



## Memo on Post-Approval Practices in IA

### August 2025

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#### **EXECUTIVE SUMMARY:**

This research memo provides additional insights on the post-approval practices that should be included in Canadian IA processes. A description of the objectives and different types of post-approval practices is provided. Best practices identified by IA experts are then discussed, with a focus on the best practices identified by Fitzpatrick and Williams in 2022. More recent publications analyzing post-approval practices appears to align with Fitzpatrick and Williams' approach and provide additional insights into more specific best practices for the meaningful inclusion of the public in post-approval practices and the direct involvement of Indigenous rights-holders.

Updates to post-approval best practices include an emphasis on the use of mixed methods, meaningful public participation, and Indigenous-led monitoring activities. Overall, best practice recommends that IA regulatory frameworks include requirements for post-approval practices that:

- State a clear purpose,
- Are tailored to context,
- Start as early as possible (timing),
- Consider a broad range of data,
- Meaningfully involve of Indigenous governments, nations and communities,
- Required adaptive management,
- Ensure sufficient capacity to undertake required post-approval practices,
- Include penalties for non-compliance,
- Require transparency, and
- Integrate results into subsequent processes.

#### **Research Questions**

- What are post-approval practices in the context of impact assessment?
- What are current best practices for post-approval practices in IA?

#### **Research Approach**

This memorandum builds off the basic information about post-approval practices included in our "After Approval, What Happens? Follow-up, Monitoring, and Adaptive Management in Impact Assessment" Fact Sheet. Best practices were drawn from the expert analysis of

Fitzpatrick and Williams (2022), Morrison-Saunders et al. (2023), and the IAIA's Best Practices Guidance (2022, 2023).

### 1. What are Post-approval Practices in the Context of Impact Assessment?

The legal responsibilities of a proponent and government do not end once regulatory authorities have approved a project under impact assessment legislation. Despite best efforts, impact statements cannot predict the future – they are more like an educated guess about what may occur. Post-approval practices happen after a development has been approved. They are intended to understand the actual outcomes of projects or plans that are subject to impact assessment.

There are a range of objectives associated with post-approval practices, such as ensuring compliance with legal requirements, verifying the actual outcomes of the project (e.g. what impacts actually occurred?), managing and mitigating the impacts of the project, filling gaps in understanding and learning more about minimizing future impacts, public education, and the integration of all of the information collected into future assessments and reviews to help continuously improve IA processes. (Fitzpatrick and Williams, 2022)

In practice, post-approval practices can include a variety of different activities undertaken by the proponent and/or government such as:

- **Monitoring:** Collecting data about the project's operations and impacts - e.g., environmental data.
- **Evaluation** of monitoring data based on performance standards, objectives, and IA predictions or expectations.
- **Compliance:** review of the project licence and other legal requirements to check for compliance.
- **Adaptive management:** making decisions, incorporating necessary changes and taking appropriate actions in response to the issues identified during monitoring and evaluation activities.
- **Consulting and communicating** with stakeholders, local residents and affected Indigenous rights holders about the impact the project has had on their lives and surrounding community.

### 2. What are Current Best Practices for Post-Approval Practices in IA?

In Canada, we have traditionally done a poor job of post-approval practices. (Fitzpatrick and Williams, 2022) In most of the world post-approval practices are integral to IA, ensuring the assessment continues past the project approval to construction, operation and through decommissioning. To facilitate better post-approval practices, IA experts have identified a range of best practices for conducting post-approval activities. (Fitzpatrick and Williams, 2022; Morrison-Saunders et. al., 2023; IAIA Best Practices, 2022; IAIA Best Practices, 2023)<sup>1</sup>

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<sup>1</sup> For example, Fitzpatrick and Williams outline 7 best practices for conducting post-approval activities, M-S et al identify 11 best practices, IAIA 2022 – 15 best practices, IAIA 2023 – 12 best practices.

**A) Mixed Methods:**

Since there are a variety of different impacts and project outputs to monitor and review during the post-approval phase, experts have recognized the benefits of using mixed methods. Qualitative and quantitative research methods are both crucial to following up comprehensively on a project; neither is adequate by itself.

A quantitative researcher studying a project will collect samples of soil, water, or air or even biota, to test for the presence and amount of toxins. A qualitative researcher may review a project's licence to determine conformity with applicable federal, provincial, or territorial laws, or may speak with community members to learn how a project has affected them, including impacts on Indigenous rights. (Fitzpatrick and Williams, 2022)

Mixed methods can advance knowledge, thereby improving the capacity for high-quality decisions; unite knowledge-holders from across disciplines (or even communities); garner broad, objective, deep, and subjective facts about a site; and empower participants (e.g., government, proponents, the public) to check each other's work and keep each other accountable. (Enwin and Ikiriko, 2023; Johanneson and Perjons, 2014)

**B) Meaningful Public Participation:**

The most recent updates to best practice guidance from IA experts have focused on providing further detail on the involvement of public stakeholders in post-approval practices. In 2022, Morrison-Saunders et al., identified best practices for public participation in IA follow-up, which directly influenced the IAIA's best practice principles for *Public Participation in Impact Assessment Follow-up* which were published in 2023.

As discussed by the IAIA, "[t]he primary objective of public participation in IA follow-up is to ensure that relevant stakeholders are appropriately engaged in determining and learning about the outcomes of impact assessment of projects or plans. This includes their involvement in informing ongoing management of that development and is essential for the legitimacy of IA decision-making throughout the development life cycle." (IAIA, 2023)

Meaningful public participation has long been emphasized as a best practice throughout the entire IA process, including post-approval practices. The IAIA indicates that advantages of participatory monitoring include "enhanced trust among parties, support for new development proposals, access to superior knowledge, fostering well-being and empowerment of local communities, as well as enhancing environmental awareness and education." (Fitzpatrick and Williams, 2022)

Key themes from best practice recommendations for public participation in post-approval practices include:

- The public, particularly those impacted by the project activities, should get meaningful opportunity to provide input during IA post-approval practices.
- The public (e.g., local community members) should be directly involved in monitoring activities (e.g., conducting citizen science, contributing local ecological and Indigenous traditional knowledge).
- The public must be able to understand how post-approval practices will be undertaken

and interpret the data that is collected as a result.

- When neutral third parties help facilitate public participation, it can help build trust in affected communities, and with the public more broadly.

### **C) Indigenous-Led Monitoring:**

Recent best practice guidance for post-approval practices also puts more emphasis on the role of Indigenous peoples. The best practices identified by Fitzpatrick and Williams, 2022 encourage relationship building with Indigenous governments, nations and communities. Building on this, best practice suggestions from the IAIA (2023) and Morrison-Saunders, et. al., (2023), directly acknowledge need for Indigenous-led post-approval practices. Although there is no clear guidance on what Indigenous-Led Monitoring should look like, at a minimum it should include meaningful Indigenous participation, leadership, and ownership. Best practice recommendations tend to reflect the principles of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), which Canadian governments at the federal, provincial, and territorial level have committed to implement in their jurisdictions.

Indigenous-led monitoring practices have also been directly encouraged and/or required by IA regulators in Canada. For example, Indigenous Advisory and Monitoring Committees were developed as a requirement of approvals for the Enbridge Line 3 Replacement Project and the Trans Mountain Pipeline. (IAMC Line 3; IAMC TMX) The Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion and Existing Pipeline was established in 2016 and brings together 13 Indigenous and six senior federal representatives to provide advice to regulators and to monitor the TMX and existing pipeline. (IAMC TMX) In 2017, the Line 3 IAMC was created to enable First Nations Treaty rights-holders and Métis Nation regions to oversee and advise the Canadian government on the Enbridge Line 3 Replacement Project. The Line 3 IAMC is made up of 16 Indigenous Caucus seats<sup>2</sup>, one Natural Resources Canada (NRCan) representative and one Canada Energy Regulator (CER) representative, with a Co-chair from the Indigenous Caucus and NRCan. (IAMC Line 3)

As a result, Indigenous-led monitoring activities have expanded significantly across Canada over the past five years. Indigenous-led monitoring activities can involve a range of different activities including independent oversight bodies (e.g., the Line 3 and TMX IAMCs discussed above), Guardian programs (Reed, et. al., 2021) and community-led monitoring (Parlee, 2021). For more information Indigenous leadership in IA, please see our *Memo on Indigenous-Led IA Processes*.

### **D) Overall Best Practices for Post-Approval Practices:**

The following best practices for post-approval practices are based on the seven identified by Fitzpatrick & Williams (2022) with additions drawn from Morrison-Saunders et al. (2023), and the IAIA's guidance (2022, 2023).

- 1) **State a clear purpose** for follow-up, monitoring, and evaluation activities (ideally in legislation).

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<sup>2</sup> The Indigenous Caucus represents 109 First Nation and Métis Nation and Regions across the Prairie provinces (Alberta, Saskatchewan, and Manitoba) who are impacted by the project. (IAMC Line 3)

- 2) **Be tailored to context** – post-approval practices should be adjusted based on the specific contextual factors at play (e.g., project or plan type or locality, significance of impacts or issues arising, or institutional setting).
- 3) **Timing** – post-approval practices should be started as early as possible in the IA process (e.g., scoping, screening).<sup>3</sup>
- 4) **Consider a broad range of data** – post-approval practices should consider a broad range of information about the predicted and actual impacts of approved project activities, including cumulative effects. Post approval practices should provide a holistic perspective of the project or plan outcomes, taking into account how each of the individual impacts of a project interact with each other and contribute to sustainable development.
- 5) **Meaningful involvement of Indigenous governments, nations and communities.** The direct and meaningful involvement of Indigenous rights holders is emphasized by all experts, and includes a range of recommended actions (e.g., plain language communication, transparency, inclusion of Indigenous traditional knowledge in the design and implementation of post-approval practices). Each community must be treated in its local context and Pan-Indigenous approaches avoided.
- 6) **Adaptive management** - require the use of adaptive management techniques, which involves thinking about and documenting the range of outcomes from associated monitoring programs, and having an established processes so these outcomes can be used to adjust the project design and mitigation measures when necessary. The public should be directly involved in the adaptive management process.
- 7) **Ensure sufficient capacity** (human and financial) to implement programs.
- 8) **Include penalties** for non-compliance and clearly state enforcement measures.
- 9) **Require transparency** for all post-approval practices. This includes mandatory public reporting requirements, public access to monitoring and follow-up data, plain language communication, and translation into local languages.
- 10) **Integrate results into subsequent processes.** The results of post-approval practices should be regularly reviewed and utilized to identify necessary adjustments to ongoing follow-up activities (e.g., arising from environmental changes, evolving needs of stakeholders, or changes in the regulatory framework) and/or potential improvements to the overarching IA regulatory framework.

## **CONCLUSION:**

Post-Approval Practices are an important, although often ignored, aspect impact assessment processes. The growing body of expert analysis providing insights into the best practice

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<sup>3</sup> For example, planning for post-approval practices should start early in the IA process (e.g., during screening and scoping) and should be publicly reviewed and approved before the project is licenced. Monitoring activities should also begin early in the IA process and continue during the entire lifecycle of the project (construction, operation, and, where relevant, the decommissioning phases of development).

approaches for use in the post-approval phase of the IA process include a range of different recommendations for a strong, effective, and inclusive approach.

The best practices identified by Fitzpatrick and Williams in 2022 continue to provide an overarching framework for post-approval practices. The best practices identified by Morrison-Saunders et al., and the IAIA, align with Fitzpatrick and Williams' approach and provide additional insights into best practices for the meaningful inclusion of the public in post-approval practices and the direct involvement of Indigenous rights-holders.

Updates to post-approval best practices include an emphasis on the use of mixed methods, meaningful public participation, and Indigenous-led monitoring activities. Overall, IA regulatory frameworks should include requirements for post-approval practices that:

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