



RED SKYTM

Métis Independent Nation

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RSMIN Community Consultation Report

Project: Review of CEAA 2012

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Red Sky Métis Independent Nation

Clarification

"**Proponent**" means Project Applicant.

"**Project**" means Application *for project subject to CEAA 2012*

"**RSMIN**" means Red Sky Métis Independent Nation

"**Valued Community Components**" or "**VCC(s)**" means the cumulative collection of Traditional Knowledge, and collective community consultation interests and concerns.

"**CEAA**" means Canadian Environmental Assessment Agency

"**PWQO**" means Provincial Water Quality Objectives

"**MMER**" means Metal Mining Effluent Regulations

1. Introduction

Red Sky Métis Independent Nation™ (RSMIN) consists of descendants of the 84 “half-breeds” who were recognized by the Crown as beneficiaries and annuitants under the Robinson Superior Treaty of 1850, in concurrence with the First Nation peoples. However, RSMIN is distinct from the First Nation peoples, by ways of our traditional lands, traditions, customs, and practices.

The RSMIN People are Aboriginal people as defined by the Constitution Act of 1982, and descendent of the beneficiaries to the Robinson Superior Treaty of 1850.

2. Project

The Federal review of “CEAA 2012” is being reviewed with the goal of ensuring an efficient process is developed and to rebuild trust in environmental assessment processes.

The purpose of the document is to review CEAA 2012 regulatory document and to provide meaningful feedback from the perspective of Red Sky Métis Independent Nation(RSMIN). The consultation department has formed the perspective from ongoing consultations with the RSMIN community, communication with RSMIN Chief and Council and the observations from the consultation department staff.

3. Consultation scope and work plan

Consultation scope consists of a comprehensive review of applications provided to RSMIN from CEAA that were subject to meet the requirements of CEAA 2012. The scope also consists of the input provided by RSMIN community citizens regarding the projects reviewed by CEAA between 2012-2016 within the Robinson Superior Treaty area. The analysis of the current framework is also compared to the RSMIN Valued Community Components which provides the historical perspective of RSMIN community concerns.

4. Review Results

Jurisdiction

Projects that trigger the need for a Federal Environment Assessment allow for proponents to decide whether the provincial and federal permitting requirements will be filed together or separate. The result of the reviewing the documentation separately is a burden on resources and capacity on the regulatory bodies, the proponent as well as the stakeholders that review the documentation. The CEAA Department relies on Provincial and Federal ministries to provide technical data regarding projects to meet the Federal

requirements set out by CEAA 2012. In many situations the regulatory bodies have overlapping interests but separate regulations. For example a mining project must meet provincial water quality objectives (PWQO) for Ontario as well as the Metal Mining Effluent Regulations (MMER) which could be delegated to the same Ministry to provide technical data but results in separate permits and additional consultation with public, Indigenous communities and stakeholders.

In addition to efficiencies in capacity, requiring proponents to submit applications with provincial and federal requirements will increase certainty of projects and reduce the time to make a decision on projects. The overall approach will meet the need of all regulatory departments as well as take in the interests of all stakeholders to make one decision whether a project is approved or not approved. Individual permits do not articulate the cumulative impacts of a project however the permits can impact the viability of the project.

Project that have cumulative impacts that trigger Federal Environmental Assessment that have potential for significant environmental impacts need to be clear and transparent to evaluate. Adequate time for stakeholders to review the full scope of a project will increase collective capacities and ensure the duty to consult is respected.

Participant Funding

The RSMIN community has limited funding, staff and SME's to review environmental assessments. The participant funding that is available requires the indigenous community to have the financial ability to fund the internal capacity and the resources for review and submit for reimbursement. Communities that have limited funding are limited to the extent of analysis that can be conducted regardless of reimbursement. Eligible expenses are restrictive and cannot provide consistent long term capacity.

Community Concerns

CEAA 2012 fails to show how Aboriginal or Treaty right concerns will impact outcome of a project. Mitigation measures are used to offset impacts but the document needs to indicate that a project will be terminated if free prior and informed consent is not reached with the respected community as referenced in The principles of United Nations Declaration of Indigenous Peoples.

Stakeholder Identification

The current procedure for stakeholder identification for CEAA 2012 has worked well for the RSMIN community. With the distribution of RSMIN citizens over the Robinson Superior Treaty Area and abroad presents a challenge to identify the current needs of the citizens. The initial analysis from CEAA to indicate potential impacts to traditional territories and treaty land has allowed RSMIN the opportunity to indicate interest in projects in or outside the treaty area. This process should continue in the updated version of the documentation.

Legislation

With the recent decision in *Canada vs Daniels* and the agreement to adopt the principles outlined in the United Nations Declaration of Indigenous Peoples it would be prudent to implement respective legislation that is consistent with the rationale indicated within them.

5. Summary

In conclusion, CEAA is the regulatory body for the environment for Canada and the regulation act that governs the agency needs to reflect the interests of all stakeholders in a clear and transparent way for all Canadians. RSMIN is a representative government and is obligated to protect the rights and interests of the citizens by reviewing the proposed projects presented by CEAA. The duty to consult calls for meaningful consultation and accommodation. The basic necessities of meeting this need requires ensuring adequate time, resources, education, open communication and respect of Indigenous rights the needs of the RSMIN will be met.

Integrating new decisions and principles regarding Indigenous rights need to be implemented in a timely manner. The reduction of documents relating to the same projects from proponents and regulatory bodies will improve community capacity. Up front funding for necessary resources to review documentation and longer review periods need to be implemented.

Finally there needs to be some definitive documentation that shows the ability for CEAA to decline an application due to environmental or stakeholder concerns. Mitigation will work in many occasions but if the impacts cannot be mitigated the rationale of the documentation needs to show that the environment takes precedence over providing means to complete a project.