

**Federal Authority Advice Record (FAAR)****FAAR Response must be submitted by February 27, 2026**

Baptiste Nickel Project – FPX Nickel Corp. (proponent)

Registry File: 90051

Department/Agency	Crown Indigenous Relations and Northern Affairs Canada
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**1. Will your department or agency exercise a power, perform a duty or function, or provide financial assistance, related to the project to enable it to be carried out in whole or in part?**

It is not probable that Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) will exercise a power or perform a duty or function related to the Project to enable it to proceed as CIRNAC is not a regulatory department with respect to the proposed project.

CIRNAC does not have a regulatory function relative to the proposed project but can offer subject matter expertise as required of Federal Authorities under the *Impact Assessment Act*. CIRNAC's Major Projects Team facilitates communication and coordination of subject matter expertise from within the department and provides this expertise to partner departments and agencies involved in the Impact Assessment Process – Horizontal Initiative.

**a) Specify the power, duty or function, or financial assistance, and the likelihood that it will be required to construct the project, based on the Initial Project Description, as either Required, Potential, Likely, Unlikely or Not Required**

CIRNAC will not exercise a power or performed a duty or function under any Act of Parliament in relation to the Project, or take any course of action that will allow the Project to proceed in whole or in part.

**b) Describe any associated Indigenous or public consultation, including timelines**

NIL.

**c) Describe any associated information requirements (e.g., alternative means assessment, habitat offsetting), and specify those that may be coordinated with the impact assessment process, if an impact assessment is required**

NIL.

- d) **Identify any associated project-specific guidance or issues of which the proponent should be aware, or information the proponent should provide.**

Expert Information and Knowledge

- I. Section 35 Aboriginal and Treaty Rights are recognised and affirmed by Section 35 of the *Constitution Act, 1982*. These are reflected in court decisions, historic treaties, modern treaties, and some self-government agreements. There are elements involving s.35 rights outlined in agreements stemming from recognition of Indigenous rights and self-determination processes and other related agreements:
- 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 upon established and asserted Section 35 rights. CIRNAC continues to work on updating the [2011 Guidelines for Federal Officials to Fulfill the Duty to Consult. Engagement with Indigenous groups to renew the guidelines](#) began in February 2024 and is ongoing;
  - 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. Where project impacts on Modern Treaties have been identified, federal departments and agencies must engage Indigenous Modern Treaty partners on a bilateral basis as early as possible. CIRNAC provides guidance on engagements and tailored contacts for reach out to Modern Treaty partners. [Canada's Collaborative Modern Treaty Implementation Policy](#) (2023) and the [Cabinet Directive on the Federal Approach to Modern Treaty Implementation](#) (2015) provides further guidance to departments and agencies in implementing Modern Treaties; and
  - CIRNAC leads negotiations of modern treaty, self-government, and related agreements (including consultation protocols) on behalf of the Government of Canada.
  - Further to the 2021 Supreme Court of Canada Desautel decision, the legal duty to consult applies to non-resident Indigenous groups who fall into the category of "Aboriginal peoples of Canada" on account of their prior historical residence in what would later become Canada. Per the decision, consultation may operate differently with non-resident groups. CIRNAC can support federal officials by sharing information on CIRNAC's section 35 rights and status related assessments for non-resident groups, providing information about non-resident groups and the Crown's current relationships with those groups if not yet available through the Aboriginal and Treaty Rights Information System (ATRIS), and context-specific duty to consult and engagement guidance.

Publicly Available Tools

- II. [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 and/or asserted Section 35 rights. ATRIS provides access to profiles, documents and maps that can be used to assist governments in determining their consultation obligations and other interested parties in carrying out consultation and engagement research. CIRNAC can offer assistance in navigating, and engaging with the ATRIS system.
- III. [The Reporting Centre on Specific Claims](#) is a publicly available tool that can be utilized to search for information about specific claims that are still in process as well as claims that have already been resolved. Specific Claims made by First Nations against the Government of Canada relate to the administration of land and other First Nation assets and to the fulfillment of historic treaties and other agreements. Settling specific claims is one of the many steps on the journey to reconciliation with First Nations.

The following First Nation community was identified by the proponent as being potentially impacted by the project and has a specific claim in negotiation:

- Stelat'en First Nation

#### Additional Considerations

- IV. [United Nations Declaration on the Rights of Indigenous Peoples Act \(UNDA\)](#):
- The Government of Canada is 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. Justice Canada is the federal lead on UNDA, and CIRNAC has an important role due to its relationships with Indigenous partners. CIRNAC's advice and actions in relation to the initiative under consideration will be consistent with the rights-based approach endorsed by UNDA.
  - Canada has worked in cooperation and consultation with Indigenous partners to develop the UNDA Action Plan. This Action Plan includes a number of measures which relate directly to Indigenous decision-making and participation and must be taken into account where Indigenous rights may be affected.
- V. Reconciliation: All departments continue to work on implementing all 94 Calls to Action from the [Truth and Reconciliation Commission Final Report](#).

CIRNAC is developing guidance for federal officials on the following matters arising in consultation and engagement processes, and departments or agencies may contact CIRNAC for more detailed information:

Self-Identifying Indigenous Collectives: There has been a rise in self-identifying Indigenous collectives, from within Canada and abroad, who assert Section 35 rights in specific regions within Canada.

- A variety of colonial factors have contributed to these scenarios such as the imposition of *Indian Act* electoral systems, and the definition of interprovincial and international boundaries. In some instances these Indigenous collectives may be owed a duty to consult depending on factors such as the strength of their claim and evidence that the leadership actually represents an Indigenous group that potentially holds Section 35 rights. In situations where Canada is of the view that there is no legal duty to consult, Canada may nevertheless engage with Indigenous groups to support relationship building and foster learning about the group and who they represent. In such case, it is important to convey that consultation is not a rights recognition process.

Accommodation: Accommodations measures seek to reduce, avoid or eliminate the potential impacts of a project on Indigenous people's rights. The principle of accommodation does not apply to engagement. Nevertheless, when engaging, there may be cases in which Canada assesses the circumstances and decides to provide benefits to the relevant groups to support reconciliation.

Assessing Impacts on Rights: During this process, it is important to consider and assess the cumulative impacts of the potential Project on the exercise of Section 35 rights. Recent court decisions have shown the cumulative effects of major projects can impact Indigenous people and their treaty rights.

Information relative to Canada's relationships with Indigenous people: This may include historic treaties, modern treaties or self-government agreements, and relationships being formalized through Recognition of Indigenous Rights and Self-Determination (RIRSD) tables in the project area.

CIRNAC can provide information related to Indigenous groups seeking to obtain section 35 federal rights recognition in the major project area.

CIRNAC has on-going negotiations with the following First Nations:

- Lake Babine Nation
- Nadleh Whut'en
- Nak'azdli Whut'en
- Stelat'en First Nation
- Takla Nation
- Tl'azt'en Nation
- Yekooche First Nation

- e) **Indicate whether your department or agency has identified any power that it will not be exercising or may not be able to exercise to allow the project to be carried out, in whole or in part.**

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 relative to the Crown's section 35 (*Constitution Act, 1982*) legal duty to consult in

the context of proposed projects undergoing assessment under the *Impact Assessment Act*, if requested by the Agency or partner departments.

2. **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate<sup>1</sup> and the information in your possession, including the Initial Project Description, any exchanges with the proponent or others related to the project and known means to address the effects of the project. For each key issue:
  - a) Specify the key issue (e.g., specific species and location)
  - b) Specify the project component or activity linked to the key issue
  - c) Explain why it's a key issue based on:
    - i. biophysical effect pathway(s) from the specific project component or activity
    - ii. concern unique to the project or a priority within your mandate
    - iii. the issue being material<sup>2</sup> to decision making under the *Impact Assessment Act*
  - d) Identify how the issue could be resolved, including through means other than an impact assessment
  - e) Identify additional information the proponent could provide including to give confidence on how the issue can be addressed through other means.

NIL.

Bruno Steinke, Senior Director,  
 Consultation and Accommodation Unit,  
 Modern Treaties Consultation and  
 Intergovernmental Relations Sector,  
 CIRNAC

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Name and Title of Departmental / Agency Responder

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<sup>1</sup> Refer to the [Memoranda of Understanding with IAAC](#).

<sup>2</sup> An issue is material to decision making if its analysis is anticipated to affect the conclusions on (1) whether adverse effects within federal jurisdiction or direct and incidental adverse effects (collectively adverse federal effects) are likely not significant, or of low, medium or high significance; (2) appropriate mitigation measures for significant adverse federal effects; or (3) justification in the public interest

**Table 1: Key Issues to inform the impact assessment process**

This table should outline key issues to inform the impact assessment process, including whether an impact assessment is required and, if so, the scope of the assessment and tailoring of the Tailored Impact Statement Guidelines/Application Information Requirements in a substituted assessment.

Key issues are the major concerns directly related to a project component or activity, the analysis of which is anticipated to be material to decision-making under the *Impact Assessment Act*.

Federal authorities' advice should be guided by the identification and resolution of key issues. If an impact assessment is required, it will be focused on key issues.

Comment ID	a) Key issue	b) Project component or activity	c)(i) Biophysical effect pathway(s)	c)(ii) Concern unique to the project or a priority within your mandate	c)(iii) Material to federal decision-making	d) Means for issue resolution	e) Additional information from the proponent
<p>Identify comments by organization and comment number.</p> <p>e.g.: IAAC-01</p>	<p>Specify the key issue (e.g., specific species and location).</p>	<p>Identify the project component or activity linked to the key issue.</p> <p>Be specific about the nature, scale, novelty and complexity or the component or activity.</p>	<p>Identify the specific biophysical effect pathway between the project component or activity and the affected environmental or human receptor (including Indigenous Peoples).</p>	<p>Describe why it's a key issue within the mandate of your department or agency, including in terms of priorities of the federal government and in terms of anticipated likelihood, severity or uncertainty of effects.</p> <p>Identify if the key issue is common for projects of this nature or in this sector, or whether it's unique to this project due to its complexity, size or novelty; a sensitive or rare receiving environment; and/or proximity of sensitive environmental or human receptors (including Indigenous Peoples).</p>	<p>Describe why the key issue is material to decision-making as either:</p> <ul style="list-style-type: none"> <li>• an adverse effect within federal jurisdiction, or a direct or incidental adverse effect, that may be significant based on available evidence including:                             <ul style="list-style-type: none"> <li>○ federal experts' knowledge and experience with past project assessments;</li> <li>○ presence of sensitive species, habitats or human receptors (including Indigenous Peoples);</li> <li>○ novel or complex project activities, components or technologies;</li> <li>○ high uncertainties in effects or in the effectiveness of mitigation measures;</li> <li>○ unknown or unproven mitigation; or</li> </ul> </li> <li>• a factor for the justification in the public interest anticipated to be material to decision-making such as a likely positive effect contributing to sustainability, to Canada's environmental obligations or climate change commitments or in supporting governmental priorities, such as reconciliation with Indigenous Peoples.</li> </ul>	<p>Describe how the key issue could be resolved or addressed by:</p> <ul style="list-style-type: none"> <li>• Any means, including powers, duties, functions, frameworks, policies or guidance that your department or agency has;</li> <li>• Any means, including powers, duties, functions, frameworks, policies or guidance from another jurisdiction, including the province;</li> <li>• Common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathway(s); or</li> <li>• Commitments made by the proponent (e.g., in the Initial Project Description).</li> </ul>	<p>Describe information the proponent can provide, or commitments the proponent can make, in their Response to the Summary of Issues that would provide confidence that the issue can be resolved by existing means.</p> <p>Consider whether information, studies, analyses or collaborative work with other authorities would be required to address the issue beyond existing means.</p>

Please insert additional rows as necessary.