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I am writing this in my capacity as Director of Consultation for the Sipekne'katik First Nation, but more importantly as an educator and member of the Sipekne'katik Community.

I wish to offer a response to the proposed "*one project, one review*" on Environmental and Impact Assessments. I opt not to speak to the scope or intent of the laws that define the division of powers as they currently exist between our federal and provincial institutions.

However, if my personal interpretation of Canadian history serves me correctly, I respectfully offer:

- The Constitution Act, 1867, says that the provinces are federally united to form Canada.
- Section 91 (24) of the constitution Act, 1867, states that Parliaments has exclusive authority over "Indians and lands reserved for Indians".
- In Canada, the federal Crown owes a *sui generis* (unique) fiduciary duty to Indigenous peoples, stemming from the historical relationship of the Royal Proclamation of 1763, and section 35 of the Constitution Act, 1982.

Rooted within this history is a foundational constitutional principle (Honour of the Crown) that dictates how federal and provincial governments must interact with Indigenous peoples in Canada.

- The "Honour of the Crown" requires the government to act with loyalty, good faith, and diligence when exercising discretionary control over specific First Nations interests.

The "*one project, one review*" position of the Nova Scotia government with respect to the assessment process is a turning point that must be addressed immediately at the federal level.

Based on my 30 years of experience in the field of anthropology/archaeology I offer that the current Impact Assessment process significantly fails First Nations communities particularly Sipekne'katik.

Impact Assessments as a planning tool are used to evaluate the potential environmental, health, social, and economic effects of major development projects (such as mines) before they are constructed. tangible assets.

- The existing assessment process generally fails to consider other significant components of Mi'kmaq cultural values.
- This results in an incomplete assessment record.
- The current assessment process relies primarily on tangible (physical) cultural evidence, such as archaeological sites, built heritage, or mapped artifacts.
- The process does not adequately characterize or address adverse effects on related to "Intangible" aspects of culture such as knowledge transmission, cultural memory, governance, community responsibilities, access to territory, or sacred and spiritual relationships to place.

This leads to a summary of what are defined and understood by the Sipekne'katik community as "intangible" cultural Mi'kmaq values.

- These are not limited to living traditions, community and/or personal knowledge, beliefs, languages, practices, or those memories that the community has inherited from ancestors who have since journeyed to the spirit world.
- These 'intangible' aspects of culture are values that are preserved and passed on to future generations.

Mi'kmaq Intangible cultural values are not immediately visible because they consist of non-visible elements of culture such as cultural memory that is routinely disregarded in the assessment process.

- Mi'kmaq intangible cultural values help the community to stay connected to their culture, strengthens communities, preserves traditions, and promotes respect and understanding and improves a community's well-being.

Historically, Mi'kmaq communities have existed under "policies of exclusion".

- The term "policy of exclusion" refers to those colonial inquiries, recommendations, practices, laws and/or statutes that restricted, denied, or removed access to land and resources, and specific rights of the Mi'kmaq.

The most prominent examples of this “exclusionary” are:

- The Treaty of Utrecht, 1713.
- In 1783, Nova Scotia retained the office of the Superintendent of Indian Affairs in Nova Scotia in an effort at “quieting” Mi’kmaq people.
- In 1856, a Royal Canadian Commission (Pennefather Commission) was established to investigate the management of Indigenous affairs and make recommendations to aggressively assimilate First Nations people including the Mi’kmaq.
- The Gradual Civilization Act of 1857 was the cornerstone of early colonial policy designed to further assimilate Mi’kmaq peoples.

I do not agree with the Nova Scotia government’s position that Consultation is being actively pursued.

- The government states that the Consultation process is undertaken in accordance with the process outlined in the Terms of Reference for the Mi’kmaq-Nova Scotia-Canada consultation process or directly with non-signatory communities, such as Sipekne’katik.
- The province of Nova Scotia has opted not to recognize or to consult Sipekne’katik outside the Terms of Reference referred to herein.

In conclusion, I must ask a rather difficult question, who if not the federal government upholds the principle of “Honour of the Crown” with Mi’kmaq people?

This principle is in essence fundamental to relationships with the Mi’kmaq.

With Respect

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