

The Impact Assessment Act of 2019: Meaningful Participation of Canada's Indigenous Peoples,
or Surface Level Engagement?

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I would like to acknowledge that Dalhousie University is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. We are all Treaty people, and we have an obligation to acknowledge this land and move towards truth and reconciliation. This thesis is centered on improving Indigenous involvement in impact assessments in Canada, and I would like to acknowledge that there are many Indigenous groups and communities discussed in this thesis including the Innu First Nations and Tsleil-Waututh Nation. Being a non-Indigenous person of European decent I cannot fully understand the history and legacy of colonialism in this country. However, I have tried to use Indigenous perspectives throughout this thesis in order to conclude whether the IAA of 2019 is effective in improving Indigenous participation in environmental impact assessments. I believe it is important to note this fact before you read the findings of this thesis.

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Chapter 1: Introduction

The aim of this thesis is to inquire the extent to which the Impact Assessment Act of 2019 (IAA) achieves its goal of improving Indigenous involvement in Environmental Impact Assessments (EIA) across Canada. It will do so by conducting an in-depth SWOT analysis focusing on the strengths, weaknesses, opportunities, and threats the IAA poses to Indigenous communities. This SWOT analysis will examine projects within Canada that have been either approved or denied impact assessments. The SWOT analysis will use existing literature that analyzes the efficacy and shortcomings of the IAA. The strengths section will analyze instances in IAA projects when Indigenous involvement has been successful and led to better engagement and environmental protection. The weaknesses section will delve into situations where Indigenous involvement was lacking in the IAA, and this caused social/economic/environmental consequences. The opportunities portion will discuss opportunities for better Indigenous involvement in IAA and how this can be achieved. Finally, the threats portion will uncover threats that the IAA poses to Indigenous communities when engagement is not carried out properly.

1.1 The Promises of the IAA:

The IAA is described by the government of Canada as a means to assess possible impacts of proposed projects before they begin (Impact Assessment Agency of Canada, 2019). The IAA is not meant to merely assess environmental impacts, but also social, economic, health impacts, as well as impacts a project may have to Indigenous groups (Impact Assessment Agency of Canada, 2019). The IAA is meant to cultivate sustainability in projects across Canada and utilize both scientific knowledge and traditional Indigenous Knowledge as well (Impact Assessment

Agency of Canada, 2019). The IAA is also meant to provide projects the tools and funding to enable cooperation and engagement with stakeholders involved in projects (Impact Assessment Agency of Canada, 2019).

1.2 IAA Projects:

Initially this study aimed to examine projects assessed in Nova Scotia. However, there are only seventy projects for Nova Scotia on the Impact Assessment Agency website that are currently in progress. All the projects on the website fall under one of three categories: project on federal lands (66), a regional assessment (1), or an Environmental Assessment done under the CEAA 2012 (3). Due to the newness of the act, and the slow process for completing an assessment under the IAA of 2019, it was determined that by broadening the scope of this study to all of Canada would be more feasible for a SWOT analysis. Examining a broader range of projects from all over Canada meant that the SWOT analysis was more comprehensive. It also meant that the SWOT could look at projects that affected various Indigenous groups and stakeholders. The SWOT also used projects that had completed assessments, assessments that are in the process of being completed, and projects that were denied assessments under the IAA of 2019. Therefore, each section of the SWOT may have more than one project, and different section, have projects that are at different stages of completion.

1.3 Purpose of This Research

Assessing the overall efficacy of environmental laws in Canada is a daunting and large task. This study instead simply focuses on the Impact Assessment Act of 2019 and whether it is legitimate in its promises to foster better participation of Indigenous people in proposed projects.

1.4 Research Question and Objectives:

Is the IAA an effective piece of legislation in increasing Indigenous involvement in decision making around proposed projects that may impact them?

Objectives:

1. Categorize projects into either the strengths, weaknesses, opportunities, or threat section of the thesis.
2. Conduct a media analysis of each project discussed in the SWOT and discuss the discourse (or lack thereof) surrounding a certain project, and its Indigenous involvement.
3. Determine the efficacy of the IAA in engaging Indigenous peoples and groups in the EIA process.
4. Examine which types of projects fit into each category of the SWOT, and what this may say about the IAA of 2019.

1.5 Research Design:

This research will be organized in the format of a strengths, weaknesses, opportunities, and threats (SWOT) analysis. This will include a literature review examining the discourse that already exists around the IAA and its strengths and shortcomings. In the chapter that follows, the strengths, weaknesses, opportunities for improvement, and threats that the IAA poses in terms of Indigenous involvement around proposed projects in Canada will be discussed and analyzed. The SWOT analysis will examine information provided from the government of Canada Impact Assessment Agency website that outlines project plans and actions, as well as media sources that discuss projects that have had IAs completed, are still undergoing IAAs, or were denied IAs in

Canada. Using media sources or other scholarly sources that describe the use or lack of use of the IAA for certain projects will give this research a more well-rounded perspective.

SWOT analyses can be used to analyze either quantitative or qualitative data. They are widely used by those who research businesses and other organizations (Gurl, 2017). They can be used to assess all parts of a business, a project, an institution etc. SWOT can also be used to assess overall efficacy of EIA laws, as demonstrated by Paliwal, in their article *EIA practice in India and its evaluation using SWOT analysis*. Why a SWOT is specifically useful in this thesis will be further explained in the methods chapter.

1.6 Scope:

The scope of this study is projects in Canada that had IAs completed or denied by the Impact Assessment Agency. Since the IAA is a relatively new piece of legislation, and the process of completing Impact Assessments is a slow one, it is difficult to find projects with completed Impact Assessments. Therefore, this study will also examine the relevant literature that evaluates the IAA and IAs that have been conducted all over Canada. Some of this literature analyzes the language, others use case studies of specific projects that have undergone IAs under the IAA. Overall, because this study is analyzing the ability of the IAA to engage and involve Indigenous peoples and communities, bringing Indigenous voices to the forefront of this thesis is a priority.

This thesis is unfortunately limited in the information it can provide. This is mostly due to the short timeframe it was completed in as well as the fact that the IAA of 2019 is only four years old so the analysis on the efficacy of its assessments is limited. In addition to this, one year into its creation, Canada and the rest of the world was faced with the Covid-19 pandemic. This

slowed down many bureaucratic processes like EIA that are already very slow to begin with.

This thesis therefore can only scratch the surface of Indigenous involvement in projects that have had IAs carried out under the IAA of 2019.

1.7 Terms and short forms:

EIA: Environmental Impact Assessment, a more general term for any impact assessment that assesses impacts on the environment.

IAA: Impact Assessment Act, falls under Bill-C-69, enacted in 2019.

IA: Impact Assessment that has been carried out under the Impact Assessment Act.

Impact Assessment Agency: the government body that carries out IAs.

1.8 Closing Summary:

Through conducting an in-depth literature review and SWOT analysis, the objective of this study is to assess the Impact Assessment Act of 2019. More specifically, to assess whether it delivers on its goals of promoting engagement with Indigenous groups for projects completed (or denied) in Canada. The case studies that will be analyzed throughout the SWOT analysis will be projects that either had IAs completed, are still undergoing IAAs, or were denied IAs in Canada.

Chapter 2: Literature Review

The following chapter will discuss the history of impact assessment legislation in Canada, more specifically, the CEAA of 2012. Next, it will discuss how the IAA of 2019 was created and how it was meant to improve upon past shortcomings. Then the history of UNDRIP in Canada will be discussed, as well as findings from literature on UNDRIP in Canada. Finally, shortcomings of IAA in terms of Indigenous Involvement in the Literature will be explored.

2.1 Prior Impact Assessment Legislation:

The beginning of formal EIA in Canada began in 1984 under Canada's Environmental Assessment and review Process Guidelines Order (EARPGO) (Cherwick, Ecojustice). Then in 1995 the Canadian Environmental Assessment Act (CEAA) took over (Cherwick, Ecojustice). During the Harper government the 1995 CEAA became the CEAA of 2012 (Cherwick, Ecojustice). Many Canadians and NGOs demanded a better Act to protect the environment from proposed projects, while also involving stakeholders and Indigenous people and communities more in the engagement processes. Thus, the Impact Assessment Act of 2019 was created under Bill C-69 in order to meet these goals.

2.2 The CEAA of 2012

To some, the CEAA of 2012 took a step backwards in terms of conducting Environmental Assessments that are effective in protecting the environment. The major change that the CEAA of 2012 implemented that was different from the CEAA of 1995 was that fewer types of projects were to be considered for EAs under the Act because of the project list feature (Doelle, 2). "Essentially a combination of a project list for registration and broad discretion to

decide whether an environmental assessment is to be carried out for a given a project (even if it is already on the project list).” (Doelle, 4). The CEAA of 2012 also reduced the scope of a given project, narrowed the definition of environmental effect, as well as diminished the factors of a project to be considered during an EA (Doelle, 2012). In CEAA 1995, environmental effects that were to be assessed for any project “included any effects projects may have on the biophysical environment” (Doelle, 12). Yet in CEAA 2012 the scope of environmental effects only included effects that were listed in section 5 of the Act (Doelle, 2012). Due to these large issues discussed throughout EA literature, the CEAA of 2012 was deemed to be ineffective in promoting sustainability and preventing environmental, social and economic harms of proposed projects. The CEAA was also fast tracked through the legislative process, with little opportunity for amendments or debate, this was condemned by many stakeholders (Tsuji, 2022). Both the public and Indigenous peoples lost trust in the federal EIA process because of the CEAA 2012 (Tsuji, 2022). Thus, when the IAA of 2019 was created, it was meant to address these shortcomings in a meaningful and effective way.

2.3 Creation of the IAA of 2019

Only a week after Prime Minister Justin Trudeau was first elected in 2015, he sent a letter to the Minister of Environment and Climate Change (Catherine Mckenna) asking her to begin to reform and review the processes of Canada’s environmental assessments (Doelle, Sinclair, 2019). Trudeau highlighted goals for the review process that was to be conducted. These goals were;

- Better opportunities for meaningful participation, early in the IA process.
- Better Indigenous engagement and partnership in the process.
- More coordination between provinces.

- All factors of a project's possible impacts to sustainability must be considered (environmental, health, social and economic).
- Increased certainty and honesty that decisions around projects are based off scientific and IK.
- Reasonable timelines.

(Doelle, Sinclair, 2019).

In 2016, the Minister of Environment and Climate Change then created a Multi-Interest Advisory Committee, with industry, environmental NGOs, and Indigenous organizations to aid the CEAA in creating a new more effective act (Doelle, Sinclair, 2019). An expert panel of four individuals was also created in order to engage with the public and help meet the stated goals of the new act (Doelle, Sinclair, 2019). The actual legislative process began in 2017, the Cabinet sought the confirmation to draft new legislation through a formal memorandum (Doelle, Sinclair, 2019). Then Bill C-69 was “sent to the House of Commons Standing Committee on Environment and Sustainable Development” in February of 2018 (Doelle, Sinclair, 1). Bill C-69 included not only the IAA but also the Canadian Energy Regulator Act, 2019, the Navigation Protection Act, and the Canadian Navigable Waters Act (Tsuji, 2022). The Bill then underwent review and a series of amendments before being passed in 2019 (Doelle, Sinclair, 2019).

Although the IAA was created in order to address the shortcomings of the CEAA of 2012, its structure and approach to EIA is very similar (Doelle, Sinclair, 2019). Mostly due to the federal process and the project list regulation (Doelle, Sinclair, 2019). The ways in which the IAA differs from the CEAA are the early engagement and planning phases, the Impact Assessment Agency having more power in decision making, and the engagement with Indigenous communities (Doelle, Sinclair, 2019).

2.4 UNDRIP in Canada

The UNDRIP stands for United Nations Declaration of the Rights of Indigenous Peoples, and when Justin Trudeau was elected in 2015, he made a commitment to ‘implement the declaration in accordance with the Canadian Constitution’ (Bennett, 2016). UNDRIP has an extremely important role in how the Canadian government is meant to handle engagement with, and laws pertaining to Indigenous peoples in Canada. The Canadian government has an *obligation* to uphold adherence to UNDRIP as well as adherence to Canada’s Constitution and reconciliation efforts (Gibson, 2020). To do this, Canadian laws must respect the rights and interests of Indigenous peoples, use Indigenous perspectives and knowledge within laws, and collaborate with Indigenous groups when doing regional and strategic assessments (Gibson, 2020).

In order to contextualize UNDRIP in Canada, and its relationship to the Impact Assessment Act of 2019, the history of UNDRIP itself and its history in Canada is crucial. UNDRIP was completed in September of 2007 (Frogner, 2022). The UNDRIP took over 25 years to create and is the consequence of Indigenous diplomacy centered around granting Indigenous peoples basic human rights in internationally recognized law (Frogner, 2022). When adopted in Canada the Truth and Reconciliation Commission (TRC) created a list of 94 “Calls to Action” to aid the repair of the relationship between Canadian people/institutions and Canada’s Indigenous peoples (Frogner, 2022). Bill C-15 named *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* was passed in 2021 (Frogner, 2022). The Act utilizes its own committee to guarantee federal legislation maintains the principles of UNDRIP (Frogner, 2022). Although Canada’s laws and funding point towards a remedy of the inequalities facing Indigenous communities due to colonization. Coates and Holroyd point out the results of

Canada's emerging laws and financial commitments are far from sufficient (Coates, Holroyd, 2014). A chapter in *Braiding legal orders: implementing the United Nations Declaration on the Rights of Indigenous Peoples* (chapter written by Nichols and Hamilton) the possible complications for implementing the principles of UNDRIP in Canadian law is thoroughly explored. There are many complications involved in fully incorporating UNDRIP into Canadian law, most of which can be encompassed by the fact that "The problem in settler states is that the relationship between the ideal model of the liberal democratic nation-state and the historical reality of settler colonialism cannot be bridged" (Nichols, Hamilton, 213). The solution laid out in this chapter is "to ensure that contested claims between the parties are subject to negotiation. Domestic courts can facilitate this by ensuring that their doctrines effectively compel negotiated solutions." (Nichols, Hamilton, 213). In the context of this research and of Impact Assessments in Canada, this can be interpreted as negotiating, and engaging with Indigenous groups for projects completed under the IAA.

For acts such as the IAA that have great potential for adverse effects on Indigenous lands, people, and communities, as well as the natural environment, the implementation of UNDRIP is crucial. As Tsuji points out: "For reconciliation, the United Nations Declaration on the Rights of Indigenous Peoples' principles of free, prior, and informed consent must be incorporated into the Impact Assessment Act. As noted in the presentation of L. Haymond, Chief of Kebaowek First Nation, Wolf Lake First Nation." (Tsuji, 2022, 19).

Ktunaxa Nation v. British Columbia demonstrates what can occur when UNDRIP is not upheld in Canadian law (Robinson, 2020). In this case, the Ktunaxa attempted and failed to get their sacred lands protected from development (Robinson, 2020). Sacred sites for Indigenous groups are meant to be protected under UNDRIP (Robinson, 2020). Yet there are mechanisms that are

intrenched in Canadian law that prevent the Indigenous rights to sacred sites under UNDRIP to be protected (Robinson, 2020). Crown ownership (either federal or provincial) over lands in Canada is one of these mechanisms (Robinson, 2020).

As Seck et al point out in their analysis of the IAA and human rights, “The current framework in Canadian law does not conform with Article 26 of UNDRIP, which legally recognizes the self governing rights of Indigenous peoples to lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.” (Seck et al, 76).

The IAA has a preamble that does include the government of Canada’s obligation to uphold UNDRIP (Seck et al, 2022), however, “The Act’s language in references to Indigenous rights focuses on “the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982”, not the language of UNDRIP.” (Gibson, 19). In order for the IAA to be effective in meaningful engagement with and involvement with Indigenous Peoples, UNDRIP must be incorporated.

2.5 Shortcomings of IAA in terms of Indigenous Involvement in the Literature

One consistent criticism of the IAA is that it contains suggestions and opportunities for things like meaningful participation, evidence/scientific based decision making, cooperative assessments etc. However, there is not a concrete requirement for such things to be included in an IA (Doelle, Sinclair, 2019).

In addition to this, although the government of Canada used an expert panel in order to create a robust act, they did not implement some recommendations made by the panel that would have made the act more robust. As pointed out by Doelle and Sinclair:

“Among the Expert Panel recommendations that are not reflected in the IAA are the call for a consensus-based approach involving affected indigenous communities in full compliance with the principle of prior informed consent under UNDRIP, an independent body to make project decisions in the absence of consensus, a searchable database of data from all current and past assessments, a focus on learning throughout the assessment process, and a significantly enhanced post approval process to ensure learning and adaptive management where the assessment proves inadequate as the project proceeds and a significantly expanded projects list expanded projects list.” (Doelle, Sinclair, 2019, 6).

The Impact Assessment Agency is the body that makes decisions on projects (as well as the Minister of Environment and Climate Change), and they are by no means independent, and they are not used only when a consensus cannot be reached. Instead, they are the sole decision maker determining whether a project should be considered for an IA. We have already explored why this can be problematic. This quotation also explores the various recommendations the expert panel made that were not implemented in the act. It seems counterproductive that an expert panel be used, yet many of their expert recommendations that could provide concrete avenues for Indigenous involvement in the IAA, are overlooked.

The failure to meaningfully address Indigenous Knowledge (IK) in the IAA is also a major criticism, “While the Impact Assessment Act does provide provisions for the protection of IK and owing to amendments made by the House of Commons does invoke UNDRIP, many of the panels’ additional recommendations remain unaddressed.” (Eckert et al, 17). The purpose of having an expert panel help make amendments on a bill such as C-69 is to gain perspectives and implement recommendations that they make. It is noted that the IAA uses language that

demonstrates a commitment to the rights and interests of Indigenous people, but simply having this language is not adequate if the mechanism to implement these promises are lacking (Gibson, 2020, 19).

The designated project list in the IAA (taken from the CEAA of 2012) is yet another one of the major faults discussed in the literature. In fact, “The Atlantic Policy Congress of First Nations’ Chiefs Secretariat acknowledged that while the federal government was consulting on changes to the designated project list, First Nations were still “concerned about having a list as the sole determiner of whether a project receives a federal impact assessment” (Tsuji, 16). Members of Indigenous communities continue to be skeptical of the project list because when they make requests for assessments to be conducted for projects not on the list they are denied (Tsuji, 2022, 16). This is also evident in the denial for an Impact Assessment conducted under the IAA for the Northwest Arm of Halifax infilling activities, despite the acknowledgment of negative environmental risks associated with infilling projects. The issue of infilling in the Northwest Arm is the issue that initially sparked the research for this thesis. Residents of the area called the Northwest Arm in Halifax were filling the ocean in order to increase the size of their land. Local stakeholders, politicians and lawyers put together a proposal for an Impact Assessment to be carried out in May of 2021 to assess the impacts of continued infilling activities (Jamie Simpson, Request for IA, 2021). This request for a regional Impact Assessment was denied by the Minister of Environment and Climate Change. The request was denied for several reasons, one being that the project was too small in scale. As the minister pointed out in his decision, assessments are not meant to be used when federal, provincial, or municipal regulations fail to address a particular problem (IAA Summary of Workshop, Impact Assessment Agency, page 2). In addition, according to the IAA infilling activities are not to be considered for

regional Impact Assessments (IAA Summary of Workshop, Impact Assessment Agency, page 2). Although infilling activities in the Northwest Arm can pose risks to the environment (among other things) the IAA was unable to conduct a full assessment. This particular case led to further research into projects that are either approved or denied IAs as well as the IAA itself.

As Tsuji points out, “The project list only included larger projects and excluded smaller projects that, by themselves and/or cumulatively have significant environmental-cultural impacts now and/or in the future.” (Tsuji, 16). In theory it should not matter whether a project is “small” or “lesser” for it to be considered for an EIA under the IAA. Instead, what should be considered is the risk to the environment, risks to social, economic wellbeing, or risk to Indigenous peoples and lands. Tsuji also found that Indigenous groups were concerned with the IAAs written submission and hearing processes (Tsuji, 19). This was primarily because the insufficient amount of time and lack of funding the act gives to incorporate Indigenous knowledge and perspectives in assessments (Tsuji, 19).

Regional assessments are included under the IAA in order to account for smaller projects, however “this is only through Ministerial authorization, there were no requirements or thresholds to trigger such assessments in the Act, as noted by many Indigenous groups” (Tsuji, 16). In addition, like other aspects of the IAA there is ambiguity in relation to what is to be considered for a regional assessment. “The Act introduces law-based regional and strategic assessments for the first time at the federal level. However, it does so in a brief set of enabling provisions that provide little information about the scope, processes or products of these assessments.” (Gibson, 16). In order for regional and strategic assessments to be effective and trusted by Indigenous groups they need to have consistent and enforceable provisions.

Chapter 3: Methods

3.1 Why a SWOT analysis

As discussed in the introduction to this study, SWOT analyses are typically used to assess businesses. However, the framework of a SWOT analysis has a diverse range of potential uses. One such use can be analyzing the efficacy of EIAs. This is demonstrated in articles such as *EIA practice in India and its evaluation using SWOT analysis* by Ritu Paliwal. This SWOT analysis is much broader than the one conducted in this study, as it is analyzing the overall EIA process and laws in India. Instead, this study only focuses on one piece of EIA legislation, and one aspect of that act. This article demonstrates that SWOT is an effective and useful tool for examining EIA. Like the SWOT in this study, the SWOT in the article by Paliwal also uses a literature review to inform each section of the SWOT. Paliwal also uses the SWOT to make overall conclusions on the efficacy of EIA in India, and this SWOT analysis will do the same. Instead, simply with a narrower focus on Indigenous involvement vs all aspects of good EIA. This study is also using the SWOT to assess Indigenous involvement in actual projects instead of the law itself. The success of the SWOT analysis used by Paliwal is evident in the thorough analysis in each section and the conclusions presented at the end of the article. This SWOT will aim to make the same useful conclusions by the end of conducting the SWOT, which is why a SWOT was chosen as the research method. It was also important to focus on the positives aspects as well as the negative aspects of the new IAA, especially compared to previous EIA legislation in Canada such as the CEAA of 2012. Rachid and El Fadel similarly use a SWOT analysis in order to compare different strategies for environmental assessments in the Middle East and North Africa. Through the use of the SWOT analysis, they were able to compare the strengths and weaknesses

of strategic environmental assessments. Further demonstrating that the SWOT analysis method is effective when assessing environmental assessments. Although this thesis will only assess one environmental assessment law (the IAA of 2019) instead of various systems. The benefits of comparing each aspect of the SWOT are nonetheless relevant.

A SWOT analysis is also a qualitative research method which allows the researcher to analyze the applications of the IAA. This is done in other analyses of environmental laws, sometimes in qualitative content analyses, like in the case of an article by Hall and Steiner. Similar to Paliwal their research is analyzing and comparing several environmental laws, while this research is mostly analyzing one (the IAA of 2019), while sometimes comparing it to its predecessor (the CEAA of 2012). The reason this research is using a SWOT analysis instead of another qualitative research method like a content analysis is to organize the information into categories instead of codes. This SWOT analysis does borrow aspects of a content analysis, such as reading news articles and analyzing their content and language surrounding a particular project.

3.2 Information informing the SWOT/Research Method

This study will examine government documents that can be found on the Impact Assessment Agency registry projects website. From those documents information about how Indigenous involvement was carried out in project assessments will be analyzed. Then compared to literature that laid out how Indigenous involvement in EIA in Canada will be conducted. All with an attempt to use Indigenous voices and perspectives. This aspect of the SWOT will be present in each respective section. In addition to this method of analysis, the SWOT will also use media analyses of specific projects that had IAs carried out or denied. It is important for the SWOT analysis to use as many sources that discuss a specific project as possible, in order to

minimize bias. News sources also quote various stakeholders, like environmental NGOs or advocates, and Indigenous groups or individuals, not simply government officials. This makes the media analyses an extremely integral part of this SWOT analysis.

The methodology for finding projects and news articles on said projects was first, going through the registry, and narrowing down the search to assessments done under the IAA (instead of the CEAA of 1995 or 2012). Then secondly, looking at whether the assessment has been completed or it is still underway. Unfortunately, completing IAs is a slow process, therefore the SWOT may end up using certain projects that have not yet completed their IAs, especially in the opportunities section. This is because if the IA is not yet been completed and there is an obvious opportunity for improvement, this can be discussed and informed by other literature or Indigenous sources. Thirdly reading documents on the registry about the assessment or aspects of the assessment that have been done to analyze how the agency is fulfilling their duty to consult and engage with Indigenous groups that have a stake or may be impacted by said projects. Fourthly, a search for media articles discussing the project assessment (or non-assessment in some cases), will be carried out. Then depending on the various sources that discuss and scrutinize the specific project, the project will be discussed in the strengths, weaknesses, opportunities, or threats portion of the SWOT. This does not, however, mean that a project will only fit into one category. Certain aspects of an assessment may fall into one category, and other aspects may fall into another.

The process for finding projects that have not undergone IA under the IAA is different from finding projects that have or are currently undergoing assessments under the IAA. Instead of starting with government of Canada documents and resources to find such projects, a media analysis needs to be carried out first. Then Indigenous perspectives that interpret why the project

did not have an IA done will be analyzed and again, the project will fit into one or more category of the SWOT.

Media analysis of projects that have had IA completed is more straightforward than if a project was denied an assessment. Once a project is found on the IA agency website a search of news outlets and analysis of what those sources are saying will occur. However, for projects that were denied IA under the IAA, general searches will be generated to find said projects. It is likely that few projects will have extensive media coverage, so this research will focus on projects that have the most written about them. As well as sources that highlight Indigenous voices.

3.3 Categorization of projects into the SWOT

The question of how assessments of projects (or non-assessments of projects) will be categorized is crucial to define. If a project that is on the IAA registry website has no media coverage and is not mentioned in any literature, and the aspect of Indigenous involvement is detailed in the documents. For the purpose of this study, it will be treated as though it was neutral in involving Indigenous groups with the assessment process. Just because there was little media coverage on that specific project may not mean that Indigenous involvement was sufficient. It could mean that the Indigenous group affected by the project did not have a platform or to express their feelings on the engagement process. On the other hand, it could mean that Indigenous stakeholders were satisfied with the project engagement.

However, if a project is discussed in the media and has negative responses from various interested parties, most importantly from Indigenous groups, then it will most likely fall into the category of weaknesses, opportunities or threats. For projects that were denied IAs under the IAA if media response is negative and critical of the decision and Indigenous groups or

individuals criticize the decision, that project will be included in either the weaknesses, opportunity or threat portion of the analysis.

As previously noted, certain projects may fall under more than one category of the SWOT.

Different aspects of the project assessment or comments made by Indigenous groups may fit into certain categories and not others.

Chapter 4: Results

4.1 Strengths

Categorizing a specific project as strong is a difficult task, as the criteria for a project adequately incorporating Indigenous knowledge and perspectives can be arbitrary. This section will consider a project to be strong or relatively successful under the IAA of 2019 if there is no negative media coverage of said project. In addition to this, a project will be considered as strong if the project discusses in detail how they utilized Indigenous perspectives in a meaningful way. However, it is important to note that just because a project is considered in the strength section of this SWOT analysis, it does not mean it was without faults. It simply means that the project fulfilled its laid-out objective of fostering Indigenous participation in an Impact Assessment under the IAA of 2019.

The first project that will be discussed in this section is the Cote First Nation Main Landfill Decommissioning. This project took place in 2021 in Saskatchewan as a project on federal lands. The proponent of the assessment was the Cote First Nation and Indigenous Services Canada oversaw the project. This project, although small, demonstrates many strengths in the IAA process. The process for determining that the landfill decommissioning would not cause any notable negative environmental impacts, incorporated Indigenous voices and perspectives. As the Impact Assessment Agency website states,

The determination was based on a consideration of the following factors:

- the First Nation has participated on the project management team.
- review of Phase III ESA and remedial options.
- no comments were received from the public about the project.
- mitigation measures are required for the project.

One of the main strengths this project showed in engaging Indigenous stakeholders was including First Nation people on the project management team. In the following sections projects that left room for improvement in including Indigenous voices and perspectives, often lacked Indigenous voices in the initial parts of the project.

4.2 Weaknesses

It is important to note that just because a project is in the weakness section of this SWOT analysis does not mean all aspects of the project are weak or inadequate. It simply means that there are aspects of Indigenous involvement in the project that could be improved upon. There may also be weaknesses in the assessment that are not discussed in this section.

In February of 2020, the final report of a Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador, was published to the Impact Assessment Agency of Canada's website. It was the first project to have a 'regional assessment' conducted under the IAA of 2019. This 200-page final report details possible environmental impacts, cumulative effects, how to Integrate Indigenous Knowledge in the project and assessment, questions and considerations to sustainability and climate change, and much more. Upon initial glance it appears to be a detailed and robust document detailing all important considerations that an IA should consider. It contains an entire chapter on "Integrating Indigenous Knowledge" and that the project will "seek to incorporate an Indigenous worldview perspective around the potential effects of exploratory drilling on these resources, the environment and on Indigenous peoples cultures and way of life." (159). However, upon searching media outlets for news regarding this regional assessment, a different perspective is illuminated.

On March 2nd, 2021, Ecelaw published an article on their website titled *The Newfoundland and Labrador Regional Assessment of Offshore Exploratory and Gas Drilling: One Year Later* by Neil MacIsaac. The article highlights many important facts and points about the regional assessment that took place. Including the fact that this regional assessment was the first to be conducted under the new IAA. As the article points out, “RAs are intended to guide future decision-making in the region, accounting for cumulative effects of natural processes and anthropogenic activity” (MacIsaac, 2021). In other words, it is implied that this regional assessment detailing how exploratory drilling can be conducted without harming the environment, is setting precedent for future regional assessments. Since the regional assessment has come out, the Sierra Club Canada Foundation, WWF Canada and the Ecology Action Centre came together and filed an application for judicial review (MacIsaac, 2021). They did so because they found that the Committee did not look deeply enough into issues that were in their mandate as they listed themselves in their terms of reference (MacIsaac, 2021). The article then continues to delve into why the regional assessment was not protecting the ocean in those areas, and also potentially exempting future offshore drilling from having to undergo regional assessments. MacIsaac also points the lack of Indigenous consultation in the terms of reference of the assessment,

“Indigenous communities have criticized the TOR (terms of reference) for [offering no Indigenous representation on the Steering Committee](#). Thus, while the TOR and the regulations have yet to be finalized, they raise real doubts about the usefulness of Regional Assessments in environmental protection.”

Another article discussing the regional assessment done for the offshore drilling project was written by Elaine Anselmi for The Narwal, titled *Inside the Trudeau government's decision to*

weaken oversight of Newfoundland oil and gas exploration. This article also questions the integrity of the regional assessment done. While also incorporating Indigenous voices that were left out of the actual report. Like the article by Ecelaw, this article raises concerns for offshore exploratory drilling and the assessment that was carried out. The article uses the voice of Chief Jean-Charles Piétacho of the Conseil des Innu de Ekuanitshit, to speak to how he and his community (the Innu) feel about the exploratory drilling project.

The Innu and their allies allege that a trove of more than 3,000 pages of recently released federal documents reveal how federal and provincial cabinet ministers rigged a regional study that was supposed to examine the safety of oil and gas exploration in an area off the coast of Newfoundland and Labrador. They say the documents show that the plan from the outset was to reduce federal oversight and allow more drilling projects to proceed, favouring industry interests over scientific evidence.

Despite the fact that the exploratory drilling project will happen 1000 km away from the Innu community, they stress the importance of protecting the oceans from harmful effects likely to arise from offshore drilling projects (Anselmi, 2022). This is why the Innu also intervened in the court case discussed in the Ecelaw article.

The articles concerning the regional assessment for Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador demonstrate that simply because a project has a long document highlighting its actions to engage with Indigenous groups (or group, or individuals) to be affected by their project, does not mean Indigenous voices are fully being incorporated in decision making. It also does not mean that all steps are being taken to incorporate Indigenous knowledge into the question of whether the project should even be going ahead. This particular assessment shows a huge weakness in the IAA in terms of Indigenous

involvement and engagement. Instead of truly using Indigenous perspectives in proposed projects despite whether those perspectives approve or disapprove of a project. This case shows that the IAA may only be implementing Indigenous knowledge in their decision making in a surface level manor. When those perspectives fundamentally challenge a project that has a political agenda and is “important for Canada’s economy” Indigenous perspectives are given less weight or ignored all together.

4.3 Opportunities

Although many critics of the IAA of 2019 highlight the Act’s faults, they also acknowledge that overall, it is a step in the right direction for environmental laws in Canada. However, whether Canada fully takes a step in the right direction depends on how they utilize the IAA of 2019. As we have explored thus far, this can be done in ways that either engage successfully with Indigenous groups, or ways that only engage Indigenous groups superficially. The latter usually occurs when Indigenous perspectives clash with the political and economic agenda of the Canadian government. Where there are opportunities for success are projects that have the ability to align with both the Canadian governments agenda, and Indigenous perspectives and knowledge.

One project that has the opportunity to be successful if carried out properly is the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and Nova Scotia. This project is still in the planning phase and is receiving comments from the public. As of late 2022, early 2023 the Impact Assessment Agency is providing funding to the public and Indigenous groups to solicit feedback concerning the assessment (IAA Canada Website). Like the regional assessment done for offshore drilling discussed in the weakness section of this chapter this regional assessment is meant to set a precedent for other offshore wind projects in

the same general area (IAA Canada Website). However, unlike the offshore drilling assessment, this project is assessing a renewable energy project for Canada. Although there are still risks associated with offshore wind projects, they are not continuing our reliance on fossil fuels and nonrenewable energy. This project already has significant media coverage even though the regional assessment has not taken place. In an article by CBC the desire for public input on offshore wind is discussed thoroughly. The Impact Assessment Agency website also has a document containing a draft agreement to conduct a Regional Assessment with the Innu Nation. This document contains suggestions of amendments and clarifications from the Innu Nation on the language of the draft agreement and terms of reference. Discussing and collaboration with the Innu nation was lacking with the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador, which was discussed in the weaknesses section. Meaning this regional assessment although it has not been completed yet, has the potential to meaningfully incorporate Indigenous knowledge and opinions.

A case that presents a unique opportunity for positive change is the Trans Mountain Expansion Project. This project was and still is controversial and has received quite a lot of media attention since 2015. An article by Stewart and Harding discusses the fact that there were two IAs done for this project. “One carried out by Canada through its National Energy Board and the other by Tsleil-Waututh Nation, whose unceded ancestral territory encompasses the last twenty-eight kilometers of the project’s terminus in the Burrard Inlet, British Columbia.” (Harding, Stewart, 2021). In an article published by the Sacred Trust Initiative of Tsleil-Waututh Nation the details of their assessment are reflected on seven years after it was conducted. The Trans Mountain Pipeline Expansion project resulted in a unique opportunity for the Tsleil-Waututh Nation to take an Impact Assessment into their own hands. This way they knew both

scientific knowledge and their traditional knowledge of the Inlet would be taken into consideration (Sacred Trust Initiative, 2022). This demonstrates that even if a project does not adequately incorporate Indigenous knowledge and perspectives in an assessment, it can still provide those groups with the chance to take the process into their own hands. The IAA of 2019 should use this case to inform how they employ Indigenous voices in future impact assessments.

The assessment continues to be a leading example of how a First Nation can apply its own law in dialogue with Canadian law, how a First Nation such as TWN expresses its jurisdiction, and how Indigenous-led assessments can present robust analyses that help us understand the impacts of a project beyond the limiting scope of traditional provincial or federal environmental assessments (Sacred Trust Initiative, 2022).

IAs like the one carried out by TWN can provide a framework for how the Impact Assessment Agency is to truly incorporate Indigenous methods and voices in their Impact Assessments.

As mentioned in the literature review chapter, implementation of UNDRIP in interpretation and creation of acts such as the IAA is key to improving Indigenous involvement in the impact assessment process. Both projects presented in this section utilize show opportunity and examples of how this can be realized in practice, under the IAA.

4.4 Threats

When an impact assessment is not carried out, there are many threats that can be posed to the environment, the public, and Indigenous groups. There are many reasons why an impact assessment may not be carried out under the IAA. However, when Indigenous groups and public stakeholders collectively protest the lack of assessment for a project, it is clear that a pressing threat is present. This is the case in the impact assessment that was denied for the Bradford

Bypass. An article posted on November 2nd, 2022, by the Wilderness Committee and Ecojustice titled *Federal government's denial of impact assessment for Bradford Bypass faces scrutiny in court* highlights the threats posed by not conducting an impact assessment for this project. Seven groups decided to take the issue to court in late 2022, they sought judicial review of the decision by Steven Guilbeault (Minister of Environment and Climate Change) to not include the highway project for a federal impact assessment (Wilderness Committee, 2022). When a project that is bound to have impacts to an area is denied an IA, it means that various community groups, Indigenous groups and environmental groups do not get the opportunity to be consulted or make comments on said project. This is a pressing and substantial threat to the goals of the IAA itself.

Chapter 5: Discussion

Discussion of Projects

As mentioned in the results section, categorization of projects in the SWOT analysis is a difficult task. After completing the SWOT analysis, the types of projects that are considered in the strengths section are of a considerably smaller scale than the projects in either the threats or opportunities section. It would be easy to make inferences about why this may be the case, even if those inferences may be only speculation. Nevertheless, according to this research, projects of a smaller scale generally have better records of Indigenous participation, and little or no negative media coverage. However larger scale projects, where the government or private companies have an opportunity to profit, are more likely to neglect Indigenous participation. This is evident specifically in the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador. This project in its very essence goes against the values and responsibilities of the Innu First Nations people. Both due to its risk for ocean health and for its perpetuation of non-renewable energy in Canada. Yet the assessment makes no mention of this fundamental clash.

This is a broad claim to make for a thesis that has been conducted recently after the IAA has been created. Further analysis and research into the assessments done under the act will be needed to solidify this theory. Yet with the results and method used in this thesis, it appears that the Impact Assessment Agency and Act, do better to engage with Indigenous peoples on projects, when it does not collide with their desired interests. When engagement has the potential to collide with certain political or economic agendas then it can be neglected, as was the case with the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador.

Limitations

There are limitations within the framework of this thesis that should be addressed. Firstly, the IAA of 2019 is only four years old, therefore the analysis on the efficacy of its assessments is limited. Unfortunately, only initial kickback and interpretations of project assessments under the IAA of 2019 could be examined for this thesis. Although the SWOT analysis was useful to demonstrate both the positive and negative aspects of the IAA of 2019 (in terms of Indigenous involvement). Other methods such as a content analysis, surveys, or interviews all would have been useful and informative as well. But given the time constraints and the relative newness of the act, a SWOT was the most suitable for this specific thesis.

One year into the creation of the IAA of 2019, Canada and the rest of the world was faced with the Covid-19 pandemic. This slowed down many bureaucratic processes like EIA that are already very slow to begin with. For this thesis, that meant it was hard to find projects that had assessments completed under the IAA. Instead, most projects were still in planning phases or were very small scale. This thesis therefore can only scratch the surface of Indigenous involvement in projects that have had IAs carried out under the IAA of 2019. Once the IAA has been around for longer, analysis of how the IAA process for Indigenous engagement with projects will be easier to quantify. These projects will be revisited and effects and attitudes towards projects can be further explored.

Future Research

There are many opportunities for future research within the central themes of this thesis. Environmental assessments in Canada are of the utmost importance. They have implications for

our environment, our economy, and our people. The continued analysis of how they are carried out, the laws and agencies that regulate them and the media coverage on them is paramount.

A deep dive into the lingering impacts from projects and their assessments on Indigenous people and communities would be extremely useful. This can and should begin in the next few years and continue as new projects are adopted and the effects of past projects are realized. Research that could directly speak to communities affected by various projects to gain their insight on the assessment process would also be very useful, this could include both interviews and surveys.

Further research is necessary in order to determine the full extent to which the IAA of 2019 engages with Indigenous groups. Once the IAA of 2019 has been around for longer and projects under the act have been completed for several years, their impacts will be able to be further analyzed and reflected upon.

Chapter 6: Conclusion

Overall, this thesis demonstrates that the projects that pose the greatest threat to Indigenous participation (and often environmental sustainability as well) are larger scale projects, including energy and mining projects. However, it is difficult to make concrete statements about the IAA and its ability to engage with Indigenous peoples because the IAA is still new. The IAA will have many opportunities in the future to promote Indigenous participation, or to neglect it for the sake of profit or advancement of non-renewable energy. A lot of how the act is used depends on its interpretation, allocation of funds, and the way media and various stakeholders react to projects, their assessments, or lack thereof. As was shown in the results section of this thesis, the media is a useful tool for Indigenous groups and others to show their discontent with decisions made around projects. It is important that there is a platform for Canadians to show where their values lie. There is also an obligation for the Agency to facilitate this outside of media and news outlets. They have already done this as is seen in the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and Nova Scotia.

It is crucial to remember that projects under the IAA are still making significant steps to increase Indigenous participation in environmental impact assessments in Canada. Especially when compared to previous acts like the CEAA of 2012. This thesis also explored UNDRIP, which is of the utmost importance for the rights of Indigenous peoples in Canada. Further implementation of UNDRIP in laws and acts such as the IAA is needed if Canada is to advance engagement of Indigenous peoples.

References Chapter 1

Gurl, E. (2017). SWOT analysis: A theoretical review.

Impact Assessment Agency of Canada (2019). Overview of the Impact Assessment Act.

<https://www.canada.ca/content/dam/iaacacei/documents/mandate/president-transition-book-2019/overview-impact-assessment-act.pdf>

Paliwal, R. (2006). EIA practice in India and its evaluation using SWOT analysis. *Environmental impact assessment review*, 26(5), 492-510.

References Chapter 2

Borrows, J., Chartrand, L., Fitzgerald, O. E., & Schwartz, R. (Eds.). (2019). *Braiding legal orders: implementing the United Nations Declaration on the Rights of Indigenous Peoples*. CIGI.

Carolyn Bennett, 'FPIC POLITICS: FULLY ADOPTING UNDRIP: MINISTER BENNETT'S SPEECH AT THE UNITED NATIONS', Northern Public Affairs. 11 May 2016.

<http://www.northernpublicaffairs.ca/index/fully-adopting-undrip-minister-bennetts-speech/> (accessed July 9, 2019).

Cherwick, Z. (2021, December 7). *Breaking down Canada's impact assessment act*. Ecojustice. from <https://ecojustice.ca/breaking-down-canadas-impact-assessment-act/>

Coates, K., & Holroyd, C. (2014). Indigenous internationalism and the emerging impact of UNDRIP in Aboriginal affairs in Canada. *The Internationalization of Indigenous Rights: UNDRIP in the Canadian Context—Special Report*.

Doelle, M. (2012). CEAA 2012: The end of federal EA as we know it?

Doelle, M., & Sinclair, A. J. (2019). The new IAA in Canada: From revolutionary thoughts to reality. *Environmental Impact Assessment Review*, 79, 106292.

Eckert, L. E., Claxton, N. X., Owens, C., Johnston, A., Ban, N. C., Moola, F., & Darimont, C. T. (2020). Indigenous knowledge and federal environmental assessments in Canada: applying past lessons to the 2019 impact assessment act. *Facets*, 5(1), 67-90.

Frogner, R. O. (2022). The train from Dunvegan: implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in public archives in Canada. *Archival Science*, 22(2), 209-238.

Gibson. (2020). An Initial Evaluation of Canada's New Sustainability-based Impact Assessment Act. *Journal of Environmental Law and Practice*, 33(1), 1-34.

Impact Assessment Agency of Canada (2022, 81671). Infilling Activities in the Northwest Arm, Halifax Harbour, Nova Scotia Overview and Summary of March 30, 2022, Workshop.

Retrieved from the Impact Assessment Agency website:

<https://iaac-aeic.gc.ca/050/evaluations/document/144413?&culture=en-CA>

Jamie Simpson, Request for IA, (2021).

<https://iaac-aeic.gc.ca/050/documents/p81671/139291E.pdf>

Robinson, A. M. (2020). Governments must not wait on courts to implement UNDRIP rights concerning Indigenous sacred sites: lessons from Canada and Ktunaxa Nation v. British Columbia. *The International Journal of Human Rights*, 24(10), 1642-1665.

Sara Seck et al, “Impact Assessment and Responsible Business Guidance Tools in the Extractive Sector: An Environmental Human Rights Toolbox for Government, Business, Civil Society, and Indigenous Groups” (SSHRC Knowledge Synthesis Grant: Informing Best Practices in Environmental and Impact Assessments, April 2022).

Tsuji. (2022). Canada’s Impact Assessment Act, 2019: Indigenous Peoples, Cultural Sustainability, and Environmental Justice. *Sustainability (Basel, Switzerland)*, 14(6), 3501–. <https://doi.org/10.3390/su14063501>

References Chapter 3

Hall, & Steiner, R. (2020). Policy content analysis: Qualitative method for analyzing sub-national insect pollinator legislation. *MethodsX*, 7, 100787–100787.

<https://doi.org/10.1016/j.mex.2020.100787>

Paliwal, R. (2006). EIA practice in India and its evaluation using SWOT analysis. *Environmental impact assessment review*, 26(5), 492-510.

Rachid, G., & El Fadel, M. (2013). Comparative SWOT analysis of strategic environmental assessment systems in the Middle East and North Africa region. *Journal of environmental management*, 125, 85-93.

References Chapter 4

Impact Assessment Agency of Canada. Bigstone Cree First Nation Flood Recovery Program: Culvert 166D-08 TSAG ID No. 08 Replacement. Retrieved March 6, 2023, from <https://iaac-aeic.gc.ca/050/evaluations/proj/82988>

Impact Assessment Agency of Canada. Cote First Nation Main Landfill Decommissioning Retrieved March 6, 2023, from <https://iaacaeic.gc.ca/050/evaluations/document/138990>

Impact Assessment Agency of Canada. Regional assessment that was completed in 2020 for REGIONAL ASSESSMENT OF OFFSHORE OIL AND GAS EXPLORATORY DRILLING EAST OF NEWFOUNDLAND AND LABRADOR <https://iaac-aeic.gc.ca/050/documents/p80156/134068E.pdf>

MacIsaac, N. (2021, March 2). *The Newfoundland and Labrador Regional Assessment of offshore exploratory and Gas Drilling: One year later*. ECELAW. Retrieved March 6, 2023, from <https://www.ecelaw.ca/blog/the-newfoundland-and-labrador-regional-assessment-of-offshore-exploratory-and-gas-drilling-one-year-later.html>

Anselmi, E. (2022, March 10). *Inside the Trudeau government's decision to weaken oversight of Newfoundland Oil and Gas Exploration*. The Narwhal. Retrieved March 6, 2023, from <https://thenarwhal.ca/newfoundland-oil-gas-federal-oversight/>

Impact Assessment Agency of Canada. Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and Nova Scotia. <https://iaac-aeic.gc.ca/050/evaluations/proj/83514>

Baptiste, F. (2022, May 26). *7 years on: Reflecting on indigenous law since TWN's TMX impact assessment*. Sacred Trust. Retrieved March 6, 2023, from <https://twnsacredtrust.ca/7-years-on-reflecting-on-indigenous-law-since-twens-tmx-impact-assessment/>

Stewart, I. G., & Harding, M. E. (2021). One Pipeline and Two Impact Assessments: Coproduction, Legal Pluralism, and the Trans Mountain Expansion Project. *Science, Technology, & Human Values*, 01622439211057309.

Ecojustice, Wilderness Committee and others. (2022, November 2). *Federal government's denial of impact assessment for Bradford Bypass faces scrutiny in Court*. Home. Retrieved March

6, 2023, from <https://www.wildernesscommittee.org/news/federal-governments-denial-impact-assessment-bradford-bypass-faces-scrutiny-court>