

Supporting the Transition Towards a Holistic Assessment of Cultural Rights:

Spirit of the Land Indigenous Cultural Rights & Interests Toolkit



FIRST NATIONS MAJOR PROJECTS COALITION (FNMP)

ENVIRONMENTAL STEWARDSHIP TECHNICAL TEAM

CANADA

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AGENDA

1. Territorial Acknowledgement (RDGCC Mel Hardy)
2. Meet the Environmental Stewardship Technical Team
 - First Nations Major Projects Coalition
 - The Firelight Group
3. Part 1 – Who we are and the work we do with our First Nations members (Angel & Kim)
4. Part 2 – An introduction to the Spirit of the Land (Jasmine)
5. Part 3 – The importance of the Spirit of the Land (Jesse McCormick & RDGCC Mel Hardy)
6. Part 4 – The Toolkit (Kimberley Keller)
7. Q & A
8. Resources

Environmental Stewardship Technical Team

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REGULATORY, THE FIRELIGHT
GROUP

(BRITISH COLUMBIA)




Spirit of the Land Indigenous Cultural Rights and Interests Toolkit (Part 1)



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Who we are and the work we do with our First Nation members

PRESENTER: ANGEL RANSOM, NAK'AZDLI WHUT'EN FIRST NATION MEMBER

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FNMPC OPERATING PRINCIPLES



→ MEMBER DRIVEN

The FNMPC values our members' decision-making authority on all matters.



→ NEUTRALITY

The FNMPC values providing independent, neutral, non-political, trusted, and fact-based information to our members.



→ UNBIASED

The FNMPC values being project and industry agnostic. FNMPC will not advocate for or against a particular industry or project.



→ NON-PROFITING

The FNMPC will not take a financial interest in the outcome of projects for which it becomes involved in at the request of its members.



→ NON-POLITICAL

The FNMPC does not take political positions, nor does it get involved in issues concerning Treaty rights, territorial boundaries, or issues of rights and title generally.



→ MAXIMIZING VALUE

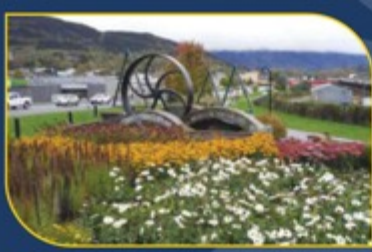
The FNMPC supports our members by providing innovative approaches to overcome historical barriers that have precluded Indigenous people from our mainstream participation and influence in the economy.



→ COLLABORATION

The FNMPC believes that we are stronger together and benefit by increasing our leverage when we all come together towards a common objective.

KEY MILESTONES



JANUARY 2017

24 First Nations convene in Terrace, BC to pass a constitution and bylaws creating the First Nations Major Projects Coalition as a not-for-profit Society.



JUNE 2021

Miawpukek First Nation in Newfoundland joins FNMPC, expanding its membership to 85 members in 7 provinces and territories.



DECEMBER 2014

First Nations convene in Prince George, BC to discuss how to work together to advance major projects. An MOU is signed.



MAY 2019

FNMPC receives a request from 8 First Nations to assist them in acquiring an equity position in the Coastal GasLink Pipeline Project.

2014

2015

2016

2017

2018

2019

2020

2021

2022

2023



OCTOBER 2015

11 First Nations develop a Terms of Reference for a Steering Committee of representatives that will advise on the governance and operations of a new First Nation-led organization.



JANUARY 2018

FNMPC members support a resolution enabling First Nations from outside of BC to join the organization.

JUNE 2022

FNMPC membership expands to a total of 95 members. FNMPC is providing services to 7 major projects representing a capital cost of over \$17 billion.

OCTOBER 2023

FNMPC is providing services to 12 major projects representing a capital cost of \$45 billion.



AUGUST 2017

FNMPC receives its first capacity support request from four First Nations advancing a hydroelectric facility in BC.



SEPTEMBER 2023

FNMPC membership expands to a total of 144 members in 10 provinces and territories.

12
MAJOR PROJECTS

\$45
BILLION
IN CAPITAL COSTS

150+

First Nation Members

from across Turtle Island



HEREDITARY CHIEF
FNMPC MEMBER

BRITISH COLUMBIA

- Babine Watershed (Gitxan Nation)
- Binche Keyoh Development Corporation
- Burns Lake Indian Band
- Chee Xial Taitioux (Hereditary Chief Roy Jones Jr.)
- Cheslatta Carrier Nation
- Cook's Ferry Indian Band
- Fort Nelson First Nation
- Gitanyow
- Gitsegukla First Nation
- Gitsegukla Chiefs (2 Chiefs)
- Gitga'at Development Corporation
- Gitwangak (aka K̓it̓w̓ang)
- Gitsaala
- Gitxan Govt Commission
- High Bar First Nation
- House of Delgamuukw
- House of Gitsoan
- Kaska Dene Council
- Kispiox Band Council
- Kinselas First Nation
- Kitsumkalum First Nation
- Kirwanga Band Council
- Kwadacha
- Lake Babine Nation
- Lax Kw'alaams First Nation
- Lheidli T'enneh First Nation
- Ltrako Dene
- Lil'wat Nation
- Malahat First Nation
- Mid Skeena Watershed (Gitxan Nation)
- Nadleeh Whut'en
- Nak'azdi Whut'en
- Naoko First Nation
- Nee Tahi Bult
- Nsoaich Indian Band
- Nuxalk Nation
- Okanagan Indian Band
- Pacherdah First Nation
- Prophet River First Nation
- Saik'uz First Nation
- Saulteau First Nation
- Shackan Indian Band
- Simpcw First Nation
- Skin Tyee
- Sielat'en First Nation
- Si'at'ine government services
- Suskwa (3 Chiefs)
- Sustut Watershed (Gitxan Nation)
- Takla Lake First Nation
- Tl̓ema Enterprises
- Tk'emlups First Nation
- Tla'amin First Nation
- Tsielalel First Nation
- Upper Nass Watershed (Gitxan Nation)
- Upper Skeena Watershed (Gitxan Nation)
- Wei'suwer'en Matrilineal Coalition (5 Chiefs)
- Xat'sull Development Corporation
- Wai Wei Kum First Nation
- Wei'suwer'en First Nation
- Williams Lake First Nation
- Wilps Milunlak
- Wilps TsaBux (Gitxan Nation)
- Witset
- Yekooche First Nation

ALBERTA

- Chipewyan Prairie First Nation
- Cold Lake First Nation
- Fort MacKay First Nation
- Heart Lake First Nation
- Papaschase First Nation
- Samson Cree Nation

SASKATCHEWAN

- Big Island Lake Cree Nation
- Des Nedhe Development Corporation
- English River First Nation
- Kitsaki Management Corporation
- Moosomin First Nation
- Muskowekwan First Nation
- Thunder Developments LP
- Thunderchild First Nation

MANITOBA

- Bumbonabee First Nation
- Fox Lake Cree Nation
- Manitoba USKE
- Norway House Cree Nation

ONTARIO

- Atikameksheng Anishnawbek
- AAamjijwinaang First Nation
- Algonquins of Pikwaganagan First Nation
- Bingwi Neyaashi Anishinaabek
- Chippewas of the Thames First Nation
- Curve Lake First Nation
- Hiawatha First Nation
- Munsee Delaware First Nation
- Rocky Bay First Nation
- Red Rock Indian Band
- Sagamok Anishnawbek
- Taykwa Tagamou First Nation

QUEBEC

- Innu TakuaiKAN Uashat Mak Mani-Utenam (TIUM)

PRINCE EDWARD ISLAND

- Lennox Island FN

NEW BRUNSWICK

- North Shore Micmac District Council

NEWFOUNDLAND AND LABRADOR

- Mawiapukek First Nation

NORTHWEST TERRITORIES

- Acho Dene Koe First Nation
- Aklavik Indian Band
- Behchoko Community Government
- Beltdzi Ahda First Nation Band Council
- Deh Gáh Got'ie First Nation
- Délne Got'ine Government
- Deninu K'ue First Nation
- Gameti Community Government
- Gwich'ya Gwich'in Council
- Inuvik Native Band
- Ka'a'gee Tu First Nation
- K'asho Go'ine Community Council
- Kai'oderche First Nation
- Liidly Kùg First Nation
- Lutsel'K'e Dene Band
- Nah'ya Deh' Dene Band
- Pehdazh Ki First Nation
- Salt River First Nation #195
- Saamha K'e First Nation
- Smith's Landing First Nation #196
- Toot'in Gwich'in Band Council
- Tl'heets'ehk'edeh First Nation
- Tulita Band Council
- Wekwewit Community Government
- West Point First Nation
- Whati Community Government
- Yellowknives Dene First Nation (Detah)
- Yellowknives Dene First Nation (Ndilo)

NOVA SCOTIA

- Paqtnkek First Nation

YUKON

- Da Daghay Development Corporation

Updated January 8, 2024

PUBLIC POLICY AND RESEARCH

Financing First Nations' Participation in Major Projects

HANDBOOK FOR LEARNING MODULE #1

Colliers Project Leaders

National Roundtable on Indigenous Access to Capital in Canada: Roundtable Primer

Hosted by Natural Resources Canada
April 27, 2022 - Vancouver, BC

Prepared by:
Dr. Suzanne van der Porten, Nilo Edwards,
Burry Vickers, Debra Mullin, Mark Podolny
Commissioned by:
First Nations Major Project Coalition

Indigenous Leadership and Opportunities in the Net Zero Transition

Commissioned by First Nations Major Projects Coalition

April 2022

Prepared by:
Dr. Suzanne van der Porten,
Mark Podolny,
Peter Calceva

10 TOP TEN LIST

for Roadmap for Investing in Canada:
Indigenous Investment in ESG

FIRST NATIONS MAJOR PROJECTS COALITION

MAJOR PROJECT ASSESSMENT STANDARD

Member-Developed Principles, Criteria, and Expectations to Guide Major Project Environmental Assessments

FIRST NATIONS MAJOR PROJECTS COALITION



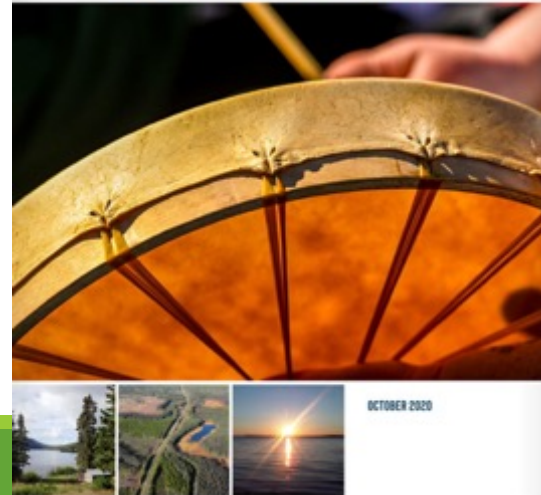
INDIGENOUS SUSTAINABLE INVESTMENT

Discussing Opportunities in ESG

January 2021

THE FIRST NATIONS MAJOR PROJECTS COALITION
PREPARED BY:
Mark Podolny, Miss Lindley-Pearl and Suzanne van der Porten
COMMISSIONED BY:
The First Nations Major Project Coalition

FIRST NATIONS MAJOR PROJECTS COALITION GUIDE TO EFFECTIVE INDIGENOUS INVOLVEMENT IN FEDERAL IMPACT ASSESSMENT



OCTOBER 2020

THE ROLE OF INDIGENOUS PEOPLE IN MAJOR PROJECT DEVELOPMENT:

Paths for Indigenous Participation in Electricity Infrastructure

July 10, 2019

FIRST NATIONS MAJOR PROJECTS COALITION

CURRENT PROJECT PORTFOLIO

BREAKDOWN OF PROJECTS BY CATEGORY

- 5 – Electrification
- 3 – Energy
- 2 – Hydrogen
- 1 – Critical Minerals
- 1 – Real Estate Development

FNMPC is currently providing support for 12 major projects, each with a First Nations equity investment component and a portfolio exceeding a combined total capital cost of over \$45 billion.

PROJECT NAME	ESTIMATED CAPITAL COST	LOCATION
Coastal GasLink Equity Option (10%)	\$14.2 b	British Columbia
Hydro One Southwest Ontario (50%)	\$2 b	Ontario
Miawpukek Hydrogen Opportunities	TBD (>\$100mm)	Newfoundland and Labrador
LNG Newfoundland and Labrador	\$7 b	Newfoundland and Labrador
NeToo Hydropower Project	\$300 mm	British Columbia
Tu-Deh-Kah Geothermal	\$200 mm	British Columbia
Blackwater Transmission Line	\$100 mm+	British Columbia
North Coast Transmission Line	\$2 b est.	British Columbia
Rock Tech Lithium	TBD (>\$100 mm)	Ontario
Tla'amin Tisk'wat Opportunity	TBD (>\$100 mm)	British Columbia
Confidential Commercial Real Estate Acquisition	TBD (>\$100+ mm)	Ontario
Enbridge BC Pipe & Westcoast Connector	TBD (>\$100+ b)	British Columbia

MAJOR PROJECT CAPACITY SUPPORT

Over the past six years the FNMPC has provided a host of services to first nations including:

- » Advocacy, negotiation, and execution of project equity options.
- » Project benefit-sharing options
- » Financial analysis and advice
- » Financing strategies and assistance navigating capital markets
- » Leveraging relationships with government

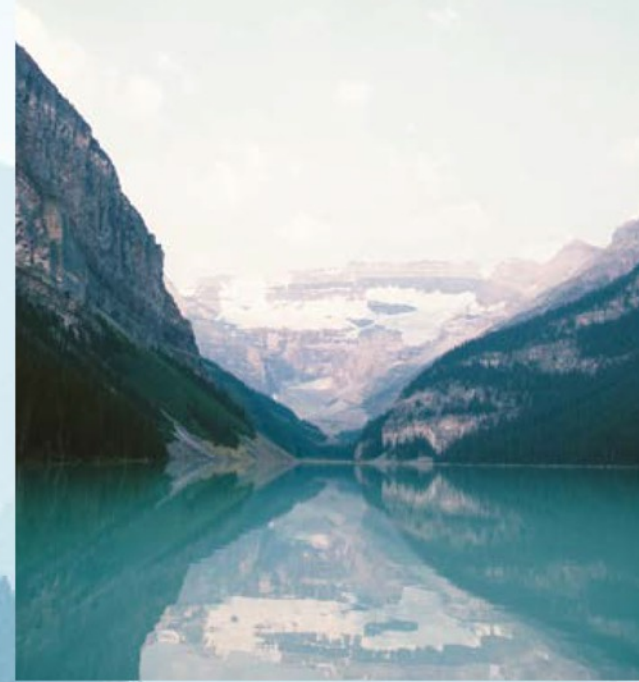
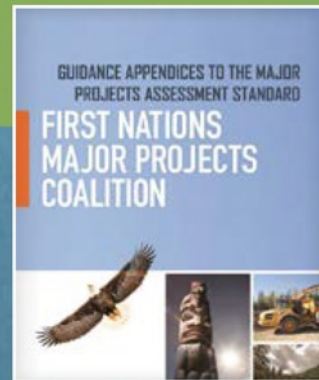
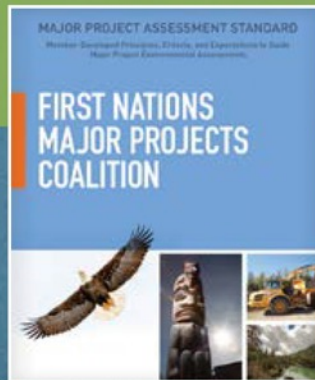
ENVIRONMENT

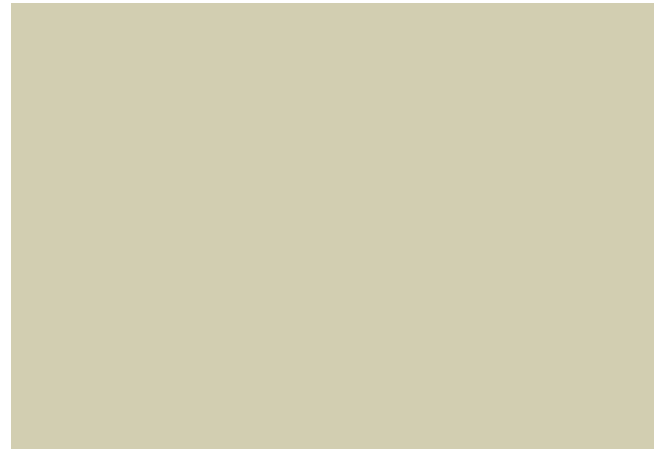
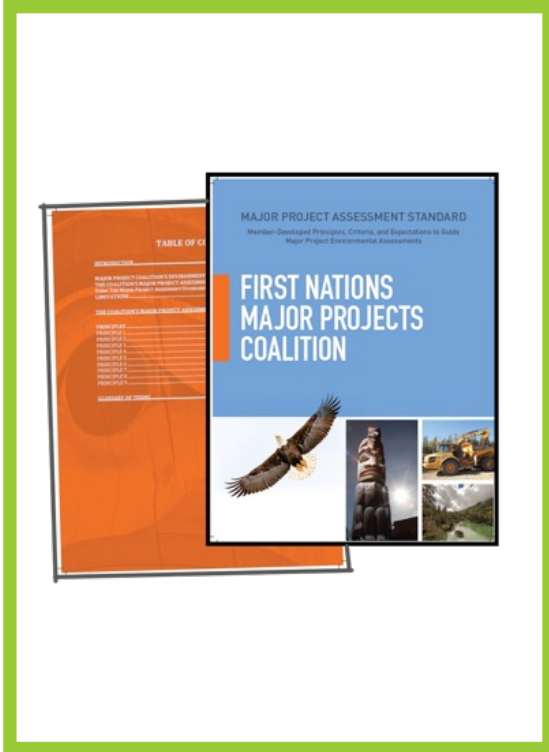
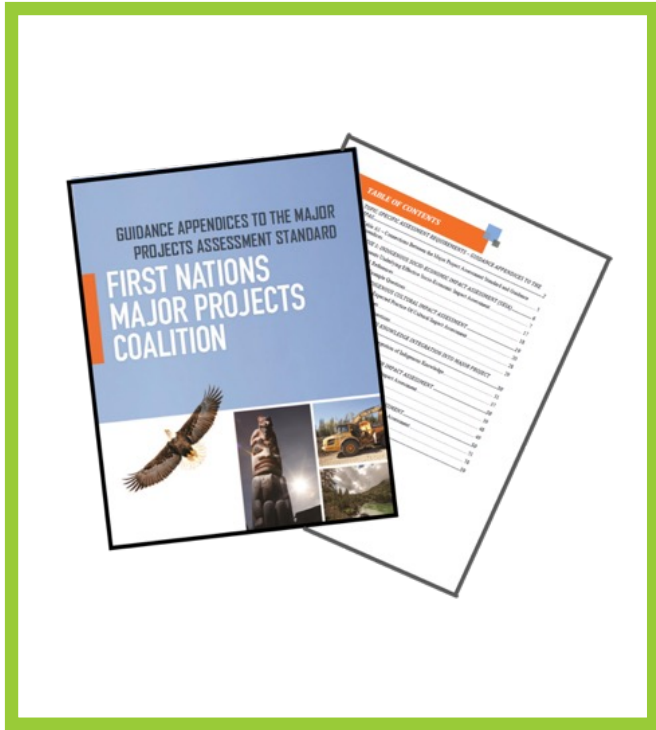
Since 2019, FNMPC has leveraged funding from the Impact Assessment Agency to co-develop environmental tools and processes that help bring Indigenous knowledge to the forefront of impact assessment.

These tools have been deployed on 2 major projects, 1 which resulted in FNMPC helping our members double their capacity funding agreements with the project proponent for impact assessment

FNMPC has taken our tools across the country, making them accessible nationally for use by Indigenous nations

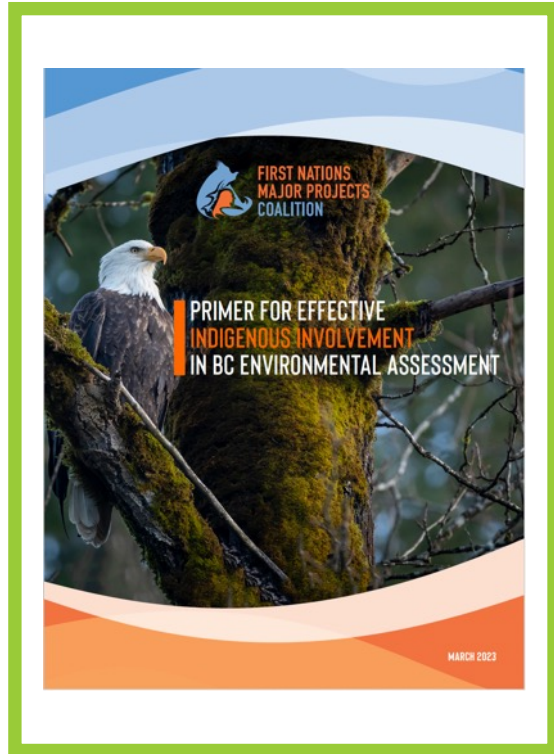
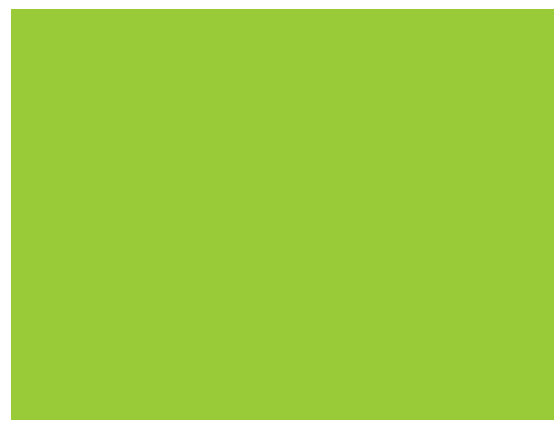
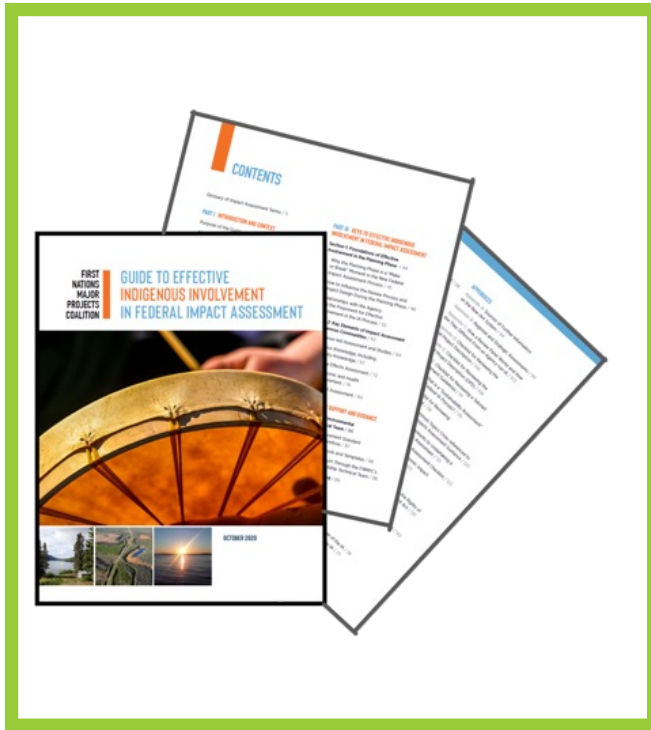
Over 180 Indigenous participants have attended at least one FNMPC impact assessment workshop or training session.





FIRST NATION STANDARDS AND GUIDANCE FOR MEANINGFUL ENVIRONMENTAL IMPACT ASSESSMENTS

Aspirational documents identifying key First Nation, standard requirements for assessment of environmental effects of major projects



GUIDANCE FOR FIRST NATIONS IN CANADA TO NAVIGATE FEDERAL AND PROVINCIAL REGULATORY PROCESSES

Both guide's aim to provide a target summary of “what’s most important” about the new legislations for First Nations, and how to maximize a First Nation’s effectiveness in the Federal Government’s Impact Assessment Process, or the British Columbia Provincial Government’s Environmental Assessment Process.

8-PART SHORT VIDEO SERIES: FEDERAL IMPACT ASSESSMENT 101



FNMPC Episode 6



First Nations Major Projects Coalition
76 subscribers

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<https://youtu.be/CVTovfz9zcl?si=h4R8ie9nleJ-cnx5>



FIRELIGHT IS AN INDIGENOUS-OWNED COMPANY

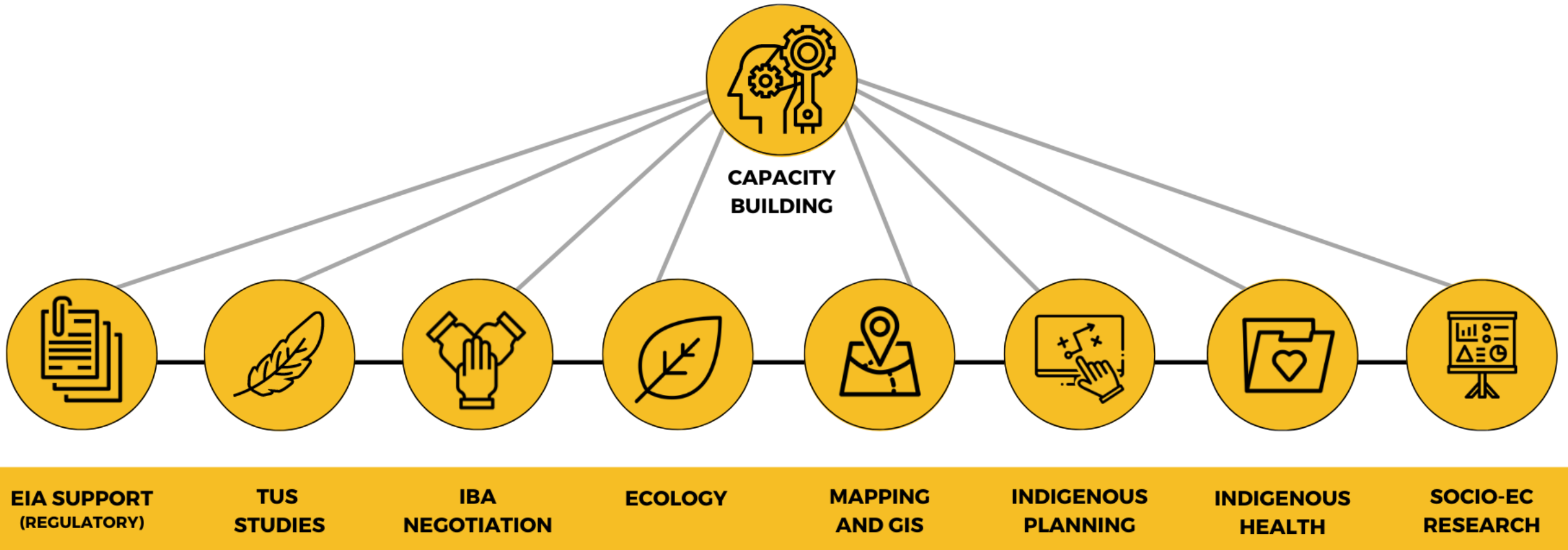
- We work for Indigenous communities
- We provide community-based research to support Indigenous rights, interests, and values
- We equip band staff with the tools to take this work on in the future

OUR MISSION

To work with our clients in Canada and beyond to provide high quality research, analysis and technical tools and to create solutions for our shared futures.



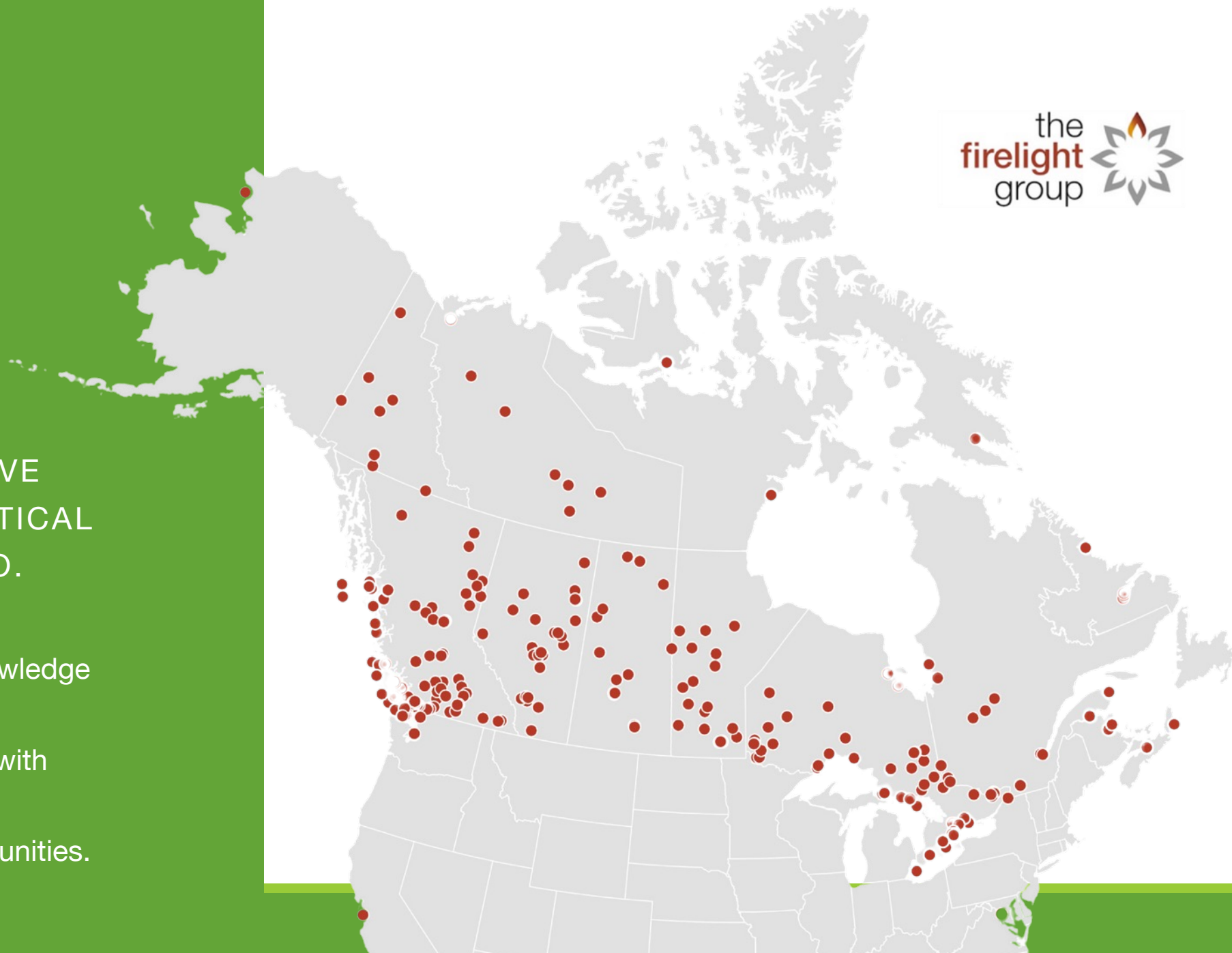
WHAT WE DO



OUR CLIENTS

THE RELATIONSHIP WE HAVE WITH OUR CLIENTS IS CRITICAL TO THE WORK THAT WE DO.

We feel honoured to work with knowledge holders, Indigenous elders, and community experts to assist them with projects and are proud to influence change in a positive way for communities.




Spirit of the Land Indigenous Cultural Rights and Interests Toolkit (Part 2)



Jasmine Thomas (she/her), Manager of Environmental Services (Saik'uz First Nation)

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An Introduction to the Spirit of the Land

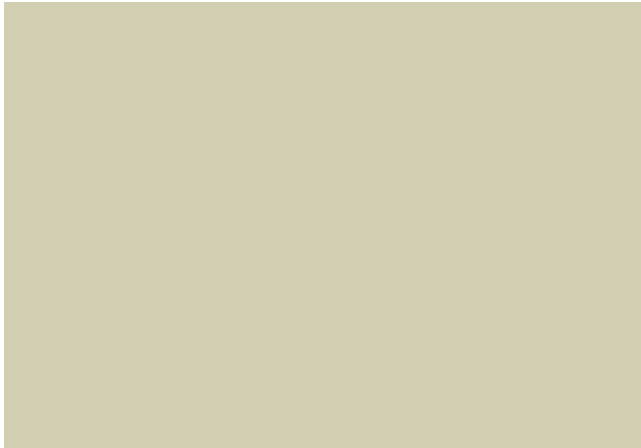
PRESENTER: JASMINE THOMAS, SAIK'UZ FIRST NATION MEMBER



*Frog art by Johnny Ketlo III,
Indigenous artist, Dakelh Territory (British Columbia, Canada)
(Nadleh Whut'en First Nation)*



*Hummingbird art by Storm Angeconeb,
Indigenous artist, Treaty Three Territory (Ontario, Canada)
(Lac Seul First Nation)*



Stronger Together

A nationwide partnership with two distinct Indigenous (First Nation) linguistic and cultural groups, which enriched the toolkit's content.

INDIGENOUS CULTURAL RIGHTS AND INTERESTS TOOLKIT ('The Toolkit')



SAIK'UZ
FIRST
NATION



FNMPC's Project Partners:

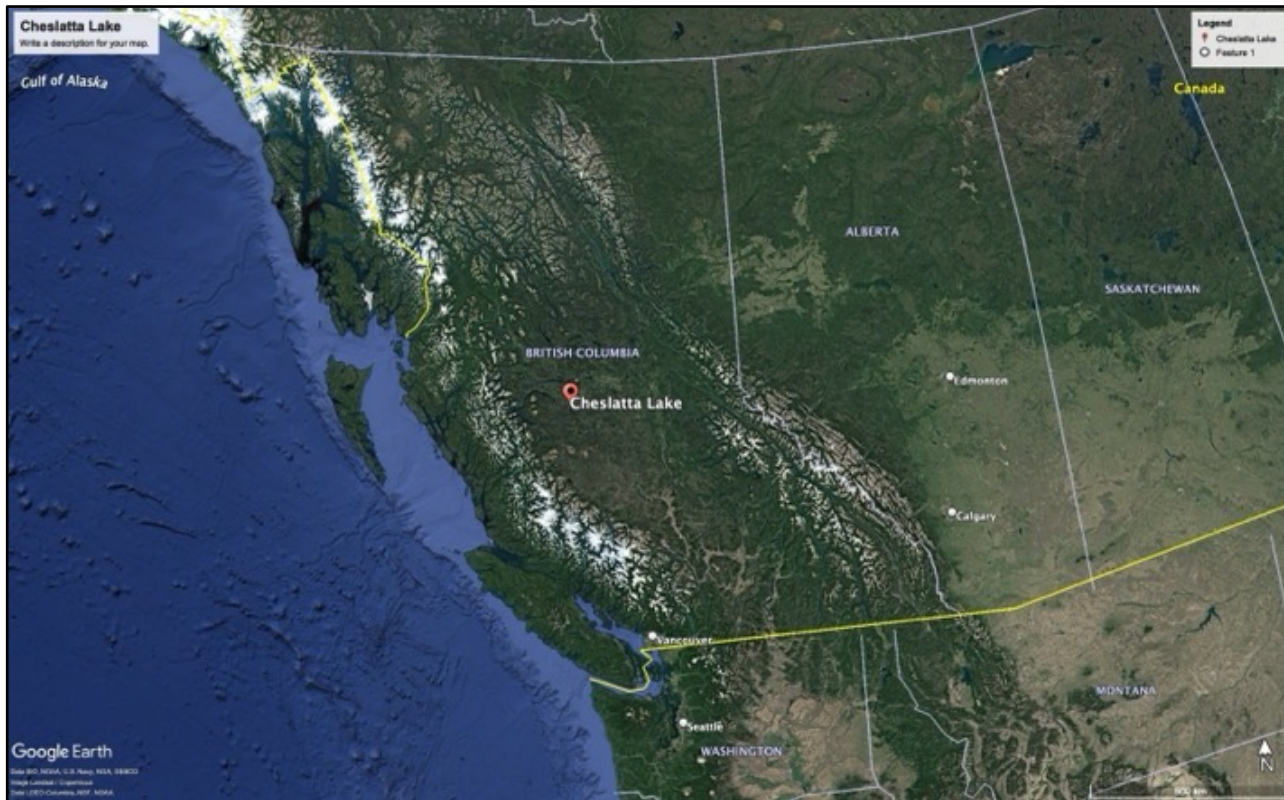
1. The Anishinabek Nation (Ontario),
2. The Carrier Nations* (British Columbia) - Cheslatta Carrier Nation, Nadleh Whut'en First Nation, Saik'uz First Nation, and Stellat'en First Nation

Rationale:

The creation of these tools will help to address an outstanding need for clear guidance around cultural impact assessment and evaluation of the costs of restitution.

*(*The reference to 'Carrier Nations' is only intended for project planning and discussion purposes with the four First Nations partners noted in the header. This does not mean that all the Carrier Communities are being represented.)*

WHY HISTORICAL IMPACTS STILL MATTER, AN EXAMPLE: CHESLATTA PEOPLE & LAKE



“In 1950, the BC Government granted the Aluminium Company of Canada (Alcan) the rights to all of the water in Cheslatta traditional territory which flowed into the Nechako River. This was the start of a giant hydroelectric project in which Alcan was to dam the Nechako River which would flood Ootsa, Tetachuk and Tahtsa Rivers, creating the 400-kilometer-long Nechako Reservoir. Our lives would be forever changed.” – Mike Robertson, Senior Policy Advisor for the Cheslatta Carrier Nation

Source: <https://www.cheslatta.com/history>

PHOTO OF CHESLATA LAKE, BC – JULY 19, 2022

PHOTO CREDIT: MIKE ROBERTSON, SENIOR POLICY ADVISOR, CHESLATA CARRIER NATION



"When the cemetery washed away in 1956 a lot of the caskets and bodies floated away. Their bones have been found, from time to time. We found a number of them a couple of months ago, but on Tuesday that was the most we'd ever located in one place."

– Mike Robertson, Senior Policy Advisor for the Cheslatta Carrier Nation

Source: <https://www.princegeorgecitizen.com/local-news/lake-marked-by-grim-tide-3698311>

TIMELINE OF EVENTS: IT WAS IMPORTANT TO TAKE THE TIME TO GET OUR PROJECT APPROACH RIGHT!

We kicked off the project in 2021-2022 with early engagement and scoping discussions and meetings with the Anishinabek Nation and Carrier Nations for 10 months.

The objectives of these sessions were too:

Define an iterative and collaborative research and engagement process,

Define the scope of engagement and research,

Implement a Terms of References for the advisory councils/committees comprised of partner technicians and leadership,



Photo: Aamjiwnaang First Nation, October 2023
By: Angel Ransom

2021-2022 CONTINUED...

The objectives of these sessions were too:

- Identify , initial, key value components (tangible and intangible aspects of indigenous life that are directly tied to the land) for scoping the toolkit,
- Scheduling phases of engagement and drafting,
- Define interim and final project objectives and deliverables,
- The Firelight Group also supported FNMPC with an analysis about potential “case study” projects prior to the development of the content for the Discussion Guides

Spirit of the Land Indigenous Cultural Rights and Interests Toolkit (Part 3)



Jesse McCormick (he/him) , Senior VP, Research, Innovation and Legal Affairs

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Anishinaabe



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The Importance of the Spirit of the Land

PRESENTER: JESSE MCCORMICK

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SPIRIT OF THE LAND: IT'S COMPLEX.

Various Canadian laws and the United Nations Declaration on the Rights of Indigenous recognize the importance of culture but don't provide clear frameworks on how to assess impacts on those rights and value.

The tools available to assess cultural impacts have often been developed without the unique perspectives of Indigenous Peoples.

The toolkit is intended to provide flexibility in order to permit application in a variety of different cultural contexts grounded in the specific circumstances of individual projects.

The quantification of cultural values was one of the most complex considerations in developing a toolkit of this nature and the primary lesson learned is that culture and quantification are difficult to integrate in a respectful and meaningful way.

The key to success when addressing cultural impacts is self-determination.

2022–2023: DEVELOPMENT OF THE BACKGROUNDER DOCUMENT (INTERNATIONAL RESEARCH)

Conducted research and analysis on context, similar tools, international context and developed a backgrounder paper.

“This backgrounder is intended to provide an overview of key concepts, ideas, challenges, and possibilities for assessing project-specific and cumulative effects on Indigenous cultural rights and values (“cultural rights”).” – page 5



Spirit of the Land Indigenous Cultural Rights and Interests Toolkit (Part 4)



Kimberley Keller (she/her) | M.A., PhD Candidate

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<https://firelight.ca>



THE TOOLKIT

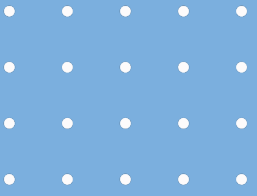
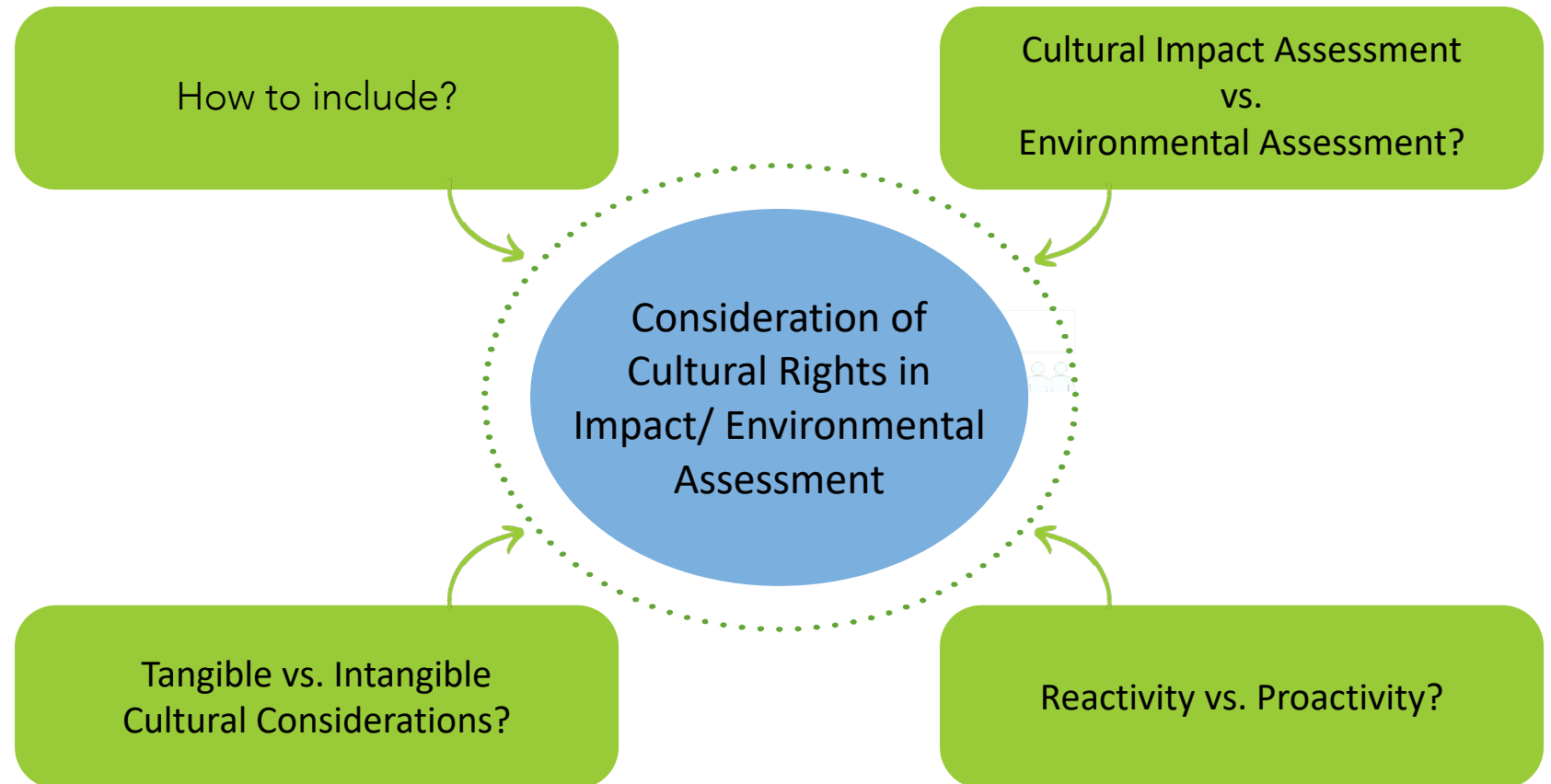
This Toolkit has been developed from the perspective of the First Nations Major Projects Coalition and does not represent the perspectives of the federal government, provincial governments, territorial governments, or industry. The Toolkit is responsive to the needs and objectives of First Nations and may not align with federal, provincial or territorial laws.

Although it was developed with the input and support of First Nations partners, it does not represent the perspective of any individual First Nation. This toolkit has been designed to be applied flexibly by First Nations to reflect their unique circumstances, values and objectives.

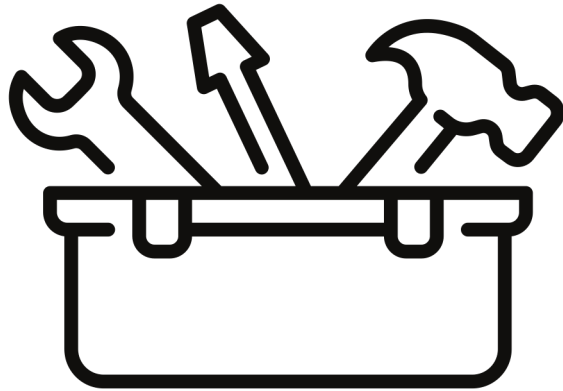
SPIRIT OF THE LAND: FORMATION OF THE TOOLKIT

Environmental/ Impact Assessment is readily recognized as a predominately westernized process

Historically excluded and failed to meaningfully include Indigenous Knowledge



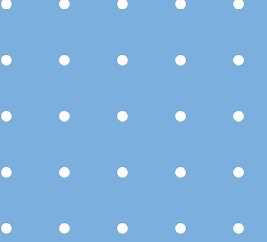
SPIRIT OF THE LAND: WHAT THE TOOLKIT IS DESIGNED TO DO



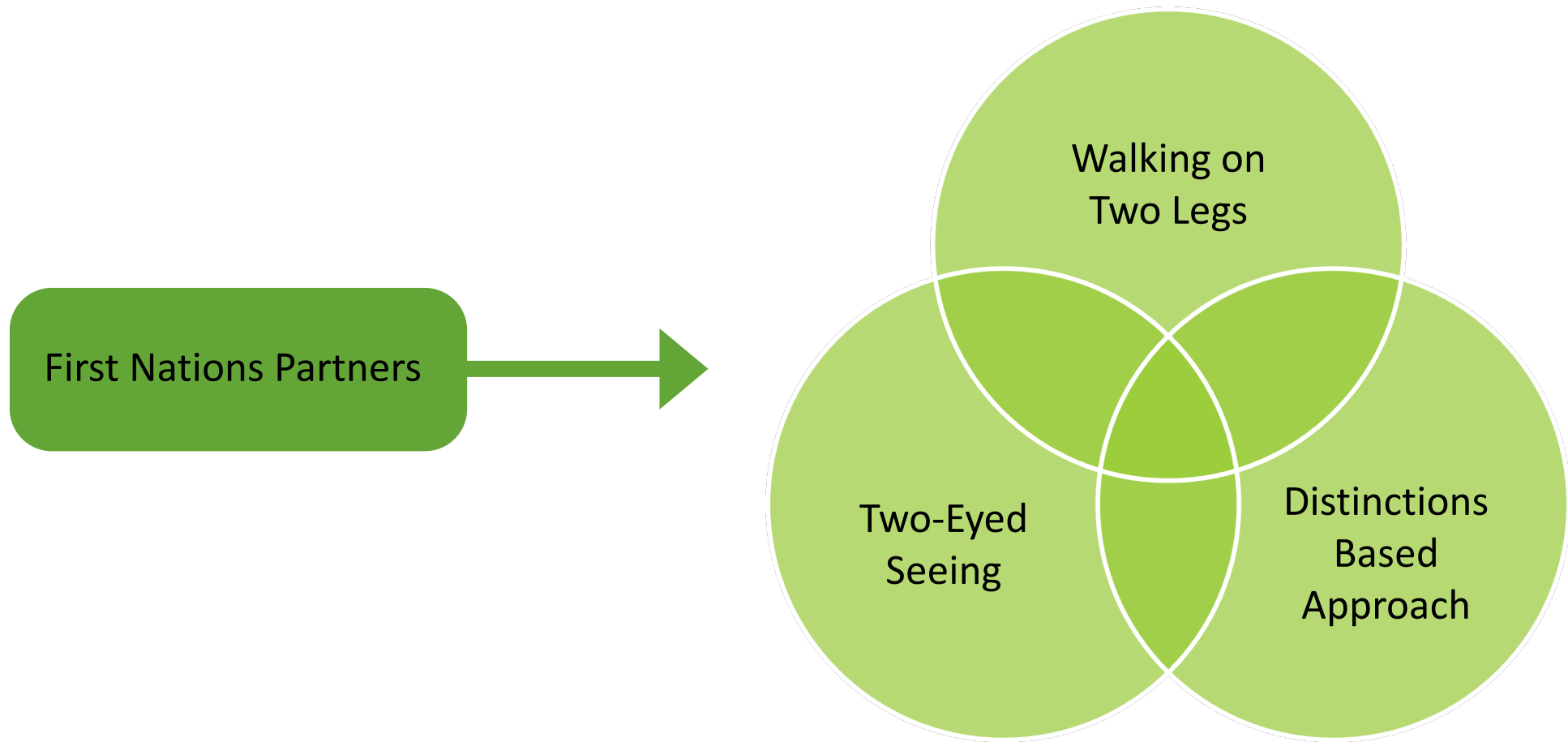
- 1 Indigenous-led process, grounded in a community's principles and leadership
- 2 Support Indigenous Groups engaging with project proponents and the Crown in discussions about offsetting cumulative effects affecting cultural rights and values within their territories



- 3 Provides framework for evaluating and responding to adverse effects
- 4 Ability to provide clarity around assessment processes concerning Indigenous cultural rights



SPIRIT OF THE LAND: METHODOLOGY



KEY CONCEPTS

“[Culture] includes the way of life, the system of knowledge, values, beliefs, and behaviour, all of which is passed down between generations. Culture is reflected and embedded in practice, the built and natural environment, and the relationships between people and their natural environment”.

(emphasis added; Gibson 2017, “Culture and Rights Impact Assessment: A Survey of the Field.”)

KEY CONCEPTS

The Right to Culture:

The right to protect, practise, transmit, revitalize, and access in any preferred means both the tangible and intangible elements of culture.

The Five Tools

1

Inventory of
Cultural Rights

2

Characterizing
Existing Cumulative
Effects on
Indigenous Cultural
Rights

3

Identifying Impact
Pathways,
Conducting an
Effects
Characterization,
and Evaluating the
Severity of
Potential Impacts

4

Addressing
Residual Impacts to
Cultural Rights

5

Considering
Financial
Compensation for
Residual Effects to
Cultural Rights

TOOL FORMAT

Description

Terminology

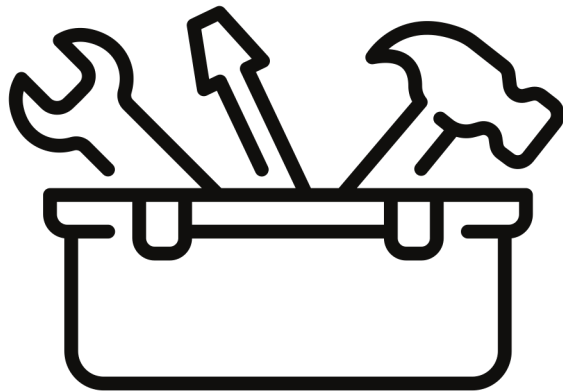
Guiding Principles

Methods and
Options

Tool #1

Inventory of Cultural Rights

GOALS:



- Identify and document what matters most to the community
- Determine at-risk rights and community priorities
- Bring Indigenous voices, stories, knowledge, and experiences to the forefront
- Inform the government and/or Proponent about what is important and at stake from an Indigenous lens


Tool #2

Characterizing Existing Cumulative Effects on Indigenous Cultural Rights




Tool #3

Identifying Impact Pathways, Conducting an Effects Characterization, and Evaluating Severity of Potential Impacts



How will the project potentially interact (positively and negatively) with the exercise of cultural rights?



How will committed-to mitigation measures reduce potential project impacts to cultural rights?



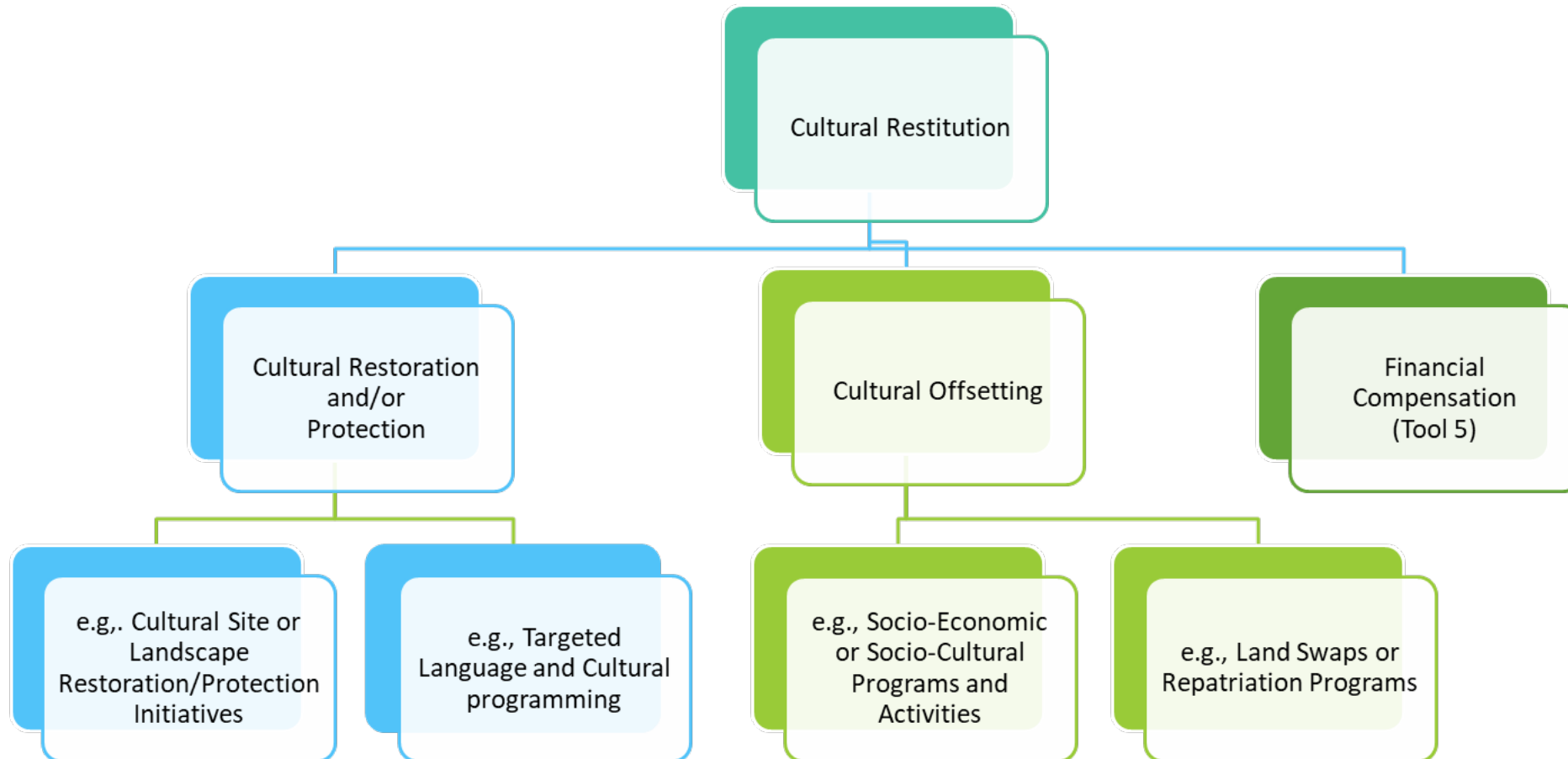
What residual impacts will remain?



How are residual impacts understood by the First Nation?

Tool #4

Addressing Residual Impacts to Cultural Rights



Tool #5

Considering Financial Compensation for Residual Effects to Cultural Rights

Goal:

Explore various ways in which financial compensation for the loss of some portion of a cultural right can be fairly calculated

When:

- 1** Tools 1-3 determine there will be residual impacts on cultural rights that cannot be avoided/fully mitigated
- 2** The First Nation recognizes that the project may proceed in spite of potential residual impacts
- 3** The conclusion of Tool 4 is that one of the preferred approaches is financial compensation

Next Steps



Apply the
Tools to
Case
Studies



Modify
and Adapt



Revisit



#IAIA24

LET'S CONTINUE THE CONVERSATION!

● POST YOUR QUESTIONS AND COMMENTS IN THE IAIA24 APP

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Access the Tools Online

www.fnmpc.ca

THE INDIGENOUS CULTURAL RIGHTS AND INTERESTS TOOLKIT

Spirit of the Land

The Toolkit:
Intended to support First Nations engaging with project proponents in discussions about cultural rights and values within their territories, please access our downloadable toolkit available online in sections or in whole:



The Toolkit
FNMPIC Technical and Policy Toolkit for Assessing and Seeking Restitution for Project-Specific and Cumulative Effects on Indigenous Cultural Rights

The key to success when addressing cultural impacts is self-determination through Indigenous designed and led standards, protocols, and processes.



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SCAN THE CODE