

Backgrounder
First Nation-led Impact Assessment
November 2024

This document has been prepared for information purpose to set the stage for the Assembly of First Nations' impact assessment webinar series. First Nations' participation in the webinars does not constitute consultation nor fulfilment of the Crown's duty to consult and accommodate with First Nations in regards to any project or assessment and should not be construed as such.

BACKGROUND

There are a growing number of First Nations leading their own assessments of major projects in their territories.¹ First Nation-led assessments can inform whether a community provides or withholds free, prior and informed consent for a project and the *Impact Assessment Act* (IAA) requires the federal impact assessment to consider them along with other factors.² Examples of First Nation-led assessments have been well documented and lessons articulated³ but there continues to be a need for dialogue amongst First Nations to share lessons learned from these processes.

One outstanding issue to be addressed is to need for adequate funding for First Nation-led assessments. The Impact Assessment Agency of Canada (IAAC) has indicated there is currently a small amount of funding available for First Nation-led assessments through an Indigenous Leadership in Impact Assessment Pilot Project.

Key Resources

Aaron Bruce & Emma Hume, *The Squamish Nation Assessment Process: Getting to Consent*, (2015) online: <https://www.ratcliff.com/wp-content/uploads/2020/10/The-Squamish-Nation-Assessment-Process-Getting-To-Consent-Ratcliff.pdf>

¹ Stk'emlúpsenc te Secwepemc Nation (SSN) conducted its own assessment of the Ajax Mine Project; Squamish Nation Process for the Woodfibre Liquefied Natural Gas Plant and Export Terminal Proposal; Tsleil-Waututh Nation Assessment for the Trans Mountain Pipeline and Tanker Expansion Proposal; Mikisew Cree First Nation Culture and Rights Assessment for the Frontier Oil Sands Mine Project; Ktunaxa Nation Rights and Interests Assessment and the Fording River Operations Swift Coal Mine Expansion; Kébowak First Nation assessment of near surface disposal of nuclear waste at Canadian Nuclear Laboratories Chalk River site; etc.

² *Impact Assessment Act*, S.C 2019, c. 28, s. 1 at s. 22(q).

³ Jeff Nishima-Miller & Kevin Hanna, "Indigenous-led Impact Assessment, An Introduction: Case Studies and Experiences in Indigenous-led Impact Assessment" (2022) [online](#); Jeff Nishima-Miller, "The Tsleil-Waututh Nation Assessment" (2022) [online](#); Jeff Nishima-Miller, "The Stk'emlúpsenc te Secwepemc Nation Assessment Process" (2022) [online](#); Jeff Nishima-Miller, "The Squamish Nation Process" (2022) [online](#); Jeff Nishima-Miller, "The Ktunaxa Nation Rights and Interests Assessment" (2022) [online](#); Jeff Nishima-Miller, "The Mikisew Cree First Nation Culture & Rights Assessment" (2022) [online](#); Kébowek First Nation and Kitigan Zibi Anishinabeg, "Assessment of the Canadian Nuclear Laboratories Near Surface Disposal Facility and Legacy Contamination of Algonquin Aki Sibi" (June 2023) [online](#).

Aaron Bruce et al., Chapter 15: Indigenous peoples' authority, rights and engagement in impact assessment: experiences and perspectives from Canada and Aotearoa New Zealand (2024) online: https://www.elgaronline.com/edcollchap/book/9781800889996/book-part-9781800889996-25.xml?tab_body=abstract-copy1

Dr. Dayna Scott et al., Operationalizing Indigenous Impact Assessment (2023) online: <https://digitalcommons.osgoode.yorku.ca/reports/241/>

Jeff Nishima-Miller, et al., Tools for Indigenous-led impact assessment: insights from five case studies, (2024) online: <https://www.tandfonline.com/doi/full/10.1080/14615517.2024.2306757>

Jeff Nishima-Miller, Case Studies and Experiences in Indigenous-led Impact Assessment (2022), online:

- [The Tsleil-Waututh Nation Assessment.](#)
- [The Squamish Nation Process.](#)
- [The Ktunaxa Nation Rights and Interests Assessment.](#)
- [The Stk'emlu'psemc te Secwepemc Nation Assessment Process.](#)

Jennifer M. Sankey, Using Indigenous Legal Processes to Strengthen Indigenous Jurisdiction: Squamish Nation Land Use Planning and the Squamish Nation Assessment of the Woodfibre Liquefied Natural Gas Projects (2021), online: <https://open.library.ubc.ca/media/stream/pdf/24/1.0402462/4>

Katerina Kwon et al., A new model for selecting valued components in environmental assessment: Lessons from an Indigenous-led cumulative effects management program (2024) online: <https://www.sciencedirect.com/science/article/pii/S0195925524001069>

Dr. Taiiake Alfred, Indigenous Collaboration in Impact Assessment: Challenges and Opportunities (2021) online: <https://taiaiake.net/wp-content/uploads/2021/11/indigenous-collaboration-in-impact-assessment-challenges-and-opportunities-june-2021.pdf>