

Regional Assessment in the Ring of Fire Area

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Federal Authority Advice Record

Response due to IAAC.RegionalRoF-CdFRegionale.AEIC@Canada.ca by January 15, 2021

Department/Agency	Crown-Indigenous Relations and Northern Affairs Canada
Lead RA Contact(s)	Christopher Ethier
Full Address	25 Eddy Street, 6 th floor, Gatineau QC, K1A 0H4
Email	aadnc.majorprojectsecretariatgeneralinbox.aandc@canada.ca
Telephone	819-639-4501
Alternate Departmental Contact	Sarah Gideon

PART 1 – In providing your responses to the items below, please include any relevant information on associated Indigenous, public or other consultation or engagement activities and identify any partners or collaborations.

1. MANDATE AND AREA(S) OF EXPERTISE

Clearly outline the mandate of your department or agency and detail your area(s) of responsibility or expertise that may be related to the regional assessment

Crown-Indigenous Relations and Northern Affairs Canada continues to renew the nation-to-nation, Inuit-Crown, government-to-government relationship between Canada and First Nations, Inuit and Metis; modernize Government of Canada structures to enable Indigenous peoples to build capacity and support their vision of self-determination; and lead the Government of Canada's work in the North.

The mission of the Implementation Sector is to provide whole-of-government leadership, oversight, and coordination in the implementation of treaties, self-government and other modern agreements, and the recognition of Indigenous rights. We advance and support inter-governmental relationships and we advise, collaborate and build capacity for meaningful engagement to support the full and fair implementation of the spirit of agreements and the Crown's consultation obligations.

The Implementation Sector is the bridge between the federal Crown and Indigenous governments and partners in the recognition of Indigenous rights and the implementation of agreements and obligations. We work closely with Indigenous governments and partners to support the full recognition of Indigenous rights and the successful implementation of agreements that advance their unique visions of self-determination.

The Treaties and Aboriginal Government Sector supports Canada's commitment to the negotiation of treaties, self-government and other constructive arrangements which reconcile Indigenous rights with the sovereignty of the Crown. We work with participating provincial and territorial governments and Indigenous groups and communities to negotiate treaties, self-government and other constructive arrangements to help co-create an enabling environment where Indigenous groups can exercise their right of self-determination and improve the social, cultural and economic conditions within their communities. More broadly, we advance the implementation of Indigenous rights including those recognized and affirmed under section 35 of the Constitution Act (1982) and described in the United Nations Declaration on the Rights of Indigenous Peoples.

2. REGULATORY AUTHORITIES

List and summarize the nature of the regulatory authorities of your department or agency in relation to physical works or activities in the Ring of Fire area.

NIL

3. EXPERT INFORMATION OR KNOWLEDGE

List and summarize the specialists or expert information or knowledge that your department or agency has that may be relevant to the regional assessment. Include all research, reports and data sets in this response inventory.

Crown-Indigenous Relations and Northern Affairs Canada is in possession of specialist or expert information that may be relevant to the conduct of a regional assessment of the Project in the following 3 distinct areas:

- a) Existing Modern Treaties between Canada and Indigenous partners; Interpretation of treaty provisions, implementation of consultation obligations specified in each treaty and giving effect to Nation-to-Nation relationship and Cabinet Directive on Modern Treaty Implementation, including Assessment of Modern Treaty Implications (AMTI) and Statement of Principles on Modern Treaty Implementation.
- b) Treaties, self-government agreements, and other constructive agreements that are under negotiation between Canada and Indigenous partners: Negotiation of section 35 rights and potential cross-walks Recognition of Indigenous Rights and Self-Determination (RIRSD) discussion tables, the British Columbia Treaty process; and,
- c) Advice and guidance around fulfilling the Duty to Consult with Indigenous groups across Canada, including those that do not have and are not in negotiations with Canada.

4. POLICIES, PROGRAMS OR INITIATIVES

List and summarize the past, current and planned policies, programs or initiatives of your department or agency that may be relevant to the regional assessment. Include an outline of related funding initiatives in this response and provide information on geographic locations, next steps and timing for the program/initiative.

NIL

5. Outline any additional responsibilities, information or knowledge and any partners or collaborations that have not been specified, above.

The Crown must fulfill its duty to consult section 35 rights holders, as well as consultation provisions contained in individual modern treaties (if applicable). This includes ensuring two-way dialogue, which is crucial to a meaningful consultation process between the Crown and Indigenous groups.

It is important to note that consultation and engagement with Indigenous communities is very complex and many Indigenous groups are in active rights negotiations with Canada.

There is no single approach to be taken when consulting or engaging potentially impacted Indigenous groups.

PART 2 – To contribute to the design of the regional assessment process and development of the terms of reference, please provide information or advice in relation to the items below.

1. potential outcomes of the regional assessment;

To gain a comprehensive understanding of Indigenous interests, concerns and potential impacts around future regional development scenarios and plans.

2. relevant geographic and temporal boundaries;

Interest in understanding potential impacts of development in traditional territories of First Nations, as well as direct impacts on nearby reserves. The Aboriginal Treaty Rights Information System [ATRIS] is a good source of information.

3. factors to be considered in the regional assessment and the scope of those factors;

Impacts on current use of land for implicated Indigenous communities; impacts to rights, culture, harvesting and other important activities related to Indigenous identity, including inclusion of Indigenous knowledge.

4. means of communication and engagement that would best facilitate participation of your department or agency in the regional assessment; and

The CIRNAC Major Projects Secretariat will coordinate this process.

5. input or advice on any other aspect of the regional assessment.