



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Indigenous and Northern Affairs**

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INAN • NUMBER 014 • 1st SESSION • 42nd PARLIAMENT

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**EVIDENCE**

**Thursday, May 12, 2016**

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**Chair**

**Mr. Andy Fillmore**



## Standing Committee on Indigenous and Northern Affairs

Thursday, May 12, 2016

•(1635)

[English]

**The Chair (Mr. Andy Fillmore (Halifax, Lib.)):** We'll come to order, please.

I'd like to welcome Catherine McKenna, Minister of Environment and Climate Change.

With the minister today are Michael Martin, the deputy minister of the department; Ron Hallman, president of the Canadian Environmental Assessment Agency; and Daniel Watson, CEO of Parks Canada.

In the committee's Standing Orders, we allow 10 minutes for opening statements. The minister would like to deliver her remarks in both French and English and has asked us to allow her 15 minutes to do so, and I'd like to ask for consent of committee members to proceed with that.

I see no objections, so she has 15 minutes for an opening statement. I have these two cards here. Yellow means one minute and I'll wave it around, and red means please finish up; and we'll use those cards again during the questioning period as well.

Minister McKenna, you have the floor. Thank you.

**Hon. Catherine McKenna (Minister of Environment and Climate Change):** Thank you very much.

[Translation]

Mr. Chair, members of the committee, thank you for having invited me to appear before you today.

[English]

As you noted, I'm joined here today by some excellent public servants. We have Michael Martin to my right, deputy minister of Environment and Climate Change Canada. To my far left is Ron Hallman. He's president of the Canadian Environmental Assessment Agency. To my immediate left is Daniel Watson. He's the chief executive officer of Parks Canada Agency.

I'd like to start by acknowledging that we are meeting today on the traditional territory of the Algonquin and Anishinabe peoples.

My commitment to working with indigenous peoples extends far beyond my appointment as Minister of Environment and Climate Change. Like many of my colleagues, I worked in close collaboration with indigenous peoples prior to joining government, and those experiences helped me to better understand and value the importance of working in partnership with indigenous peoples. I'm a human rights lawyer, and over a decade ago, I co-founded an

international human rights organization, Canadian Lawyers Abroad. Our initial focus was supporting human rights and good governance internationally. We were fortunate to have the guidance of former Supreme Court chief justice Antonio Lamer as a member of our board. You may recall that he was the author of the Delgamuukw decision, which is one of the most important decisions on aboriginal title in the history of Canada.

When he joined our board, he asked why we weren't doing more in Canada to support indigenous peoples. This led to a refocusing of the attention of the organization on working in partnership with indigenous peoples in Canada. One of the projects I'm most proud of is the dare to dream program, which provides mentorship and justice education to indigenous youth across the country, with indigenous and non-indigenous lawyers.

I share the story with you because I have learned from speaking with elders, indigenous youth, indigenous women, and indigenous leadership that true partnership is more than how we deliver our programs. It extends to building true and meaningful relationships that can only be achieved through mutual respect and recognition of the rightful place of indigenous peoples in Canada.

I am very proud of the leadership that has been demonstrated by Prime Minister Trudeau through his deep commitment to renewing the nation-to-nation relationship with indigenous peoples based on recognition of rights, respect, co-operation, and partnership. These commitments have been demonstrated in the significant investment in our government's recent budget to address the gap in infrastructure and services available to indigenous peoples in Canada.

Minister Bennett has also provided incredible leadership to address the long-standing and tragic legacy of missing and murdered indigenous women and girls.

[Translation]

I am proud of the fact that ministers Bennett and Wilson-Raybould confirmed this week before the United Nations Permanent Forum on Indigenous Issues that Canada will be fully implementing the United Nations Declaration on the Rights of Indigenous People, in compliance with Canadian legislation and the Canadian Constitution.

[English]

I'd also like to point out another person who is with us today. Sitting behind us is Jesse McCormick. When I was first appointed, I realized that we needed greater capacity when it came to working with indigenous peoples. I had met Jesse McCormick, who is a young indigenous lawyer, a few weeks before and was fortunate enough to be able to convince him to come and join my office. He has provided really invaluable support as my director of indigenous relations and regulatory affairs.

I'd now like to highlight for you how we are implementing the commitment of our government to a renewed relationship with indigenous peoples through the key areas of my mandate: climate change, environmental assessments, national parks, and wildlife areas. We know that indigenous peoples are often the first and most affected by the impacts of climate change.

When Natan Obed, president of the Inuit Tapiriit Kanatami organization, ITK, appeared before this committee in March, he said something that can inspire us all. Speaking of the Inuit people, he said:

We are a land-based people. We are of the environment. We want to be a part of the Canadian conversation on climate change, not just as a people but as a core component of all the work that happens.

Mr. Chair, I agree. We are all the environment, and we all need to work together to find solutions.

Throughout my work on climate change, I've had the privilege of hearing from indigenous peoples across Canada about the impacts of climate change on indigenous communities. The critical importance of an ambitious international climate agreement really hit home for me when, in the middle of the negotiations, the Minister of Environment for Nunavut, Minister Mike, as he likes to be called, shared with me the story of his own experiences on the land as an Inuit hunter.

He told me that in his youth he harvested his first caribou with a dogsled on the snow in June. He said that now they can no longer go caribou hunting on snow in June because the snow is no longer there. Minister Mike also shared concerns relating to ice fishing. Whereas people used to be able to ice fish for turbot from January to May, now the season only lasts from February to March, or to April at the latest.

Climate change is not just an inconvenience, it's affecting the way indigenous peoples move from place to place, how they access food for their families, and their very relationship with the land. Elders have warned of the changing weather patterns for decades, and we are now seeing the significant impacts of the changes that they have warned us about.

At the Paris climate negotiations, our government recognized this fact and in collaboration with indigenous leaders advocated strongly for language in the agreement recognizing indigenous rights and the role of traditional knowledge in mitigating and adapting to climate change.

Perry Bellegarde, the national chief of the Assembly of First Nations, commended the efforts of the Canadian delegation for acting as a champion of indigenous rights. He also said that first

nations and Canada together will lead by example and demonstrate that implementing the rights of indigenous peoples is the best way to address climate change.

We've continued since then to bring those commitments home to Canada in a cross-country process of collaboration to develop an action plan to address climate change. We are working hard to ensure that the concerns and solutions of indigenous peoples are heard and their views reflected in the creation of the pan-Canadian framework on clean growth and climate change.

Since my appointment, I have been active in meeting with indigenous leadership. As recently as yesterday I had the opportunity to sit down with the executive committee of the Assembly of First Nations, and just this morning I had a brief meeting with National Chief Dorey of the Indigenous Peoples' Assembly of Canada.

These meetings, whether formal or informal, bring great value to my work as minister. Many times I've been told by indigenous peoples how much they appreciate the opportunity to meet. I will certainly continue these meetings throughout my mandate.

The Vancouver declaration, agreed to by the Prime Minister and the premiers, builds on the recognition of indigenous peoples' rights in the Paris agreement, and commits to strengthening the collaboration between governments and indigenous peoples on mitigation and adaptation actions.

• (1640)

[Translation]

In the context of the Vancouver Declaration, four working groups on climate change have been created. The declaration provides that these working groups be guided by a large-scale consultation of Indigenous peoples. The working groups will meet on a regular basis with the organizations representing Indigenous peoples, and my team and I will also have meetings with them so as to hear their concerns, their viewpoints and their ideas. It is only through sustained cooperation with the provinces, territories and Indigenous peoples that we will be able to take concrete actions to fight climate change and fulfil the obligations we agreed to in Paris.

[English]

I would now like to touch upon my role as minister responsible for the Canadian Environmental Assessment Agency. As you know, Prime Minister Trudeau has instructed me and my colleagues to immediately review Canada's environmental assessment processes to regain public trust and help get resources to market.

In January, Minister Carr and I launched an interim approach and adopted interim principles to guide decisions on major projects currently undergoing environmental assessment. The government is committed to restoring public trust in the environmental assessment processes. We want our decisions to be based on scientific studies and traditional knowledge.

Making sure indigenous peoples are more fully engaged in reviewing and monitoring major resource development projects is critical, in my view.

One of the interim principles states that indigenous peoples will be meaningfully consulted, and where appropriate, impacts on their rights and interests will be accommodated. We believe we can and should do more to ensure meaningful dialogue and nation-to-nation consultation takes place and is incorporated into the environmental assessment process, and we are.

In that regard, I will point out that budget 2016 provides an additional \$14.2 million over four years to increase the Canadian Environmental Assessment Agency's capacity to undertake consultations with the public and indigenous groups during environmental assessments and to support its compliance and enforcement program.

• (1645)

[Translation]

The examination of the environmental assessment processes will allow us to gain some perspective, to see what works well and examine possible options so as to correct flaws. At the end of this consultation, our government will put in place a new, improved environmental assessment process that will respect the rights and interests of Indigenous peoples. This is how we will manage to exploit our natural resources in a sustainable and responsible way and ensure their marketing, while growing the confidence of investors in the Canadian economy.

[English]

I would now like to speak to a part of my mandate that is as close to my heart as it is to the hearts of all Canadians, our national parks. Prime Minister Trudeau asked me to develop Canada's national parks system as well as manage and expand national wildlife areas and migratory bird sanctuaries. Over 50% of the current area of Canada's national heritage system is preserved as a result of indigenous peoples putting aside lands through a land claims process. For example, Tornat Mountains National Park, which I look forward to visiting this summer, was created because of two land claims with different Inuit groups—the Labrador Inuit and the Nunavut Inuit—who agreed to establish this park in their homelands as a gift to Canada.

[Translation]

It is important to remember that the development of new national parks, new wildlife preserves, new migratory bird sanctuaries and new national marine conservation areas would be impossible without the engagement and cooperation of Indigenous peoples. Parks Canada manages one of the largest networks of protected natural and cultural areas in the world. These are mainly located in remote rural areas. We are often the closest neighbour of remote Indigenous communities, and their main employer. This is particularly true in the north, where protected areas are co-managed by Parks Canada and local Indigenous communities.

[English]

The agency works and consults with over 300 indigenous communities. UNESCO commended both Parks Canada and the indigenous population of Canada for their efforts in the management of Canadian cultural and natural heritage and the benefits that result in their shared knowledge and respectful co-operation.

About 89% of Canada's national parks and almost 300,000 square kilometres of land are managed in accordance with treaties or other constructive agreements with indigenous peoples. Indigenous traditional knowledge working groups inform research, conservation, visitor experience, and visitor safety in many parks. Parks Canada is proud that all the activities offered in our national parks, historic places, and marine conservation areas are respectful of the traditions and culture of indigenous peoples and recognize their important contribution to our national heritage and history.

Mr. Chair, these are some of the key examples of the actions I'm taking to fulfill the priorities in my mandate letter relating to indigenous and northern affairs. We are committed to upholding the renewed nation-to-nation relationship with indigenous peoples enunciated by the Prime Minister.

Mr. Chair, let me close by again thanking the committee for the opportunity to join you. As a new minister, I certainly value your input and welcome the committee's ideas, questions, and suggestions.

**The Chair:** Thank you very much, Minister McKenna.

Let's make use of our time as best we can and launch right into the first round of questions, which is seven minutes.

The first question comes from Michael McLeod.

**Mr. Michael McLeod (Northwest Territories, Lib.):** Thank you, Mr. Chair.

Thank you to the minister for the presentation. It's very positive and many encouraging statements have been made to aboriginal people. We as a committee have been listening to many presentations over the last while. We've heard from many of the national indigenous governments and they've offered a lot of suggestions that I think we can use in our review.

I personally have been provided with a lot of documents, such as this one from a former colleague of mine who worked in the Government of the Northwest Territories, Minister Michael Miltenberger. They point to the fact that we need to do a lot of positive and constructive initiatives that will help us to build trust again with aboriginal people, overcome the old ways of doing things, and try new things that will result in things taking less time when we have to move forward with the legislative process by including people instead of consulting them as an afterthought.

We have a lot of work to do. You mentioned that you have a lot of intentions to work with aboriginal people and you indicated some ways that you would do that. I want to ask you to be a little more specific regarding what you actually intend to do to implement the commitment to renew the relationship and also how you interpret the nation-to-nation relationship based on recognition of rights to mean.

• (1650)

**Hon. Catherine McKenna:** I cannot agree more that we need to rebuild trust. That is a commitment by the government, and that's a personal commitment of mine.

We're taking a number of practical actions across my different portfolios. If you look at climate change, which I mentioned briefly, as I said, indigenous peoples are often the first people impacted by climate change and they feel the most significant impacts. They also have traditional knowledge, which we should be learning from.

In the north, the Inuit were already seeing the impacts of climate change with changing weather patterns and changing hunting seasons. Unfortunately, I don't believe that we paid enough attention to that and so we're playing catch-up.

Regarding climate change, as I said, as part of our Canadian delegation to COP21, we included indigenous leaders. We worked very closely with them to fight for the recognition of the rights of indigenous peoples and the role that traditional knowledge plays. It was actually very tough. Some countries don't share the same perspective, but it was amazing that—and I think this is a very practical example of how you build trust—through all the time we spent together working on a common cause, we developed relationships. At the end of it all, relationships are what will help rebuild this trust.

We have continued that. The Prime Minister and the premiers announced a working group process whereby we will look at different areas in respect of which we need to develop our pan-Canadian plan on climate change. One working group is on carbon pricing. Another is on other mitigation measures, looking at how you reduce emissions from oil and gas, from buildings, from vehicles. A third is adaptation, which is clearly a very big issue. We need to be looking at how we can support communities in adapting to the impacts of climate change. Another is clean tech jobs and innovation. That's going to play a significant role in finding solutions, including how we support communities in the north to get off diesel, which is a commitment of our government.

We are consulting with indigenous peoples every week. There are calls with the officials who are leading those working groups. I have regular meetings with national indigenous organizations, and we're consulting broadly and seeking input from all Canadians, but particularly indigenous peoples.

This is going to be critical as we figure out how we are going to tackle climate change, how we are going to mitigate the impacts of climate change, and how we are going to help communities adapt.

When it comes to environmental assessments, those are also critical. These are environmental assessments that apply to major projects that often impact indigenous communities. The Canadian Environmental Assessment Agency, I will say, has done a pretty good job of consulting with indigenous peoples, but clearly we can all do more. With major projects that fall under the purview of the Canadian Environmental Assessment Agency, we need to make sure that we're consulting with indigenous peoples and that when accommodations are required, those are being followed and also that we're bringing in indigenous knowledge and we're working hard at that. I will say it's a learning process. I say this very humbly, because I realized, as I said, when I came to this position that indigenous issues impact every element of my portfolio and that we need to do better.

I believe everyone is committed to doing better and that's why having someone like Jesse on my team, who has worked with indigenous communities, who understands the challenges, and who has relationships that we can build on, has been very critical to me.

• (1655)

**Mr. Michael McLeod:** Thank you. I was hoping to get a couple of more questions in.

The next question is regarding the navigable waters protection program and the Fisheries Act. We've heard from national organizations, and we heard it through our campaign, that we should repeal this. Can you tell us what you're doing on that front?

**Hon. Catherine McKenna:** The navigable waters protection program and the Fisheries Act fall mostly under the purview of the Minister of Fisheries and the Minister of Transportation. We work extremely closely on both files. When I meet with indigenous groups, they don't distinguish between different portfolios, so there have been concerns expressed. We are broadly, as a government, tasked with rebuilding trust in environmental assessments. We need to be working across these files and work with indigenous peoples to meaningfully engage them and accommodate where appropriate. That's something we're all committed to do as ministers, and we work closely together.

**The Chair:** Great, thank you.

The next question is from Kathy McLeod, please.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you, Mr. Chair, and thank you to the minister for her generosity with her time and for joining us today. I know when you have more than one committee you're participating with, it can be a challenge.

I'm going to get in a few questions, so if I do end up cutting you off, it's because I'm trying to get as many questions in as possible.

I want to first of all give one or two quotes.

Yesterday the parliamentary secretary to indigenous affairs in the House quoted the national chief of the AFN and said that a veto is not utilized in free, prior, and informed consent. Today National Chief Bellegarde said, "Free, prior and informed consent is very simply a right to say yes and right to say no", and that implementing UNDRIP, which is what you've committed to, is going to be requiring legislation, significant changes in our laws, regulations, and policies.

Then we have a quote from University of Ottawa law professor Larry Chartrand. He said, "If they don't want to go along with the project, at the end of the day they can say no, and that's the equivalent of a veto."

For the sake of the industry, could you please not dance around that language? If you are heading down the path where you can say no, and it doesn't happen, or you can call it a veto, and I don't know which language you want to use, but could you perhaps provide clarity for our natural resource industry? I would ask that you do it in a minute or less, because I have two more questions.

**Hon. Catherine McKenna:** That's a big question for a minute or less.

First of all, I will say I'm pleased that our government representatives this week, Minister Bennett and Minister Wilson-Raybould, were in New York, and they announced we had shifted our position on the United Nations Declaration on the Rights of Indigenous Peoples, and that we will be implementing it in accordance with Canadian law and our Constitution.

**Mrs. Cathy McLeod:** Sorry, minister, will no just mean no in the future? Is that what's going to happen? Clarity for the resource industry is important, as is clarity for aboriginal communities. There are expectations out there, so does no mean no?

**Hon. Catherine McKenna:** What is key, if resources are to get to market, is that they are done in a sustainable way, and they're done where we all strive toward consensus. That is what is critical. That is what the resource companies are coming to...many of them have come to that conclusion and are working constructively with indigenous communities. We should be striving toward consensus, and that's why we're working on rebuilding trust with our environmental assessment process.

**Mrs. Cathy McLeod:** Thank you.

I don't disagree that most resource companies in Canada recognize.... I met with the mining association, and there's very good acknowledgement out there that they need to be working side by side in partnership.

I haven't received a reply to my "no means no", so I'm not comforted, and I don't think the indigenous community will be comforted with the dancing.

I've also asked Minister Carr and Minister of Indigenous and Northern Affairs Carolyn Bennett this next question. I know people want to work together and try to get to the very elusive "everyone is happy". Kinder Morgan, and I'll use that as an example again. The Simpcw First Nation, which is in the riding I represent, has signed a benefit agreement. They are very enthusiastic about this particular pipeline going forward, and they have agreements in place. I understand there are a number of bands along the path that have agreements in place.

How are you, as the environment minister, going to deal with...? You have five bands that are in agreement, and perhaps you hit the Lower Mainland, and there is significant resistance, and there is a no. How are you going to align those in spite of the best efforts with any proposed legislation?

• (1700)

**Hon. Catherine McKenna:** Thank you for the question.

I think there is a special relationship and a special obligation to indigenous communities, but there is not going to be absolute agreement, generally, for most projects. That is just the reality. There

are different perspectives. We work with indigenous groups that are very supportive of certain projects, and with ones that have concerns.

I think we have learned through experience over the last decade that the only way you can build anything is to have positive, respectful relationships. This is a prerequisite, and it is something we work really hard on. When we do environmental assessments, we engage with indigenous communities, local communities, and the proponent, and we strive for a consensus. There is not always going to be a consensus, though.

**Mrs. Cathy McLeod:** I am trying to get a sense of, given the commitment to free, prior, and informed consent, and the lack of definition of what nation-to-nation will mean.... If you have something that is predominantly in the best interests of Canadians, and you have a number of aboriginal communities that are very satisfied with it, is Canada still willing to make that decision? Are you going to ensure that any legislation you propose allows for that ultimate maintenance of sovereignty?

**Hon. Catherine McKenna:** When you do environmental assessments, you look at the impact—the environmental impact, the impact on communities, the impact on indigenous peoples and traditional lands—and then you do an assessment.

I am happy to pass it over to the head of the CEEA.

You will get back.... There may be significant impacts. It could be significant impacts on an animal or on traditional land, and then a decision has to be made about whether or not the project should go ahead.

It probably would be useful to pass it on to the head of CEEA, so he can talk directly about the level of engagement that the CEEA engages in when it comes to indigenous peoples.

**The Chair:** Very briefly, if you could, Mr. Hallman.

**Mr. Ron Hallman (President, Canadian Environmental Assessment Agency):** Thank you, Mr. Chair.

For a specific project, the engagement ideally would begin by the proponent prior to launching the project. Pre-engagement most often tends to help build a relationship with first nations or indigenous communities, and other communities as well. We encourage them to be involved at that level.

**The Chair:** We can try to work some of that answer into a subsequent question, if it is relevant, but to keep things fair and moving along, I am afraid I have to cut you off.

The next question is coming from Charlie Angus, please.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Thank you, Mr. Chair.

Thank you, Minister. I am very glad that you are here.

I want to say a special hello to Mr. Hallman, whom I last met in Attawapiskat when we were getting the foundations put down to finally get a grade school built. It was a wonderful day, and your wonderful daughter was there. It is great to see you again.

That being said, I have very little time. I don't want to sound curt, but I have so many questions to ask.

I just want to clarify. Is the government going to follow through on the tanker ban on the B.C. coast?

**Hon. Catherine McKenna:** We made the commitment in the election. It is part of the mandate of the Minister of Transport. I am not sure if it is [*Inaudible—Editor*]

**Mr. Charlie Angus:** Is that a yes?

**Hon. Catherine McKenna:** How that is implemented is really under the minister. This is better asked of the Minister of Transport.

**Mr. Charlie Angus:** Okay. That was a promise. I ask because we talk about striving towards consensus, but there are projects, for example, northern gateway. If there is a tanker ban, northern gateway doesn't go through, as far as I can see. If there is no tanker ban, it does go through. That is under your bailiwick, I believe.

Given the level of opposition in indigenous communities, will you be moving forward with the request for a three-year extension on their environmental certificate?

• (1705)

**Hon. Catherine McKenna:** I should clarify. There are three agencies that are responsible for environmental assessments. One is the Canadian Environmental Assessment Agency; one is the National Energy Board; and one is the Nuclear Safety Commission.

Pipelines fall under the purview of the National Energy Board and the Minister of Natural Resources.

**Mr. Charlie Angus:** I see that. I guess the question is.... We can talk all day about the special relationship, but they look to the crown. If the crown says yes, and we don't move on the tanker ban, and indigenous communities say no, there is no real prior and informed consent.

I would like to try to get a better sense of that. On the Site C dam, Grand Chief Phillip said that this government has failed the test of reconciliation by failing to consult.

Now there are a number of federal permits. The communities we have spoken to say that nobody from the federal government has spoken to them about the issuing of a federal permit. I have heard you say in the House that there has been consultation, so what is the nature of that? Does consultation mean that you are listening to their concerns if they say they don't think that project should go ahead?

**Hon. Catherine McKenna:** The Site C dam, for those of you who don't know, was a project approved in 2014 by the previous government. There are legally binding conditions imposed by the CEAA with which the proponent must comply. We are actively verifying those conditions, but beyond that, we're continuing to engage in discussions with indigenous leaders on how we work together on issues with respect to consultation.

**Mr. Charlie Angus:** They say they haven't been consulted, that federal permits have to be signed off.

**Hon. Catherine McKenna:** Yes.

**Mr. Charlie Angus:** What's the disconnect?

**Hon. Catherine McKenna:** This is a great example of a project that didn't have the level of consultation and engagement that should

have been had. This is why it is absolutely critical to rebuild trust in our environmental assessment process.

**Mr. Charlie Angus:** I agree.

I don't want to be rude here, but Chief Phillip says that how you respond is the test of reconciliation in B.C. It's not, "Go for it; we'll just pass Site C because we didn't do it up to now." They're saying this is here now. There are permits waiting.

What's that relationship to respond to that indigenous opposition? They say they are not being consulted on the issuing of federal permits.

**Hon. Catherine McKenna:** In this matter, because it's before the courts, there's not more I can say, but I will once again turn it over to the head of the CEAA.

**Mr. Charlie Angus:** I have to move on.

I'm concerned about the issue of climate change. The devastation affects our communities. It's not just that people can't hunt, but when an ice road goes out early, it's an economic catastrophe to industry and communities. Millions and millions of dollars of supplies don't get in.

I'm looking at the government's overall commitment for community infrastructure and it's not under the environment exactly, but that's only \$127.5 million per year. That includes roads, bridges, energy systems, broadband connectivity, all kinds of physical infrastructure for fire protection. If you're looking at mitigation, have you done an estimate of what's out there for ice roads? Those are our links to all our northern communities.

**Hon. Catherine McKenna:** I agree with you that this is going to be a significant challenge with melting permafrost, with ice roads no longer being accessible, or accessible for a shorter period of time. That's why we're engaging with our pan-Canadian process. I was just speaking with my counterpart from Yukon immediately before I came here to talk about the specific circumstances in Yukon.

This is something we need to better understand. I don't know that anyone can quantify it. In fact, how significant the impacts will be will depend on how the world reacts and what measures we take to tackle climate change, which is why having an ambitious agreement was so significant. We have the working group process. Under adaptation, there's a group that looks at the impacts on northern communities, because I agree, there are very special challenges there that we need to consider.

**Mr. Charlie Angus:** Thank you.

In 2014 this committee found a lack of effective environmental regulation. Many indigenous communities are particularly vulnerable, much more so than off-reserve communities. It's the jurisdictional black hole that all our communities fall into from whether it's fire services to basic health and safety. It's the same in the environment. Many of our communities have become toxic because of poor installation of buildings and diesel.



Has the department conducted an assessment on this environmental regulatory gap, and if so, is there a plan in place?

• (1710)

**The Chair:** Be very brief, if you could, Minister.

**Hon. Catherine McKenna:** I agree with you. There are regulatory gaps. We are assessing them. We will commit to doing more, because as you say, this is a key area and certainly, that is something the department is committed to doing.

**The Chair:** The next question is from Don Rusnak, please.

**Mr. Don Rusnak (Thunder Bay—Rainy River, Lib.):** Thank you, Mr. Chair.

Thank you, Minister, for taking the time to come here and address this committee today.

I want to address something that my friend across the way was talking about. She wanted a yes or no answer, and I understand that whether first nations have a veto on resource projects is far more difficult than a yes or no answer. In my riding, New Gold has been engaged with first nations for quite some time.

Could you discuss some of the ways your department is working with first nations and companies?

**Hon. Catherine McKenna:** If you're talking about environmental assessments in particular, we work very closely with indigenous peoples. We engage with them early on. We ask the proponent that they engage with them, and also incorporate traditional knowledge when they provide their responses to particular questions.

If you're talking about the specific circumstance, the specific example, I can pass it on to the head of the CEAA, Ron Hallman.

**Mr. Ron Hallman:** Chair, I'm not sure if there's a more specific question or just in general.

**Mr. Don Rusnak:** In general, I want to know how you're engaging with indigenous communities and companies at the very start.

**Mr. Ron Hallman:** Absolutely.

Chair, when we get a project description from a proponent, we work with the proponent, with indigenous groups, and members of the public through consultation to make sure that everyone understands what that project is, and the description. If it's not clear, then we ask the proponent to make it more clear.

Once we do that, we ask indigenous groups what impacts they believe that project may have on them, if they know. That helps form our environmental impact statement guidelines and the repertoire, if you will, of the work that we ask the proponent to do, and the analysis, to be able to indicate what those effects may be and what mitigations they would propose.

Typically, we would have a working group that would be made up of indigenous groups and other representatives, and the proponent and expert federal departments, chaired and coordinated by the agency, as the crown consultation coordinator, so that there would be single-window access to the process and so that we can coordinate the work going back and forth.

Whenever we can, we try to have boots on the ground in the community if the indigenous group wants that. We remain very flexible on how and when and where we do that consultation. It's often very valuable, and we get the best traditional knowledge information, when we're able to be in communities and hear directly from elders. Then if we see a gap between the traditional knowledge and what the proponent's analysis may say, we work with the proponent and ask them to identify how to bridge that gap in information so that both of them come together in terms of our advice to the minister on what we believe those effects will be, what those mitigations could be, and following from that what the legally enforceable conditions ought to be, if indeed the project proceeds.

**Mr. Don Rusnak:** Again, I started speaking about the New Gold project in Treaty No. 3 territory. I know that the company has engaged with first nations for a long time there. I don't know what your department's role has been there specifically, but practically, if companies aren't engaging with first nations or indigenous communities, there are other mechanisms for first nations to stop projects. We've seen that all over the country. We've seen it in using the courts, using roadblocks. I think the example of New Gold and the engagement that they've done has been absolutely excellent.

I want to shift to safe drinking water. Your department works with the Department of Indigenous and Northern Affairs and, I believe, Health Canada, in terms of safe drinking water and first nations. Can you describe the work you've been doing towards that end?

• (1715)

**Hon. Catherine McKenna:** Clearly, this is a very topical and key issue, safe drinking water on reserves, and it's something our government is committed to addressing. It's just unacceptable the situation with boil water advisories in so many communities.

In terms of Environment and Climate Change Canada's role, we do work very closely with INAC, as well as Health Canada, but our role is really on reducing the threats from pollution to water.

I can pass it on to my deputy to discuss in more detail what that involves.

**Mr. Michael Martin (Deputy Minister, Department of the Environment):** In doing that, we have a regulatory responsibility, including as it relates to waste water. We also work with the Department of Indigenous and Northern Affairs, which has program resources to help build the capacity for communities to better manage the environmental risks that may exist as they relate to water and waste water. Of course, we work with provincial authorities as well, and others in watersheds, to help manage those risks. We have monitoring programs in place that help provide the information necessary to communities to make good decisions about how best to manage those risks.

**Mr. Don Rusnak:** To continue with safe drinking water, what coordination mechanisms are in place to ensure that all federal responsibilities for the provision of safe drinking water in first nation communities are properly discharged?

**Mr. Michael Martin:** We would work with specific communities in terms of the challenges they may face, whether there is a capacity issue, whether there's a regulatory question, whether there's a specific pollution risk. Through that engagement, we use both our regulatory capacity and our scientific capacity, and our partners at Indigenous and Northern Affairs Canada, who have significant programmatic resources to help support communities to manage those risks.

**The Chair:** Thank you.

We're going to move into five-minute rounds of questions now. The first question is from Todd Doherty, please.

**Mr. Todd Doherty (Cariboo—Prince George, CPC):** Thank you, Mr. Chair.

I'm going to ask this question again, because neither the question posed earlier by my colleague nor a follow-up question by our colleague across the way has cleared up any of the confusion.

Minister, I appreciate the work that you're doing and I appreciate the work that your colleagues are doing, but there's confusion out there, whether it's with industry, with indigenous peoples, or with communities.

Please give a simple answer. Does free, prior, and informed consent give veto?

**Hon. Catherine McKenna:** Sorry, I missed the last word. Does free, prior—

**Mr. Todd Doherty:** Does it give veto?

**Hon. Catherine McKenna:** I will go back to what Perry Bellegarde, the national chief of the Assembly of First Nations said. Veto is not utilized in free, prior, and informed consent in the UN declaration, but it's about collaboration and working together. That is really key.

As we said, proponents clearly need certainty. They want to get the resources to market, and to do that, they need to ensure that they're consulting and engaging, and where necessary—

**Mr. Todd Doherty:** We're not disputing that, Minister. We're not disputing that at all. We believe that collaboration must start on day one. But Perry Bellegarde said today that free, prior, and informed consent "very simply, is the right to say yes, and the right to say no." Are you referring to those comments?

**Hon. Catherine McKenna:** I'm referring to the fact that veto is not used in the definition of free, prior, and informed consent.

I think what is key is that—and I'm going to continue saying this because it's just true—the only way you will get your resources to market is if you show that you can do it in a sustainable way and that you have meaningfully consulted with indigenous communities. Companies know this. Proponents know this. Communities will have different perspectives. That's absolutely right, but you need to strive to build a consensus. Unfortunately, because that hasn't happened in the past, it's been extremely difficult for some major projects to build—

• (1720)

**Mr. Todd Doherty:** Minister, you're also on record saying that we're not always going to have consensus, correct?

**Hon. Catherine McKenna:** Yes.

**Mr. Todd Doherty:** So at what point is a decision made to move...? Where do we balance out economic with consensus?

**Hon. Catherine McKenna:** Now I'm going to get quite technical, and I will eventually pass it on to the head of the Canadian Environmental Assessment Agency.

As I said, my role is to ensure that we go through the proper environmental assessment process and look at all of the factors. The Canadian Environmental Assessment Agency will assess what impacts there are, and as part of that, will look at impacts on indigenous communities, and ultimately, a decision will be made.

**Mr. Todd Doherty:** Okay.

Minister, I'm going to shift because we're not going to get a concise answer on that.

Have you been briefed on the potential economic benefits of the proposed Pacific NorthWest LNG project?

**Hon. Catherine McKenna:** I am aware. The Pacific NorthWest project is, just for those of you who may not know, an LNG project that's under review by the Canadian Environmental Assessment Agency.

We have received 34,000 comments, I think, as well as significant new information from the proponent. We're now working with the proponent.

In the draft assessment, there were a number of conditions. Concerns were expressed by the proponent about the conditions which we felt were necessary to mitigate the impact on things like salmon. We are in the process of working with the proponent to address those issues.

**Mr. Todd Doherty:** Thank you, Minister.

Thirty-four thousand responses; is that what you said?

**Hon. Catherine McKenna:** Those were comments provided by the public.

**Mr. Todd Doherty:** In regard to the 34,000 responses, how many of those responses are from the region and the communities that are directly impacted?

**Hon. Catherine McKenna:** I do not have that answer. I will ask the Canadian Environmental Assessment Agency.

**Mr. Todd Doherty:** I'd appreciate that.

The other question is, when you are doing your consultations—

**Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.):** Mr. Chair, on a point of order, I think the minister needs to answer that question. She's deferring it to her colleague, and I think it's disrespectful for them not to be able to answer the question.

**Mr. Todd Doherty:** Mr. Chair, I'm simply trying to get the questions in with the limited time that we have. There's no disrespect at all.

This is actually a follow-up to the reason that I'm asking that question.

**The Chair:** Please proceed.

It's noted, Gary. Thank you.

**Mr. Todd Doherty:** Minister, the reason I'm asking this is that in my riding of Cariboo—Prince George, indeed, northern gateway goes through there, and there's Pacific NorthWest LNG. We've had Mount Polley. There is a considerable amount of third party interests, folks who are there, folks who are calling in against projects that have no specific interest in our region. That's why there's concern: the narrative is being driven by outside parties.

My question for you is, how can we as government or you as government in your process ensure that third party interests outside of those that are here, are not carrying the narrative and making the decision for us?

**Hon. Catherine McKenna:** Our focus when it comes to environmental assessments is making decisions based on science, facts, and evidence. We look at comments that are received. We also look at the science. We look at the facts. The big focus is on what the significant impacts are and whether the impacts can be mitigated.

The goal is not to ensure projects don't go ahead, but it's to make sure that projects that go ahead proceed in a sustainable manner and also mitigate any impacts.

**The Chair:** We're out of time.

The next question is from Gary Anandasangaree, please.

**Mr. Gary Anandasangaree:** Thank you, Mr. Chair.

Thank you, Madam Minister, for being here today. Thank you very much for the hard work that you've undertaken since October 19.

I want to refer to your mandate letter with respect to a comment that's in every minister's mandate letter. That's with respect to the comment, "No relationship is more important to me and to Canada than the one with Indigenous Peoples."

I would like you to interpret that for me. I know you laid it out at the beginning, but I think it's important to see how you reflect this, and how you feel that you're engaged in fulfilling this particular mandate.

• (1725)

**Hon. Catherine McKenna:** It is true that no relationship is more important, and that means that we need to meaningfully consult, and we need to meaningfully engage, and we need to make sure that indigenous peoples are sitting at the table, that it isn't just lip service, that you have the conversations, that you listen to perspectives. This is a different way of doing things.

As I said, I'm very humble about this. It is a learning process, but it is critically important. It's critically important to doing what we've also committed to doing, which is to have real reconciliation, and to move forward as a country.

Everything we do we consider, how should we be meaningfully engaging with indigenous peoples? What conversations should we be having? Who should we be calling?

It's interesting because it even came up on the first day on the job regarding Montreal sewage. I inherited the file on the issue of whether there should be a release of sewage into the St. Lawrence.

It was a really tough file because based on the science and evidence, and in talking with my scientists, they said that a controlled release was far better as it could be monitored, and you could mitigate the impacts, as opposed to an uncontrolled release.

We had concerns. I had major concerns. I said that we could just make that decision, but a lot of people would not understand it. We knew there were communities that would be very unhappy and impacted, so we reached out to them. It was interesting because what they said was, "This is unbelievable. We cannot believe that you are reaching out."

It was suboptimal for everyone, but it was a decision based on science and evidence. I think that's the important thing, that we actually make the effort, that you consider whether there is an impact. Is there a way to go forward? How do you have real conversations and find out ways to move forward?

I think that applies to major projects. I agree with you that working with communities and trying to find solutions, creating economic opportunities, are hugely important, but finding ways to do this in a sustainable way that reflects this view that we need a nation-to-nation relationship, that we will only be able to move forward with these projects if we have meaningfully consulted, meaningfully engaged... Because the last thing we want, to the member's point previously, is litigation. The last thing we want are blockades. No one wants that.

The way to avoid that is to look at the opportunities. How do we strive for consensus? That won't always be possible, but that's what we should be striving for, and that's what we do. That's what I know the public servants I work with are very committed to doing.

**Mr. Gary Anandasangaree:** Thank you, Minister.

I'd like to pick up on a conversation we've had on a number of occasions, and that's with respect to establishing parks and the role of the indigenous communities in doing that. The previous government was very limited in terms of its engagement. In my riding of Scarborough—Rouge Park, for example, the Rouge National Urban Park abuts my riding and is very much part and parcel of it.

I know the conversation that you have had with respect to engagement. Without getting into specifics on that case, can you outline overall how you have been engaging on establishing national institutions such as parks and heritage sites?

**Hon. Catherine McKenna:** Engagement with indigenous communities is absolutely critical for parks. As we heard in the statistics that I provided previously, you could not establish parks in many cases unless you had proper engagement with indigenous peoples.

It is a big success story. We are trying, of course, to do more and we're looking at how we can engage better. For example, Torngat Mountains National Park, if I'm not mistaken, has entirely Inuit employees. This is an example of a huge success story. It provides economic opportunity and ensures that traditional knowledge is incorporated.

**The Chair:** Thank you.

Arnold Viersen, we have time for one minute of your five-minute round.

**Mr. Arnold Viersen (Peace River—Westlock, CPC):** I get a whole minute. Thank you, Mr. Chair.

Thank you, Minister, for being here today.

I understand that Canada currently has approximately 10% of our land set aside for the Aichi biodiversity targets. Our commitment is 17% by 2020. Does this land include any reserve land that you know of?

• (1730)

**Hon. Catherine McKenna:** There is a criteria with respect to protected areas. We have a significant way to go, and we're working very hard. It includes working with provinces and territories. It's really whether it meets the international criteria to be considered a protected area.

I will ask the head of Parks Canada to specifically answer that.

**Mr. Daniel Watson (Chief Executive Officer, Parks Canada Agency):** We work very closely with the provinces and territories on this, because on the land mass, they are the biggest holders of the land there.

As the minister pointed out, it does need to meet the standards set by the IUCN, and we have agreement between the federal government and the provinces on how to approach that. I'm working closely with them on that front.

**Mr. Arnold Viersen:** How is aboriginal land going to tie into that?

**The Chair:** Arnold, I'm afraid we're out of time.

**Mr. Arnold Viersen:** That was a very short minute.

**The Chair:** That was a minute and seven seconds.

Thank you, Minister McKenna, Mr. Martin, Mr. Watson, and Mr. Hallman, for joining us today. We really appreciate your making the time for us.

We'll be in touch as time goes on.

**Hon. Catherine McKenna:** Thank you.

**The Chair:** The meeting is adjourned.

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