

Enclosure 1: Federal Authority Advice Record

Response due by June 14, 2023

Marmora Clean Energy Hub Project
Agency File: 84597

All comments should be submitted via the **Submit a Comment** feature available on the Project's Canadian Impact Assessment Registry page¹. Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency at Marmora@iaac-aeic.gc.ca.

Department/Agency	Crown Indigenous Relations and Northern Affairs Canada
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1. (a) Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

It is not probable that CIRNAC will exercise a power or perform a duty or function related to the proposed Project to enable it to proceed.

If yes, specify the Act of Parliament and that power, duty or function.

- (b) Describe any Indigenous or public consultation that will be undertaken in relation to the exercise of that power, duty or function, including when it would take place.

CIRNAC will not exercise a power or perform a duty or function under any Act of Parliament in relation to the proposed Project that will involve public and Indigenous consultation. However, upon request, CIRNAC will provide advice and guidance as needed on the Crown Consultation process under the *Impact Assessment Act* and upon request by the Agency or partner department.

¹ Reference #84597 at <http://iaac-aeic.gc.ca/050/evaluations/document/147660?culture=en-CA>

2. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to the conduct of an impact assessment of the Project?

CIRNAC has expert information or knowledge that may benefit impact assessment or regulatory processes relative to the proposed project. Subject matter expertise that can be provided by CIRNAC includes the following:

Expert Information

a) **Reconciliation:** CIRNAC has expertise on the implementation of the [Statement of Principles on the Federal Approach to Modern Treaty Implementation](#).

b) **Section 35 Aboriginal and Treaty Rights:** are recognised and affirmed by Section 35 of the *Constitution Act, 1982*. Aboriginal and treaty rights are captured in court decisions, historic treaties, modern treaties, and some self-government agreements. There are inclusions in agreements stemming from Recognition of Indigenous Rights and Self-Determination processes that involve or make reference to section 35 rights. CIRNAC can support federal departments and agencies in the following ways:

- 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 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.
- CIRNAC leads negotiations of modern treaty, self-government, and related agreements (including consultation protocols) on behalf of the Government of Canada.

It is beneficial to engage with CIRNAC early on when projects may impact modern treaties. Assessment and regulatory assessment process should be conducted with in a manner that respects the [Cabinet Directive on the Federal Approach to Modern Treaty Implementation](#).

c) **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.

Knowledge

d) **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 or asserted Section 35 rights. ATRIS provides access to profiles, 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.

e) **Algonquins of Ontario - Consultation Process Interim Measures Agreement (rcaanc-cirnac.gc.ca):**

There is an interim consultation agreement in place with Algonquins of Ontario that uses the settlement area as the area for consultation purposes. In this case the project area looks to be approx. 87 km south of the community of Bancroft.

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3. Has your department or agency considered the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action that would allow the Project to proceed in whole or in part?

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) will not exercise a power or perform a duty or function under any Act of Parliament in relation to the proposed Project,

or take any course of action that will allow the proposed Project to proceed in whole or in part.

4. Has your department or agency had previous contact or involvement with the proponent or other party in relation to the Project? (for example: an enquiry about methodology, guidance, or data; introduction to the project)

CIRNAC has had no previous contact or involvement with the proponent or other party in relation to the proposed project.

5. Does your department or agency have additional information or knowledge not specified, above, including information on the geographic, environmental, economic or social context of the project? (e.g. location of protected or sensitive areas, previous history between local communities and proponent or similar projects, local or regional social or economic concerns)?

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

- **First Nation Adapt Program:** This program provides funding to First Nation communities located below the 60th parallel to assess and plan for the impacts of climate change on community infrastructure and emergency management. The program provides support for communities to address one or more of the following types of projects:
 - risk assessments of climate change impacts on community infrastructure or emergency management;
 - development and assessment of adaptation options;
 - cost-benefit analysis of adaptation options.

The floodplain mapping portion of the program provides support for communities to:

- develop floodplain maps (including drainage studies) in order to identify flood risks to local infrastructure and inform local decision-making;
 - develop best practices, tools and adaptation options for flood management;
 - participate in regional watershed management processes;
 - collect and share regional watershed data.
- **Cultural Spaces in Indigenous Communities:** The program offers opportunities for Indigenous women, girls, and 2SLGBTQQIA+ individuals to access their cultures, languages and strengthen their identities through the construction or revitalization of spaces that support cultural activities within their communities. These spaces aim to support self-determination, increase safety, and promote Indigenous ways of knowing, doing and being.
 - **Indigenous Community-Based Climate Monitoring Program:** The program supports community-led projects to monitor climate and the environmental effects of climate change on communities and traditional territories. The program builds capacity to support the design, implementation, or expansion of long-term, community-based Indigenous-led climate monitoring projects.
 - **Nation Rebuilding Program:** The program will support nation rebuilding efforts that will contribute to increased capacity at the larger nation level. The provision of this capacity funding will promote:
 - the re-establishment of Indigenous nations; as self-defined and representing nation-based collectives. Could be linked by cultural or linguistic background, geographical area or historical treaty lines;

- an increase in the ability of Indigenous nations to take on greater sectoral responsibilities, thereby facilitating a phased-in approach to self-determination and ultimately self-governance;
 - an increase in the sense of unity within Indigenous nations;
 - identification and agreement among member communities on priorities for action and approaches to issues; and,
 - a reduction in the duplication of the resolution of issues at the individual First Nation or Indigenous community level by working as a collective at the nation-level.
- **Federal Interlocutor's Contribution Program**: The objective of the Federal Interlocutor's Contribution Program is to help to build capacity, and to maintain a relationship based on trust and respect between Métis and non-status Indian people and the Government of Canada. This is achieved by: maintaining political relations with their representative organizations; acting as the point of contact within the federal government; acting as an advocate of their issues within Cabinet; entering into contribution agreements to help to build organizational and institutional capacity; and, building stronger linkages with provincial governments. In order to achieve these objectives, the Program supports work with Métis, non-status Indian and off-reserve Indigenous organizations towards:
 - achieving practical ways of improving Métis and non-status Indians socio-economic conditions,
 - increasing self-reliance, and
 - reducing dependency.
 - **Supporting Indigenous Women and 2SLGBTQQIA+ Organizations**: This initiative provides dedicated and ongoing longer-term project funding to Indigenous women's and 2SLGBTQQIA+ organizations to support increased capacity enabling engagement with members and communities to inform the development of federal policy, programs and legislation. This funding provides the foundational capacity that allows organizations to advocate and influence based on the identified needs, priorities and interests of grassroots Indigenous women and 2SLGBTQQIA+. This program also provides funding to the three national Indigenous women's organizations to support the development of culturally competent/relevant GBA+ toolkits that could be accessed across federal departments and by proponents to ensure that the appropriate lens and are applied to a project.
 - **Federal Initiative on Consultation**: To ensure Indigenous peoples have consultation and engagement capacity and are meaningfully participating in consultation and engagement activities.

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

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6. What are the key issues likely to be relevant to the public interest decision, based on the mandate and area(s) of expertise of your department, and which should be addressed in an impact assessment of the Project, should the Agency determine that one is required?

For each key issue:

- Describe the effect or the nature of the issue, including any relevant context;
- Provide the rationale and/or evidence for why it is a key issue;
- Identify briefly solutions to the issue, including any information or studies that should be required in the Tailored Impact Statement Guidelines, potential mitigation measures, and/or regulatory requirements relevant to the issue;
- Provide a concise, plain-language summary of the issue for inclusion in the Summary of Issues.

The information provided will be used by the Agency to determine if and an impact assessment is required and where appropriate to develop project-specific draft Tailored Impact Statement Guidelines that focus on the key issues likely to be relevant to the public interest decision.

Please use **Table 1: Key Issues to inform decision-making** to respond to this question.

NOTE: CIRNAC does not participate in the technical review of proposed projects but can provide subject matter expertise outlined above on an as-needed basis.

7. Where possible, identify any clarifications or additional information the Proponent could include in the Detailed Project Description or in the response to the Summary of Issues that would:
- give confidence that an issue or effect could be addressed and managed;
 - inform the decision as to whether an impact assessment is required; or
 - aid in tailoring the Impact Statement Guidelines, if an impact assessment is required.

These clarifications and additional information will be included as specific questions in the Summary of Issues provided to the proponent

Please use **Table 2. Clarifications or additional information the Proponent could include in the Detailed Project Description or in the response to Summary of Issues** to respond to this question.

8. For departments with information about local context²

- I. Provide contact details for local organizations or institutions, including municipal government officials, with expertise on economic and social issues in the local area

Name of Contact	Organization	Email Address	Area of Expertise (provide a brief explanation, including website)

² This section is particularly important for departments that offer direct programs and services to local communities, non-government organizations, institutions etc. that could be viewed as complementary measures. Complementary measures, which are initiatives undertaken under federal programs or under the authority of a federal Minister or department, beyond those stated in the *Impact Assessment Act*, may also be considered by decision-makers, as applicable. Complementary measures may be used to address issues outside of the care and control of a proponent, for cross-cutting issues requiring an integrated response, or to accommodate impacts to section 35 rights held by Indigenous peoples. Examples of complementary measures may include skill development and training programs, social programs, etc.

II. Provide a list of reports or other sources of evidence (such as municipal plans, development plans) that might inform the Agency’s understanding of the situational context of the region in which the Project is being proposed

Title of Report/Source of Information	Organization	Email address of key Contact (where available even if already listed in the table above)	Overview of the information that might be contained in the report/source of information (including website)

III. Provide any key programs administered by your department (e.g. Fed/Nor or Fed/Dev) in the area that may constitute complementary measures that the proponent may consider to resolve issues associated with its Project

Name of Fed/Nor or Fed/Dev Program	Purpose of Program	Key Contact	Web link(s)
See above			

IV. Provide any projects funded or likely to be funded by your department (e.g. Fed/Nor or Fed/Dev) in the area during the lifespan of the Project being proposed by the proponent.

Name of Project	Purpose of Project	Email Address of Recipient	Email address of Fed/Nor or Fed/Dev Project Administrator

____ James Neary _____
Name of Departmental / Agency Responder

____ Manager and Advisor, Major projects Management Office (CIRNAC)____
Title of Responder

____ 19 June 2023 _____

Date

Table 1: Key Issues to inform decision-making

The Agency asks that federal authorities align expert advice with the Agency’s approach to tailoring, which focuses on key issues or effects that are likely to be relevant to the public interest decision. In identifying key issues, federal authorities should be mindful of the Project’s context (size, scope, location), Indigenous knowledge and perspectives, and public concerns. Key issues that may be relevant to the public interest decision include:

- effects that may be significant, based on federal experts’ knowledge and experience with past projects;
- effects that may impact Indigenous peoples and their rights, based on Indigenous knowledge and perspectives or experience with past projects;
- effects on key species or habitats (e.g. at risk, important to Indigenous communities, commercial importance, provide important ecosystem function); □ issues or effects that may result from novel project activities, components or technology;
- effects with large uncertainties, including in the effectiveness of mitigation measures;
- transboundary effects where mitigation measures are limited;
- positive effects, including where project may support other governmental priorities, including reconciliation with Indigenous peoples; and □ key concerns raised by Indigenous or local communities.

Effects that are anticipated to be minor or which can be managed using well understood mitigation measures, existing guidance, and/or other regulatory processes may have simplified information requirements or may be removed entirely. Measured advice from federal authorities on key issues and solutions —and on the scope and detail of any required information and studies — will enable the Agency to focus assessments on issues that are important to participants and to decision-makers.

Comment ID	Valued Component or Factor to Consider	Description of Key Issue (Context and Rationale)	Solutions	Plain language summary for inclusion in Summary of Issues
<p><i>Please identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-01</i></p>	<p><i>Identify valued component(s) or factor to consider—within the mandate of your department or agency—to which the effect or issue applies.</i></p>	<p><i>Provide a brief description of the issue and rationale for being a key issue.</i></p> <p><i>Include, where relevant:</i></p> <ul style="list-style-type: none"> <i>the pathway of effects;</i> <i>social, economic or environmental context which are relevant to it being a key issue;</i> <i>key uncertainties that should be addressed in the impact assessment;</i> <i>Indigenous or public concerns or perspective;</i> <i>potential for differential effects among diverse subgroups;</i> <i>scientific evidence or traditional knowledge, including from past project experience, which supports inclusion as a key issue.</i> 	<p><i>Where applicable, briefly identify solutions to address the potential issue or effects including</i></p> <ul style="list-style-type: none"> <i>Information or studies required to describe and characterize the effect, should an impact assessment be required; including any guidance for data collection and/or analysis or existing data sources to inform the assessment;</i> <i>Any powers, duties or functions that your department or agency has that may mitigate, manage, or set conditions related to the effect;</i> <i>Guidance or policies for mitigating effects or any standard and well-understood mitigation measures that would address the effect, including follow-up monitoring activities; and/or</i> <i>Commitments the proponent could make to respond to the issue.</i> 	<p><i>For issues to be included in the Summary of Issues, provide a concise, plain language synopsis of the key issue and any questions or directions for the proponent.</i></p>

Please insert additional rows as necessary.

Table 2. Clarifications or additional information the Proponent could include in the Detailed Project Description or in the response to Summary of Issues

Comment ID	Relevant section of the Initial Project Description	Description of Issue, Concern or Uncertainty	Clarification or additional information	Plain language summary for inclusion in Summary of Issues
<p><i>Please identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-01</i></p>	<p><i>If the comment is related to a specific section of the Initial Project Description, please provide a reference.</i></p> <p><i>You may also choose to copy the relevant text here.</i></p>	<p><i>Provide a description of the issue, concern or uncertainty the proponent could address in their detailed project description that would give confidence that the issue will be addressed and managed, or which could aid in tailoring the Guidelines</i></p>	<p><i>Provide recommended clarification or additional information to be included in the Detailed Project Description to address the issue, concern or uncertainty, for example</i></p> <ul style="list-style-type: none"> <i>• Clarifications to project description (e.g. components, activities, locations or alternatives);</i> <i>• Project design changes that could avoid effects;</i> <i>• Evidence that could be presented to demonstrate there is no effect pathway or that effects will be negligible;</i> <i>• Evidence that standard mitigations will address potential effects;</i> <i>• Commitments the proponent could make to respond to the issue, including the implementation of federal operational policies or guidance documents.</i> 	<p><i>For issues to be included in the Summary of Issues, provide a concise, plain language synopsis of the issue and of the question or direction for the proponent.</i></p>

Please insert additional rows as necessary.

