



July 20, 2016

The Honourable James Carr, P.C., M.P.  
Minister of Natural Resources  
580 Booth Street,  
Ottawa, ON K1A 0E4

*Sent via email*

[NRCan.NEBModernization-ModernisationONE.RNCan@Canada.ca](mailto:NRCan.NEBModernization-ModernisationONE.RNCan@Canada.ca)

**Re: Submission on the Modernization of NEB: Draft Terms of Reference for Expert Panel**

Dear Minister:

On behalf of the Assembly of First Nations (AFN), I would like to express our interest to participate in the comprehensive review and national dialogue on federal environmental assessment processes, modernizing the National Energy Board, and restoring lost protections and introducing modern safeguards to the *Fisheries Act* and the *Navigation Protection Act*.

In light of Canada's expression of "unqualified support" for the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), First Nations need to be fully and effectively engaged in the process from the early planning stages, through the engagement sessions, and as legislative amendments are contemplated and promulgated in Parliament. Any Indigenous Engagement Plan should provide special attention and support to First Nation communities and their members to ensure that all interested voices are incorporated into the engagement and review process.

At the very least, any Draft Terms of Reference, or subsequent consultation process, must recognize and respect First Nations' rights, title, and jurisdiction. The Federal Government, and Prime Minister Trudeau, has continuously spoken about the need for a "nation-to-nation" relationship with Indigenous Peoples. If they are serious about this renewed relationship, it is imperative that First Nations are equal partners throughout the entire review of environmental and regulatory processes.

We understand the deadline for submissions on the terms of reference is July 20, 2016. We only received correspondence from Natural Resources Canada inviting our comments very recently. As a consequence, we have not had the time or ability to conduct an analysis of the draft terms of reference, nor to engage with our Chiefs, technicians, elders, youth or women's councils.

We suggest a meeting between Natural Resources Canada and AFN to discuss the terms of reference. This could be done through a meeting with the Advisory Committee on Climate Action and Environment (ACCAE) as soon as possible.

We look forward to working with you and your colleagues on building this renewed relationship between Canada and First Nations.