

Regional Assessment in the Ring of Fire Area

March 10, 2025

Federal Authority Advice Record

Response due to regionalrof-cdfregionale@iaac-aeic.gc.ca by March 28, 2025

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 (CIRNAC) continues to renew the nation-to-nation, Inuit-Crown, and government-to-government relationships based on affirmation and implementation of rights, respect, cooperation, and partnership. The department works in partnership with Indigenous organizations and communities so that they are better positioned to govern their own affairs and achieve self-determination, and promotes the prosperity and well-being of residents and communities in the North.

CIRNAC's Major Projects Management Office facilitates communication and coordination of subject matter expertise from within the department and provides this expertise to partner departments and agencies involved in the Impact Assessment Process – Horizontal Initiative. For a full description of subject matter expertise and related tools that MPMO can coordinate in support of the regional assessment, please see the section *Expert Information or Knowledge*.

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.

It is not probable that Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) will exercise a power or perform a duty or function related to the physical works or activities in the Ring of Fire area that would enable such activities to proceed. CIRNAC does not have a regulatory function relative to the proposed regional assessment but can offer subject matter expertise as required of Federal Authorities under the *Impact Assessment Act*.

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 (CIRNAC) has expert information, knowledge, and tools that may benefit impact assessment or regulatory processes relative to the proposed regional assessment. Specifically, CIRNAC can provide guidance and advice related to the federal government's legal obligation to consult and, where appropriate, accommodate when contemplating conduct that may adversely impact asserted or established Aboriginal and/or treaty rights. This duty is supported through related jurisprudence, legislation, policy, and treaties. Additionally, CIRNAC may provide advice and guidance related to specific Indigenous groups' special relationship with the Government of Canada (The Crown), including information related to recognition

of Indigenous rights and self-determination (RIRSD) tables, modern treaties or self-government agreements, and other related negotiations and processes.

Expert Information and Knowledge

- a) Section 35 Aboriginal and Treaty Rights are recognised and affirmed by Section 35 of the *Constitution Act, 1982*. These are reflected in court decisions, historic treaties, modern treaties, and some self-government agreements. There are elements involving s.35 rights outlined in agreements stemming from recognition of Indigenous rights and self-determination processes and other related agreements:
- CIRNAC provides guidance and advice to federal officials for fulfilling the legal duty to consult and, where appropriate, accommodate, when contemplating activities that may adversely impact upon established and asserted Section 35 rights. CIRNAC continues to work on updating the [2011 Guidelines for Federal Officials to Fulfill the Duty to Consult. Engagement with Indigenous groups to renew the guidelines](#) began in February 2024 and is ongoing;
 - CIRNAC supports the whole-of-government approach to implementing obligations pursuant to modern treaty, self-government and related agreements, including specific consultation-related provisions and protocols. Where project impacts on Modern Treaties have been identified, federal departments and agencies must engage Indigenous Modern Treaty partners on a bilateral basis as early as possible. CIRNAC provides guidance on engagements and tailored contacts for reach out to Modern Treaty partners. [Canada's Collaborative Modern Treaty Implementation Policy](#) (2023) and the [Cabinet Directive on the Federal Approach to Modern Treaty Implementation](#) (2015) provides further guidance to departments and agencies in implementing Modern Treaties; and
 - CIRNAC leads negotiations of modern treaty, self-government, and related agreements (including consultation protocols) on behalf of the Government of Canada.

Publicly Available Tools

- b) [The Aboriginal Treaty Rights Information System](#) (ATRIS) is a web-based, geographic information system intended to help users identify the location of Indigenous groups, and to provide users with information pertaining to each Indigenous group's established and/or asserted Section 35 rights. ATRIS provides access to profiles, documents and maps that can be used to assist governments in determining their consultation obligations and other interested parties in carrying out consultation and engagement research. CIRNAC can offer assistance in navigating, and engaging with the ATRIS system.
- c) [The Reporting Centre on Specific Claims](#) is a publicly available tool that can be utilized to search for information about specific claims that are still in process as well as claims that have already been resolved. Specific Claims made by First Nations against the Government of Canada relate to the administration of land and other First Nation assets and to the fulfillment of historic treaties and other agreements. Settling specific claims is one of the many steps on the journey to reconciliation with First Nations.

Additional Considerations

- d) [United Nations Declaration on the Rights of Indigenous Peoples Act](#) (UNDA):
- The Government of Canada is implementing the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), which affirms the Declaration as a universal international human rights instrument with application in Canadian law. Justice Canada is the federal lead on UNDA, and CIRNAC has an important role due to its relationships with Indigenous partners. CIRNAC's advice and actions in relation to the initiative under consideration will be consistent with the rights-based approach endorsed by UNDA.
 - Canada has worked in cooperation and consultation with Indigenous partners to develop the UNDA Action Plan. This Action Plan includes a number of measures which relate directly to Indigenous decision-making and participation and must be taken into account where Indigenous rights may be affected.

- e) **Reconciliation:** All departments continue to work on implementing all 94 Calls to Action from the [Truth and Reconciliation Commission Final Report](#).

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.

Existing CIRNAC programs that may be able to address one or more of the above concerns include:

- **[Supporting Indigenous Women and 2SLGBTQIA+ Organizations:](#)** Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) is working with Indigenous women's and 2SLGBTQI+ organizations to:
 - develop and support relationships based on trust and respect
 - create opportunities to empower and engage Indigenous women's and 2SLGBTQI + organizations in decision-making processes that impact their lives

This program will provide contribution funding for projects that:

- increase the ability of Indigenous women's and 2SLGBTQI + organizations to engage at the grassroots level
- advance grassroots voices and the priorities of Indigenous women and 2SLGBTQI + people within all levels of government
- support real and meaningful systemic change in Canada

Status: Accepting application and supporting documents for one-year projects for the fiscal year 2025 to 2026 on a rolling basis.

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Sector/Branch: Policy and Strategic Direction / Indigenous and External Relations Branch / Indigenous Relations and Policy Directorate / Indigenous Women's and 2SLGBTQI+ Relations Unit
Generic Email: femmesautochtones-indigenouswomen@rcaanc-cirnac.gc.ca

- **Federal Initiative on Consultation:** To ensure Indigenous peoples have consultation and engagement capacity and are meaningfully participating in consultation and engagement activities.

Status: Fully subscribed.

Contact: Kirsten Miller
Email: kirsten.miller@rcaanc-cirnac.gc.ca
Sector/Branch: Implementation Sector / Consultation and Accommodation Unit Directorate

A comprehensive list of programs, services, and initiatives provided by CIRNAC for Indigenous and northern communities and organizations and be found [here](#).

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

CIRNAC is developing guidance for federal officials on the following matters arising in consultation and engagement processes, and departments or agencies may contact CIRNAC for more detailed information:

Self-Identifying Indigenous Collectives: There has been a rise in self-identifying Indigenous collectives, from within Canada and abroad, who assert Section 35 rights in specific regions within Canada.

- A variety of colonial factors have contributed to these scenarios such as the imposition of *Indian Act* electoral systems, and the definition of interprovincial and international boundaries. In some instances these Indigenous collectives may be owed a duty to consult depending on factors such as the strength of their claim and evidence that the leadership actually represents an Indigenous group that potentially holds Section 35 rights. In situations where Canada is of the view that there is no legal duty to consult, Canada may nevertheless engage with Indigenous groups to support relationship building and foster learning about the group and who they represent. In such case, it is important to convey that consultation is not a rights recognition process.

Accommodation: Accommodations measures seek to reduce, avoid or eliminate the potential impacts of a project on Indigenous people's rights. The principle of accommodation does not apply to engagement. Nevertheless, when engaging, there may be cases in which Canada assesses the circumstances and decides to provide benefits to the relevant groups to support reconciliation.

Assessing Impacts on Rights: During this process, it is important to consider and assess the cumulative impacts of the potential Project on the exercise of Section 35 rights. Recent court decisions have shown the cumulative effects of major projects can impact Indigenous people and their treaty rights.

Information relative to Canada's relationships with Indigenous people: This may include modern treaties or self-government agreements, and Recognition of Indigenous Rights and Self-Determination (RIRSD) tables in the project area.

Recognition of Indigenous Rights and Self-Determination (RIRSD) Tables: Canada has RIRSD tables with the following Indigenous communities or Indigenous representative organizations located in or near the Ring of Fire region:

- Nishnawbe Aski Nation
- Biigtigong Nishnaabeg
- Netmizaaggamig Nishnaabeg
- Biinjitiwaabik Zaaging Anishinaabek
- Bingwi Neyaashi Anishinaabek
- Pays Plat First Nation
- Long Lake No. 58 First Nation
- Animbiigoo Zaagi'igan Anishinaabek
- Kiashke Zaaging Anishinaabek
- Whitesand First Nation
- Red Rock First Nation