



Mr. Jason Arbour
Tsit-Kanaja@hotmail.com

Dear Mr. Arbour:

This is in response to your email of July 6, 2018 regarding our proposed joint research project, your questions concerning Departmental record-keeping, and the Zibi project.

I am pleased to learn that your meeting with officials from the Claims Assessment and Treaty Mechanisms Branch (CATMD) on July 5, 2018 was productive and a firm has been identified to undertake the proposed research.

Regarding your questions concerning Departmental records and the Zibi project, your respective questions and our responses are provided below:

Q. Is it possible that your department destroyed the documents in question that I could not locate chronologically or alphabetically in Archives Canada or were the Indian Affairs records extinguished before they were shared with Archives Canada?

I understand that the documents in question were letters dating from the late nineteenth-century referred to in a letter from J.D. McLean, Indian Affairs. Mr. McLean had forwarded the letters as enclosures to a September 15, 1902 letter he addressed to a Mr. Louis Jackson of Hull. The attached letters were not found with the copy of the outgoing letter by Mr. McLean and in searching for the missing attached documents our researchers discerned that the files were destroyed.

It is our understanding that the Department's records in the Red Series (Eastern Canada) covered the period circa 1872-1923 and were transferred to the Public Archives in 1963. From information provided to us it appears that Red Series files were not destroyed after their transfer to the Public Archives (now Library and Archives Canada) and they became part of the permanent collection. However, based on the file number (5/18-6), we have been informed that these particular records were disposed of by Indian Affairs before the transfer, most likely in the 1950s or early 1960s.

In regards to another document enclosed in the McLean letter (the letter of 25 November 1885), the Claims Assessment and Treaties Mechanisms Directorate advised by email on June 1, 2017 that it had consulted the Department's record specialists but it could not determine the disposition of the specific file. They further advised that it was possible that the file could have been transferred to Library and Archives Canada under volume 2281 (RG 10) but it was not listed on the file.

Since your last meeting with the research team, we have been provided with additional information indicating that this file likely wasn't transferred to Library and Archives Canada. Before the 1960s, Treasury Board was responsible for the disposition of federal government records. Although information about the disposition of this specific file was not found, it appears that Indian Affairs was instructed in 1944 by Treasury Board to destroy certain Red Series records, including those that pertained to contagious diseases, after a 10 year period. Please note however, that there are other sources in existence concerning vaccinations of Indigenous peoples, such as in the Department of Indian Affairs Annual Reports of the late nineteenth-century.

Q. Also who chooses what documents are to be removed from the Department of Indigenous Affairs?

A. From a Retention and Disposition perspective of the Department, removed could mean either destroyed or transferred to Library and Archives Canada. Our Department is subject to the Canadian *Library and Archives Act*. Library and Archives Canada determines what is of archival and non-archival value in respect of the Department's records/documentation. This is done in the form of Disposition Authorities (DA's) or Retention and Disposition Authorities (RDA's) that are specific to our Department. Information on the *Act* and the disposition of records can be found at the following website: <https://www.bac-lac.gc.ca/eng/services/government-information-resources/disposition/Pages/program-synopsis.aspx>.

Q. Also is the removal of records something still practiced by AANDC today?

A. The disposition of records either through destruction or preservation (transfer to Library and Archives Canada) is still done today through RDA's.

Q. Also is there any way to find out when and what records were extinguished by your Department?

A. Given the Department's long history, it would be difficult to compile a complete listing of all the various types of records and subject matters (administrative or operational) that the Department managed and how these were managed over time. A question concerning the disposition of records specific to a time and context might be more feasible to answer, as was done in relation to the documents enclosed in the McLean letter of 1885.

Q. Also if your Department is "NOT" the Reporting Organization for the Windmill Zibi development at the Chaudiere falls, can you please explain why Kirby Whiteduck from Pikwakanagan First Nation is involved with the development of our family's land at Kana:tso?

A. The Windmill Development project is not within the Department's purview as the project is on privately owned lands at the Chaudière Falls.

I trust these answers have been helpful.

Yours sincerely,



Carla McGrath
Director General, Negotiations-Central Branch
Treaties and Aboriginal Government