

OVERVIEW OF RIGHT & RESPONSIBILITIES ASSESSMENT LAW PROCESS



OUTLINE OF RIGHTS AND RESPONSIBILITIES ASSESSMENT LAW PROCESS

- **Assessment Committee:** The Assessment Committee is appointed by Council to administer the Rights & Responsibilities Assessment Law. The Assessment Committee is composed of seven members, including at least one elder, one land or water user, one woman, and one youth, who carry the responsibility to give voice to the rights-holding collective. The Assessment Committee must consider and implement Algonquin legal principles and processes in administering the Law.
- **Step 1 – Notice of Intent & Project Description:** The Rights & Responsibilities Assessment Law is triggered when there is a physical project or legislative proposal which may result in effects on KFN Territory or impacts to KFN Rights and Responsibilities. Proponents must provide KFN with a Notice of Intent and Project Description which contains sufficient information for KFN to conduct the Project Screening.
- **Step 2 – Project Description Review (30 days):** The Assessment Committee reviews the Project Description and determines whether the information is sufficiently complete to conduct the Project Screening. The Assessment Committee may issue requests to the proponent for missing information, or may modify or exempt the information required by the Law.
- **Step 3 – Project Screening & Designation Decision (120 days):** The Assessment Committee will conduct a Project Screening to determine the severity of the potential effects and resulting impacts to KFN’s Rights and Responsibilities. The Assessment Committee will issue a Designation Recommendation, which may recommend that Council:
 - A. deny KFN’s FPIC for the Project on the basis that the Project overlaps with:
 - i. an Algonquin Anishinaabeg Protected & Conserved Area, or
 - ii. a Sacred Site and the Project activities may alter, disturb, damage, or impede access to the Sacred Site.
 - B. direct that the Project not proceed for review under the FPIC Process where the potential impacts are screened as negligible or low, and instead provide directions for consultation; or
 - C. designate the Project for review under the FPIC Process where the potential impacts are screened as moderate or severe, or where the risks are unknown or uncertain.

- **Step 4 – Rights & Responsibilities Identification Report (30 days):** For all Projects designated for review under the FPIC Process, the Assessment Committee will prepare and distribute a Rights & Responsibilities Identification Report which: includes the Notice of Intent and Project Description; identifies the KFN Rights and Responsibilities that may be impacted by the Designated Project; and sets out the Assessment Criteria and Assessment Procedures.
- **Step 5 – First Community Meeting (30 days):** The Assessment Committee will host a community meeting to: present the Rights & Responsibilities Identification Report; record initial concerns and questions; explain the Assessment Criteria and the Assessment Procedures; and solicit any additional Assessment Criteria and Assessment Procedures that could be used to evaluate the Designated Project.
- **Step 6 – Evaluation (365 days):** The Assessment Committee will design and carry out an Evaluation of the Designated Project which incorporates the Assessment Criteria and Assessment Procedures identified by Members at the First Community Meeting. The Assessment Committee may direct the commissioning of KFN-studies, organize ceremonies, hold oral hearings, engage with the proponent and Crown, cooperate with other Nations, or perform any other procedure.
- **Step 7 – First Rights & Responsibilities Assessment Report (120 days):** The Assessment Committee will prepare and distribute the First Rights & Responsibilities Assessment Report which will: describe the Designated Projects’ potential Effects and Impacts; evaluate the likely effectiveness of potential mitigation and accommodation measures; and assess the severity of the potential Effects and Impacts from the perspective of Algonquin Law.
- **Step 8 – Second Community Meeting (30 days):** The Assessment Committee will host a Second Community Meeting to: gather feedback on the First Rights & Responsibilities Assessment Report; solicit perspectives on the appropriateness of potential mitigation and accommodation measures; and solicit perspectives on the significance of the Designated Project’s potential Effects and Impacts.
- **Step 9 – Second Rights & Responsibilities Assessment Report (60 days):** The Assessment Committee will update the First Rights & Responsibilities Assessment Report and prepare the Second Rights & Responsibilities Assessment Report which: incorporates the feedback on the First Rights & Responsibilities Assessment Report;

describes the significance of the Designated Project's potential Effects and Impacts, considering community perspectives and Algonquin Law; and makes a preliminary FPIC Recommendation, including proposed FPIC Conditions, if any.

- **Step 10 – Third Community Meeting (30 days):** The Assessment Committee will host a Third Community Meeting to: present and gather feedback on the Second Rights & Responsibilities Assessment Report; and solicit perspectives on the preliminary FPIC Recommendation, including the proposed FPIC Conditions, if any.
- **Step 11 – Third Rights & Responsibilities Assessment Report (60 days):** The Assessment Committee will update the Second Rights & Responsibilities Assessment Report and prepare the Third Rights & Responsibilities Assessment Report which: summarizes community perspectives on the overall acceptability of the Designated Project; and makes a final FPIC Recommendation or issues a recommendation that a community referendum be held.
- **Step 12 – Decision Statement (30 days):** After the submission of the Third Rights & Responsibilities Assessment Report or the conclusion of a referendum, Council will issue a Decision Statement which either:
 - A. grants KFN's FPIC for the Designated Project and specifies the FPIC Conditions on which KFN's FPIC is granted; or
 - B. refuses to grant KFN's FPIC for the Designated Project.
- **Step 13 – Follow-up, Monitoring, Compliance, and Enforcement:** If KFN grants its FPIC and the Designated Project proceeds, the KFN Lands & Resources Department will oversee the Proponent's adherence to the FPIC Conditions contained in the Decision Statement. Council may withdraw KFN's FPIC in emergency situations or authorize the Assessment Committee to consider whether it is appropriate to amend or withdraw KFN's FPIC.