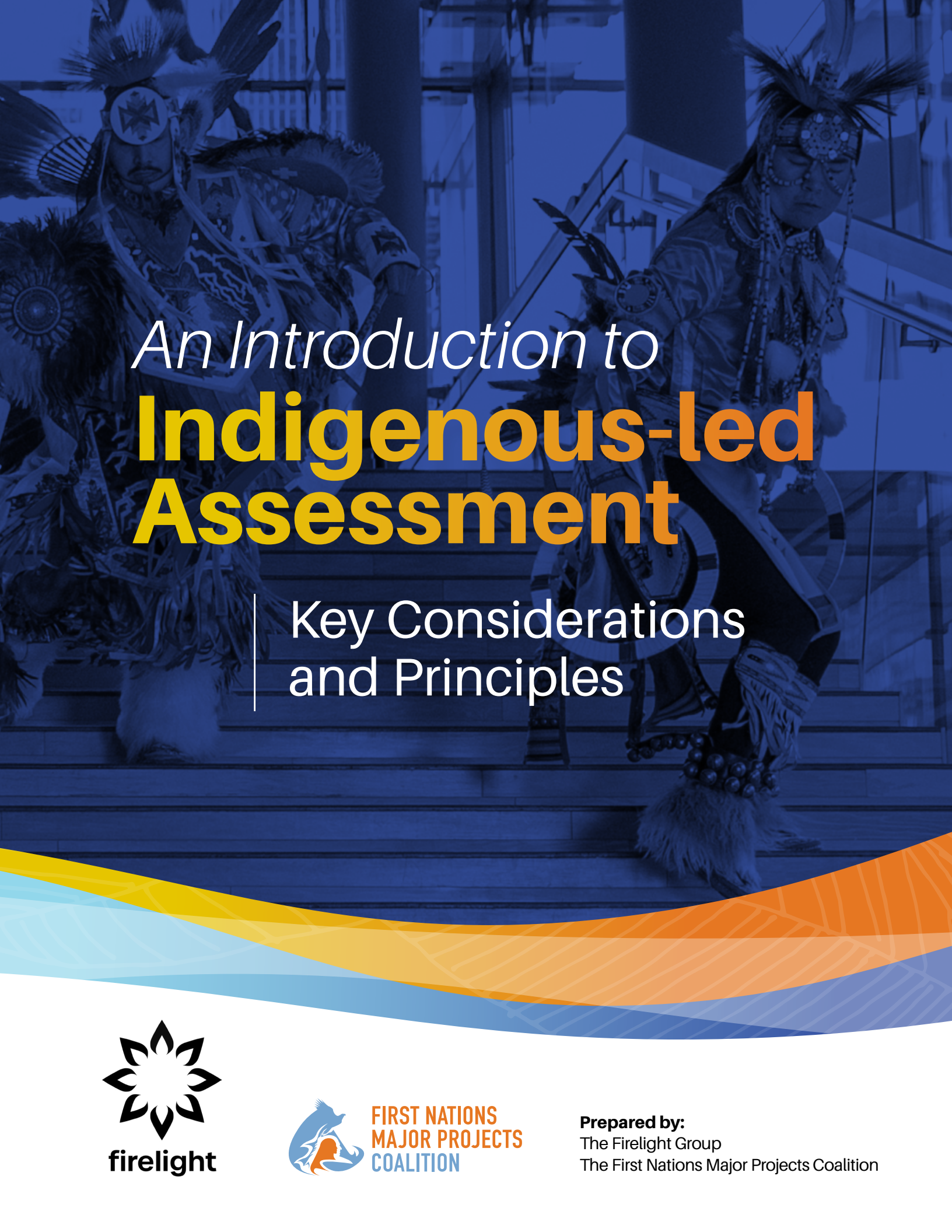




An Introduction to **Indigenous-led Assessment**

| Key Considerations
and Principles



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Table of Contents

Table of Contents	2
Table of Figures	2
Table of Tables	3
Table of Theme Boxes	3
Acronyms and Abbreviations	4
Definitions	5
Executive Summary	6
1. Introduction	7
1.1 Purpose	7
1.2 Who Is This Document For?	8
1.3 How to Use This Document	8
2. What Is Indigenous-Led Assessment?	10
2.1 Emergence of ILA in Canada	12
2.2 Common Key Steps in an ILA	15
2.3 Range of ILA Approaches	17
3. What Do We Need to Consider Before Undertaking an ILA?	24
3.1 What Do We Want to Achieve?	25
3.2 Are We Ready to Undertake an ILA?	27
3.3 What Is Our Relationship With Other Interested Parties in the IA?	28
3.4 How Much Should We Take On in This ILA?	31
3.5 ILA Costs and General Capacity Needs	41
3.6 Summary – Factors Contributing to ILA Success	43
4. Conclusions	46
Appendix 1. Further Reading on ILA Examples	47
Appendix 2: Are You Ready to Undertake an ILA	48
Appendix 3: List of Types of Indigenous-Led Studies and Their Associated Attributes	50
Endnotes	56

Table of Figures

Figure 1. Key Steps in an ILA	15
Figure 2. Range of ILA Approaches (Adapted From FNMPC 2020 Guide)	17
Figure 3. General Costs for an ILA	41

Table of Tables

Table 1. Where to Find Answers to Your Questions in This Guide	8
Table 2. Comparison of Statutory IA and ILA	12
Table 3. Goal and Potential ILA Approaches	26
Table 4. Checklist for Gauging Potential Collaborative Assessment With the Statutory IA Process	29
Table 5. Example Collaborative Assessment Activities With the Proponent and Crown	35
Table 6. Tool to Determine If You Are Well Positioned to Undertake an ILA	39
Table 7. Factors Influencing the Type of ILA to Choose	43
Table 8. ILA Examples and Sources	47

Table of Theme Boxes

Box 1. Additional Resources- FNMPC Guide, Land Managers Toolkit	7
Box 2. What to Expect in Section 2	10
Box 3. Free, Prior and Informed Consent	11
Box 4. Key Takeaways From Section 2	23
Box 5. What to Expect in Section 3	24
Box 6. Relationships With Neighbouring Nations	30
Box 7. Indigenous-Led Studies	32
Box 8. What Do I Consider When Deciding on Indigenous-Led Studies?	33
Box 9. Key Tip	37
Box 10. Key Considerations When Deciding Elements of ILA to Take On	37
Box 11. How Do You Determine If You Have Enough Funding to Conduct Your Own ILA, and What Type? (Cost Calculator Citation, IBA Toolkit Citation)	41
Box 12. Proponent Funding	42
Box 13. Key Takeaways From Section 3	45
Box 14. If Staff Capacity Is Low	48

Acronyms and Abbreviations

BC	British Columbia
CNSC	Canadian Nuclear Safety Commission
DPD	Detailed Project Description
FPIC	Free, prior, and informed consent
IA	Impact Assessment
IAA	Impact Assessment Act
IAAC	Impact Assessment Agency of Canada
IBA	Impact Benefits Agreement
IDP	Initial Project Description
IK	Indigenous Knowledge
ILA	Indigenous-led Assessment
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific, and Cultural Organization

Definitions

Cumulative impacts. Changes to environment, rights, culture, and/or society and their consequences that are caused by the combined impacts of past, present, and future actions.

Impact Characterisation. Describing and evaluating the characteristics of potential positive and negative impacts on a valued component resulting from a project, often using parameters like magnitude, duration, frequency, reversibility, likelihood and geographic extent.

Impact Statement. Detailed technical document, usually in the form of compiled technical reports that can be anywhere between 5,000 and 20,000 pages in length, prepared by the proponent in manner that is intended to meet the requirements set out in the Tailored Impact Statement Guidelines.

Impacts. Positive or negative outcomes of an action or activity that are either directly or indirectly resulting from a project.

Indigenous-led Impact Assessment. A process where one or more Indigenous nations define the scope and process of assessing impacts and identify potential benefits of a proposed project to be responsive to their unique contexts.

Project impacts. Changes to the environment, rights, culture, and/or society and their consequences that are caused by a proposed Project that is undergoing an impact assessment.

Statutory Impact Assessment Process. An impact assessment process that follows a federal, provincial, or territorial statute, such as the federal impact assessment process. (This includes processes by which an Indigenous nation and a federal or provincial government has both agreed to a process through a land claim that is subsequently recognized in a statute.)

Valued Component (or “Value”). Cultural, environmental, economic, health, social, and other elements of the natural and human environment that is identified as having scientific, social, cultural, economic, historical, archaeological, or aesthetic importance.

Mitigation: Mitigation is any action that is designed to avoid, reduce the severity of, or offset/ compensate for a potential project impact. This can be done in many ways, from modifying the project design or moving the location of project components, to improving environmental management systems, among many other options. Monitoring is not considered mitigation.

Residual Impacts: the adverse impacts of a project on a Valued Component or Right likely to remain after committed-to mitigation measures are applied; effectively the impacts of a project that are unlikely to be fully mitigated with committed-to measures in place.

Significance determination / Severity determination. Based on the impact characterization, concluding if a proposed project likely environmental, rights, culture, social, or economic impacts are acceptable or not. This will often inform a final decision about the project.

Executive Summary

This guide provides guidance for Indigenous nations, including First Nations, Métis, and Inuit governments, that are considering Indigenous-led assessments (ILA) for major projects that will affect your territories and people. Indigenous nations are increasingly developing their own culturally relevant ILA processes to inform whether they support and under what conditions they support major projects advancing in their territories. ILAs can be separate from or in collaboration with these existing statutory IA processes. ILAs provide a tool that can assist your Nation to become informed about the project and its impacts and offers a way of engaging with your community and external parties like the Crown and the proponent.

This guide can assist you to design a process that will achieve your Nation's specific goals for an ILA. It draws upon case studies to highlight the successes and challenges that have been faced by Indigenous nations when carrying out ILAs, when collaborating with the Crown and proponents in statutory IA processes, and gathering information to inform the ILA, including Indigenous-led Studies, academic analysis, and regulatory reports.

Section 1 outlines the purpose of this document, who this information is for, and orients you to how to use it.

Section 2 in this guide provides background information on ILAs. A range of approaches for being involved with impact assessments, including but not limited to ILA approaches, is then provided with their strengths and weaknesses.

Section 3 will help you evaluate and decide what approach might work best for your Nation, given your specific circumstances. Particularly important is assessing your Nation's readiness to conduct an ILA and considering how much your Nation is prepared to take on. This section highlights practical factors to inform your assessment and culminates in a summary table outlining factors contributing to success in ILA processes.

ILA practices will continue to evolve. This guide provides foundational knowledge and practical strategies to support Indigenous nations in staying informed about leading approaches, about when there is a prospect of a major project development in your territory, and about whether you wish to take an ILA approach to the assessment.





1. Introduction

1.1 Purpose

The purpose of this guide is to empower your Indigenous nation with information and guidance deciding if you would like to pursue an Indigenous-led Assessment (ILA) and if you do, how to go about planning for and undertaking the ILA. For the purpose of this document Indigenous nation refers to First Nation, Métis, and Inuit governments.

Impact assessment (IA) is the formal process of

- » Considering the potential benefits and risks (impacts) of a proposed project
- » Making an informed decision on whether it should be allowed to proceed
- » Putting conditions in place to protect the environment and people if it is approved.

Increasingly, Indigenous nations have been considering if they want to develop their own culturally specific ILA processes, which can be separate from, or conducted alongside, the statutory impact assessment processes. For the purpose of this document, statutory impact assessment processes follows a federal, provincial, or territorial statute, such as the federal impact assessment process which follows the Impact Assessment Act (2019).

Box 1. Additional Resources- FNMPC Guide¹, Land Managers Toolkit²

This guide is about Indigenous led assessments. As a result, it does not focus on how to engage in Canada's statutory IA processes. More information on that topic can be found in other guides, such as FNMPC's Guide to Effective Indigenous Involvement in Federal Impact Assessment or Treaty #3's Land Manager's Toolkit.

1.2 Who Is This Document For?

This guide is for Indigenous nations interested in considering whether an ILA is appropriate when a major project being proposed in their traditional territory. This guide will help you to consider options and, if you decide to do an ILA for a major project, how to design a process that will achieve your specific needs.

1.3 How to Use This Document

The guide is an introduction to ILA, starting in Section 2 with key characteristics that will help you understand its history, key components, and approaches.

Section 3 offers key considerations that you should consider before undertaking an ILA, including:

- » Defining your goals
- » Assessing your readiness
- » How the relationship with key external parties like the proponent and other governments will affect your approach
- » The level of effort and work required to do an ILA.

Table 1 below provides a guide for using this document and is where answers to common questions can be found.

Table 1. Where to Find Answers to Common Questions in this Guide

Frequently Asked Questions	Information Located In...
What is an ILA?	Section 2.1
How is an ILA different from a statutory IA?	Section 2.1
Why should my nation do an ILA?	Section 3.1
What are the general steps of an ILA?	Section 2.2
Why should my nation set out goals for our ILA?	Section 3.1
How can I know if my nation is ready to do an ILA?	Appendix 2
What factors will contribute to the success of my nation's ILA?	Section 3.6
How much control will my nation have throughout the ILA process?	Section 2.3
How much will an ILA cost my nation?	Section 3.5
Where do I find funding for my nation to do an ILA?	Section 3.5.1

What are the different ways you can do an ILA?	<u>Section 2.3</u>
Which ILA approach should your nation follow?	<u>Section 3.4</u>
How can I make sure that my nation's ILA reflects my community's values and knowledge?	<u>Section 3.4.1</u>
What are some examples of ILAs?	<u>Appendix 1</u>
What is an Indigenous-led Study?	<u>Section 2.3.1</u>
What are the different types of Indigenous-led Studies?	<u>Appendix 3</u>
Should I work with the Crown? With the proponent?	<u>Section 3.4.3</u>
Does my nations' relationships with other parties influence our process?	<u>Section 3.3</u>
What are some common factors that will ensure our nation will achieve our goals?	<u>Section 3.6</u>



2. What Is Indigenous-Led Assessment?

ILAs are defined by United Nations Educational, Scientific and Cultural Organization (UNESCO) as: “a tool to identify the environmental, social and economic impacts of a project prior to decision-making. It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers³”.

ILA is a process where one or more Indigenous nations define the scope and process of assessing impacts and identify potential benefits of a proposed project to be responsive to their unique contexts.

Box 2. What to Expect in Section 2

By the end of this Section, you should have a better sense of:

- » What ILAs are, and how they are different compared to statutory IA processes.
- » The reasons why ILAs have emerged across Canada.
- » The general characteristics of an ILA.
- » The general steps in an ILA process.
- » The different approaches to undertaking an ILA and guidance on how to choose the one that aligns best with your Nation's needs, goals, and resources.

While no two ILAs are the same, most ILAs are generally:

- » **Controlled by the Indigenous nations:** The Nation decides what is studied, how it is studied, why it is studied, and how assessment conclusions are made.
- » **Grounded in Indigenous knowledge:** Oral histories, cultural teachings, place-based knowledge, community field-based mapping, and other information derived from the community is often central to the assessment.
- » **Take a holistic approach and long-term perspective:** There is a greater emphasis on integrated and intergenerational changes across social, cultural, economic, spiritual, health and environmental values, which may be considered outside the scope of Crown.
- » **Inform Indigenous government decision-making:** ILA is used to assist Indigenous Governments when making decisions about a project by providing information on impacts and benefits to guide whether a nation supports or opposes, what it negotiates with the proponent, or what conditions it will impose in permits it issues.

ILAs often take place to inform an Indigenous nation's decision on whether a proposed project should proceed, and the findings may also be considered in the statutory IA process decision, often made by a federal or provincial Minister. ILAs can generate the information needed to understand impacts and define the conditions under which consent may be issued for a project that consider pathways to reduce, avoid, offset, or compensate for impacts, if the project were to proceed. The process focuses on anticipated impacts, which are positive or negative outcomes of an action or activity that are either directly or indirectly resulting from a project.

Box 3. Free, Prior and Informed Consent⁴

The FPIC principle is being integrated into consultation policies by Indigenous nations across Canada to ensure the statutory IA process is held to this principle. When sharing your decision with the Crown, you should make it clear that your Nation expects this standard to be applied.

Several jurisdictions in Canada have set out commitments to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). This includes the commitment to work with Indigenous nations to obtain their Free, Prior, and Informed Consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

This principle has been tested in federal court in a statutory IA context. In 2025 in *Kebaowek First Nation vs. Canadian Nuclear Laboratories* as it pertains to Canada's commitment under their *United Nations Declaration on the Rights of Indigenous Peoples Act*. The statutory IA body, Canadian Nuclear Safety Commission (CNSC) issued approval for Canadian Nuclear Lab's proposed nuclear waste disposal facility, which was challenged by Kebaowek First Nation. The federal court determined that CNSC should have determined if UNDRIP applied to their duty to consult, and that they failed to consider the principle of FPIC. The court directed CNSC to consider UNDRIP and FPIC, quashing their earlier decision and extending the consultation process for the proposal until late 2026 when the CNSC is expected to reconsider their earlier decision.

In terms of process, ILAs differ from Crown processes in two main ways:

1. More dialogue and deliberation of issues, rather than documentation to ensure Indigenous perspectives can be shared extensively.
2. Timelines will be tailored to the specific assessment.

2.1 Emergence of ILA in Canada

Indigenous-led assessment (ILA) emerged in response to dissatisfaction with statutory impact assessment (IA) processes in Canada. While UNESCO defines IA as a tool to identify and predict environmental, social, and economic impacts of projects prior to decision-making, many Indigenous nations have found that conventional IA processes often fail to reflect their values, legal traditions, and knowledge systems. As a result, ILA has developed as an alternative approach where Indigenous nations take the lead in defining the scope, methods, and outcomes of assessments in alignment with their own laws, governance structures, and priorities.

ILA is one way that Indigenous nations are addressing their concerns about IA processes in Canada. Generally, concerns that have been raised include:

- » **Timelines.** The process timelines do not align well with Indigenous governance systems and capacity.
- » **Funding.** Funding covers a very small portion of costs borne by Nations.
- » **How impacts are weighted.** Social and cultural impacts are given less weight compared to biophysical impacts.
- » **Differential impacts.** Differential impacts on Indigenous peoples versus non-Indigenous peoples are not always well established.
- » **Cumulative impacts.** Cumulative impacts are narrowly considered, if considered at all.⁵
- » **Proponent-driven information.** Statutory IA processes (Federal or provincial IA process) rely heavily on information and conclusions provided by a project proponent, rather than an independent party.

A reliance on proponent-driven information can lead to Indigenous nations questioning the credibility of Impact Statements—what the project is, what potential impacts it could have, and how those impacts will be managed or mitigated. Information that considers Indigenous perspectives is often derived through consultation and engagement processes led by the proponent or their consultants and is often presented without a strong understanding of the Indigenous nation that may be impacted by the process. Generally, IA practitioners have not yet learned how to interpret and include Indigenous knowledge in a meaningful and ethical¹ way within the impacts characterization and significance determination process (i.e., what impacts are being assessed and the severity of impacts), instead relying on western scientific knowledge with which they are more familiar.

Table 2 below provides further comparison between statutory IA and ILA.

Table 2. Comparison of Statutory IA and ILA⁶

Consideration	Statutory IA	Indigenous-led Assessment
Indigenous nation Participation	Nations are informing or are partners in a process designed and led by another government	Nation leads process, design, and makes final decision
Factors driving timelines	Project and regulatory deadlines with short timeline pressures	Community requirements for meaningful engagement, often takes longer

¹ See Section 3.6.1 below for ethical considerations in statutory IA and ILA processes.

Legal structures/orders	Legislation, regulation, and policy with little space to expand scopes	Nation-specific laws and stewardship rights/responsibilities; may be encoded in oral history, practices, and other sources
Knowledge and information used	Emphasis on quantitative/ technical and academic sources with minimal practical integration of Indigenous knowledge, despite policies requiring its inclusion ²	Relies on Indigenous knowledge including experiential, sensory, and oral information
Organisation of knowledge	Separated by subject or discipline and examined separately (e.g. water; air; vegetation; flora and fauna; people), referred to as “siloed”	Holistic, recognising interdependency of elements of environment and of environment and people
Assessment goals	Avoidance of significant adverse impacts from the Project and measures to reduce impacts, with a particular focus on Aboriginal and Treaty Rights	Broader range of Indigenous interests, such as best future uses of Indigenous territory and if the Project will help us get there. Looks for evidence of ‘net gains,’ rather than ‘acceptable losses’.
Assessing seriousness of impacts	Focused on significance of project specific impacts, primarily based on scientific or subjective ‘professional opinion’ definitions	Focused on seriousness of total cumulative impacts, based on assessments of health and well- being and sustainability of environments, animals and people, more likely to be highly precautionary
Importance of economic and social values	Weigh economic values at local, regional and national scales are prioritized	Focus on protecting economic livelihoods derived from territory, and social and cultural connection to land over the long term
Time frame over which impacts assessed	Focus on project time frames, including construction and operations with some consideration of closure and post-closure	Based on Indigenous knowledge and is often multi-generational with emphasis on capturing effects over the entire project life cycle including after project is closed
Role for cumulative effects	Only considered if the Project causes a residual adverse impact on a Valued Component, and then cumulative impact assessment are usually narrow and an afterthought to Project-specific impact assessment	Sensitivity to future change and cumulative impacts from all sources are central to Indigenous-led assessments. These factors inform decisions about acceptable futures and whether proposed projects align with them. Indigenous worldviews emphasize intergenerational responsibility, requiring consideration of impacts over at least seven generations to ensure long-term environmental and community health.

Who conducts IA and collects information used

Primarily consultants selected by, and reporting to, proponent, with government staff administering the process and providing recommendations to Ministers

Indigenous nation supported by technical staff and experts chosen by and accountable to the Nation

Indigenous control over decisions

Key decisions lie with statutory IA decision-makers, often a Minister or an assessment body.

Nation may influence these independent decisions (see Section 2.3).

Indigenous nation may decide to approve (including with conditions) or deny a project.

Proponent / statutory IA decision-maker may be more or less influenced by the Indigenous nation (see Section 2.3)

Indigenous nations have turned to ILA – separate to or alongside the statutory IA process – to more closely align with their priorities, ways of knowing, governance systems, and to increase their role in decisions over developments that have the potential to affect their land and water, culture, and livelihood⁸.

Indigenous levels of involvement and their role in decision-making in IA in Canada has been changing for many reasons, including:

- » Modern land claims that set out constitutionally protected provisions requiring Indigenous decision making and social and cultural considerations⁹;
- » Court decisions have clarified the role of Indigenous Knowledge in statutory decision making and confirmed legal justification for using ILA as an expression of self-determination¹⁰; and
- » A commitment to UNDRIP by the Government of Canada and the Province of British Columbia (BC).

The example of Indigenous nations conducting their own ILAs that has created considerable momentum behind ILAs. Early examples like the Squamish Nation's assessment of the Woodfibre LNG Project, the Stk'émli'psemc te Secwepemc Nation assessment of the Ajax Mine Project, and Tsleil-Waututh Nation's Assessment of the Trans Mountain Pipeline and Tanker Expansion Project, have shown that ILAs can be beneficial and effective for affirming Indigenous rights and advancing Indigenous interests. It is important to note that this change is not spread evenly across Canada. Much of this change is occurring in northern Canada, BC, and federally.



2.2 Common Key Steps in an ILA

Most ILAs consist of similar key steps, illustrated in the graphic below.

Figure 1. Key Steps in an ILA





Assessing the Information Against the Project

Analyse the impacts as they relate to what matters to the community by assessing impacts on each of the values your nation has identified.



Evaluating Mitigation Measures

Evaluate the efficacy of the proposed mitigation measures on each of the values and propose new mitigation measures and/or conditions if required



Determining Impact Severity

Assess how serious or lasting the impacts on each of the values your nation has identified, also called severity of impact. This step helps clarify whether impacts are acceptable and how they may affect the things that matter most to your nation.



Validate Conclusions

Ensure that the ILA and its conclusions accurately reflects the community's knowledge and lived experience through community meetings, feedback, sessions, and through engagement with legal counsel.



Making your Decision

Provide the decision to the proponent.



Implementing your Decision

Implement the decision as defined in the scope and objectives of the ILA (and IA process, if the ILA does not fully substitute – see Section 2.3)

Note: The above steps are neither mandatory nor exhaustive. Consider how your existing programming and resources may be used to inform any of these steps, such as:

- » Guardian Programs and environmental management programs to provide important baseline or trend information when you are gathering information on what matters most through research and gathering evidence;
- » Community and land or marine use plans or strategies and development plans to offer guideposts for what projects might be acceptable or unacceptable when you are “Determining Seriousness of Effect / Impact Severity”; and
- » Consultation policies to outline community engagement process steps with proponents when you are defining your relationships with the proponent and the statutory IA process”.

2.3 Range of ILA Approaches

Three generalized approaches to an ILA are outlined below in Figure 2. These are not exhaustive. ILAs can vary by existing resources and capacity available in your Nation to conduct an ILA and the level of independence or control that you want to have over the assessment process. ILAs range from informing an IA using Indigenous-led Studies, assessing impacts in an IA together with statutory IA processes, to deciding if a project should proceed.

Figure 2 below can also be understood as a spectrum of responsibility and control:

- » Control is defined as your Nation's ability to manage and dictate the ILA process, the decision outcome, and how effectively the decision is implemented.
- » Responsibility is the level of work required by your Nation.

For example, as seen In Figure 2 below, an Indigenous-led Assessment is associated with greater responsibility and control than an Indigenous-led Study or a Collaborative Assessment.

Asserting more control often means greater responsibility. Your nation's interest and capacity to manage that responsibility is an important consideration when deciding what approach to take. Even for full ILAs, the statutory IA and legal context, and assessment process are both important considerations for your nation, and some collaborative work is usually undertaken with the proponent and/or the Crown. For example, the decision criteria in a statutory IA may be informed by an ILA or the ILA may draw upon information in the statutory IA. Some entirely independent ILAs, however, may run parallel to the statutory IA process and not influence or be influenced by one another.

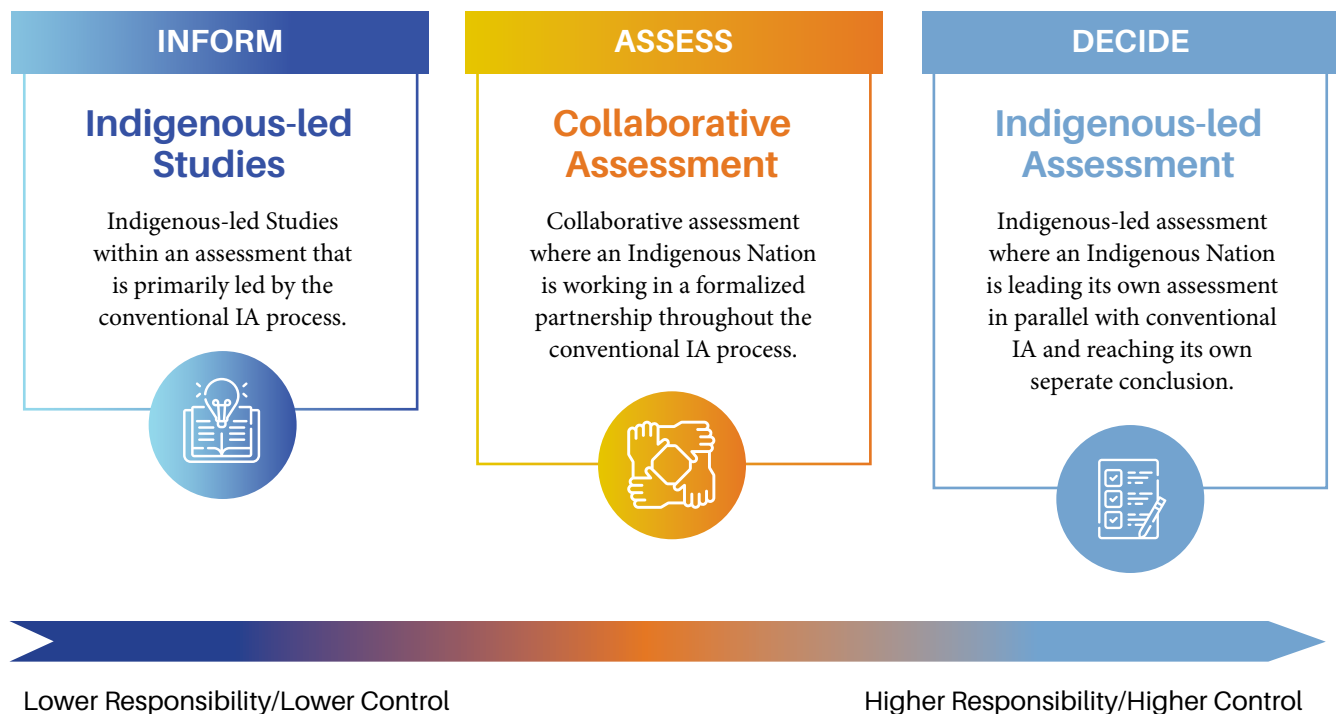


Figure 2. Range of ILA Approaches. Adapted from: FNMPC 2020 Guide¹¹

Approach	Level of Responsibility & Control	Description
Indigenous-led Studies	Lower Responsibility / Lower Control	<i>Indigenous nations lead specific studies or provide meaningful input, but the statutory IA process is still directed and decided by others.</i>
Collaborative Assessment	Shared Responsibility / Shared Control	<i>Indigenous nations work in formal partnership to co-develop or co-lead parts of the conventional IA process.</i>
Indigenous-led Assessment	Higher Responsibility / Higher Control	<i>Indigenous nations independently lead their own assessment process, define methods, and make conclusions alongside or separate from the statutory IA process.</i>





2.3.1 INFORM: Indigenous-Led Studies

Indigenous-led Studies contribute information on what matters most to your nation, the holistic values that guide your nation's involvement in the statutory IA process. Collaborative Assessments and Indigenous-led Assessments (below) will include Indigenous-led Studies.

Pros and Strengths

- » These are more practical when you have limited time, funding, or capacity to coordinate your own comprehensive assessment process;
- » Appropriate when you have less interest, leverage, or capacity in shaping how that IA process is undertaken;
- » Used to describe current conditions and trends for your Nation's important values that are likely to be affected by the project, identifying key issues and likely impacts (e.g. Indigenous knowledge and use studies);
- » Can be done proactively when a project is proposed and, in some cases, prior to the start of a statutory IA process as an early step to save time pressures later. An assessment of seriousness of impacts may be added later;
- » Does not mean that you cannot engage in the statutory IA process.

Cons and Weaknesses

- » Do not always provide for any detailed impacts characterization or determination of severity process, but may be shared externally to inform the proponent's assessment and/or the statutory IA process and IA governing body assessment report and recommendations to their decision maker;
- » There is a risk that it may be misused or misinterpreted.
- » If not done proactively, timelines to complete the Study may be shorter than your Nation would prefer.



Indigenous-led Studies



2.3.2 ASSESS: Collaborative Assessment

Collaborative Assessments with the proponent and/or the lead government agency involves defining methods, determining information requirements, assessing information, shaping conclusions, and informing decisions collaboratively.

Pros and Strengths

- » While you will need to work with the statutory IA process, you can have some influence over the assessment approach;
- » Likely to use Indigenous-led studies to inform the assessment, other information from your Nation's programs, information from the proponent, or other external sources;
- » You may collaborate with the proponent and/or the lead government agency in any way you prefer, such as through workshops, meetings, and collaborative drafting of assessment materials, or a more passive approach that relies on the proponent and/or government agency to draft the assessment materials that you review to ensure it meets your needs and finalise together.

Cons and Weaknesses

- » You still need to work with the statutory IA process, which requires significant time and resources;
- » Requires a higher frequency of communication with external parties and establishing shared expectations, such as through a collaboration agreement or a shared workplan, on the assessment process steps, including timelines and the decision-making process;



Collaborative Assessment



2.3.3 DECIDE: Indigenous-led Assessment

Indigenous-led Assessments are led by the Indigenous nation to achieve their own objectives and may or may not be fully shared with the proponent and/or lead government agency to inform their assessment process.

Pros and Strengths

- » You may follow your nations' existing governance structure and apply those standards for making decisions (e.g. laws, protocols);
- » May use information from Indigenous-led studies or other information such as information from the proponent and publicly available information (including information from the statutory IA process), to inform your nation's decisions;
- » May include a wide range of steps from scoping and methods development to managing staff and contractors to follow up and monitoring after the assessment is completed;
- » You may share the outcomes of this assessment to inform the statutory IA process;
- » You may decide to align your process timelines and scope with the statutory IA process to inform that process, or follow your own timelines and scope;
- » The ultimate outcome is generally your Nation's decision, based on your own governance, rules, norms, and metrics;
- » Ensuring you indicate whether the proposed project may proceed with your free, prior and informed consent is important to ensure the Crown is held accountable to the FPIC principle;

Cons and Weaknesses

- » Requires the most financial and technical resources and the most time to develop the approach, support the process, and undertake the assessment than the other two approaches;
- » If your nation provides a decision to allow the project to proceed, you need to describe the conditions required for it to be allowed to proceed.



Indigenous-led Assessment

2.3.4 Summary and Comparison of Each ILA Approach

Now that each approach has been discussed, refer back to Figure 2. Several key differences between Indigenous-led *Studies*, *Collaborative Assessments*, and *ILAs* are underlined here:

- » Studies often involve research to “inform” the process by gathering information about what matters most to the community. Research may be undertaken with the community and review of secondary existing, written sources to document current conditions and trends over time for certain values and places that may be impacted by the proposed project. Studies provide the foundation of an assessment by describing what exists before a project, capturing Indigenous perspectives on priority values like land use, culture, health, and the environment. Studies *inform* assessments.
- » Assessments go beyond studies—they take the information in these studies and “assess” how a proposed project will impact what matters most to your nation. These are the holistic values likely to be impacted by the project, like the lands, rights, and livelihoods of your nation and key populations within your Nation like elders, youth, and women. Just like the name says, they assess likely outcomes of the project on your nation’s values.
- » ILAs go a step further where Indigenous nations make an independent “decision” based on their own information and evidence, understood through your own worldview, values and laws. These decisions will often take into account the assessments.

Each of these approaches may be coordinated among more than one nation. While coordination can often take more time and effort, efficiencies may be found in the long-run, especially if the nations already cooperate on other activities. Coordination can be challenging if nations vary widely in their capacity and views on the proposed project.

For any ILA approach, the Crown may make a different decision than your nation and may adopt different conditions for the project to proceed. Likewise, the proponent may not adhere to your decision and conditions. Each government jurisdiction and proponent will vary in their willingness and capacity to cooperate.

A consensus on what exactly FPIC looks like in practice has not yet emerged among nations or between nations and Crown governments, despite legislation implementing UNDRIP. However, there are ways you can design your ILA to increase the likelihood that your decision will be followed and respected or reinforced during Crown processes.

For further reading on several ILA examples, see Appendix 1. The next section outlines key considerations to assist you with identifying which elements of an ILA you should take on.

Key Takeaways from Section 2

- ✓ ILAs are different from statutory IA processes and have the following general characteristics:
 - » Controlled by the Indigenous nations;
 - » Grounded in Indigenous Knowledge;
 - » Take a holistic approach and long-term perspective; and
 - » Inform Indigenous decision-making.
- ✓ Indigenous nations are increasingly turning to ILAs to address gaps in statutory IA processes and align the process with their priorities, ways of knowing, and governance systems.
- ✓ Common steps in ILAs include:
 - » Scoping the ILA;
 - » Developing methods;
 - » Engaging with Community Members;
 - » Understanding the Proposed Project;
 - » Defining Your Relationships;
 - » Gathering Information on What Matters Most;
 - » Assessing the Information Against the Project;
 - » Evaluating Mitigation Measures;
 - » Determining Impact Severity;
 - » Validate Conclusions;
 - » Making your Decision; and
 - » Implementing your Decision
- ✓ Nations may choose to either conduct an Indigenous-led *study*, *collaborate* on a statutory IA, or *decide* using their ILA.
- ✓ Your Nation's choice of ILA approach will depend on internal capacity, external relationships, and level of desired control over the assessment.

3. What Do We Need to Consider Before Undertaking an ILA?

Before undertaking an ILA, you will need to determine what are your nation's goals and priorities. These goals are the most important step when defining what parts of the assessment you want to undertake and what topics are most important to assess.

Box 5. What to Expect in Section 3

By the end of this Section, you should have a better sense of:

- » The key considerations to guide you to deciding which type of ILA you will take.
- » Questions to ask when determining the goals of your process
- » What you need to have in place to achieve your goals
- » How your staff capacity, funding, existing plans, and research and monitoring will influence your decision to pursue an ILA

Section 2 provided the following questions to guide you in deciding what type of ILA you will undertake:



1. What level of control does my Nation want to have over the ILA process, the decision outcome, and how effectively the decision is implemented?



2. What level of responsibility and work is my Nation prepared to take on?

To further refine your ILA approach and design, several other questions are needed:



1. What do you want to achieve?



2. Are you ready to undertake an ILA?



3. What is your relationship with other interested parties in the IA process?



4. How much should you take on in this ILA?



5. What is your capacity and funding limitations?



6. Do you have factors that are important for ILA success?

3.1 What Do We Want to Achieve?

Before undertaking an ILA, you will need to determine your goals. These may be quite broad such as accurately assessing impacts on rights to inform your nation's decision to provide or withhold consent for a project. Goals may instead be more specific, such as understanding project impacts on caribou to design a set of caribou protection measures that can be included in an agreement with the proponent.

These goals are the most important step when defining what parts of the assessment you want to undertake and what topics are most important to assess. This should be done very early in the process and will help you understand what funding and information you might need, and how you may want to engage the proponent and other governments.

To set your goals, you should consider:

- » **Centering Indigenous Culture, Language, and Way of Life:** ILA increases your ability to ensure Indigenous culture, language, and way of life are central values that are focused on and protected, in ways that the statutory IA systems may not be fully equipped to consider and manage.
- » **Increased Capacity and Experience:** Conducting an ILA can help develop capacity and experience for future assessments and other community goals, such as land use planning, economic development planning, and land and resource management activities.
- » **Culturally Relevant Engagement:** ILA enables your community to engage within your own cultural framework. This can lead to increased comfort and participation among community members, as the process is designed to share information in ways that resonate with your cultural values and traditions.
- » **Greater Control:** ILA processes empower your community by providing a platform for your voices to be heard and valued. The information generated through ILA can be used to leverage additional funds from the government and develop new policies to protect your territory.
- » **Informing Negotiations:** A well-structured and credible ILA can give you a stronger understanding of the likely impacts and benefits from the project to inform negotiations with proponents. It can enable you to secure an ongoing role in the statutory IA processes and negotiate collaboration agreements, or help you present the conditions your nation needs to protect your territory and community.
- » **Alignment with Sustainable Development:** Indigenous worldviews often prioritize principles of sustainable development and multi-generational planning. ILA processes, when combined with the growing recognition of sustainability principles in Crown-led decision-making, can influence project decisions and lead to better outcomes for your community and the environment.

- » **Influence on the Crown's IA Legislation:** The continuous undertaking of ILA and the advocacy for its importance have played a role in shaping the Crown's impact assessment legislation at both provincial and federal levels.
- » **Relationship Building with Proponents:** An ILA can assist project proponents in fulfilling their legal obligations and building positive, long-term relationships with your community. By recognizing and respecting Indigenous rights and interests as defined by each nation, proponents can improve their proposed project and enhance the project's social license to operate.

Table 3 seeks to provide a roadmap for matching a nation's goal with the ILA approach best suited to achieve this goal.

Table 3. Goal and Potential ILA Approaches

Goal	Potential ILA Approaches
Successfully implement your decision	ILA (and in some cases Collaborative Assessment) may provide greater control over your decision outcomes.
Protect your Indigenous rights, including your right to decide, and respect your laws and norms	ILA and Collaborative Assessment may be the most protective by having more control over procedural elements and holding the Crown to account especially where there is delegated authority to your nation within the statutory IA process.
Protect specific Indigenous rights or part of your territory	ILA and Collaborative Assessment provides more control over the IA process and holding the Crown to account, but Indigenous-led Studies are often needed to clearly show the importance of a resource and/or value that will likely be affected.
Maximize benefits from project / Securing a strong Impact Benefit Agreement (IBA)	To identify issues to inform your ILA or Collaborative Assessment, a study is needed to understand socio-economic impacts and benefits, including how to maximize benefits. Many nations decide whether to consent to the project based on the balance of benefits to impacts.
Centring Indigenous Knowledge in IA	ILA allows for your Nation to decide to centre your knowledge and experience in the IA. Collaborative Assessment may provide space to do this. Information from your Nation is needed to do this well and often comes from an Indigenous-led Study.
Maximizing community engagement	ILA allows for the most robust engagement about the proposed project, its impacts, and how you will design your decision-making process as a nation. Collaborative Assessment allows for some of this, if designed carefully. Indigenous-led Studies do provide for engagement where community members engage in field work or interviews, but this engagement is very limited in time and scope.

Protecting rights without overwhelming community	Indigenous-led Studies are the least costly and resource intensive of the three approaches to ILA. Collaborative Assessment is higher cost and requires more engagement and an ILA is the most community intensive process.
Building a long-term relationship with the proponent	Collaborative Assessment provides the most opportunity to work with the proponent on the entire assessment process, from early studies to long-term implementation of key conditions and benefits.
Drawing attention to an issue or value	An ILA allows you to control the focus of the IA to a specific issue or value. Collaborative Assessments will allow you to negotiate your priority issues and values with the province or federal government. An Indigenous-led Study will help you to describe and share information on a single issue or value (e.g. conduct a caribou study if you are most concerned about caribou).
Focus on cumulative impacts	ILAs tend to have greater focus on cumulative impacts. Statutory IA, even Collaborative Assessments, have generally struggled to adequately define, study, and assess cumulative impacts. Cumulative impacts studies can help to inform your ILA.

In some cases, it may not be beneficial to your nation to undertake an ILA. For example, if the proposed project and its impacts on your nation are well understood and generally agreed upon by all parties, there is no need to undertake your own work. Similarly, if the project is proposed outside of your core territory and has low level impacts on your priority rights and values, an ILA may not offer any additional benefit compared to the provincial or federal assessments.

3.2 Are We Ready to Undertake an ILA?

Before committing to conducting any type of ILA, you should determine your nation's readiness to carry out the process. Key questions you should ask include:

1. Do you have enough staff to undertake this work?
2. Can you obtain sufficient funding to undertake an ILA?
3. Do you have a land or marine use plan, or a community plan, that defines what kinds of activities may take place in specific areas (e.g. zoning) in your territory and under what conditions?
4. Does your nation have existing studies and maps describing community information in the areas directly impacted by the proposed project? Do you actively monitor and record information through programs like an Indigenous Guardians Program?

Appendix 2 outlines how you might want to undertake your ILA based on your answers to these questions.

3.3 What Is Our Relationship With Other Interested Parties in the IA?

Your relationships with other parties interested in the proposed project will influence the overall approach you will take and how likely it is that an ILA will achieve your goals. You will want to ask the following questions to help you determine which approach to undertake:

3.3.1 Relationship with the proponent - *What is your relationship with the proponent?*

Does your nation trust the proponent or is the community hesitant in engaging with them?

Example answers:

- a. Your nation generally has a fair or good relationship with the proponent. You have some confidence that the proponent hears your concerns and will take steps to address your most important issues. – more supportive of a Collaborative Assessment with the proponent.
- b. You do not have a good relationship with the proponent. You do not have confidence that the proponent hears your concerns and do not believe that they will address your issues. – not supportive of a Collaborative Assessment with the proponent.

3.3.2 Relationship with the statutory IA process - *What level of trust do you have in the statutory IA process? Do you want to have more control over the outcome of the statutory IA process? Is the statutory IA process flexible enough to accommodate for your interests?*

Example answers:

- a. You want to work with the Crown and expect that you can influence the outcomes of the statutory IA process to ensure the outcomes of your assessment will address your interests and be implemented by the proponent and government. This will require time and resources. – supportive of a Collaborative Assessment with the Crown;
- b. You have a high degree of trust in the statutory IA process and are generally comfortable with the statutory IA process addressing your concerns when you share information with the Crown – more supportive of an Indigenous-led Study and engaging in the statutory IA process; or,
- c. You do not trust in the statutory IA process and are confident that the statutory IA process will not address your interests. – not supportive of a Collaborative Assessment with the Crown.

3.3.3. More factors to consider to understand your nation's relationship with the statutory IA process:

- » Your level of trust in the statutory IA process will likely be based on your nation's experience participating in the IA process and working with other governments. It is important to note that while the IA governing body will maintain their assumed sovereignty in decision-making¹², you may provide Indigenous-led Studies to inform the key issues and impacts that are considered in the statutory IA.
- » The Government of Canada has not yet implemented aspects of the *Impact Assessment Act* (2019) such as section 33 that allows Canada to delegate an IA under the federal Act to an Indigenous nation when a nation has a system of IA that is at least equivalent in scope and capacity to the Impact Assessment Agency of Canada's (IAAC)

system. Canada has also yet to finalize its Co-Administration Agreement Regulations, which would apply in situations where some sort of delegation of federal impact assessment powers to “Indigenous Governing Bodies” would occur.

- » Not all jurisdictions in Canada have taken meaningful steps to recognize and respect Indigenous rights or implement UNDRIP in IA processes, meaning that ILAs may be provided with varying time and resources and inform the proponent or the statutory IA process to varying degrees. While these external factors may constrain or enable an Indigenous nation in achieving their goals, ILAs are led by nations and for nations.
- » This guidance was drafted when governments across Canada are considering ways of streamlining the conventional impact assessment (IA) process to promote expedited economic development (2024-2025). It is unclear how Indigenous nations will respond and how ILA will change because of this, but it is expected that Indigenous nations will face greater pressure to provide faster responses to proponent and government requests and make decisions faster. It is unclear if more resources will be made available to Indigenous nations to do this work more effectively.

Table 4 below offers a checklist to assist you with gauging whether the existing statutory IA system may be able meet your expectations or not. This can be used when deciding to engage in a Collaborative Assessment with the Crown. In the checklist below, it’s likely that the more times you answer “no,” the less advisable it is that you should rely on the statutory IA process.

Table 4. Checklist for Gauging Potential Collaborative Assessment with the Statutory IA Process

Does the statutory IA system...		
... have timelines that can accommodate for unexpected findings or changes that are protective of Indigenous interests?	YES ☐	NO ☐
...have a track record of protecting your rights?	YES ☐	NO ☐
...provide adequate funds for you to engage in the IA process?	YES ☐	NO ☐
...require proponents to provide adequate funds for Indigenous nations to meaningfully engage?	YES ☐	NO ☐
...have a track record and legislated provisions to assess all the things that matter most to you? (For example, some jurisdictions do not consider mental health, sustainability, or aspects of Indigenous culture.)	YES ☐	NO ☐
...have a track record and legislated provisions that required meaningful integration of Indigenous Knowledge into the assessment?	YES ☐	NO ☐
...have any provisions for sharing jurisdiction and decision-making with Indigenous nations?	YES ☐	NO ☐

...have a policy toward respecting and upholding UNDRIP and the principle of free, prior and informed consent?	YES ☐	NO ☐
...have a track record of making decisions on proposed projects that has aligned with the expectations of Indigenous nations?	YES ☐	NO ☐
...have a requirement for assessing impacts on Indigenous rights which recognizes the need for Indigenous nations to play a central role in that assessment?	YES ☐	NO ☐
...have a track record and provisions that the IA process will be focused on the time necessary to make informed decisions, rather than set and immobile time constraints?	YES ☐	NO ☐
...have “gates” within the process where nation-to-nation consensus and consent are sought?	YES ☐	NO ☐

Box 6. Relationships with Neighbouring Nations

Do you have a strong, collaborative relationship with neighbouring nations? Are you members of a larger association? Are you willing to cooperate with your neighbours to share resources and seek consensus on your decisions? There are benefits to collaborating with neighbouring nations by sharing funding, experts, and staff to reduce overall costs. There is strength in unity, and you may be able to seek greater cooperation from the proponent and the Crown when you are aligned on IA process and information requirements in an IA. There are challenges with collaborating with nations where you may not find consensus, and it often takes more time and resources to ensure good communication, coordination, and information sharing.

3.4 How Much Should We Take On in This ILA?

It is important to remember that the three approaches are not mutually exclusive. You may decide to conduct a Collaborative Assessment with the proponent, based on your Indigenous-led Study, then decide if the project should go ahead based on that work. Alternatively, you may prefer to undertake an Indigenous-led Study and engage your nation's members/citizens to inform your decision and forego any collaboration.

Now that you've selected your general approach, this section helps you focus on which key elements of the process (Section 2.2), this section helps you to define what will be considered through your chosen process.

3.4.1 Identifying the Scope and What Matters Most - *What are your nation's values that are most likely to be impacted by the proposed project and are most important to your nation?*

Indigenous perspectives are holistic and interconnected and many nations find it difficult to separate out and prioritize specific values that will be most directly and severely impacted by a proposed project. Prioritizing specific topics for your ILA to focus on, however, has several advantages such as:

- » Focusing time and energy on priority issues so resources are allocated in the most effective way to achieve your goals;
- » Ensuring that the key concerns are very clear and understood and heard by the proponent and other governments; and
- » Ensuring a focused and defensible assessment, which is needed to inform your nations' leadership and decision makers or external decision makers so they can spend their time on what is most crucial.

Identifying the key issues and concerns early will guide your assessment. Several example issues and concerns commonly identified by Indigenous nations in IAs are:

1. A resource or place is highly important to your nation (e.g. protected, culturally significant) and will probably (or certainly) be negatively affected by the project;
2. Information from your community (Indigenous Knowledge) that does not agree with western science on the risk of the impact;
3. The resource or place that may be affected is sensitive or rare;
4. Impacts to this resource or place can lead to impacts on people and/or the environment elsewhere;
5. Effective mitigation would be difficult or impossible, or the proponent does not commit to necessary mitigations in the assessment;
6. A condition that your nation needs before you will decide to issue your consent for the project; and
7. Your nation believes that the seriousness of the impact is high, and the proponent and the Crown cannot explain why it is not high.

If the above characteristics are in place, your ILA – no matter how large or small it is – should focus on these points. Scoping sessions reaching out to a broad cross-section of your members may be necessary to define and refine these anchor points.

Establishing anchor points early does not mean that new anchor points may emerge during the assessment, or that all initial anchor points may remain critical factors for decision-making at the end of your ILA. Establishing anchor points early helps to ensure that your assessment gets off on the right foot.

3.4.2 What Type of Indigenous-led Studies to Conduct?

Box 7. Indigenous-led Studies

Any ILA no matter which approach you decide to take, will include one or more Indigenous-led Studies. In other words, Collaborative Assessments and Indigenous-led Assessments will also include one or more Indigenous-led Studies.

Indigenous-led Studies are used to document existing conditions in a way that aligns with your nation's understanding of the values that matter most in an ILA. In a statutory IA process, the proponent will provide existing conditions for numerous priority values. Nations have routinely expressed concerns that proponent's baseline studies do not reflect their perspectives, particularly in IA processes that require proponents to assess impacts on your nation's rights and interests. For example, studies of an important species may rely exclusively on western science, focusing on a limited amount of studies that show how the animals behave in relation to noise levels. These studies often overlook local community observations about this species behavior, which can often offer rich detail. Equally, studies may focus their assessment on one species for a scientific reason (e.g. commonly used indicator species), ignoring a comparable species that may have greater importance to the community (e.g. cultural keystone species).

There are many benefits of undertaking an Indigenous-led Study no matter how you choose to be involved in the assessment, such as:

- » To inform community members and leadership about the project and its likely impacts in an accessible way;
- » To provide a venue for the community to be engaged on the project and share knowledge and concerns in a safe space that does not involve the proponent or other governments;
- » To generate more accurate information that better reflects your nation's perspectives and captures your community member's voices in a way that can be used to assess impacts of the proposed project in an ILA or shared with a proponent or other government for use in the statutory IA process; and,
- » To generate and document information that can later be used for other purposes, such as an Indigenous nation's policies and programs (e.g. a traditional use study may document, and map harvesting locations and knowledge and can contribute to an internal database to inform future lands management referrals).

Appendix 3 includes an example list of some types of Indigenous-led Studies and when they might be valuable in an ILA.

Box 8 on the next page provides a list of topics to consider when determining if you should complete any type of Indigenous-led Study.

What do I consider when deciding on Indigenous-led Studies?

- 1 Review and understand existing information first. Your community may have previous studies or monitoring results documenting current baseline conditions on the values that matter most to your Nation;
- 2 Determine if existing information can be used in this ILA by determining if the information:
 - » Describes the current conditions today; and,
 - » Describes the conditions in the locations (or the populations for socio-economic or health studies) most likely to be directly impacted by the proposed project;
- 3 Identify information gaps and determine which gaps are most important to fill – gaps are more important based on considerations outlined in Section 3.4.1 and generally relate to the values or areas most important to your Nation, that is most vulnerable to the proposed project;
- 4 Fill the most important gaps first, especially if there are resource constraints;
- 5 Focus on things connected more closely to project effects (for example, don't do a deep dive on the roots of persistent poverty if the big project issue is short-term localized inflation and housing pressures);
- 6 Emphasize studies and monitoring that maximize community involvement and capacity building, but balance this against risk of “consultation fatigue” which can be common among Indigenous nation members;
- 7 Make your work relevant to the project timeline so that your work will inform the IA process (e.g., don't plan a two-year study for a project where the IA will be complete in a year);
- 8 Identify how far along the spectrum of assessment (Figure 2) you want to go with the study. In the past, Indigenous-led Studies were often only baseline studies, but most Indigenous nations see more control over the effects characterization and significance estimation process in present day. For example, a socio-economic baseline study differs from a socio-economic initial effects characterization or a full socio-economic impact assessment study. Such studies take more time and effort and require different expertise than baseline studies;
- 9 How your Indigenous Knowledge and perspectives are captured and presented is an important consideration. Whereas statutory IA inputs (e.g., reports/studies) are typically technical documents written by scientists (physical, biophysical and social), your studies do not need to be the same. Being different can make a difference. Be true to the laws, norms, ways of sharing knowledge of your Nation in your reporting, rather than altering your reporting to meet the needs of the statutory IA process; and
- 10 Where possible, focus on building a system that can be continued into the future, rather than a one-off study.

Conducting an Indigenous-led Study is an important part of any ILA. You may choose to share this study to **inform** the statutory IA process, but you may also choose to use it to **assess** impacts in a Collaborative Assessment and **decide** if the project should proceed in an Indigenous-led Assessment.

3.4.3 What kind of Collaborative Assessments should you undertake?

If your nation decides not to take on more than an Indigenous-led Study, but you still want more control over the IA process, you may also wish to undertake a Collaborative Assessment with the Crown or the proponent. Each Collaborative Assessment will vary in how much control you have over the process and often depends on the parties, except in cases where there are pre-existing arrangements or legislation. How a Collaborative Assessment will look is usually defined in a Collaboration Agreement.

Several factors may influence how you approach your Collaborative Assessment, such as:

- » Whether you see a better pathway to greater control over the process through engagement with the Crown or the proponent as your primary “partner”. The stronger relationships you have with the proponent and the other government overseeing their IA process (Section 3.3) and the more ready you are to undertake an ILA (Section 3.2), the more opportunity you will have to influence the statutory IA process.
- » Collaborative approaches with the statutory IA process generally require some degree of acceptance of the statutory IA process. If you are in a collaborative assessment with the Crown, Crown Ministers retain ultimate decision-making authority. You must consider whether your nation is comfortable with this arrangement.
- » IA processes are regulatory in nature, which means they follow very prescriptive rules set out in legislation and regulation that the proponent is required to adhere to, and these cannot be easily changed. This can include legislated timelines and a focus on forward-facing, rather than historical, impacts.
- » Agreements can be struck with the Crown that may provide boundaries and rules for the overall collaborative approach. These agreements can apply to all IAs in your territory, specific areas, or specific projects. The federal *Impact Assessment Act* (2019) also provides a method for sharing jurisdiction through co-administration agreements.
- » Despite the regulatory nature of IAs, there may be opportunities to influence any of the key decision points within a statutory IA that may assist you with achieving your goals, such as ensuring that the information you require is included in the information requirements or Tailored Impact Statement Guidelines document developed during the scoping phase of the IA. Each of the common steps in an ILA shown in Figure 1, for example, can be modified to be collaborative. Also see the First Nations’ Major Project Coalitions guides¹³ for more details on effectively engaging with the federal and BC provincial IA processes, respectively.
- » Engaging with a proponent before the regulatory process begins often provides the most opportunity to influence the content of the IA including the scope of the baseline studies and impact analysis, and this can occur several months to years in advance of the start of an IA.
- » Engaging primarily with the proponent requires strong relationship building from the outset of a proposed project and a willing and incentivized partner, but may put certain restrictions on Indigenous nation’s ability to raise any outstanding concerns in the public. Your nation will need to determine what is appropriate within a Collaboration Agreement or Process Agreement with the proponent.
- » What sort of collaborative activities are on offer from the proponent and/or the Crown and how they align with your control and responsibility expectations and goals/objectives related to the IA. Example collaborative activities are identified in Table 5 below. The more your goals align with activities that fit under either the proponent or the Crown collaboration columns, the more you may want to consider whether a Collaborative Assessment is appropriate.

Table 5. Example Collaborative Assessment Activities with the Proponent and Crown

Category	Proponent	Crown
Agreement Types	Capacity Funding and Process Agreement, including shared work planning	Customized Indigenous Engagement and Participation Plan or Co-Administration Agreement, including shared work planning Agreement for Indigenous representation on statutory IA Panel, which are composed of individuals independent from governments and are usually triggered by larger and more complex projects
Scoping and Work planning	Joint drafting of early scoping documents, such as the project description that outlines key issues and alternatives	Jointly developing interim decision points where consensus must be reached (e.g. consensus on information requirements) ¹⁴ Co-drafting aspects of documents describing the statutory IA process steps
Assessment of Alternatives	Joint conduct of alternative means assessments, which evaluates the different ways a project can be undertaken (e.g. alternative routes, technologies, and methods).	Joint drafting of information requirements describing how alternatives need to be considered in the impact statement
Indigenous-led Studies	Funding and integration of Indigenous-led Studies into the proponent impact statement	Joint drafting of requirements describing how Indigenous-led Studies need to be considered in the impact statement
Involvement in Proponent Studies	Priority access for your nation to engage in any project-related fieldwork	
Community Engagement	Joint presentation of the project and assessment to the community	Joint presentation of the assessment process to the community
Co-draft Proponent IS	Co-drafting sections of the proponent's impact statement relevant to your nation	

Adequacy Review of IS	Advance review of impact statement sections prior to finalization	Joint adequacy review of impact statement once it is finalized and part of the statutory IA process Collaborative review of adequacy of proponent responses to information requests Co-host technical meetings to collaboratively discuss shared information and adequacy gaps with the proponent
Negotiations for Protective Measures and Benefits	Set up a joint table to discuss mitigation measures, with the right to negotiate an Impact Benefit Agreement (IBA)	Set up a joint accommodation and consultation table with the Crown to discuss additional mitigations and conditions
Co-draft Crown assessment report and measures		Co-drafting rights impact assessment and other sections of the statutory IA assessment report Co-drafting recommended conditions to recommend to the Minister(s)
Final Decision	Commitment to respect, adhere to and implement your decision and any associated conditions <i>Note: commitment can be made in various ways, including through negotiated agreements or implementation of your own laws. For example, land and water guardians can be tasked with monitoring, compliance, and enforcement activities</i>	Commitment to respect your decision and take it into account when making their own decision.

While your nation may collaborate with either the proponent or the Crown or both, you will likely want to invest more time and energy into one or the other. These questions should be used to assist you with determining who the better partner in a Collaborative Assessment would be. Think of who:

- » ...do you trust more?
- » ...do you need more support to fund your involvement in the IA?
- » ...offers your nation more control over how the IA is conducted?
- » ...offers your nation more control over the timeline for the IA and pre-engagement activities?
- » ...offers you more control over Indigenous-led Studies?

- » ...offers your nation the opportunity to gather and integrate Indigenous Knowledge into the IA?
- » ...offers you more control over the production of key documents for the IA?
- » ...offers you the highest potential to conduct impact characterization and significance determinations?
- » ...do you think is more likely to adopt environmental mitigation/accommodation measures that you require?
- » ...do you think is more likely to adopt social, economic and cultural mitigation/ accommodation measures that you require?
- » ...is more likely to integrate your input into its ultimate decision?
- » ...offers you more direct access to the ultimate decision-makers?

3.4.4 How do you approach an Indigenous-led Assessment?

ILAs are separate from the statutory IA process and can provide more meaningful engagement within your community while giving you control over the impact assessment to inform your decision. Generally, they require the most amount of resources, both human and financial.

Box 9. Key tip

An Indigenous-led Assessment usually requires some involvement with the proponent or the Crown. While it is possible to secure independent funding and gain public attention to implement your ILA, the most common approach is to cooperate with the proponent and the Crown on an Indigenous-led Study and elements of a Collaborative Assessment.

Box 10 provides a checklist of the key process steps and topics you should consider when designing your ILA.

Box 10. Key Considerations When Deciding Elements of ILA To Take On

- ✓ Scoping the assessment is a fundamental step in all ILAs and the values and concerns your Nation are concerned about will differ from the Crown (see Section 3.4.1)
- ✓ Developing methods for your ILA should apply to your priority values, drawing upon your Nation's wisdom and laws, or applying a method that is comparable to the Crown if you choose to conduct a more collaborative approach to your ILA
- ✓ Engaging with community members may occur through your existing governance system or more involved processes like setting up a community panel that makes recommendations to your leadership (see Stk'emplupsemc Te Secwepemc Nation example in Appendix 1)

- ✓ Understanding the proposed project requires information from the proponent who are experts in their project. Information can be shared by inviting the proponent to present information or asking them to host a visit to the site to understand the area that will be affected and the details of proposed activities.
- ✓ Defining your relationships in an ILA is described in Section 3.4.3.
- ✓ Gathering information on what matters most in an ILA is described in Section 3.4.2.
- ✓ Assessing the information against the project, using the methods you developed earlier, may occur with or without Crown involvement, depending on how you defined your relationships.
- ✓ Evaluating mitigation measures and propose new measures and/or conditions to protect what matters most to the standard that you Nation is most comfortable with. This step may require a lot of creativity, experience, and negotiations and will require proponent involvement to understand the feasibility of implementing these measures. If a measure is not deemed feasible, this may affect your assessment conclusions.
- ✓ Determining impact severity, using the methods you developed earlier, may occur with or without Crown involvement, depending on how you defined your relationships.
- ✓ Validate conclusions to ensure the results reflect your Nation's knowledge and experience, ensure legal or other risks are reviewed to ensure results are summarized well to achieve your Nation's goals
- ✓ Making your decision using the governance process you set out, whether it be your existing system or a process designed for this ILA
- ✓ Implement your decision in a way that will best help you achieve your ILA goals.

Table 6 provides a tool to assist you in determining whether your nation is well positioned to take on an ILA.

Factors in red suggest poor conditions to take on more control and responsibility, while factors in yellow suggest improved but not excellent conditions supporting taking on more control and more responsibility. Factors in green suggest excellent conditions for an ILA.

It is important to note that in each situation all the factors need to be considered in combination. There is not magic formula or threshold of enabling factors that must be met. It all depends on context. These tools are to be used to create the dialogue necessary to make informed decisions, not as a replacement tool that will make the decisions themselves.

Table 6. Tool to assist in determining if you are well positioned to undertake an ILA

Factor	Not supportive of ILA	Moderately supportive of ILA	Strongly supportive of ILA
Relative potential level of impact on your rights	Low	Moderate	High
Proximity of proposed project to core territory	Distant from core territory	Close to core territory	Project footprint is entirely within your core territorial lands
Degree of overlap or shared territory where project proposed	Multiple nations with overlapping territory close to project	Few Nations have overlapping territory close to the project	No nations with overlapping territory close to the project
Unity amongst nations with overlap or shared territory where project proposed	Low level of unity	Medium level of unity	High level of unity with potential to collaborate on ILA
Geographic spread of project	Long linear development that traverses several nations' territories	Main project footprint is in your nation's territory with less important project elements outside your territory	Project footprint is entirely within the territory of your nation
Size and complexity of project	Small footprint and capital cost, well known project type	Medium footprint and capital cost, moderately known project type	Large footprint and capital cost, and unknown project type
Cooperation level of proponent	Little to no cooperation	Moderate cooperation or collaboration	Strong collaboration with proponent
Cooperation level of government	Minimal, legal requirements only	Moderate, collaborative elements are built in	High, willing to sign collaboration agreement customised to your nation's needs
Availability of staff	Staff fully allocated	Staff have a portion of their time available	One or more available staff to focus on IA

Experience of staff in IA in similar sector	No or limited IA experience	Some IA experience	Strong IA experience
Nation's experience with ILA and sector	No experience at nation level	Some experience at nation level	Nation has previously completed an ILA and has adopted a similar approach
Availability of funds	Limited to Crown participant funding	Have high potential to negotiate additional funds	Strong capacity to get custom Crown funding and strong proponent funding
Clear plans with objectives and priorities for territory, and established consultation and IA policies and related tools	Little to no plans, policies, or tools	Some plans, policies, and tools	Clear plans for territory, and policies and tools established for ILAs
Available information held in membership or in monitoring databases or studies to describe affected parts of territory or population(s)	Limited to none	Moderate information available	Extensive information that is largely documented through nation controlled datasets (e.g., land use, TK, socio-economic conditions)
Established Guardian Program or similar monitoring, compliance, and/or enforcement team	No existing programs	Program has started and is being built	Strong, well-funded Guardian Program with extensive on-territory data collection and IA experience

3.5 ILA Costs and General Capacity Needs

Figure 3 below highlights the major cost categories you will need to consider when planning for your ILA. Studies are generally least costly. Costs for a high level of engagement with your community and with the statutory IA process will be higher, ranging from several hundred thousand to over a million dollars. When considering Indigenous led Studies alone, these can range from very small and focused on one topic and area (e.g., under \$50,000) to large and consider more than one topic (e.g., over \$300,000). Box 11 below outlines some of these additional considerations.



Figure 3. General Costs for an ILA

To meaningfully participate in the statutory IA process or undertake an ILA, an Indigenous nation should aim to have the following resources in place:

- » Technical staff trained in IA methods and process;
- » Access to subject matter experts and technical support, such as GIS specialists, social and biophysical scientists with expertise in “anchor points” identified during scoping, and knowledge holders; and
- » Access to legal advice.

You will want to have staff who can coordinate meetings, administer and manage funding, supervise technical staff and/or be able to contract the technical expertise you need if not readily available in your community.

Box 11. How do you determine if you have enough funding to conduct your own ILA, and what type? (cost calculator citation¹⁵, IBA toolkit citation¹⁶)

- ✓ There is limited information on ILA costs. In 2018, the FNMPC found that in 12 case studies, Indigenous nations averaged \$488,000 (range = \$193,00 to \$838,000) in costs to engage in statutory federal or provincial IA processes, which are cheaper to engage in than your own independent ILA. This includes studies, staffing, consultants, and community engagement costs.
- ✓ The FNMPC also has a set of “Cost Calculators” for federal and some provincial EA/IA processes, which can help you estimate your total engagement costs, and shortfalls in the amounts of funds available. There are also a variety of publicly available tools to support Nations engaging in the often complex and time-consuming process of negotiating capacity agreements with proponents.
- ✓ Fundamentally, if you have access to less than \$1 million in dedicated funds, you may find it very difficult to conduct an independent ILA and may need to look at other options lower down the ILA spectrum.

3.5.1 Funding Sources

The next step is to determine where the funding for the required resources will come from. It is important to note that the scope and depth of your ILA can often be dictated by the amount of funding available to conduct an ILA and the timelines in the statutory IA process¹⁷.

The **statutory IA process** provides some funding to support Indigenous participation in the statutory IA processes. However, this funding is limited and is designed to cover only a very small portion of the costs of engaging in a statutory IA. The **proponent**, if willing, provides funding for Indigenous engagement in the statutory IA process and often to conduct Indigenous-led Studies and/or ILAs. These funds are negotiated bilaterally through funding agreements, and, in some cases, a high amount of effort and time is required to access these funds. Plus, funding from proponents may require you to restrain the scope of your ILA or limit what can be said in public by your nation, particularly when the statutory IA process is taking place.

Box 12. Proponent Funding

Proponents have greater access to funds to support Indigenous nations in the IA process and may offer fruitful opportunities for both environmental and economic mitigation and benefit measures with Indigenous nations. For most ILAs, most funding comes from proponents. Proponents control much of the timeline around when a project is introduced and when the most important document that fuels the IA process, the Impact Statement, is produced and its contents. The Crown, on the other hand, controls the steps in the process, the information required from the proponent, ultimate regulatory decision and conditions applied if the project is approved, and the adequacy of information presented in the impact statement. As a result, where a collaborative assessment is contemplated, your Nation may want to work hard to determine what you want from both the proponent and the Crown, rather than one or the other.

Other funding sources, such as self-funding, grant-based funding, or other sources, may be available. This can include from sources such as land claims, which provide continuous funding for IAs when required.

3.6 Summary – Factors Contributing to ILA Success

Table 7 provides a tool to help you decide if your situation is well suited to undertake an ILA or a less intensive process to achieve your nation's goals. With these factors in place, you will maximize the likelihood of success of your ILA.

Not every proposed project in your territory will require a full Indigenous-led Assessment. Depending on your nation's goals, capacity, and the nature of the project, a less intensive approach—such as an Indigenous-led Study or Collaborative Assessment—may be more appropriate. In some cases, even when a statutory IA process is not triggered, your nation may still choose to conduct a high-level review or a full ILA to ensure that impacts are considered on your own terms. The key is choosing the approach that best fits your situation while supporting your nation's values, rights, and decision-making authority.

3.6.1 Ethical Considerations

Indigenous nations are increasingly requiring Crown governments to adhere high ethical standards to respect the rights, protocols, and data governance standards of Indigenous nations. This should also be a key consideration in your own ILA. These considerations include but are not limited to:

- » Following OCAP® or local data sovereignty protocols.
- » Securing free, prior, and informed consent.
- » Ensuring participant confidentiality where appropriate.
- » Returning knowledge and findings to participating nations in an accessible format.

Table 7. *Factors Influencing the Type of ILA to choose.*

Characteristic	Consider exclusively undertaking an Indigenous-led Study when...	Consider undertaking a Collaborative Assessment and not an ILA when...	Consider an Indigenous-led Assessment when...
Time available in the statutory IA process	Limited time remaining	Extensive time remaining	Extensive time remaining
Funding available	Limited	Moderate to extensive	Moderate to extensive
Internal IA or sector-specific capacity and experience	Limited experience with IA or sector	Some with external support or lots of capacity	Some with external support or lots of capacity
Level of impact on your nation's core territory, rights and interests	Low to high	Moderate to high	High

Amount of control and responsibility your nation wants over the ILA	Lower	Moderate	Highest
Shared core territory where project impacts are highest	More than one nation has affected core territory	More than one nation or only your nation	Your nation's core territory will be most affected by the project
Degree of opportunity within the statutory IA process to inform the outcome	Low to moderate	Moderate to high	High
Degree of trust in statutory IA process	Low to high <i>*If your nation does not trust the proponent or Crown to use the Study in a respectful, accurate, or meaningful way, then an Indigenous-led Study may not be the most effective approach.</i>	Moderate <i>*If you do not trust the process, you may seek to engage in order to build trust or keep the proponent or the Crown accountable to your nation</i>	Low to High <i>*You may wish to undertake an ILA with high or low levels of collaboration</i>
Relationship with the Crown	Weak or strong	Moderate	Weak or strong
Relationship with proponent	Weak or strong	Weak or strong	Weak or strong

Key Takeaways from Section 3

- ✓ Defining your goals very early on in the process will provide you with a clear vision so you can define your next steps (i.e., funding, information needs, who to engage with) and help you to determine what approach to ILA you choose (Section 3.1).
- ✓ To determine if you are ready to undertake an ILA and to determine your approach, you should consider your funding, staff capacity, existing community information, and your relationship with the Crown and the proponent (Section 3.2).
- ✓ Your Nation's relationship with proponents and the Crown will determine whether and how you collaborate with either of them for any ILA approach you choose (Section 3.3).
- ✓ Establishing what the focus of your ILA will be at the very early stage will guide your choice of the topic of your Indigenous-led Study (or Studies), and how you use the funding and staff capacity you do have as effectively as you can to achieve your goals (Section 3.4.1).
- ✓ Indigenous-led Studies can be based on summarizing existing monitoring information or published research, but can also involve original research that records Elder knowledge of the lands and waters, traditional use activities, or other topics. While these Studies may provide mostly baseline information, some provide historical records of cumulative effects or examine project-specific impacts (Section 3.4.2).
- ✓ Collaborative Assessments can allow you to inform the Crown's decision process or the proponent's impact statement and commitments. While some proponents will be able to offer funding for ILAs, the Crown often only provides minimal participatory funding. Engaging with the Crown in their process can often be time-consuming and resource intensive (Section 3.4.3).
- ✓ Undertaking your own ILA is a big undertaking and usually requires one or more Indigenous-led Study and some alignment with the proponent and/or the Crown process steps. Factors that will increase likelihood of success are in Table 6 (Section 3.4.4).

4. Conclusions

ILA can serve as a transformative tool, enabling Indigenous groups to assert their sovereignty, protect their territories, and shape a future that upholds their rights, cultures, and aspirations.

An Indigenous-led Assessment (ILA) is a community-driven process in which Indigenous nations define, assess, and interpret the impacts of a project based on their own laws, knowledge systems, and priorities. Rooted in Indigenous worldviews and guided by Indigenous Knowledge, ILAs take a holistic and long-term perspective—ensuring that decisions reflect what matters most to the nation, now and for future generations.

ILAs can take different forms along a spectrum of control and responsibility:

- » Indigenous-led Studies inform statutory IA processes by contributing information generated and provided by the nation, often prioritizing Indigenous Knowledge, but the assessment process and decision-making remains external.
- » Collaborative Assessments involve shared assessment responsibilities, where you may cooperate with the proponent and/or the Crown at key points in the assessment process.
- » Indigenous-led Assessments are fully directed by the nation, including information and assessment, and support decision-making that can be made alongside or separate from the statutory IA process.

These approaches are not mutually exclusive. Most ILAs include one or more studies, and even ILAs often include collaborative elements. Regardless of the form, the nation should decide whether a project proceeds, and if it does proceed under what conditions. The timing of this decision within the ILA is important, as statutory IA processes may be informed by your nation's decision and their conditions often emerge through the assessment process.

Any type of ILA requires setting goals and focusing on what matters most, key issues that will allow you to undertake the assessment with the funding, staff, and resources you have available. Your situation will help you determine what approach to take. For example, if your nation has extensive information from recent monitoring and studies about the area likely to be affected by the project, undertaking an Indigenous-led Study is a much easier task than if there is no documented information about a specific location. Or if the project proposed is in your core territory, you want to control the assessment process, the proponent is providing funding, and you want to inform the statutory IA decision, you may decide to pursue an ILA aligning key milestones with the statutory IA process.

An ILA gives you more control over what is included in the assessment and the approach that is used. These ILAs tend to follow many of the same steps as a statutory IA process but are done to support your nation in achieving your goals, and to support your nation's decision about a project proposed in your territory. An ILA requires careful planning and scoping and needs to consider how you will engage with the proponent and the Crown in the statutory IA process to ensure your ILA can be implemented effectively.

Resources are needed to collect and present your knowledge and information in an Indigenous-led Study but more resources are needed to engage in a Collaborative Assessment and coordinate the process steps of your own ILA.

Through Indigenous-led Studies, Collaborative Assessments, and ILAs, Indigenous communities may gain greater agency and influence in shaping the outcomes of proposed projects in their territory. This document provides guidance and tools for how to decide which approach to take and what you should consider before embarking on this work. ILAs can serve as a transformative tools, enabling your Indigenous nation to effectively influence how major project decisions take place in your territory.

APPENDIX 1. Further Reading on ILA Examples

Table 8 below provides examples of ILAs with links to the Indigenous nation's websites describing their assessment.

Table 8. ILA Examples and Sources

ILA Examples	Information Source from the Indigenous Nation
The Squamish Nation Process for the Woodfibre Liquified Natural Gas Plant and Export Terminal Proposal	https://www.squamish.net/divisions/territory-culture-services/rights-title/major-projects/#anchor1
The Stk'emlu'psemc te Secwepemc Nation Assessment Process and the Ajax Mine Proposal	https://miningwatch.ca/sites/default/files/20171023ssntobc-can-letterre-ssnpipselldecisionministerseadecisionforajaxproject.pdf
The Tsleil-Waututh Nation Assessment for the Trans Mountain Pipeline and Tanker Expansion Proposal	https://twnsacredtrust.ca/assessment-report-download/
The Mikisew Cree First Nation Culture and Rights Assessment for the Frontier Oil Sands Mine Project	https://firelight.ca/assets/publications/reports/mcfn-303_mapp-report.pdf
The Ktunaxa Nation Rights and Interests Assessment and the Fording River Operations Swift Coal Mine Expansion	https://www.ktunaxa.org/wp-content/uploads/Firelight_Ktunaxa_community_report_2015_May_27_proof_2.pdf

The following references provide summary overviews of these and several examples:

- » Nishima-Miller, J., Hanna, K. S., Stacey, J., Senese, D., and Nikolakis, W. 2024. *Tools for Indigenous-Led Impact Assessment: Insights from Five Case Studies*. Impact Assessment and Project Appraisal 42 (1): 70–87. <https://doi.org/10.1080/14615517.2024.2306757>.
- » Dayna Nadine Scott, Jennifer Sankey & Laura Tanguay (eds.) *Operationalizing Indigenous-led Impact Assessment*, <https://www.canada.ca/content/dam/iaac-acei/documents/research/operationalizing-indigenous-impact-assessment.pdf>
- » Gibson, Ginger, Hoogeveen, Dawn, and Macdonald, Alistair. 2018. *Impact Assessment in the Arctic: Emerging practices of Indigenous-led Review*. https://gwichincouncil.com/sites/default/files/Firelight%20Gwich%27in%20Indigenous%20led%20review_FINAL_web_0.pdf
- » O'Faircheallaigh, Ciaran and Macdonald, Alistair. 2022. *Indigenous Impact Assessment: A quiet revolution in EIA?* In: *Routledge Handbook of Environmental Impact Assessment*, edited by Kevin Hannah, 221–238. Taylor & Francis Group. <https://doi.org/10.4324/9780429282492>

APPENDIX 2. Are You Ready to Undertake an ILA

Section 3.2 sets out several questions to answer before committing to conducting any type of ILA to help you determine your nation's readiness to carry out the process. For each of these questions example answers are provided to guide you in your readiness decision.

3.2.1 Staff Capacity – *Do you have enough staff to undertake this work?*

Example answers:

- a. Fully staffed and trained – you have a team of staff and/or contractors largely dedicated to this and other ILA work who have done this before with this industry sector – greater potential for full ILA;
- b. Some staff with some training – you have a staff coordinator with some experience in the statutory IA process or this industry sector who can oversee this work and dedicate time – moderate potential for full ILA; or
- c. No dedicated staff and very limited experience – you have no staff who can add this to their existing workplan and they have only limited statutory IA or industry sector experience – low to no potential for full ILA.

Box 14. If Staff Capacity is low...

The absence of available and experienced staff does not mean that your nation cannot undertake an ILA. It does, however, suggest that to do so, you will need to: increase your capacity and staff up, and/or retain consultants with IA experience to support you.

3.2.2 Funding – *Can you obtain sufficient funding to undertake an ILA?*

There are few nations that can or are willing to self-fund their engagement in any IA process, and this extends to a Nation-led ILA. Participation funding from IA governing bodies like IAAC or provincial agencies, if made available, is intended to cover a very small portion of costs incurred by a nation, such as reviewing IA documents, and is not designed to cover the costs of Indigenous-led studies, collaborative IAs, or ILAs.

Example answers:

- a. Fully funded - you have or very likely can secure substantial funding from the proponent or other sources – greater potential for full ILA;
- b. Partially funded - you have secured some moderate funding from the proponent, grants and contributions from government, non-profits, or other sources – moderate potential for full ILA; or
- c. Limited funding - you have secured limited participant funding from government and the proponent and may find it difficult to access more – low to no potential for full ILA.

Proponent funding is often tied to the size, complexity, and likely severity of impacts of the project on your core territory, and the willingness of the proponent to engage with you, among other considerations.

3.2.3 Existing Plans and Programs – *Do you have a land or marine use plan, or a community plan, that defines what kinds of activities may take place in specific areas (e.g. zoning) in your territory and under what conditions?*

Example answers:

- a. This project is proposed in an area with strict zoning that provides strong direction, and may have support from neighbouring nations or a government planning partner – supportive of full ILA;
- b. You have a plan that offers some general guidance for how the lands and resources should be developed in the proposed project area that is generally accepted in the community – moderately supportive of full ILA; or
- c. There are no land or marine use plans in place – not supportive of full ILA.

3.2.4 Community Information – *Does your nation have existing studies and maps describing community information in the areas directly impacted by the proposed project? Do you actively monitor and record information through programs like an Indigenous Guardians Program?*

If one of the main goals of an ILA is to incorporate deeply and meaningfully Indigenous Knowledge and Nation views, your nation will need a strong data collection and archival system.

Example answers:

- a. Our nation has a high level of research and monitoring documenting use and community values of the area impacted by the project, including mapping information – highly supportive of an Indigenous-led Study;
- b. Our nation has some monitoring information in the area impacted by the project on one or two key values and more information can be collected easily – supportive of an Indigenous-led Study; or
- c. There is little existing information about the priority values and areas affected by the project and collecting new information might not be possible due to cost or time limits or other constraints (e.g. community engagement is not possible for whatever reason) – not supportive of an Indigenous-led Study.

Monitoring and other documented research and information will reduce the effort required to undertake a Study and will make it easier for your nation to undertake your own ILA. An Indigenous-led Study that describes the affected area and values is needed before you can assess impacts in a Collaborative Assessment or an ILA.

APPENDIX 3: List of Types of Indigenous-Led Studies and Their Associated Attributes

Indigenous Knowledge Studies document Indigenous Knowledge related to land use, environmental knowledge, project and cumulative impact pathways, and ecosystem relationships, including human-environment connections.

» **Methods:**

- Conduct interviews and focus groups with elders and other land users.
- Mapping may or may not be involved.
- Prefer on-territory work where possible.
- Verify findings through community verification meetings.
- Ensure community ownership, control, access, and possession of knowledge.

» **Benefits:**

- Enhance IA by contributing to understanding of environmental phenomena and ecological links.
- Indigenous Knowledge may identify impact pathways western science does not.
- Facilitate intergenerational knowledge transfer to protect cultural identities, values and practices.

» **Risks:**

- Pre-existing Indigenous Knowledge may be publicly accessible and used by others as a proxy.
- What is deemed “Indigenous Knowledge” by others may not be correct.
- Indigenous Knowledge often subject to inappropriate “re-interpretation.”

» **Costs:**

- Indigenous Knowledge study: Lower cost
- Indigenous use study / traditional use study: Higher cost

» **Guidance Available:**

- DeRoy, Steven. Direct-To-Digital Mapping Methodology: A Hands-on Guidebook for Applying Google Earth. The Firelight Group, 2016. Available from The Firelight Group upon request – contact us at www.thefirelightgroup.com
- First Nations Major Projects Coalition (2019). Indigenous Knowledge Integration into Major Project Assessment. Guidance to the Major Projects Assessment Standard.

» **Example Studies:**

- Qikiqtani Inuit Association (2019). *Uqausirisimajavut: What We Have Said. The Inuit View of How Oil and Gas Development Could Impact our Lives*. <https://www.qia.ca/wp-content/uploads/2019/03/QIA-SEA-Summary.pdf>

Indigenous Land Use Studies describe important places for Indigenous community members, establish spatial interactions and impact pathways between community values and proposed projects, and enable community members to share perspectives on project-specific mitigation.

» **Methods:**

- Conduct individual mapping interviews (paper or digital maps).
- Identify points, lines, and areas used or valued by community members.
- Capture narratives of use, value, project-related concerns, and cumulative impacts concerns.
- Requires participant and/or community verification.

» **Benefits:**

- Illustrate Indigenous community's overall patterns of land use and occupancy, especially as they relate to the Project.
- The words of community members about values and concerns are equal to or greater in value to the maps.
- Preserve information of Indigenous Knowledge holders.

» **Risks:**

- Project-specific Indigenous land use studies are still not mandatory and must be negotiated.
- Older studies are still sometimes used and “interpreted” by non-Indigenous peoples.

» **Costs: Higher**

» **Guidance Available:**

- Tobias, Terry N. *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping*, Research Design and Data Collection. Vancouver: Union of British Columbia Indian Chiefs, 2000.
- First Nations Major Projects Coalition (2019). *Indigenous Land Use Assessment*. Guidance Appendix 5 to the Major Projects Assessment Standard. [provided in hard copy to workshop participants]

Cultural Impact Studies establish a cultural baseline, including values, laws, norms, and changes over time and identify potential impacts of a proposed development on the culture of Indigenous people.

» **Methods:**

- Establish cultural values and indicators through community engagement and historical review.
- Conduct interviews, focus groups, community meetings, and archival review.
- Work with the community to identify impact pathways on culture from the project.
- May or may not include a formal impact characterization process, on Indigenous terms.
- Require community verification at the end.

» **Benefits:**

- Identify, predict and minimize any adverse cultural impacts of developments on people and places.

- » **Support community readiness for proposed development:**
 - Creates a useful baseline and trend-over-time portrait of cultural values, loss and renewal.
 - » **Risks:**
 - Not always required by impact assessment agencies; minimal Agency guidance.
 - Cannot be effectively run without intense Indigenous involvement.
 - » **Costs:** Higher
 - » **Guidance Available:**
 - First Nations Major Projects Coalition (2019). *Indigenous Cultural Impact Assessment*. Guidance Appendix 2 to the Major Projects Assessment Standard.
 - » **Example Studies:**
 - The Firelight Group and the Mikisew Cree First Nation (2015). *Wiyow'tan'kitaskino (Our Land is Rich): A Mikisew Cree Culture and Rights Assessment for the Proposed Teck Frontier Project Update*. <https://open.alberta.ca/dataset/5da3a4f0-f982-4f8eaf9b-cb00c39fb165/resource/360a4892-0a07-4388-b7a2-7ce6c2908cc9/download/mcfn-wiyowtankitaskinofinal-for-pdfsept16.pdf>
-

Health and Well-being Studies determine the existing health conditions and significant health issues in a community and evaluate the potential health impacts of proposed developments.

- » **Methods:**
 - Utilize quantitative or qualitative methods.
 - Review existing literature or collected data.
 - Collect primary data through surveys, interviews, focus groups, community meetings, or workshops.
 - Involve public health professionals throughout the study.
- » **Benefits:**
 - Provide information which can help decision-makers and affected individuals and groups about the intended and unintended consequences arising from an activity.
 - Support decision-makers and affected individuals and groups in making recommendations to maximize positive and mitigate negative health impacts for affected populations.
 - Reduce negative health impacts and economic costs of a proposed project.
- » **Risks:**
 - Western scientific methods may fail to identify health issues and determinants that are evident from Indigenous knowledge.
 - May involve transfer and storage of private health information.
 - Can require significant time and resources.
- » **Costs:** Lower
- » **Guidance Available:**
 - World Health Organization (2014). *Health Impact Assessment*. World Health Organization. <https://www.who.int/hia/en/>
 - Tsimshian Environmental Stewardship Authority (2018). *A Guideline for Conducting Health Impact Assessment for First Nations in British Columbia, Canada*. <http://www.hianetworkasiapac.com/wp-content/uploads/HIA-framework-for-BCFirst-Nations.pdf>

» **Example Studies:**

- Shandro, J. et al (2016). *Health Impact Assessment of the 2014 Mount Polley Mine Tailings Dam Breach: Screening and Scoping Phase Report*. <https://www.fnha.ca/Documents/FNHA-Mount-Polley-Mine-HIA-SSP-Report.pdf>
 - Canada-Deline Uranium Table (2005). *Final Report Concerning Health and Environmental Issues Related to the Port Radium Mine*. <https://assembly.nu.ca/library/Edocs/2005/001195-e.pdf>
-

Socio-Economic Impact Studies establish a socio-economic baseline for factors such as health and well-being, wildlife harvesting, and employment opportunities. They identify potential socio-economic and cultural impacts of a proposed development on the lives and circumstances of individuals, families, and communities.

» **Methods:**

- Collect information about baseline conditions through interviews, surveys, community meetings, focus groups, or review of existing literature.
- Predict impacts using map overlays, surveys, workshops, scenario analysis, and qualitative or quantitative modeling.
- Use monitoring to evaluate development progress.

» **Benefits:**

- Bolster abilities of developer and impact assessment participants to minimize, avoid, or prevent adverse socio-economic impacts of proposed developments.
- Support planning for maximizing beneficial impacts of a proposed development.
- May address impacts on traditional economic activities such as hunting, fishing and trapping.

» **Risks:**

- Some of these study processes are best suited to evaluating impacts of large physical developments and may not be applicable to smaller developments (e.g. a road) or intangible entities (e.g. a policy).
- Can be biased as a result of narrowly-scoped issues and perspectives.
- Standard tools for analyzing an economic baseline may fail to capture crucial components of Indigenous economies (e.g. wildlife harvesting).
- May be difficult to derive socio-economic thresholds due to the dynamic nature of global socio-economic systems

» **Costs:** Moderate

» **Guidance Available:**

- Mackenzie Valley Environmental Impact Review Board. (2007). *Socio-Economic Impact Assessment Guidelines*. Available at http://reviewboard.ca/process_information/guidance_documentation/guidelines

» **Example Studies:**

- Treaty 8 First Nations Community Assessment Team (2012). *Telling a Story of Change the Dane-zaa Way*. https://www.ceaaacee.gc.ca/050/documents_staticpost/63919/85328/Vol3_Appendix_BTreaty_8.pdf

Harvest and Food Security Studies quantify or estimate the number of animals harvested by specific Indigenous groups during specific periods, document harvesting practices for future generations, and identify food security challenges in a community.

» **Methods:**

- Conduct surveys to record harvests by community members.
 - » Incorporate commercial or governmental administrative data in harvest surveys.
 - » Use nutrition studies to analyze community members' diets.
- Utilize surveys, interviews, or focus groups for food security studies.

» **Benefits:**

- Can provide harvest estimates that are more reliable than administrative harvest data.
- Help assess risks and vulnerabilities of environmental components such as wildlife populations.

» **Risks:**

- Harvest surveys may require community members to share sensitive information about their harvesting practices.
- May be difficult to define food security and assign community-wide threshold values related to a development due to the complex intersection of Indigenous and non-Indigenous economies and traditions surrounding food and harvesting.

» **Costs:** Lower

» **Example Studies:**

- Chan, L. et al (2019). *FNFNES Final Report for Eight Assembly of First Nations Regions: Draft Comprehensive Technical Report*. Assembly of First Nations, University of Ottawa, Université de Montréal. http://www.fnfnes.ca/docs/FNFNES_draft_technical_report_Nov_2_2019.pdf
- Islam, Durdana, and Fikret Berkes. "Indigenous Peoples' Fisheries and Food Security: a Case from Northern Canada." *Food Security* 8, no. 4 (November 2016): 815–26. <https://doi.org/10.1007/s12571-016-0594-6>

Archaeological and Heritage Studies documents key archaeological and heritage resources in throughout an area and can be used to address conflicts between archaeological and heritage resources and proposed developments.

» **Methods:**

- Conduct site surveys to record archaeological and heritage resources.
- Can include mapping, measuring, recording, excavation, storage, and cataloguing materials from archaeological and heritage sites.
- An archaeological professional is required for these studies.

» **Benefits:**

- Provide inventory and evaluation of archaeological resources.
- Evaluate project impacts on archaeological resources.
- Manage unavoidable adverse impacts as well as unanticipated impacts on archaeological resources.

» **Risks:**

- The location and nature of archaeological and heritage sites may be shared with individuals or groups outside of the community.
- Archaeological and heritage sites may be disturbed in the process of conducting the study.
- Materials from archaeological and heritage sites may be removed and tested or catalogued for the purpose of the study.
- Findings from tests may link discrete time periods to site materials, which could enable misinterpretations of historic use and occupancy of territory.

» **Costs:** Lower

» **Guidance Available:**

- British Columbia Ministry of Small Business, Tourism and Culture. (1998). *Archaeological Impact Assessment Guidelines*. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-andindustry/natural-resource-use/archaeology/formspublications/archaeological_impact_assessment_guidelines.pdf

Ecological Studies documents the existing ecological conditions and changes or decline in important animals, plants, or other key ecological components to determine the potential impacts of a proposed development.

» **Methods:**

- Can include desktop analyses of existing ecological data.
- May include primary data collection and ecological sampling programs via installation and use of monitoring equipment.
- Samples may be sent to a laboratory to for testing .
- Results are often analyzed with the use of statistics.
 - » An ecological professional is required for these studies.

» **Benefits:**

- Provide habitat and biodiversity information about important ecosystems.
- Determine vulnerability and sensitivity estimates for key ecological areas.
- Facilitate use of quantifiable indicator variables which reflect ecosystem composition and structure.
- Support protection of ecological populations, genetic variability and species in relation to potential impacts of proposed developments.

» **Risks:**

- May require substantial time and resources.
- Depending on the application of the study, the study lead must have a certain professional designation or expertise for the study to be considered valid.
- Western scientific methods may fail to identify ecological patterns and phenomena that are documented by Indigenous Knowledge.

» **Costs:** Moderate

ENDNOTES

- ¹ First Nations Major Project Coalition. 2020. *Guide to Effective Indigenous Involvement in Federal Impact Assessment*. https://fnmpc.ca/wp-content/uploads/FNMPC_Guide_Oct15202_FINAL.pdf
- ² Grand Council Treaty #3. April 2022. *Treaty #3 Land Manager's Toolkit*. <https://gct3.ca/wp-content/uploads/2022/11/GCT3-Land-Managers-Toolkit.pdf>
- ³ UNESCO. n.d. *Environmental Impact Assessment, Glossary* - UNESCO World Heritage Centre. <https://whc.unesco.org/en/glossary/239>.
- ⁴ *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319.
- ⁵ See Chapter 3, section 3.06, Ministry of the Environment and Climate Change. 2016. *2016 Annual Report of the Office of the Auditor General of Ontario*. https://www.auditor.on.ca/en/content/annualreports/arreports/en16/v1_306en16.pdf
- ⁶ Adapted from O'Faircheallaigh, Ciaran and Macdonald, Alistair. 2022. *Indigenous Impact Assessment: A quiet revolution in EIA? In: Routledge Handbook of Environmental Impact Assessment*, edited by Kevin Hannah, 221-238. Taylor & Francis Group. <https://doi.org/10.4324/9780429282492>
- ⁷ For example, federal guidance on working with Indigenous communities and how to include Indigenous Knowledge in assessments under the federal *Impact Assessment Act* is provided here: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/indigenous-knowledge-under-the-impact-assessment-act.html>
- ⁸ For further reading, refer to Gibson, Ginger, Hoogeveen, Dawn, and Macdonald, Alistair. 2018. *Impact Assessment in the Arctic: Emerging practices of Indigenous-led Review*. https://gwichincouncil.com/sites/default/files/Firelight%20Gwich%27in%20Indigenous%20led%20review_FINAL_web_0.pdf
- ⁹ For the purposes of this document, statutory IA processes led by co-managed Boards such as the Mackenzie Valley Review Board, Nunavut Impact Review Board, and Yukon Environmental and Socio-economic Assessment Board are not considered ILAs themselves and are considered assessment governing bodies like the IAAC. See for example James Bay and Northern Quebec Agreement, 1975: https://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=17&file=cons_en.pdf&type2=32; Mackenzie Valley Resource Management Act, 1998, S.C. 1998, c. 25: <https://laws.justice.gc.ca/eng/acts/M-0.2/page-1.html>; Nunavut Land Claims Agreement Act, 1993, S.C. 1993, c. 29: https://www.tunnngavik.com/documents/publications/LAND_CLAIMS_AGREEMENT_NUNAVUT.pdf; and Nisga'a Final Agreement, 2000, S.C. 2000, c. 7: https://publications.gc.ca/collections/collection_2013/aadnc-aandc/R72-289-2000-eng.pdf
- ¹⁰ Such as *Tsilhqot'in Nation v. British Columbia*, 2007 BCSC 1700: <https://www.bccourts.ca/jdb-txt/sc/07/17/2007bcsc1700.pdf>; *R. v. Sparrow*, [1990] 1 S.C.R. 1075: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/609/index.do>
- ¹¹ Adapted from First Nations Major Project Coalition. 2020. *Guide to Effective Indigenous Involvement in Federal Impact Assessment*. https://fnmpc.ca/wp-content/uploads/FNMPC_Guide_Oct15202_FINAL.pdf
- ¹² Also see to pp.69 - 88 from Bernauer, W., Tanguay, L., Natanine, J. 2023. *Inuit Leadership and Authority in Impact Assessment: Experience with the Mary River iron mine in the Qikiqtani region of Nunavut*. In: Dayna Nadine Scott, Jennifer Sankey & Laura Tanguay (eds.) *Operationalizing Indigenous-led Impact Assessment*, <https://www.canada.ca/content/dam/iaac-acei/documents/research/operationalizing-indigenous-impact-assessment.pdf>

- ¹³ First Nations Major Project Coalition. 2020. *Guide to Effective Indigenous Involvement in Federal Impact Assessment*. https://fnmpc.ca/wp-content/uploads/FNMPC_Guide_Oct15202_FINAL.pdf; First Nations Major Project Coalition. 2023. *Primer for Effective Indigenous Involvement in BC Environmental Assessment*. <https://fnmpc.ca/wp-content/uploads/Sept-13-2023-FNMPC-Primer-for-BC-EA-FINAL.pdf>
- ¹⁴ See, for example, consensus-seeking is sought at several points in the EA process within the new BC Environmental Assessment Act process, as described in: First Nations Major Project Coalition. 2023. *Primer for Effective Indigenous Involvement in BC Environmental Assessment*. <https://fnmpc.ca/wp-content/uploads/Sept-13-2023-FNMPC-Primer-for-BC-EA-FINAL.pdf>
- ¹⁵ First Nations Major Project Coalition. 2018. *EAO Revitalization Indigenous Engagement Costing Study*. Submitted to the BC Environmental Assessment Office October 5, 2018.
- ¹⁶ Gibson, G. and O’Fairchealaigh. 2015. *IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements*. Commissioned by The Gordon Foundation.
- ¹⁷ Nishima-Miller, J., Hanna, K. S., Stacey, J., Senese, D., and Nikolakis, W. 2024. *Tools for Indigenous-Led Impact Assessment: Insights from Five Case Studies*. *Impact Assessment and Project Appraisal* 42 (1): 70–87. <https://doi.org/10.1080/14615517.2024.2306757>.

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