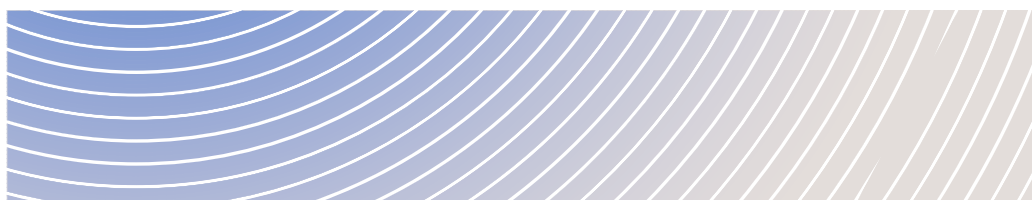


# Regional Assessment of the St. Lawrence River Area



INDIGENOUS ENGAGEMENT AND PARTNERSHIP PLAN

November 2022



Agence d'évaluation  
d'impact du Canada

Impact Assessment  
Agency of Canada

Canada

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# Acronyms and definitions

Abbreviation/Acronym/Term	Definition / interpretation
Agency	Impact Assessment Agency of Canada
Committee	The independent committee established to conduct the regional assessment
Indigenous advisory committee	Advisory committee composed of Indigenous representatives, whose role would be to provide information and advice, as needed, at the request of the Committee
Technical advisory committees	Advisory committees composed of representatives from First Nations and Indigenous organizations with technical experiences or knowledge, government departments and agencies, universities, non-governmental organizations, industry, etc.
Regional Assessment	The regional assessment of the St. Lawrence River Area as will be described in the intergovernmental agreement and the terms of reference of the Committee
IAA	<i>Impact Assessment Act</i>
Minister	The Minister of Environment and Climate Change Canada
Ministers	Means, collectively, the federal Minister of Environment and Climate Change, the Quebec's Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks and the Quebec's Minister Responsible for Canadian Relations and the Canadian Francophonie
MELCCFP	Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs du Québec (Quebec's Department of Environment, the Fight Against Climate Change, Wildlife and Parks)
Indigenous organizations	Refers to the list of "Indigenous organizations" as listed in section 5 of this document
SLAP	St. Lawrence Action Plan
Indigenous peoples	has the meaning assigned by the definition " <i>aboriginal peoples of Canada</i> " in subsection 35(2) of the <i>Constitution Act, 1982</i> .
IEPP	Indigenous Engagement and Partnership Plan
First Nations	Refers to the list of "First Nations" as listed in section 5

# 1. Introduction

The Impact Assessment Agency of Canada (the Agency) has prepared this document to outline meaningful opportunities for First Nations and Indigenous organizations to participate in the regional assessment process.

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## 1.1. Background

On July 29, 2020, the Mohawk Council of Kahnawà:ke submitted a [request](#) to conduct a regional assessment of the St. Lawrence River to the Minister of Environment and Climate Change (the Minister) pursuant to the *Impact Assessment Act* (IAA).

In his [response](#) of October 27, 2020, the Minister determined that there is a potential merit in conducting such a regional assessment and that further analysis and engagement would be necessary before deciding to move forward. The Minister instructed the Agency to initiate an engagement process with federal and Québec government agencies, the Mohawk Council of Kahnawà:ke and other Indigenous peoples, and non-governmental organizations to help define the nature, scope, objectives and outcomes of a potential regional assessment. Following this engagement process, on July 15, 2021, the Minister [decided](#) to proceed with a regional assessment of the St. Lawrence River area would be conducted and instructed the Agency to begin the planning phase.

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## 1.2. Document objectives

This Indigenous Engagement and Partnership Plan (IEPP) is consistent with the Government of Canada's and the Agency's approach to collaboration with Indigenous peoples for the purposes of the IAA. Specifically, the participation opportunities identified in this IEPP are based on IAA requirements and the Agency's guidance, such as the [Practitioner's Guide](#), particularly section [Collaboration with Indigenous Peoples in Impact Assessments](#). This IEPP also forms part of the Government of Canada's course of action for prioritizing reconciliation and partnership with Indigenous peoples both through designated project impact assessments and regional and strategic assessments.

This document describes proposed engagement activities with First Nations and Indigenous organizations for the regional assessment of the St. Lawrence River area (the regional assessment). This IEPP will be adaptable so as to accommodate changes and updates that may occur throughout the course of the regional assessment. Specifically, this IEPP will be updated once the planning phase of the regional assessment is complete and the conduct of the regional assessment has begun. The Committee responsible for conducting the regional assessment will plan and conduct engagement during the conduct of the regional assessment, in accordance with its terms of reference.

Overall, the regional assessment process has four phases (see Appendix 1 for a graphic illustration of the phases) including two main ones, the planning phase and the conduct phase, on which this IEPP focuses.

To complement this IEPP, which is general in scope, specific engagement plans may be developed with First Nations to include Nation-specific considerations in this process.

## 2. Regional assessment governance

Under the IAA, where a regional assessment is proposed for an area that is not located entirely on federal lands<sup>1</sup>, the Minister may enter into an agreement or arrangement with another jurisdiction to jointly establish a committee to conduct a regional assessment (the Committee) and the manner in which the assessment is to be conducted. In this case, the Minister establishes or approves the Committee's terms of reference, including a specified time limit within which the assessment must be completed, and appoints or approves the appointments of the members of the Committee. At least one person must have been recommended by the jurisdiction with which the agreement or arrangement was entered into.

The Agency is in discussions with the Gouvernement du Québec, through its Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP), about the possibility of entering into an agreement regarding the joint establishment of the Committee, the terms of reference and about the manner in which the regional assessment is to be conducted. The Agency and the MELCCFP plan to use the St. Lawrence Action Plan<sup>2</sup> (SLAP) as a framework for interjurisdictional collaboration to develop a

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<sup>1</sup> As per the *Impact Assessment Act*

<sup>2</sup> See [St. Lawrence Action Plan | Study, Inform, Conserve \(planstlaurent.gc.ca\)](https://planstlaurent.gc.ca)

Canada-Québec agreement or arrangement specific to the regional assessment and the Committee's terms of reference. The SLAP is an intergovernmental agreement that has been in force for more than three decades to provide a platform for joint actions to conserve, restore, protect and enhance the St. Lawrence. Notably, the SLAP's structure would facilitate exchange between the federal and Québec bodies whose expertise will be sought in the regional assessment. The Agency is of the opinion that the SLAP is complementary with the Agency's approach to collaboration with Indigenous peoples proposed in this IEPP. Under the SLAP's follow-up committee for sustainable use, the Agency and the MELCCFP are looking to establish a working group whose partners and collaborators will include among others, First Nations and Indigenous organizations.

The independent Committee will be responsible for conducting the regional assessment, and for submitting a report to the Ministers. Its establishment will take into account First Nations and Indigenous organizations' recommendations (nominations) regarding potential candidates. As well, the development of the Committee's terms of reference will consider the results of the engagement with First Nations and Indigenous organizations.

It is anticipated that the Committee be supported in their duties by a secretariat, which also will be independent of governments. The Committee may also establish advisory committees on issues of importance to the regional assessment, such as for Indigenous knowledge and scientific/technical issues.

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## 2.1. The Agency's role

In the regional assessment planning phase, the Agency is responsible for engaging with First Nations and Indigenous organizations (see the activities listed in Appendix 2).

During the conduct of the regional assessment phase, the Agency will support the Committee (as set out in sections 2.2 and 3.2).

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## 2.2. The Committee's role

During the conduct of the regional assessment phase, the Committee will be responsible for conducting the regional assessment including associated engagement activities with First Nations

and Indigenous organizations, as well as with other participants and the public, in accordance with the established terms of reference.

The Committee may plan and carry out its specific engagement activities as it deems appropriate in order to meet the terms of reference. The Committee must submit a report to the Minister after the regional assessment has been completed. The report must indicate how the Committee has taken into account and used the Indigenous knowledge provided with respect to the assessment.

## **3. Regional assessment process**

As previously mentioned, this IEPP focuses on participation activities during the planning and the conduct phases of the regional assessment. Depending on the Committee's recommendations, a follow-up phase may be implemented after the report is submitted.

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### **3.1. Regional assessment planning phase**

The planning phase of the regional assessment allows the Agency to seek input from the Gouvernement du Québec, First Nations and Indigenous organizations, stakeholders and the public on the potential goals, objectives, scope and activities of the regional assessment, as well as its governance structure and its administration. These items will be set out in the Committee's terms of reference. Appendix 2 outlines proposed activities for this phase for First Nations and Indigenous organizations.

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### **3.2. Regional assessment conduct phase**

The activities that will take place during the conduct of the regional assessment will be led by the Committee. Appendix 3 outlines proposed activities for this phase for First Nations and Indigenous organizations, which may be set out in the terms of reference. However, the Committee may add other activities to this list if deemed appropriate in addressing its terms of reference. The duration of the regional assessment will be defined in the Committee's terms of reference.

As stated above, during that phase the Agency will support the Committee.

## 4. Participation and engagement objectives

This section presents the objectives of the Agency and First Nations and Indigenous organizations with respect to participation in the regional assessment.

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### 4.1. The Agency's objectives

For the planning phase, the Agency has identified the following objectives:

- Establish an open and constructive dialogue with First Nations and Indigenous organizations interested in participating in the regional assessment;
- Encourage First Nations and Indigenous organizations to actively participate in the regional assessment;
- Work with First Nations and Indigenous organizations to determine opportunities to participate and collaborate.

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### 4.2. Objectives expressed by First Nations and Indigenous organizations

The following objectives reflect those expressed to the Agency by First Nations and Indigenous organizations:

- Open and transparent communication throughout the process;
- Earlier opportunities for involvement in the process;
- Consideration of Indigenous knowledge, in accordance with the OCAP principles (ownership, control, access, possession) and with existing Indigenous knowledge inclusion protocols<sup>3</sup>;
- Respect for the original formats and processes of the knowledge of the Nations, communities and sub-groups represented (songs, storytelling, etc.);

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<sup>3</sup> Among others, consideration of Indigenous knowledge must be in accordance with the protocol of the Assembly of first Nations of Quebec and Labrador, the [Tri-Council Policy Statement](#) (TCPS2), the *Guide to best practices for the inclusion of Indigenous knowledge - for federal departments* as well as protocols put in place by Indigenous Nations themselves.



- Respect for the unique nature of each community and adjustment of the process based on preferences where possible;
- Ensure the inclusion of diverse perspectives (women, seniors, minority groups, intergenerational, etc.) throughout the process;
- Knowledge of the timelines in advance and sufficient time allotted to schedule meetings, prepare, review documents and provide input (process predictability);
- Availability of funding program to support participation throughout the process;
- Respect and integration of the United Nations Declaration on the Rights of Indigenous Peoples, especially the principle of free, prior and informed consent;
- Feedback on comments made throughout the planning process in a perspective of continuous and transparent communication;
- For interested First Nations, possibility for co-drafting in collaboration with the Committee of the sections of the report pertaining to First Nations.

The Agency encourages First Nations and Indigenous organizations who wish to add to the list to do so.

## 5. First Nations and Indigenous organizations

The Agency has initiated discussions with First Nations and Indigenous organizations that have confirmed an interest in participating in the regional assessment<sup>4</sup> (see lists below).

This IEPP is intended to be adaptable. As stated in the section 2.2, specific engagement plans may be developed with First Nations to include Nation-specific considerations in this process.

It is important to note that while the conduct of the regional assessment may involve collecting information on Indigenous rights, the process is not a rights-determining process.

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<sup>4</sup> These lists identify the First Nations and Indigenous organizations that have expressed an interest in the regional assessment to date. There may be additions, and some First Nations have indicated that they would like to define the scope of their participation in the conduct of the regional assessment once the final version of the terms of reference is available.

#### List of First Nations who have expressed an interest in the regional assessment :

- Mohawk Council of Kahnawà:ke
- Mohawk Council of Akwesasne
- Mohawk Council of Kanesatake
- Grand Conseil de la Nation Waban-Aki:
  - Conseil des Abénakis de Wôlinak
  - Conseil des Abénakis d'Odanak
- Nation huronne-wendat
- Pekuakamiulnuatsh Takuhikan
- Première Nation des Innus Essipit
- Première Nation des Innus de Pessamit
- Première Nation des Innus de Nutashkuan
- Conseil des Innu de Ekuanitshit
- Conseil des Innus de Unamen Shipu
- Conseil des Innus de Pakua Shipu
- Innu Takuaikan Uashat Mak Mani-Utenam
- Première Nation Wolastoqiyik Wasispekwik

#### List of Indigenous organizations who have expressed an interest in the regional assessment :

- Agence Mamu Innu Kaikusseht (AMIK)
- Association de gestion halieutique Mi'kmaq et Malécite (AGHAMM)
- First Nations of Quebec and Labrador Sustainable Development Institute (FNQLSDI)

## 6. Approaches to Participation

This section outlines the proposed approaches for participation identified to date including participant funding and, if applicable, confidentiality of the information submitted as part of the regional assessment.

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### 6.1. Activities

Appendices 2 and 3 outline proposed activities for participation in the regional assessment process. The Agency identified these activities by considering comments and views gathered to date from First Nations and Indigenous organizations. In addition to the activities for participation identified in Appendices 2 and 3, the Agency will be available to discuss and meet with First Nations and Indigenous organizations throughout the process, as needed. Depending on the

preferences of First Nations and Indigenous organizations and as health restrictions due to the COVID-19 pandemic permit, the activities listed may take place either in person or in virtual sessions.

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## 6.2. Participant funding

In October 2021, participant funding was provided by the Agency to interested First Nations and Indigenous organizations to support their participation in the various regional assessment planning phase activities. Participant funding will continue to be made available for the conduct of the regional assessment.

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## 6.3. Confidentiality

Comments and other documents received by the Agency or the Committee throughout the regional assessment process will be posted on the Canadian Impact Assessment Registry (the Registry) Internet site, except for the ones deemed to be confidential or subject to non-disclosure. *The Agency's Submission Policy*<sup>5</sup> determines which submitted information can be shared publicly, and what should remain private. For further information on how the Agency protects privacy, please refer to the Privacy Notice.<sup>6</sup>

If a participant does not wish for a submission or comments to be published on the Registry, the Agency should be contacted before comments or documents are submitted. Furthermore, confidential Indigenous knowledge is protected from disclosure under section 119 of the IAA, except if written consent is provided.

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<sup>5</sup> The [Agency's Submission Policy](#)

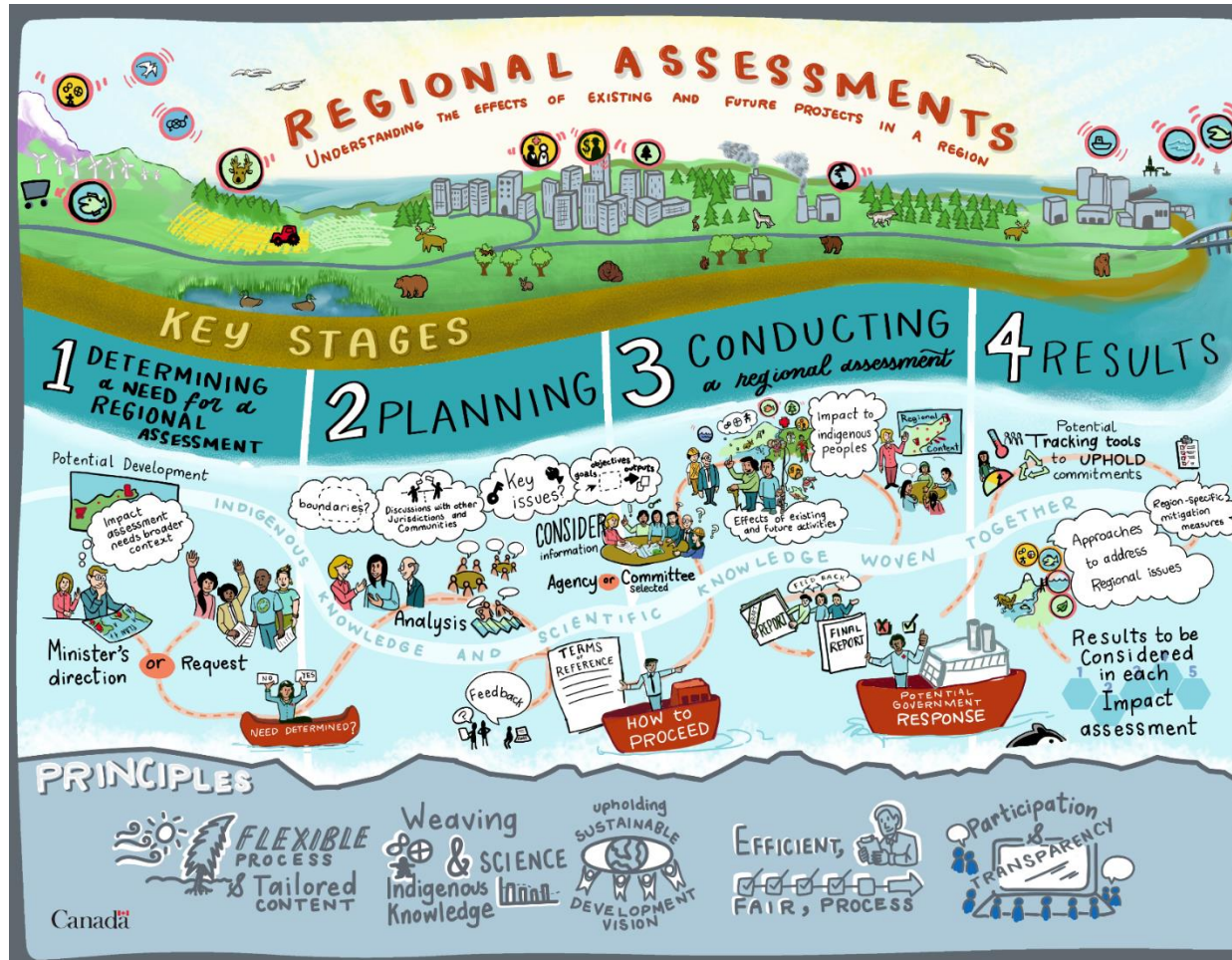
<sup>6</sup> The [Agency's Privacy Notice](#)

## 7. Conclusion

The Agency will implement this IEPP in a manner that fulfills the stated principles and commitments. The Agency looks forward to working with First Nations and Indigenous organizations as part of this regional assessment. The Agency wishes to establish and maintain a meaningful, informative, respectful and collaborative dialogue throughout the regional assessment process.

## 8. Appendices

### Appendix 1 : Graphic Illustration - regional assessment process



The graphic illustration is available on the Registry : [Graphic Illustration - Key Steps in a Regional Assessment](#)

## Appendix 2 : Proposed activities for First Nations and Indigenous organizations during the planning of the regional assessment

Step	Activities	Timelines <sup>7</sup>	Considerations
Drafting of the Terms of Reference (TOR)	Submission of view/opinions about the TOR before and during the drafting.	Until Fall 2022	<ul style="list-style-type: none"> <li>• Coordination/timeline to receive input in a timely manner to allow consideration while drafting the TOR</li> <li>• Possible meetings with the Agency to discuss about specific topics, if required.</li> </ul>
	The Agency proposes to meet with First Nations to present the draft TOR prior to the public comment period.	Fall 2022 – Winter 2023	<ul style="list-style-type: none"> <li>• Coordination/timeline to be established to hold meetings and in a timely manner prior to the comment period.</li> </ul>
	Public comment period on the draft TOR	Winter 2023 – Spring 2023	<ul style="list-style-type: none"> <li>• Public comment period will be defined as the planning phase progresses, and will last a minimum of six weeks</li> </ul>
	Feedback on the comments on the draft version of the TOR	Winter 2023 – Spring 2023	<ul style="list-style-type: none"> <li>• The Agency proposes to provide feedback on how the comments on the draft version of the TOR were considered, once the final version of the TOR has been approved.</li> </ul>
Selection of Committee Members	The Agency will seek input from First Nations on the	Fall 2022 – Winter 2023	<ul style="list-style-type: none"> <li>• Document will be shared by the Agency to solicit comments.</li> </ul>

<sup>7</sup> Indicative timeline based on available information, subject to revision depending on how the process evolves.

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selection criteria to be used to select the members of the Committee for recommendation to the Ministers.

The Agency will seek recommendations from First Nations for potential Committee members. Fall 2022 – Winter 2023

- Committee members must be unbiased, without conflict of interest and do not represent political or private interests.

## Appendix 3 : Proposed activities for First Nations and Indigenous organizations during the conduct of the regional assessment<sup>8</sup>

Step	Activities	Considerations
Participation throughout the process	General participation to the conduct of the RA.	<ul style="list-style-type: none"> <li>Various ways of participation will be available to First Nations and members. Participation to an advisory committee will not limit the participation of a First Nation or a member through other ways.</li> </ul>
Establishment of an Indigenous Advisory Committee	An Indigenous Advisory Committee, composed of representatives proposed by First Nations and Indigenous organizations, would be established at the beginning of the conduct of the RA. Its role would be to provide information and advice, as required, upon request of the Committee.	<ul style="list-style-type: none"> <li>Establishment of this Indigenous Advisory Committee will be described in the TOR.</li> <li>The First Nation and Indigenous organizations, in collaboration with the Committee, establish role and details of how this advisory committee will operate.</li> </ul>
Establishment and work of various technical advisory committees	Technical Advisory Committees, and relevant sub-committees, would be put in place to provide information and advice on any topics related to the RA upon request of the Committee.	<ul style="list-style-type: none"> <li>Establishment of these advisory committees will be described in the TOR.</li> <li>A list of the various Technical Advisory Committees will be shared by the Committee with First Nations and Indigenous organizations.</li> </ul>

<sup>8</sup> The activities that are identified during the planning of the regional assessment will be included in the Committee's terms of reference. The Committee will be able to add other activities it deem relevant in order to meet the requirements of its terms of reference.



This Technical Advisory Committee would be composed of representatives from government departments and agencies, First Nations and Indigenous organizations, industry, academia, etc.

Drafting of regional assessment report	<p>Opportunity for co-drafting particular sections of the report, at the discretion of the Committee.</p> <p>First Nations could, if they wish, draft or collaborate in drafting of certain sections of the regional assessment's report that are relevant to them, or early review and input into drafts before public consultation period.</p>	<ul style="list-style-type: none"> <li>• TOR could mention that the Committee will be responsible for follow-up with First Nations to ensure there is opportunity for co-drafting and that the timelines for drafting some portions of the report of the regional assessment are met.</li> </ul>
Consultation period on the regional assessment report	<p>Meetings between First Nations and Indigenous organizations and the Committee to discuss its findings and preliminary recommendations and findings.</p>	<ul style="list-style-type: none"> <li>• Consultation with First Nations will have taken place prior to the consultation period through various participation activities and advisory committees. It may continue during the public consultation period if required.</li> <li>• A public consultation period on the draft report.</li> <li>• Coordination and logistics to be considered in the conduct of the regional assessment (timelines).</li> </ul>