
From: Neary, James <james.neary@rcaanc-cirnac.gc.ca>
Sent: July 19, 2022 4:49 PM
To: Myles,Debra (IAAC/AEIC)
Cc: Faubert, Terry; Rowan, Michael; Chartier, Marc
Subject: RE: Request for a regional assessment in the Salish Sea

Dear Ms. Myles

Thank you for providing an opportunity for CIRNAC and other Federal Authorities to comment on the request by the Salish Sea Indigenous Guardian Association for a Regional Assessment of the Salish Sea. You have requested, *“advice or information to inform our recommendation to the Minister on whether or not to conduct a regional assessment in the Salish Sea”*. In response to your request, we can provide an overview of the types of information CIRNAC can provide in support of a Regional Assessment and provide some information that may help inform the development of your recommendation to the Minister of ECCC.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) has the following types of expert information or knowledge that may benefit project specific, regional or strategic assessments:

- a) Reconciliation: CIRNAC has expertise on the implementation of the [10 Principles respecting the Government of Canada's relationship with Indigenous peoples](#) and the [Statement of Principles on the Federal Approach to Modern Treaty Implementation](#) through relationship building, consultation, and engagement.
- b) Section 35 Aboriginal and Treaty Rights: recognized and affirmed by Section 35 of the Constitution Act, 1982 and captures historic and modern treaties, implementation of the spirit and intent of treaties, self-government, recognition of Indigenous rights and self-determination and other related agreements:
 - CIRNAC provides guidance and advice to federal officials fulfilling the legal duty to consult and, where appropriate, accommodate, when contemplating activities that may adversely impact Section 35 rights.
 - 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.
- c) CIRNAC leads negotiations of modern treaty, self-government, and related agreements on behalf of the Government of Canada. It is beneficial to engage with CIRNAC early on when projects may impact modern treaties (Please review the Cabinet Directive on the Federal Approach to Modern Treaty Implementation.)
 - CIRNAC has knowledge and expertise in modern treaty consultation obligations that operate parallel to the Duty to Consult.
- d) United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA):
 - CIRNAC supports the Government in Canada in 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.
 - The Crown must take into account the UNDA when contemplating conduct that might adversely impact the rights of Indigenous peoples in Canada.
- e) The Aboriginal and 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 group's established or asserted Section 35 rights. ATRIS provides access to narrative records, documents and maps that can be used to assist governments, industry and other interested parties in determining their consultation obligations and in carrying out their consultation research.

You have requested specific advice relative to the following areas:

- whether current and future development in the region has the potential to cause adverse effects, including cumulative effects, that fall within federal jurisdiction
- whether there are environmentally or otherwise sensitive areas or components located in the region that might be affected by development
- whether there is the potential for impacts, including cumulative impacts, to the rights of Indigenous people in the region
- whether an existing or planned initiative would adequately address the issues raised in the request
- information from proponents, provinces, territories or Indigenous groups that the Agency might have from other areas of its work, including from project impact assessments either underway or completed.

CIRNAC can offer the following:

- CIRNAC staff have become aware, in the context of discussions relative to the implementation of Modern treaties, at Recognition of Indigenous Rights and Self-Determination tables, and through our participation as a Federal Authority during project specific impact assessments that cumulative effects of development projects are a major concern for Coastal Salish peoples: particularly with respect to impacts on fishing, harvesting and gathering rights and the culturally significant Southern Resident Killer Whales.
- A regional assessment, if it is to occur, should be inclusive of all Indigenous peoples who are reliant on the Salish Sea and connected/dependent ecosystems to exercise the Indigenous rights, including their cultural and spiritual rights.
- Information derived from the [Burrard Inlet Environmental Science and Stewardship Agreement](#) may help inform a Regional Assessment if it is to occur.

Again, thank you for the opportunity to comment on the request for a Regional Assessment in the Salish Sea. If you have any questions or concerns do not hesitate to contact me.

Thanks,
James