



Colter Kelly
Impact Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa ON K1A 0H3

Re: CIRNAC Response to Potential Regional Assessment of a Western Energy Corridor from Alberta to Manitoba (Registration Number: 83942)

Dear Mr. Kelly,

Thank you for providing an opportunity for CIRNAC and other Federal Authorities to comment on the request by Western Energy Corridor Incorporated for a Regional Assessment of a Western Energy Corridor from Alberta to Manitoba. You have requested, “*advice or information to inform our recommendation to the Minister on whether or not to conduct a Regional Assessment for a Western Energy Corridor*”. 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 Environment Climate Change Canada.

One of the criteria for assessing regional assessment is *the potential for impacts, including cumulative impacts, to the rights of Indigenous people in the region*.¹ Based on the map of the proposed energy corridor and the increased tanker traffic in the Port of Churchill if a proposed project was to be constructed in this region it could potentially impact on the rights and interests of Indigenous groups with historic treaties (Treaty 4, 5, 6, 7 and 10); Métis communities; and, modern treaty holders (Nunavut Land Claims Agreement, Nunavik Inuit Land Claims Agreement, James Bay and Northern Quebec Agreement and Labrador Inuit Land Claims Agreement).

CIRNAC is of the view that Indigenous rights are integral to any consideration of cumulative effects and that Indigenous peoples perspectives on cumulative effects may differ from the views of western knowledge systems. It is important that potential impacts from development on Indigenous rights and Indigenous perspectives be included in regional assessments including a consideration of cumulative effects on Indigenous rights and interests.

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

¹ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/regional-strategic-assessments/requesting-regional-strategic-assessment-iaa.html>





- 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.²
- b) Section 35 Aboriginal and Treaty Rights: CIRNAC has expertise on historic and modern treaties, self-government tables, recognition of Indigenous rights and self-determination and other related agreements. Furthermore, CIRNAC has expertise on Section 35 Aboriginal rights recognized and affirmed by Section 35 of *the Constitution Act, 1982*:
- 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 treaties³.
- 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*.⁴
- 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 rights⁵. 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.

² <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html> and <https://www.rcaanc-cirnac.gc.ca/eng/1436288286602/1539696550968>

³ <https://www.rcaanc-cirnac.gc.ca/eng/1436450503766/1544714947616>

⁴ <https://laws-lois.justice.gc.ca/eng/acts/U-2.2>

⁵ https://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx





Again, thank you for the opportunity to comment on the request for a Regional Assessment of a Western Energy Corridor from Alberta to Manitoba. If you have any questions or concerns do not hesitate to contact me.

James Neary,

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<contact information removed>

