



**KFN  
RIGHTS &  
RESPONSIBILITIES  
ASSESSMENT LAW**

**NOVEMBER 24, 2025**

**KFN MEMBER ENGAGEMENT**

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# Outline



**How did we get here?**

**Development of Rights & Responsibilities (R&R) Assessment Law**



**What have we heard?**

**Updates to R&R Assessment Law**



**Where are we going?**

**Application of R&R Assessment Law to the Near Surface Disposal Facility (NSDF)**

# How Did We Get Here? Developing the R&R Assessment Law

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- **February 2025: Federal Court releases decision in *KFN v Canadian Nuclear Laboratories***
  - Court found Canadian Nuclear Safety Commission (CNSC) did not fulfill the duty to consult because it did not consider KFN's right to Free, Prior, and Informed Consent (FPIC)
  - Court directed parties to resume consultation with a view to implement FPIC
  - Council decided to develop an FPIC Law to give life to community-based decision-making
- **June-July 2025: Community input into development of FPIC Law**
  - Community meeting, elder & youth focus groups, and survey to gather feedback from members about how decisions about the lands and waters of KFN Territory should be made
- **September 2025: Draft R&R Assessment Law presented to community**
  - survey distributed to gather additional direction from community
- **Today: Revised R&R Assessment Law based on community feedback**
  - includes an explanation of how the Law will be adapted to evaluate the NSDF Project



## Refresher: Purposes of the R&R Assessment Law

The purposes of the R&R Assessment Law are to:

1. develop an **internal consultation process** rooted in Algonquin law, knowledge, and community priorities
2. evaluate the **relative risks and benefits** of proposed projects, considering potential mitigation and accommodation measures
3. enable KFN to assert its **self-determination and self-government**, including by providing the community with a vehicle to say “yes” or “no” to a project

# Refresher: Foundations of the Law

**Responsibilities:** the vital way of life whereby Algonquin Anishinaabeg protect and care for all relations, and in turn, all relations support the Algonquin Anishinaabeg in securing livelihoods, health, safety, and cultural and spiritual well-being from Algonquin *Aki* (Earth).

**Algonquin Knowledge:** the system of knowledge built through generations of living in close contact with *Aki* (Earth) and the political, linguistic, economic, social, cultural, spiritual, and ecological order derived from this relationship.

**Algonquin *Ona'ken'age'win* (Law):** the legal principles, processes, rights, responsibilities, and responses which guide Algonquin Anishinaabeg relations within community, between communities, between Nations, and with *Aki*, including the “Administration Principles” and “Assessment Principles” (next slides...)



Artwork by Destiny Cote

# Algonquin Ona'kne'age'win (Section 4)

## ADMINISTRATION PRINCIPLES

1. Wisdom
2. Respect
3. Love
4. Bravery
5. Honesty
6. Truth
7. Humility



## ASSESSMENT PRINCIPLES

1. Respect for All Relations
2. Water is Life
3. Preserving KFN Way of Life
4. Seven Generations Perspective



# The R&R Assessment Process



# Refresher: Roles and Responsibilities

- **Assessment Committee:** representative body that will implement the Law and coordinate the assessment of Projects
- **Chief and Council:** Council will direct and oversee the work of the Committee and engagement with the Crown or proponent
- **KFN Members:** participate throughout the FPIC Process, including through meetings, ceremonies, studies, community referendum (if applicable), etc.



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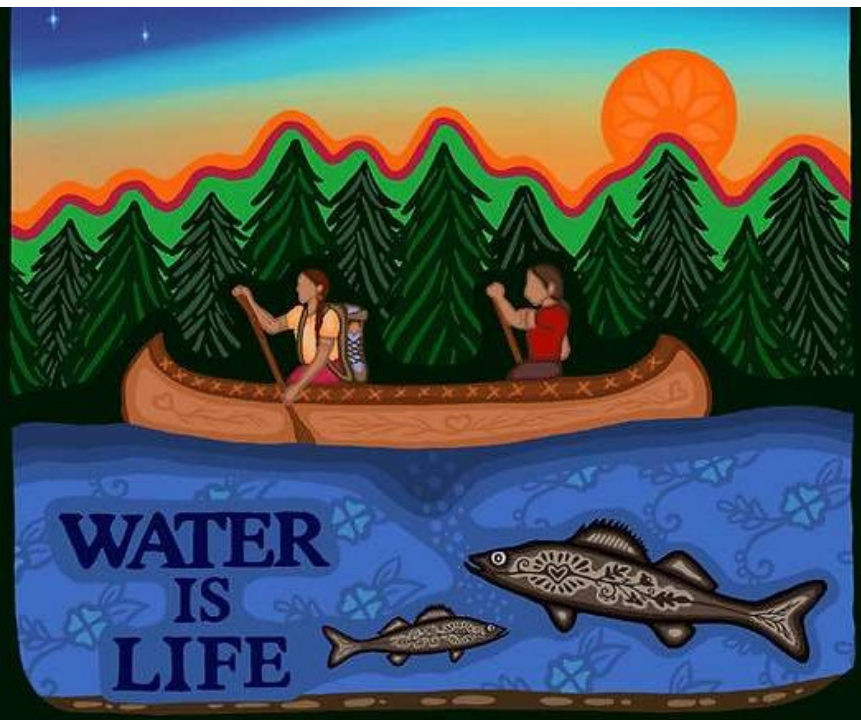
# The Assessment Committee – Seeking Applications!

- **Manager:** directs and oversees Committee work, under the guidance of Council
- **Membership:** 7 voting members total, with at least one:
  - **Elder:** carry the memory of past generations, along with the laws and stories that have guided KFN
  - **Land / Water User:** carry first-hand knowledge of the health of the lands and waters
  - **Youth:** inherent the consequences of our decisions
  - **Woman:** keepers and caretakers of water
  - **Councillor** (non-voting): to ensure cooperation between the Committee and Council
- **Eligibility Requirements:** drawn from community feedback:
  - **Age:** 16+
  - **Knowledge/Experience:** Algonquin law, language, history, and culture; impact assessment; scientific and technical reviews; government administration and relations; other areas
  - **Values/Skills:** Commitment to best interests of community, good interpersonal skills
  - **Availability:** Able to commit to a two-year term and approximately 10-15 hrs/per month

# Steps 1-3 of the R&R Assessment Law

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- **Step 1: Notice of Intent and Project Description**
  - Proponent submits accessible project information that meets KFN's own criteria
- **Step 2: Project Description Review**
  - Committee reviews project information to ensure it meets KFN criteria
- **Step 3: Project Screening and Designation Decision**
  - Committee evaluates the severity of potential Effects of a Project and Impacts to KFN Rights and Responsibilities, and makes a Designation Recommendation to Council, which may include:
    - 1) **Denying FPIC** outright because Project overlaps with a Projected & Conserved Area or a Sacred Site
      - Community feedback defined a **sacred site** as “a site holding spiritual importance to KFN which may be tied to ceremonies, teachings, origin stories, ancestral presence, or spirits”
    - 2) Directing that the Project undergo a **regular consultation** process where the risks are screened as low or negligible; or
    - 3) Directing that a Project proceed for **review under the FPIC Process** (Step 4-13)



## Assessment Criteria (Section 10.2)

### • Step 3 (Continued)

When deciding whether to **designate Projects for review under FPIC Process (Steps 4-13)**, Committee must assess **Effects and Impacts** to:

- sites of historical significance to KFN;
- hunting, fishing, trapping, and gathering activities,
- the intergenerational transmission of Algonquin Knowledge;
- the flow, quantity, and quality of water;
- the terrestrial ecosystems;
- the atmosphere;
- social and economic conditions;
- subgroups of the KFN community;
- the collective health and well-being of the community;
- KFN stewardship and restoration efforts; and
- the sustainable management of KFN Territory for the benefit of current and future generations.



Photo: Anita Sawyer 2023; Wolf pack on Ottawa River

## **Step 4: Rights & Responsibilities Identification Report**

Committee will prepare a Report which:

- a) includes Project information
- b) identifies Rights & Responsibilities that may be impacted
- c) Sets out Assessment Criteria + Assessment Procedures

## **Step 5: First Community Meeting**

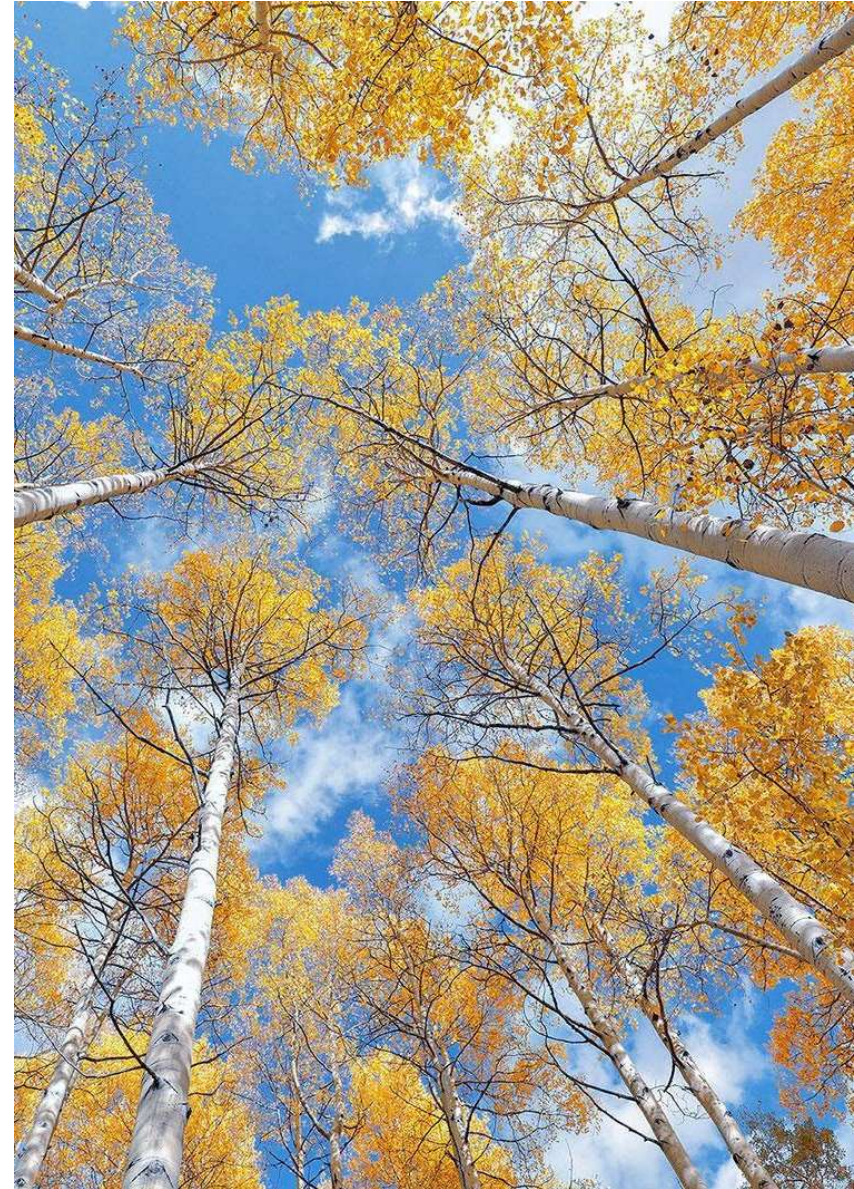
Committee will:

- a) present **R&R Identification Report**
- b) present the **Assessment Criteria** and gather input on any additional assessment criteria (see previous slide)
- c) present the **Assessment Procedures** that can be undertaken to evaluate the Project and gather input on any additional procedures (see next slide)
- d) solicit initial concerns and questions

## Assessment Procedures (Section 13.2)

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1. Commission **KFN-led studies**, e.g., baseline data collection, Indigenous knowledge study
2. Contract **external experts** to conduct independent verification of proponent studies
3. Arrange for **site visits**
4. Organize ceremonies, feasts, seasonal gatherings, talking circles, or other **cultural processes**
5. Arrange for **interviews or focus groups** with elders, youth, women, land or water users, etc.
6. **Oral hearings**
7. Community **surveys**
8. **Meetings with proponent** to present information and answer questions
9. Engage with proponent or Crown on potential **mitigation and accommodation** measures
10. Collaborate with **other Nations**



## Step 6: Evaluation

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Committee designs and carries out an Evaluation tailored to the Designated Project that **incorporates KFN members' input** received from the First Community Meeting

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Members will **actively participate** in the Evaluation, including by participating in studies, site visits, interviews and focus groups, ceremonies, oral hearings, surveys, etc.

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Members can also **submit their feedback** throughout the Evaluation

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# Steps 7-11 of the R&R Assessment Law

Step 7



## First R&R Assessment Report

- Describes and assesses the severity of the potential impacts to KFN Rights & Responsibilities, from the perspective of Algonquin Law

Step 8



## Second Community Meeting

- Gathers community perspectives on the significance of the potential impacts and the appropriateness of potential mitigation and accommodation measures, if any

Step 9



## Second R&R Assessment Report

- Issues a recommendation about whether KFN should grant its FPIC, considering the community's feedback

Step 10



## Third Community Meeting

- Gathers perspectives on the Committee's FPIC recommendation and the proposed FPIC conditions, if any

Step 11

## Third R&R Assessment Report

- Summarizes community perspectives on the overall acceptability of the Project and makes final FPIC recommendation or recommends a referendum

## Making the FPIC Recommendation/Decision: Factors to Consider (Sections 16.1b, 19.3)

- When the Committee makes its **FPIC Recommendation**, and Council makes the **final FPIC decision**, the following factors must be considered:
  - preserving sites of historical significance to KFN;
  - protecting the health and vitality of lands and waters;
  - preventing biodiversity loss;
  - minimizing pollution and waste;
  - ensuring current and future generations can exercise KFN Rights;
  - maintaining KFN's cultural sovereignty;
  - promoting the cohesion, well-being, and wholistic health of the community;
  - encouraging sustainable economic development and the self-sufficiency of the community;
  - respecting KFN's relationships with all relations;
  - promoting the intergenerational transmission of Algonquin Knowledge;
  - preventing and mitigating adverse Cumulative Effects; and
  - supporting the exercise of KFN's self-determination and jurisdiction.

\*Added in response to community feedback



Anishinabeg pictograph at Oiseau Rock

# Steps 12-13 of the R&R Assessment Law



Golden Eagle flies over Pointe au Baptême, Oiseau Rock in background

- **Step 12: Decision Statement**
  - Council may **grant** FPIC and specify the conditions on which the grant is made, or **refuse** FPIC
- **Step 13: Follow-up, Monitoring, Compliance, & Enforcement**
  - Lands & Resources Dept will **monitor** the Proponent's adherence to the FPIC conditions
  - Council may authorize the Assessment Committee to **review** a Project and consider whether appropriate to amend or withdraw FPIC, e.g., where the proponent fails to meet FPIC Conditions
  - Council can **revoke FPIC in emergency situations**, e.g., when there is a spill or accident