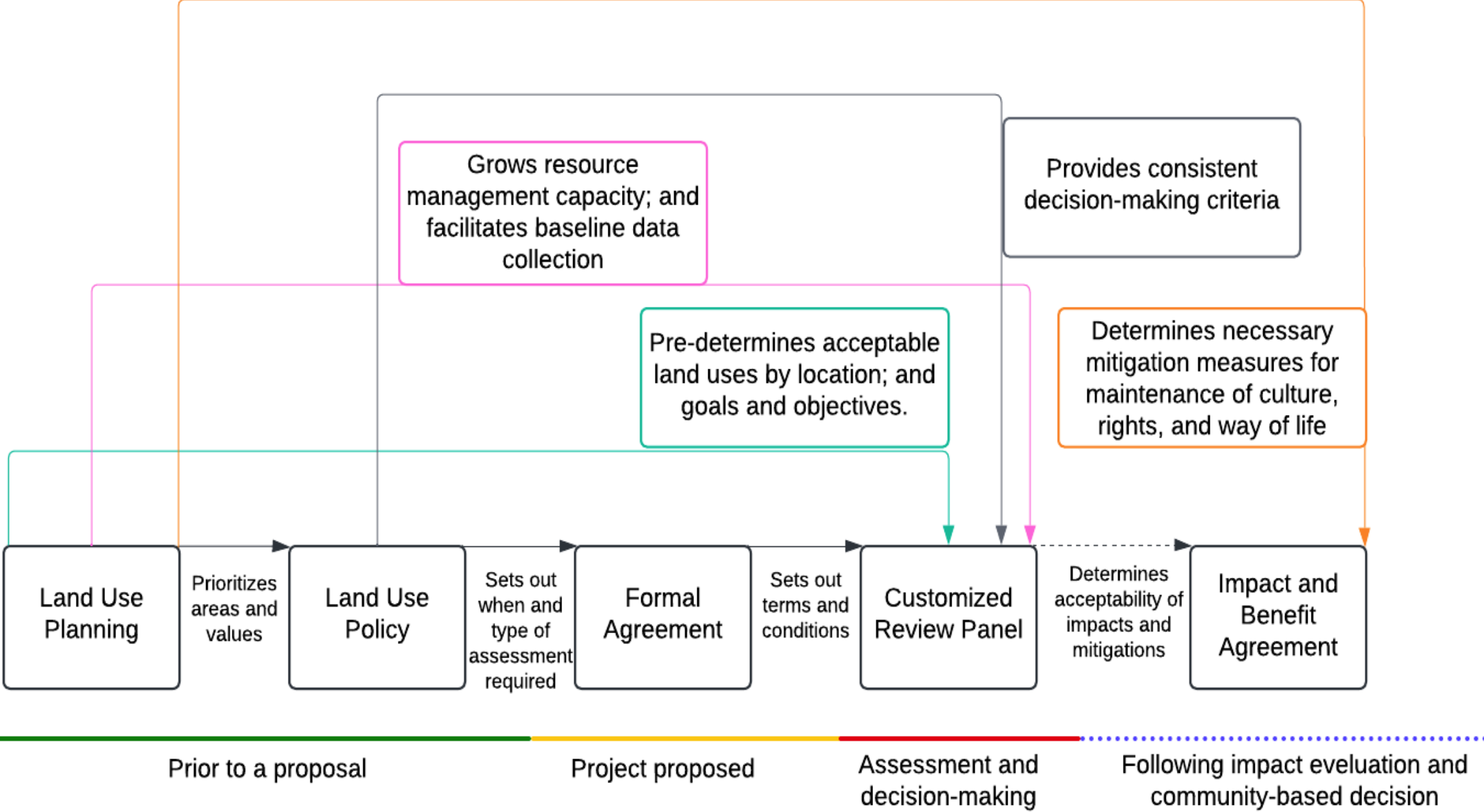
Reactive approach to Indigenous-led impact assessment

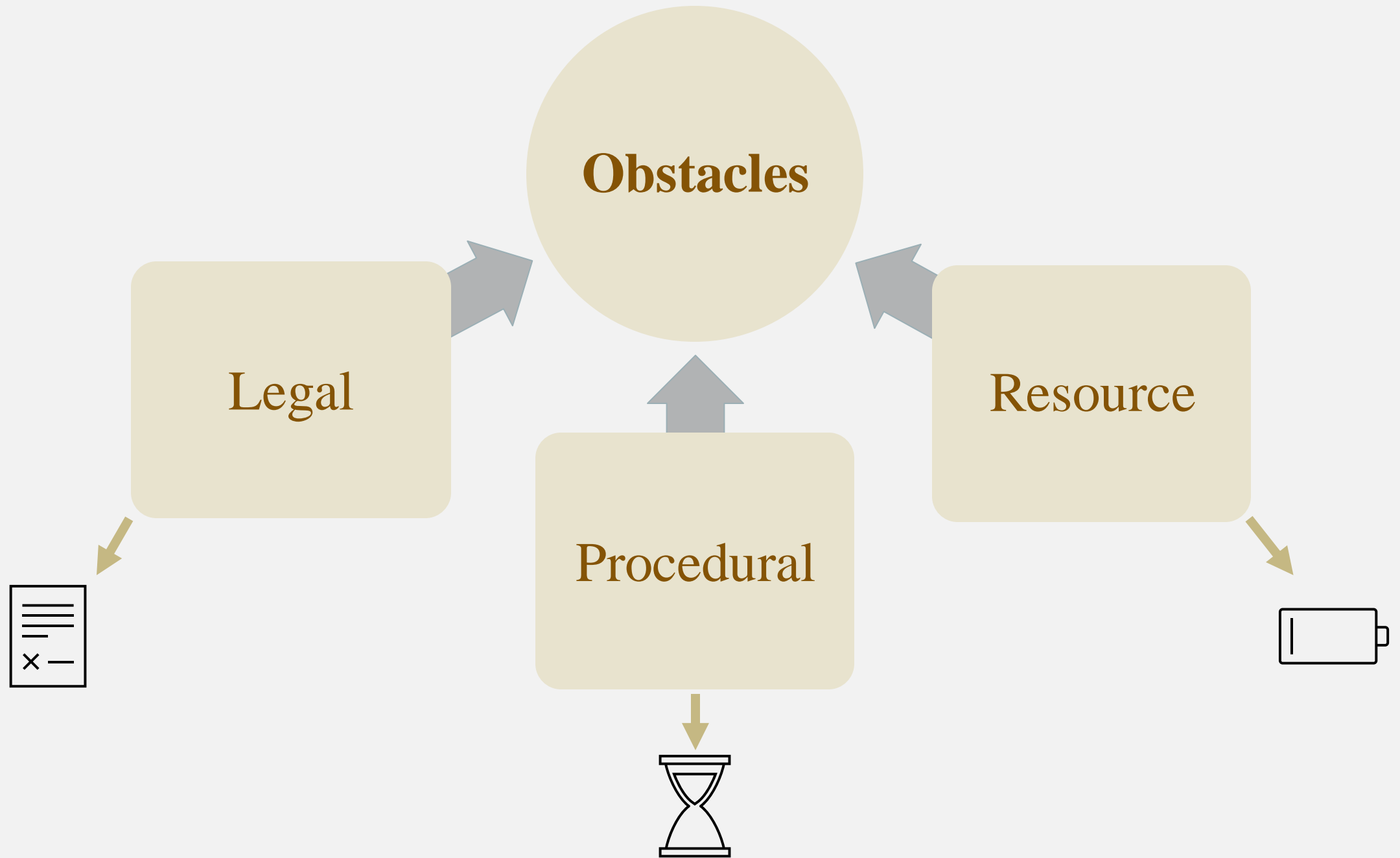
- An ad hoc assessment process created in response to a particular development proposal.

Proactive approach to Indigenous-led impact assessment

- An assessment process that is developed prior to (or in anticipation of) development proposals.
- What are the components of a proactive approach?

OPTIONS FOR A PROACTIVE APPROACH





RESOURCES: WHERE TO LEARN MORE

Indigenous-led Impact Assessment, An Introduction (key concepts and ideas)

- <https://ok-ear.sites.olt.ubc.ca/files/2023/01/Indigenous-Led-Impact-Assessment-An-Introduction-CEAR-UBC.pdf>

Indigenous-led Impact Assessment, Case Study Examples

- **Tsleil-Waututh Nation Assessment:** <https://ok-ear.sites.olt.ubc.ca/files/2023/01/The-Tsleil-Waututh-Nation-Assessment.pdf>
- **Stk'emlu'psemc te Secwepemc Nation Assessment Process:** <https://ok-ear.sites.olt.ubc.ca/files/2023/01/The-Stkemlupsemc-te-Secwepemc-Nation-Assessment-Process.pdf>
- **Squamish Nation Process:** <https://ok-ear.sites.olt.ubc.ca/files/2023/01/The-Squamish-Nation-Process.pdf>
- **Ktunaxa Nation Rights and Interests Assessment:** <https://ok-ear.sites.olt.ubc.ca/files/2023/01/The-Ktunaxa-Nation-Rights-and-Interests-Assessment.pdf>
- **Mikisew Cree Culture and Rights Assessment:** <https://ok-ear.sites.olt.ubc.ca/files/2023/01/The-Mikisew-Cree-First-Nation-Culture-and-Rights-Assessment-UBC-CEAR-2022.pdf>

Tools for Indigenous-led Impact Assessment

- Nishima-Miller, J., Hanna, K. S., Stacey, J., Senese, D., & Nikolakis, W. (2024). Tools for Indigenous-led impact assessment: insights from five case studies. *Impact Assessment and Project Appraisal*, 42(1), 70–87. Available from <https://www.tandfonline.com/doi/abs/10.1080/14615517.2024.2306757>