

Summary of the Indigenous Advisory Committee (IAC) Meeting

January 16-17, 2024.

Hybrid Meeting (Calgary, AB)

The Impact Assessment Agency of Canada's (Agency) Indigenous Advisory Committee (IAC) had a hybrid meeting January 16-17 in Calgary, AB. The meeting opened with a prayer and song from an Indigenous Elder. The IAC Co-Chair also provided opening remarks and the Ex-Officio member highlighted Agency updates.

Agency officials provided an overview on the status of the *Impact Assessment Act* (Act) proposed amendments and engagement with Indigenous groups to date. Committee members had a working session to prepare to provide advice to the Agency on the amendments to the Act. IAC discussed potential amendments, including amendments to clarify that the public interest determination could be based not on "any change," but on "significant adverse" effects in federal jurisdiction. For example, it could be based on a significant adverse impact on the welfare of Indigenous Peoples. IAC members questioned how "adverse" effects will be defined, and whether impacts that an Indigenous community considers "significant" will be considered; and cautioned that thresholds must be considered in context. The following are additional comments raised by IAC:

- With respect to jurisdictional cooperation: there was a comment that it is burdensome working with both the federal and provincial governments, and they would support improved coordination to lessen the consultation burden. They also suggested that Indigenous groups should be involved in the agreements/relationships with the federal and provincial governments.
- With respect to the UN Declaration on the Rights of Indigenous Peoples Act (UNDA), IAC members questioned whether the Agency is currently consistent with UNDA and asked about the government's internal evaluation process for determining alignment with UNDA, the Truth and Reconciliation Commission's Calls to Action, the MMIWG National Action Plan, and other commitments.
- IAC members expressed interest in the amendments to the IAA requiring Indigenous consent. They also wanted to see other changes in the IA process, including more flexible time limits, more resources for Indigenous communities, centering economic reconciliation, and early conversations with Indigenous communities to define engagement and free, prior and informed consent, among other things.
- With respect to how the Agency is communicating about the amendments: IAC members wanted to see impacts to Indigenous Peoples clearly spelled out. They recommended avoiding the word "surgical" in describing amendments and recommended against listing impacts to Indigenous Peoples alongside migratory birds in a list of federal effects, as they felt this reads as if these responsibilities were "on the same level."

On the second day, the IAC Co-Champion of the Joint Subcommittee on Indigenous Knowledge and Western Science with the Technical Advisory Committee (TAC) provided a high-level overview of the subcommittee's deliverable. Members discussed the Indigenous Knowledge and Western Science table tool to be used as a set of guiding principles for decision-makers to consider how

both knowledge systems will be assessed during the IA process. Members also provided feedback on high-level principles. The subcommittee intends to seek present to the Agency at the end of January to have this deliverable implemented for use by decision-makers. It is anticipated that the deliverable will be finalized by the subcommittee at the end of this fiscal year.

Agency officials presented on the regulatory review of the Project List and the Ministerial Exclusion Order. Members noted the need for a criteria list for project descriptions to help strengthen and provide more structure in the evaluation of whether a project triggers an impact assessment. Members noted that Indigenous Knowledge needs to be meaningfully included and considered earlier in assessment process. Members flagged the need to define geographical thresholds at the onset of a project. Members noted that a cooperation agreement is needed between federal, provincial, and Indigenous governments. Members suggested that the Agency consider including critical minerals, carbon capture, well fracking, and newer emerging technologies moving forward.

IAC began discussions on potential priorities for next fiscal year, which will be finalized in March 2024. The Co-Chair recapped action items and provided an overview of the approach for the next meeting. The meeting ended with a closing song and remarks from an Indigenous Elder.

Attendees

IAC Co-Chair

Rachel Olson

IAC Members

Angel Ransom

Paul Jones

Chevaun Toulouse

Walter Andreeff

Florence Catholique

Jocelyn Gosselin

Jennifer Campbell

Melody Lepine

Andre Michel

Stanley Oliver

Day 1 Regrets

Julia Kennedy-Francis

Kyle Vermette

Day 2 Regrets

Paul Jones

Jennifer Campbell

Kyle Vermette

Julia Kennedy-Francis

Impact Assessment Agency

Ian Ketcheson

Debroah Quaicoe

Janice Zeitz

Daniel Ducharme

Sara Quaile

Brenna MacNeil

Patricia McKeage

Kevin Blair

Jenna Wolno

Erin Gilmer