



Implementation Guide for
**Indigenous-led
Assessment**

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**FIRST NATIONS
MAJOR PROJECTS
COALITION**

Prepared by:
First Nations Major Projects Coalition

Disclaimer

This Implementation Guide has been developed from the perspective of the First Nations Major Projects Coalition (FNMPC) and does not represent the perspectives of the federal government, provincial governments, the government of the territories, or industry. Although it represents a general First Nations perspective, it does not reflect the specific perspective of any First Nation, as each will have its own distinct perspective.

The Implementation Guide is designed to support First Nations conducting their own Indigenous-led Assessment, whether independently or collaboratively. The Guide is not meant to be prescriptive on how to assess impacts on First Nations Rights and values. Each First Nation should determine its own method and process for assessing impacts on its rights and values in accordance with its laws, methodologies, protocols, and processes. A First Nation that chooses to engage with a project proponent or the Crown in discussions regarding impacts may want to obtain legal advice prior to using this Guide to support those discussions.

The Guide has not been agreed to or endorsed by the federal government, provincial or territorial governments, or industry. Therefore, if a First Nation chooses to use any of the methods or processes in the Guide to assess impacts of a major project on its values or rights, **the results of the assessment are not legally binding on the other levels of government or the project proponent.** The First Nation will need to seek agreement with other levels of government and/or a project proponent on how to apply the results of the First Nation's assessment.

While collaborative implementation, coupled with capacity support, can help foster relationships between First Nations and proponents or government, this Guide cannot be unilaterally applied by industry or government. This Guide describes a First Nations-led process.

First Nations assessments of impacts on their rights and values must be viewed as sensitive information. The principles of First Nations ownership, control, access, and possession (OCAP) are incorporated in the Guide. The law or policies applied by other levels of government for disclosure may differ. A First Nation may take the position that OCAP protects their sensitive information from public disclosure, but any information shared with the federal government and provincial or territorial governments may not remain confidential due to federal and provincial privacy laws and procedural fairness in regulatory processes. Therefore, a First Nation must continue to exercise caution when sharing sensitive information.

About First Nations Major Project Coalition

The First Nations Major Projects Coalition (FNMPC) is a non-profit organization of 180+ First Nations members in 10 provinces and 2 territories. With respect to major projects in Canada, FNMPC has a mandate to advance the economic and environmental interests of its membership, including through advocacy, thought leadership, capacity development, and project support. Currently, FNMPC staff are supporting members on more than a dozen projects across the country (e.g., designing governance frameworks, negotiating term sheets for equity partnership, advancing impact assessment activities).

FNMPC also develops resources for members, such as backgrounders on new policy developments and toolkits that members can use in the field. These efforts are intended to support members in making informed decisions related to commercial and regulatory components of major projects that impact their lands and waters.

FNMPC is project and industry agnostic. Its Operating Principles include being member-driven, neutral, unbiased, value-maximizing, and collaborative. To ensure that FNMPC remains impartial, it does not take a financial stake in projects. All activities are undertaken with the sole intent of benefiting FNMPC's First Nations membership.



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Glossary of Impact Assessment Terms

Cumulative Impacts

Changes to environment, rights, culture, and/or society and the consequences of those changes resulting from the combined impacts of past, present, and reasonably foreseeable future actions.

Impact Characterization

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.)

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.

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.

Acronyms

EAO	Environmental Assessment Office (BC)
FNMPC	First Nations Major Project Coalition
GPS	Global Positioning System
IA	Impact Assessment
IBA	Impact Benefit Agreement
IAAC	Impact Assessment Agency of Canada
IK	Indigenous Knowledge
ILA	Indigenous-led Assessment
IS/ EIA	Impact Statement / Environmental Impact Statement
LAA	Local Assessment Area
OCAP	Ownership, Control, Access, and Possession
RAA	Regional Assessment Area
RIA	Rights Impact Assessment
SMART	Specific, Measurable, Assignable, Realistic, and Time-Related.
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VCs	Valued Components
ZOI	Zone of Influence



1. Introduction & Context

This Implementation Guide (the Guide) provides First Nations with information and guidance for planning and conducting an Indigenous-led Assessment (ILA). The Guide is a companion to FNMPC’s [“An Introduction to Indigenous-led Assessment: Key Considerations and Principles”](#)¹, which introduces ILA and provides information that First Nations can use to decide whether to conduct an Indigenous-led assessment. This Guide assumes that First Nations have already decided to conduct their own assessment and focuses on how to do so. Readers are encouraged to first review *An Introduction to Indigenous-led Assessment: Key Considerations and Principles* before reviewing this resource.

¹ First Nations Major Project Coalition, and The Firelight Group. *An Introduction to Indigenous-led Impact Assessment: Key Considerations and Principles*, 2025b. https://fnmpc.ca/wp-content/uploads/FNMPC_FL_ILA_singles_09182025_web.pdf

Table 1. Factors supportive of an Indigenous-led Assessment

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	Little to no cooperation	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	High, willing to sign collaboration agreement customised to your nation's needs

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

1.1 What is ILA?

Indigenous-led assessment is a process through which one or more First Nations identify and evaluate the potential impacts of a proposed industrial project on their lands, waters, and communities. Through an ILA, a First Nation defines the scope of its assessment, establishes its own process for examining project-related impacts, gathers and analyzes relevant information, and weighs the potential risks and benefits of the project based on its own laws, values, and priorities. FNMPC's "Introduction to Indigenous-led Assessment" provides a more detailed explanation of ILA.

Indigenous-led assessment differs from statutory Impact Assessment (IA) processes, which are led by the Crown (the Canadian federal and provincial governments) or are conducted according to processes established by Treaty. Often, ILAs are conducted alongside the statutory processes and seek to identify impacts that may be overlooked or minimized, especially cumulative, cultural, and intergenerational effects. Because ILAs allow First Nations to define their own scope and methods, they can be a more effective way to determine how development proceeds within their territories. While the methods used to carry out ILAs vary from Nation to Nation and depend on project type, regulatory context, and available resources, there are several core principles that are common to most ILAs, including:

- » First Nations will develop, control, or expand certain parts of the IA process;
- » Indigenous knowledge will inform the assessment in ways defined by First Nations;
- » Aspects of cultural, environmental, community and human wellbeing important to First Nations will be included;
- » Opportunities to benefit from the proposed project will be included in the process, and
- » Governance issues related to First Nations' lands and resources will be considered.

An ILA can be conducted independently or in collaboration with the project proponent or the Crown (the federal, provincial, and territorial governments). An ILA may or may not follow Crown and proponent processes and timelines. However, funding for an ILA often comes from a combination of proponents and the Crown.

ILAs are one of the most effective tools available to First Nations to assert their rights and priorities when industrial projects are proposed on their territories.

Regardless of the type of project or its location, ILAs typically aim to:

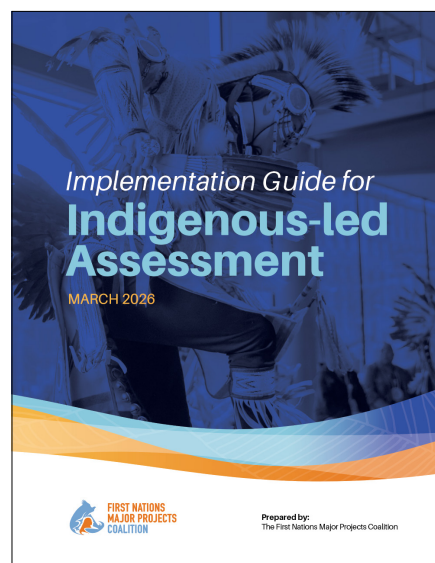
- » Identify what matters most to the Nation and how those values, rights, lands, waters, and ways of life may be affected by the proposed project;
- » Identify cumulative, long-term, and intergenerational impacts and trends;
- » Undertake community-based research to identify project impacts and proposed mitigation measures;
- » Weigh the potential risks and benefits of the proposed project;
- » Enable informed decision-making about whether the Nation supports the project and, if so, under what conditions;
- » Communicate the Nation's perspectives on the project to governments, regulators, and the proponent; and
- » Where impacts are not fully mitigated, make recommendations for appropriate mitigation, offsetting, and accommodation measures with the goal of establishing enforceable conditions to protect the land, water, and people should the project proceed.

This Implementation Guide and its accompanying “Introduction to Indigenous-led Assessment” are about Indigenous-led assessments. They do not focus on how to engage in Canada’s statutory IA processes. More information on that topic can be found in FNMP’s [“Guide to Effective Indigenous Involvement in Federal Impact Assessment”](#) and the “Jurisdictional Scans” developed for your province or territory.

How to Use this Document

The purpose of this Implementation Guide is to provide First Nations with a practical roadmap for participating in an IA process, undertaking an ILA, or developing a hybrid statutory IA/ILA approach. Participation in an impact assessment, at any stage of the process, can require significant human, technical, and financial resources, often beyond what First Nations typically have available through core operations. Therefore, this Guide is designed to be flexible and can be adapted to reflect each Nation’s own priorities, capacities, governance structures, and ways of doing things.

Any contribution your Nation makes to an impact assessment is valuable. Even limited participation can strengthen the assessment, reduce potential harms, and help protect your rights.



This Guide provides practical guidance on how First Nations can determine the scope and depth of an ILA. Chapter 2, *Preparing for an ILA*, outlines the essential steps a Nation can take to prepare for an assessment. It describes how to gather core documents and identify initial supports. Chapter 3, *Developing an ILA*, outlines key steps for scoping the assessment and provides guidance on information gathering, implementation, decision-making, and reporting.

Appendix A includes a reference guide for using this document and a list of where answers to common questions can be found.

Federal Fast-Tracking Legislation

Since 2025, the provincial and federal governments have signalled a stronger emphasis on advancing in an expedited manner large infrastructure and industrial projects considered in the national or public interest. Legislative and policy initiatives are being designed to shorten timelines, streamline approvals, and, in some cases, allow projects to proceed with reduced assessment requirements or without a full impact assessment. These efforts change the broader impact assessment environment by shifting regulatory decision-making from whether certain projects will be approved to *how* certain projects will be approved.

While the details and application of this legislative change continue to evolve, the overall direction has important implications for First Nations, including that:

- » First Nations may be expected to identify and communicate potential impacts to their rights, lands, and cultures within much shorter timeframes.
- » Meaningful participation in impact assessment, and especially through an ILA, will require significantly greater financial, technical, and human resources to meet shorter timeframes.
- » As opportunities for public participation in impact assessment processes narrow, community groups, organizations, and other interested parties may increasingly look to partner with First Nations, recognizing the central role Nations play in protecting lands and waters for present and future generations.

As this federal legislation is implemented, its full implications will become clearer over time. This broader trend toward deregulation, particularly for projects framed as being in the “national” or “public” interest, places additional pressure on First Nations that are already stretched for capacity. However, it can also provide opportunities for those First Nations who are project proponents or who have negotiated other mechanisms with the proponent that enable it to be developed with their views incorporated.

This guide takes careful consideration of these political and economic fluxes to help First Nations navigate an impact assessment landscape in which fewer projects may be assessed, timelines may be shorter, and opportunities for influence may arise earlier and close more quickly.

1.2 Common Steps in an ILA

Conducting an ILA commonly involves some combination of the following steps. Approaches to carrying out this work are presented in Section 3 of this Guide.

1. Scoping the Assessment

- » Establish the purpose, scope, and objectives of the ILA that reflect the community's values and concerns.

2. Developing Methods

- » Develop the methodology and overall approach for the ILA to ensure the findings are clear and influential in decision-making.

3. Engaging with Community Members

- » Depending on the ILA type, conduct community engagement meetings that are best suited to the nature of the project.

4. Understanding the Proposed Project

- » Invite the proponent to deliver a presentation on the project to your community.

5. Defining how your ILA Aligns (if at all) with Statutory IA Processes

- » Gain an understanding of the relevant statutory IA process(es) and determine how, or even if, your ILA findings will interact with it.

6. Defining your Relationships

- » Clarify your community's relationship, communication expectations, roles, and decision-making authority with the project proponent, regulatory bodies, and stakeholders.

7. Gathering Information on What Matters Most

- » Define and gather information on the holistic values that guide your Nation, rooted in your culture, laws, and ways of knowing, to focus your assessment on what matters most.

8. Assessing the Information Against the Project

- » Assess the potential impacts of the Project on each of the values your Nation has identified.

9. Evaluating Mitigation Measures

- » Evaluate the effectiveness of the proposed mitigation measures on each of the values and propose new mitigation measures and/or conditions if required.

10. Determining Impact Severity

- » Assess how serious or lasting the impacts on each of the values your Nation has identified, to help clarify whether impacts are acceptable or unacceptable.

11. Validate Conclusions

- » Ensure that the ILA findings reflect the community's knowledge and lived experience through community engagement and discussions with legal counsel.

12. Making your Decision

- » Provide the decision to the proponent.

13. Implementing your Decision

- » Implement the decision as defined within the ILA's scope and objectives.

1.3 Approaches to Collaboration with Proponents and Crown

An ILA may involve various levels of collaboration with proponents and the Crown. There are three general approaches to doing this, outlined in Table 2. These are not exhaustive or mutually exclusive – certain aspects of each approach may be combined. For more information on these approaches and how to decide which to pursue, please refer to the sections of FNMPC’s “Introduction to Indigenous-led Assessment” noted in the Table below.

If possible, your First Nation should decide on an approach before starting the scoping phase (described in Section 3.1). However, because scoping the assessment involves gathering and considering initial information about the project and potential impacts to your First Nation, scoping may affect your Nation’s decision on collaboration.

Table 2. Summary of ILA Approaches

Approach	Level of Responsibility & Control	Description	Section in “Introduction to Indigenous-led Assessment”
Indigenous-led Studies	Lower Responsibility / Lower Control	Indigenous-led Studies are conducted within an assessment that is primarily led by the conventional IA process.	Section 2.3.1
Collaborative Assessment	Shared Responsibility / Shared Control	First Nation works in a formalized partnership throughout the conventional IA process.	Section 2.3.2
Indigenous-led Assessment	Higher Responsibility / Higher Control	First Nation leads its own assessment, often in parallel with conventional IA, but reaching its own separate conclusions.	Section 2.3.3

1.4 Community Readiness

Community readiness refers to the extent to which a First Nation is willing and able to participate in an environmental or impact assessment process. At this stage, your Nation can determine the most appropriate approach to conducting an impact assessment. This involves assessing the potential risks and opportunities associated with a proposed project and determining the level of analysis and involvement needed to safeguard your Nation’s rights, lands, culture, values, and health.

The “Introduction to Indigenous-led Assessment” provides a list of factors that your Nation can use to decide whether a project warrants conducting an ILA and whether your Nation is ready to conduct it. This includes factors such as the size of the project and its proximity to your Nation’s core territory and resources, the availability of your Nation’s staff and funding, the existence of clear objectives and plans for the protection and use of your territory, and other factors. Your Nation’s internal governance decision-making models – including consultation protocols, land use plans, land claim agreements, and land use studies – would help your Nation determine if you should do an ILA.

External support

An effective way to build an understanding of your Nation's readiness is to invite a knowledgeable individual, organization, or non-profit group to provide a short, practical overview of the statutory IA processes. Your Nation can also invite the relevant government department in charge of Crown consultation (usually the relevant impact assessment agency) to provide a jurisdictionally specific presentation.

When selecting an "expert," it is important to choose someone with demonstrated experience in impact assessment and First Nations engagement. Your Nation should also be clear about what it wants to achieve from the session. In many cases, a one to two-day session held in the community provides a strong foundation. While there may be a cost associated with these services, it often saves time and resources in the long run by helping your Nation engage more effectively. A highly skilled expert will also know how to tailor their session to the specific regulatory and industry context of the proposed project, which is fundamental to meaningful preparation.

There are also non-profit organizations that specialize in providing legal support and advice to First Nations who wish to engage in impact assessment processes. These supports are often free or offered at reduced cost. While these organizations may be limited in the time they can devote to individual projects, they can answer specific legal questions about IA processes, provide general strategic guidance, and help identify sources of funding and technical support. First Nations can benefit from connecting with these groups as part of early planning, especially before steady funding is in place.

Partnering with universities and academics specializing in ILA is another option, as research funds may allow individuals to develop longer-term research relationships with First Nations.





2. Phase 1: ILA Scoping

Scoping is the process of identifying what to focus on in the assessment to inform data collection and analysis. This work is done at the beginning of the assessment process so the assessment team knows what to focus on during data collection, analysis, and decision-making processes.

Although there are several steps involved in scoping, the goal of this phase is to clearly identify:

- » The purpose and/or objectives of the ILA.
- » The values that the assessment should focus on (those most valuable to your Nation and/or that may be the most at risk from the project).
- » The geographic area in which to consider impacts, or the “geographical boundaries” of the assessment.
- » The time periods in which to consider impacts, or the assessment’s “temporal boundaries”²
- » The overall approach or framework to use in the assessment.
- » Existing information and further data collection needs.
- » The level of effort and funding required for the assessment.
- » Assessment timelines and ILA milestones, including delivery of the final report and/or decision.
- » The roles for conducting the assessment, including your assessment team and/or other collaborators.

An outcome of the scoping phase is often a document that clearly outlines the elements above in as much detail as possible at this stage. Although some combination of the elements above is part of the scoping process for all three levels of collaboration with the Crown, how scoping is carried out depends on whether your Nation is conducting a fully independent ILA or is collaborating with the Crown and/or proponent. The Crown, the proponent, and First Nations each have distinct roles and responsibilities within a scoping process.³

Your First Nation may have already decided whether to collaborate or not with the Crown on the assessment. However, scoping can also inform this decision. It is not uncommon to revisit the need for collaboration during the scoping phase.

² For additional information on temporal boundaries, including a graphic representation, see Section [x].

³ For more information on these roles, see Sections 3.3 and 3.4 of FNMPC’s “Introduction to Indigenous-led Assessment”.

Scoping in an Independent ILA

When First Nations choose to undertake a fully independent ILA, they carry out their own scoping process. This process is typically different from conventional IA scoping because it is grounded in First Nations' values, laws, and relationships with land and water.

ILA scoping identifies:

- » What aspects of lands and waters are most important to the Nation?
- » How, and precisely in what ways, may those aspects be affected by a proposed project?
- » How will people experience impacts (spiritually, socially, economically, physically, and culturally)?

Community-based engagement and research can help determine the scope of your assessment. Consider conducting community scoping exercises such as workshops, focus groups, interviews, or “what matters most” sessions to determine values and assessment boundaries.

ACTION



Your Nation will need to draft a guide to help structure the workshop or interviews that includes the following:

- » A brief presentation of information about the project; and
- » Questions about:
 - What values may be at risk from the project;
 - What impacts members anticipate;
 - Areas where the project may cause the most concern;
 - Cumulative effects that members have experienced in these areas; and
 - How best to gather information about the project, and who to ask.

First Nations almost always consider proposed projects in the broader context of impacts to future generations, as well as the cumulative effects of past and ongoing industrial development. This wider perspective is a critical and distinctive feature of Indigenous-led scoping processes. ILAs help fill an important information gap that may not be fully considered by statutory processes, leading to better-informed decisions.

Scoping in a Collaborative Assessment

Even if collaborating with the Crown on an IA, First Nations play an important role in scoping by informing:

- » How “Valued components” (VCs), or items that may be affected by the project, are defined;
- » What the geographical boundaries of a project are;
- » What information is gathered and how it is studied to determine impacts,
- » How a project might be designed and built to reduce harm; and
- » How First Nations Rights may be affected.

In Crown-led IA processes, the Crown is obligated to consult with First Nations regarding impacts to Aboriginal and Treaty Rights. What this looks like at various stages of the IA process varies widely between jurisdictions. At the federal

level and in some other jurisdictions, such as B.C., the Crown has clear guidance on how it will consult with First Nations during the scoping phase. In other jurisdictions, the guidance is less clear on this and other phases of the IA process. In general, the Crown must meaningfully consider First Nations concerns and, where appropriate, accommodate them, but is not legally required to agree with or implement all First Nations input in any jurisdiction.

Regardless of whether a First Nation is undertaking a comprehensive ILA, they generally have opportunities to influence the standard IA scoping process. As with most aspects of First Nations involvement in IA, early engagement in scoping offers the greatest opportunity to influence project design, minimize impacts as defined by the Nation, and potentially create space for meaningful input and benefits.

The following sections describe the steps your Nation can take to scope your assessment, whether it is Crown-led, Indigenous-led, or a combination of both.

2.1 Understanding the Proposed Project

Understanding the proposed project is an important first step in scoping an ILA, because this allows your First Nation to get to know the project and begin to reflect on what it might mean for your Nation. The components and activities involved in the project's construction, operation, closure, and reclamation phases may impact your Nation's values and rights and those impacts may change over time or be mitigated. This information should be gathered before identifying which values to focus on in your ILA, as well as the geographical area and time frames to focus on.

Details about the proposed project should be made available by the proponent and/or the Crown if they have determined the potential for the project to impact your Nation's rights. If the project has entered the official impact assessment or regulatory system, information about the project is often available on a Crown registry, such as the Impact Assessment Agency of Canada's Canadian Impact Assessment Registry or BC's EPIC website. To varying degrees, similar registries exist in other jurisdictions, for both impact assessment and regulatory permitting processes. In some cases, it may be necessary to request the information from the Crown or proponent.

As a first step in planning a proposed project, a proponent prepares a project description. This is an early document that provides an overview of the project's key features. It explains how the project will be built and describes how it may affect people and the environment in broad terms.

Project descriptions typically contain the following types of important information:

- » Project type, name, and proponent.
- » Purpose and/or need for the project.
- » Details about the proposed project's physical structures and activities related to its construction and operation – for example, labour requirements, resource extraction methods, transportation activities, maintenance activities, and decommissioning and closure activities.
- » Location, including maps indicating where activities will occur and at each phase (construction, operations, decommissioning, and closure).
- » Durations of construction, operations, decommissioning, and closure.
- » Alternatives to the project – for example, scenarios with or without the project, alternative locations, and alternative projects.
- » Expected involvement of regulators, governments, First Nations, and the general public.
- » Initial descriptions of the project's impacts.

It is important that First Nations receive this and other types of information so they can fully understand the project's entire life cycle. This understanding is critical because project decisions can have long-term effects on community planning, land use, and overall well-being.

ACTION

Your Nation can analyze the project description and other IA documents to determine whether an impact assessment is required, and, if so:

- » What type of assessment to conduct.
- » What values may be impacted by the project.
- » What the impacts might be.
- » How much effort might be required to conduct your ILA.

While analyzing the project description as drafted by the Proponent is necessary, every effort should be made to encourage the Proponent to include your Nation in its drafting. As a reminder, the earlier the engagement – whether in statutory or ILA – generally the better the outcomes.

It is also possible that the proponent has already produced an “impact statement” or “effects evaluation” by the time your Nation starts its scoping process. These documents provide a more detailed assessment of project impacts. In this case, consider assembling a team to review this information as it relates to your Nation’s rights and values. If reviewed from a critical perspective, this information helps identify important gaps in available information and potential impacts. This can be used both in the scoping phase and throughout the ILA, in conjunction with your Nation’s knowledge, to identify and evaluate project-specific impacts.

These documents often use technical language, such as engineering terms, which can make them difficult to understand. Advisors who can explain the information in plain language to you and other members of your Nation can be a valuable asset to have on your team. In addition to reports, proponents often provide information via webinars and in-person meetings.

It can be very useful to hear directly from a proponent about how it perceives its project will affect your lands, people, and rights. Ultimately, the purpose of these initial meetings is to gather the information your Nation needs to understand the proposed project and its potential impacts, and to make informed decisions. This early exchange of information can build respect and working relationships between the proponent’s representatives and members of your Nation if the proponent allocates sufficient care, time, and resources.

ACTION**Your members will likely be aware of historical and ongoing power imbalances between corporations (private and Crown-owned) and First Nations.**

There are many practical steps your Nation can take to address these within the IA context. Some Nations choose to have pre-meetings to facilitate internal cohesion before meeting with the proponent. Others have established formal protocols for how proponents should approach the Nation: Who is the first point of contact? How are projects going to be vetted? What type of information will the Nation require before engaging with the Proponent? You may also wish to carefully consider who should set the agenda, and chair and facilitate a meeting, so that any disagreements are managed respectfully. It can also be helpful to decide in advance what your Nation hopes to achieve from in-community meetings. Having clear goals can help guide proponent meetings with the members of the Nation and ensure the conversation stays focused.

2.2 Visiting the Proposed Project Site

Once your Nation has an understanding of the project description, survey the specific geographical areas that may be impacted. The project's proposed location may or may not be well known to members of your Nation, so they may or may not have in-depth knowledge of the area. An initial site visit can provide an opportunity to further document the knowledge held in your Nation and explore how site-specific project impacts may affect your Nation's cultural values. Ideally, individuals with in-depth knowledge of the area, leadership, technical staff, youth, and other interested members will participate in and assist with the planning of a site visit. The visit itself should be documented.

Should your Nation wish to invite representatives of the proponent on a site visit, the intent of the visit should be clearly communicated. Having the proponent attend provides an opportunity for First Nations members to ask questions and gain a more comprehensive understanding of the project's footprint, which can inform their views on potential impacts. It should always be clarified beforehand whether any interaction with the proponent or the Crown is considered as consultation, and to make your views known if you have a different opinion.

At this stage, it is not advisable to share information with the proponent in order to protect your Nation's knowledge and maintain control of the process. Where possible, a separate process for documenting Indigenous knowledge should be developed. A simple way to avoid inadvertently sharing Indigenous knowledge with the proponent is to hold a meeting with all community participants in advance, during which expectations and guidelines are set regarding the nuances of consultation.

In addition to project descriptions, it is often very helpful for First Nations to survey other industrial projects that have recently been approved by regulators, particularly those approvals that required significant changes to mitigation measures or even the project descriptions. At a minimum, this can help your Nation think beyond what proponents have proposed, as approaches more aligned with your Nation's values and aspirations may have already been implemented elsewhere.

2.3 Understanding IA and Regulatory Process and Proponent Responsibilities

IA frameworks in Canada are most often distinguished by jurisdiction; specifically, whether a project triggers a federal impact assessment, a provincial impact assessment, both, or neither. Understanding the IA or regulatory system in your jurisdiction can help your First Nation scope its ILA by providing information about how and when the Crown may be expecting your assessment to contribute to the statutory process. For example, it may be important to know when the IA agency plans to submit its recommendations to the responsible decision-maker.

There are a variety of independent, overlapping IA frameworks operating in Canada. These frameworks may apply separately, operate together, or, in some cases, not apply at all. Even if not directly participating in a Statutory IA, it's helpful to know how the process works and what the timelines are, so that you can ensure you have access to the information you need from the Crown and proponent and can time your ILA for the Crown's consideration in their decision-making.

IA frameworks in Canada are most often distinguished by jurisdiction; specifically, whether a project triggers a federal impact assessment, a provincial impact assessment, both, or neither. At the federal level, an impact assessment may be required where a project is "designated" under federal legislation and is likely to cause effects within federal jurisdiction, such as impacts to fish and fish habitat, migratory birds, federal lands, social, economic, or health conditions of affected populations, or First Nations Rights.

Each province and territory has its own impact assessment legislation that sets out when an IA is required, how it will be conducted, and how First Nations Rights are to be considered, including, in some jurisdictions, how the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has been incorporated into provincial law. More information on each jurisdiction is available in FNMPC's Jurisdictional Scans.

Despite jurisdictional differences, there are important similarities across IA processes that are critical for First Nations to understand, particularly where and how Nations can influence project design, decision-making, and the protection of First Nations Rights.

During the early planning stages of a project, the federal Crown has a responsibility to engage with potentially affected First Nations as early as possible. This includes identifying that First Nations Rights may be adversely impacted and determining whether federal and provincial assessment processes overlap. The federal Crown may also coordinate with provinces or delegate certain procedural aspects of consultation, including to proponents, while retaining ultimate responsibility for fulfilling the duty to consult. A key objective of this coordination is to reduce unnecessary duplication between federal and provincial IA processes. Similarly, provinces are responsible for determining whether a proposed project requires a provincial IA, assessing potential impacts on First Nations Rights, establishing consultation processes with First Nations, and coordinating with federal processes when both jurisdictions are involved.

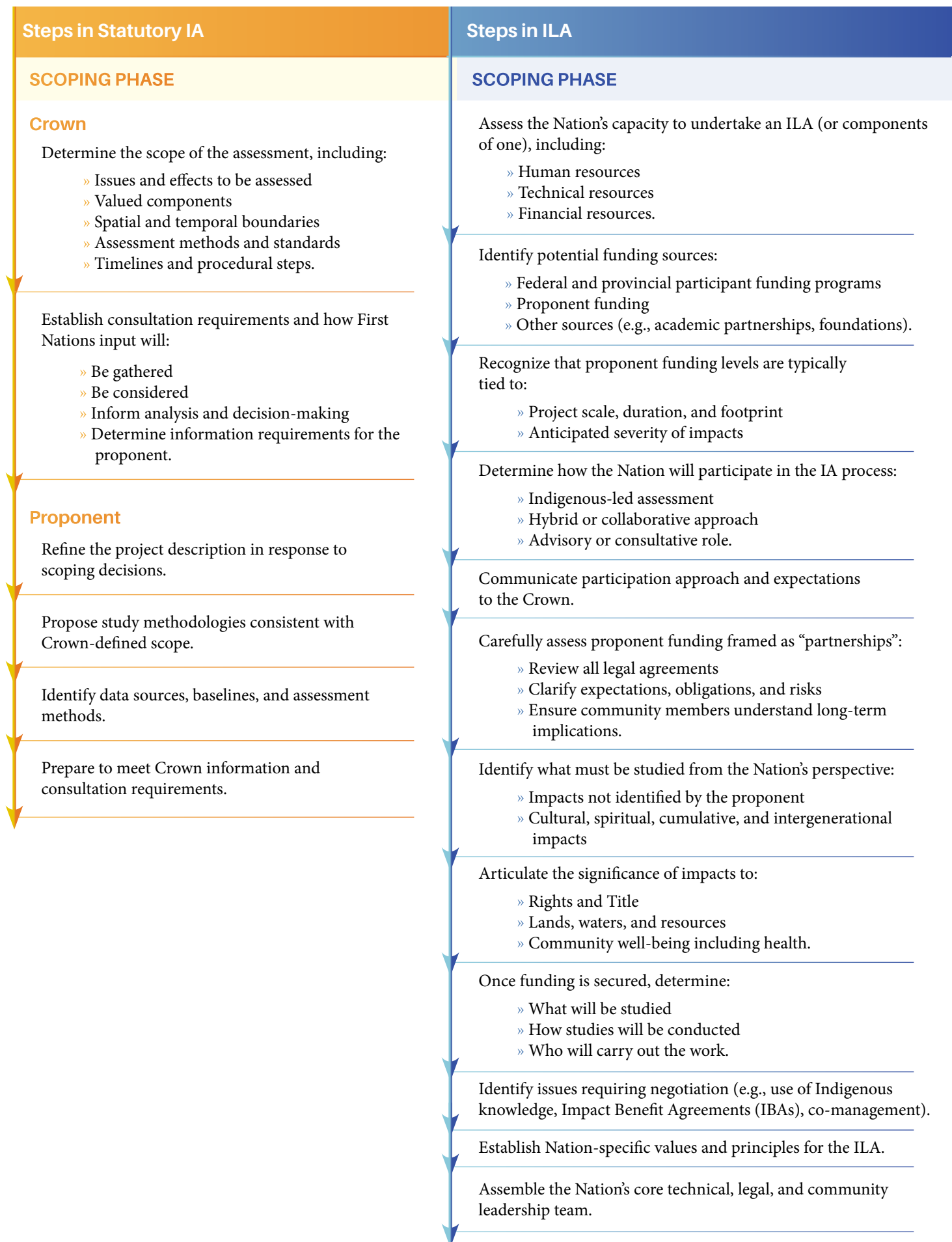
In practice, First Nations' timelines frequently need to align, at least approximately, with Crown and proponent timelines. While this expectation raises significant concerns, particularly given capacity constraints and the pace at which projects often advance, it reflects how IA processes currently operate. As a result, First Nations are often required to adapt to externally imposed timelines to ensure their input is considered and not sidelined. Although this situation is neither equitable nor appropriate, it is a reality that Nations often need to navigate.

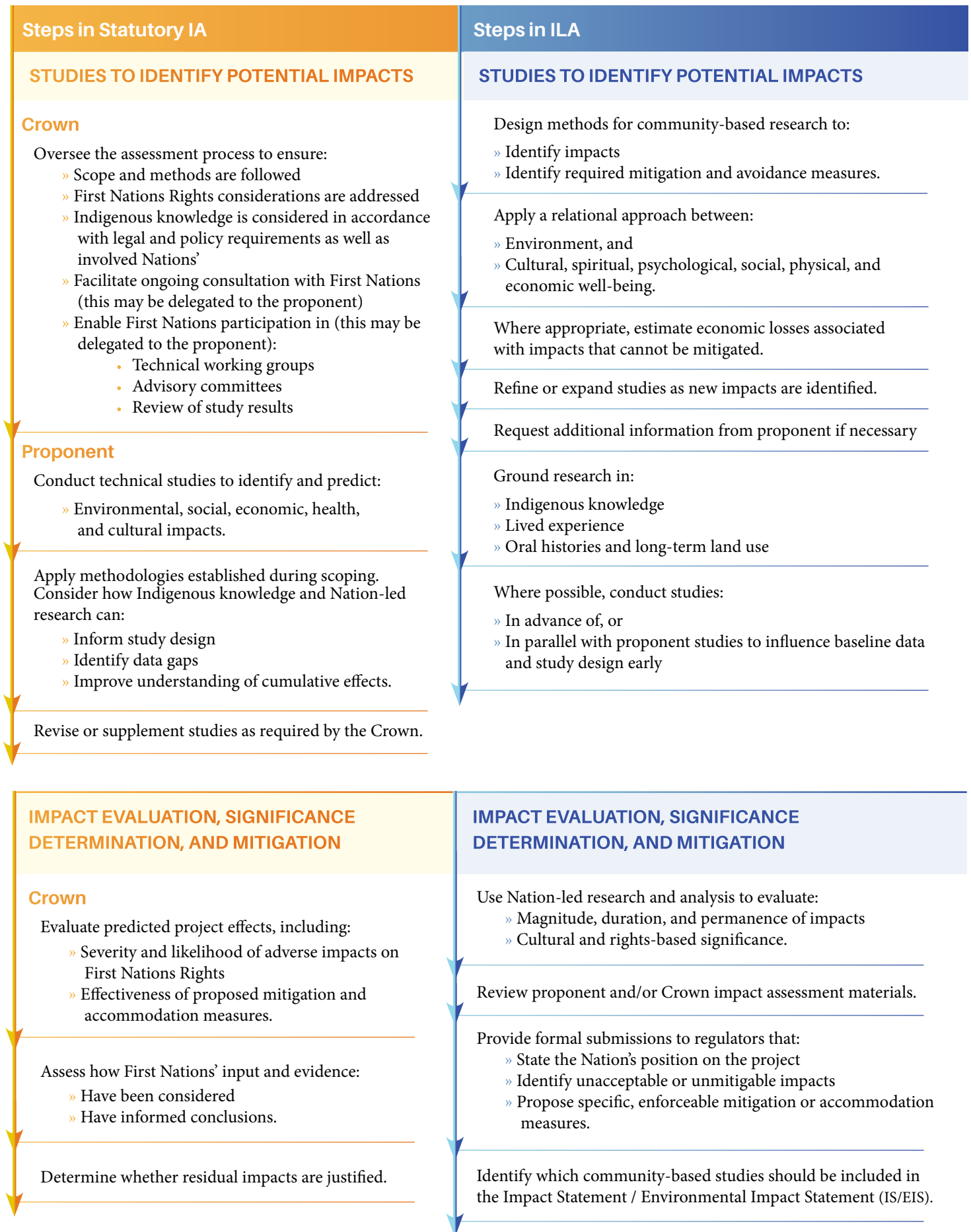
Although the steps undertaken in an ILA are not identical to those of a conventional IA, alignment can increase the likelihood that a Nation’s assessment informs key stages of the Crown’s assessment. This can also identify gaps in the proponent’s studies. First Nations are more likely to successfully advocate for additional proponent studies when these needs are identified early in the process.

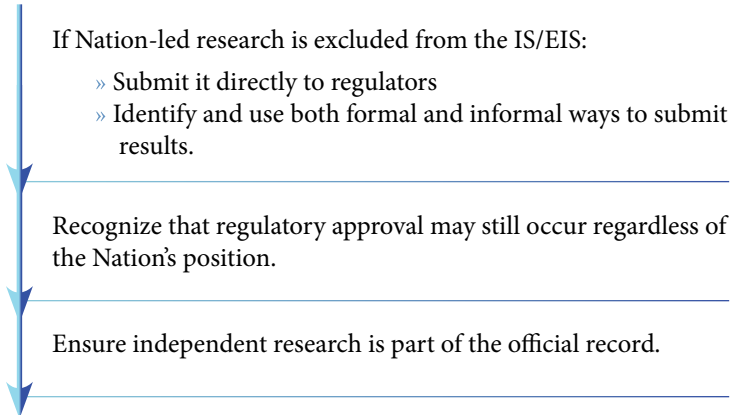
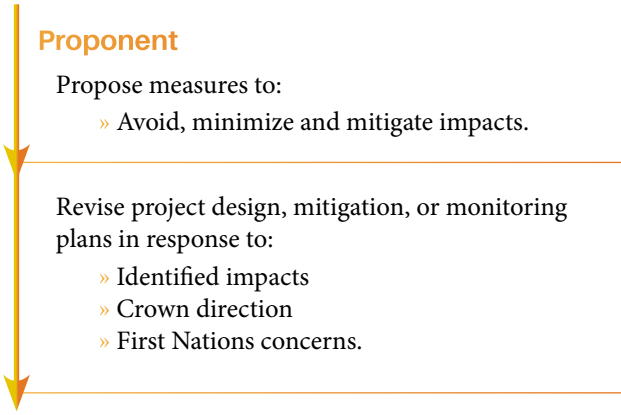
Table 3 illustrates how a standard IA process may align with an ILA and identifies points where coordination or overlap is often required. The first column on the left contains the phases and activities typically carried out in a statutory assessment process, while the column on the right contains the corresponding phases and activities that First Nations conduct as part of their ILA.

Table 3. Comparison of steps in Statutory IA and ILA

Steps in Statutory IA	Steps in ILA
<p>PLANNING PHASE</p>	<p>EARLY ENGAGEMENT OR “PHASE 0”</p>
<p>Proponent</p> <p>Prepare and submit an initial project description to the Crown.</p>	<p>Upon learning of a proposed project in the Nation’s territory, notify the Crown of potential impacts on First Nations Rights, Title, and interests, and of other community concerns.</p>
<p>Provide sufficient information to allow the Crown to determine:</p> <ul style="list-style-type: none"> » Whether an IA is required » Whether First Nations Rights may be adversely affected. 	<p>If contacted by the Crown, provide a timely response indicating:</p> <ul style="list-style-type: none"> » Whether First Nations Rights may be affected » Whether an assessment is required or supported » The Nation’s intent to participate (or not) in the assessment process.
<p>Revise or supplement the project description if requested by the Crown.</p>	<p>Clarify whether the Nation will undertake an Indigenous-led assessment (ILA) and how it will operate:</p>
<p>Crown</p> <p>Review the project description for completeness and adequacy.</p>	<ul style="list-style-type: none"> » In parallel with » Integrated into » Or separate from Crown-led processes.
<p>Determine whether an IA is required under applicable legislation.</p>	<p>Request and review the project description:</p>
<p>Assess the likelihood of adverse impacts on First Nations Rights and interests.</p>	<ul style="list-style-type: none"> » Identify missing or unclear information » Identify known impacts and acknowledge areas of uncertainty » Identify alternative routes, locations, or designs that may reduce impacts.
<p>Identify potentially affected First Nations. Notify First Nations of:</p> <ul style="list-style-type: none"> » The proposed project » The Crown’s duty to consult » Early opportunities for engagement. 	<p>Plan or conduct preliminary site visits.</p> <p>Begin developing a strategy to identify:</p> <ul style="list-style-type: none"> » Types of impacts and the values that may be affected » The nature, extent, and duration of impacts on lands, waters, rights, culture, and people







Steps in Statutory IA	Steps in ILA
DECISION AND PROJECT APPROVAL PHASE	DECISION AND PROJECT APPROVAL PHASE
<p>Crown</p> <p>Make final decisions on whether the project may proceed.</p> <hr/> <p>Issue approvals, licenses, or statements of decisions. Establish legally binding conditions related to:</p> <ul style="list-style-type: none"> » Mitigation » Monitoring » Reporting » First Nations engagement or participation. <hr/> <p>Communicate decisions and rationale to affected First Nations.</p>	<p>Determine whether the Nation supports the project as proposed:</p> <ul style="list-style-type: none"> » If not, identify required changes, mitigation, or compensation. <hr/> <p>Participate in regulatory decision-making processes where appropriate, including:</p> <ul style="list-style-type: none"> » Environmental hearings » Written submissions » Technical meetings. <hr/> <p>Use completed research to inform IBA negotiations, including:</p> <ul style="list-style-type: none"> » Construction and operations employment » Long-term economic participation <hr/> <p>Monitoring, mitigation, reclamation, and restoration. Provide evidence and testimony based on Nation-led research.</p> <hr/> <p>Use participant funding to support community evidence-gathering and representation.</p> <hr/> <p>Understand that final decision-making authority rests with the Crown.</p>

Steps in Statutory IA	Steps in ILA
MONITORING, COMPLIANCE, AND FOLLOW-UP	MONITORING, COMPLIANCE, AND FOLLOW-UP
Crown Ensure compliance with approval conditions and licence requirements.	Implement Nation-led monitoring and mitigation programs identified through the assessment.
Conduct or oversee inspections and enforcement activities.	Participate in long-term monitoring of: <ul style="list-style-type: none"> » Environmental effects » Cultural and rights impacts
Determine best course of action (typically “adaptive management”) where impacts differ from predictions.	If First Nations monitoring shows that mitigation is ineffective, the Crown will typically call for “adaptive management.” First Nations should closely scrutinize this approach, assess its potential effectiveness, and advocate for specific, community-determined actions.
Proponent	Support training and education programs that: <ul style="list-style-type: none"> » Extend beyond construction » Enable long-term employment and stewardship roles.
Implement approved mitigation and monitoring measures.	Track compliance with licence and approval conditions.
Operate the project in accordance with all approval conditions.	Report non-compliance or unanticipated impacts to regulators.
Report monitoring results to regulators.	Advocate for corrective actions, community-determined solutions and enforcement.
Maintain ongoing communication with First Nations.	

When First Nations choose to collaborate with the Crown within a standard IA process, this collaboration is often formalized through negotiated agreements. These agreements can clarify roles, expectations, timelines, and decision-making processes, and may help ensure that Indigenous knowledge and Rights considerations are integrated into assessment outcomes.

Some IA legislation explicitly enables this type of collaboration. For example, British Columbia's *Environmental Assessment Act*⁴ requires the Environmental Assessment Office (EAO) to seek consensus with participating First Nations at key milestones in the assessment process.⁵ To support this, the EAO and First Nations may enter into collaboration agreements that outline how consensus-seeking will be implemented in practice. Well-known examples include the Carrier Sekani Tribal Council–British Columbia Collaboration Agreement⁶ and the Tahltan Nation's Shared Decision-making agreement with the Province of British Columbia.⁷ These agreements are intended to move engagement beyond consultation and toward shared problem-solving on process design, methods, and conclusions.

Box 3. Decision Making Agreements in British Columbia

Decision-making Agreements in British Columbia

British Columbia has a range of statutory and non-statutory decision-making agreement frameworks. Sections 6 and 7 of BC's Declaration on the Rights of Indigenous Peoples Act (DRIPA) allow First Nations and the province to enter into agreements with Indigenous Governing Bodies (IGBs). Joint agreements allow the parties to make decisions together, while consent-based agreements require both the province and the IGB to consent to a project before it can proceed.

Agreements under Section 7 of DRIPA are particularly relevant to the assessment of major projects as these agreements specify how decisions are made between the province and IGBs for both joint and consent-based decision-making agreements. The Tahltan Nation's Shared consent-based decision-making agreement with the province in 2022 was the first of its kind. For more information, see this web page.

At the federal level, *Canada's Impact Assessment Act*⁸ provides several mechanisms to support collaboration with First Nations, including those conducting Indigenous-Led Assessments. The Act requires federal decision-makers to consider Indigenous knowledge, Indigenous-led Studies, and relevant regional or strategic assessments. In certain circumstances, with the Nation's consent, Canada may also delegate aspects of the impact assessment to a First Nations governing body or substitute an Indigenous-led process for the federal IA. Where such arrangements are in place, the consideration of Indigenous knowledge and impacts on First Nations Rights is embedded directly into the assessment framework.

Not all jurisdictions provide similar opportunities for collaboration. In some provinces, engagement with First Nations remains narrowly focused on fulfilling the duty to consult, making coordination between an ILA and a

⁴ *Environmental Assessment Act*. Government of British Columbia 2018. <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18051>.

⁵ According to the EAO, consensus is when there is agreement or "support" for an action between First Nations and the EAO. Under the *Environmental Assessment Act* of 2018, the EAO is not required to achieve consensus with First Nations, but only to "seek" consensus. Consensus seeking refers to the activities involved in achieving consensus, which include informing First Nation and statutory (e.g., EAO or minister) decisions whether to consent or not consent to (i.e., approve of) projects. Environmental Assessment Office. 2020. Guide to Consensus-Seeking under the *Environmental Assessment Act*, 2018, p. 6. URL: https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/environmental-assessments/guidance-documents/2018-act/guide_to_consensus_seeking_under_the_ea_act_v1_-_april_2020.pdf

⁶ Government of British Columbia and Carrier Sekani Tribal Council. *Collaboration Agreement*. Signed April 2, 2015. https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/cstc_-_collaboration_agreement_-_signed_april_2015.pdf

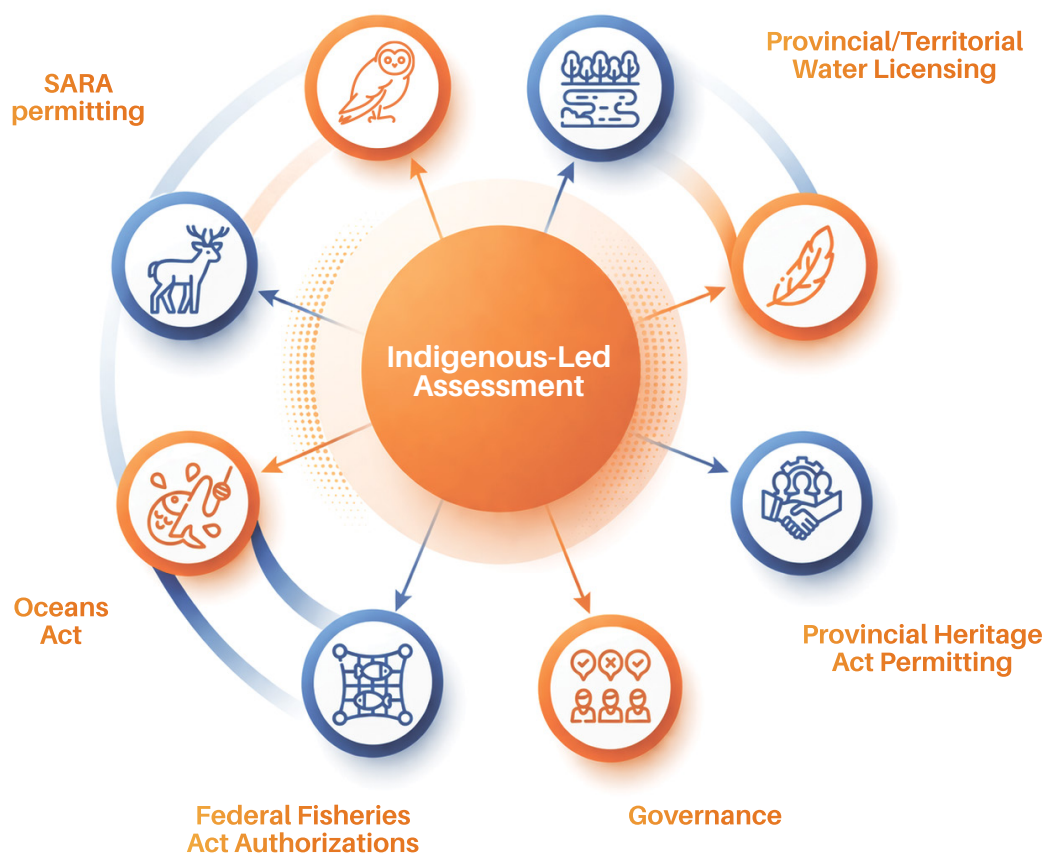
⁷ The Tahltan Nation and the Government of British Columbia. *Shared Decision-making Agreement*. Signed March 14, 2013. https://www2.gov.bc.ca/assets/gov/zzzz-to-be-moved/9efbd86da302a0712e6559bdb2c7f9dd/9efbd86da302a0712e6559bdb2c7f9dd/agreements/sdm_tahltan.pdf

⁸ *Impact Assessment Act*, S.C. 2019. <https://laws.justice.gc.ca/eng/acts/I-2.75/index.html>.

conventional IA difficult or, in some cases, impossible. In other situations, a conventional IA may not be required at all. Ontario, for example, is currently the only Canadian jurisdiction that does not generally require project-specific impact assessments for many private-sector developments, including mining and certain industrial facilities.

Where no conventional IA is required, Nations undertaking an ILA may still engage with governments during permitting, licensing, or regulatory approval processes. In these contexts, collaboration may also occur horizontally, through shared studies, pooled resources, or alliances with neighbouring Nations or other partners.

When designing an ILA, it is important to clearly articulate how the process differs from, and potentially extends beyond, the scope of a conventional IA. While an ILA may draw on proponent-led studies, Nations may request that proponents modify or supplement those studies to address issues central to First Nations Rights, values, and intergenerational and cumulative effects. Nations may also seek proponent cooperation in an ILA that examines a broader project scope than the conventional IA allows.



2.4 Defining Goals

Defining goals for an ILA involves setting clear objectives for what you want to achieve and making early decisions that will shape how your Nation conducts the ILA and engages with the proponent and the Crown. It is important to set goals in the scoping phase because they help determine what work is prioritized, how your Nation's capacity and resources should be used, and where your Nation chooses to assert influence. Defining Value Components or "What Matters Most"

Once a Nation has clarified its overall goals, the next scoping step is to identify “what matters most” in relation to the project. This refers to the specific values, rights, places, and relationships most likely to be affected by the proposed project and most important to protect. This step helps narrow the assessment’s focus to what truly matters to the Nation.

Conventional IA processes regularly use the concepts of “valued components” (VCs) and “indicators.” These are tools used to understand, predict, and assess how change may happen as a result of a proposed project. In statutory IA processes, VCs refer to the environmental, social, cultural, economic, or health-related issues that proponents and regulators determine are important to assess. First Nations peoples and their interests are often included as one “valued component” among many.

In an ILA, what matters most is defined by your Nation. Identifying rights and values to assess is best done early. Leadership, land and resource users, Elders, youth, and technical staff often hold different but complementary knowledge. Where possible, this work can be supported through focused community discussions rather than broad, open-ended meetings, allowing participants to speak from lived experience and place-based knowledge. Sometimes existing information is sufficient, but often First Nations need to engage their members for more information.

Before asking the community to identify priorities, it is important that participants have a basic understanding of the proposed project:

- » What is being built?
- » Where is it being built?
- » How long will it operate?
- » How it may change land and water use. With this context, community members are better positioned to reflect on potential impacts, raise concerns, and identify questions that may need to be directed to the proponent.

Discussions about what matters most should focus on identifying priority concerns and information needs. While proponents and regulators may frame impacts as discrete components, First Nations often understand effects as interconnected, linking land, water, culture, health, and future generations.

ACTION

The following questions can help guide conversations within the First Nation and its members:

- » What values, places, or ways of life are most likely to be affected by the project?
- » What concerns feel most serious or irreversible if the project proceeds?
- » Which parts or phases of the project raise the greatest concern?
- » What information is missing, unclear, or not trustworthy?

The outcome of this step should be a concise summary that clearly informs the next decisions, including:

- » A prioritized list of values and concerns the Nation wants the assessment to focus on.
- » An initial understanding of the proposed project and its potential effects.
- » A clear identification of information gaps, including whether those gaps can or should be addressed by the proponent, through Indigenous-led Studies, or both.

The values your Nation identifies can include overarching categories of valued elements (e.g., harvesting, governance, cultural practices) and sub-components that define those values. Values can also be rights and associated rights-based practices. For example, Nation members may determine that their Rights to continue harvesting from the land and their Rights to steward and protect the land are most vulnerable in relation to the project. What practices and values define these rights?

Examples of First Nations values include, but are not limited to:

- » Harvesting practices, such as fishing, hunting, trapping, and plant and water gathering.
- » Cultural practices, ceremony, and other lived experience on the land.
- » Physical and “intangible” cultural heritage.
- » Language.
- » Governance responsibilities and decision-making authority.
- » Stewardship, caretaking, and protecting the land.
- » Access and travel.
- » Indigenous knowledge systems and inter-generational knowledge transfer.
- » Specific places, animals, landscapes, practices, and relationships identified by the Nation as particularly vulnerable to project effects.

This work is often completed before or alongside the early stages of a conventional IA and can support different assessment pathways, including:

- » Community-based studies defining the focus of Nation-led research.
- » Collaborative or coordinated assessments identifying information that the Nation will request from the proponent or through the IA process.
- » Indigenous-led assessments clarifying which assessment elements the Nation will carry out itself and how information gaps and needs will be addressed by the proponent and Crown.

Box 4. Topics to Avoid Scoping into an ILA

When defining the scope of an ILA, it’s important to avoid including topics that could pull focus away from the key issues and concerns identified by the First Nation.

AVOID:

1. Non-priority issues that do not directly affect your Nation’s key interests, rights, or values.
2. Overly broad or generic concerns about a proposed project that make pull away focus time, energy, and resources from other key concerns.
3. Issues already addressed through other processes (e.g., federal or provincial assessments), unless there is a distinct First Nation’s perspective that needs to be brought into the statutory process.

Determining Capacity Needs

Before undertaking an ILA, Nations must assess what internal capacity, technical expertise, legal support, and financial resources are required to support their chosen approach. This is an additional step that builds on your Nation's initial assessment of community readiness (discussed in Section 2.3 above) to identify specific technical and logistical needs related to the project being assessed.

The "Introduction to Indigenous-led Assessment" outlines the major cost categories typically associated with conducting an ILA, along with avenues for funding. Below are some additional practical considerations when identifying capacity needs.

Staff Roles and Time Commitments

It is important to assess your Nation's internal capacity early in the process, including available staff and their workloads. Even smaller Indigenous-led Studies can require dedicated staff time to coordinate community engagement, manage consultants, review technical material, and liaise with proponents and regulatory bodies. Collaborative Assessments and ILAs will require substantially more staff time, over a longer period. Indigenous-led Studies can typically be completed over several months (on the shorter end), while Collaborative Assessments or ILAs may take several years.

Typical internal staff roles include:

- » A project or assessment coordinator to manage budgets, timelines, and relationships.
- » Staff responsible for community engagement and communications.
- » First Nations Guardians or other technical staff or advisors to review assessment materials and conduct monitoring and oversight.
- » Administrative support for contracting and reporting.

External support

In some cases, where internal capacity is limited, it may be necessary to seek external support for your study or ILA. This might include hiring consultants or Subject Matter Experts, or seeking legal counsel, which can often be costly. It might also be possible to coordinate with external First Nations Guardians programs or neighbouring Nations to pool resources.

Financial Considerations

Financial considerations are among the most challenging aspects of engagement in assessments and require Nations to develop creative and collaborative solutions that allow them to participate meaningfully. Indigenous-led Studies are generally the least costly, starting around \$50,000, while full Collaborative Assessments and ILAs can be much more costly. It is typical for ILAs to cost several hundred thousand dollars, and often exceeding one million dollars, depending on the scope, duration, and level of engagement of your Nation. Funding may come through a variety of sources, including:

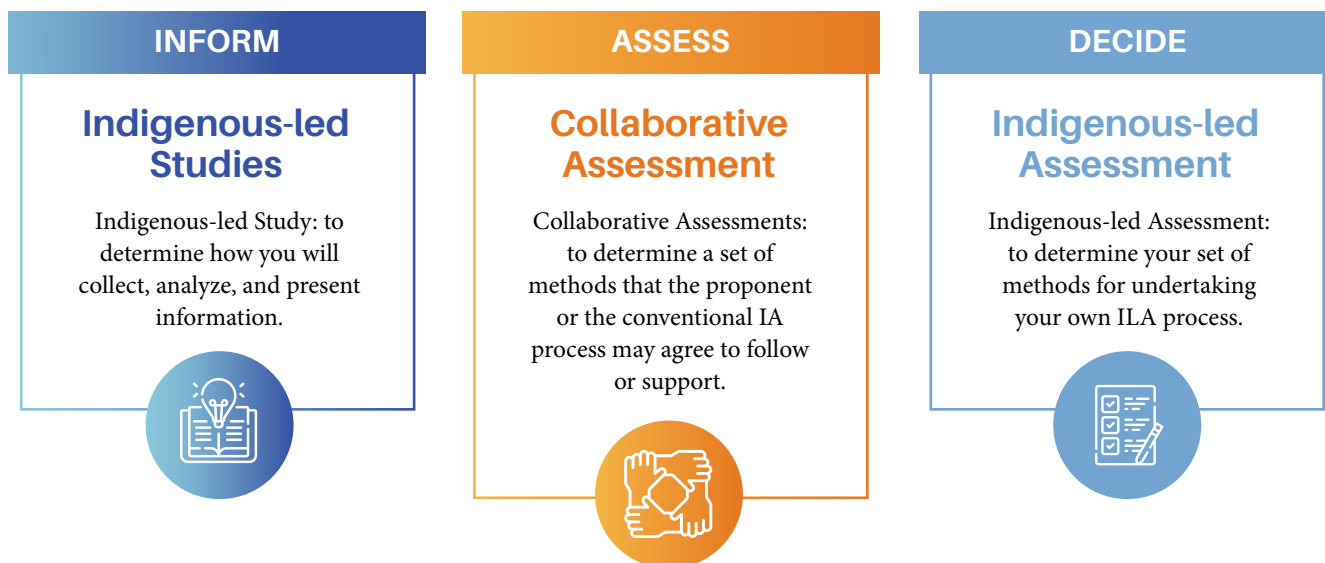
- » Proponent funding negotiated through capacity agreements.
- » Participant funding through statutory assessment bodies.
- » Self-funding, grants, or land-claim-based funding agreements.

To support financial planning for assessments, your Nations can use FNMPC's Impact Assessment costing estimator tool, available upon request, to estimate expected costs, identify funding gaps, and inform negotiations with proponents and governments.

2.5 Developing Methods

A methodology sets out the principles, steps, and procedures for conducting a study or assessment. This is important to do during, or shortly after, the scoping phase because it sets the stage for how the ILA will be conducted. Important steps in developing a methodology include choosing an overall approach or framework to use and identifying the basic steps that describe how your ILA will be carried out.

The purpose of community engagement for different assessments includes:



Early community engagement, such as hosting a technical workshop, may be an important first step for determining the most appropriate methodology for achieving your Nation's goals. This early, ongoing step is often initiated before the conventional IA process begins and is essential to whichever approach you choose.

The Standard Approach

There are many frameworks or approaches that you can use to carry out an ILA, including the standard approach, the "sufficiency of resources" approach, the "Indigenous laws and norms" approach, the "rights-based" approach, and many others. A commonly used or "standard" approach combines conventions from Western research and impact assessment with First Nations approaches, with a greater focus on Indigenous knowledge and cumulative effects. In this approach, the following elements are commonly used by First Nations.

- 1. VCs (Valued Components):** These are the things that matter most and are likely to be most affected by the project
- 2. Temporal boundaries of assessment:** Determine the time frame for your study or assessment. For instance, will the information collected consider the health of fish before industrial development was initiated in an area? See below for more guidance on developing temporal assessment boundaries.
- 3. Geographical boundaries of assessment:** Define the geographic area your assessment will cover. For instance, will the assessment consider information across your entire territory? Will it focus on a specific area immediately upstream of the proposed development, or be based on how far a harvester can walk in a day? Is there a local study area (where impacts will be most intense) and a regional study area (which provides context for the assessment, where impacts may or may not be as intense)? See below for more guidance on developing geographical assessment boundaries.

4. **Information and knowledge gathering:** There are several ways to gather information about the proposed project, and these can be used individually or in combination to strengthen the credibility of your study or assessment. Will you draw on existing reports, studies, or monitoring data? Has information already been collected by technical staff or First Nations Guardians that could be relevant to your study or assessment? Will you collect new information through methods such as interviews and focus groups with community members, direct-to-digital mapping, and on-the-land data collection? See Section 3.2 for a more detailed list of data collection methods that can be used in ILAs.
5. **Analysis and Synthesis:** Determine an approach for making sense of the information you collect. Will you review interview transcripts and code them to identify patterns or trends? Will you conduct a statistical analysis to present quantitative trends in the data?

Impact assessments, in general, incorporate elements 1-5 but will layer on more elements to assess baseline and trend information against the proposed project, including:

6. **Identify and assess impacts:** What methods will you use to identify how the project components and activities will affect your First Nation's Rights and values? How will you identify impacts? The goal for this step is to anticipate project impacts with high precision, drawing on your baseline information, community knowledge, technical information about the project, and results from similar kinds of projects. See Section 3.3.3 for more info.
7. **Evaluate mitigation measures:** What approach will you use to evaluate the effectiveness of the proponent's proposed mitigation measures in addressing project impacts on your First Nation's Rights and Values? This involves determining whether there is enough information to show that they will be effective, or whether there is a high degree of uncertainty about how these measures might work. Based on the information provided, will the measures be fully or partially effective, or not effective at all? This will determine whether there are any "residual impacts" – those that would remain after the proponent's proposed mitigation measures are applied. More information on this step is presented in Section 3.3.4.
8. **Characterize residual impacts and determine impact significance or severity:** How will you determine how "severe" or "significant" the impacts are? This can have a bearing on your First Nation's decision whether to support the project. In this step, you may set criteria to determine the magnitude, extent, duration, and frequency of impacts. Will the impact be short term and not very noticeable, or will the impact affect how your Nation is able to engage in day-to-day activities? Are there other criteria you can use to characterize impacts? Will impacts go beyond what the community deems acceptable? Will impacts affect your Nation's ability to achieve its desired conditions for your values, such as maintaining a healthy territory, increasing members' ability to practice rights, or restoring your values from the damage that cumulative effects may have done? See Section 3.3.5 for more information.
9. **Verify your findings:** How will you verify or ground-truth the findings of your ILA? This involves ensuring the ILA's findings reflect community perspectives, objectives, and knowledge. How can you verify that your findings are accurate? It is common at this stage to present your findings to the community so they can provide feedback or conduct on-the-land ground-truthing sessions to ensure the findings reflect community and land-based conditions and knowledge. For more information, see Section 3.3.6.
10. **Implement your decisions and recommendations:** Your ILA methods may also outline how ILA outcomes will inform your Nation's decisions on the project and how those decisions will be implemented. This depends on whether you are working in the conventional IA process to develop measures for the proponent to follow. Will the federal, provincial, or territorial impact assessment agency

impose conditions in a “project certificate”? Are you negotiating an agreement with the proponent to avoid, mitigate, compensate for, or otherwise address impacts? Are you engaging in legal proceedings or public relations efforts to ensure your decisions and recommendations about the project are respected? Addressing these considerations ensures that the findings from your ILA are clear, the implications are actionable, and they influence decision-making. See Section 3.4 for more information.

Indigenous-led Assessment Frameworks

During the methods development phase, it is important to discuss the general approach or “assessment framework” you will use to assess impacts on your Nation’s values. One of the most common approaches is to use indicators specific to your Nation to assess both cumulative and project-specific impacts on your values and rights. The proponent’s proposed mitigation measures are evaluated, their impacts characterized according to specific criteria, and their severity or significance weighed (see Section 3.3). This method is a hybrid of standard Western and First Nations approaches.

However, this is not the only approach your First Nation can use. These approaches can be combined with the “standard” approach. When choosing an approach, your Nation should use a framework that aligns with your needs, objectives, and culture. Consider developing your own approach or borrowing elements from different approaches and combining them to build a framework that makes sense for your purposes. This can be determined through ongoing engagement with your members (especially Elders, knowledge keepers, and land users) and leadership during the scoping phase. Your approach might also evolve as you complete subsequent ILAs.

The Sufficiency of Resources Approach

In this approach, a set of criteria is developed that describes the supporting conditions needed to ensure the continued practice of your First Nation’s Rights. These may include criteria such as:



Abundance and quality of fish, plant, and wildlife resources.



Access to sufficient lands for harvesting.



Opportunities to engage in spiritual and other cultural practices to ensure intergenerational knowledge transfer.



Sense of safety/security while on the water.

These criteria can focus on resources that are important to maintain the integrity of your First Nation’s values. The criteria help structure and define the values and can serve as indicators for how the project will impact your First Nation. For example, project-related changes in the abundance of quality fish, plant, and wildlife resources (each of which can be assessed separately) may tell you how the project will affect your Nation’s food sovereignty Rights or harvesting Rights.

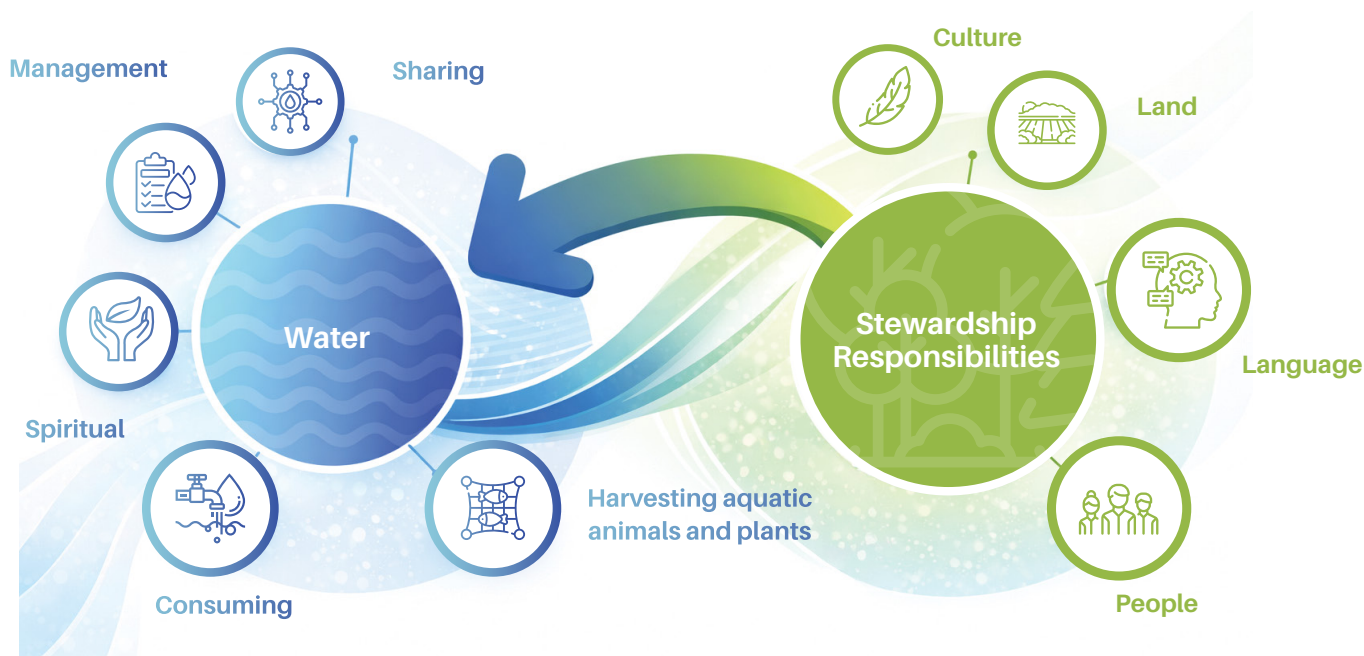
The criteria may also consider the additional resources needed to achieve your Nation’s long-term goals, such as increasing the number of community members using those resources, or increasing the resources themselves (e.g., by restoring habitat). Impacts can then be characterized to determine how “severe” or “significant” impacts may be for your First Nation (see Section 3.3.5).

The “Indigenous Laws and Norms” Approach

This approach draws upon First Nations legal or stewardship principles, natural laws, or established norms and protocols, such as intergenerational or cultural continuity, as benchmarks for understanding likely impacts. In this approach, a determination is made of how well a project adheres to First Nations laws and norms, as well as to cultural, legal, and traditional protocols specific to each community. If, for example, your Nation’s oral histories tell you that water should be allowed to run its natural course unimpeded or your stewardship obligations require you to protect water quality in your territory, these can be used as the benchmark you can evaluate the project against.

In most cases, these laws are broad and need to be refined to support a detailed assessment of potential project impacts. For example, stewardship responsibilities for water may be broken down into several sub-categories, such as maintaining spiritual practices in recognition of the spiritual power of water (e.g. traditional gatherings, rituals, and other activities); management of water resources according to protocols established by your Nation and with your neighbouring Nations; or harvesting and consuming safe and abundant fish and plant resources that exist in the water.

Image 1. Indigenous laws and norms approach



The Tsleil-Waututh Nation’s *Assessment of the Trans Mountain Pipeline and Tanker Expansion Proposal* demonstrates an application of this approach in which Tsleil-Waututh law functioned as the primary legal and decision-making framework guiding the assessment⁹ The methodology developed by the Nation was based on its own legal orders, stewardship responsibilities, and obligations to protect the lands, waters, and marine life of the spatial boundaries being assessed for present and future generations. The assessment conclusions needed to meet Tsleil-Waututh’s legal standard. For instance,

⁹ Tsleil-Waututh Nation. *The Tsleil-Waututh Nation Assessment of the Trans Mountain Expansion Project*. Burnaby, BC: Tsleil-Waututh Nation, 2015. https://twnsacredtrust.ca/wp-content/uploads/TWN_assessment_final_med-res_v2.pdf.

a central legal standard applied in this ILA was to act as stewards of the Burrard Inlet and to prevent activities that would further endanger its ecological and cultural integrity. The ILA concluded that the cumulative impacts to the Burrard Inlet, combined with the increased risk of oil spills from expanded tanker traffic, breached this Nation's legal responsibility and therefore made the project unacceptable.

Since this approach is embedded in your own legal system and worldview, it can be a powerful demonstration of your authority in your territory. It can also be a useful way of linking your existing stewardship programming with your ILA.

Rights Impact Assessments

One approach to ILA that aligns well with many First Nations perspectives is a Rights-based framework. Rights Impact Assessments (RIAs) are designed to assess how proposed projects might affect a Nation's (or several Nations) cultural practices, governance systems, and the meaningful exercise of their Aboriginal, inherent, or Treaty Rights. RIAs are grounded in First Nations laws and norms, responsibilities to act as stewards, and lived relationships with land, water, and non-human species.¹⁰ Rights impacts are often considered broadly and include constitutionally protected Rights (e.g., harvesting and hunting), as well as any conditions required to meaningfully practice those rights. For instance, impacts on rights might be determined by the degree to which a proposed project will affect a Nation's ability to harvest preferred culturally important species, or by the perceived safety of navigating a historically established travel route by boat.

Methods for completing an RIA are based on community values, often learned through community-engaged research methods such as focus groups, interviews, and Indigenous knowledge and Use Studies. Through these methods, key rights areas are selected and examined using cumulative effects, project specific impacts, and trend lines. Residual impacts can then be assessed based on criteria like vulnerability, magnitude, extent, frequency, duration, reversibility, and affected populations.¹¹

In general, RIAs tend to move away from identifying discrete project impacts and towards assessing cumulative and intergenerational impacts on rights, including whether a proposed project would undermine a Nation's obligation to safeguard resources for current and future generations.

Identifying the Assessment Boundaries

Identifying the assessment boundaries involves determining the geographic area in which both cumulative and project-specific impacts will be considered (the geographic boundaries) and the time frames in which to consider impacts (the temporal boundaries). Determining the geographical and temporal boundaries of your ILA is an important part of the scoping phase because it tells you where and when you need to collect information.

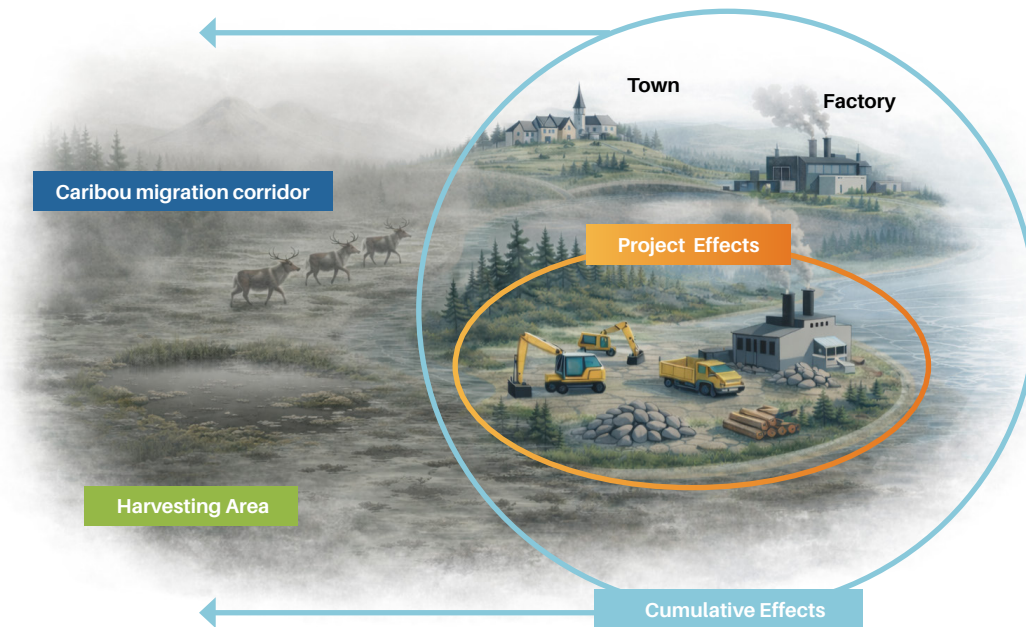
This work should be done after you have gathered and analyzed existing information and conducted community scoping exercises (if applicable). Determining the values to assess can also be helpful, as the values themselves and any related project impacts will affect the boundaries you choose.

¹⁰ Gibson, Ginger. Culture and Rights Impact Assessment: A Tool for Indigenous Self-Determination. Vancouver: The Firelight Group, 2017.

¹¹ Metlakatla First Nation. Rights Impact Assessment for the Ksi Lisims LNG Project. Metlakatla, BC: Metlakatla First Nation, 2025.

Your Nation should develop clear reasons for the boundaries you choose, typically related to how the project and cumulative effects are expected to spread across the landscape and when they are expected to start and stop. For example, if you have determined that caribou will be directly impacted by the project, you might ask, where are the caribou habitat and migration corridors that may be affected? When did caribou first start experiencing substantial cumulative effects? When will project effects begin, and how long might they last? Or if you've determined that harvesting Rights or cultural Rights may be affected, where are these practiced and how large a harvesting or cultural area might be affected by the project?

Image 2. Assessment boundaries



Geographical Boundaries

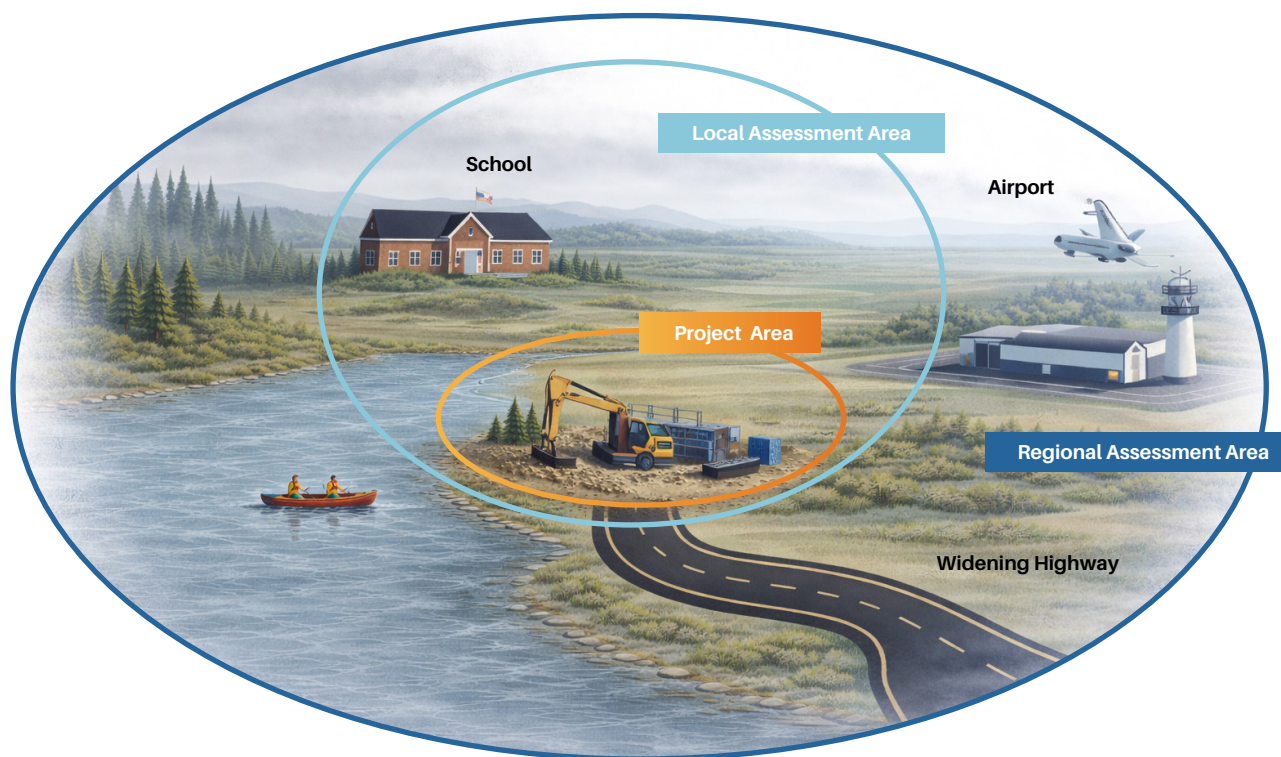
The geographical boundaries of an ILA are determined by considering where project effects are most likely to be felt, and how far they might extend or interact with other effects or important elements throughout the territory. The boundaries are often determined on three scales, often with a certain “buffer” or distance from the project. The three scales are often described as follows:

- » **Project Footprint:** The area of land and water that will be directly affected by the project, where the project’s components and activities will physically affect the landscape. This typically mirrors the proponent’s project footprint (unless your technical experts have determined that they have underestimated the area of directly disturbed land or water). It includes the places where facilities and roads will be built, vegetation will be cleared, waterways will be diverted, access will be limited, or other physical changes will occur. This can include a precautionary buffer (e.g., 250-500 meters) to account for potential pollutants, erosion, and other processes that directly affect the immediate surroundings.
- » **Local Assessment Area (LAA):** The area where effects will be acutely felt despite not being directly in the project footprint. This could include an area where noise and light may affect harvesting and cultural sites; where fish and wildlife populations may be affected due to the project’s physical changes to the land; where dust might travel; where members might avoid harvesting due to concerns about contamination; or where members are at risk from violence due to nearby work camps. Note that this

need not be limited to physical activities. It may also include areas where knowledge transmission is particularly important or where impacts on governance and stewardship are felt acutely.

- » **Regional Assessment Area (RAA):** A larger area that provides the context of your Nation’s values and rights practices, where effects from the project may interact and compound with effects from other projects or changes to the environment on an extended scale. This can be the watershed or your Nation’s entire territory, or a part of it. The RAA may include “indirect” impacts such as increased regional traffic; downstream effects of contamination on aquatic ecosystems and harvests; compounded effects from other past, present, or likely future developments; reduction or degradation of wildlife habitat and travel corridors resulting in regional-scale population decline or dispersal; changes in access and ability to travel to preferred harvesting sites (roads, trails, river routes, etc.); contamination or effects to groundwater quality and quantity; or the ability of your Nation as a whole to make decisions according to your traditional laws (as opposed to just those members living close to the project).

Image 3. Regional assessments



An ILA can also consider the possibility that impacts (or impacted values) can move throughout the territory and across assessment areas. For example, impacts to migratory wildlife can affect multiple scales, and pollution can move throughout a watershed.

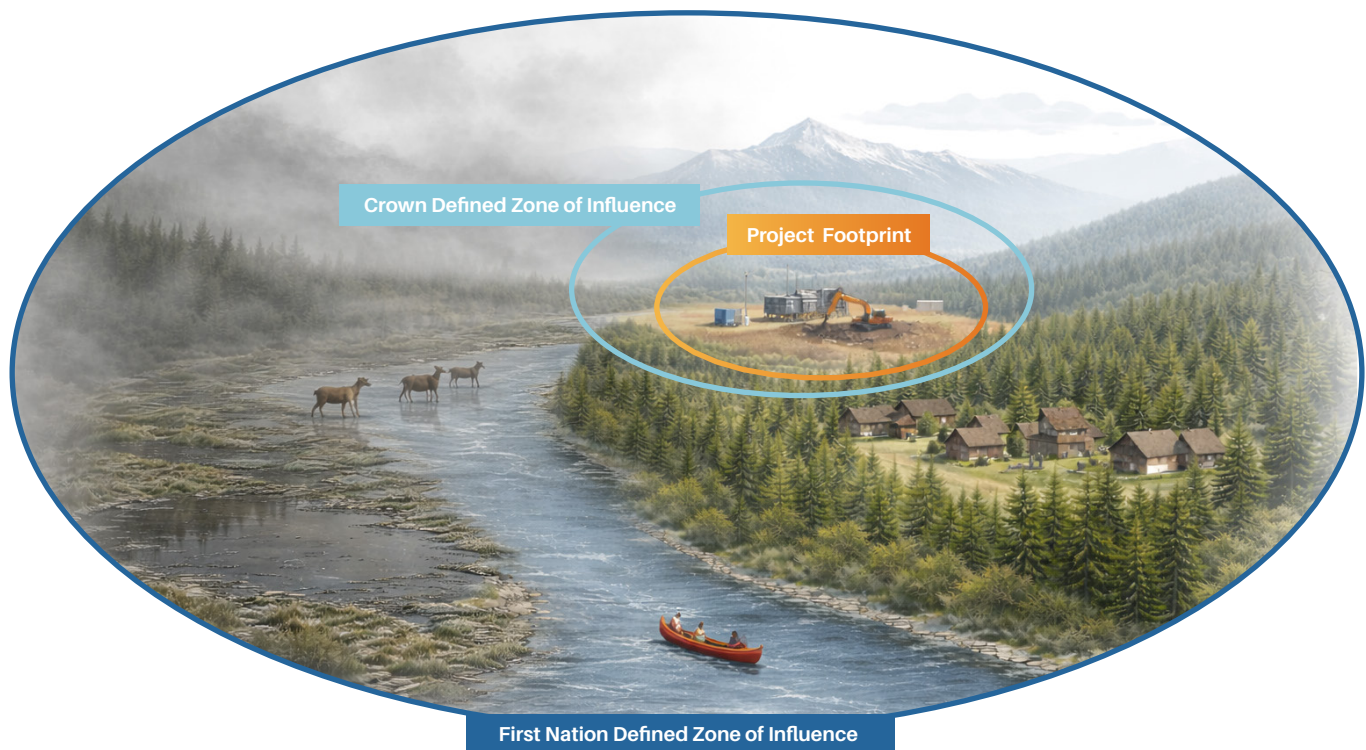
The appropriate extent of the LAA and RAA will differ across Nations and even within each project. For example, for the Mikisew Cree Culture and Rights Assessment of the Frontier Oil Sands Mine proposal, the LAA was defined as within 5km of the project footprint, and the RAA within 25km of the project.¹² The RAA extended downstream to receiving waters, including Lake Claire and the Athabasca-Peace Delta, and was defined based on how far Mikisew members anticipated that they may experience direct, indirect, or induced effects of the project.

¹² Candler, C., G. Gibson, and M. Malone. *Wiyôw'tan'kitaskino (Our Land is Rich): A Mikisew Cree Culture and Rights Assessment*. Firelight Research Cooperative, 2015.

Tools to determine the spatial boundaries may include:

- » Analysis of the assessment material to determine the spatial spread of effects of concern for your Nation;
- » Analysis of your Nation's existing land use studies and plans to determine areas of great concern that may overlap with project impacts;
- » Community engagement and research to determine areas of concern, zone of influence (ZOI), and interactions between values or impacts (note this can be part of your Nation's "scoping" or "what matters most" workshops); and,
- » Analysis of existing maps or creation and analysis of new maps (including, where possible, layers related to your Nation's traditional use or stewardship activities) to identify areas of concern and the project's ZOI.

Image 4. Zone of influence



Temporal Boundaries

Your temporal boundaries should reflect the periods during which your First Nation's values are (or will be) affected by both the project and cumulative effects. This is different from a typical IA, which typically focuses on the project's construction, operation, and closure timelines, uses current conditions as the baseline, and often minimizes existing cumulative impacts.¹³ First Nations typically have a broader view and tend to use pre-contact conditions as a starting point, or a time when the value was healthy and intact, or the right could be meaningfully practiced. ILAs typically consider the full range of past, present, and future cumulative and project effects, or at least as full a range as is possible given the available information and the ILA's budget. If desired, this can go back as far as colonial contact and forward as far as seven generations.

An example of a typical ILA temporal assessment boundary may look like this:

- » Historical context: Pre-industrial period (prior to 1800) to present period
- » Project construction: 4 years
- » Operation: 30 years
- » Closure, decommissioning, and follow-up: 1 human generation after the end of operations.

Image 5. Temporal boundaries



Project construction and operation timelines are typically provided by the proponent, but your Nation can set the first and last boundaries. This allows your Nation to consider how the project might affect your Nation in the future and how cumulative effects factor into that.

Information sources that may help determine the temporal boundaries include:



Your First Nation members (e.g., scoping workshops).



Archival sources.



Cumulative Effects Studies.



Heritage Studies.



Ethnographic Studies.



Traditional Knowledge and Use Studies.

The larger the temporal boundary, the more difficult it may be to collect data. Archives are limited, and living memory becomes distant going back further generations. As a result, information gathering may necessitate a larger budget.

¹³ O'Faircheallaigh, Ciaran, and MacDonald, Alistair. "Indigenous Impact Assessment: A Quiet Revolution in EIA?" In *Routledge Handbook of Environmental Impact Assessment*. Routledge, 2022. <https://doi.org/10.4324/9780429282492>.

2.6 Community Engagement

Community engagement is the process of working collaboratively with your community to share information about the ILA, explain details of a proposed project, answer questions, and gather insights into priority issues. This step takes place throughout the ILA.

During the scoping phase, community engagement is used to:

- (a) share information about your ILA and the proposed project,
- (b) identify what matters most in your assessment when defining your values and confirm what Indigenous-led Studies your First Nation may wish to undertake, and
- (c) share and confirm your methods, including how your ILA will determine impact significance and/or the acceptability of the project for your First Nation.

ACTION

This is also a good time to share how the ILA will be used to inform your First Nation's decision process.



Share information about the proposed project: The proponent is the expert in their own project, but you can manage how the proponent engages with members of your Nation, or you can present information about the project to community yourself. When inviting the proponent, you can set the community meeting agenda yourself and ask the proponent to join your meeting and leave the meeting when you feel is most appropriate. You can ask them to answer specific questions you know your community wants answered.



Identify what matters most: Once the community is better informed about the proposed project, they can discuss and identify the values most important to the project. A “What Matters Most” workshop can be arranged where members are asked to provide information on these topics.



Share and confirm your methods: Your First Nation members may provide input on the key milestones in your methods, including what information to collect and how to collect it; how the significance or severity of impacts is determined; and how a final decision on the acceptability of the project should be made.

Working with your Members to Develop and Confirm Methods

Your First Nation's Elders, knowledge holders, leaders, land users, and other members can provide valuable guidance to help develop, refine, and confirm your ILA methods. Consider dedicating time and resources toward this throughout the scoping phase. Early engagement with members can help determine what methodological framework to use in the ILA – a standard approach, sufficiency-of-resources approach, “Indigenous laws and norms” approach, rights-based approach, or a unique approach that is tailored to your Nation's needs, values, and objectives for the ILA. For more information on what these approaches entail, see Section 2.5 above.

Once a framework is identified, your Nation's members can provide further guidance on methods. For example, if using methods that are grounded in your First Nation's traditional laws and norms, you may assemble a group of Elders and leaders to provide input on how the assessment can do this. They may provide guidance on how to use your Nation's laws to develop clear thresholds to assess the severity project impacts.

If using a “sufficiency of resource” approach, you can also ask that land users, knowledge holders, and technical experts work together to identify Indigenous and scientific standards that can be used to assess project impacts in ways that align with your Nation's objectives for environmental, social, and cultural protection. For example, your Nation can identify a minimum area of wildlife or plant habitat that is necessary for your Nation to continue harvesting valued species.

If using a rights-based approach, members can provide valuable information to define the rights themselves and the practices that are involved in exercising those rights. Members can then provide information on how to assess impacts to those rights. Members can identify what indicates a change to rights practices, such as a reduced ability to access areas where rights are practiced or a reduced ability to practice harvesting rights due to changes in the quantity or quality of harvested resources.

The outcomes of these processes can then be used to support your Nation's decision making on the project. It is usually helpful to ask Elders and leadership to advise on what internal process should be used to make a decision on the project, unless your Nation has a clear decision-making process or protocol already set out.

Community Engagement throughout the ILA

Community Engagement is important throughout the ILA process. The scoping phase is a good time to identify a community engagement plan and approach. This section describes some best practices for community engagement. Your Nation can use a variety of methods to engage with community. What is most important is ensuring you have dedicated technical staff who can arrange meetings with your community and leadership, and that staff are sufficiently informed to provide direction on key milestones, especially on how the ILA will inform decision-making. A wide variety of engagement methods are available depending on community preferences and protocols. These approaches can be repeated throughout the assessment as you are gathering information.

Examples include:

- » Community meetings and dinners;
- » Talking circles;
- » Council meetings;
- » Elders' teas;
- » Cultural workshops;
- » Site visits;
- » Home discussions;
- » Interviews with direct-to-digital mapping;
- » Focus groups;
- » On the land mapping and data collection exercises; and
- » Door-to-door or online surveys and questionnaires.

Coordinating with other community processes is important for engaging community in a good way. For example, your Nation may have ongoing programs (e.g., guardian programs or on-the-land workshop programs) that may be excellent opportunities for engagement and knowledge sharing. Also consider that if many community members are out on the land harvesting at a certain time of year, this may not be a good time to conduct focus groups that require members to gather indoors at a central location. Alternatively, it may be a good time to conduct on-the-land workshops or knowledge-sharing activities.

Communicating with community regularly throughout the assessment process is also important to keep members up to date. Example tools include newsletters, websites, social media, community posters, pamphlets, school presentations, community radio, and group chats. This regular communication must be screened to determine how it may interact with other negotiations your Nation may be having with the proponent or the Crown on the same project (e.g., an Impact Benefit Agreement or an Accommodation Agreement). Careful consideration must be given to ensuring transparent information sharing and protecting your negotiation strategy to achieve the best outcome for your Nation.

You may also want community members to provide advice and feedback on each step of the ILA by forming a community advisory committee. Such a committee may assist you in finding the best way to engage with community members and in ensuring that information and ideas reflect community concerns. They can act as the eyes and ears of the membership, supporting the flow of communication feeding in and out of the ILA assessment team.

Engaging with your Nation's leadership is a critical part of any ILA. Leadership should inform the process, its goals, the overall approach, and the assessment methods, including how the Nation will engage with the proponent and/or the Crown. Time spent mandating on the front end can help facilitate a less contentious, more timely process. The assessment team can engage with leadership through your Nation's established governance systems. A separate leadership committee can be formed to guide this process. It is important to provide regular briefings to leadership so they can provide direction on key milestones throughout the process.

Community Engagement Checklist

The following items can support community engagement:

- ✓ Develop a short community engagement plan based on your assessment methods.
- ✓ Establish which protocols and ethical considerations are needed to handle sensitive cultural knowledge that may be shared during engagement.
- ✓ Where possible, arrange translators for community-based sessions or hearings. Documents and presentations can be made available in both English and your Nation's language.
- ✓ Encourage members from all areas and groups to attend, including Elders, youth, harvesters, and others, to maximize representation across the community. In some cases, you may organize group-specific forums to achieve specific goals, such as an Elder-youth forum to support intergenerational knowledge transfer.
- ✓ Advertise your sessions in all forums your members rely on for news, starting at least two weeks in advance.
- ✓ Determine in advance if both day and evening sessions may be required to ensure that all community members can attend.
- ✓ If the proponent is attending and presenting on the project, set the agenda yourself and ensure there is enough time for community members to weigh in and ask questions.
- ✓ Use incentives to increase participation in community engagement. Prizes, honorariums, and meals are ways you can promote the engagement sessions to your Nation's members.
- ✓ Online sessions may be considered when there are great distances between communities and members.
- ✓ Verification is an important step in community engagement. Plan for verification sessions with community members throughout the process, where possible.
- ✓ Determine how Indigenous Knowledge will be integrated into your ILA before conducting engagement.

2.7 Proponent Engagement

Proponent engagement is the process of communicating, sharing information, and working collaboratively with the project proponent.

An ILA usually involves engagement with the project proponent to:



Gather and/or request information about the project and the studies they are working on.



Negotiate full or partial funding for your ILA.



Provide guidance and feedback to the proponent on which values to prioritize and which studies to undertake in their assessment.



Develop an assessment agreement to outline key milestones for the collaboration if you are undertaking a collaborative ILA.

Throughout the rest of the ILA process, engagement with the proponent often continues for ongoing information sharing on impacts and the identification of mitigation, monitoring, and response measures.

Engagement with the proponent should start as early as possible. As described in FNMPC's "The Case for Phase 0" report, it is best to engage when a proponent first contemplates a project, which can sometimes be years before a statutory IA process begins. This kind of early engagement is often encouraged by statutory IA regulators but is not a formal requirement. This is a highly productive time for Nations and proponents to build a relationship and support your ILA scoping phase.

- » **Gathering information about the project:** During the scoping phase, this may include clarifying technical aspects of the project; sharing information to identify alternatives to the project or alternative means of carrying it out; and asking technical questions that proponents should address in their studies and assessments.
- » **Funding:** A proponent is one of your best sources of funding for your ILA. It can be important to establish a good working relationship early on for this reason. Your First Nation can ask the proponent to sign a funding agreement that covers the major phases of your ILA. This should happen after you have identified the focus of your ILA and your information collection needs. This will allow you to request an appropriate funding schedule and budget from the proponent and to seek out funding from other sources. Although funding levels can sometimes be revisited mid-ILA with the proponent, it is best to identify all funding needs in advance.
- » **Guidance to proponent on studies:** It is unlikely that the proponent will have access to sufficient information from your First Nation to fully identify the values and approaches to address in their own technical studies and assessment work. Your Nation can engage with the proponent to ensure that their technical studies account for the precautionary approaches your members want to see in your territory. For example, you may request that the proponent use a particular approach to measuring impacts to wildlife habitat, focus on specific species or important areas, or provide a detailed assessment of impacts related to work camps or to cultural heritage.

- » **Collaborative assessment:** If conducting a collaborative assessment with the proponent, consider developing a collaboration agreement that clearly sets out the expectations and responsibilities for completing the assessment¹⁴.

Proponents seek to obtain project approval as timely and efficiently as possible. They seek predictable processes, outcomes, and costs. Working in a collaborative way with the proponent requires both your Nation and the proponent to approach the IA process with goodwill and a commitment to build a strong relationship. The relationship can support the Nation's ability to obtain critical information needed to participate in IA processes. Proponents who support reconciliation and rich engagement will likely provide funding and opportunities for collaboration.

The implementation of your ILA with the proponent or the government is a decision in which all parties involved should be engaged and informed. Implementation includes collecting and analyzing information on your Nation's values, cumulative and project-specific impacts, and measures to avoid or reduce them, and may also include collaborative decision-making. These steps are the next phases of your ILA process and are discussed in Sections 3-5 below.



¹⁴ See Section 3.4.3 of FNMPCC's "Introduction to Indigenous-led Assessment" for more information on approaches and concerns to developing such an agreement.

Agreements with Proponents

Agreements with proponents should be formalized through a negotiated participation agreement or a memorandum of understanding that specifies funding, timelines, and other commitments.

The following proponent-Nation commitments may be included in your collaborative process:

- » Funding for your involvement in the conventional IA process, including costs for time of your staff and technical advisory services for all technical IA and related consultation meetings;
- » Funding for your Nation's Indigenous-led Studies;
- » Travel costs for all technical IA meetings;
- » Costs for hosting and coordination of internal community meetings related to the IA;
- » Control over Nation-specific studies in the Impact Statement;
- » Acceptable timelines and protocol for information exchanges and meaningful input into the process (i.e., how to address new timeline regulations) — this includes expectations of adequate notice and time windows for turning around comments on documents, or adequate time in advance in respect to provision of documents prior to a meeting;
- » Support for Indigenous-led mitigations, conditions, and monitoring — this includes using a formal and co-chaired table where mitigations, benefits, and other measures are developed;
- » A communication protocol or plan that outlines how and when the Nation expects to be consulted and engaged throughout the ILA and conventional IA process;
- » Commitments for early engagement on project design, particularly siting and routing alternatives;
- » Protocol around collaborative work related to the Nation's Indigenous Knowledge (IK) within the proponent's Impact Statement, and protection of IK based on the Nation's principles and protocols; and
- » Opportunities for the Nation to review documents before they are submitted to the regulator or relevant panel.
- » A process for your Nation to provide or withhold its consent for the project following the outcome of your ILA.

2.8 Regulator Engagement

Your First Nation can expect to engage with a statutory regulator, such as the federal Impact Assessment Agency of Canada, a provincial regulator, or a review panel. This engagement usually begins when the proponent submits an official proposal or application for the relevant IA authorization. FNMPC's "Introduction to Indigenous-led Assessment" provides guidance on determining the level of collaboration to pursue with the Crown, and the "Guide to Effective Indigenous Participation in Federal Impact Assessment" provides more detailed guidance on working in statutory IA processes. Below is some ILA-specific guidance to help your First Nation conduct its ILA alongside the statutory process.

If there is the possibility that your Nation's Aboriginal or Treaty Rights may be adversely impacted if the project were to go ahead, then the Crown's Duty to Consult will be triggered. The Crown regulator or impact assessment agency is responsible for ensuring that the Crown's Duty to Consult is fulfilled and may delegate some procedural aspects to the proponent. This duty cannot be fully delegated to the proponent.

Crown Consultation Opportunities Related to ILA

Your Nation can engage with the Crown to help ensure consultation processes are meaningful and result in positive outcomes for your ILA. It is important to remember that the duty to consult cannot be fully delegated to the proponent. In addition to consultation, the following elements of a statutory IA process may be important to engage with the Crown on while conducting an ILA:

- » Establishing an agreement for how your ILA will be considered by the Crown and principles for how the Crown will weigh competing information from the ILA and the Proponent;
- » Reviewing the Project Description to establish an agreement for how your ILA will be considered by the Crown.
- » Ensure it contains sufficient information to allow your Nation to understand the project.
- » Determining information requirements for the proponent's assessment or permit application before the proponent's assessment material has been drafted.
- » Reviewing the proponent's assessment statement or application alongside Crown review or oversight.
- » Participating in oversight committees and tables, such as a Technical or Community Advisory Committee.
- » Reviewing and revising the Crown's assessment material and draft conditions.
- » Meeting with the responsible minister regarding decisions on the project.
- » Focusing specifically on the broader context of cumulative impacts and how it will shape the IA process.

Written communication is often a significant part of consultations with the Crown. Your Nation may prefer face-to-face meetings to written communication and may request those to build consensus on your ILA process.

Engagement with Other First Nations

In some cases, your Nation may have a strong, collaborative relationship with neighbouring Nations, or you may be members of a larger association of First Nations, such as a regional tribal council. You may choose to develop an ILA jointly, which can result in a single joint report or separate reports.

You may choose to develop an ILA together with others, which can result in a single report being issued jointly or separate reports. Setting the groundwork for working with neighbouring First Nations can be done in the scoping phase. This can be advantageous from a resource-sharing and relationship-building perspective. Once you've decided whether to work with neighbouring nations,¹⁵ finding common ground on your ILA goals and approach helps set realistic expectations, which is fundamental to ensuring a strong foundation for working together. An agreement setting out how the ILA will be co-developed. While defining similar values and methods will simplify the assessment, the proponent and the regulator will still be required to assess the impacts on the rights of each Nation separately.

There are also projects where a First Nation is a proponent of a project that affects another Nation's territory.¹⁶ In these cases, it is important to understand the First Nation's role as a proponent in the regulatory process. It may be necessary to request engagement with that Nation, and as with any proponent, your project may be subject to an ILA from you or another impacted Nation.

¹⁵ See page 30 of the "Introduction to Indigenous-led Assessment" for guidance

¹⁶ Examples where First Nations were the proponent include the [Atlin Hydro Project](#), led by Atlin Hydro Limited Energy Partnership, and the [Ksi Lisims LNG project](#), in which the Nisga'a Nation is a key partner alongside Rockies LNG and Western LNG.



3. Phase 2: Gathering Information on What Matters Most

At this point in your ILA, your First Nation will ideally have come to an initial understanding of:

- » the proposed project
- » identified goals and priority values
- » set out a methodology and engagement plan
- » established clear roles for your Nation, the proponent, and the Crown regulator

Once these elements are in place, the next step is to implement your plan. This section describes the first step in that process: gathering information on your priority values, or what matters most, and how the project might affect those values.

3.1 Identifying your Nation's Existing Information

An important early step in the information collection phase is to take stock of existing information on your Nation's territory and people and to identify any remaining gaps. Along with providing important information about how the project might affect your Nation's Rights and values, this also shows you what information is missing and what you need to collect.

Much of the information you need to identify your Nation's priority values may already be documented, even if it has not been gathered in one place. Likely, your Nation has already collected information describing the values, rights, and practices that might be affected by the project, which may only need to be centralized. Information about the project itself will likely come from the proponent.

These existing sources can provide strong, early evidence, sometimes described in the IA and legal literature as "foundational" or "threshold" information, about land use, occupation, and potential impacts. This information can also provide important clues about which values might be affected in the project area. Relevant existing information should be reviewed to build an initial understanding of the existing baseline (including cumulative effects) and potential project impacts.

Existing sources may include:

- » Indigenous Knowledge and Land Use Studies.
- » Assessments in nearby areas by your Nation or other Nations.
- » Stewardship and land use plans, whether current, past, or draft.
- » Community mapping exercises – both formal and informal mapping carried out through workshops or meetings.
- » Oral histories, including recorded interviews or transcripts.
- » Personal histories, memoirs, and family records in which members have documented their own or their families' connections to the land.
- » Records from legal proceedings, including historical claims, consultation records, impact assessments, or related litigation, which often contain sworn or documented evidence of land use and impacts.
- » Academic and institutional research, including theses, dissertations, reports, and studies prepared by graduate students, researchers, universities, tribal councils, or regional First Nations organizations.
- » Oral histories and mapping from neighbouring or related Nations, recognizing that land use, kinship, and governance often extend across Nation boundaries through marriage, movement, and long-standing relationships.
- » Government records, such as meeting notes, correspondence, or internal reports, where local or Indigenous knowledge may have been recorded informally, sometimes without the explicit consent of individual members.
- » Historical written sources, often found in archives, libraries, or published materials categorized under history, anthropology, archaeology, geography, or Indigenous Studies.

Some of this information may be held within the community, while other materials may be stored regionally or externally with individuals, institutions, or archives. It is common for Nations not to have a complete or up-to-date archive of these records. However, there are often key community members, such as former staff, researchers, leadership, or land users who know what work has been done, where records may be located, or who to contact to obtain copies. For example, a former employee or consultant who conducted community-based research may still hold copies of land-use studies or related materials.

Reviewing and organizing these existing sources can provide a strong foundation for early engagement in an IA process, help demonstrate the seriousness of a Nation's interests, and inform decisions about whether additional research or a more comprehensive ILA is needed.

A wide range of documented evidence may be relied upon to demonstrate the existence of an Indigenous right and to support a Nation's assertion of interest in, and entitlement to be consulted on, a proposed project, particularly where resources are not available to carry out project-specific community research.

Identifying as many existing sources of land-based information as possible can save significant time and financial resources. It also ensures that any community-based research undertaken as part of an IA or ILA builds upon, rather than duplicates, what is already known.

Care should be taken to ensure that this knowledge is transferred to the appropriate people responsible for organizing and managing the IA or ILA. This may include clearly documenting sources, maintaining organized records, and sharing information with designated staff, leadership, or technical teams, so that it is accessible when decisions need to be made and can effectively inform the Nation's participation. Where possible, dedicated support, such as a summer researcher funded by provincial governments, can help gather and compile these valuable sources of land-based knowledge with little cost to the First Nation.

Additionally, any land-based programs should be considered important assets for readying your Nation to participate in ILA. If your Nation has a Guardian Program or a land-based knowledge-sharing program, consider reaching out to them for more information.

3.2 Collecting Proponent Information and Using a Two-Eyed Seeing Approach

Your First Nation should also collect information from the proponent about the project, including the project description, baseline studies, and any studies or assessment material the proponent has produced to evaluate impacts. This information typically focuses on assessing the physical impacts on environmental and social values and is important to subsequent stages of the ILA, especially for assessing impacts on your values. Proponent information should be reviewed critically by trusted experts to identify any gaps and impacts related to your Nation's rights and values. If resources are available, your First Nation may also choose to collect its own scientific baseline information.

In an ILA, Western scientific information can be woven together with Indigenous knowledge in a way that supports your First Nation's values, objectives, and concerns regarding the project. Two-Eyed Seeing is when both Indigenous Knowledge and Western science are used to provide insights on an issue or question. In an ILA, this approach can be used to identify both cumulative and Project-specific impacts and to identify mitigation and accommodation measures.

The Two-Eyed Seeing approach was developed by Mi'kmaw Elder Albert Marshall. It recognizes that the strengths of both First Nations and Western ways of understanding the world can be brought together to overcome challenges and strengthen the assessment. It recognizes that Indigenous Knowledge and Western science "need each other and must engage in a co-learning journey". To do this, Indigenous Knowledge must be on equal footing with Western science, meaning it must be valued and applied as a distinct and complete knowledge system alongside the Western science. Practitioners guided by the Two-Eyed Seeing approach identify the strengths of each knowledge system that are most applicable in particular circumstances. Practitioners can then weave back and forth between Indigenous knowledge and Western science, recognizing that in some contexts one may have more applicable strengths, and that this can change with different circumstances.

3.3 Indigenous-Led Studies

Depending on how relevant and complete the existing information is to your ILA goals, it may be necessary to collect additional information through an Indigenous-led Study. An Indigenous-led study is a process to collect and present information on what matters most to your Nation – the values that guide your First Nation's ILA.

Collecting Information

If you've chosen to collect knowledge and information from your First Nation's members, this will likely involve conducting interviews, focus groups, or workshops focused on the values being assessed.

Information can be gathered on a wide range of elements of the ILA, including:

- » defining and characterizing the values and rights being assessed.
- » identifying the most relevant indicators to measure project and cumulative impacts.
- » identifying cumulative effects, trends over time, and current conditions (how your Nation's values have been affected by cumulative pressures).
- » Identifying project-specific impacts, desired future conditions, and impact "significance".

No matter what you are collecting information on, it is important to ground the information gathering process in your Nation's specific values, culture, and laws. This will help ensure that the information you gather is relevant for your Nation and that the methods used to gather it are culturally appropriate and ethical. For example, if developing interviews or focus groups to gather information on cumulative effects and change over time, ensure the questions are informed by your Nation's knowledge and values, that the setting is appropriate and safe, and that members are treated respectfully in accordance with established protocols.

The methods you decide to use to collect information will depend on the type of information you need (based on gaps in existing information) and your Nation's values and laws. How best to collect that information depends on where it is available, the resources you have, and the strategies most suited to information collection. Elders or land users may be valuable sources of knowledge about impacts to the land, but may only be available at certain times or require specific protocols to be followed. When members share knowledge, this should be reciprocated or remunerated in a culturally appropriate and meaningful way.

ACTION

The following general steps can be considered for collecting information:

1. **Determine what information you need.** This can be done by reviewing the existing information you have already gathered and considering it in relation to the assessment goals and values set out in the scoping and planning phases. What gaps remain? These are the topics you likely need to gather information on. Do you need information on current conditions in your territory? Information on cumulative effects and change over time? Information on project-specific impacts and what those impacts might mean for your members' ability to continue practicing their rights and protecting their land and culture?
2. **Identify potential information sources and knowledge-gathering strategies.** If collecting information from community members, identify a process best suited to the types of knowledge being collected and to your community's needs. Mapping interviews or on-the-land knowledge sharing activities can identify existing harvesting and cultural sites and provide traditional ecological knowledge. Focus groups or community workshops can be

¹⁷ First Nations Major Projects Coalition. *The Spirit of the Land: The Indigenous Cultural Rights and Interests Toolkit*, 2024. https://fnmpc.ca/wp-content/uploads/FNMPC_SOTL_Toolkit.pdf

used to collect information on cumulative effects or anticipated project impacts. FNMPC's "[Spirit of the Land Indigenous Cultural Rights and Interests Toolkit](#)"¹⁷ provides extensive information on community knowledge gathering approaches. When gathering Western science-based information, identify the experts and strategies needed to gather it in a way that reflects your Nation's needs and goals. This may involve working with consultants who are experts in specific scientific fields (e.g., fisheries, wildlife, ecology) and with community members to collect data and samples on the land.

- 3. Design a clear information-gathering process and supporting guidance.** A methodology document or interview guide can be developed that describes the goals and methods of the information collection process and, for Indigenous knowledge gathering, contains all the questions you want to ask during the interviews, workshops, or focus groups. Interviewers and facilitators can use this to guide the knowledge-sharing sessions.
- 4. Align the participants and practitioners best suited to sharing and gathering the information.** Work with well-connected community members and leadership to determine who in the community is best suited to provide knowledge on specific topics, the best times to schedule sessions, and how to reach out to members. Identify the ILA practitioners best suited to collecting the information, including interviewers, workshop facilitators, field guides and technicians, or members of your Guardian Program, if applicable. Your Nation can hire professional interviewers to conduct the interviews or help train community members in interviewing, focus group facilitation, or on-the-land data collection, as needed.
- 5. Keep records of all information collected.** It can be helpful to align multiple methods of data recording, including audio recordings using multiple recorders for backup and simultaneous notetaking, if possible.
- 6. Organize and analyze the information.** The information you collect must then be organized, analyzed, and synthesized in a way that is easy to understand and relevant to the assessment you are undertaking. If you've collected interview or focus group materials for your Indigenous Study, you can "code" those materials to identify key themes and organize members' quotes by theme. Mapping exercises can help visualize land uses, ecological conditions, and community knowledge. Existing scientific information can also be used to identify key interactions. The proponent's IA document also provides valuable information on likely effects (but should be interpreted critically).

Guidance on Topics to Collect Information On

Values, Rights, and Indicators

Defining values helps to set out the quality and nature of the rights and values that may be most impacted by the development project. For example, you may have determined that a project risks having an impact on your community's fishing Rights. Defining these rights in relation to your Nation and the project may involve asking participants to describe what is involved in practicing fishing Rights (accessing valued fishing locations; having abundant, healthy fish populations; protecting fish habitat). You might ask members what defines the value or right, why it is important for your Nation, and how the right is practiced.

This information can be used to develop indicators, or the measures used to assess cumulative and project-specific impacts. You can even ask questions like, "How would you measure impacts on fishing Rights?" You can also ask how that value might be connected to other values (e.g., declines in salmon harvest are linked to several activities, including historic and ongoing development, limited access to the river, declines in abundance, and climate change). This information will later be used to determine if the proposed project is likely to change these values. repeated throughout the assessment as you are gathering information.

Baseline, Current Conditions, and Trends over Time

Your First Nation will likely need to gather information describing conditions in your territory for each value or right and how that has changed over time. This information can be used to develop a baseline or a trend line against which to measure project-specific impacts. Your baseline and trend-over-time studies should describe the conditions in the affected area and provide important context needed to understand the relative importance or weight of the likely impacts.

In the example above, your study can show how members use the area for fishing, whether there are valuable fishing locations near the project and, if so, exactly where they are. You should also share important historical and geographic context about your priority values if it helps to illustrate the relative weight and importance of each impact, such as if the area is one of only a few places remaining for gathering a wide variety of plants and berries in the territory or if the impacts would affect stewardship activities that your Nation has planned for that area.

Project Impacts, Desired Conditions, and Impact Significance

You can also gather Information on project-specific impacts. Members can use their expert Indigenous and ecological knowledge to provide valuable information about how certain aspects of the project, including its components and activities, may affect their ability to continue practicing their rights or protecting their values.

Members can also provide knowledge about their desired future conditions for certain values and rights. This can be used as a benchmark to determine the significance of impacts. If members seek to improve fishing Rights in specific ways, this information can be used to determine whether the project will take away from or contribute to their ability to achieve these desired future conditions. This information can then be used to determine the significance of anticipated impacts. Members can also be asked directly to determine the significance themselves. A significance determination is a common way to communicate the importance or severity of project-specific impacts to Crown regulators.

Best Practices for Knowledge Collection

To determine how you will select the right studies and information to establish a strong baseline to undertake the next step of assessing the project, consider using these strategies:

1. Begin by reviewing existing secondary information (e.g. previous studies, archival information, ethnographic and oral histories, published research, and proponent baseline studies) to avoid duplicating previous work and to identify gaps in this information that you may be able to fill with your study.
2. Concentrate on aspects closely connected to your key concerns and likely project effects. For instance, if your concern is the direct effects on fish and fishing activities, focus on describing fishing activities in the vicinity of the proposed project rather than documenting persistent problems with fisheries policies. If the primary project concern is short-term localized inflation and housing pressures, focus on these topics rather than spending time examining the roots of persistent poverty.
3. To maximize community involvement and build capacity, choose studies that offer opportunities for community members to access training in research methods and monitoring, lead data collection, and participate in the process.
4. If you choose to collect information from community members, consider engaging those most affected by the proposed project, such as Elders, women, and youth.
5. Where possible, prioritize study topics and approaches that build on existing programming and can be built upon by future programs, rather than conducting studies that will only be used in your ILA once and then sit on a shelf, forgotten.
6. Use the proponent's information to your advantage, including the project description and other proponent-drafted baseline and assessment documents.
7. Consider including information from community members on their desired future use of the proposed project area. This can help demonstrate the similarities and differences between the proposed activity and the desired future use.

As noted earlier, any Indigenous Study that relies on community information should include a continual verification process with your community.

Sharing Your First Nation's Knowledge

Proponents sometimes want to include Indigenous knowledge in their assessment material as part of the statutory IA process. It is important to note that when proponents incorporate Indigenous knowledge, for example, by hiring local community members as guides or research assistants, valuable insights are often gained. However, this knowledge is sometimes shared informally, remains uncredited, and lacks proper recognition or verification by the Nation itself.

You may be asked to share your Nation's knowledge with the proponent or the Crown. Sharing your Nation's knowledge with other parties can result in misinterpretations or misuses of that information if the proper protections are not put in place. For both these reasons, First Nations should consider formalizing how their knowledge is shared and used within an ILA. This can be done as part of the Terms of Reference or Assessment Agreement that you develop with the proponent and/or Crown.



4. Phase 3: Performing the ILA

This section describes common approaches to carrying out an ILA after the ILA's scope and methods have been determined and information has been collected. The assessment processes described below follow a standard approach that many First Nations have used in recent years. This type of ILA is rooted in both First Nations and Western science approaches to impact assessment, drawing on elements from both to build assessments that can be understood from multiple perspectives and feed multiple decision-making processes and frameworks.

However, First Nations should not feel limited by these approaches and should consider an approach best suited to their needs, protocols, and culture. A wide range of approaches to ILA is possible, and your First Nation can explore options, combine elements from past ILAs, or develop innovative methods based on your Nation's unique experience and objectives.

4.1 Characterizing Values and Defining Indicators

Often, the first step in executing an ILA is to further define and characterize the values you identified in the scoping phase – those that might be impacted by the proposed project.

Characterizing values and defining indicators typically involves drawing on your Nation's knowledge to describe:

- » The importance of the value or right for your First Nation;
- » The resources, species, or environmental features that define the value;
- » The practices involved in exercising the right or using the value;

You can then use these elements to identify indicators of how those values might be affected. Indicators are specific measures used to observe and assess changes in values over time. Indicators are chosen because they can be consistently tracked and described. They are used to predict potential effects. Examples include changes in the availability of

harvesting resources, access to territory, First Nations employment levels, sense of safety of community members, or the amount of habitat disturbed by a project. Together, valued components and indicators inform impact predictions, mitigation design, monitoring programs, and regulatory decision-making.

Values or rights: subcomponents or practices and initial indicators.

- » Harvesting and Food Sovereignty
- » Fish and Fishing Practices
- » Access to Fishing Sites
- » Abundance of Fish
- » Quality of Fish
- » Hunting and Trapping
- » Access to Hunting and Trapping Sites
- » Abundance of Wildlife
- » Quality of Wildlife
- » Governance and Stewardship
- » Decision Making, Laws, and Protocols
- » Exercising traditional authority and decision-making protocols
- » Asserting Title
- » Stewardship and Caretaking
- » Monitoring and mitigation effectiveness
- » Control over stewardship decision-making

An ILA may approach values and indicators differently from a conventional IA. Values are defined by the Nation and emphasize relationships rather than discrete components. For example, fishing a single species may involve physical sustenance, spiritual responsibilities, social obligations related to sharing food, governance practices, and intergenerational knowledge transfer. Treating that species in isolation risks obscuring these interconnected benefits and responsibilities.

Similarly, indicators in an ILA context signal changes to the conditions that support values and the exercise of First Nations Rights. Indicators may reflect whether access to land and water is restricted, traditional travel routes remain safe, harvesting areas are displaced or made less predictable, and opportunities for knowledge transmission are diminished. Measures of change may be qualitative, quantitative, or mixed, consistent with First Nations methods of understanding and living on the land. Importantly, ILA indicators explicitly document how a proposed project may affect the exercise of First Nations Rights over time.

When defining values and indicators in ILA contexts, First Nations should recognize that conventional assessment processes tend to narrow and fixate them within technical or scientific frameworks. First Nations should articulate that their indicators and values adapt to ongoing community-based research and emerging knowledge about impacts. Well-designed indicators are not static and will likely evolve over time to inform more robust and responsive mitigation and monitoring programs.

4.2 Baselines, Trend Lines, and Cumulative Effects

Most ILAs contain some sort of “baseline” or “trend line” information. A baseline describes the conditions for a value or right that exist without the proposed development project. Ideally, the baseline also includes information on how the value or right has changed over time and whether it has approached or exceeded any limits or thresholds for the practice of the right or the health of the value. This is sometimes called a “trend line”.

The purpose of this information is to determine how the project’s components and activities will affect the value or right. First Nations-defined baselines are critically important, particularly where there is uncertainty or disagreement about the nature or significance of project effects. First Nations baselines can confirm the historical presence of species within a project footprint that have since been reduced, displaced, or extirpated by past projects, climate change, or other factors. Establishing this baseline documents not only that these species existed, but that they may have the capacity to return under the right conditions.

What counts as “baseline” information, even for mutually recognized valued components, is often contested. In conventional impact assessment, proponents and the Crown often define the baseline as the current conditions at the time of assessment, sometimes ignoring historical industrial development that may have already altered the landscape and colonial policies that have affected First Nations. This does not consider the full range of past, present, and future impacts that First Nations members are dealing with on the ground.

For First Nations, the baseline is far richer. It draws on longstanding, place-based knowledge that combines lived experience, intergenerational memory, and stories or teachings that situate people within local landscapes. Many Elders remember life before industrial development may have heavily impacted their territory, and oral histories can extend centuries, preserving knowledge of ecological conditions long before modern records and Western scientific study existed.

In an ILA, First Nations typically want to focus on the full range of cumulative effects and their significance relative to the project. First Nations’ baselines usually integrate members’ knowledge on pre-industrial conditions, ongoing ecological observations across all seasons, and cumulative and intergenerational impacts. It may be necessary to engage with your members to gather this information, in which case your First Nation will need to secure the resources for this work (see Sections 2 and 3 above for more information on this). You may also review existing baseline studies or assessments your Nation may have conducted for other projects and determine if this information is relevant for this project (e.g., if the geographical boundaries overlap). This knowledge can be supplemented with archival materials (e.g., provincial or municipal records, memoirs, photographs), historical manuscripts, and pre-project aerial surveys that document environmental features prior to industrial development. See “Step One” below for more information on baseline data collection.

First Nations-defined baselines can be both qualitative and quantitative. It is qualitative because it reflects relational knowledge: how and why specific places, species, and practices are central to daily life, culture, and governance. It is quantitative because community-based research can record measurable details, such as the number of harvesting locations near the project or the number of fish historically available at those locations before industrial development. This quantitative knowledge can be compared to current conditions, allowing the Nation to quantify losses, assess their significance, and understand how impacts may continue. Together, these dimensions create a rich, holistic baseline that integrates lived experience, intergenerational memory, and empirical observation, providing a foundation for predicting impacts and designing mitigation.

Developing the Baseline

Your Nation can identify a specific point in time against which to assess project impacts. This can be current conditions, pre-contact conditions, or a point in time at which the right could be meaningfully practiced, or the value was relatively intact. More commonly, First Nations use the trend-line approach to show how their rights and values have changed over time due to colonial development and then assess project impacts against this trend line. For example, you may have determined, based on information collected from members, that cumulative effects have caused a decline in your members' ability to practice fishing Rights over the past number of years and that their rights are on a downward trajectory. Cumulative effects may have impacted fishing conditions, making fishing Rights highly sensitive to further change. What will the project mean in this context?

The following sections describe how you can use the information gathered from community members and other sources to develop a baseline or trend line that is appropriate for your ILA.

Pre-contact Baseline or "A Point in Time When Rights Could Meaningfully Be Practiced"

Most First Nations tend to include information on pre-contact conditions in their ILA, or on conditions at a point in time when the value was intact, or the Right could be meaningfully practiced. Information describing these conditions for each value can be gathered from community members, who often have generational memory and oral histories that provide a wealth of information about how rights were practiced in the past. Existing documents, including documented oral histories or anthropological and archaeological studies, can also provide valuable information on these conditions.

This information provides a starting point for analyzing trends over time. It shows that, before colonial contact (or before severe impacts), conditions in your First Nation's territory supported the Nation's values and rights to a certain degree. For example, the description of pre-contact conditions in your First Nation's territory might describe how, prior to Euro-Canadian colonial policy, settlement, and industrial development, your Nation's members could harvest fish of a certain quantity (abundance of fish) and quality (healthy fish) in a way that sustainably supplied their needs for both sustenance and trade. To use another example, for governance rights, your Nation might describe how, at a point in the past, your Nation's traditional governance system was relatively intact, and your Nation could make decisions regarding your territory according to your own laws and objectives.

Pre-contact conditions can be assessed on the level of each value or right using the indicators developed alongside the values and rights components. This can provide consistency, detail, and cohesion across the ILA. However, the ILA's description of pre-contact conditions can (and likely should) also focus on the interconnections between values and rights practices in the pre-contact period (e.g., governance practices were closely connected to land-based activities such as harvesting and feasting). Of course, your Nation may choose to describe pre-contact conditions holistically (e.g., in a single section), with a strong focus on the interconnections between values.

Trends over Time and Current Conditions

It can be helpful for your ILA to describe how your First Nation's values and rights have changed over time. This gives your Nation the opportunity to describe cumulative effects that have occurred to your rights and values and to consider the project in this context.

Cumulative effects are the combined effects of all past, present, and likely future developments, activities, and processes that have occurred in your territory in relation to the rights and values being assessed. In the context of an ILA, cumulative effects should focus specifically on the values and indicators being evaluated. It can also be useful to point out the interconnections between impacts on values.

Given that the conditions of your Nation's Rights and values, today and in the future, are the result of all past, present, and likely future effects, it makes sense to include them all. Insofar as this is doable, it should be done. However, this can also be very time-consuming and expensive, due to the sheer breadth of cumulative effects that most First Nations have experienced. For this reason, choosing a point in time when the value or right was relatively intact, and maintaining a tight focus on the specific values and rights practices themselves, can be useful ways to ensure an effective and efficient use of resources for the ILA without sacrificing the quality and accuracy of the cumulative effects information.



Step One: Gather information about Cumulative Effects:

The first step in developing trend-over-time analysis is to gather information on cumulative effects, focusing on the values and rights that you're assessing in the ILA.¹⁸

Consider the following:

- » First Nation members (Elders, knowledge holders, land users, etc.) have extensive knowledge of cumulative effects and change over time.
- » Scientific, technical, and historical literature (scientific studies, historical monographs, archival records, etc.) can provide valuable information on cumulative changes, typically from a more Western or Euro-Canadian perspective.
- » Land use studies and traditional ecological knowledge studies often include Indigenous knowledge and other forms of information that describe change over time.
- » Mapping analysis and/or historical aerial photography can be used to show how physical developments have progressed over time.
- » Impact assessment registries in relevant Crown jurisdictions can be used to develop lists and descriptions of reasonably foreseeable future projects.



Step Two: Develop a Timeline or Narrative of Change

In the context of an ILA, the overarching goal of trend-over-time and cumulative effects analysis is to show how the health of your Nation's Rights and values has changed over time, in order to show how the project will contribute positively or negatively to those trends. Your First Nation can develop a narrative of change over time that describes how each right or value has been affected by cumulative effects. This can be combined with a timeline (a graph or table) depicting change over time.

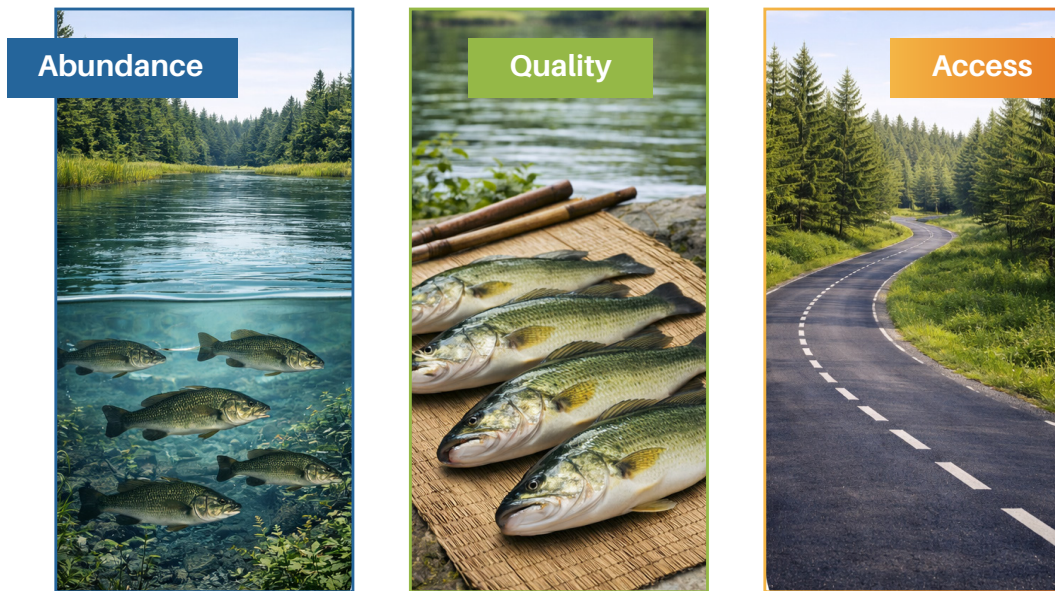
Figure 1 below illustrates a rough trend line (in practice, the trend line can contain more detail about major milestones and developments). In this case, the orange line represents harvesting Rights (the other lines will be discussed below). Cumulative effects information collected from your members and other sources can be used to develop this trend line. Information that aligns with the indicators for each right or value can describe how the conditions for that right have changed over time.

¹⁸ As described in Section 3.2, there are many ways to gather such information. Also see Tool #2 of FNMPC's "Spirit of the Land Toolkit" for more guidance on collecting information about cumulative effects.

For example, for fishing Rights, the indicators may be the following:

1. Change in fish abundance;
2. Change in fish quality; and
3. Change in members' access to fishing sites.

Image 6. Indicators for a change in rights

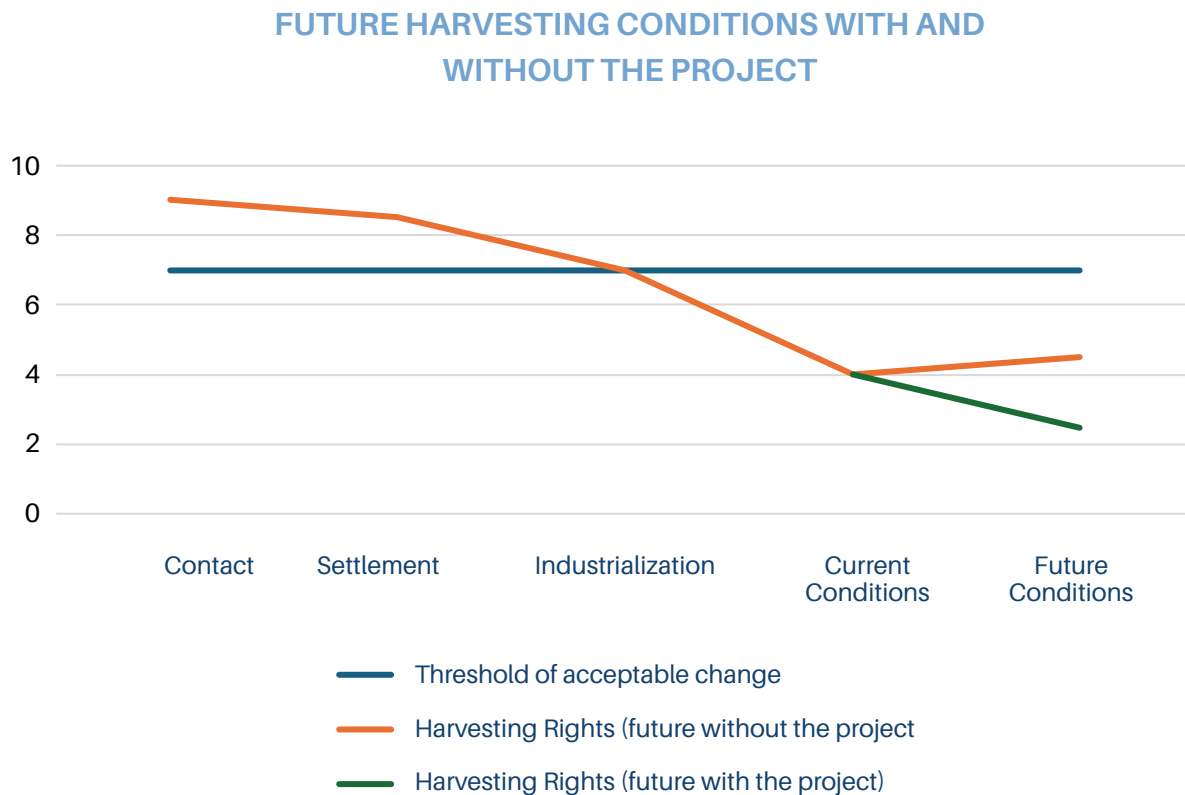


Information on all these indicators can be combined and analyzed, and the trend line can be developed based on this. This is often a qualitative (descriptive) analysis, although certain quantitative (statistical or numeric) elements can be used to support the process. For example, for the first indicator above, an Elder may have described how, when they were young, they remember harvesting salmon in large numbers from a certain river, but that since a dam was built, there are much fewer salmon. Similarly, scientific studies might show that elevated levels of arsenic have been appearing in the river due to a mine upstream, affecting water quality and fish health. Another First Nation member may have pointed out that a more recent increase in non-First Nations residential development and settlement in the same area led to restrictions on access to fishing sites. All of this information can be combined to develop the trend line.

Due to the nature of Euro-Canadian colonialism and industrial development, the trend lines for First Nations' Rights and values are often on a downward trajectory. However, you should also include positive effects in this analysis. For example, if your First Nation has undertaken restoration or renewal activities for a sensitive and valued ecosystem or animal habitat, and the program has improved conditions, this can positively affect the trend line and should be included in the trend-over-time analysis.

Note that cumulative effects don't just include physical developments. Cumulative effects also include policies and practices that have affected your First Nation, such as the Indian Act, residential schooling, child and family services programs, and others. These factors can affect harvesting Rights, cultural Rights, and governance Rights.

Figure 1. Example of change over time for practicing a right.



Step Three: Characterize Project Impacts against the Trend Line

After developing a trend line based on cumulative effects, your Nation can assess project impacts against it. Will the project push this right further downward, or will it lift the right upward, increasing your Nation's ability to practice their rights?

In Figure 1, the blue line represents a “threshold of acceptable change”, something that your Nation can determine for each right or value. This can be based on measurable parameters (e.g., fish populations in a watershed fall below a specified threshold as determined by monitoring data). Alternatively, it can be a qualitative estimate (e.g., after the coal mine was built in 1920, members stopped fishing in the area due to concerns about pollution and now avoid the area completely, therefore, the right surpassed acceptable levels long ago). Or it can be the result of a combined analysis that discusses several types of impact on a bundle of rights (e.g., harvesting Rights, including fishing, hunting, and plant gathering).

The green line in the graph is an example of where your Nation's Rights would go if you added the project into the mix. The general approach here is to use the same indicators to show how much change will occur to your Nation's rights due to the project, and where this puts the trend line. This is not the only way to consider cumulative impacts, but it is a useful approach and is increasingly used.

Identifying Project Impacts

Once a Nation has defined its values and produced its baseline information, the next step is to identify the project impacts. This involves reviewing the proposed project against your priority values, your baseline information, and your members' knowledge to identify likely interactions. The goal here is to predict and describe the likely effects of those interactions. What will be the key impacts on your Nation's values, and how are they linked to specific proposed project components and activities?

To do this, it is helpful to identify the full "impact pathway", which describes all the steps involved in how your Nation's Rights or values will be affected by the project.

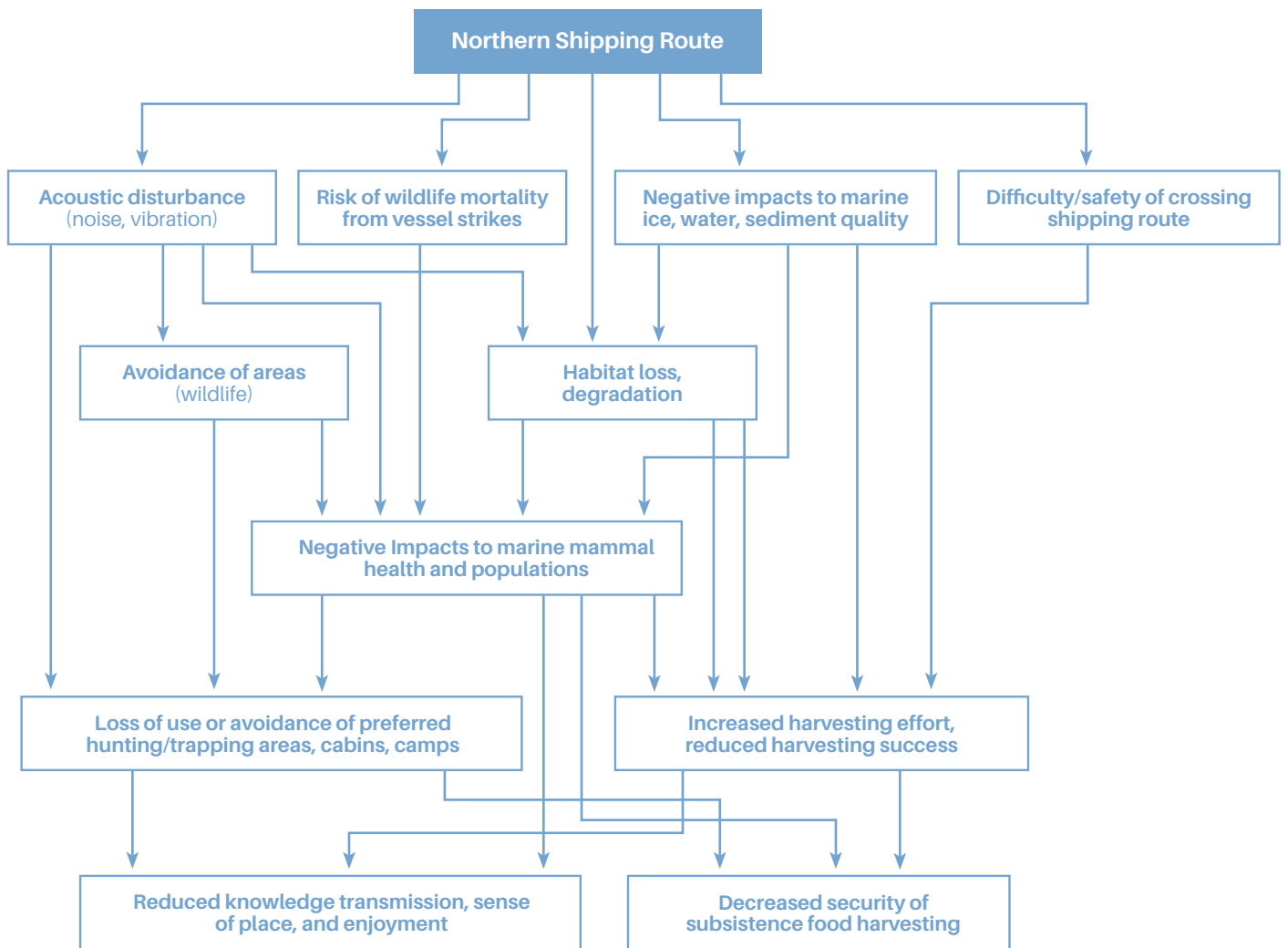
ACTION

This involves the following steps:

- 1. Identify which project components and activities are likely to have an impact.** This information is often available in the proponent's project description or impact assessment material, if available. Have your assessment team or trusted experts review this information from the perspective of your Nation's values and rights. Describe the source of the impact, such as the project component or activity (e.g., land clearing; grading; pile installation; project employment; etc.);
- 2. Identify the physical or social changes that will occur as a result.** This means identifying how the project may affect the land or your community, and how that may subsequently affect your Nation's rights or values. This may include processes such as the removal of valued species habitat, erosion or sedimentation, worker influx, etc. The proponent's assessment material may provide some of this information, and this may be supplemented by information from your members about likely effects and information from other, similar projects.
- 3. Identify changes in your indicator.** Indicators can be used to measure how your Nation's rights may be affected. For example, if the project is going to cause habitat removal for a valued species, and this may affect that species' presence or population, this may result in a "change in abundance of harvested species" or a "change in the effort required to harvest". Your Nation's knowledge is one of the best sources of information to determine changes in your values and indicators. You can ask members directly to provide knowledge to identify these changes (if your indicators are already developed), or you can analyze previously gathered knowledge on the same values. You can also use the Two-Eyed Seeing approach here, where Western science information is used to predict changes in your Nation's indicators.
- 4. Clearly describe how this will impact your Nation's value or right.** Will your First Nation's ability to practice its hunting Rights be affected by the project? Will the change in indicators reflect a change in your cultural or governance values? A clear link between the project's components, physical effects, and your Nation's Rights and values is the best way to demonstrate impacts. For example, the project may result in changes in the abundance of harvested species or an increase in effort; this may affect your ability to practice harvesting Rights or to maintain and protect the valued species.

Impact pathways can be visualized to show the relationship between each project component and activity and your Nation’s priority values. Figure 2 below provides an example. This diagram illustrates the relationship between one component of a proposed mine project, a proposed shipping route, and a First Nation’s plant harvesting activities. In this example, the project component is the “Northern Shipping Route”, which involves several environmental effects and subsequent impacts to First Nations values and practices.

Figure 2. Impact Pathways from a shipping route.



Tables can also be used to show how project components and activities can impact your Nation’s ability to practice rights. As shown in Table 4 below, you can align the project components and activities with the biophysical or social impacts, effects on the components that define your First Nation’s values and rights, and associated indicators.

Table 4. Using indicators to describe impacts on rights from different project components.

Project Component / Activity	Direct Activity Results	Impacts on values components	Indicators
Proposed road Site clearing	<ul style="list-style-type: none"> » Removal of vegetation and topsoil » Noise » Sedimentation in affected streams 	<ul style="list-style-type: none"> » Removal of large area used for berry picking and medicines » Community members avoiding area due to sensory impacts » Change in water quality 	<ul style="list-style-type: none"> » Change in abundance of preferred berry and medicine plants » Change in mental, physical and emotional health from loss of access to medicines and cultural practice » Change in effort and time required for traditional harvesting activities
Proposed road Road construction	<ul style="list-style-type: none"> » Noise » Adding gravel from outside source » Risk of accidents » Sedimentation in affected streams 	<ul style="list-style-type: none"> » Community members avoiding area due to sensory impacts » Community members avoiding area due to risks to health and safety » Reduced quality of fish spawning habitat in streams 	<ul style="list-style-type: none"> » Change in mental, physical and emotional health from loss of access to medicines and cultural practice » Change in effort and time required for traditional harvesting activities » Change in abundance of preferred fish species
Proposed road Traffic on operational road	<ul style="list-style-type: none"> » Dust » Noise » Risk of accidents » Influx of workers and others using road to access territory » Sedimentation in affected streams 	<ul style="list-style-type: none"> » Reduced harvest due to concerns about contamination in medicines and berries » Decrease in harvesting activities due to decreased sense of safety and sensory disturbance » Less time with family » Change in water quality » Community members avoiding area from real and perceived risks to health and safety » Community members avoiding area due to sensory impacts 	<ul style="list-style-type: none"> » Change in confidence in quality of traditional foods (e.g. unwilling to eat berries picked close to the project area) » Change in effort and time required for traditional harvesting activities » Change in mental, physical and emotional health from loss of access to medicines and cultural practice » Change in community wellness (e.g. Loss of connection from time spent harvesting on the land with family members) » Change in intergenerational knowledge transfer (e.g. Reduced opportunities for teaching and sharing of harvest knowledge in the impacted area)

As shown in the table above, each type of activity can have different kinds of impacts on your Nation's values. Site clearing may involve removing vegetation from an area widely used by community members to harvest berries and medicines. Traffic along that road will create dust that settles on the remaining plants, create noise, and raise safety concerns, all of which are expected to further affect plant gathering activities. Some project activities and effects can result in changes to the same indicators.

Evaluating Mitigation Measures and Designing New Measures

Mitigation measures are steps that can be taken to avoid, reduce, or otherwise accommodate impacts to certain values. In most ILAs, it is a good idea to evaluate the mitigation measures that the proponent has proposed to address potential impacts to your rights and values, or that have been agreed upon between the proponent and the Crown.¹⁹ It can also be useful to provide recommendations for how to further avoid or reduce impacts to your rights and values (e.g., develop your own mitigation measures).

In most Canadian jurisdictions, the Crown will pay close attention to the proponent's mitigation measures and will evaluate their effectiveness in addressing the impacts they and/or the proponent have identified in their assessment(s). This will be an important factor in the Crown's decision about the project, so it is important for your First Nation to review the proponent's mitigation measures and to ensure any concerns are addressed.

To address impacts to First Nations Rights and values, proponents often rely heavily on the same mitigation measures they proposed to address impacts on the biophysical values they determined would be affected by the project (water, fish, wildlife, etc.). While these values are profoundly important to First Nations, they may not fully capture their concerns, which also include issues related to access, culture, knowledge transmission, and First Nations laws and stewardship. The proponent's technical and scientific approaches to mitigating impacts to biophysical values often don't align with those of First Nations, who often require more precautionary measures.

To address this, your Nation can focus its review of mitigation measures on those that specifically impact First Nations Rights and values.²⁰ Focusing on First Nations-specific measures does not mean you should ignore the measures proposed to address impacts to biophysical values. This can be done as part of a technical review process, where your technical team or trusted external experts (biologists, hydrologists, etc.) evaluate the technical measures on your behalf. Gaps and deficiencies should be highlighted in your ILA if these may affect your Nation's rights and values. However, if the proponent has not proposed any *additional* measures to directly address impacts to your rights and values, or if they are deficient, this is a major gap that should be the focus of this part of the ILA.

The proponent's (and/or the Crown's) proposed mitigation measures will be designed and applied in the conventional IA process to reduce or avoid likely impacts identified in their assessment. Your ILA will consider how effective these measures might be at addressing these impacts. In some cases, you may not have enough information about the measure to understand how well the measure might work. Many proponents will overlook measures that are relevant to reducing, avoiding, or offsetting impacts on First Nations' values, culture, and rights. The proponent may seek your Nation's advice and input on how these should be developed.

How to Evaluate Mitigation Measures

The first step in evaluating the proponent or Crown's proposed mitigation measures is to identify them in the IA material. While this may seem obvious, it can be challenging given the sheer volume of information the proponent and/or the Crown have likely provided. The proponent or Crown should provide a full list of all measures in an accessible, easy-to-understand format. However, the detailed rationale for how the measures are supposed to work – how they will address impacts – is often contained in the individual sections of the assessment reports.

If you have sufficient resources, assign a team to track down this information and review it. Evaluate measures according to the rights and values that your First Nation is evaluating in your own ILA. Team members will need to

¹⁹ In most cases, your First Nation will review the proponent's mitigation measures. However, many Nations weigh in on the measures and conditions being proposed in the Crown's assessment material. This often comes later in the "official" IA process.

²⁰ Examples of mitigation measures that directly address impacts to First Nations Rights and values are provided in the "Designing New Mitigation Measures" section and in Appendix 1.

determine which of the proponent's measures apply to the impacts on each of your values and rights. This can be done on the level of the Right or value as a whole (e.g., harvesting Rights combined) or on the level of each subcomponent (e.g., fishing, hunting, plant gathering). Provide team members with all the documentation, including any supporting studies conducted by the proponent/Crown, and any management plans they have produced, which often contain details on how impacts will be addressed.

Next, ask your team to evaluate the proposed mitigation measures that are relevant to each of your Nation's rights and values. Reviewers should focus on the impacts that you have identified in your ILA and should determine how effective the proposed measures will be in addressing impacts to these rights. Consider the likelihood of each mitigation measure's effectiveness.

Criteria to Evaluate Mitigation Measures

Below are criteria your team can use to evaluate mitigation measures and determine their overall effectiveness and likelihood of addressing impacts. These criteria are especially relevant to measures designed to address impacts to First Nations Rights and values, but may also be applied to other measures, where you believe this may be important. There are several approaches to this. One is to evaluate the mitigation measures to verify whether they are "SMART", which means that they align with the following criteria:

- » **Specific** – Target a specific area for improvement.
- » **Measurable** – Provide a quantifiable indicator of progress.
- » **Assignable** – Specify the party in charge.
- » **Realistic** – State what results can realistically be achieved, given available resources.
- » **Time-related** – Specify when the result(s) can be achieved.

ACTION

Other considerations when evaluating mitigation measures include the following:

- » **Detail:** Is there enough information about how the mitigation measure will work?
- » **Clarity:** Is the measure described clearly in a way that is not too long or difficult to interpret?
- » **Focus on impacts:** Is the measure clearly and logically linked to expected or potential impacts on your right or value? Does it address the "impact pathways" you identified?
- » **Outcomes:** Is the measure clear on its intended outcome (so you can tell if the measure worked)?
- » **Involvement:** Does the measure involve your First Nation in its development and implementation, where relevant? If the measure has not yet been fully designed, is it clear how that will happen? A mere "plan to make a plan" is rarely an effective mitigation measure. If the proponent cannot provide the plan for your review, the measure should include a commitment to involve your First Nation in its design and implementation.
- » **Implementation:** Does the measure include clear steps for accomplishing its intent?²¹
- » **Timing:** Is the measure clear about when it needs to be in place and for how long? Is it clear whether it needs to be accomplished prior to any other action taking place?

²¹ Note: Not all measures require this level of detail, but there should be steps for ensuring this detail is eventually provided, and there should be commitment to involve your First Nation in designing and implementing the measure.

- » **Geographical focus:** Is the measure clear about what geographic area it covers?
- » **Accountability:** Are the measures binding and clear on who is responsible for development, implementation, compliance, and follow-up? Is it clear what happens if the measure is not properly implemented?
- » **Funding:** Is the measure explicit about who will pay for it? While actual costs are rarely specified in the wording of a formal measure, it should describe who is responsible for funding the measure's development and implementation.

After evaluating the proponent's mitigation measures using criteria such as those above, you can go back to the project effects that you identified in the previous step. Any impacts that cannot be fully mitigated by the proponent's measures may be considered "residual impacts." These are the impacts that will remain unless further measures are taken. In the context of an ILA, these residual impacts can be "carried forward" in the ILA: they can be characterized, and their "significance" or "severity" can be assessed (see Section 3.3.5).

Communicating Concerns about Mitigation Measures

In most cases, your First Nation will have opportunities communicate concerns about mitigation measures throughout the proponent or Crown's IA process, if you are participating in those processes. For example, you may review the proponent's application for an environmental assessment certificate, which will include information on the proponent's mitigation measures. Through a technical review of mitigation measures designed to address impacts to both biophysical and First Nations values, your Nation can provide feedback on gaps, deficiencies, and ways to improve the measures. Participating in these technical reviews is an excellent opportunity for your Nation to get concerns on the record and to advocate for more stringent and protective measures, where necessary.

Other opportunities often exist within advisory or review committees that may be set up to review and provide guidance on aspects of the IA. For example, some jurisdictions establish a Technical Advisory Committee to provide insight into technical and scientific matters. Sometimes, a Community Advisory Committee or Indigenous Advisory Committee is established. These committees meet and collaborate to review the proponent's and the Crown's information to ensure it is accurate and measures are effective.

Potential outcomes of these approaches include revisions to the proponent's or the Crown's assessment material, more detailed information about impacts (which your Nation can use to inform your ILA), and commitments to more stringent mitigation measures. Alternatively, where the proponent or the Crown refuse to provide more information or commit to improving mitigation measures, your Nation can use these materials.

If your Nation is not conducting a technical review or participating in IA review committees, there are other opportunities. The ILA itself can contain a detailed analysis of mitigation measures. You can insist, ideally early in the process, that your ILA be considered during the development of the project conditions associated with the IA certificate, if the project is approved.

Your Nation can also communicate directly with the proponent, the Crown IA agency, or, in some cases, the responsible provincial, territorial, or federal minister regarding mitigation measures. Sending a letter outlining your views on mitigation measures and recommendations for how to improve them can be a surprisingly effective way to make change, especially if the letter or memo highlights the importance of requirements of Section 35 of the Canadian constitution or the requirements of UNDRIP, both of which address impacts to First Nations Rights and Title.

Designing New Mitigation Measures

Your First Nation can develop new mitigation measures to address the impacts you have identified in your ILA. This assessment step is often done during the IA process, after the proponent has provided their mitigation measures and either before or after the draft “conditions” for the conventional IA process are proposed. If you choose to collaborate in the conventional IA process, the Crown regulator or panel will adopt additional measures beyond the assessment at the very end of the process as conditions for their approval. If you choose to participate in developing these additional conditions, consider your timelines and the resources needed to complete the ILA to meet your goals.

If you have already reviewed the proponent’s proposed mitigation measures, then you likely have a list of gaps and deficiencies in the proposed measures. This is a good starting point.

However, developing new mitigation measures requires a few additional steps. First, consider your Nation’s governance and stewardship objectives and laws in relation to the values and rights you’re evaluating in the ILA. You may also have collected information from Elders, knowledge holders, land users, and other potentially impacted groups in your Nation. This can be an excellent source of information on how to avoid or mitigate impacts on your rights and values.

Next, review the “residual” impacts you identified in your ILA – those that will remain after the proponent’s mitigation measures have been applied. To address residual impacts, your Nation can identify high-priority steps. Measures can vary widely.

Measures to address residual impacts can include:

- » Technological solutions that are developed through collaboration and consensus-seeking with your Nation, such as the use of water filtration systems, dust control, or the matching of plant types to reclamation sites.
- » Avoidance of construction in specific, highly valued harvesting or cultural sites, such as changing the location of a road, right-of-way, or facility.
- » Funding over a specified period for a First Nations-led Guardian Program tasked with monitoring effects from the project on First Nations values and rights, with clear thresholds and response mechanisms, including stop-work mechanisms for high-priority values and environmental triggers.
- » A chance-finding procedure for the discovery of First Nations physical cultural heritage, to be reviewed by affected First Nations. The proponent must seek consensus in its development.
- » A mandatory cultural awareness training program to be funded by the proponent for all personnel employed at the project.
- » Hunting and fishing restrictions for non-First Nations employees of the project, within a geographical area to be determined in collaboration with the First Nation.
- » A work camp awareness and monitoring program to be developed and led by the First Nation and funded by the proponent, to monitor impacts related to violence and substance abuse at project work camps.
- » Communication strategies designed to inform Nations when specific activities are taking place, such as herbicide use.

There are endless measures that can be developed. It’s important to be creative and think hard about what is possible. Further examples are provided in Appendix 1.

ACTION

The following considerations can guide how you develop conditions that are appropriate to your Nation in the context of the proposed project:

- » Focus on measures that directly avoid or reduce the impacts on the values that you care about the most. This may include conditions for minimizing or offsetting social and cultural impacts.
- » For topics that regulator or panel addresses within the conventional IA process, consider focusing your effort on negotiating with them to enhance their measures rather than creating new ones.
- » Engage your members in developing and implementing specific management and monitoring plans that are effective and reflect your Nation's values and concerns.
- » Ensure that monitoring aligns with existing or future desired programs to ensure their longevity and utility.
- » Identify specific thresholds of acceptable change in advance that would require the proponent to undertake an action when that threshold is passed (e.g., when community employment dips under 1%, the proponent will implement a recruiting and training program).
- » Define clear process steps to involve community members in effects monitoring and management efforts, and establish clear field-based sampling and reporting techniques so monitoring can be used to determine compliance with expected impacts and verify that effects remain under acceptable thresholds.
- » Ensure the conditions are enforceable and that mechanisms are in place to hold the proponent accountable for meeting them. If community-defined conditions are not incorporated into legally enforceable conditions issued by the regulator or panel, consider entering into a legally binding agreement with the proponent, such as an IBA.
- » Incorporate conditions that extend beyond the project's operational phase, addressing long-term environmental and cultural monitoring and remediation plans.

Determining Significance

After you identify project impacts on your Nation's rights and values and determine how effective the currently proposed mitigation measures will be, your Nation should decide how severe or significant the impacts will be for your Nation. This can directly inform decision-making for the project. This assessment step is often done near the end of the statutory IA process after the proponent has provided their own determinations, but before the conventional IA decision is made.

In all cases, these conclusions can be used to inform:

- » Your Nation's decisions about the project;
- » Negotiations with the Crown on conditions of approval; and
- » Negotiations with the proponent on Impact Benefits Agreements.

Key questions to ask at this stage include:

- » Is it likely that the project's residual effects will go beyond what the community deems acceptable?
- » Will the impacts be short term and not very noticeable?
- » Will the impacts affect how your Nation is able to engage in day-to-day activities?
- » Can you describe these impacts with greater precision, drawing on your baseline information or the results of monitoring similar projects?

Approaches to Determining Significance

You can use a variety of approaches to determine the significance of a project's impacts on your First Nation's rights and values. You can design an approach that is rooted in your Nation's laws, protocols, and policies that guide the protection of your territory. For example, the Tsleil-Waututh Nation put the Trans Mountain Pipeline Expansion Project through the Tsleil-Waututh Policy Test²², which involves a series of pointed questions designed to determine whether the project is a good land use decision and whether the benefits outweigh the negative impacts.

Your overall assessment plan and approach will help you decide which assessment criteria to use. For example, if you choose to collaborate with the proponent or the conventional IA process, you may adopt similar metrics to your collaborators or co-develop an approach that produces results comparable to their assessments.

A very common approach has been to adapt existing impact assessment frameworks to fit a First Nation's lens. This involves applying criteria to systematically weigh the impact of each of your priority values. This provides a measuring stick that decision-makers can rely on to understand the likely impacts in a succinct and brief manner. In conventional IA, these steps are often referred to as "residual effects characterization" and "impact significance determination".

- » **The threshold approach:** If the project will result in thresholds being surpassed, then the project would be considered an unacceptable risk. Thresholds can be determined based on your Nation's laws, through community engagement, or through a "common knowledge" or "reasonable person" approach that is rooted in your Nation's culture and connection to territory.

For example, the Stkëmlúpsëmc Te Secwépëmc Nation used an approach based on "Using Common Sense and Common Knowledge for a Bright Future" that identified five critical elements: Data Uncertainty; Clean Air and Water; Fish and Wildlife; Threat to a Cultural Keystone Area; and Benefits do not Outweigh Adverse Impacts.²³ Qualitative thresholds for these elements were used to determine whether the Nation should approve the project.

- » **Direct engagement:** Impact significance can also be determined through direct engagement with your Nation's members. You can present the impacts you previously identified and your findings on the proponent's mitigation measures, and then ask members to determine the overall severity of impacts.

Pointed questions can be very helpful for this process:

- » Would the project's impacts, in this specific area, affect our Nation's rights in a way that is unacceptable?
- » Would impacts result in a significant reduction in our Nation's ability to practice these rights?
- » Would the positive impacts from the project outweigh the negative?

²² Tsleil-Waututh Nation. *The Tsleil-Waututh Nation Assessment of the Trans Mountain Expansion Project*. 2015. Pg. 85-86.

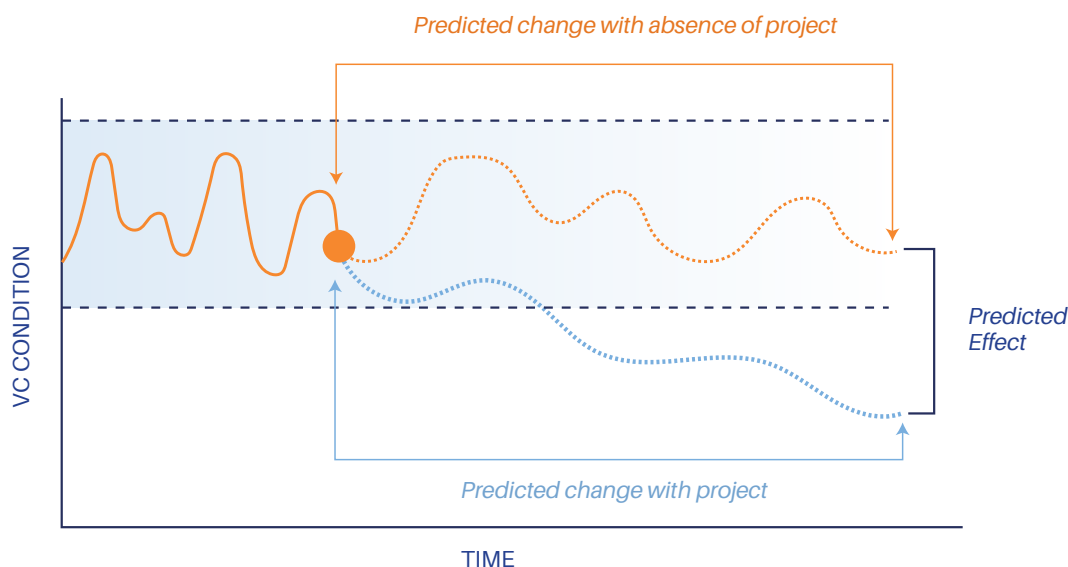
²³ Stkëmlúpsëmc te Secwépëmc Nation. *Honouring Our Sacred Connection to Pípsell: Stkëmlúpsëmc te Secwépëmc Says Yes to Healthy People and Environment*. 2013. https://stkemlups.ca/wp-content/uploads/2013/11/2017-03-ssnajaxdecisionsummary_0.pdf.

Residual Effects Characterization Criteria

Commonly, the first step in determining impact significance is to “characterize” residual impacts using a set of criteria that reflects your Nation’s values and priorities, and that can be easily understood by readers. Below are some commonly used criteria that can be applied at the level of each right or value that you are assessing. For each of the criteria below, you can assign a rating of low, moderate, or high (see definitions below) and provide a supporting rationale that explains why you chose each rating. Often, First Nations consider many project impacts at once (e.g., all impacts to fishing Rights or even harvesting Rights as a whole). This means you can consider the combined effects and/or take a precautionary approach, in which the highest-magnitude effect determines the overall magnitude (or the highest frequency, largest geographical area, etc.).

- » **Context/Sensitivity:** This is the current and future vulnerability or resilience of the value to change. Your Nation’s sensitivity can be measured by considering cumulative effects and the trend line you identified previously. If the health of the value or right is on a downward trajectory due to factors such as Canadian colonialism, industrial development, and climate change, you can say that the value is “highly sensitive” to future change.
- » **Magnitude:** This is the intensity, scale, or severity of the effect. This is usually a qualitative determination of “how much” the project will affect the right or value, which can be determined by many factors, such as the intensity of community concern or the intensity of a change in land use (e.g., members have stated that they will avoid harvesting in the area), and perceived risk. Often, First Nations assess many individual effects together to determine magnitude, such as effects on fish habitat, avoidance due to concerns about contamination, changes in access, and competition for hunting resources due to an influx of workers. In this case, it can be useful to use the trend line: you can show the difference between where the trend line would go with the project and without it. A large difference between the value with and without the project indicates a high-magnitude effect, while a small difference indicates a low-magnitude effect. You can use both qualitative and quantitative measures, or a combination of the two. For example, for fishing rights, a “high magnitude” effect might be caused by a combination of factors such as a certain amount of habitat removal for certain valued species; a certain increase in heavy metals concentrations in waterways; statements by members that they would avoid harvesting in the area if the project were to go ahead; or a certain reduction in the area accessible to members for the purposes of stewardship and caretaking. All of these factors considered together might lead to a high-magnitude effect.

Figure 3. Change in valued component condition



Change in VC Condition and predicted effect, with shaded area depicting range of normal variability

- » **Extent:** The geographical area over which the effect is expected to occur. You can use the assessment boundaries you identified in the scoping and methods development phases for this. If effects are limited to just a local area, this might mean impacts are slightly less severe than they would be if they extended to the whole region. You can consider the geographical extent of affected watercourses; members' access to harvesting or cultural sites; movement patterns of wildlife; the possibility that effects will ripple to other parts of the territory; the boundaries of traditional/family use areas; areas of avoidance; and many other factors.
- » **Duration:** The length of time the effect persists. Will effects be short term or long term? Consider the inter-generational nature of effects on knowledge transmission or the time it takes to restore an ecosystem or re-establish fractured relationships between kin.
- » **Frequency:** Describes how often the residual effects will occur. Will the effects occur rarely, or will they be continuous? You can consider the timing of effects with respect to important seasons, animal movements, and cultural activities.
- » **Reversibility:** Describes whether the effect can be reversed within a given time frame. Some effects may be permanent. For example, if a dam and reservoir are being proposed, your Nation's knowledge of the landscape to be submerged may be permanently lost. Alternatively, some effects may be reversible, such as temporary access restrictions during construction.
- » **Impact Equity:** Also referred to as "Affected Populations". This describes how evenly the project will affect different groups of people. If certain groups in your First Nation, such as women, Elders, or youth, are particularly affected, this is something you can consider in your overall evaluation of the project. For example, an influx of workers can disproportionately affect First Nations women, girls, and Two-Spirit people. You can also consider whether your First Nation will be affected disproportionately by the project, for example, if there is a likelihood of discrimination in hiring for the project.



Table 5 below provides examples of rating definitions you can use to weigh each of the above criteria

Table 5. Measures to rate the severity of significance criteria

Criteria	Rating measures		
Context or Sensitivity	Low – the ability to practice the right is relatively undisturbed and/or is highly resilient to pressure.	Moderate – the ability to practice the right is under pressure from one or more stressors and/or is moderately resilient to pressure.	High – the right is nearing or has surpassed a threshold where the right can no longer be meaningfully practiced.
Magnitude	Low – the ability to practice the right is not affected or is somewhat modified but impacts do not substantially change the health of the value or your Nation’s ability to practice the right.	Moderate – the ability to maintain the right is reduced, requiring adaptive strategies (e.g. additional effort, alteration in preferred methods) and/or diminished success, meaningfulness, or integrity of the right.	High – the ability to maintain the right is substantially or completely reduced. Impacts will result in significant change to the health of the value or your Nation’s ability to practice the right.
Extent	Site-specific – the residual effect is limited to the Project footprint.	Local – the residual effect is limited to the local assessment area.	Regional – the residual effect extends to the regional assessment area.
Frequency	Infrequent – the residual effect occurs only once or a limited number of times within a defined time period (season, month, year, etc.).	Frequent – the residual effect occurs multiple times within a defined time period (season, month, year, etc.).	Continuous – the residual effect occurs continuously within a time defined period (season, month, year, etc.).
Duration	Short-term – the residual effect will persist for less than 5 years.	Medium-term – the residual effect will persist between 5 and 25 years (up to one human generation).	Long-term – the residual effect persists for longer than 25 years (longer than one human generation) or will be permanent.
Reversibility	Reversible – The effects of the Project can be fully re-versed.	Partially Reversible – Some Project effects can be reversed but others cannot, or the effects can be partially, but not fully, reversed.	Irreversible – Project effects cannot be reversed.
Impact Equity	Evenly distributed effects – residual impacts affect all your First Nation community members equally.	Moderately disproportionate effects – residual impacts affect some your First Nation members more than others to a moderate degree.	Highly disproportionate effects – residual impacts affect some your First Nation subpopulations more than others to a high degree.

Box 8. Considering Cumulative Effects when Determining Severity of Residual Effects

Most First Nations put a strong focus on cumulative effects in their ILAs and use cumulative effects information to determine the overall significance of project-specific impacts. This is because most First Nations have experienced extensive cumulative effects and want their assessments to recognize this context.

The focus on cumulative effects in an independent ILA is often different from how cumulative effects are considered in a proponent or Crown-led process, where the significance of project effects is considered in relation to a limited range of other projects that directly overlap geographically with the proposed project and are occurring (or are expected to occur) at the same time (see [this IAAC document](#) for example). Since First Nations experience the combined effects of all past, present, and likely future effects, the significance of project impacts in an ILA should consider the full range of cumulative effects (or as full a range as possible within the scope and budget of the ILA).

As described above, the “trend-line” approach can inform both the “context” and the “magnitude” of anticipated project effects. With this and other approaches, cumulative effects can also be used alongside thresholds or limits that your Nation sets to determine whether the project poses a certain risk to your Nation’s values and rights. In this approach, First Nations set thresholds based on their stewardship objectives and frameworks, determine the extent to which cumulative effects have already exceeded a given value in relation to this threshold, and then determine whether the project would put these rights past the threshold or not. For examples of how cumulative effects have been used by First Nations to evaluate project-specific impacts, see the following examples:

- » [Samson Cree Nation Cumulative Effects Assessment](#)
- » [Ktunaxa Nation Title, Rights and Interests](#)
- » [Cumulative Effects on the Aboriginal Rights and Interests of Samson Cree Nation](#)
- » [Okanagan National Alliance Title, Rights and Interests Submission to the Revelstoke Generating Unit 6 Project Environmental Assessment Certificate Application](#)

Depending on your resources, your Nation can also consider conducting a full cumulative effects assessment as a separate component of your ILA, with dedicated methods, information collection activities, and reporting. There is a wide range of methods available to collect information on cumulative effects. See Section 3.3.2 above or Tool #2 of FNMPC’s “Spirit of the Land Toolkit” for more information.

Significance Determination

Impact “significance” or “severity” refers to how meaningful or important the impacts on your First Nation’s values and rights will be, taking into account all the factors and criteria. This allows your First Nation to determine whether the project’s effects will be severe enough to warrant a decision for or against the project, and under what conditions.

Using the standard residual effects characterization approach, First Nations often determine the overall significance of project impacts by looking at the ratings for each criteria that was used to describe impacts to each right. This can be done by considering the combined characteristics of all impacts on a given right – that is, by considering the cumulative effects context, the magnitude, the extent, the duration, and all other factors. What does the combination of all these factors say about project impacts?

Based on this, you can determine whether the significance will be high, moderate, or low. You are not obligated to use three levels of significance, or to use the words “significance” or severity” at all. You can use any range of methods to determine whether a project’s impacts are acceptable to your First Nation or not.

Below are some examples of how three levels of “significance” can be determined.

Low Significance

Low Significance means that Project effects will not significantly constrain the ability of your First Nation to exercise the right or protect the value. Factors that lead to a finding of low significance include low sensitivity, low magnitude, a small geographic scale of impact, low frequency, short-term duration, high reversibility, and low impact inequity.

Moderate Significance

Moderate Significance means that Project effects will moderately constrain the ability of your First Nation to exercise the right or protect the value. Factors that lead to a finding of moderate significance include a combination of moderate sensitivity, moderate magnitude, a moderate geographic scale of impact, moderate frequency, moderate duration, moderate reversibility, and moderate impact inequity.

High Significance

High Significance means that Project effects will surpass the levels where the Right can be exercised or the value can be protected by your First Nation. Factors that lead to a finding of high significance include a combination of high sensitivity, high magnitude, a large geographic scale of impact, high frequency, long-term duration, irreversibility or low reversibility, and high impact inequity.

Whatever your approach, it is a good practice to provide additional rationale for the significance ratings. This is a good opportunity to highlight any high-priority impacts that strongly support a certain significance finding and to discuss the balance between positive and negative impacts.

Desired Future Conditions

Increasingly, First Nations are choosing to determine the significance of project effects using a future benchmark that describes what the Nation's members see as the ideal conditions for the practice of their rights and the maintenance of their values. Will the project result in impacts that will increase your First Nation's ability to achieve its desired future conditions? Or will it introduce new challenges and setbacks that make it harder for your First Nation to achieve desired conditions?

Examples of desired future conditions include:

- » Restoring caribou habitat so that First Nations can revive their relationships with caribou and their harvesting and cultural practices related to caribou.
- » Teaching youth about ceremony so that First Nations traditions can be passed down throughout the generations.
- » Ensuring the First Nation's language is used daily by members and is protected for future generations.
- » Ensuring the long-term safety of First Nations women, girls, and Two-Spirit people so that they feel safe on the land and can move freely throughout the territory and beyond.

Using desired conditions can be helpful because it recognizes that pre-contact conditions may not be a realistic benchmark and that the current, impacted baseline does not sufficiently consider cumulative effects. When determining significance, your First Nation can describe how the project might contribute to or take away from the desired future conditions for each right or value.

Desired future conditions can be used alongside the cumulative effects trend line to strengthen the ILA. One option is to use trend-line analysis to determine the cumulative effects "context" and "magnitude" for each right, and then use desired future conditions to determine the final, overall significance of the impacts.

You can collect information on desired future conditions from a variety of sources, including directly from your members. Desired future conditions can also be established using your Nation's stewardship objectives along with scientific measures and thresholds. For example, this can be the minimum water level and flow thresholds for fishing and water travel, or a threshold of available healthy habitat for moose or caribou, without which impacts are considered unacceptably harmful to your Nation's values.

Validating Conclusions

This section provides guidance on how First Nations can verify and validate the conclusions of community-based research and, more broadly, your ILA findings. The purpose is to accurately reflect community knowledge that is legally defensible and is more likely to be taken seriously by regulators. Well-validated conclusions strengthen a Nation's ability to influence decisions about whether a project proceeds, and how mitigation and monitoring are designed.

Community Validation

Community validation involves presenting the ILA's findings to your Nation's members. One effective approach is to present the ILA results to community members in a focus group or community meeting format. As with all community knowledge-sharing sessions, this gathering should be supported with interpretation, transportation, food, and honoraria, where possible. Documenting the validation process is critical. ILAs should briefly describe how validation was conducted, including where participants provided consent.

You may also convene study participants to review draft reports. If the document is manageable in length, reading it aloud, paragraph by paragraph, allows participants to confirm accuracy, suggest additions, correct errors, and contribute language-based or place-based knowledge in First Nations languages as well as English. This process makes visible where there is agreement and where clarification is needed.

Following participant validation, findings should be shared more widely through engagement with leadership, community meetings, or information sessions. These gatherings allow for feedback, discussion of implications, and alignment with leadership and those responsible for negotiations with proponents and governments. Technical staff may attend these sessions to help explain findings and answer questions, or to explain how proponents' conclusions differ from or align with community research findings. These discussions often shape strategic positions taken in regulatory forums and negotiations. Where relevant, supporting academic or policy literature should be shared during validation to reinforce findings and situate community knowledge within broader evidence.

Legal Review

ILAs are frequently relied upon in regulatory proceedings and negotiations, including Impact Benefit Agreements. Once community validation is complete and the report has been updated with outcomes, you may consider having findings reviewed by legal counsel to ensure they are defensible and appropriately framed within First Nations Rights law.

Legal review should focus on whether conclusions are clearly supported by documented methods, community validation, and evidence such as maps, archival materials, and photographs. Counsel should assess findings through a First Nations Rights lens, including impacts on Title, harvesting Rights, governance responsibilities, and intergenerational use of lands and waters. Relevant legal and policy literature on the recognition of Indigenous knowledge in impact assessment should be considered as part of this review.



5. Phase 4: Decision-making and Reporting for the ILA

5.1 Making your Decision

An ILA usually aims to inform a decision, such as whether to approve a proposed project and, if so, under what conditions. The outcomes of an ILA can be used by First Nations decision-makers and by the Crown regulator or ministerial decision-maker. Your First Nation may decide to conditionally support a project, subject to specific measures and conditions that the proponent must adhere to. These conditions may take the form of regulatory conditions also enforced by the Crown. In this case, a conditional support decision may be retracted if negotiations do not produce the desired results (e.g., if you don't get the conditions you're seeking). Alternatively, your Nation's conditions may also be included in an IBA with the proponent.

The process through which your Nation makes a decision should be developed and shared within your Nation to ensure transparency and trust.

Clarity on who makes the decision is important:

- » Is it a decision by Chief and Council with technical support from staff, based on the ILA findings and conclusions?
- » Does a community advisory committee or panel provide recommendations or make the decision independent of Council?
- » Is there a community meeting, a traditional governance process such as a potlach?
- » Is there a referendum or a vote and, if so, what are the proportions?

Planning how much time is needed to reach a decision and when to share it with others is important when planning your ILA, especially if your Nation is participating in a Crown process. In these cases, sharing the results of your ILA (i.e., your ILA report, which usually includes the findings on the significance of impacts but doesn't necessarily include your Nation's decision to approve or reject the project) often comes during the final phase of the Crown's assessment process. There is often leverage in sharing your decision before the conventional IA decision-maker issues their decision, so that they can consider your Nation's views on the project. In some cases, understanding your decision is a legal requirement

in their legislation.²⁴ In all cases, a decision should be accompanied by reasons, which will likely be based on your ILA findings and what they mean for your Nation's culture, way of life, and rights.

Below are several options you may consider when designing your Nation's decision-making process for a particular project. These elements can be combined, and other approaches may exist. Whatever approach you take, decision-making should be grounded in your Nation's traditions, laws, and protocols.

- » **Leadership decision-making** – In some cases, traditional or elected leaders may be empowered to make decisions on behalf of the community. Even in these cases, it is helpful to establish a clear process that is guided by your Nation's governance and stewardship protocols.
- » **Community decision-making** – Community meetings, a referendum, or other voting or consensus-building processes can be used. This may include an advisory committee or panel assembled specifically to make decisions on a project. Your choice in approach should be appropriate to your existing governance processes and should be understood and generally supported by your Nation before it is undertaken.
- » **“Expert informed” process** – You may wish to use a more technical approach that draws on technical expertise to outline specific requirements that will lead you to your final decision, such as thresholds that must not be surpassed or conditions the proponent or regulator must adhere to for support to be provided. This approach can be used in conjunction with others and should, as always, be rooted in your Nation's objectives and laws that guide decision-making on rights and values.
- » **Collaborative consensus** – Collaborative assessments may seek consensus between your ILA and conventional IA decision-makers, where parties seek to find agreeable measures that are used to guide informed consent.

5.2 Implementing ILA Decisions in Statutory IA Process

The final stage of the ILA process is implementing your decision. How will your decision be used to affect the project or other parties' decisions? You may use your decision and the ILA itself to negotiate an agreement with the proponent. You may work in the conventional IA process to develop measures for the proponent to follow. If the Crown's IA process and proponent fail to meet the needs of your Nation, you may consider engaging in legal proceedings or public relations.

For ILAs in which Nations closely collaborate with a proponent, a negotiated project agreement, such as an IBA, is often developed. This agreement is usually implemented after the IA process and addresses matters that arise after your Nation has decided to proceed with the project, or after the conventional IA process.

Sequencing your IBA negotiations with your ILA and the conventional IA process is important and should be planned at the outset. IBAs can include a range of terms and conditions, with a focus on maximizing benefits through employment and training, as well as compensation for potential impacts. IBAs may include lump sum payments, funding for programming and measures that may not have been included in the regulatory IA process, as well as process commitments for management, monitoring, permitting, and future expansions. It is critical that even if your IBA does not include a clause outlining consent for the project, the proponent will often use an IBA to indicate your Nation's support for the project.²⁵

²⁴ For example, under the federal Impact Assessment Act of 2019, “The Minister’s determination under paragraph 60(1)(b), and the Governor in Council’s determination under paragraph 62(b),” must be based on a consideration of “the impact that the effects that are likely to be caused by the carrying out of that project may have on any Indigenous group and any adverse impact that those effects may have on the rights of the Indigenous peoples of Canada recognized and affirmed by Section 35 of the Constitution Act, 1982”.

²⁵ For more guidance on IBAs, see Gibson, Ginger, O’Faircheallaigh, Ciaran. IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements. 2015. <https://gordonfoundation.ca/wp-content/uploads/2017/02/toolkit-english.pdf>

Your First Nation may also seek to negotiate arrangements with the Crown regulator or assessment agency. These may include conditions to be set out in legal mechanisms issued by the regulator. In most jurisdictions, the environmental assessment project certificate, which allows the project to proceed, also includes conditions that the proponent must comply with. Before the project certificate is granted, your First Nation can engage with the regulator or impact assessment agency to ensure that this document, or other legally binding agreements, address your concerns about impacts to your rights and values.

In many cases, the final decision regarding a project lies with the responsible federal, provincial, or territorial minister. If your Nation has not been able to achieve consensus on the project with the proponent, the regulator, or the assessment agency, you will likely have the opportunity to speak directly with the minister about the project. This can be an additional opportunity to ensure your decision is meaningfully considered. The minister may recommend changes to the conditions of the environmental assessment certificate or reject the project entirely.

If legal action is required, your legal team, a qualified law firm, or legal support group can advise your Nation on how to proceed.

5.3 Follow-up

Although not technically part of the ILA process, it can be helpful to consider how your Nation can monitor and follow up on the mitigation measures and project conditions that may have been part of your decision on a project, or that may have been imposed on your behalf despite your lack of consent for a project. This can be helpful at this stage, especially if your Nation recommended specific measures or conditions for impact mitigation.

Your Nation is well-suited to help design and implement the monitoring and response plans for impacts to your Nation's rights and values. This can be done independently or in collaboration with the proponent. Since monitoring and follow-up usually require funding, it is a good idea to build capacity requirements into the project conditions, if possible. Mitigation and monitoring plans are sometimes developed after a project is approved, with project conditions guiding the process. Hopefully, measures have been included for your Nation's participation in both their design and implementation, giving you the ability to maximize their effectiveness and enforceability.

Without this, it is still possible to monitor and follow up on effects by sharing information about the project from the proponent or, if relevant, your Nation's independent monitoring programs. Evaluating the impact assessment after project development can also be useful for future ILAs in your territory or to be ready in the event of a project expansion or change.



ACTION**Below are some overall considerations and approaches when planning a monitoring and follow-up strategy for a project or for your Nation as a whole:**

- » Monitoring plans should be set up to compare monitoring results and the effects of the project with predicted impacts. Results may point to a need to update the values and effects that you are considering in relation to the project, monitor other effects, or reconsider commitments in management plans that require action in certain circumstances.
- » Monitor the actual effectiveness of mitigation measures to understand how well they avoid or reduce negative impacts or maximize benefits. This may show that management plans need to be adjusted or even that project conditions need to be changed, which is sometimes an option. This can include measures established through your ILA, committed to via negotiated agreements, or priority mitigations established through the conventional IA process.
- » To evaluate the effectiveness of mitigation measures, consider the following tools:
 - » If possible, align your Indigenous-led monitoring with your Guardian Program (if you have one) to assess mitigation effectiveness, in addition to project impacts more generally. Your monitoring or Guardian Program should already be focused on the values that matter most to your Nation, which the mitigation measures should address, so aligning the two may not require extensive work.
 - » Develop a mitigation-tracking table that includes all required mitigation measures for the project, the monitoring results for each measure, any management responses triggered, and the effectiveness of those management actions.
 - Hold engagement workshops to evaluate mitigation measures from a community perspective. Community members can provide valuable insights into the effectiveness of certain measures and the changes they are seeing on the land or in their communities.

An outcome of this follow-up work for your Nation can be to show the need for further action from your Nation, the Crown, or the proponent. You can use the evidence you generate in your monitoring, follow-up, and mitigation tracking work to advocate for amendments to the conditions in existing agreements, permits, or certificates. You can call for more precautionary triggers in management and response plans. Or you can push the regulatory body to improve its compliance and enforcement requirements, so they better align with your objectives for the protection of your rights and values.



6. Conclusion

Indigenous-led Assessments offer First Nations a way to assert their laws, knowledge systems, and priorities alongside existing regulatory frameworks. In doing so, ILAs can be an effective way to influence decisions that affect First Nations lands, waters, and people.

Recent federal and provincial legislative changes increasingly emphasize shorter timelines and streamlined assessment processes. In practice, this is likely to reduce the scope and depth of Crown-led assessments. As a result, First Nations will likely be placed in the position of carrying a greater share of the responsibility for identifying, documenting, and responding to potential impacts to lands, waters, rights, and community well-being.

This shift toward deregulation increases the importance of Nation-led evidence, clear positions on acceptability, and early articulation of consent or non-consent.

This guide responds to that reality by focusing on practical, adaptable, and cost-effective strategies that can have the greatest impact in protecting First Nations Rights, livelihoods, culture, health, and economies. A central objective of the guide is to demonstrate how First Nations can meaningfully influence impact assessment outcomes even where time, funding, and technical capacity are limited. By prioritizing early engagement, community-based research, clear articulation of impacts and significance, and sustained involvement in monitoring and follow-up, Nations can strengthen their position within IA processes and better safeguard their interests for current and future generations.

The guide offers practical guidance on how to frame evidence so that Nation-led work is more likely to be understood, taken seriously, and relied upon by regulators. Above all, it encourages First Nations to clearly and consistently assert what matters most to them, grounded in long-standing relationships to the land and waters, the knowledge and wisdom of Elders, the responsibilities owed to future generations, and the strengths and capacities that already exist within communities.

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APPENDICES

APPENDIX 1: EXAMPLES OF INDIGENOUS-DEVELOPED MITIGATION MEASURES, CONDITIONS, OR OFFSETS

Value	Measure
Environment	Secure and purchase ecologically significant lands for conservation, enhancement and stewardship activities.
Culture	<p>In recognition of the profound losses sustained by our First Nation from the past and present development in our territory, fund and implement a Heritage Management Board to address mitigation activities in the local assessment area.</p> <p>The proponent should provide funding to support a FN-defined “cultural offsets” program, which may include but will not be limited to: support for FN culture camps in the region, support for and provision of materials for FN cabin-building in the region, support for cultural programs aimed at collecting knowledge and documenting practices associated with the Project region, and support for FN cultural monitoring, which will document how the Project is impacting community use of the region and will also promote the ongoing development of and support for mitigation strategies to reduce cultural impacts</p>
Vegetation	The Proponent shall develop, prior to construction and in consultation with affected First Nations and relevant authorities, a follow-up program to verify the accuracy of the Crown’s IA and determine the effectiveness of the progressive revegetation of areas disturbed by the project. The proponent shall implement the follow-up program during all phases of the project.
Governance and Stewardship	<p>The proponent should be required to co-develop with our First Nation and fund a First Nations Stewardship and Liaison Program to maximize flow of information related to the project throughout planning, construction, and operations.</p> <p>Support for development and implementation of First Nations-specific Land Use Plans including protected areas components, development and infrastructure components, cumulative effects management components, and access management.</p>
Aquatic Ecosystems	Prior to the commissioning of the project, the proponent will conduct an additional assessment to estimate the amount of sediment to be released following the employment of mitigation measures used to limit sediment.
Adaptive Management	The Proponent shall develop and implement an adaptive management framework to proactively respond to observances of inaccuracy in predictions made as part of the IA. The framework will include specific trigger points developed in collaboration with First Nations, management actions, and appropriate mitigation and intervention measures that can be employed to mitigate effects.

Value	Measure
Fish	To better evaluate the potential effects of the project on Atlantic salmon migrating through and near the project area, the proponent should provide funding for tracking studies of Atlantic salmon (e.g. using satellite pop-up tags) to be completed before any exploration activities take place. These studies would improve knowledge of salmon movements during the post-smolt and adult stages of their life cycle.
Contamination	Our First Nation requests that the proponent commit to monitoring hydrocarbon and heavy metal body burden in benthic organisms, fish, and other commercially harvested species. In the event of a large or uncontrolled spill, this will provide baseline data to which increases in hydrocarbon and heavy metal body burden can be compared and may help to minimize negative perceptions in relation to the quality of fish and other commercially harvested species.
Socio-economic conditions	<p>Develop a tracking mechanism for annual data and trends in business starts, contracts and procurement with industry companies, business income, and associated jobs.</p> <p>Proponent to identify and enforce minimum “local First Nations” procurement targets with primary and sub-contractors</p>
Species at Risk	We request the Crown make the following revision(s) to condition X: Install and maintain exclusion fences to prevent northern leopard frog (<i>Lithobates pipiens</i>) and snapping turtle (<i>Chelydra serpentina</i>) from accessing work areas that are likely to result in mortality of frogs and turtles. For work occurring within overwintering habitat, exclusion fencing shall be installed prior to the onset of hibernation. The Proponent will be required to develop and implement the exclusion system, including the timing of the exclusion measures and the plans for monitoring and adaptive management of the selected exclusion system, with Indigenous groups and relevant authorities.
Wetlands	The Crown is requested to include a condition that requires the Proponent to undertake offsetting for Class II wetlands that will be directly and indirectly affected by the Project and to determine an appropriate wetland compensation ratio with input from our First Nation, if we choose to do so.
Wildlife	The Crown is requested to add the following to this section: A requirement that the Proponent develop, prior to construction and in consultation with First Nations and relevant authorities, a Roads Management Plan that includes speed limits that are protective of migratory birds, including species at risk, and weekly surveys of roads by a qualified environmental professional during the breeding period for potential nests of migratory bird species, including species at risk.