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> [Technical Advisory Committee on Science and Knowledge](#)

Summary of the First Meeting of the Technical Advisory Committee on Science and Knowledge - June 12-13, 2019, Ottawa

Meeting Objectives

The mandate of the Technical Advisory Committee on Science and Knowledge is to provide the Canadian Environmental Assessment Agency with expert advice on matters related to environmental assessments, impact assessments, as well as regional and strategic assessments. Topics that may be examined by the Committee include scientific, environmental, health, social, and economic issues, as well as Indigenous knowledge. The Committee is comprised of 13 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to engage the members in providing input on three key topics: the Tailored Impact Statement Guidelines template, the draft guidance on Assessing Sustainability under the Impact Assessment Act, and the Agency's research priorities.

DAY 1 – JUNE 12, 2019

Welcome and opening remarks

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 and that the Agency was preparing for the anticipated coming into force of the proposed *Impact Assessment Act*. The President expressed his confidence in the collective expertise of the Committee in providing advice to the Agency to 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. After the lunch break, the Vice-President of the Agency spoke to the importance of the Committee and provided a status update on Bill C-69.

Agenda item: Working together

The co-chairs led a discussion on the approach for the meetings. There was an initial discussion of the most effective manner to provide input to the Agency.

- Members emphasized the need to develop a forward agenda. In order to provide useful inputs they asked the Agency to provide the context, objectives and discussion questions for each agenda item well ahead of the meeting at which it would be discussed.
- 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 a quarterly update.
- The Agency emphasized that it would welcome a diversity of perspectives from members; it would not be necessary to reach consensus. In cases of disagreements, the Committee could characterize the nature of the differing perspectives.

- 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 engaging with the Indigenous Advisory Committee through various mechanisms (e.g., joint meetings, conference calls, etc.).
- Members agreed that at the beginning of each meeting there should be an acknowledgement of the Indigenous traditional territory where the meeting is held.

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.
- Indicate in the mandate section that the Committee is "independent" and that because of that independence the Agency can not speak on behalf of the Committee.
- Clarify the roles of Ad hoc members and observers.

Members underscored the importance on developing an approach to manage media requests. It was noted that the Agency is well placed to support communications. Members are free to speak about the Committee's work in their professional communities.

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. The issue of confidentiality may be addressed further by the Agency and the Committee on a case-by-case basis as needed. Documents shared with the Committee will not be considered confidential, except in specific cases when identified by the Agency. Committee members should identify for note-takers when information is being provided in confidence.

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 co-chairs will review the summary (or minutes) prepared by the Agency before it is sent to the wider membership for comment.

Agenda item: Tailored Impact Statement Guidelines Template

An Agency official presented the draft Tailored Impact Statement Guidelines (TISG) Template. The template has been developed to outline the broad information requirements necessary to submit a completed and detailed Impact Statement for all projects and project activities prescribed by the regulation or designated by the Minister. An interim version will be posted on its website to be updated later.

Members raised the following key issues:

The template approach: The template/checklist approach could give the perception that all of the issues included in the template should be evaluated for every project. It is important to communicate clearly how the TISG are meant to be used.

Significance: It was suggested that the determination of significance be addressed by the template.

Project vs broader assessments: It was suggested that the template should address information needs for regional and cumulative impact assessments. Reviewing the literature and experiences of other federal departments and jurisdictions is likely to provide helpful information and models for the broader assessments. For example, in Manitoba, communities offered many useful suggestions for improving methodologies in a regional cumulative effects assessment subject to review by Manitoba's Clean Environment Commission.

Positive effects: The template needs to place as much emphasis on positive effects as on adverse effects. A neutral approach to gathering information on all potential effects of a project – positive and adverse – will reflect the new approach of the new Act and the interest of the Agency. This will also create opportunities for all advice to give equal and appropriate consideration to both types of effects.

Early Planning: It was noted that a transparent early planning process that identifies community aspirations was important for both the proponents and communities. More emphasis should be added on the early planning stage in the TISG. While proponents would be seeking certainty that all the issues were identified, it was noted that these issues may change and that a reasonable process may need to be found to adapt to changes as they arise.

Socioeconomic data: It was noted that in establishing socioeconomic baselines, considering capacity is crucial (e.g., identifying not just whether there is a hospital, but determining how many beds are occupied).

The Agency should maintain an inventory of information collected for past projects. The template includes data requirements for food security, but members encouraged building linkages between food security and project activities. It was recommended that resources/guidance be provided to

proponents to facilitate the assessment of food security. Likewise, members felt that the Agency should provide proponents with more guidance on in the template on cultural and rights analysis.

Variation: It was felt that the guidelines did not adequately consider the concept of variation. Ontario has some guidelines. It was noted that it will be important to identify thresholds of acceptable change. For each community the threshold of acceptable change might be different; it would be important to engage the community to determine what it is. In the case of a damaged baseline, there may be a rationale for a temporal back cast.

Biodiversity: There needed to be more in the template on biodiversity. It was noted that the ecosystem approach is one of the most effective approaches to address the biodiversity question. The template should require more information on plants.

Climate Change: The guidelines should address the issue of adaptation relative to climate change (e.g., how climate change will affect the project) as well as proposed adaptation measures to be built into projects.

Visual Assessments: Visual assessments may not be needed for all projects, but in some projects this is an issue that would need to be addressed.

Valued components: Establishing relationships between valued components is important. For proponents, it is important to know what they should consider while establishing their relative importance. Social factors should also be included in valued components. Ecosystem health and resilience should be considered. It should be noted how early engagement with Indigenous groups and other stakeholders is intended to factor into determining Valued Components. Clarify CEAA's decision-making regarding Valued Components.

Indigenous issues: Concerns were raised regarding the template's wording about the proponent's role in addressing Indigenous rights. The Crown's responsibility versus a proponent's responsibility should be made clear when it comes to Indigenous rights and potential impacts on those rights.

DAY 2 – JUNE 13, 2019

Agenda item: Assessing sustainability under the *Impact Assessment Act*

An Agency official presented two draft documents on the approach to sustainability under the proposed Impact Assessment Act. One document outlines the methodologies and considerations that practitioners can follow in describing a project's contribution to sustainability; the other provides an overview of the legislative provisions and guiding principles that govern how sustainability should be considered in assessment and decisions-making. The overall objective of the documents are to provide guidance for describing sustainability as an additional lens and principle to apply to impact assessment.

Members were asked to consider the following questions:

- Does the approach seem reasonable?
- Is it clear and practical enough to apply?
- What is missing?
- What other types of documents, tools or fact sheets would be helpful?

Members raised several issues which have been grouped into the following themes:

Conceptual clarity: Some felt that the document was not sufficiently clear in explaining how the concept of sustainability was to be operationalized for impact assessment. It was suggested that international protocols and their sector-specific principles (e.g., hydro) could help streamline the document.

It was suggested that the concepts of ecological thresholds and resilience be further elaborated in the documents and that examples be provided to help proponents understand how the concept could be operationalized.

Tailored guidance on community assessment: The documents give the impression that sustainability assessment is imposed at the end, when sustainability considerations should start during the early planning stage. To support the application of the framework, it was suggested that the Agency should provide guidance on leading discussions with communities regarding their priorities. One member stated the importance of knowing and focusing on these considerations early, rather than having them raised at the end. Another member highlighted the importance of communities' being able to revisit their earlier input on sustainability as the situation could change over the period of the project assessment.

Long term effects and mitigation: The documents need to emphasize that the purpose of sustainability assessment is much broader than the construction of the project. The assessment should encompass the longer-term issues such as climate change.

Members were also concerned that many mitigation measures were outside the scope of the Agency and expressed concern that there was not currently a good mechanism for ensuring accountabilities for follow-up for issues lying outside the scope of the Agency, including complementary measures.

Spatial boundaries: Members pointed out the inherent conflict in how communities and proponents think about boundaries (e.g., project footprint vs. community). Cumulative effects and regional assessment were noted in this regard, and there was a discussion about how these might be better integrated into assessment.

Tools: The Agency should develop a mock-up of an impact assessment following the Agency's approach to sustainability. It was suggested that future foregone analysis would be a useful tool in the context of sustainability. There were divided views on the value of some of the document diagrams as tools; it was emphasized that any diagrams should be clear and easy to understand. Members proposed that case studies and examples be developed.

Agenda item: CEAA's 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. Input was also sought on the Plan's knowledge dissemination component. To guide the discussion, members were given the following three questions:

- What research areas/projects should receive priority in 2019-20?
- What projects may be funded in the next two years (2020-21 to 2021-22)?
- What are best practices for research dissemination?

The Agency will also seek input on these questions from the Indigenous Advisory Committee (IAC).

A suggestion from the committee was to reach out to new talent to benefit from fresh ideas. While funding projects, it was thought to be important for the Agency to encourage innovation. Within the constraint of the small budget, it will be more effective to fund projects focused on existing research and synthesizing best practices.

Another approach suggested by members was to align projects with the Agency's needs. A focus could be research that meaningfully enhances the Agency's guidance documents. For further relevance, the projects could

focus on the new aspects of the proposed Impact Assessment Act.

Members viewed any research that supported the development of guidance documents for implementation of the Impact Assessment Act as a key priority for the Committee. Members also identified a number of specific research areas that the Agency could prioritize:

- Issues related to early planning
- Social and cultural impact assessments in Indigenous communities
- Indigenous rights, use and occupancy
- Health impact assessment, particularly mental health and social determinants of health
- Best practices in implementing the precautionary principle
- GBA + and engaging women of all ages
- Alternatives to and means, using a sustainability lens in alternatives assessments
- Impact of climate change on projects
- Biodiversity guides and methods, and links to Indigenous rights
- Regional and strategic assessments
- Challenges around multi-jurisdictional barriers to address community concerns
- What does it mean to use science in IA
- Role of science and different forms of information in informing assessments and decisions
- How can cumulative effects be better integrated into project-based assessment
- Defining regional assessment

With regard to dissemination, members acknowledged that impact assessment is a challenging field to communicate to people. It was suggested that dissemination to professional practitioners be a condition

of awarding research funds. Potential avenues for dissemination may include the International Association of Impact Assessment (IAIA), its Canadian affiliations, and other professional associations. It was mentioned that Agency would benefit most from presenting research results to multi-stakeholder forums.

Emphasis should be given on translating technical/research findings into plain language documents. The Agency may explore whether digital and social media would be useful in disseminating its research.

Agenda item: Planning for the Committee's Forward Agenda

The co-chairs led this open discussion, inviting members to suggest topics of interest that the Committee might consider for discussion in future meetings. The list below includes suggested possible topic areas in no particular order of importance.

- Tools and guidance to facilitate public interest in decision-making
- Extending the scope of guidance documents to cover significance and adverse impacts and potential for complementary measures
- Responsibility for mitigation measures, in particular for issues outside the Agency's authority
- Use of science in impact assessment
- Integrating traditional knowledge into impact assessment
- Biodiversity hierarchy and methodology
- Impact of climate change on projects and adaptation
- Scoping – 50,000 page reports are onerous for both proponents and communities, how do we narrow the scope to what really matters; what affects project decisions?
- Engaging Indigenous peoples in early planning
- Better methods for understanding community aspirations
- GBA + and how to involve young women

- Alternatives to and alternative means
- Approach to assessing and monitoring cumulative effects
- Better methods for integrating socio-economic factors in cumulative effects assessment
- New ways of doing Regional and strategic assessment
- Evaluating the performance of the new Act

Agenda item: Closing remarks

- The next meeting will be held September 18-19, 2019 in Ottawa.

Technical Advisory Committee on Science and Knowledge

Action Items from June 12-13 Meeting

Secretariat Action Items:

- The Agency Ex-officio member will provide a brief introduction of the TAC to the IAC during the upcoming IAC meeting.
- The Agency will provide quarterly updates to the TAC on how the Committee's advice has been used.
- The Agency will revise the Terms of Reference, working with the co-chairs, and distribute it to the Committee members for review and discussion at the next meeting of the TAC.
- The Agency will prepare Q&As on the Committee, approved by its Communications group, to share with members.
- The Agency will consider the ideas generated by the TAC and IAC in determining its research priorities for 2019/2020.
- The Agency will create a SharePoint site (or a GCcollab group) for members to facilitate the sharing of documents.
- The Agency will send the Impact Assessment Process Overview, when ready, to members.

- Determine dates for the next meetings.

Members' Action Items:

- The Agency requested that the Committee provide initial input on the Tailored Impact Statement Guidelines Template to the Agency.
- Further comments on the Template can be provided at a later date to inform a new version expected in 6-8 months.
- The Agency requested that the Committee provide input on the sustainability document to the Agency by June 21, 2019.

Attendees

Co-Chairs

Kevin Hanna

Darcy Pickard

Committee members

Alistair MacDonald

Gillian Donald

Michel Bérubé

Helga Shield

Mark Shrimpton

Marie Lagimodiere

Glennis Lewis

Hugo Mailhot Couture

Bill Ross

Colin Webster

Regrets

Meinhard Doelle

Canadian Environmental Assessment Agency

Brent Parker

Miriam Padolsky

Steve Chapman

Jennifer Saxe

Robyn Whittaker

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