

# INDIGENOUS-LED IMPACT ASSESSMENT



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**CEAR**  
CENTRE FOR ENVIRONMENTAL  
ASSESSMENT RESEARCH

# WEBINAR OVERVIEW

- What is Indigenous-led impact assessment?
- How have other Nations designed and implemented their own assessment process?
  - The Stk'emlu'psemc te Secwepemc Nation
  - The Tsleil-Waututh Nation
  - The Ktunaxa Nation
  - The Mikisew Cree First Nation
- Overview of the Squamish Nation Process for Woodfibre LNG- Aaron Bruce
- Questions and comments

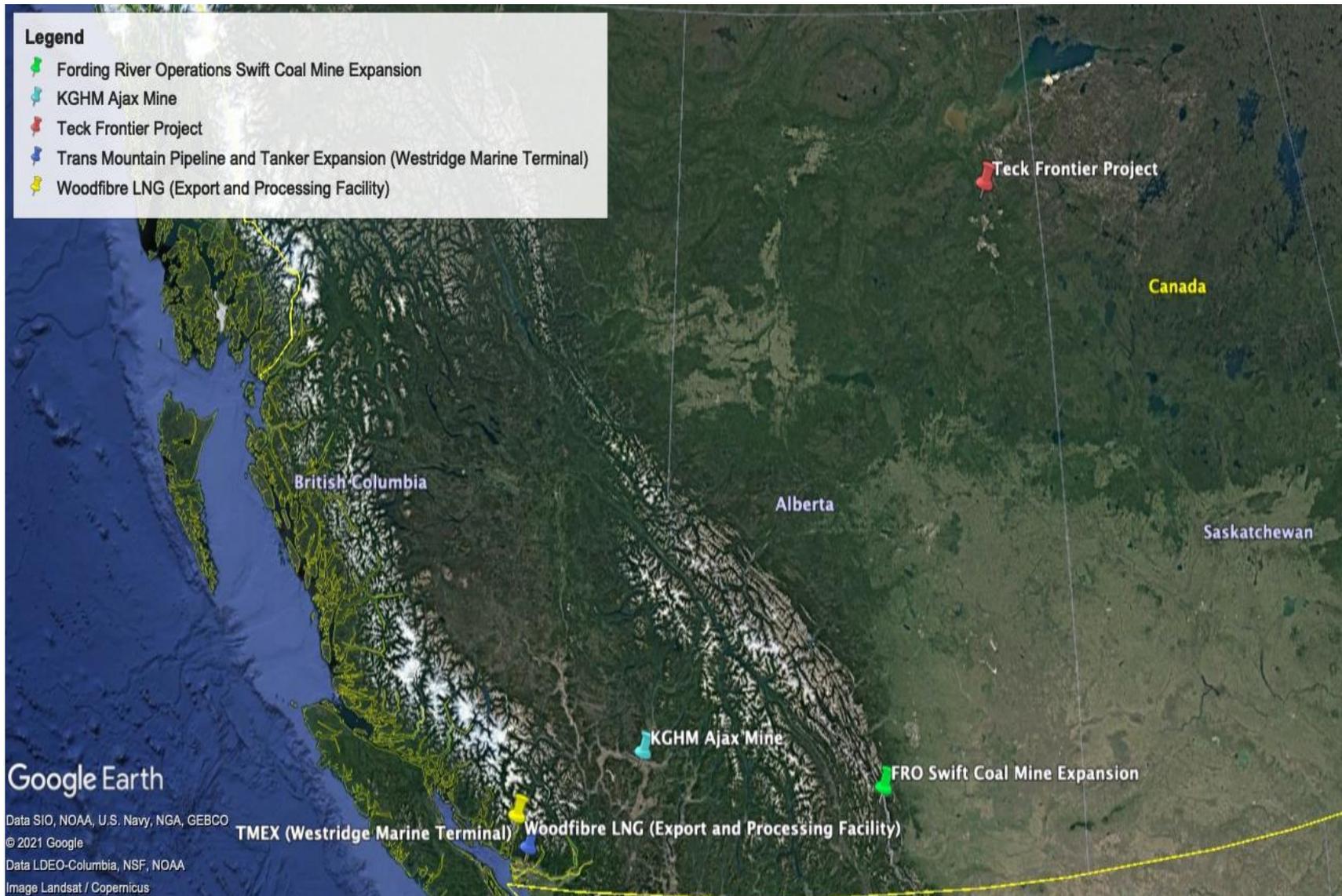


# INDIGENOUS-LED IMPACT ASSESSMENT: WORKING DEFINITION



- **Indigenous-led impact assessment:** “A process that is completed prior to any approvals or consent being provided for a proposed project, which is designed and conducted with meaningful input and an adequate degree of control by Indigenous parties- on their own terms and with their approval. The Indigenous parties are involved in the scoping, data collection, assessment, management planning, and decision-making about a project.”
- **Scoping:** the identification of issues and parameters to be addressed in an assessment.
  - Defining what is deemed an impact
  - identifying which impacts are most relevant
  - Outlining the assessment study area
  - Determining the timeline by which impacts will be assessed.
- In doing so **valued components (VC)**, are used as identifiers in assessments for aspects of the environment, rights and title, society and culture, or economy of value to stakeholders or Indigenous Nations/groups.

# INDIGENOUS-LED IMPACT ASSESSMENT CASE STUDY EXAMPLES



# THE STK'EMLU'PSEMC TE SECWEPEMC NATION ASSESSMENT PROCESS

- In 2011, proponent KGH Ajax Mining Inc. (KGHM), applied for EIA approval to develop, operate, and decommission and open-pit copper and gold mine and ore processing facility located in the territories of the Stk'emlu'psemc te Secwepemc Nation (SSN), near Kamloops BC.



Image 1: IAAC

Image 2: SSN Twitter / @Stkemplups\_SSN

# DESIGNING AND IMPLEMENTING THE SSN ASSESSMENT PROCESS



## **Government to Government Discussion Table**

-Facilitates government-to-government consultation for the assessment of Ajax Mine.



## **Government to Government Framework Agreement**

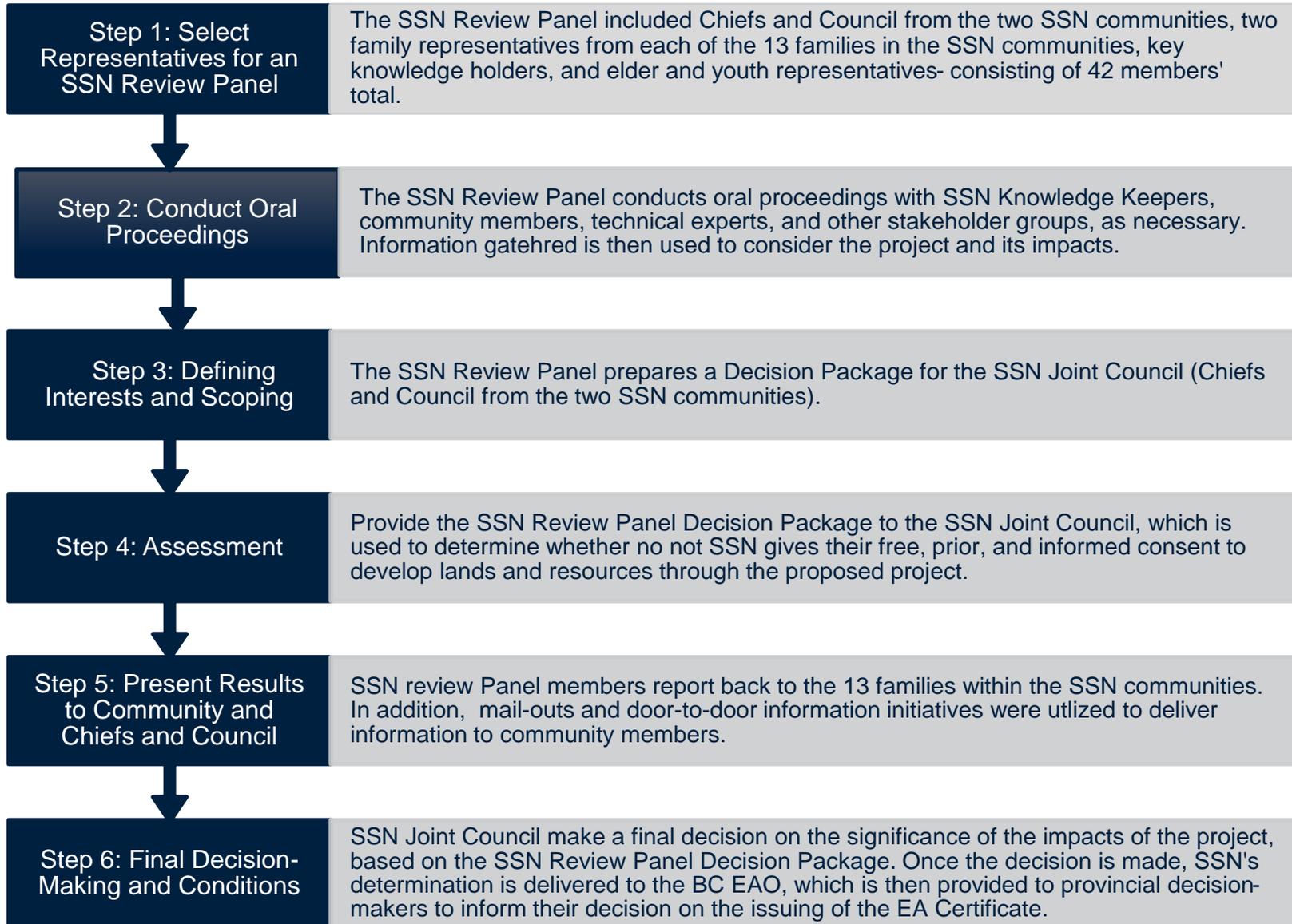
-Aims to further the relationship between BC and SSN by implementing collaborative structures for the purpose of the assessment.



## **Ajax Mine EA Collaboration Plan**

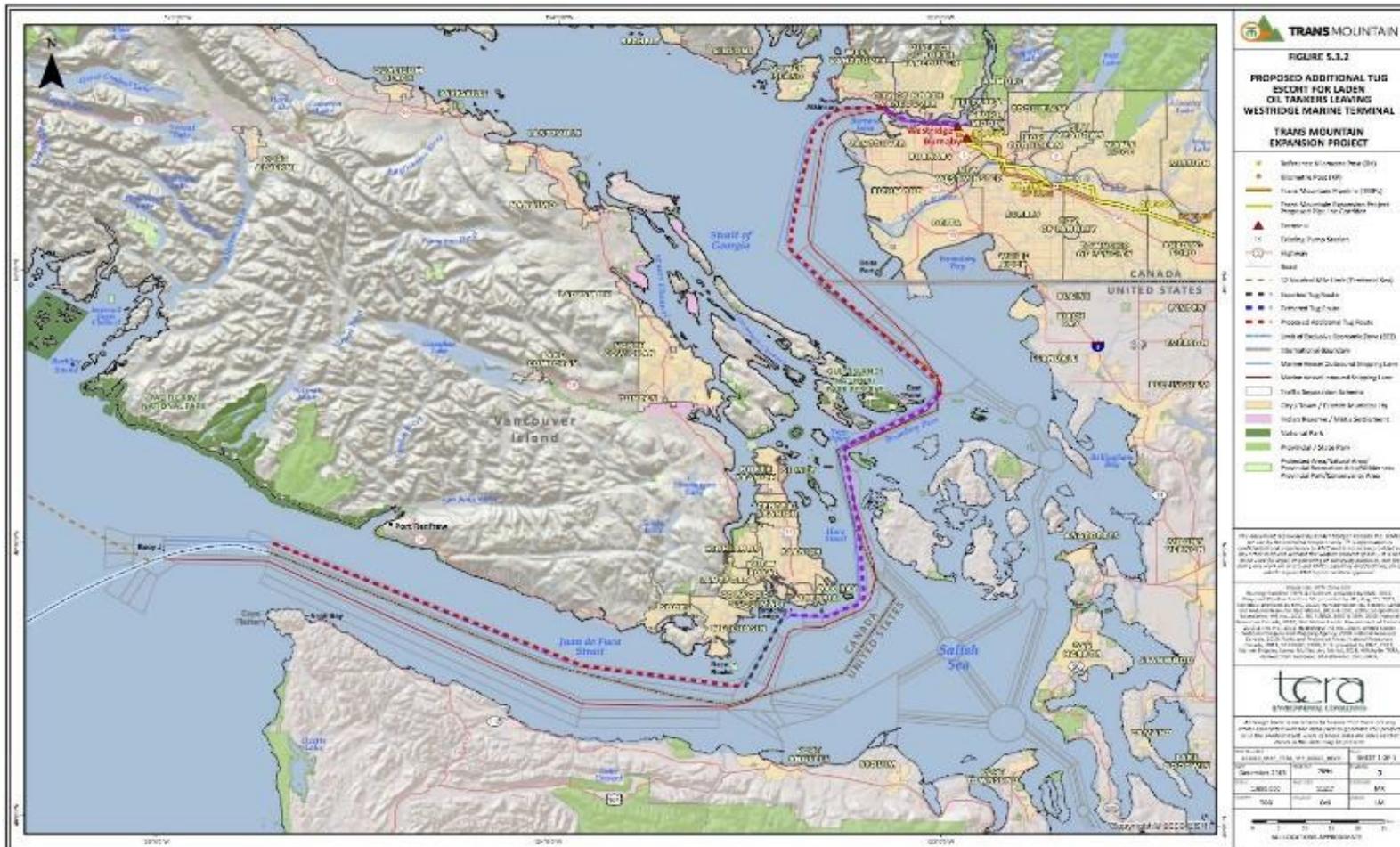
-Created to support informed decision-making, ensure that SSN has direct input into provincial decision-making, and to ensure that SSN's input would be adequately considered.

# STEPS IN COMPLETING THE SSN ASSESSMENT PROCESS

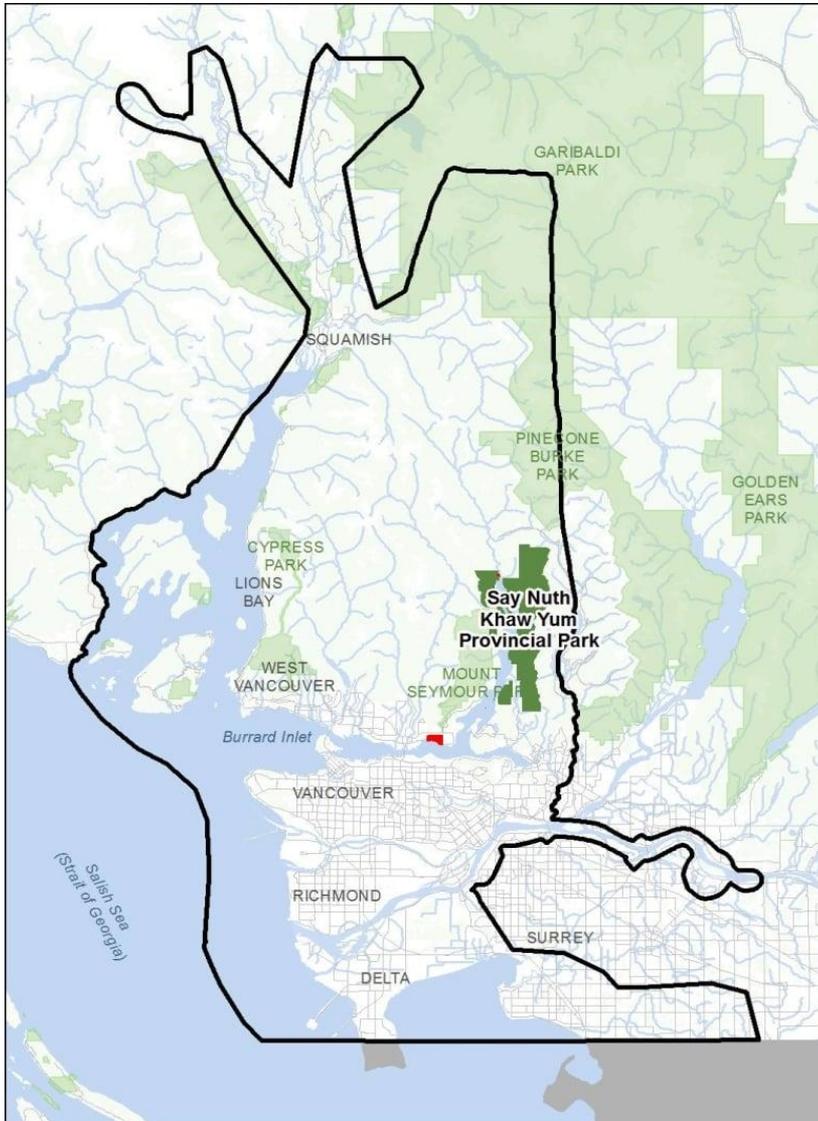


# THE TSLEIL-WAUTUTH NATION ASSESSMENT

- In 2013, Kinder Morgan Canada filed an application with the National Energy Board (NEB) for the Trans Mountain Pipeline and Tanker Expansion (TMEX) proposal.



# TWN CONSULTATION AREA AND STEWARDSHIP POLICY



- TWN uses a ‘Consultation Area’ to outline their territorial jurisdiction.
- In 2009, TWN created their ‘Stewardship Policy’, as an expression of their jurisdiction, laws, and obligations to their territory.
- The TWN Stewardship Policy establishes that any decisions or activities that may potentially impact TWN rights, title, or interests within the Consultation Area must undergo a process of consultation and review.
- Review starts by assessing projects according to TWN legal principles.



# IMPLEMENTING THE TSLEIL-WAUTUTH NATION ASSESSMENT

## TWN Stewardship Policy Decision-Making



**Lens 1:** Assess projects according to TWN legal principles thresholds, which reflect TWN's sacred obligations to the land, water, air, and resources in their territories. TWN will only assess the project further if it does not violate TWN legal principles.



**Lens 2:** Assess potential impacts to determine how to avoid/mitigate impacts to improve project design so that it can have a positive impact on TWN territory and people. This is done by engaging in dialogue with proponents and Crown assessment agencies.

### Lense 1 Assessment Key Questions

What impact will the TMEX proposal have on the natural and cultural resource base of the proposed project area?

What impact will the TMEX proposal have on the socio-economic and cultural conditions of Tsleil-Waututh?

Will the TMEX proposal interfere with Tsleil-Waututh stewardship and restoration efforts?

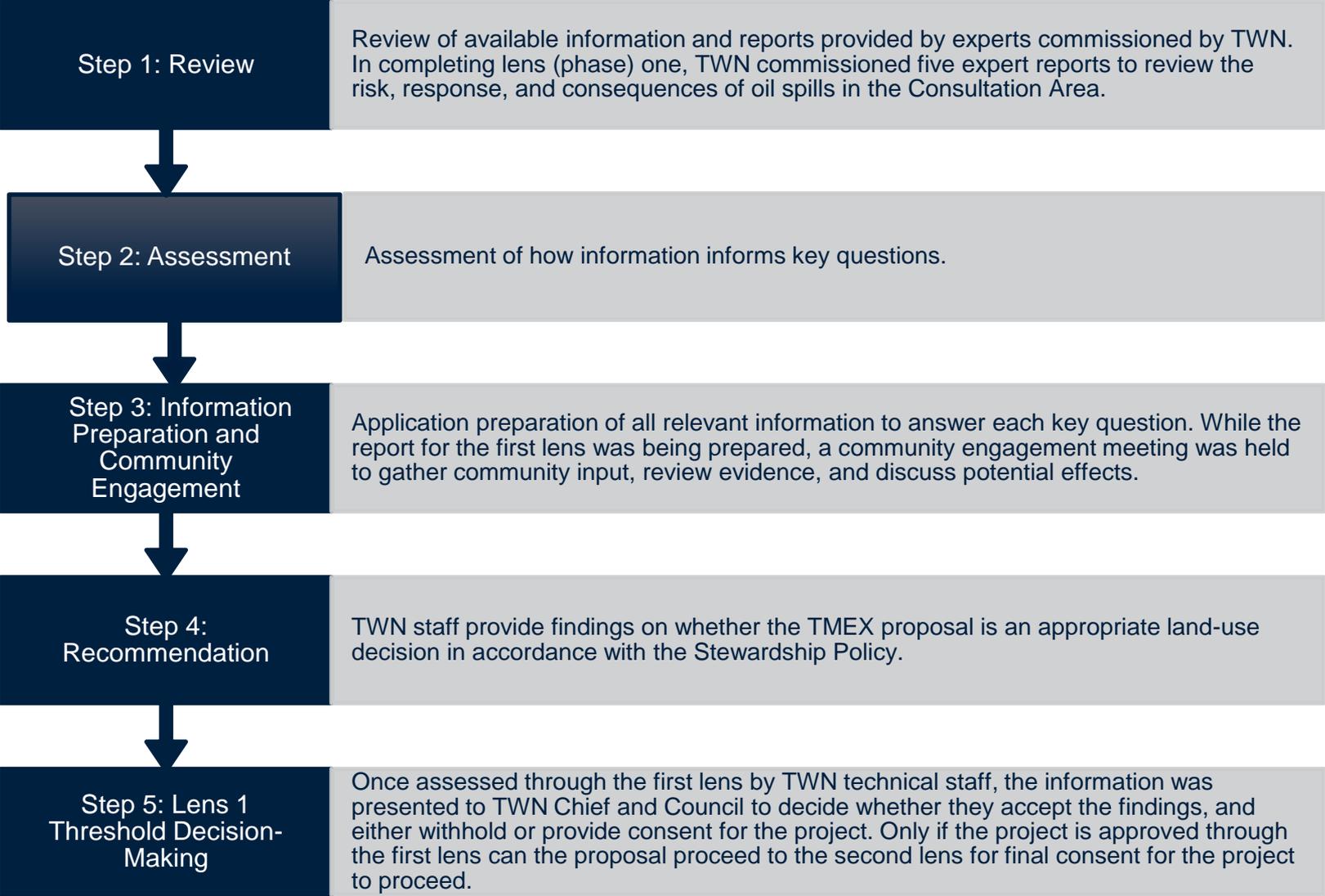
What will the TMEX proposal contribute to the cumulative effects of past land-use decisions?

Does the TMEX proposal have the potential to deprive future Tsleil-Waututh generations of the control and benefit of their waters and lands?

Does the TMEX proposal jeopardize, prejudice, or otherwise compromise Tsleil-Waututh title, rights, or interests?

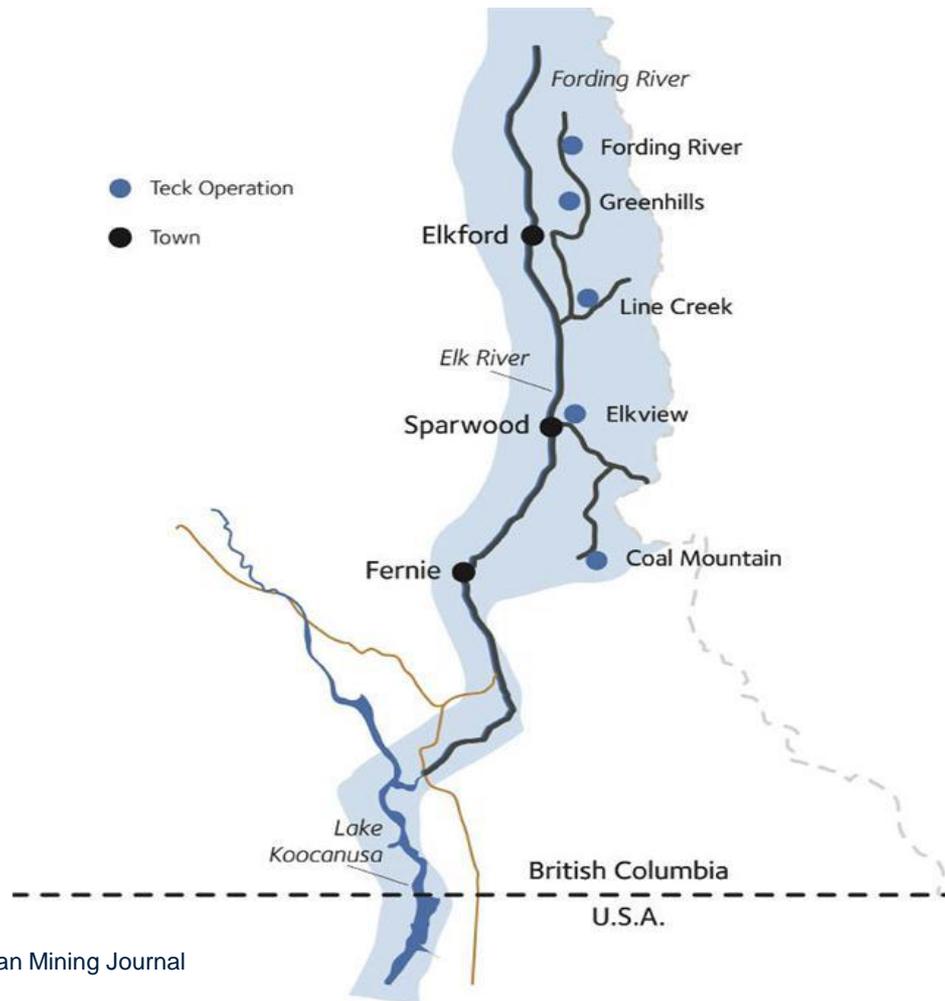
Does the TMEX proposal represent the best use of lands and resources for the present and for the future?

# STEPS IN COMPLETING THE TWN ASSESSMENT



# THE KTUNAXA NATION RIGHTS AND INTERESTS ASSESSMENT

- In 2011, Teck Resources Ltd applied to expand their current production at the Fording River Operations (FRO) Coal Mine through the FRO Swift Coal Mine Expansion.



# IMPLEMENTING THE KTUNAXA NATION RIGHTS AND INTERESTS ASSESSMENT

- Step 1: Identification of valued components
- Step 2: Outlining spatial boundaries for baseline data collection
- Step 3: Baseline data collection and assessment of impacts on valued components
- Step 4: Summary of potential effects, mitigations, and actions



## Traditional Knowledge and Culture Sector

- **Indicators:** Ktunaxa language and culture, cultural areas and properties, future Ktunaxa relationship with and knowledge of the land.

## Social Sector

- **Indicators:** Housing, transportation, social services, and ecological approach to human health and confidence in wild foods.

## Economic Sector

- **Indicators:** Jobs and employment, business and development, Ktunaxa rights-based economy, and training and education.

## Lands and Resources Sector

- **Indicators:** Biodiversity, connectivity, quantity and quality of habitat (for rare species, ungulates, large carnivores, and fish), plant abundance, ecosystems of cultural importance, ecosystem health, soil productivity, slope stability, and archaeology.

## Water

- **Indicators:** Included throughout each sector level.

## Cumulative Effects

- **Indicators:** included throughout each sector level.

# KTUNAXA RIGHTS AND INTERESTS ASSESSMENT: MITIGATIONS AND ACTIONS

Once baseline data collection was completed for each VC and relevant issues, concerns, and potential effects were identified for the project, a mitigations table was designed to reduce the impact of potential negative effects, by including 'measures' to increase the impact of potential positive effects. Measures include:



- **Education and training:** Identification of existing training programs throughout the Kootenay region and across Canada that could be delivered locally to assist in Ktunaxa training.
- **Ongoing access and use:** Identify annual opportunities for Ktunaxa access to Teck properties to practice Ktunaxa culture and rights-based activities (i.e., culture camps, treks, hunting, fishing, and gathering).
- **Water, wild foods, and confidence:** Teck and KNC collaboratively develop a Ktunaxa Elk Valley Wild Foods Program.
- **Compliance monitoring:** Within six months of EA certification, Teck would provide funds for Ktunaxa to confirm compliance and management plans.

# THE MIKISEW CREE CULTURE AND RIGHTS ASSESSMENT

- In 2011 Teck Resources Limited (Teck) filled an application for the Frontier Oil Sands Mine Project. The project has since been abandoned but would have been the largest single oil sand pit mine in Canada.
- Following preliminary consultations between MCFN and Teck, Teck agreed to not undertake a proponent-led traditional land-use assessment for MCFN. Instead, Teck agreed to use the Mikisew Cree Culture and Rights Assessment (MCCRA) in its replacement.

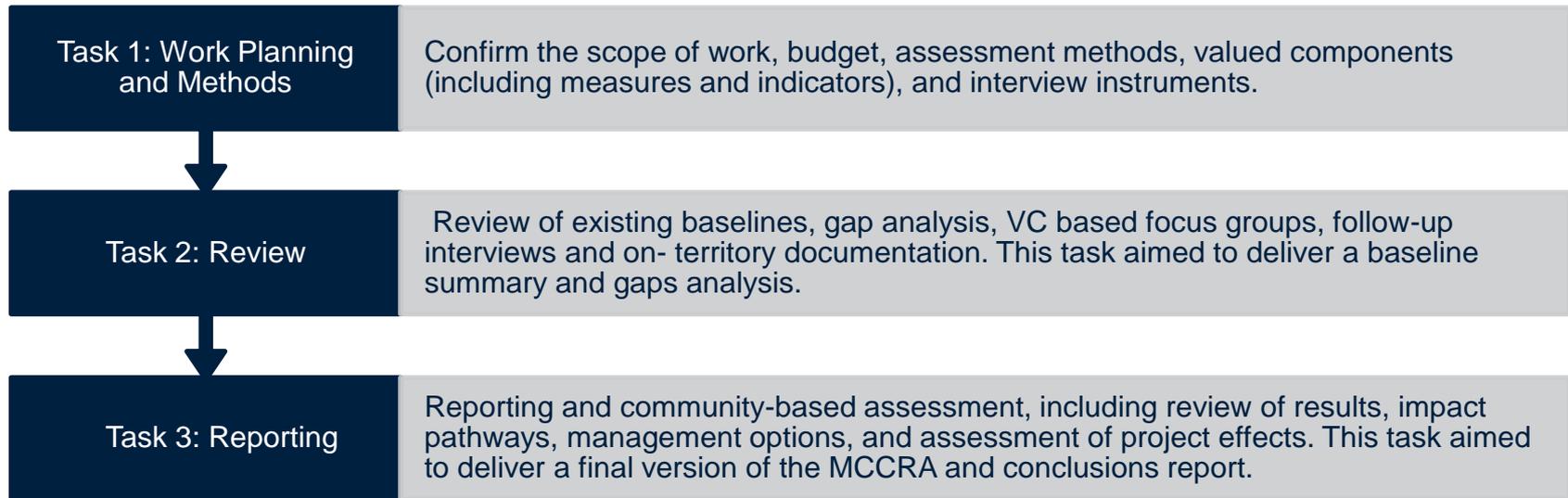


Gareth Lenz / Canadian Parks and Wilderness Society  
Northern Alberta



Louis Bockner / Sierra Club

# MIKISEW CREE ASSESSMENT- MAIN TASKS AND LINKAGES TO LAND USE PLANNING



- Prior to the MCFN assessment, to confront scale of industrial development/impacts to Mikisew practice of their rights and ways of life, MCFN implemented a land use plan to determine the most important areas for the conservation of natural resources across their territories.

This initiated the completion of:

- Traditional Land Use Surveys
- Mapping, containing animal and vegetation data
- Collection of development, oil sands, and mining information
- Identification mapping of areas needing further protection as well as those suitable for development

# OUTCOMES OF THE MCFN CULTURE AND RIGHTS ASSESSMENT

- MCFN found that there had already been significant impacts on Mikisew culture and rights throughout their territories. Recognition of existing impacts solidified the importance of protecting the integrity of remaining areas for ensuring the future practice of Mikisew culture and rights.
- MCFN advocated for a 'Biodiversity Stewardship Area' (BSA), which would help mitigate the project's impact on the Ronald Lake Bison Herd and the ongoing degradation of the Wood Buffalo National Park.



Government of Alberta

- In 2018 the Government of Alberta announced its intention to establish the BSA.
- MCFN communicated that they would withhold support for the Frontier until the BSA was solidified.
- In 2019, an agreement was reached and the BSA was established as a 161,880 ha Provincial Park open to traditional land use by Indigenous people.

## WHERE TO LEARN MORE

- **The Stk'emlu'psemc te Secwepemc Nation Assessment Process**

<https://drive.google.com/file/d/0B92rPs-T5VkGZVNIbZhuZ0VhMk0/view?resourcekey=0-hqi8P6oHBBzhRYTe6EjJw>



- **The Tsleil-Waututh Nation Assessment**

[https://twnsacredtrust.ca/wp-content/uploads/TWN\\_assessment\\_final\\_med-res\\_v2.pdf](https://twnsacredtrust.ca/wp-content/uploads/TWN_assessment_final_med-res_v2.pdf)

- **The Ktunaxa Nation Rights and Interests Assessment**

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi98oGa987xAhVBpZ4KHS0vCxIQFn\\_oECAIQAw&url=https%3A%2F%2Fprojects.eao.gov.bc.ca%2Fapi%2Fdocument%2F58868f55e036fb01057680eb%2Ffetch&usg=AOvVaw3asVLGtFGLRjolosfRbTbh](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi98oGa987xAhVBpZ4KHS0vCxIQFn_oECAIQAw&url=https%3A%2F%2Fprojects.eao.gov.bc.ca%2Fapi%2Fdocument%2F58868f55e036fb01057680eb%2Ffetch&usg=AOvVaw3asVLGtFGLRjolosfRbTbh)

- **The Mikisew Cree First Nation Culture and Rights Assessment**

<https://open.alberta.ca/dataset/5da3a4f0-f982-4f8e-af9b-cb00c39fb165/resource/360a4892-0a07-4388-b7a2-7ce6c2908cc9/download/mcfn-wiyowtankitaskinofinal-for-pdfsept16.pdf>

- **The Squamish Nation Process**

<https://www.ratcliff.com/wp-content/uploads/2020/10/The-Squamish-Nation-Assessment-Process-Getting-To-Consent-Ratcliff.pdf>



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