

Appendix E

Comments Received

E1. Responses to Comments on the Terms of Reference



E1. Responses to Comments on the Terms of Reference



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference



ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Government Review Team			
Ministry of the Environment, Conservation and Parks – December 23, 2020			
MECP-1	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:1</p> <p>Page/Section # in ToR: General</p> <p>Comments & Rationale: The ToR does not include a commitment that an executive summary will be included in the EA</p> <p>Proposed Action/Solution: Please ensure that the EA includes an Executive Summary.</p>	An Executive Summary will be included in the Environmental Assessment (EA).	Commitment for EA
MECP-2	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:2</p> <p>Page/Section # in ToR: Page 9, s.3.4.2</p> <p>Comments & Rationale: The ToR indicates that the proponent will only be seeking input from neighbouring Indigenous communities to help inform and confirm the criteria and indicators selected for the Project from an Indigenous Knowledge perspective.</p> <p>Proposed Action/Solution: Please explain why the proponent is planning to only engage with neighbouring Indigenous communities and not all Indigenous communities on the criteria and indicators for the Project from an Indigenous Knowledge perspective.</p> <p>If the proponent plans to consult with all Indigenous communities on the criteria and indicators, please ensure the EA is updated to reflect that.</p>	<p>“Neighbouring Indigenous communities” is defined in the EA / Impact Statement (IS) Consultation and Engagement Plan (Appendix B) of the Terms of Reference (ToR) as the Aboriginal Rights-Based and Interest-Based communities identified by the Ministry of the Environment, Conservation and Parks (MECP) and the Impact Assessment Agency of Canada (the Agency) who may be interested in the Marten Falls First Nation (MFFN) Community Access Road (CAR) and should be consulted as part of the EA / Impact Assessment (IA) processes.</p> <p>As noted in Section 11 of the ToR, MFFN is committed to creating and sustaining constructive dialogue and relationships with neighbouring Indigenous communities, government agencies and interested persons, <u>including all other Indigenous communities</u>, as part of the EA / IS Consultation and Engagement Plan. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone. Therefore, MFFN will engage all Indigenous communities on the criteria and indicators.</p>	Section 11.1, pg. 102 Appendix B, Table 4-2, pg. 22
MECP-3	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:3</p> <p>Page/Section # in ToR: Page 14, s. 5.1</p> <p>Comments & Rationale: The ToR explains that the winter road system to the MFFN community is typically only operational about six to eight weeks annually between the months of February and March but does not explain why it can’t be used during the remaining months of the year.</p> <p>Proposed Action/Solution: Consider including additional rationale in the EA that explains why this winter road system is not a viable option outside of the months of February and March.</p>	Currently, MFFN is only accessible by air and winter road. However, the winter road is not a viable option for the majority of the year. It is only available for use during a limited 6 to 8 week-long window and the road is becoming increasingly unreliable due to changing climate conditions. As a result of warmer winters due to climate change, the wetlands and rivers do not freeze thick enough to support vehicles using the winter road. MFFN is concerned that heavy equipment could break through the ice, potentially releasing hydrocarbons into surrounding wetlands and waterways. MFFN will include this additional rationale in the EA that explains why the winter road to the community is not a viable option for the vast majority of the year.	Commitment for EA
MECP-4	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:4</p> <p>Page/Section # in ToR: Page 108, Table 11-2</p> <p>Comments & Rationale: The response to MECP’s comment #74 on the draft ToR (per numbering in Appendix C of final ToR) states that “agencies, Indigenous communities and the public will have an opportunity to comment on study areas (site, local and regional) during the EA (key milestones of the updated Consultation Plan: Notice of Commencement, Effects Assessment Methods, Identification of Preferred Alternatives, and Review of the Draft and Final EA / IS).” However the consultation plan in the ToR only includes consultation on study areas during the “Effects Assessment Methods” milestone.</p> <p>Proposed Action/Solution: Since the proponent’s intent is to consult on study areas during these other milestones, it is recommended that the proponent ensure this is made clear in its consultation materials and outreach during the EA process.</p> <p>If the ToR is amended, the consultation plan should be updated for clarity.</p>	<p>Figure 4-1: Key Decision Timeline in the EA / IS Consultation and Engagement Plan shows that inputs to the study areas will be sought by Fall 2021. Study area feedback can be provided in advance of this date, and if there is a need for providing this feedback after the Effects Assessment Methods milestone, that can be considered depending on the nature of the request. Moving forward, opportunities to provide feedback on study areas and other key topics of interest during the EA milestones will be made clear in consultation materials and outreach during the EA process, and will be referred to accurately in Project documentation (e.g., the EA Report).</p> <p>Also of note, a Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo that included proposed discipline-specific local and regional study areas was provided to all Indigenous communities for review and comment in August 2020. Comments in support of the local study area and general support for the regional study area were received from Indigenous communities. Requests to expand the regional study area to include several additional quaternary watersheds informed a revision (i.e., expansion) to the regional study area in October 2020, which was communicated to the Indigenous communities who provided comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo in November 2020 when the Indigenous Knowledge Program Guidance Document was shared. The revisions to the regional study area were communicated to all Indigenous communities in January 2021. Information on preliminary study areas for other disciplines (e.g., wildlife, fish and fish habitat, surface water, vegetation) was also provided in the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo; comments from Indigenous communities on these study areas are also being reviewed to inform the development of study areas for other disciplines.</p>	Commitment for EA
MECP-5	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p>	Section 5.2.1.4 of the ToR identifies temporary infrastructure for construction to the road. Included in this description is temporary access roads, and temporary construction camps, staging areas and stockpile areas. Quarries borrow areas	Section 5.2.1.3, pg. 16 Section 5.2.1.4, pg. 16 to

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	<p>Comment #:5</p> <p>Page/Section # in ToR: Pages 22 and 72, s. 6.3 and 8</p> <p>Comments & Rationale: The response to MECP’s comment #71 on the draft ToR says “Sections 6 and 8 of the Terms of Reference (ToR) have been updated to clarify that the alternatives assessment and effects assessment will include ancillary infrastructure components (i.e., temporary infrastructure required for construction) of the Project, such as aggregate sites, temporary access roads, temporary work areas and camps.”</p> <p>However, sections 6.3 and 8 of the ToR indicate the alternative methods for assessment are alternative routes and alternative temporary infrastructure, including quarries, borrow areas and aggregate source areas.</p> <p>This inconsistency should be addressed in some way.</p> <p>Proposed Action/Solution: This inconsistency should be addressed in the EA in a commitments table that will document commitments made during the ToR review (see ToR Code of Practice section 5.2.8 for guidance on this table). One of these commitments should clarify the full list of alternative methods to be assessed in the EA, i.e. quarries, borrow areas, aggregate source areas, temporary access roads, temporary work areas and camps.</p> <p>Otherwise if the ToR is amended, sections 6.3 and 8 should be updated to include the full list of alternative methods to be assessed.</p>	<p>and aggregate source areas are defined separately in Section 5.2.1.3 of the ToR. Therefore, the wording used in Sections 6.3 and 8 of the ToR is reflective of the description of the Project as defined in Sections 5.2.1.3 and 5.2.1.4 of the ToR. That is the alternatives assessment and effects assessment will include ancillary infrastructure components (i.e., temporary infrastructure required for construction) of the Project, such as quarries, borrow areas, aggregate source areas, temporary access roads, temporary work areas and camps. This comment has been noted so that, moving forward, it will be documented more clearly in Project documentation (e.g., the EA Report).</p> <p>The EA will include a commitments table that will document commitments made during the ToR review. That table will include clarification of the full list of alternative methods to be assessed in the EA.</p>	<p>17</p> <p>Section 6.3, pg. 22</p> <p>Section 8, pg. 72</p> <p>Commitment for EA</p>
MECP-6	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:6</p> <p>Page/Section # in ToR: Page 65, s. 7.2</p> <p>Comments & Rationale: The response to MECP’s comment #77 says that section 7.2 was revised to include both climate change risk assessment and impact management measures for climate change. However section 7.2 only says the guide will be used in completing a climate change risk assessment, not in considering climate change mitigation (GHG emissions effects and how to address those effects).</p> <p>Proposed Action/Solution: Please ensure that the proponent considers Ontario’s Guide for Considering Climate Change in the EA Process in both climate change mitigation and climate change adaptation considerations for the EA.</p>	<p>In addition to being used for completing a climate change risk assessment, Ontario’s Guide for Considering Climate Change will also be used to inform impact management measures and in climate change adaptation considerations, where applicable, as part of the EA.</p>	<p>Commitment for EA</p>
MECP-7	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:7</p> <p>Page/Section # in ToR: Pages 32, 84 and 103</p> <p>Comments & Rationale: The response to MECP’s comment #88 states that the language describing the MOU on Shared Consultation Responsibilities between Ontario and MFFN has been updated as suggested.</p> <p>However, the updated language in the ToR is still not accurate. Pages 32, 84 and 103 of the ToR say the MOU “defines the roles and responsibilities of both parties in regard to the consultation of Indigenous communities whose Aboriginal or Treaty Rights may be adversely affected by the Project and interested persons.” Interested persons is a broader term per the EAA and Codes of Practice as it includes individual persons, environmental groups and others, and is not accurate since the MOU is in regard to Indigenous communities only.</p> <p>The Consultation Plan (Appendix B of the ToR) has the same incorrect language.</p> <p>Proposed Action/Solution: Please ensure the EA correctly describes that the MOU is in regard to <u>potentially impacted and potentially interested Indigenous communities</u>. It defines the roles and responsibilities of both parties (Ontario and MFFN) in regard to the consultation and engagement with Indigenous communities.</p>	<p>MFFN agrees that the Memorandum of Understanding (MOU) defines the roles and responsibilities of both parties in regard to the consultation of Indigenous communities whose Aboriginal or Treaty Rights may be adversely affected by the Project, or who may be interested in the Project. The corrected information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	<p>Commitment for EA</p>
MECP-8	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:8</p> <p>Page/Section # in ToR: Page 109- 110, s. 11.9</p> <p>Comments & Rationale: The ToR indicates that a RoC will be prepared that provides a detailed account of any engagement or consultation undertaken with neighbouring Indigenous communities, government agencies and interested persons. The ToR also indicates that the proponent will be sharing a copy of community-specific record for consideration and review before it is included in the public record.</p> <p>Proposed Action/Solution: It is unclear as to what neighbouring Indigenous community is referring to. Will all Indigenous communities who provided input in the ToR and EA be provided an opportunity to review and comment on their own record or is the proponent only planning on offering this to some Indigenous communities?</p>	<p>Neighbouring Indigenous communities refers to the 23 Indigenous communities that have been identified by the MECP and the Agency for consultation and engagement in the EA / IA process. Neighbouring Indigenous communities is defined in Section 1.4.1 of the EA / IS Consultation and Engagement Plan. All 23 neighbouring Indigenous communities will be provided with a community-specific Record of Consultation. On page 26 of the EA / IS Consultation and Engagement Plan, it is noted that “Each neighbouring Indigenous community will be provided with a copy of their community-specific record for their consideration and review before it is included in the public record.”</p>	<p>Commitment for EA</p>

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	If only offering to a select few Indigenous communities how did the proponent determine which communities would be given this opportunity and what was the rationale behind not providing this to all Indigenous communities.		
MECP-9	<p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:9</p> <p>Page/Section # in ToR: Consultation Plan, Appendix C of ToR</p> <p>Comments & Rationale: MECP previously commented on the draft Consultation Plan on June 22, 2020 that, at a minimum, the proponent needs to ensure it addresses all comments or provides rationale why a comment could not be addressed. Ideally, the proponent would seek (and receive) confirmation from Indigenous communities that they have understood the information and how their concerns have been addressed or will be addressed through the course of the project. The MFFN-Ontario MOU specifies that the proponent is responsible for “working with Aboriginal Communities to resolve issues and address concerns raised throughout the process, including: following-up with Aboriginal Communities on issues related to Project impacts and documents how issues were addressed during... EA preparation and review.”</p> <p>Proposed Action/Solution: This specific comment did not appear to be addressed directly in the Consultation Plan of the proposed ToR. Please ensure that the MOU requirements for the proponent are fulfilled during the EA process.</p>	<p>In Table 4.2: Consultation and Engagement Milestones, Schedule, Activities and Targeted Input in the EA / IS Consultation and Engagement Plan, the Planned Activities column for each milestone includes “Follow-up communication to confirm information was received and the material(s) provided were understood”. This activity relates to documents that may include responses to comments received including milestone-related documents, ongoing correspondence and draft / final meeting minutes.</p> <p>When responses to feedback from Indigenous communities are provided, the MFFN Project Team has and will continue to follow up in a variety of different ways, including:</p> <ul style="list-style-type: none">▪ Letter responses and follow-up for further conversation on responses provided in letters;▪ Requests to schedule meetings to discuss responses further;▪ Draft meeting minutes with opportunity for Indigenous community review and input; and▪ Community-specific Record of Consultation for community review / input. <p>Moving forward, MFFN will continue to ensure that every best effort is made to fulfill the MOU requirements for the Proponent in the EA process.</p>	Appendix B, Section 4.1.7, Table 4-2, pg. 22 to 24
MECP-10	<p>Commenter Name and Title: Peter Brown, Senior Advisor (A)</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:1</p> <p>Page/Section # in ToR: General, Sections 7.1, Section 9 and Appendix C (Record of Consultation)</p> <p>Comments & Rationale: Please be sure to incorporate input from communities to the extent possible in the ToR and/or EA, as applicable. For example, Ginoogaming First Nation identified cedar and cedar root as important to the community from a medicinal and technological perspective. Geese were also identified as important. It does not appear that these were incorporated (e.g., in Sections 7.1.4.7 (Vegetation) and 7.1.4.8 (Wildlife), or in Appendix A (Proposed Criteria and Indicators).</p> <p>Proposed Action/Solution: Please make sure to consider all input provided by communities and incorporate it into the ToR and/or EA as applicable and to the extent possible, or explain why not with rationale. For example, if cedar and geese are not being considered, or being assessed through a proxy or representative species, please explain with rationale. In the comment-response table for these comments of the draft ToR in Appendix C (e.g., App. B-8) and Appendix E it is suggested that the suggestions opposite are addressed in Sections 7.1.2 and Section 9, which does not appear to be accurate. Please endeavour to accurately guide the reader to where they can find a response to their issue raised.</p>	<p>MFFN is currently working with Indigenous communities to develop Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA. Efforts to finalize the Sharing Agreements are ongoing. The information has been noted so that, moving forward, it will be referred to in Project documentation (e.g., the EA Report). The list of species of importance to Indigenous communities will be based on information received through the Indigenous Knowledge and Indigenous Land and Resource Use Studies for the Project.</p> <p>The response to Ginoogaming First Nation regarding cedar, cedar root and geese was provided based on plans to capture these species through the general habitat assessments (Ecological Land Classification / Ecosite studies) and field observations during bird studies. The information has been noted so that, moving forward, it will be referred to in Project documentation (e.g., the EA Report).</p>	Section 3.4.2.1, pg. 11 to 12
MECP-11	<p>Commenter Name and Title: Peter Brown, Senior Advisor (A)</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:2</p> <p>Page/Section # in ToR: Section 10.2.2, Page 84</p> <p>Comments & Rationale: There are numerous rights-based communities (Kasabonika Lake, Kashechewan, Kingfisher Lake, Wapekeka, Wawakapewin, Weenusk, Wunnumin) that did not provide input through correspondence, meetings or comments on the draft ToR. It is important to make sure that all communities have sufficient opportunity to review and comment on the ToR, or if a community does not wish to comment it is important to document that as well.</p> <p>Proposed Action/Solution: It is important to consider comments from all communities during the preparation of the ToR or review of the proposed ToR. If comments are not received from the communities opposite, confirmation that they do not wish to submit comments should be sought by the proponent or Crown, if not already evident, and documented.</p>	<p>The MFFN Project Team agrees that it is important for continued follow-up with neighbouring Indigenous communities, including with those who did not provide comments on the ToR. Throughout the Draft and Proposed ToR comment period, follow-up effort was made with all neighbouring Indigenous communities, including the rights-based communities listed in this comment, via email and telephone to solicit a response on the Indigenous communities’ intent to submit or not submit comments. During ToR follow-up, none of the rights-based communities noted in the comment provided intent to submit ToR comments. There was some confirmation of receiving materials, but follow-up phone calls and emails were largely unanswered.</p> <p>During the EA, the MFFN Project Team will continue to contact the neighbouring Indigenous communities to solicit feedback or confirm that they do not wish to submit comments, and will document those efforts as part of the Record of Consultation. To fulfill the Duty to Consult, MFFN acknowledges that participation is necessary by both the Proponent and the Indigenous communities.</p>	Commitment for EA
MECP-12	<p>Commenter Name and Title: Peter Brown, Senior Advisor (A)</p> <p>Branch: Environmental Assessment Branch</p> <p>Comment #:3</p> <p>Page/Section # in ToR: Section 10.2.2, Page 84; Appendix C</p> <p>Comments & Rationale: It would be helpful after identifying the communities that provided comments on the draft ToR to indicate how comments were incorporated into the proposed ToR, including, for example, a cross-reference to the comment-response tables in Appendix C.</p> <p>Proposed Action/Solution: Please make sure for any updates to this section or for the EA to include on page 84 a cross-reference to the comment-response tables in Appendix C to guide the reader to where comments and responses</p>	<p>The EA will include a cross reference from the list of the Indigenous communities that commented on the EA to the Record of Consultation section that includes where those comments can be found. ToR page 89 did include a cross reference to the comment-response tables in Appendix C, however it is recognized a cross reference on page 84 would also have been beneficial.</p> <p>If a comment has been addressed in the EA, the comment-response table in the EA Record of Consultation will show which EA report section the comment is addressed. This follows the format of the comment response tables in the ToR Record of Consultation, which identify where in the ToR comments have been addressed, if applicable.</p>	Commitment for EA

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	can be found. Please make sure that the comment-response tables in Appendix C clearly indicate where in the ToR (or EA) the comment is addressed.		
MECP-13	Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #: 4 Page/Section # in ToR: Table 10-3, Pages 90-96 Comments & Rationale: Summaries of issues raised and how they were addressed (Tables 10-2 and 10-3) are appreciated. It is difficult in Table 10-3 however to line-up the issues raised to where they are addressed in the ToR. Proposed Action/Solution: Please make sure for any updates to this section or for the EA that it is clear where in the ToR or EA an issue is addressed (e.g., line up each issue with the corresponding section). Please include sub-section numbers in Table 10-3 if possible.	The EA will provide more clarity and details, including in tables similar to ToR Table 10-3, on how comments have been addressed in the EA.	Commitment for EA
MECP-14	Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #: 5 Page/Section # in ToR: Table 11-1, Page 106; Table 4-1 Appendix B Comments & Rationale: It is noted that social media will be used for providing information only – not for gathering input. It is important that this is well advertised, that those being engaged are aware of this. Proposed Action/Solution: It is important that all communities/ community members that engage through social media are aware of how to formally submit comments to make sure they are considered and addressed by the Project Team, and that social media is for information purposes only.	During the EA, Community Coordinators (or other neighbouring Indigenous community staff posting on social media accounts) will be provided instruction and suggestions for clarifying that any feedback received on social media will not be formally tracked and considered, and will build awareness so that community members know how to submit comments formally.	Commitment for EA
MECP-15	Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #: 6 Page/Section # in ToR: Appendix C Comments & Rationale: Thank you for providing summaries and the raw consultation materials (correspondence, meeting minutes, draft ToR comments and responses) in Appendix C. Please continue to document and track all consultation throughout the EA. Proposed Action/Solution: Please continue to update the Record of Consultation throughout the EA. Please make sure that the section of the ToR or EA where comments are addressed is clearly identified in the summary or comment-response tables.	Section 11.9 of the ToR states that a Record of Consultation similar to the ToR Record of Consultation will be prepared during the EA. Therefore, MFFN will continue to update the Record of Consultation throughout the EA and clearly identify the section of the ToR or EA where comments are addressed within comment / response tables.	Section 11.9, pg. 109 to 110
MECP-16	Commenter Name and Title: Jacinth Gilliam-Price, Surface Water Specialist Branch: Northern Region Comment #: 1 (ID #128) Page/Section # in ToR: Pgs. 45 and 46/Section 7.1.4.5 Surface Water Comments & Rationale: <i>Section 7.1.4.5 Surface Water</i> has not been updated to address concerns submitted during review of the draft ToR or to describe the surface water quality and quantity monitoring included in the DRAFT surface water monitoring plan titled: “ <i>Study Plan – Surface Water, Community Access Road</i> ”, prepared by AECOM Canada Ltd., prepared for Marten Falls First Nation, dated May 2020. It is understood that specifics respecting baseline surface water monitoring is to be included in the surface water study plan; however, the ToR should include, if not an updated description of the surface water monitoring activities to be carried out to collect baseline data, reference to the surface water study plan. Proposed Action/Solution: If the proponent were to amend the Terms of Reference (ToR), Section 7.1.4.5 Surface Water must either describe in more detail the surface water quality and quantity monitoring activities to be conducted as part of baseline sampling, along with identifying sampling locations, or reference the “Study Plan – Surface Water, Community Access Road” document. In addition to assessment of watercourses at road crossings, monitoring of surface water features that may be located in close proximity (i.e. within 100 m, with consideration given to any steep topography) to supportive infrastructure (e.g. storage and laydown yards, access/haul roads, construction camps, aggregate extraction and storage areas, domestic sewage discharges, etc.) should also be conducted and included on the Study Plan – Surface Water. The Study Plan – Surface Water document must include previously supplied recommendations concerning surface water quality and quantity baseline sampling. Previous comments were included from MECP in the Surface Water Comments	Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1). Comments received from the MECP on July 16, 2020 as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. The Surface Water Study Plan will be updated to include assessment of watercourses within 2.5 km around temporary infrastructure (i.e., ancillary infrastructure).The revised Surface Water Study Plan will include a concordance table to show how comments were addressed or deviated from. MFFN will consult on the contents of the study plans throughout the EA per Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B). Information from the study plans will also be documented in the EA.	Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA

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	Table dated July 16, 2020 and discussed with AECOM Canada Ltd. during a November 9, 2020 meeting.		
MECP-17	<p>Commenter Name and Title: Jacinth Gilliam-Price, Surface Water Specialist</p> <p>Branch: Northern Region</p> <p>Comment #:2 (ID #126)</p> <p>Page/Section # in ToR: Pg. 19/Section 5.2.2 Project Activities and pg. 67/Section 7.2.5 Surface Water</p> <p>Comments & Rationale: <i>Section 5.2.2 Project Activities</i> mentions that sewage generated during construction will be contained temporarily on-site until it can be disposed of at an off-site, approved waste facility capable of accepting the domestic sewage volumes. However, <i>Section 7.2.5 Surface Water</i> does not discuss the temporary storage of construction camp generated domestic waste, the accidental release of domestic waste or alternatives to disposing of the waste offsite should this not be accommodated.</p> <p>Proposed Action/Solution: If the proponent were to amend the ToR, potential surface water impacts related to the storage of on-site domestic waste generated by the construction camp, accidental release of domestic waste or alternatives to disposing of the waste offsite must be included in Section 7.2.5 Surface Water. This must include consideration of having to treat and discharge domestic waste on-site should the option of deposing of the waste at an off-site location not be realized. The potential surface water quality impacts associated with an on-site domestic sewage wastewater treatment unit/facility must also be included.</p> <p>The Environmental Assessment (EA) must include an assessment of the potential surface water quality impacts relating to the construction camp on-site domestic waste storage units, the accidental release or spill of domestic waste from such containment units, and construction camp on-site domestic sewage wastewater treatment unit/facility.</p>	<p>It is anticipated that all domestic sewage generated during construction of the Project will be contained temporarily on-site in approved holding storage systems until it can be disposed of at an off-site, approved waste facility capable of accepting the domestic sewage volumes. Although the Project does not anticipate the need for an on-site domestic sewage wastewater treatment facility, the EA will conservatively assess potential effects of on-site sewage waste treatment to the environment, including to surface water and groundwater. This is in addition to the EA assessing potential surface water and groundwater effects resulting from the temporary domestic waste storage systems and any accidental release or spill from the containment units. Potential effects to surface water and groundwater resulting from the accidental release or spill of domestic sewage waste will be assessed as part of accidents and malfunctions in the EA.</p>	Commitment for EA
MECP-18	<p>Commenter Name and Title: Shannon Heggie, Hydrogeologist</p> <p>Branch: Northern Region</p> <p>Comment #:1 (ID #137)</p> <p>Page/Section # in ToR: p. 47 / Section 7.1.4.6 Groundwater; p. 36-38 / Appendix C-E</p> <p>Comments & Rationale: <i>In Section 7.1.4.6 Groundwater</i>, the MECP Water Well Record #16003369 is incorrect and does not exist.</p> <p>Proposed Action/Solution: If the proponent were to amend the Terms of Reference (ToR), edits to the MECP Water Well Record number in <i>Section 7.1.4.6 Groundwater</i> must be made at that time (i.e. replace “#16003369” with #1603369); this information must be updated in the Environmental Assessment (EA).</p>	<p>The corrected information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	Commitment for EA
MECP-19	<p>Commenter Name and Title: Shannon Heggie, Hydrogeologist</p> <p>Branch: Northern Region</p> <p>Comment #:2 (ID #138)</p> <p>Page/Section # in ToR: p. 47-48 / Section 7.1.4.6 Groundwater; p. 37-38 / Appendix C-E</p> <p>Comments & Rationale: <i>Section 7.1.4.6 Groundwater</i> provides no reference or description of the groundwater monitoring activities outlined within the May 2020 draft <i>Study Plan - Groundwater</i> document prepared by AECOM Canada Ltd. for Marten Falls First Nation; and states, “The need for and scope of additional surveys will be determined in consultation with applicable agencies.”</p> <p>Proposed Action/Solution: If the proponent were to amend the ToR, <i>Section 7.1.4.6 Groundwater</i> must reference the <i>Study Plan - Groundwater</i> document in terms of the baseline groundwater quality and quantity monitoring field programs for the EA.</p>	<p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1). Comments received from the MECP on the Draft Groundwater Study Plan as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. The revised Groundwater Study Plan will include a concordance table to show how comments were addressed or deviated from.</p> <p>MFFN will consult on the contents of the study plans throughout the EA per Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B) of the ToR. Information from the study plans will also be documented in the EA Report.</p>	Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA
MECP-20	<p>Commenter Name and Title: Shannon Heggie, Hydrogeologist</p> <p>Branch: Northern Region</p> <p>Comment #:3 (ID #139)</p> <p>Page/Section # in ToR: p. 67-68 / Sections 7.2.5 Surface Water and 7.2.6 Groundwater; p. 38 / Appendix C-E</p> <p>Comments & Rationale: <i>Sections 7.2.5 Surface Water</i> and <i>7.2.6 Groundwater</i> do not include potential groundwater or surface water quality effects from construction camp sewage systems.</p> <p>Proposed Action/Solution: Due to the remote nature of the proposed road development, disposal of camp sewage at an appropriate facility may not be achievable, and on-site sewage disposal systems may be required. If the proponent were to amend the ToR, potential groundwater and surface water quality impacts due to construction camp sewage systems must be included in <i>Sections 7.2.5 Surface Water</i> and <i>7.2.6 Groundwater</i>. An assessment of potential groundwater and surface water quality impacts due to construction camp sewage systems must be included in the EA.</p>	<p>It is anticipated that all domestic sewage generated during construction of the Project will be contained temporarily on-site in approved holding storage systems until it can be disposed of at an off-site, approved waste facility capable of accepting the domestic sewage volumes. Although the Project does not anticipate the need for an on-site domestic sewage wastewater treatment facility, the EA will conservatively assess potential effects of on on-site sewage waste treatment to the environment, including to surface water and groundwater. This is in addition to the EA assessing potential surface water and groundwater effects resulting from the temporary domestic waste storage systems and any accidental release or spill from the containment units. Potential effects to surface water and groundwater resulting from the accidental release or spill of domestic sewage waste will be assessed as part of the accidents and malfunctions in the EA.</p>	Commitment for EA

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MECP-21	<p>Commenter Name and Title: Shannon Heggie, Hydrogeologist</p> <p>Branch: Northern Region</p> <p>Comment #:4 (ID #142)</p> <p>Page/Section # in ToR: p. 113 / Table 13-1 Potential Permits and Approvals for the Project (MECP); p. 40 / Appendix C-E</p> <p>Comments & Rationale: In <i>Table 13-1 Potential Permits and Approvals for the Project (Environmental Activity and Sector Registry or Permit To Take Water)</i> states: “Registration of the water taking activity in the Environmental Activity and Sector Registry [EASR], if the water taking is less than 50,000 litres in a day from the sources identified above.”. It is noted that registration in the EASR does not apply to water takings <50,000 L/day.</p> <p>Proposed Action/Solution: Registration in the Environmental Activity and Sector Registry (EASR) does not apply to water takings <50,000 L/day. Further consultation with the MECP regarding EASR-applicable activities is recommended during the EA. Please refer to the following resource for more information: https://www.ontario.ca/page/water-taking-user-guide-environmental-activity-and-sector-registry#section-3</p>	<p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). MFFN will consult with the MECP during the EA regarding EASR-applicable activities.</p>	Commitment for EA
MECP-22	<p>Commenter Name and Title: Shannon Heggie, Hydrogeologist</p> <p>Branch: Northern Region</p> <p>Comment #:5 (ID #214)</p> <p>Page/Section # in ToR: p. 68 / Section 7.2.6 Groundwater; p. 73 / Appendix C-E</p> <p>Comments & Rationale: <i>Section 7.2.6 Groundwater</i> does not include potential groundwater quality or flow impacts to spring water sources.</p> <p>ID#214 - Aroland First Nation states, “...potential effects on groundwater should include impacts on spring water sources that may have benefits to Indigenous peoples and may have spiritual value.”</p> <p>Proposed Action/Solution: If the proponent were to amend the ToR, <i>Section 7.2.6 Groundwater</i> must include potential water quality and flow impacts to spring water sources due to construction activities, dewatering, blasting, and aggregate extraction. An assessment of potential water quality and flow impacts to identified spring water sources must be included in the EA.</p>	<p>Section 7.2.1 of the ToR indicates that the “Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources.” Water resources is inclusive of spring water sources (i.e., spring water sources refer to areas of groundwater upwelling) identified by Aroland First Nation as having spiritual value. Aroland First Nation’s comments and MFFN’s response that the EA will consider potential effects on spring water resources have been documented as part of the ToR, and therefore is committed for inclusion in the EA.</p> <p>As noted in Section 3.4.2 of the ToR, Indigenous Knowledge will be gathered through the Indigenous Knowledge Program and integrated into the baseline description for each discipline as appropriate. This will include the Indigenous Knowledge on locations of sensitive receptors, such as spring water sources that have value to Indigenous peoples. The Indigenous Knowledge Program provides additional opportunities for Indigenous communities to share information such as this in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. It is of note that Indigenous Knowledge cannot be shared with and used by MFFN until Indigenous Knowledge Sharing Agreements are in place.</p>	Section 3.4.2.1, pg. 11 to 12 Section 7.2.1, pg. 65 Commitment for EA
MECP-23	<p>Commenter Name and Title: Consolidated comments, as reported by Katherine Onyshkewych (A/Senior Zone Planner) from the Northwest Zone office of Ontario Parks; commenters include Kirstin Hicks- Assistant Park Planner</p> <p>Branch: Ontario Parks</p> <p>Comment #:1</p> <p>Page/Section # in ToR: Page 59 Land and Resource Use</p> <p>Comments & Rationale: Current wording states “Albany Provincial Park is subject to Crown Use Policy Report P2657: Albany River Provincial Park (MNR 2006).”</p> <p>To provide clarity Albany River Provincial Park is governed by the Albany River Provincial Park Management Plan/Management Statement which outlines resource management guidelines for the protected area.</p> <p>Proposed Action/Solution: Recommend replace wording to: “Albany River Provincial Park management is outlined in the Albany River Provincial Park Interim Management Statement.”</p>	<p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	Commitment for EA
MECP-24	<p>Commenter Name and Title: Consolidated comments, as reported by Katherine Onyshkewych (A/Senior Zone Planner) from the Northwest Zone office of Ontario Parks; commenters include Kirstin Hicks- Assistant Park Planner</p> <p>Branch: Ontario Parks</p> <p>Comment #:2</p> <p>Page/Section # in ToR: 3.1 Provincial Environmental Assessment Requirements Page 5</p> <p>Comments & Rationale: “It is noted that the July 2020 amendments to the EAA included change to provincial EA process that may result in requirements for the Project that are different than what is outlined above”. It is worth noting that to provide certainty, the current PPCRA-Class EA will continue to provide coverage for this project as no replacement policy/procedure has been established to date.</p> <p>Proposed Action/Solution:[BLANK]</p>	<p>Thank you for providing this clarification on the application of the <i>Provincial Parks and Conservation Reserves Act</i> Class EA following the July 2020 amendments to the <i>Environmental Assessment Act</i>. MFFN will continue to monitor for new policies and procedures as they are established, as well as consulting with government agencies throughout the EA process to confirm applicable requirements from the <i>Environmental Assessment Act</i> amendment.</p>	Section 3.1, pg. 5
MECP-25	<p>Commenter Name and Title: Consolidated comments, as reported by Katherine Onyshkewych (A/Senior Zone Planner) from the Northwest Zone office of Ontario Parks; commenters include Kirstin Hicks- Assistant Park Planner</p> <p>Branch: Ontario Parks</p>	<p>MFFN will reach out to Ontario Parks to obtain this data so that it may be reviewed and used to inform the EA as applicable.</p>	Commitment for EA

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	<p>Comment #:3</p> <p>Page/Section # in ToR: 7.1.4. Description of the Existing Environment Page 31</p> <p>Comments & Rationale: It is important to note that Ontario Parks uses Landform/ Vegetation Associations to represent biodiversity in protected areas. GapTool analytical tool is used to prepare this information.</p> <p>Significant and critical associations for Ecodistricts 2W-2 and 2W3 are location within Ogoki River and Albany River provincial parks and will be affected within the project area.</p> <p>Proposed Action/Solution: This data would be helpful to reference during the EA process and can be provided by Ontario Parks.</p>		
MECP-26	<p>Commenter Name and Title: Guowang Qiu, Air Quality Analyst</p> <p>Branch: Technical Support, Northern Region</p> <p>Comment #:1</p> <p>The updated AAQC list was posted online in 2020. The citation should be 2020 instead of 2018.</p>	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
MECP-27	<p>Commenter Name and Title: Guowang Qiu, Air Quality Analyst</p> <p>Branch: Technical Support, Northern Region</p> <p>Comment #:2</p> <p>There is a typo in Appendix A: Proposed Criteria and Indicators for Alternatives Evaluation. It should SO2 instead of SO.</p>	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
MECP-28	<p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:1</p> <p>Page/Section # in ToR: s. 5.2.1.1 (p. 15)</p> <p>Comments & Rationale: As per previous comments on the Draft Terms of Reference (ToR) provided on January 14, 2020, additional clarity is required on the proposed width of the ROW that will be assessed.</p> <p>The Final ToR indicates that “<i>The CAR is anticipated to be built within a 100 m ROW cleared to a width of 60 m for permanent use, with additional temporary clearing occurring in certain locations to accommodate construction activities, access, borrow areas, aggregate source areas, quarry sites, and temporary infrastructure such as staging areas, camps and debris and/or timber stockpiles.</i>”</p> <p>It is unclear if the Proponent will be assessing impacts to the full 100 m ROW, or the 60 m width for permanent use plus additional temporary areas.</p> <p>Proposed Action/Solution: Provide clarity to the ROW for the Proposed project at the EA stage.</p>	Although only 60 m of the 100 m right-of-way will be cleared for permanent use, the EA will conservatively assess affects to the full 100 m right-of-way during both the construction and operation phases.	Commitment for EA
MECP-29	<p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:2</p> <p>Page/Section # in ToR: 7.1.4.8 – Species at Risk: Wildlife (p. 50)</p> <p>Comments & Rationale: The first paragraph reads: “... species listed as threatened, endangered or special concern (SAR) under the provincial Endangered Species Act, 2007 or the federal Species at Risk Act, 2002.” – “or” should be replaced with “and”, as both pieces of legislation may be applicable for a single species.</p> <p>Proposed Action/Solution: Provide clarification at the EA stage.</p>	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
MECP-30	<p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:3</p> <p>Page/Section # in ToR: 7.1.4.8 – Species at Risk: Wildlife (p. 54)</p> <p>Comments & Rationale: Will surveys not be completed for federal species at risk birds? The ToR lists provincially at-risk species, but does not include Common Nighthawk, for example.</p> <p>Proposed Action/Solution: Provide clarification at the EA stage, specifically in the Workplans.</p>	<p>Species at Risk (SAR), including federally listed species, will be assessed in the EA. This includes:</p> <ul style="list-style-type: none">▪ Forest Birds (including SAR-birds such as: Canada Warbler [<i>Cardellina canadensis</i>], Chimney Swift [<i>Chaetura pelagica</i>], Common Nighthawk [<i>Chordeiles minor</i>], Eastern Whip-poor-will [<i>Antrostomus vociferous</i>], Eastern Wood Pewee [<i>Contopus virens</i>], Evening Grosbeak [<i>Coccothraustes vespertinus</i>] and Olive-sided Flycatcher [<i>Contopus cooperi</i>])▪ Raptors (including provincially listed SAR-birds such as: Bald Eagle [<i>Haliaeetus leucocephalus</i>], Peregrine Falcon [<i>Falco peregrinus</i>] and Short-eared Owl [<i>Asio flammeus</i>])▪ Shorebirds▪ Waterfowl▪ Bog / Fen Birds and Other Wetland Birds (including SAR-birds such as: Black Tern [<i>Chlidonias niger</i>], Rusty Blackbird [<i>Euphagus carolinus</i>] and Yellow Rail [<i>Coturnicops noveboracensis</i>]).	Section 7.1.3, pg. 30 to 31 Appendix A, pg. 3 Appendix B, Section 4.1.7, pg. 22

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		MFFN is currently undergoing a detailed scoping exercise with Canadian Wildlife Services that will detail how federally-listed birds will be surveyed and assessed within the EA. The methods of baseline studies, as well as the results of baseline studies, will be consulted on during the EA (Appendix B) and will be documented in the EA Report.	
MECP-31	<p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:4</p> <p>Page/Section # in ToR: 7.1.4.8 - Species of Importance to Indigenous Communities: Wildlife (p. 54)</p> <p>Comments & Rationale: ToR identifies several species that are of importance for dietary needs, and / or cultural and spiritual needs, but there is no information on what this means for the project or how they will be considered and if any surveys are planned.</p> <p>Proposed Action/Solution: Provide clarification at the EA stage.</p>	<p>MFFN is currently working with Indigenous communities to develop Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA, including baseline studies. Efforts to finalize the Sharing Agreements are ongoing, and as a result the Indigenous Knowledge currently available to inform the species of importance to Indigenous communities within the ToR is limited to that from MFFN and community knowledge shared though consultation and engagement to date. However, it is anticipated that an Indigenous Knowledge Sharing Agreement will be established with each potentially affected Indigenous community with interest in sharing Indigenous Knowledge, which will enable the inclusion of Indigenous Knowledge in additional baseline data collection efforts. Further information on the Indigenous Knowledge Program and how shared Indigenous Knowledge will be used in the EA, including in the establishment of baseline conditions, is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>Species of importance to Indigenous communities will also inform potential effects to the social environment and Indigenous People’s Rights and Interests discipline. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources, which may, in turn, influence Indigenous land and resource use activities in the area of the Project and changes to the experience of being on the land.</p>	<p>Section 7.2.1, pg. 66</p> <p>Section 7.2.10, pg. 70</p>
MECP-32	<p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:5</p> <p>Page/Section # in ToR: 7.1.4.8 – Species at Risk: Wildlife (p. 54)</p> <p>Comments & Rationale: More information is needed to understand what species remote camera surveys will be targeting, as this will inform the methodology.</p> <p>Proposed Action/Solution: Provide clarification at the EA stage, specifically in the Workplans.</p>	<p>MFFN will prepare study plans on the environmental components, including for wildlife, at the onset of the EA (Section 9.1.1 of the ToR). These study plans are in the early stage of development and are currently being prepared outside of the ToR. Information on remote sensing cameras and how the data will be used to inform the EA will be provided in the Wildlife Study Plan. MFFN will consult on the contents of the study plans throughout the EA per Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B) of the ToR. Information from the study plans will also be documented in the EA Report. Below is a high-level description related to remote camera surveys for the Project:</p> <p>Remote motion sensitive cameras are proposed to collect data related to furbearers (e.g., wolverines, wolves, beavers, black bears), small mammals and ungulates. Incidental observations of other wildlife will also be recorded. Data from the cameras will be used to estimate the seasonal distribution, abundance and density of targeted species to inform the effects assessment for wildlife. All caribou and other species at risk (i.e., wolverine) observed through the remote camera monitoring program will be reported to the Natural Heritage Information Centre and the MECP-Species At Risk Branch.</p>	<p>Section 9.1.1, pg. 76</p> <p>Appendix B, Section 4.1.7, pg. 22 to 24</p> <p>Commitment for EA</p>
MECP-33	<p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:6</p> <p>Page/Section # in ToR: 7.1.4.8 – Species at Risk: Wildlife (p. 54)</p> <p>Comments & Rationale: Mention of Wolverine being present but there is no mention of field surveys that will be carried out for this species.</p> <p>Proposed Action/Solution: Provide clarification at the EA stage, specifically in the Workplans.</p>	<p>MFFN will prepare study plans on the environmental components, including for wildlife, at the onset of the EA (Section 9.1.1 of the ToR). These study plans are in the early stage of development and are currently being prepared outside of the ToR. MFFN will consult with the MECP through the study plan as well as the contents of the study plans throughout the EA per Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B) of the ToR. The current proposal to study wolverine includes the use of motion sensitive camera tracking, hair snag traps, and winter aerial tracking. Information from the study plans will be documented in the EA.</p>	<p>Section 9.1.1, pg. 76</p> <p>Appendix B, Section 4.1.7, pg. 22 to 24</p> <p>Commitment for EA</p>
MECP-34	<p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:7</p> <p>Page/Section # in ToR: 7.2 - Potential Environmental Effects (p. 64)</p> <p>Comments & Rationale: Preliminary consideration of potential effects to SAR needs to be included, above and beyond those applicable to vegetation, wildlife and fish and fish habitat.</p> <p>Table 7-6 lacks information on potential environmental effects to SAR specifically.</p> <p>This should include a preliminary list of potential effects, in a table format, including, but not limited to, the following:</p> <ul style="list-style-type: none">▪ Project Compound or Activity<ul style="list-style-type: none">– Field surveys, staking, layout– Vegetation clearing and grubbing	<p>In accordance with the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, proponents may wish to include a preliminary list of potential effects in the ToR but the determination of environmental effects are not needed until the EA. Therefore, Table 7-6 of the ToR is a preliminary list of potential effects with additional detail provided in Sections 7.2.1 to 7.2.11. The EA will identify and describe the potential effects of the Project on Species at Risk (SAR). Project component and activities, including those identified in this comment, that will be assessed in the EA are described in Section 5.2 of the ToR. The specific Project-interactions of each Project phase will be determined in the EA. The EA will recommend impact management measures to avoid or minimize potential effects of the Project on the environment.</p>	<p>Section 5.2, pg. 15 to 20</p> <p>Section 7.2, pg. 65</p>

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	<div><div>– Construction of supportive infrastructure (e.g. storage and laydown yards, temporary access roads, construction camps, aggregate extraction areas)</div><div>– Construction of the road</div><div>– Aggregate extraction and production</div><div>– Emissions, discharge and waste</div><div>– Operations and maintenance</div><div><div>▪ Potential Effects</div><div>▪ Mitigation Measures</div></div></div> <div>Proposed Action/Solution: Provide clarification at the EA stage.</div>		
Ministry of Energy, Northern Development and Mines – December 21, 2020			
ENDM-1	<div>Comment #: 1. PM</div> <div>Page/Section # in ToR: Section 1, Pg. 1</div> <div>Comments and Rationale: Review statement in 3rd paragraph which indicates “In 2016 ENDM confirmed financial support on permitting the Project (2017)...” ENDM did not provide financial support to permit the project.</div> <div>Proposed Action/Solution: Correct statement to align with text used in S. 6.3 (pg. 23) which more accurately references the purpose of the 2016 funding.</div> <div>“In the spring of 2016, MFFN secured provincial funding to research and explore options for connecting the community to the existing provincial transportation network, including permitting and approval support”.</div> <div>Please acknowledge in your response and moving forward please use correct language. If ToR is to be revised, include preferred language.</div>	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the Environmental Assessment [EA] Report).	Commitment for EA
ENDM-2	<div>Comment #: 2. AH</div> <div>Page/Section # in ToR: Section 3.4.2, Pg. 9</div> <div>Comments and Rationale: Par. 2 Would the Indigenous communities be able to provide input into the determination of which baseline studies should be undertaken?</div> <div>Proposed Action/Solution: Please provide answer in your response. Beyond response, no further action is required at this time.</div>	Indigenous communities are able to provide input into the determination of which baseline studies should be undertaken for the Project. Marten Falls First Nation (MFFN) will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / Impact Statement [IS] Consultation and Engagement Plan). Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions. In addition, the results of field studies will be shared throughout the EA and will be documented in the EA Report.	Appendix B, Section 4.1.7, pg. 22
ENDM-3	<div>Comment #: 3. PM</div> <div>Page/Section # in ToR: Section 3.4.2, Pg. 9</div> <div>Comments and Rationale: Establishing Existing Conditions – “While baseline data collection has already commenced for several environmental disciplines..... IK shared and collected to support the EA will be used to guide future data collection”</div> <div>Proposed Action/Solution: Please confirm whether to date, IK information has already been included in the baseline data collection. If so, moving forward, this should be included.</div>	<p>MFFN is currently working with Indigenous communities to develop community-specific Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA, including baseline studies. Efforts to finalize the Sharing Agreements are ongoing, and as a result the Indigenous Knowledge currently available to inform existing conditions and baseline studies is limited to that from MFFN and community knowledge shared though consultation and engagement to date. For example, the location of features or sites provided in available Indigenous knowledge have been included as sensitive receptors in the baseline of environmental disciplines.</p> <p>It is anticipated that an Indigenous Knowledge Sharing Agreement will be established with each potentially affected Indigenous community with interest in sharing Indigenous Knowledge, which will enable the inclusion of Indigenous Knowledge in additional baseline data collection efforts. Further information on the Indigenous Knowledge Program and how shared Indigenous Knowledge will be used in the EA, including in the establishment of baseline conditions, is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>As stated in Sections 3.4.2 and 7.1.4 of the Terms of Reference (ToR), Indigenous Knowledge is an important information source that will contribute to the characterization of the existing environment and will be incorporated in the EA to inform baseline conditions.</p>	Section 3.4.2, pg. 9 to 10 Section 7.1.4, pg. 31
ENDM-4	<div>Comment #: 4. PM</div> <div>Page/Section # in ToR: Section 3.4.2.1, Pg. 11</div> <div>Comments and Rationale: “Knowledge Holders will be identified by MFFN community to participate in the studies”</div> <div>Proposed Action/Solution: Remove MFFN. It should be the communities themselves that identify the Knowledge Holders within their communities who will provide IK. The changes would then align with remaining bullets in the section. Bullet should read “Knowledge Holders will be identified by their community to participate in the studies”. Moving forward to the EA stage, please use revised language.</div>	It is MFFN’s intent that Knowledge Holders will be identified by each Indigenous community for the purposes of their Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Study. The text in Section 3.4.2.1 should read ‘Knowledge Holders will be identified by each Indigenous community to participate in the studies’. The revised language has been noted so that, moving forward, it will be communicated accurately throughout the EA and referred to accurately in Project documentation (e.g., the EA Report).	Section 3.4.2.1, pg. 11 Commitment for EA

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	Please confirm in response. Beyond response, no further action required at this time.		
ENDM-5	<p>Comment #: 5. PM</p> <p>Page/Section # in ToR: Sect 5.2.1, Pg. 15; Sect. 5.2.1.4, Pg. 17</p> <p>Comments and Rationale: The CAR.... with additional temporary clearing occurring for camps, aggregate source areas quarry sties....</p> <p>Temporary construction camps....at various locations along the ROW and/or near other Project components</p> <p>Proposed Action/Solution: As part of the EA, clearly indicate that aggregate sites, quarries, temporary camps etc. will be outside of the 100 m corridor.</p> <p>Please acknowledge in your response. No further action required at this time.</p> <p>As part of the EA, please identify on maps the proposed locations of temporary roads, camps, aggregate sties etc. to ensure that consultation on their location occurs during the EA process. ENDM can share examples on how this can occur as it has been a requirement on other EAs.</p> <p>Please acknowledge in your response. Beyond response, no further action required at this time.</p>	<p>In addition to Section 5.2.1 of the ToR which states "...additional temporary clearing..." is anticipated to occur, Section 5.2.1.3 of the ToR on quarries, borrow areas and aggregate source areas states "...potential sources further away, possibly outside the preliminary study area may need to be developed for constructing the Project." The preliminary study area for the Project is defined as 2.5 km of each side of the centreline of each alternative route (i.e., larger than the 100 m right-of-way)</p> <p>MFFN will clearly state that these locations have the potential to occur outside of the 100 m right-of-way and identify all Project components on mapping in the EA. MFFN would greatly appreciate if the Ministry of Energy, Northern Development and Mines could share the examples mentioned in 'Comment # 5. PM'.</p>	Section 5.2.1.3, pg. 16 Commitment for EA
ENDM-6	<p>Comment #: 6. PM</p> <p>Page/Section # in ToR: Sect 5.2.2, Pg. 20</p> <p>Comments and Rationale: Wastes: The closet waste management site to the Project is the MNRF Hanover Tower Road Waste Disposal Site (Certificate #A590005)</p> <p>Proposed Action/Solution: As part of the EA, please confirm this site is still permitted and available for use. Suggest looking at alternative sites in the EA.</p> <p>Please acknowledge in your response. No further work required at this time.</p>	<p>Approved waste facilities in the vicinity of the Project will be considered and identified during the EA (Section 5.2.2). MFFN will confirm whether the Ministry of Natural Resources and Forestry Hanover Tower Road Waste Disposal Site is still operational and, if warranted, will seek to identify alternate sites. Section 9.1.1 of the ToR indicates that MFFN will engage with the waste site operator and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options.</p>	Section 5.2.2, pg. 20 Section 9.1.1, pg. 77
ENDM-7	<p>Comment #: 7. PM</p> <p>Page/Section # in ToR: Sect 5.2.2, Pg. 20</p> <p>Comments and Rationale: It is expected that the existing winter road will no longer be maintained....</p> <p>Proposed Action/Solution: As part of EA, please confirm current and future direction and permitting related to the winter road. The approved Matawa Broadband Project is installing its fibre along the winter road for access and maintenance purposes. Suggest referencing wording from that project to include in this project.</p> <p>Please acknowledge in your response. Beyond response, no further action required at this time.</p>	<p>The EA will identify the current and future direction and permitting related to MFFN's winter road. It is anticipated that the road will no longer be maintained once the Community Access Road (CAR) is operational and will be left to revegetate naturally.</p>	Commitment for EA
ENDM-8	<p>Comment #: 8. PM</p> <p>Page/Section # in ToR: Sect 6.3, Pg. 23</p> <p>Comments and Rationale: Par. 4 is not characterized in an accurately and does not align with the outreach and engagement messaging that has occurred to date and the information from consultation and engagement from Spring 2016 to May 2017</p> <p>Proposed Action/Solution: First sentence of par. 4 is fine.</p> <p>Suggest the following wording starting on line 2.:</p> <p>"Following review of the report, the Province entered into discussions with MFFN about funding an EA process. The provincial government would provide funding to plan all-season road access to MFFN. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire." The announcement by the province.... continue as is. Last sentence in paragraph 4 is fine.</p> <p>Please acknowledge in your response, if amending the ToR, change the wording, if not amending the ToR moving forward as part of EA clearly and accurately reflect the contents of the paragraph.</p> <p>Beyond response, no further action is required at this time.</p>	<p>The revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	Commitment for EA
ENDM-9	<p>Comment #: 9. PM/AH</p> <p>Page/Section # in ToR: Treaty Boundary Map, Pg. 32</p> <p>Comments and Rationale: Figure 7-2 The location of the Weenusk First Nation Reserve on the map is incorrect: it is further north (north of the first large bend in the river on the west bank).</p> <p>The Métis Nation of Ontario, Region 2 has been shown on the Treaty Boundary map which may suggest that this hatched area is the area of a Treaty. This is not the case.</p> <p>The MNO regions are administrative boundaries – the way that MNO organizes themselves for consultation and other</p>	<p>The information of this comment has been noted. The location of Weenusk First Nation will be adjusted in the EA figures that correspond to Figure 7-2 and Figure 10-3 of the ToR. MFFN will discuss this mapping error with Weenusk First Nation. It is recognized that mapping within the ToR was unclear in terms of displaying Métis organizations within the James Bay Treaty No. 9 boundaries. The depiction on Figure 7-2 of the ToR was not provided with proper context and Métis will be shown on their own map in the EA Report to avoid any misunderstandings.</p>	Commitment for EA

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	<p>purposes. Within each region there are a number of contemporary communities (community councils) and a regional consultation committee with membership drawn from each of those community councils. Including Region 2 on the Treaty map may appear to infer rights associated with the signing of a treaty. It is understood that the location of any Métis s. 35 rights has not yet been defined in this area.</p> <p>Proposed Action/Solution: As part of EA update, please update the map. In addition, it is recommended that as part of your next outreach on the project with Weenusk First Nation that you indicate that the community location was mapped incorrectly, and it will be corrected in all future products. Please acknowledge in your response.</p> <p>Please explain the thinking behind including the Métis Nation of Ontario, Region 2 on this particular map in your response. Suggest that moving forward, the MNO Region 2 be shown on its own map to avoid any misunderstandings or a better explanation is provided in the legend.</p> <p>Beyond your response, no further action required at this time.</p>		
ENDM-10	<p>Comment #: 10. PM</p> <p>Page/Section # in ToR: Sect 7.1.4, entire section</p> <p>Comments and Rationale: In Section 3.4.2 on page 9 it indicates “While baseline data collection has already commenced for several environmental disciplines....”</p> <p>While this is accurate, throughout the entire Section 7.1.4, for each discipline, it should clearly indicate what studies have occurred to date to support the ToR and EA and how it will be further assessed.</p> <p>Through the development of the Project Study Plans for each discipline the proponent has indicated the previous work completed, the findings and how it is being used to develop the new Project Study Plans.</p> <p>Proposed Action/Solution: For each discipline, it should be clearly indicated, whether initial baseline studies have commenced or been undertaken, and that updated study plans are in the process of being developed.</p> <p>Engagement/notification of adjacent First Nations has occurred to date for many of these baseline studies. This should be noted.</p> <p>Please acknowledge in your response. Beyond response, no further action required at this time.</p>	<p>The baseline studies that have occurred to date to support the EA process are:</p> <ul style="list-style-type: none">▪ Air Quality (ongoing):<ul style="list-style-type: none">– One year of monitoring to characterize the seasonal variations in ambient air quality (NO_x, PM_{2.5}, PM₁₀, TSP, CO, SO₂ and BTX). The monitoring device will be located within the community of Marten Falls and is expected to be installed in Winter 2021.▪ Wildlife and Vegetation:<ul style="list-style-type: none">– Breeding Bird Point Counts, Marsh Bird Callback Surveys, Bank and Barn Swallow Surveys, Eastern Whip-poor-will Surveys, Remote Wildlife Camera Surveys, and Vegetation Surveys on Alternative 1 and Alternative 4 were completed in 2019.▪ Acoustic Environment:<ul style="list-style-type: none">– Baseline monitoring documenting existing ambient noise levels on Alternative 1 and Alternative 4 was completed in 2019.▪ Surface Water, Groundwater, Physiography:<ul style="list-style-type: none">– Desktop analysis and both aerial and ground field surveys for hydrology, water quality, (desktop only for groundwater and geology) to characterize existing baseline conditions at water body crossings along Alternative 1 and Alternative 4 was completed in 2019.– Surface and sediment sample collection was completed 2019.▪ Fish and Fish Habitat:<ul style="list-style-type: none">– Desktop analysis and both aerial and ground-based field surveys to characterize existing baseline conditions at water body crossings along Alternative 1 and Alternative 4 was completed in 2019.– Ground-based surveys on fish habitat surveys, benthic invertebrate collection, geomorphological assessment 2019 and 2020.▪ Geotechnical:<ul style="list-style-type: none">– Helicopter access development, peat probing, hand auguring, test hole drilling, visual assessment of five major water crossings (>10 m± width), site walkover of potential bedrock quarry sites on Alternative 1 and Alternative 4 was completed in 2019. <p>All past and future studies will be identified and summarized in the EA. MFFN will consult with Indigenous communities, agencies, and interested persons on baseline studies during the EA per the EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR.</p> <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1).</p>	<p>Section 7.1.3, pg. 31</p> <p>Section 9.1.1, pg. 76</p> <p>Appendix B, Section 4.1.7, pg. 21 to 24</p>
ENDM-11	<p>Comment #: 11. AH</p> <p>Page/Section # in ToR: Table 7-2, Pg. 35-40</p> <p>Comments and Rationale: The table does a really good job of providing similar information about Indigenous communities.</p> <p>On page 37, line 4 under Ginoogaming FN, it says that the community is accessible by road (Highway 1). It should be Highway 11.</p> <p>On page 39, lines 3 and 7 under Nibinamik FN. On line 3 it states “...the recently recognized reserve of the Summer Beaver Settlement...” On line 7, it states” However, the Summer Beaver Settlement is not a reserve...”</p> <p>Proposed Action/Solution: Please confirm in your response that the correct Highway is Highway 11. Beyond response,</p>	<p>The text in Table 7-2 under Ginoogaming First Nation should read ‘Highway 11’ and not ‘Highway 1’. The revised text has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> <p>The text in Table 7-2 under Nibinamik First Nation should read that Nibinamik First Nation is comprised of the recently recognized reserve of the Summer Beaver Settlement and the later reference to the non-reserve status of the Sumer Beaver Settlement is outdated and should be removed. The revised text has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	<p>Commitment for EA</p>

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	no further action is required at this time. Please explain this discrepancy in your response. Beyond response, no further action is required at this time.		
ENDM-12	Comment #: 12. PM Page/Section # in ToR: Sect 7.1.4.10, Pg. 58 Comments and Rationale: Economy The primary economic activities in the region include mining, forestry and resource base tourism. Mining exploration and development is expanding.... Proposed Action/Solution: As part of the EA, since mineral exploration activities within the last 5 years has had a larger impact on MFFN economy in terms of number of individuals employed, business relationships including joint ventures and partnership, it is suggested that this be emphasized as much as the forestry and remote based tourism activities. Please acknowledge in your response. Beyond response, no further action required at this time.	As part of the EA, MFFN will adequately describe the importance of mineral exploration activities to the economy of MFFN community members.	Commitment for EA
ENDM-13	Comment #: 13. AH Page/Section # in ToR: Sect. 7.1.4.10, Pg. 59 Comments and Rationale: Land and Resource Use – through this section mining exploration and mineral exploration are used interchangeably as are mining claim and mineral claim and mining and mineral development It should refer to mineral exploration if it at the exploration phase. The preference is for mineral claim as it speaks to the mineral rights. May also want to use CELL CLAIM or MLAS CLAIM under the new MLAS system of online staking. Use mining development when referring to an actual mining development (e.g. Hardrock) or mineral development when at the exploration stage (e.g. Juno or Wabassi) Proposed Action/Solution: Moving forward, try to use the appropriate language in the correct context. No further action required at this time.	The appropriate language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
ENDM-14	Comment #: 14. PM Page/Section # in ToR: Sect 7.1.4.10, Pg. 60 Comments and Rationale: First Par. Line 5. Please note that the MFFN CAR Project does not overlap with the Kenogami Forest. Par. 3 Resource harvesting. Proposed Action/Solution: Resource harvesting: suggest as part of the EA, indicating the location of current access restrictions in place through the Public Lands Act which restricts access for hunting, fishing and resource use purposes during the key tourism seasons. The restrictions are on the Anaconda road and impact all road system north of the restriction. Please acknowledge in your response. No further action required at this time	Thank you for clarifying the location of the Kenogami Forest relative to the Project. The appropriate language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). Additionally, the EA will identify access restrictions in place through the <i>Public Lands Act</i> that restrict access for hunting, fishing and resource use purposes during the key tourism season.	Commitment for EA
ENDM-15	Comment #: 15. PM Page/Section # in ToR: Sect 7.2.1, Pg. 65 Comments and Rationale: The first bullet (see below) could apply to more First Nations, not just MFFN. <ul style="list-style-type: none">Change to the amount of available reserve lands for MFFN Proposed Action/Solution: Please acknowledge in your response, and during the EA, it is suggested that you include other First Nations. No further action is required at this time.	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
ENDM-16	Comment #: 16. AH Page/Section # in ToR: Sect. 10.2, Pg. 80 Comments and Rationale: Par. 2 Consultation and Engagement program undertaken from March 2019 to July 31, 2020. The ToR was not submitted until October 2020. Presumably, engagement was undertaken after July 31, 2020. Proposed Action/Solution: In your response, please provide an explanation of what engagement took place after July 31, 2020 and how that is or can be articulated to better understand the full extent of the engagement and consultation that has taken place in respect of the ToR. Beyond the response, no further action required at this time.	The ToR and the Record of Consultation documents consultation up to July 31, 2020. The MFFN Project Team has conducted ongoing consultation since July 31, 2020 and continues to respond and track this ongoing effort. Section 6 of the EA / IS Consultation and Engagement Plan notes that a Record of Consultation will be created and maintained to document engagement and consultation undertaken during the EA. The Record of Consultation for the EA will include consultation as of August 1, 2020. A high-level summary of consultation from July 31, 2020 to January 13, 2021 is provided below. Summary of consultation and engagement activities from July 31, 2020 to January 13, 2021 includes, but is not limited to: <ul style="list-style-type: none">Ongoing effort to work with limitations and collaborate on custom engagement solutions for Indigenous communities due to State of Emergencies and COVID-19 restrictions;Circulation of, and follow-up regarding, the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo, Preliminary Study Area Shapefiles, Indigenous Knowledge Program Guidance Document, Indigenous Knowledge Program Fact Sheet, and Update on the Proposed Aboriginal and Treaty Rights and Interests Study	Commitment for EA

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		<p>Areas Memo to neighbouring Indigenous communities as part of the Indigenous Knowledge Program;</p> <ul style="list-style-type: none">▪ Constance Lake First Nation, Fort Albany First Nation, Ginoogaming First Nation, Eabametoong First Nation, Long Lake #58 First Nation and Neskantaga First Nation submitted comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo;▪ Teleconferences with Constance Lake First Nation, Ginoogaming First Nation and Long Lake #58 First Nation to discuss the Indigenous Knowledge Program;▪ Teleconference with member of Kasabonika Lake First Nation to discuss the Indigenous Knowledge Program;▪ Received email from Eabametoong First Nation requesting a four-week extension for comment on the IK Project materials; extension was provided; however, comments were not received;▪ Distribution of the Notice of Submission of ToR and ToR by email and registered mail;▪ Email notification of Submission of the ToR to the Ministry of Environment, Conservation and Parks (MECP), including the Notice of Submission, a Memo from MECP, Acknowledgement of Receipt of ToR Form and links to electronic documents;▪ Follow-up phone calls and emails to confirm receipt of ToR documents, confirm intention to submit comments, offer meetings to discuss any questions, comments or concerns;▪ Attended MFFN Chief and Council meeting to provide Project updates;▪ Responded to Aroland First Nation's letter regarding concerns of the EA timelines and engagement;▪ Received letter from Attawapiskat First Nation requesting an extension to the EA / Impact Assessment (IA) due to COVID-19; distributed letter response;▪ Received letter from Attawapiskat First Nation providing comments on the Project study area; distributed letter response;▪ Received letter from Attawapiskat First Nation providing additional comments on the Project study area and field studies; distributed letter response;▪ Ongoing effort to coordinate meetings regarding the Indigenous Knowledge Program;▪ Responded to Constance Lake First Nation's letter regarding comments received on the community-specific draft Record of Consultation, request for pause on the Project and confirmed future opportunities to provide comments on the ToR and Project;▪ Responded to Fort Albany First Nation's letter and comment response table regarding additional ToR comments;▪ Received letter from Kitchenuhmaykoosib Inninuwug First Nation requesting the EA be paused due to COVID-19; distributed letter response;▪ Responded to Neskantaga First Nation's letter regarding consultation challenges due to COVID-19 and comments on the Aquatics Field Study Program;▪ Supported and participated in Fort Albany First Nation's November 2020 community engagement event;▪ Responded to Aroland First Nation's request to begin a custom consultation process in lieu of Memorandum of Understanding (MOU);▪ Responded to Red Sky Métis Independent Nation and Ginoogaming First Nation's comments on the ToR;▪ Circulation of the Aquatics and Air Monitoring Field Study Program Notices; and▪ Received and responded to various information requests from interested persons.	
ENDM-17	<p>Comment #: 17. LN</p> <p>Page/Section # in ToR: Section 10.2.1, Pg. 82.</p> <p>Comments and Rationale: The Draft ToR was also provided in print and / or on a USB drive to Indigenous communities, members of the EA Government Review Team, and at the following public viewing locations...</p> <p>Proposed Action/Solution: Were any of these locations temporarily inaccessible due to Covid-19 restrictions? If so, it may be worth noting what limitations existed and when. It would be helpful to include this in the RoC. Please address how this will be addressed in your response.</p>	<p>MFFN had intended to make the ToR available for review at the public viewing locations used during the release of the Draft ToR. However, some of these locations were inaccessible for parts or all of the 126-day ToR review period due to COVID-19. The following viewing locations were inaccessible for the duration of the initial 60-day review period:</p> <ul style="list-style-type: none">▪ MECP Environmental Assessment and Permissions Branch (Toronto);▪ MECP Thunder Bay District Office;▪ Matawa First Nations Management Office; and▪ Thunder Bay Public Library – Waverley Resource Library. <p>When Ontario announced a province-wide stay-at-home order in January 2021, the following viewing locations were also closed:</p> <ul style="list-style-type: none">▪ Greenstone Public Library (Longlac);▪ Sioux Lookout Public Library; and▪ Timmins Public Library.	Commitment for EA

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		Although the other locations were accessible throughout the review period, some limitations did exist (e.g., modified hours, maximum capacity, quarantine of materials). The EA will identify the public viewing locations for the ToR, including the limitations that were in place throughout the review period.	
ENDM-18	<p>Comment #: 18. AH</p> <p>Page/Section # in ToR: Location of Neighbouring Indigenous Communities Map, p. 85</p> <p>Comments and Rationale: Figure 10-3 The location of the Weenusk First Nation Reserve on the map is incorrect: it is further north (north of the first large bend in the river on the west bank).</p> <p>Proposed Action/Solution: See comment 9.</p>	The information in this comment has been noted. The location of Weenusk First Nation will be adjusted in the EA figures that correspond to Figure 7-2 and Figure 10-3 of the ToR. MFFN will discuss this mapping error with Weenusk First Nation.	Commitment for EA
ENDM-19	<p>Comment #: 19. AH</p> <p>Page/Section # in ToR: Sect. 10.2.2, Pg. 87</p> <p>Comments and Rationale: Bullet 3 Presentations to Matawa First Nations communities on three occasions. Not clear if this was to the communities individually or to the Tribal Council.</p> <p>Proposed Action/Solution: Please clarify in your response. Beyond response, no further action is required at this time.</p>	<p>As included in Section 3.3 of the ToR Record of Consultation, the three presentations were:</p> <ol style="list-style-type: none">June 5, 2019: MFFN presented to the nine Matawa First Nations represented by their respective Community Communications Liaison Officers.June 7, 2019: MFFN Chief Bruce Achneepineskum provided Matawa Chiefs with a copy of the presentation from June 5, 2019 and a contact postcard.July 28-31, 2019: MFFN provided an update regarding the Project at the Matawa First Nation Annual General Meeting in Constance Lake.	N/A
ENDM-20	<p>Comment #: 20. LSB</p> <p>Page/Section # in ToR: Sect. 10.2.2.1, Pg. 89, (116/152)</p> <p>Comments and Rationale: Discusses plans for virtual engagement prior to submission of ToR. Indicates that online engagement activities are being offered prior to submission of ToR to MECP. Here are the excerpts:</p> <p>“Due to the continued restrictions on in-person gatherings associated with the COVID-19 pandemic, online virtual engagement to consult MFFN community on the Proposed ToR <u>is planned</u> as part of the community-led process to occur prior to the submission of the Proposed ToR to the MECP.</p> <p>To update MFFN on changes made to prepare the Proposed ToR, a series of online-based communications and engagement activities <u>are being offered prior to submission</u> to the MECP.” (emphasis added)</p> <p>Proposed Action/Solution: In your response, please confirm that these activities were offered up to submission of the ToR and whether any communities took up the offer.</p> <p>Beyond response, no further action required at this time.</p>	<p>The section referenced in the comment relates to the MFFN community review (as Proponent) to support the release of the ToR.</p> <p>To support the release of the ToR, MFFN Chief and Council and the broader MFFN community (as the Proponent) were provided the ToR for review. The purpose of engaging on the ToR with MFFN was to:</p> <ul style="list-style-type: none">Provide an advanced view of the ToR before submission to the MECP for Minister decision;Review the ToR, including content changes made in response to comments received on the Draft ToR, and introduce the new Ogoki River crossing not previously identified in the Draft ToR; andAllow MFFN Chief and Council and the broader community members opportunities to ask questions and provide additional comments. <p>Between September 16 – 30, 2020, MFFN community members reviewed the ToR through the following activities:</p> <ul style="list-style-type: none">A printed notice was available in the Chief’s store, at the Thunder Bay satellite office and mailed to MFFN community members;An electronic notice and links to online materials to support the ToR were sent via email to MFFN Chief and Council and community members on September 16, 2020; the electronic notice was also shared in the MFFN Facebook group;Hard copy of the ToR and a USB with electronic copies were available in the Chief’s store and Thunder Bay satellite office;An online password-protected webpage was available and featured three videos, a ToR-specific fact sheet, an updated general Project fact sheet, a newsletter, electronic ToR and supporting documentation, opportunity to win a prize and a feedback form; andOngoing opportunities to submit comments or questions to the MFFN Project Team through the website, email address and telephone hotline. <p>During the Chief and Council meeting, all three videos were played. The three videos were accompanied by the English and Ojibway script to accommodate visitors with low internet bandwidth or accessibility consideration.</p> <ul style="list-style-type: none">Part One provided an overview of MFFN and the Community Access Road;Part Two described changes made to the ToR since the Draft ToR; andPart Three outlined next steps and consultation opportunities. <p>Once MFFN approved the ToR for submission and public release, the same webpage and materials (except for the prize) were made available starting October 23, 2020 to neighbouring Indigenous communities, government agencies and interested persons.</p> <p>The webpage has been visited a total of 2,020 times and 323 people have watched the videos.</p>	N/A
ENDM-21	<p>Comment #: 21. AH</p> <p>Page/Section # in ToR: Table 10-3, Pg. 90-96</p> <p>Comments and Rationale: Aroland: Aroland-MFFN MOU</p>	<p>Aroland First Nation: With regard to the MOU negotiations between Aroland First Nation and MFFN, the negotiations and discussions regarding the MOU were ongoing until mid-October of 2020, at which point the Nations agreed to halt these negotiations indefinitely. In lieu of an MOU, Aroland First Nation requested that MFFN begin working with their community to develop a custom consultation process and Aroland First Nation provided some preliminary principles and</p>	Commitment for EA

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	<p>Attawapiskat: Request for MOU</p> <p>Kingfisher Lake: if there were no meetings and no comments received, how does the Project Team know what the issues are?</p> <p>Neskantaga: Request for ENDM/MECP material to be included in Project meetings</p> <p>Proposed Action/Solution: Please provide clarity on the nature of the MOUs and the status for these communities. Please clarify the source of the issues/comments.</p>	<p>perspectives on which this process should be developed. MFFN has directed the Project Team to facilitate a Nation-to-Nation meeting to begin the development of a custom consultation process; these efforts are ongoing.</p> <p>Attawapiskat First Nation: A meeting was held in August 2019 with an Attawapiskat First Nation Community Representative, during which an MOU was requested by the community and advised to hold off developing the MOU until after their upcoming Chief and Council elections. MFFN has continued to offer meetings and discussion, but no further meetings have been held to-date with Attawapiskat First Nation. Discussions regarding an MOU with Attawapiskat First Nation will continue during the EA, if still appropriate.</p> <p>Kingfisher Lake First Nation: It is correct that we have not held any meetings or received any formal comments from Kingfisher Lake First Nation on the ToR. MFFN has not held any meetings, nor have they been requested by, Kingfisher Lake First Nation. Kingfisher Lake First Nation also did not submit formal ToR comments. However, during outreach efforts, Kingfisher Lake First Nation verbally communicated via telephone the noted key comments and issues. MFFN has and will continue to engage with Kingfisher Lake First Nation on the Project, via telephone and email communication.</p> <p>Neskantaga First Nation: During a conference call on January 21, 2020, Neskantaga First Nation requested the MECP and the Ministry of Energy, Northern Development and Mines' materials or information previously provided to or shared with other Indigenous communities during in-community meetings also be shared with Neskantaga First Nation (e.g., display board content, process maps). . It is MFFN's understanding that MECP shared the requested information with Neskantaga First Nation.</p>	
ENDM-22	<p>Comment #: 22. AH</p> <p>Page/Section # in ToR: Sect. 10.2.3, Pg. 98</p> <p>Comments and Rationale: Par. 4 Why was the attendance at PIC#2 in Longlac so low?</p> <p>Proposed Action/Solution: Please provide clarity in response.</p> <p>Beyond response, no further action is required at this time</p>	<p>During the first round of Public Information Centres (PIC), the second event was held at the Municipality of Greenstone (Geraldton). At this PIC, it was discussed between MFFN Project Team and attendees (i.e. ENDM, the mayor of Greenstone, and Local Workers Union representatives) holding the next PIC #2 in Longlac.</p> <p>Posters were distributed in-community, along with radio advertisements. The need for additional newspaper advertisements will be considered in the future. During the EA, Longlac as a PIC location will also be revisited due to the low attendance noted. Unfortunately, on the day of PIC #2, there was an extreme cold weather event that may have contributed to limited attendance at the event.</p>	Commitment for EA
ENDM-23	<p>Comment #: 23. AH</p> <p>Page/Section # in ToR: Appendix B, Sect. 1.4.1, Pg. 6</p> <p>Comments and Rationale: Inset on Neighbouring Indigenous Communities. This is a great explanation of what is meant by neighbouring Indigenous communities. Suggest that this be in the main body of the document when the community-led process is explained.</p> <p>Proposed Action/Solution: At the EA stage, ensure that this definition is included in the main body of the document when the community-led process is explained.</p> <p>No further action is required at this time.</p>	<p>MFFN will include the definition of 'Neighbouring Indigenous Communities' as described in the inset in Section 1.4.1 of Appendix B of the ToR within the main body of the EA.</p>	Commitment for EA
ENDM-24	<p>Comment #: 24. AH</p> <p>Page/Section # in ToR: Appendix B, Sect. 2.3, Pg. 10</p> <p>Comments and Rationale: Par. 3. It is important to note that the MOU on Shared Responsibilities was a cooperative effort with MFFN. This was something that was built together by MFFN and Ontario.</p> <p>Proposed Action/Solution: Suggested wording Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN (the proponent) and together with MFFN has developed...</p> <p>Please use this wording at the EA stage when referring to the MOU. Please acknowledge in response. See also Section 11.2 Duty to Consult on p. 103.</p> <p>Beyond response, no further action required.</p>	<p>The revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	Commitment for EA
ENDM-25	<p>Comment #: 25. AH</p> <p>Page/Section # in ToR: Appendix C, ENDM, Pg. 346-381</p> <p>Comments and Rationale: Consultation Log: There are numerous entries in the Log where the contact name is an ENDM staff person, but the summary of the entry has to do with another ministry. E.g. Jul 03, 2019 email – the summary states The MECP advised the MFFN Project Team...this is a communication between the Project team and MECP, yet it is logged as an ENDM entry. The same entry appears in the MECP Log. It appears that these entries were entered into the ENDM Log because ENDM was copied on the communication. It appears that this is a double entry which gives the impression that the consultation was much more extensive than it actually was. It may be better to just have the entry entered once with the ministry with whom the communication originated and, in the summary, include who was copied, rather than having the same entry in multiple ministry logs.</p> <p>There are also numerous entries when there is so little information in the summary to render the summaries not helpful. (e.g. saying that a meeting was held, but no indication of with whom the meeting was held)</p>	<p>The Record of Consultation has been built to include a log for each Indigenous community, government agency, or interested persons including a line for each occurrence that group has been included in. For the Record of Consultation, MFFN will re-consider how to document those copied on communications versus those whom the communications were directed at.</p> <p>MFFN will also consider future summaries and their level of detail to enhance the EA Record of Consultation. Please note that meeting minutes are listed in the table of contents and the copies of finalized minutes are in the appendices as a reference.</p> <p>The November 8, 2019 log will be amended to suit the tone of the email. The January 29, 2020 email will be removed. Both Christine and Lori's titles have been corrected.</p>	Record of Consultation, Appendix C of ToR Commitment for EA

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	<p>Pg. 359 Nov. 8, 2019 email – summary “The ENDM replied that they did not see it fit to provide funding... It is really important when summarizing communications, that they are summarized accurately. Nowhere in the email does it say that ENDM did not see it fit. Rather, it said that based on the information that ENDM had, it was not clear that Long Lake #58’s Treaty or Aboriginal rights may be adversely affected, and therefore they were not eligible for funding. The email also noted that if Long Lake #58 had additional information, ENDM would reconsider. The contents and the tone of the email are different from the summary.</p> <p>Pg. 364 January 29, 2020 email - not sure why this entry is included. Please note that Christine Kaszycki was not the Deputy Minister.</p> <p>Please also note that if there were communications with ENDM with respect to reporting requirements for the Transfer Payment Agreement for the EA, they should not be included in the Consultation Log as it is not consultation, rather it is administration.</p> <p>Please also note that Lori Churchill is the Director of Indigenous Consultation and Partnerships Branch</p> <p>Proposed Action/Solution: Please provide an explanation in your response to confirm the approach taken and moving forward in the EA, only include the entry once and in the summary include other ministries who may have been copied. Beyond the response, no further action is required at this time.</p> <p>Moving forward, please ensure that the summaries contain sufficient detail to make them meaningful.</p> <p>Moving forward, please ensure that the summaries in the consultation logs are accurate in content and tone.</p> <p>Moving forward, please use Lori’s correct title.</p> <p>Beyond responses, no action required at this time.</p>		
Ministry of Natural Resources and Forestry – December 21, 2020			
MNRF-1	<p>Document Reference: Main report</p> <p>Section: Section 5.2.1.2 Page 16</p> <p>Comments & Rationale: The proposed ToR states, “<i>Culverts will range from small diameter corrugated steel pipes for overland water drainage to large concrete box or steel arch culverts for smaller waterways</i>”.</p> <p>The meaning of this is unclear. Will corrugated pipe only be used for cross-drainage; whereas only open-bottomed crossing structures will be used in waterways? The potential for negative impacts, and MNRF’s approval requirements will differ depending on the options chosen.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide further clarity regarding when each water crossing method will be utilized so that MNRF can better understand potential impacts and permitting requirements. MNRF encourages use of open-bottomed crossing structures for waterways where possible.</p>	<p>Corrugated steel pipe culverts will be recommended for embankment through-grade water drainage locations. Large concrete box culverts, steel arch culverts, or other open-bottomed crossings will be recommended for waterways, where possible. Moving forward, this revised language will be used in Project documentation (e.g. the Environmental Assessment [EA] Report) to improve clarity.</p>	Commitment for EA
MNRF-2	<p>Document Reference: Main report</p> <p>Section: Section 5.2.1.4 Page 16</p> <p>Comments & Rationale: The proposed ToR states, “<i>temporary access roads will either be decommissioned, or blocked to discourage public use but facilitate access for ongoing road maintenance</i>”.</p> <p>The indication that some “temporary roads” will be accessed for ongoing road maintenance implies that those “temporary” roads will be permanent access roads. This would imply that water crossings on these maintenance access roads will necessitate permanent water crossing structures.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide clarification regarding the permanency of “temporary” access roads i.e. define what is meant by temporary.</p> <p>Also: identify any water crossings involved with “temporary” roads. Will the crossings be permanent? Permanent water crossings on “temporary” roads need to be considered in the same way as other permanent water crossings (i.e. such as those on the main road).</p>	<p>The EA will clearly indicate if access roads associated with the Project will be temporary or permanent and provide associated appropriate water course crossing information.</p>	Commitment for EA
MNRF-3	<p>Document Reference: Main report</p> <p>Section: Section 5.2.1.4 Page 16</p> <p>Comments & Rationale: Experience throughout Ontario has shown that blocking roads to discourage public use is generally ineffective. “Blocked” roads are frequently used to access resources, particularly with regard to hunting and fishing opportunities.</p> <p>Recommendations/Proposed Action/Solution: The ToR should commit that the environmental assessment will consider the potential impact of increased access through use of access roads that are established to implement this project. This should include an assessment of the potential effectiveness of measures proposed to mitigate the anticipated effects.</p>	<p>Marten Falls First Nation (MFFN) acknowledges that increased access may arise in the future if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the EA will consider the potential effects of the Project due to:</p> <ul style="list-style-type: none">▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods.▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access.	<p>Section 7.2.1, pg. 66</p> <p>Section 7.2.10, pg. 70</p> <p>Section 8.3, pg. 73</p>

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		<p>Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project.</p> <p>Changes in access will be assessed for both the construction (i.e., access roads) and operations and maintenance phases (i.e., CAR and access roads). The EA will recommend impact management measures to avoid or minimize potential effects of the Project to the environment and identify any potential net effects remaining after the application of impact management measures. Therefore, the effectiveness of the impact management measures will be evaluated as part of the identification of net effects outlined in Section 8.3 of the ToR.</p>	
MNRF-4	<p>Document Reference: Main report</p> <p>Section: Section 5.2.1.3 Page 16</p> <p>Comments & Rationale: The potential impact and proposed mitigations associated with various alternatives for sourcing aggregates should be identified during the environmental assessment. Although the need to source aggregates for this project is recognized in the ToR, as is the availability of aggregates in the area (i.e. there is a high level description and map provided), it is unclear specifically what options for supply of aggregates will be considered, and how the impacts of using various sources will be assessed.</p> <p>It should be noted that development of new aggregate extraction areas can only begin after sites have been approved under the Aggregate Resources Act (ARA). Further assessment may also be required under the Far North Act. Processing of these permit applications can take 6 months or longer.</p> <p>Recommendations/Proposed Action/Solution: The ToR should identify that the environmental assessment will include an assessment of potential impacts and proposed mitigation measures associated with sourcing and use of aggregates. This should include commitments that the environmental assessment will:</p> <ul style="list-style-type: none">describe estimated amounts of aggregate required and anticipated sources, including whether the development of new pits or quarries is planned;assess the potential impacts of obtaining, using, and retirement of aggregate source areas;identify any aggregate sources that will be required beyond the construction phase; anddetermine appropriate decommissioning and rehabilitation approaches for aggregate sources which are developed but will not be needed once construction is completed. <p>Please be aware that additional approvals under the Environmental Assessment Act may be required if these items are not adequately addressed as part of the Individual Environmental Assessment.</p> <p>ARA approvals from MNRF will be required if new aggregate sites will be developed (i.e. pits or quarries). Although inclusion of the need for ARA approvals is identified in Table 13-1, it is recommended that the need for ARA approvals also be identified in this section of the ToR.</p>	<p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>The method to assess the effects of the Project (including quarries, borrow areas and aggregate source areas) is outlined generally in Section 8. The assessment and evaluation method include identifying the potential effects and recommending impact management measures.</p> <p>Thank you for sharing information about the <i>Aggregates Resources Act</i>. Where possible, the EA will be prepared in a manner to meet the items listed in this comment. The information has been noted so that, moving forward, it can be captured in Project documentation (e.g., the EA Report).</p>	<p>Section 6.3, pg. 22</p> <p>Section 5.2.2, pg. 20</p> <p>Section 7.1.4.4, pg. 44</p> <p>Section 8. pg. 72</p> <p>Commitment for EA</p>
MNRF-5	<p>Document Reference: Main report</p> <p>Section: Section 7.1.1, Page 27</p> <p>Comments & Rationale: The study area identified in the ToR includes a strip of land, 2.5 km on each side of the centreline of each alternative route. Given the range and movement of some fish and wildlife species, and the potential for impacts on remote tourism operations, limiting the study area in this way may not be adequate to assess the full range of impacts from the project.</p> <p>Recommendations/Proposed Action/Solution: Further rationale for the study area should be provided and/or there should be modifications to the approach described in the ToR in recognition that impacts may reach outside of the currently identified 2.5 area on each side of the centerline of each alternative route.</p> <p>Related: the ToR should commit to the identification of potential negative impacts outside of the currently described study area, intent to avoid negative impacts and, where avoidance is not possible, to identify appropriate mitigation of impacts that may occur.</p>	<p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) and committed to developing discipline-specific local and regional study areas during the EA. Local and regional study areas are defined as the areas where direct and indirect effects of the Project are likely to occur, respectively. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the Tailored Impacts Statement Guidelines developed by the Agency.</p> <p>Section 7.1.1 of the ToR also indicates that there may be benefits to siting Project components outside of the 5 km study area, and if so, the study area would be adjusted.</p> <p>As stated in Section 8 of the ToR, impact management measures to avoid or minimize identified potential effects will be recommended in the EA. The geographic extent of predicted effects will be taken into consideration when developing the impact management measures, so that where warranted, impact management measures are recommended for Project effects that are predicted to extend beyond the preliminary study area identified in the ToR.</p>	<p>Section 7.1.1, pg. 27</p> <p>Section 8, pg. 72</p>
MNRF-6	<p>Document Reference: Main report</p> <p>Section: Section 7.1.4.8, Page 31</p> <p>Comments & Rationale: The project description could be improved by including the size of the study area (e.g., in hectares) in this section. This would provide readers a better sense of the scope and scale of this project. This would be helpful within the ToR and during the environmental assessment phase.</p> <p>Recommendations/Proposed Action/Solution: It is recommended that the size of the study area be included (e.g. in section 7.1.1 and in the EA) to assist provision of full and complete information regarding the scope and scale of this</p>	<p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor with an approximate area of 1,640 km²) and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development. The size of the discipline-specific study areas will be provided in the EA Report.</p>	<p>Section 7.1.1, pg. 27</p>

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	proposal.		
MNRF-7	<p>Document Reference: Main report</p> <p>Section: Section 7.1.4.5 Page 46</p> <p>Comments & Rationale: This section (and others in the report) uses the terms “long span bridges” and “short span bridges”</p> <p>Typically, when referring to bridges, the term “clear span bridge” is used to denote a structure where no infrastructure is located below the high water mark. This is critical distinction when reviewing the environmental impacts of a bridge; the actual length of the bridge is less relevant.</p> <p>Recommendations/Proposed Action/Solution: Clarify the terms “long span” and “short span” bridges, and consider using the term “clear span bridge” to denote bridges with no infrastructure located below the high water mark.</p>	<p>Throughout the ToR, the terms ‘short span bridge’ and ‘long span bridge’ were used to denote ‘clear span bridge’ and ‘multi-span bridge’, respectively. Moving forward, ‘clear span bridge’ and ‘multi-span bridge’ will be used consistently to refer to the various bridge types more accurately in Project documentation (e.g., the EA Report).</p>	Commitment for EA
MNRF-8	<p>Document Reference: Main report</p> <p>Section: Section 7.1.4.5 Page 47</p> <p>Comments & Rationale: The ToR states, “<i>The ground-based field survey will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis</i>”.</p> <p>Note that MNRF will require a ground-based field survey for any proposed water crossing requiring infrastructure or work (including fording) below the high water mark, prior to permitting.</p> <p>Recommendations/Proposed Action/Solution: Given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase.</p> <p>Ground surveys provide more comprehensive information to reviewers; providing this information early will enable a more complete understanding of potential impacts and proposed mitigation measures, and will help to avoid delays or the need for realignments at the permitting phase.</p>	<p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives result in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However, photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies.</p> <p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p>	Section 8, pg. 72 to 74 Section 9.1.1, pg. 76 Commitment for EA
MNRF-9	<p>Document Reference: Main report</p> <p>Section: Section 7.1.4.9 Page 55</p> <p>Comments & Rationale: <i>The ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings)</i></p> <p>MNRF does not consider aerial and desktop assessments adequate approaches to evaluate fish and fish habitat. MNRF will require a ground-based field survey for any proposed water crossing requiring work or infrastructure (including fording) below the high water mark, prior to permitting.</p> <p>Recommendations/Proposed Action/Solution: As noted above, given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers and providing this information early will avoid unexpected delays or realignments at the permitting phase.</p> <p>It should also be noted that under the MNR-DFO Fish Habitat Referral Protocol, MNRF cannot permit works requiring DFO review until that review has been completed. Currently, DFO review is required for any proposal that cannot meet the Measures to Protect Fish and Fish Habitat, which include avoiding:</p> <ul style="list-style-type: none">conducting any work, undertaking or activity in waterplacing fill or other temporary or permanent structures below the high water markfording of the watercourse <p>Finally, in 2013, MNRF adopted a species-specific approach to timing windows for work in water. In the absence of species-specific information for individual crossing sites, MNRF will apply the most restrictive timing windows to work permits for water crossings (i.e. no work in water between September 1 and July 15).</p>	<p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, MFFN has refined the approach to fish and fish habitat surveys as part of study plan development. Comments received from federal and provincial agencies as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. Based on these comments the MFFN has increased the coverage of the fish and fish habitat studies. All water crossings will be assessed from the air (as described in response to MNRF-8) and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys. Additional information on the site selection is provided in the response to MNRF-8. Ground-based surveys are designed to meet Department of Fisheries and Oceans and the Ministry of Natural Resources and Forestry (MNRF) requirements. Timing windows and other relevant impact management measures will be identified in the EA.</p>	See response to MNRF-8 Section 8, pg. 72 to 74 Section 9.1.1, pg. 76 Section 7.2, pg. 65 Commitment for EA
MNRF-10	<p>Document Reference: Main report</p> <p>Section: Section 7.1.4.9 Page 57</p> <p>Comments & Rationale: The ToR states, “<i>A preliminary list of fish species of importance for dietary needs, and / or cultural and spiritual needs has been identified based on available Indigenous Knowledge. Fish species include ... Chain</i></p>	<p>MFFN will request clarification from the group that identified chain pickerel during the EA, and will be documented in the EA as appropriate.</p>	Commitment for EA

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	<p><i>Pickereel (Esox niger)...</i>"</p> <p>MNRF does not have evidence of "chain pickerel" in the study area. The only records for chain pickerel in Ontario are in Lake Ontario and the St. Lawrence River: http://www.ontariofishes.ca/fish_detail.php?FID=111</p> <p>Recommendations/Proposed Action/Solution: It is recommended that documentation be provided in the environmental assessment of chain pickerel in the study area, or that Indigenous communities (or other sources of this information) be asked for clarification as to what species may have been meant/in mind for what MNRF understands to be chain pickerel.</p>		
MNRF-11	<p>Document Reference: Main report</p> <p>Section: Section 7.1.4.10, Page 58</p> <p>Comments & Rationale: This section of the ToR indicates that economic development in the project area is predominantly led or in partnership with MFFN. Also, the description of economic activity in the area elaborates on this observation.</p> <p>The ToR should also provide information regarding economic activities occurring in the area which are not led or conducted in partnership with MMFN. Provision of this information would provide a more complete understanding of economic activities in the study area. It would also provide confidence that all interested parties will be identified and consulted during assessment of the potential impacts of the project, and during determination of most appropriate mitigation measures.</p> <p>Recommendations/Proposed Action/Solution: Add a description of economic activities that are not led by, or conducted in partnership with, MFFN in this section.</p>	<p>Section 7.1.4.10 of the ToR provides a high-level description of existing economic activity in the Region. And while the focus of the description is on the MFFN community, there is also reference to mining, forestry and resource-based tourism activities including the Agoke Development Corporation, as well as a high-level description of economic activities in Aroland First Nation and in Greenstone. Recognizing that this is a ToR, this information is provided for contextual purposes. A much more robust and detailed description of baseline economic conditions will be included in the EA that will also include the results of planned primary data collection activities.</p>	<p>Section 7.1.4.10, pg. 58 to 59</p> <p>Section 10, pg. 78 to 101</p> <p>Appendix C</p>
MNRF-12	<p>Document Reference: Main report</p> <p>Section: Section 7.2.5 Page 67</p> <p>Comments & Rationale: <i>The Project will consider MNRF and DFO recommended practices outlined in Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings</i></p> <p>Recommendations/Proposed Action/Solution: It is important to note that the Protocol for the Review and Approval of Forestry Water Crossings is specific to water crossings authorized under the Crown Forest Sustainability Act (CFSA). Water crossings associated with this Project are anticipated to be permitted through the Public Lands Act, not the CFSA. The MNRF/DFO protocol does not apply to these water crossings.</p>	<p>The Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings was added to the ToR based on a request from the MNRF comments on the Draft ToR. Based on this comment from the MNRF, MFFN understands that this protocol does not apply to the Project. This will be reflected in future EA documentation (i.e., the EA Report). MFFN will make note and follow the appropriate permitting protocols associated with the relevant Acts.</p>	<p>Commitment for EA</p>
MNRF-13	<p>Document Reference: Main report</p> <p>Section: Table 13-1, Page 113</p> <p>Comments & Rationale: Please note that there are two potential approaches to permitting harvesting of trees outside of the Area of the Undertaking.</p> <p>1. Sale and Purchase Agreement</p> <p>2. Permit to Remove</p> <p>Recommendations/Proposed Action/Solution: It is recommended that Table 13-1 be updated to accurately reflect these mechanisms for Authorization from MNRF for the harvest of trees.</p> <p><i>For areas outside of Forest Management Units (as defined in the CFSA), authorization can be provided by a Permit to Remove or, where a Permit to Remove is not appropriate, a Sale and Purchase Agreement can be entered into.</i></p> <p>Note that both a "Permit to Remove" and "Sale and Purchase Agreement" can only be obtained where the activity for which trees must be harvested (e.g. road construction, aggregate extraction) has received prior approval under the appropriate legislation.</p> <p>Also note: Forest Resource Licenses cannot be used outside of Forest Management Units in the Far North.</p>	<p>MFFN will make note and follow the appropriate permitting protocols associated with the relevant Acts. Wording in the EA will be updated to reflect the approach to permitting harvesting of trees.</p>	<p>Commitment for EA</p>
MNRF-14	<p>Document Reference: MNRF #69</p> <p>Section: Appendix A</p> <p>Comments & Rationale: To assist MNRF in understanding the extent and potential significance of the impacts to our mandated areas of interest, it is important that the environmental assessment identify and describe significant features that may be impacted by the project. Examples of these may include Areas of Natural and Scientific Interest, Provincially Significant Wetlands (if they exist in the southern portion), and Significant Wildlife Habitat.</p> <p>Additionally, in order for MNRF to understand the potential for negative impacts to natural heritage, the environmental assessment process should expand upon the criteria and indicators that are identified in the ToR and develop indicators that can readily be quantified. Readily quantifiable indicators help to reduce ambiguity when comparing alternatives and</p>	<p>The EA will identify and describe significant features, such as Areas of Natural and Scientific Interest, Provincially Significant Wetlands and Significant Wildlife Habitat.</p> <p>As mentioned in Section 8.2 of the ToR, Appendix A Criteria and Indicators includes both quantitative and qualitative criteria. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone in the EA / IS Consultation and Engagement Plan (Appendix B). The final criteria and indicators for the Project will be confirmed during the EA and will be based on input received through the consultation and engagement program, including MNRF's comments on the ToR.</p>	<p>Section 8.2, pg. 73</p> <p>Appendix B, Section 4.1.7, pg. 22</p>

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	<p>assessing the relative potential for negative impacts among different options.</p> <p>Examples of natural heritage related quantitative indicators the ToR could include: the number of water crossings required, the number of wetlands, the number of kms of wetlands to be crossed, or the total area of sensitive features impacted.</p> <p>Recommendations/Proposed Action/Solution: Appendix A of the ToR should be revised by committing to the identification and description of significant features that may be impacted by the project, and to include indicators for the proposed criteria that are quantitative in nature.</p>		
MNRF-15	<p>Document Reference: MNRF #68</p> <p>Section: Appendix A</p> <p>Comments & Rationale: Missing source information: <i>MNRF Natural Heritage Reference Manual (NHRM), 2014, Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for Ecoregion 3W (Draft: 2018).</i></p> <p>Recommendations/Proposed Action/Solution: Please add MNRF Natural Heritage Reference Manual (2014), Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for 3W (Draft: 2018) to the list of published sources of information for existing conditions.</p> <p>The Natural Heritage Reference Manual can be referenced in conjunction with the Significant Wildlife Habitat Technical Guide (SWHTG) 2000. The NHRM outlines evaluation processes of habitat and other natural heritage features. The SWHTG offers guidance to evaluate and identify the significance of wildlife habitat. In addition, there is a usable ecoregional criteria schedule for 3W available on the environmental registry that is specific to a large area of the proposed project. The Significant Wildlife Habitat Mitigation Support Tool can be used to help inform mitigation options for Significant Wildlife Habitat in the environmental assessment.</p>	<p>The intent of the data source column in Appendix A is not to capture every possible source but rather to provide the reader with a general idea of the types of resources that the may be reviewed during the EA. MFFN will review the documents and, where applicable, reference to these resources as a data sources used to inform baseline conditions and the effects assessment will be added in the EA.</p>	Commitment for EA
Ministry of Natural Resources and Forestry – February 24, 2021			
MNRF-16	<p>ID#: MNRF-1</p> <p>Original Comment: See MNRF-1</p> <p>Original Response: See MNRF-1</p> <p>MNRF Follow-up Comment: MNRF is unable to comment on this proposed approach because we are not familiar with the meaning of “embankment through-grade water drainage locations.”</p>	<p>Flow characteristics and fish presence will be used during the detailed design phase of the Project to determine the required culvert configurations. It is anticipated that culverts will range from small corrugated steel pipes to large concrete box or steel arch culverts. Small culverts (i.e., 2’ to 3’ corrugated steel pipe culverts), will be recommended for embankment through-grade water drainage locations. That is, small culverts would be installed to maintain cross-drainage to accommodate overland water drainage from one side of the road to the other in order to prevent pooling of water at the side of the road during runoff events. Larger culverts will be installed at watercourses to take into account stream flow and hydraulics; these may include larger corrugated steel pipe culverts that are embedded in the substrate or open bottom culverts, such as concrete box culverts, or steel arch culverts.</p> <p>Culvert recommendations will also take into consideration fish presence and habitat within the watercourse. Where culverts are installed in fish-bearing watercourses, the culvert would be designed to allow fish movement as appropriate. Based on site-specific habitat considerations, open bottom culverts, such as concrete box culverts or steel arch culverts, may be recommended. The impact management measures in the Ministry of Natural Resources’ (MNRF’s) guidelines will also be considered for closed and open-bottomed crossings within fish-bearing waterbodies (i.e., MNRF / Fisheries and Oceans Canada [DFO] Protocol for the Review and Approval of Forestry Water Crossings).</p> <p>Moving forward, this revised language will be used in Project documentation (e.g., the Environmental Assessment [EA] Report) to improve clarity when identifying recommended culvert types.</p>	Commitment for EA
MNRF-17	<p>ID#: MNRF-4</p> <p>Original Comment: See MNRF-4</p> <p>Original Response: See MNRF-4</p> <p>MNRF Follow-up Comment: MNRF acknowledges the commitment to include the items we have outlined in this comment in the EA where this is possible.</p> <p>It is recommended that the terms utilised to describe aggregate extraction be consistent with those provided in legislation/regulation in order to ensure clarity of expectations for all parties participating in this environmental assessment process.</p> <p>MNRF notes that the term “borrow areas” is included in this response, however this term is not associated with approvals issued under the Aggregate Resources Act (ARA), but instead relates to Forestry Aggregate Pits (FAPS) which the Forest Industry could utilise for construction of forestry roads. Borrow areas are to support forest operations and are governed by the Crown Forest sustainability Act (CFSA). This distinction is important for the current project because borrow areas may be exempt from the requirement for a permit under the ARA and the conditions for when this may occur are provided in Section 8 of Ontario Regulation 244/97. MNRF’s current understanding is that this project does not</p>	<p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>The method to assess the effects of the Project (including quarries, borrow areas and aggregate source areas) is outlined generally in Section 8. The assessment and evaluation method include identifying the potential effects and recommending impact management measures.</p> <p>Thank you for sharing information about the <i>Aggregates Resources Act</i>. Where possible, the EA will be prepared in a manner to meet the items listed in this comment. MNRF has also provided information regarding the appropriate terminology of the <i>Aggregates Resources Act</i> to be used to describe rock source materials that may be required for the Project. The terms “pits” and “quarries” are to be used in place of “borrow areas” and “aggregate source areas”. The information has been noted so that, moving forward, it can be captured in Project documentation (e.g., the EA Report).</p>	<p>Section 6.3, pg. 22</p> <p>Section 5.2.2, pg. 20</p> <p>Section 7.1.4.4, pg. 44</p> <p>Section 8. pg. 72</p>

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	<p>fall under the O. Reg. 244/97 exemption, so the term borrow areas should not be used for this project.</p> <p>Aggregate Source Areas is also not the proper terminology for an operation under the ARA. The types of operations identified under the ARA include:</p> <p>- “pit” means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“puits d’extraction”)</p> <p>- “quarry” means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“carrière”)</p>		
MNRF-18	<p>ID#: MNRF-8</p> <p>Original Comment: See MNRF-8</p> <p>Original Response: See MNRF-8</p> <p>MNRF Follow-up Comment: The rationale for this proposed approach has not been explained sufficiently for MNRF to understand how the subset of potential water crossing sites will be selected for ground truthing, and how this data will be used to assess alternative routes for the project. It also remains unclear if the number of sites selected for ground truthing will result in data with sufficient statistical power to be useful for evaluation of different routing alternatives.</p> <p>In order to avoid unexpected delays or the need for realignments during the permitting stage for this project, MNRF recommends that ground-based field surveys for proposed water crossings where work may be required below the high water mark be conducted as part of the environmental assessment, rather than waiting until the permitting phase. See MNRF response to MNRF-9 for further details on this issue.</p>	<p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feedback from consultation activities. Since the approach of assessing multiple alternatives result in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However, photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies.</p> <p>Based on available desktop information and previously completed field studies for the Project, it was determined that completing targeted field campaigns at a subset of representative waterbody crossings along both alternative routes would provide sufficient information for the purposes of the EA to reliably characterize the existing surface water and aquatic environment, and develop a robust effects assessment (with data of sufficient statistical power) to support the selection of the preferred alternative for the Project and to identify any required impact mitigation measures. The results from the completed and planned field campaigns (2019 to 2021) over multiple seasons and years provide a means to define the characteristic range of natural variation in flows and water quality. In addition, the ground-based field surveys conducted in 2011-2012 in support of the Cliffs Chromite Project (Project EA since terminated) will help to further augment this understanding of natural fluctuations of baseline surface water and aquatic conditions, both across seasons and years, given that these previous studies occurred in a similar geographic setting as the Project, and in many cases, the locations of waterbody crossings coincide.</p> <p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, the specific process and rationale for selecting the subset of waterbody crossings has been further detailed as part of study plan development, which proposes that multi-season field surveys will be targeted at approximately 35%-40% of the total number of waterbody crossing locations for surface water. Also, field surveys at a 50% subset of locations where the Project Development Area of Alternative 1 and Alternative 4 intersect potential fish habitat is proposed.</p> <p>Further clarification was requested by the Impact Assessment Agency of Canada (the Agency) and the DFO to inform their decision that the 50% subset approach was adequate to describe the existing environment for the purposes of the EA. Information was provided on timing, number of sites, location, and methods (including aerial reconnaissance and desktop review of LiDAR) of the sites assessed for fish and fish habitat to date. The purpose was to demonstrate the breadth of data that had been collected, collated, and reviewed either from field surveys or by desktop review since 2019. In addition, information was provided on upcoming field programs and locations that would be surveyed for fish and fish habitat to fulfill the 50% subset of all locations with fish habitat potential. Once the details were provided, DFO responded that the additional information satisfied their concern.</p> <p>Given the size of the Project Development Area, the number of waterbody crossings associated with assessing two alternative routes, and the potential for route refinements throughout the planning process, the Project Team is of the opinion that, for the purposes of the EA, ground-based field surveys should be focused at a subset of waterbody crossings along each alternative route. As noted above, the results from these field surveys, coupled with the results of the desktop review and analysis is expected to be sufficient to develop a strong and defensible alternative route analysis</p>	<p>Section 8, pg. 72 to 74</p> <p>Section 9.1.1, pg. 76</p> <p>Commitment for EA</p>

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		<p>and corresponding EA.</p> <p>Section 8 of the ToR provides information on the assessment and evaluation process to be used in the EA to identify the preferred route. This will include an assessment of advantages and disadvantages, which will consist of reviewing the outcome of each discipline effects assessment and technical considerations, such as cost and constructability to identify the alternative that has comparatively more advantages and less advantages. Additional information on the method to assess effects and identify the preferred alternative are being prepared and will be available at the onset of the EA for technical review by agencies.</p> <p>Going forward, it is understood that, to support the design and permitting phase of the Project, site-specific information will be required at waterbody crossings along the preferred route where works are planned below the high water mark (both for the <i>Fisheries Act</i> and <i>Lakes and Rivers Improvement Act</i>). At the time of permitting, the Proponent will complete supplementary field surveys where works are planned below the high water mark to meet the requirements of MNRF and DFO.</p> <p>MFFN is committed to protecting the environment. Commitments made throughout the EA process, such as those related to supplementary data collection and permitting, will become part of the approval for the Project should the Minister of the Environment, Conservation and Parks approve the EA for the Project.</p>	
MNRF-19	<p>ID#: MNRF-9</p> <p>Original Comment: See MNRF-9</p> <p>Original Response: See MNRF-9</p> <p>MNRF Follow-up Comment: It is noted that the approach to fish and fish habitat surveys for this environmental assessment continue to be refined. However, there is a lack of clarity for MNRF in the response provided regarding in-field assessment of water crossings, and determination of timing windows during the environmental assessment.</p> <p>The response provided, indicates that timing windows, will be identified during the environmental assessment. MNRF advised that aerial assessment is considered insufficient to assess water crossings where work below the high-water mark is needed. In-field assessment would be necessary to determine any but the most restrictive timing window (i.e. from September 1 to July 15 the following year, leaving approximately 6 weeks for work activities at the water crossing). From the response provided, it appears that a commitment is being made to in-field work at only a subset of water crossings during this environmental assessment, yet there also appears to be a commitment to determining timing windows during the environmental assessment phase. Does this response intend to signal then that this project is comfortable with assuming the most restrictive timing window for all water crossings that require work below the high-water mark that do not receive in-field assessment during the environmental assessment stage?</p>	<p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, MFFN has refined the approach to fish and fish habitat surveys as part of study plan development. Comments received from federal and provincial agencies as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. Based on these comments the MFFN has increased the coverage of the fish and fish habitat studies.</p> <p>All water crossings have been assessed from the air (as described in response to MNRF-8). Aerial reconnaissance was one of the tools, in conjunction with desktop LiDAR review, used to evaluate the fish habitat potential of waterbodies and watercourses for the Project. Ground-based fish and fish habitat field surveys are still in progress to fulfill site-specific data collection at 50% of the water crossings, across both Alternative 1 and Alternative 4. This 50% subset, in addition to the data collected from the aerial and desktop assessments will provide sufficient information to reliably characterize the existing environment for fish and fish habitat and develop a robust effects assessment. Site-specific baseline information at every crossing is not necessary to predict and assess effects of the Project for the purposes of the EA. Supplementary data will be collected during permitting, where required, when the Project details are better understood (e.g., final alignment of the preferred route and crossing type). See response to MNRF-8 for the rationale of completing targeted field campaigns at a subset of representative waterbody crossings along both alternative routes for the purposes of the EA. Ground-based surveys are designed to meet DFO and MNRF requirements.</p> <p>Section 8 of the ToR provides information on the assessment and evaluation process to be used in the EA to identify the preferred route. This will include an assessment of advantages and disadvantages, which will consist of reviewing the outcome of each discipline effects assessment and technical considerations, such as cost and constructability to identify the alternative that has comparatively more advantages and less advantages. Additional information on the method to assess effects and identify the preferred alternative are being prepared and will be available at the onset of the EA for technical review by agencies.</p> <p>Timing windows and other relevant impact management measures will be identified in the EA. The Proponent understands and is aware of the implications surrounding construction and restrictive timing windows. Where possible, timing windows will be identified in the EA where ground-based field data have been collected. Where ground-based field data are not available during the EA, a conservative approach will be used to identify a preliminary timing window, recognizing that the site-specific timing window will be determined during the permitting phase when additional information is available. It is recognized that the MNRF will likely require ground-based field surveys for the permitting of proposed waterbody crossings requiring work or infrastructure below the high-water mark. Adhering to timing windows is typically a key impact management measure included within an EA to protect fish spawning and egg incubation during construction activities. The specific dates to be applied at each crossing location are not necessary at the EA stage since the EA can make a commitment for the timing window mitigation to be applied (i.e., that Project construction will adhere to in-water timing windows and that timing windows will be confirmed through permitting).</p> <p>MFFN is committed to protecting the environment. Commitments made throughout the EA process, such as those related to supplementary data collection and permitting, will become part of the approval for the Project should the Minister of the Environment, Conservation and Parks approve the EA for the Project.</p>	<p>See response to MNRF-8</p> <p>Section 8, pg. 72 to 74</p> <p>Section 9.1.1, pg. 76</p> <p>Section 7.2, pg. 65</p> <p>Commitment for EA</p>
MNRF-20	<p>ID#: MNRF-11</p> <p>Original Comment: See MNRF-11</p> <p>Original Response: See MNRF-11</p> <p>MNRF Follow-up Comment: MNRF acknowledges and supports the commitment to include an expanded description of</p>	<p>Section 7.1.4.10 of the ToR provides a high-level description of existing economic activity in the Region. And while the focus of the description is on the MFFN community, there is also reference to mining, forestry and resource-based tourism activities including the Agoke Development Corporation, as well as a high-level description of economic activities in Aroland First Nation and in Greenstone. Recognizing that this is a ToR, this information is provided for contextual purposes. A much more robust and detailed description of baseline economic conditions will be included in the EA that</p>	<p>Section 7.1.4.10, pg. 58 to 59</p> <p>Section 10, pg. 78 to 101</p> <p>Appendix C</p>

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	<p>baseline economic activity in the EA.</p> <p>The document, “Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario” indicates in section 5.2 that it is mandatory to consult with all interested persons while preparing the ToR.</p> <p>MNRF reiterates that is it important that all interested parties are identified early on in the process so that they have appropriate opportunities to express concerns, or otherwise provide input regarding this proposal.</p> <p>It should also be noted that some parties who utilise the area for economic benefit (such as some remote-tourism operators) may be in the area only during their operational season; opportunities for their involvement in the process should take this into account.</p>	<p>will also include the results of planned primary data collection activities.</p> <p>A Project Contact List was developed during the ToR and is regularly updated to add additional contacts who express interest in the Project. This includes economic users such as remote-tourism operators that use the area seasonally. Individuals and groups on the Project Contact List have been contacted throughout the ToR (Section 10 of the ToR, Appendix C Record of Consultation) and continuing outreach throughout the EA will be made, taking into account possible communication limitations and availability constraints. Further, tourism operators included on the Project Contact List have been informed by consultation with the Ministry of Heritage, Sport, Tourism and Cultural Industries.</p>	
MNRF-21	<p>ID#: MNRF-15</p> <p>Original Comment: See MNRF-15</p> <p>Original Response: See MNRF-15</p> <p>MNRF Follow-up Comment: MNRF recommends that the stated references be added to the ToR document as they are important sources for understanding MNRF direction on topics such as Natural heritage, wildlife, and ecoregional values.</p>	<p>The intent of the data source column in Appendix A is not to capture every possible source but rather to provide the reader with a general idea of the types of resources that the may be reviewed during the EA. MFFN will review the documents and, where applicable, reference to these resources as a data sources used to inform baseline conditions and the effects assessment will be added in the EA. These data sources will be included in the Preliminary List of Data Sources of the Wildlife Study Plan.</p>	Commitment for EA
Ministry of Heritage, Sport, Tourism and Culture Industries – December 21, 2020			
MHSTCI-1	<p>Section/Item/Page: Table 7-1: Environmental Disciplines to be Considered during the Environmental Assessment Page 22</p> <p>Text in the Draft ToR (September 2019): Note: 1. Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes</p> <p>MHSTCI Comments: MHSTCI recommends that terminology be aligned with current framework. Therefore, the note should read as:</p> <p><i>Cultural heritage resources include archaeological <u>resources</u>, built heritage <u>resources</u> and cultural heritage landscapes.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item partially resolved.</p> <p>Please remove “Sites and” from the entry for archaeology, as sites are included in the definition of “archaeological resources”, therefore becoming repetitive.</p>	<p>The revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the Environmental Assessment [EA] Report).</p>	Commitment for EA
MHSTCI-2	<p>Section/Item/Page: 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 41-42</p> <p>Text in the Draft ToR (September 2019): <i>Economy</i></p> <p>MHSTCI Comments: This section acknowledges the importance of remoteness to resource-based tourism operators in the area (as does Section 2.1.8.4 of the Draft Alternatives Development supporting document).</p> <p>Page 41 indicates that resource-based tourism operations are operated by members of Marten Falls First Nation. Page 42 also indicates that approximately 10 tourism operators are identified as potentially overlapping their operating areas within 2.5 kilometres of the centreline of each alternative route under consideration. A map showing where these businesses are located will be helpful in the EA.</p> <p>A strong commitment to protect the interests of these remote operators should occur, consistent with protections within other government processes, such as forest management planning.</p> <p>MHSTCI has already suggested some modifications to the initial tourism operator contact list that was shared with us by AECOM. An updated spreadsheet was sent to Kenndal Soulliere on January 10, 2020.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Section 7.1.4.12 has become Section 7.1.4.10.</p> <p>Item resolved as it relates to mapping. Section 7.1.4.10 commits to mapping the location of tourism operators where practicable (page 60).</p> <p>Item partially resolved as it relates to protecting remote tourism interests. Language has been retained in Section 7.1.4.10 regarding the importance of remoteness to resource-based tourism, including on pages 60 and 61, but the request for a strong commitment to protect the interest of remote tourism operators is not included.</p> <p>Please provide a rationale as to why this suggestion was not incorporated or if the proponent feels it is addressed elsewhere in the ToR document.</p>	<p>Marten Falls First Nation (MFFN) acknowledges the importance of remoteness to resource-based tourism operators in the area of the Project. MFFN appreciates the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) review and input to the initial tourism operator contact list since it is important that MFFN is aware of the presence of businesses in proximity to the Project so that they are considered in the EA process. The EA will identify and assess potential effects of the Project on all tourism operators in the study area by evaluating predicted changes on the basis of the ‘Recreation and Tourism’ criterion (see Appendix A of the Terms of Reference [ToR]). While it is the objective to minimize effects of the Project as much as possible, some effects may result including potentially on remote tourism operations. As part of the assessment, impact management measures will be recommended to protect the interests of these remote operators. This could include measures to minimize effects that could disturb operations of existing tourism outfitters, or as part of design development of alternative route alignments and watercourse crossing locations. Further, MFFN will contact remote tourism operators during the EA to discuss potential effects of the Project and impact management measures.</p>	Section 7.1.4.10, pg. 60 Appendix A, pg. 7 Commitment for EA
MHSTCI-3	<p>Section/Item/Page: 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 42</p> <p>Text in the Draft ToR (September 2019): The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13c where \$108 million was spent in 2013 on pleasure tourism (MTCS 2017). Tourism in the region is generally resource based with outfitting as the primary tourism activity with 661,000 tourist identifying</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p>	Section 7.1.4.10, pg. 60

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	<p>participating in an outdoor activity as the main purpose of their trip.</p> <p>MHSTCI Comments: Page 42 includes some outdated tourism data from 2013. Updated wording is suggested below. Note that the data referenced below does not include travellers from the United States (it is not available).</p> <p><i>The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13C where \$109 million was spent by tourists from Ontario, other places in Canada, and overseas in 2016 on pleasure tourism. Tourism in the region is generally resource-based, with outfitting as a key tourism activity, with 841,000 visits including participation in an outdoor/sports activity (e.g., 368,600 visits included fishing, 343,600 visits included boating) as the main purpose of their trip. Most of these tourists come from Ontario.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved. Suggested wording included in Section 7.1.4.10 (page 60)</p>		
MHSTCI-4	<p>Section/Item/Page: 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: Should the road be constructed it may open up potential tourism opportunities for the community, including cultural tourism.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved. Section 7.2.10 includes the following language: "Potential changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and/or enabling new tourism, including cultural tourism, through improved access."</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.2.10, pg.70
MHSTCI-5	<p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 44</p> <p>Text in the Draft ToR (September 2019): 1st paragraph</p> <p>Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes. Existing cultural heritage resources will be identified and described within the EA.</p> <p>MHSTCI Comments: MHSTCI recommends that terminology be aligned with the current framework. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.</p> <p>Therefore the 1st paragraph should read as:</p> <p><i>Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes. Known (previously recognized) and potential cultural heritage resources will be identified and described within the EA.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Section 7.1.4.13 has become Section 7.1.4.11</p> <p>Item resolved.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.1.4.11, pg. 62
MHSTCI-6	<p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Pages 44-47</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: Include subheadings to discuss: (1) Archaeological Resources - after 1st paragraph and (2) Built heritage resources and cultural heritage landscapes</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.1.4.11, pg. 62 to 63
MHSTCI-7	<p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Pages 45</p> <p>Text in the Draft ToR (September 2019): 2nd paragraph:</p> <p>During this time, they established interior posts which included the Marten Falls House, Henley House, and Gloucester House which are in proximity to the Study Area</p> <p>MHSTCI Comments: The first paragraph on page 45 notes that the Marten Falls House is an archaeological site (Ejlp-1) but does not indicate whether the Henley House and the Gloucester House are archaeological resources or built heritage resources. Please clarify, as it this determines whether an archaeological assessment or a heritage impact assessment is the appropriate method for identifying potential impacts and determining mitigation measures</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.1.4.11, pg. 62
MHSTCI-8	<p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 45</p> <p>Text in the Draft ToR (September 2019): 3rd Paragraph</p> <p>MHSTCI Comments: MHSTCI has issued two Project Information Form (PIF) numbers for this project: P088-0092-2019 for a Stage 1 archaeological assessment and P088-0093-2019 for a Stage 2 archaeological assessment. As you know,</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.1.4.11, pg. 62 to 63

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	<p>archaeological assessments are required to be undertaken by an archaeologist licenced under the Ontario Heritage Act, who is responsible for submitting the report directly to MHSTCI for review.</p> <p>The EA Report must include specific information from the AA report(s). The Executive Summary of each AA report provides a brief summary of the work completed and the recommendations for next steps (whether further archaeological assessment is required; if so the report will include a map that identifies those areas). The EA report must also include clear commitments to undertake the recommended AA and a timeline for their completion.</p> <p>A commitment as to when a Stage 1 and 2 archaeological assessment will be undertaken should be included and MHSTCI recommends the 3rd paragraph read as:</p> <p><i>A Stage 1 archaeological assessment to identify areas of archaeological potential within the study area will <u>be undertaken by a licensed archaeologist. The Stage 1 AA will be submitted for MHSTCI review during the environmental assessment process (pre-planning phase) but prior to the EA completion.</u> (...) This information will be used to <u>inform the evaluation of alternatives and any additional studies.</u></i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p>		
MHSTCI-9	<p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 45</p> <p>Text in the Draft ToR (September 2019): 4th Paragraph</p> <p>Should results of the Stage 1 archaeological assessment confirm archaeological potential within the study area, a Stage 2 archaeological assessment will be undertaken prior to construction for areas that are identified as part of the final Project footprint</p> <p>MHSTCI Comments: If the Stage 1 AA recommends further AA(s), then MHSTCI recommends that further stages of AA be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design. Therefore, MHSTCI recommends inserting the following:</p> <p><i>Should the results of the Stage 1 archaeological assessment <u>recommend further archaeological assessment(s)</u> within the final Project footprint (<u>preferred alternative</u>), <u>then any further stages of archaeological assessment will be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design.</u></i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.1.4.11, pg. 63
MHSTCI-10	<p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 45</p> <p>Text in the Draft ToR (September 2019): 5th paragraph</p> <p>The Stage 2 archaeological assessment will be conducted to meet the requirements of the Standards and Guidelines for Consultant Archaeologists (MTCS 2011).</p> <p>MHSTCI Comments: See above comments. MHSTCI recommends the following:</p> <p><i>Archaeological assessment(s) will be conducted <u>by a licensed archaeologist and will</u> meet the requirements of the <u>Ontario Heritage Act and the</u> Standards and Guidelines for Consultant Archaeologists (MTCS 2011).</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.1.4.11, pg. 63
MHSTCI-11	<p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 45</p> <p>Text in the Draft ToR (September 2019): 6th paragraph</p> <p>In addition to archaeological resources, which focus on specific localities and material remains of past occupation (...) key information sources will be Indigenous knowledge and discussions</p> <p>MHSTCI Comments: Please note that Standards and Guidelines for Conservation of Provincial Heritage Properties apply to this project as some properties are owned or controlled by the Crown in right of Ontario or by a public body prescribed under Ontario Regulation 157/10. Given the size of the study area, MHSTCI recommends that a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment be undertaken. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to them. Please note that definitions of built heritage resources and cultural heritage landscapes are from the Provincial Policy Statement.</p> <p>Therefore, MHSTCI recommends inserting the following:</p> <ul style="list-style-type: none">▪ Include a subheading (2) Built Heritage Resources and Cultural Heritage Landscapes.▪ Replace the 6th paragraph with: <p><u>A Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment will be undertaken by a qualified person. The Report will:</u></p>	<p>This comment has been noted so that, moving forward, it will be documented more clearly in Project documentation (e.g., the EA Report). MFFN confirms that the Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment (CHR) will:</p> <ul style="list-style-type: none">▪ Identify existing baseline cultural heritage conditions, including a historical summary of the development of the study area and all known or potential built heritage resources and cultural heritage landscapes in the study area based on research. Indigenous knowledge, Ministry of Heritage, Sport, Tourism and Culture Industries screening checklist Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and professional judgement.▪ Identify preliminary potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified.▪ Propose and recommend measures to avoid or mitigate potential negative impacts to known or potential built heritage resources and cultural heritage landscapes.	Commitment for EA

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	<ul style="list-style-type: none">Identify existing baseline cultural heritage conditions, including a historical summary of the development of the study area and all known or potential built heritage resources and cultural heritage landscapes in the study area based on research. Indigenous knowledge, MHSTCI screening checklist Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and professional judgement.Identify preliminary potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified.Propose and recommend measures to avoid or mitigate potential negative impacts to known or potential built heritage resources and cultural heritage landscapes. <p>As part of this study, engagement with Indigenous communities is key. The Report will be completed during the environmental assessment and prior to the EA completion. The proposed mitigation measures will inform the selection of alternatives, next steps of project planning and design as well as additional studies).</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved for creating sub-headings.</p> <p>Please provide a rationale as to why the recommendation to replace the 6th paragraph with the provided wording has not been undertaken in the final ToR document. As part of the EA process, the ToR should inform how it will identify, assess and document the cultural heritage environment.</p> <p>If this change has been made, please advise where in the document it can be found.</p>		
MHSTCI-12	<p>Section/Item/Page: Table 7-4: Preliminary Identification of Potential Environmental Effects Page 48</p> <p>Text in the Draft ToR (September 2019): Potential Effects on Cultural Heritage Resources</p> <ul style="list-style-type: none">Damage to, or loss of, archaeological or other sites. <p>MHSTCI Comments: MHSTCI recommends that the description of potential effects be expanded as follow:</p> <ul style="list-style-type: none"><u>Disturbance or destruction</u> of, archaeological <u>resources</u>.<u>Displacement of built heritage resources and/or cultural heritage landscape by removal and/or demolition and/or disruption by isolation</u>Impacts to registered and unregistered cemeteries which have been identified and documented.Effects on cultural heritage landscapesDisruption of cultural heritage resources by the introduction of physical, visual, audible or atmospheric elements that are not in keeping with the character and setting of cultural heritage resources <p>Final ToR (September 2020) – MHSTCI Comments: Table 7-4 has become Table 7-6</p> <p>Item resolved.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.2, Table 7-6, pg. 64
MHSTCI-13	<p>Section/Item/Page: Table 7-4: Preliminary Identification of Potential Environmental Effects Page 48</p> <p>Text in the Draft ToR (September 2019): Potential Effects on Recreation and Tourism</p> <ul style="list-style-type: none">Changes to recreational and commercial lands used for trapping hunting, fishing and other activities <p>MHSTCI Comments: The project could also result in a loss of economic activity due to access related impacts for those businesses that rely on remoteness for their product. That loss should also be highlighted as a potential effect. The interview process will identify whether tourism operators are concerned in this regard.</p> <p>There is also a potential for noise impacts, particularly at the construction stage, if accommodations (sensitive uses) are within the area of influence</p> <p>Final ToR (September 2020) – MHSTCI Comments: Table 7-4 has become Table 7-6.</p> <p>Item is partially resolved. The previous potential effect remains. Nothing has been added to specifically address access-related impacts to businesses, though there is acknowledgement of the importance of remoteness to tourism in other sections of the ToR.</p> <p>Please provide a rationale as to why this suggestion was not incorporated or where the proponent feels it is addressed elsewhere in the ToR document.</p> <p>It is noted that Section 10.2.3 outlines that a link to the draft ToR was sent to interested persons in December 2019 and follow up calls were made to tourism operators to confirm if they received the documents and were planning to provide comments. Only one interested person commented on the draft ToR. This direct outreach to tourism stakeholders is appreciated.</p> <p>Changes to noise levels is captured under the environmental component “Natural (Physical and Environmental)” but not in the context of impacts to businesses.</p>	<p>Table 7-6 is a high-level summary of potential effects of the Project, with additional detail provided in the Potential Environmental Effects subsections (Sections 7.2.1 to 7.2.11). As mentioned in Section 7.2.10 of the ToR, the EA will consider the following potential effects of the Project:</p> <ul style="list-style-type: none">Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access.Changes to the regional economy including the labour market. Additional access may affect the local economy through new opportunities for businesses, a lower price of goods and new development. <p>Therefore, the EA will consider the potential for effects on remote based tourism operations from improved road access as a result of the Project. Additionally, the EA will identify and assess the indirect effects of the Project as stated in Section 7.2. This will include considering how environmental changes, such as noise, may indirectly affect remote business operators. The MFFN Project Team will continue to engage with tourism operators, including for example, to receive their input on receptor locations for future noise assessment modelling work to be completed as part of the EA.</p>	Section 7.2, pg. 63 Section 7.2, Table 7-6, pg. 64 Section 7.2.10, pg. 70 Commitment for EA

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MHSTCI-14	<p>Section/Item/Page: Section 7.2.7 – Potential Environmental Effects: Wildlife Page 51</p> <p>Text in the Draft ToR (September 2019): The CAR will provide year-round access to the Far North, which is likely to increase access for recreational use.</p> <p>MHSTCI Comments: As noted earlier, potential impacts on remoteness are noted in Section 2.1.8.4 of the Draft Alternatives Development supporting document. This acknowledgement should be reflected in the final ToR as well.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved. There is language in Section 7.1.4.10 regarding the importance of remoteness to resource-based tourism, including on pages 60 and 61.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.1.4.10, pg. 50 to 61
MHSTCI-15	<p>Section/Item/Page: Section 7.2.11 - Potential Environmental Effects: Socio-Economic and Built Environment Pages 52-53</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: This section acknowledges that the project may negatively impact the tourism sector. The resource-based tourism sector is compatible with traditional and cultural activities and supports jobs in the community. Any impacts to this sector from the project will need assessment and if there are unavoidable impacts, there should be mitigation proposed.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Section 7.2.11 has become Section 7.2.10. Item partially resolved.</p> <p>Section 11.8 outlines a high-level issue resolution process if concerns are not resolved during the development of the EA. The issue resolution process includes potential third-party mediation but does not offer additional mitigation (i.e. potential compensation for negative impacts) and instead outlines that if issues cannot be resolved they will be noted along with documentation of attempts to resolve the issue. Perhaps this could be considered as the EA is developed.</p>	Where individuals are willing, MFFN will conduct interviews with tourism operators to better understand their concerns with regard to the construction and operation of the Project (Section 7.1.4.10). As stated throughout the ToR (Section 7.2, 8 and 9.1), the EA is committed to recommending impact management measures to avoid or minimize potential environmental effects, including on the social and economic environment, and information gathered during interviews will help inform these recommended impact management measures. Should these measures not adequately address the concerns of tourism operators, the issue resolution process highlighted in Section 11.8 of the ToR, includes third party mediation, if warranted. It is anticipated that any additional impact management measures identified during the issue resolution process will be considered during completion of the EA.	Section 7.1.4.10, pg. 62 Section 7.2, pg. 65 Section 8, pg. 72 Section 9.1, pg. 76 Section 11.8, pg. 109
MHSTCI-16	<p>Section/Item/Page: 7.2.12 Cultural Heritage Resources Page 53</p> <p>Text in the Draft ToR (September 2019): Potential Environmental Effects to Cultural Heritage Resources</p> <p>Should any archaeological or built heritage and cultural landscapes be identified in the are of the Project, there is a potential for damage to, or the loss of the cultural heritage resources through ground disturbance activities (e.g. blasting, grading). Any activity with the potential to cause ground disturbance may also inadvertently discover and/or disturb previously unknown resources. Vibration generated by heavy equipment.</p> <p>MHSTCI Comments: This project has the potential to impact cultural heritage resources. This section should be expanded to indicate how potential environmental effects / impacts to cultural heritage resources will be identified and assessed. Therefore , MHSTCI recommends that the existing paragraph be replace with the following suggested text:</p> <p><i>Cultural heritage resources (archaeological resources, built heritage resources and cultural heritage landscapes) may be impacted by the Project. Potential environmental effects as relates to cultural heritage resources are described in Table 7-4. Technical cultural heritage studies (i.e. archaeological assessment(s), Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment) will be undertaken during the EA process and will identify preliminary effect/impacts and recommend avoidance and/or mitigation measures, if any negative effects/impacts on cultural heritage resources.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Section 7.2.12 has become Section 7.2.11</p> <p>Item resolved.</p> <p>Since the definition of cultural heritage resources includes archaeology, MHSTCI recommends removing “archaeology and” from both paragraphs, as it is repetitive</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Section 7.2.11, pg.71
MHSTCI-17	<p>Section/Item/Page: 9.1 Environmental Commitments Page 59</p> <p>Text in the Draft ToR (September 2019): The EA will include a comprehensive list of environmental commitments made by MFFN (...):</p> <p>- Completion of additional works and field studies, if required</p> <p>MHSTCI Comments: Since the document does not currently specify which studies will be undertaken, the second bullet should be modified to read “undertaking and completing the required studies and following up on any report recommendations”.</p> <p>Final ToR (September 2020) – MHSTCI Comments: MHSTCI continues to recommend that this wording be inserted, so as to illustrate the intention with respect to undertaking assessment activities, preparing reports stemming from those activities and implementing any recommendations of the report.</p>	The comprehensive list of commitments that will be included in the EA will include the commitment to complete required studies and report recommendations that arise from studies / investigations undertaken in support of the EA. Although this exact wording is not included within the bullet list in Section 9.1 of the ToR, the list is inclusive of the suggestion made in this comment. Archaeological investigations undertaken during the EA will likely include a report with recommendations included within the bullet list in Section 9.1. For example, Bullet 1) implementation of impact management measures; Bullet 2) completion of additional studies where archaeological potential exists; Bullet 4) implementation of archaeological monitoring where warranted; Bullet 5) continued consultation with the MHSTCI and Indigenous communities if identified as a recommendation of the report; and Bullet 6) documentation and correspondence following investigation and / or archaeological monitoring per report recommendations. Additionally, ground disturbance activities associated with construction cannot begin until the area is cleared of archaeological potential / archaeological reports have been entered into the Registry. As such, the completion of studies and follow-up to report recommendations is considered Bullet 3) a regulatory approval.	Section 9, pg. 76
MHSTCI-18	<p>Section/Item/Page: Table 13-1: Potential Permits and Approvals for the Proposed Project Page 83</p>	The corrected information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA

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	<p>Text in the Draft ToR (September 2019): Ministry of Heritage, Sport, Tourism and Culture Industries Archaeological and Cultural Clearances</p> <p>MHSTCI Comments: See above comments regarding technical cultural heritage studies.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item partially resolved.</p> <p>For archaeological assessments, please change the entry to: <i>“Archaeological Assessment(s) to be completed as part of the EA under the Ontario Heritage Act, 1990, and submitted to MHSTCI”.</i></p> <p>For built heritage resources and cultural heritage landscapes, please change the entry to: <i>“Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment to be completed and submitted to MHSTCI for review under the EAA.”</i></p>		
MHSTCI-19	<p>Section/Item/Page: Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 5</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: Recreation and Tourism is identified as both an “environmental discipline” and a “criteria.” Associated potential data sources do not include tourism operators or the planned interviews/surveys of those operators as per Section 7.1.4.12 (see earlier comment), unless they are covered under the listing for “primary data.”</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved. The potential data sources include “interest group information” and “information from Indigenous Tourism Operators.” Section 7.1.4.10 continues to note that interviews will be undertaken with tourism operators.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Appendix A, pg. 7 Section 7.1.4.10, pg.62
MHSTCI-20	<p>Section/Item/Page: Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 6</p> <p>Text in the Draft ToR (September 2019): Environmental Discipline: Cultural Environment/Cultural Heritage Resources</p> <p>MHSTCI Comments: Based on the comments above, MHSTCI recommends the following text: <i>Criteria: <u>Built Heritage Resources and Cultural Heritage Landscapes</u></i> <i>Indicator:</i></p> <ul style="list-style-type: none">▪ <i>Areas of significance to local communities</i>▪ <i>Areas of <u>known or potential cultural heritage value or interest</u></i>▪ <i>Areas of Religious or Spiritual Significance</i> <p><i>Potential Data Sources:</i></p> <ul style="list-style-type: none">▪ <i>Indigenous Knowledge</i>▪ <i>Recent and historical maps of the study area</i>▪ <i><u>Primary and secondary documentary sources (both current and archival written accounts, maps, drawings, plans and images)</u></i>▪ <i><u>Site visits</u></i>▪ <i><u>Community Based Land Use Planning initiatives</u></i> <p>Final ToR (September 2020) – MHSTCI Comments: Item mostly resolved.</p> <p>MHSTCI continues to recommend the following be inserted as written under the Indicator column: <i><u>Areas of known or potential cultural heritage value or interest</u></i> and under the Potential Data Sources column: <i><u>Site visits</u></i></p>	The criteria and indicators proposed in the ToR are preliminary, and have been provided for the purposes of gathering feedback for refinement in the EA. Technical and environmental investigations and studies, information available through the Indigenous Knowledge Program, feedback from consultation activities, and input received from government agencies will be used to confirm the criteria and indicators in the EA. That is, the final criteria and indicators for the Project will be confirmed during the EA and will be based on input received through the consultation and engagement program, including suggested criteria and indicators in the MHSTCI’s comments on the ToR.	Commitment for EA
MHSTCI-21	<p>Section/Item/Page: General</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: Throughout the draft ToR and supporting documents, our Ministry name should be updated to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) where appropriate.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Commitment for EA
Ministry of Indigenous Affairs – December 17, 2020			
IAO-1	Appendix B/Section 4.1.5/Page 19 – Summary of Consultation Activities	Marten Falls First Nation (MFFN) agrees that not all community members will want to use virtual platforms. As noted in the Environmental Assessment (EA) / Impact Statement (IS) Consultation and Engagement Plan, the approach outlined	Appendix B, Section 4.1.5,

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	<p>Comments and Rationale: The section outlines the COVID-19 related considerations such as using virtual platforms for undertaking consultation with potentially impacted Indigenous communities.</p> <p>Proposed Action / Solution: Need to consider that some community members may not be used to working with virtual platforms due to a lack of reliable broadband access and because they do not trust the technology. It will be important to seek respective communities' feedback on what would work best for them to provide input in a COVID-19 context.</p>	<p>is designed to provide flexibility and adaptability to evolving Project needs and may involve community-specific consultation and engagement plans. It is also noted that MFFN will consider using online platforms that a community is most familiar and comfortable with and will also offer low-technology options (e.g., telephone) and in-person consultation and engagement that respects physical distancing – both of which do not require the internet. As part of the development of community-specific consultation and engagement plans and the Community Coordinator program, MFFN will collaborate with communities to find the best solution for consultation and engagement during the pandemic. MFFN is hopeful that the Community Coordinators will be able to provide support to the consultation and engagement program to help to ensure that the activities that attract the most participants are held.</p> <p>To-date, plain language summaries, videos and factsheets have been provided in hard copy to communities, and these types of materials will also continue to be developed during the EA.</p>	<p>pg. 19 Commitment for EA</p>
IAO-2	<p>Appendix B/Section 4.1.7/Page 22 – Schedule, Table 4-2</p> <p>Comments and Rationale: Table 4-2 lays out the Consultation and Engagement Milestones, Schedule, Activities and Targeted Input.</p> <p>Proposed Action / Solution: Recommend seeking feedback on the consultation and engagement approach at the Notice of Commencement stage (in addition to the Effects Assessment Methods stage), particularly for those communities that do not opt for community-specific consultation plans.</p>	<p>MFFN agrees that the Notice of Commencement milestone should include seeking feedback on the consultation and engagement approach. Under the Targeted Input column of Table 4-2, “How Indigenous communities would like to be kept informed during the EA / Impact Assessment (IA) processes” and “Level of interest in creating Indigenous community-specific Engagement Plan(s) as they relate to the EA / IS” are already attributed to the Notice of Commencement milestone. Both of these targeted inputs include seeking input on the proposed consultation and engagement approach for the EA and determining if the community would like modifications. Indigenous communities have also had the opportunity to review the EA / IS Consultation and Engagement Plan during the Terms of Reference review period.</p>	<p>Appendix B, Section 4.1.7, Table 4-2, pg. 22</p>
Ministry of Transportation – December 15, 2020			
MECP provided documentation that the Ministry of Transportation had no comments on the Proposed Terms of Reference.			
Ministry of Economic Development, Job Creation and Trade – December 15, 2020			
MECP provided documentation that the Ministry of Economic Development, Job Creation and Trade had no comments on the Proposed Terms of Reference.			
Health Canada – November 16, 2020			
HC-1	<p>7.1.4.2 Atmospheric Environment</p> <p>(pg.42) <i>“Provincial MECP air quality standards (Government of Ontario 2019d), Ontario Ambient Air Quality Criteria (MECP 2018) and Canadian Ambient Air Quality (CCME 2014) Standards provide acceptable values for air pollutants both provincially and federally based on health and other risk assessments. The measured air pollutant levels can be assessed using these values to determine potential existing air quality issues.”</i></p> <p>The Canadian Ambient Air Quality Standards (CAAQS) are numerical targets for air quality improvements across Canada. The values do not represent acceptable air pollutants levels for protection of human health. The Canadian Air Quality Management System (AQMS) explicitly recognizes that health effects occur below the CAAQS values, and proposes additional management levels in recognition of the health and environmental benefits that can be realized by taking actions to decrease or maintain background levels of air pollution.</p> <p>Health Canada recommends clarification on how the proposed air quality criteria would adequately protect human health at exposure levels below the CAAQS. Health Canada also recommends revising the air quality assessment approach in recognition of the fact that the air quality criteria (e.g., CAAQS) do not represent a safe threshold for human health.</p>	<p>Air quality during construction and operations will be predicted to determine effects of the Project on the Atmospheric Environment. The predicted air quality will also be used to predict effects on human health; however, the standards will not be limited to those identified in the ToR for the Atmospheric Environment but will consider appropriate benchmarks from other jurisdictions applicable to human health where appropriate.</p>	<p>Commitment for EA</p>
HC-2	<p>7.1.4.10 Social, Economic and Built Environment</p> <p>(pg.60) <i>“Health Canada funds the Muskeg Thunder Clinic, located in Ogoki Post, which operates five days per week. Health staff provide nursing services, health promotion and community health programs”.</i></p> <p>Health Canada does not offer primary care funds or services for Indigenous peoples. Indigenous Services Canada (ISC), through its First Nations and Inuit Health Branch (FNIHB), provides health programs and health care services for First Nations and Inuit.</p> <p>Health Canada recommends Indigenous Services Canada be addressed as the federal department that funds the Muskeg Thunder Clinic.</p>	<p>Thank you for identifying this discrepancy. The corrected information has been noted so that, moving forward, it will be documented accurately in Project documentation (e.g., the EA Report).</p>	<p>Commitment for EA</p>
HC-3	<p>7.2 Potential Environmental Effects</p> <p>(pg.64) Table 7-6: Preliminary Identification of Potential Environmental Effects</p> <p>“Changes to diet” was identified as one of the potential project effects on human health. However, it remains unclear whether the potential effect considers only changes in availability/quantity of foods, including traditional foods, or also includes changes to quality of foods (e.g., project-associated contamination of traditional foods, nutritional value of store-</p>	<p>The EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, potential effects to human health from</p>	<p>Commitment for EA</p>

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	bought foods). Health Canada recommends clarification on which health effects will be considered due to changes in diet (e.g., exposure to contaminants in country foods, changes in nutritional value, changes in food security).	exposure to COPCs in country foods will be evaluated further as part of the HHRA.	
HC-4	<p>The TOR does not refer to any guidance documents to support the assessment of project effects on human health. HC recommends an assessment of the potential health impacts as per Health Canada's guidance documents.</p> <p>TISG Section 9 Baseline conditions – Human Health (pg. 70)</p> <p><i>“The proponent should refer to Health Canada guidance documents such that best practices are followed in the collection of baseline information to assess real and perceived project-related impacts to human health due to changes in air quality, noise, drinking and recreational water quality, country foods and/or multiple pathways of exposure to contaminants.”</i></p> <p>TISG Section 16.2 Social Determinants of Health (pg. 105)</p> <p><i>“(…) It is requested that the proponent complete the checklists provided in the Health Canada guidance documents so as to assist Health Canada and other participants verify that the main components of the assessment are completed and to identify the locations of this information.”</i></p>	The assessment of Project effects on human health will use relevant Health Canada guidance and associated checklists during the EA, as appropriate.	Commitment for EA
Impact Assessment Agency of Canada – December 21, 2020			
IAAC-1	<p>For the Environmental Assessment Report/Impact Statement to meet the requirements of the Guidelines, all Indigenous groups identified by the Agency and listed in the Indigenous Engagement and Partnership Plan (IEPP) must be engaged with and provided opportunities to:</p> <ul style="list-style-type: none">provide Indigenous knowledge during baseline data collection;comment on the list of valued components and indicators;inform the effects assessment and review its conclusions; andinform the development of mitigation measures and follow-up programs. <p>As noted in previous correspondences, Marten Falls First Nation should consider all Indigenous groups listed in the IEPP equitably regarding all aspects of the Project. Particular attention should be paid to engagement on baseline information collection and the potential effects of the Project.</p>	<p>Marten Falls First Nation (MFFN) agrees with the comment. All neighbouring Indigenous communities and groups listed in the Indigenous Engagement and Partnership Plan will be engaged with during the Environmental Assessment (EA) / Impact Assessment (IA). Table 10-1 in the Terms of Reference (ToR) includes all of these communities and groups. As noted in Table 4-2 of the EA / IS Consultation and Engagement Plan, MFFN will engage with these Indigenous communities and groups through the EA / IA:</p> <ul style="list-style-type: none">Obtaining input on baseline data collection occurs during the Effects Assessment Methods milestoneObtaining input on criteria and indicators (i.e., valued components and indicators) occurs during the Effects Assessment Methods milestoneObtaining input on effects assessment and its conclusions occurs during the Identification of Preferred Alternatives and Review of Draft EA / IS milestonesObtaining input on the development of mitigation measures (i.e., impact management measures) and follow-up programs occurs during the Effects Assessment Methods and Identification of Preferred Alternatives milestones <p>If neighbouring Indigenous communities and groups submit feedback related to the topics above before the end of the milestones noted, MFFN will certainly consider the information in advance.</p> <p>Further, as noted in Section 3.4.2 of the ToR, Indigenous Knowledge will be gathered through the Indigenous Knowledge collection program and integrated into the baseline description for each discipline as appropriate. The Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Collection Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p>	<p>Section 10.2.2. Table 10-1, pg. 83</p> <p>Section 3.4.2, pg. 9 to 12</p> <p>Appendix B, Section 4.1.7, Table 4-2, pg. 22 to 23</p>
IAAC-2	The Agency requests that Marten Falls First Nation promptly and formally communicate to the Agency any new alternative routes identified for consideration in the assessment as well as any change to the location of major project components compared to the Detailed Project Description. If an alternative assessment fails to conclude with a preferred route, a comprehensive assessment of all alternative routes is required.	<p>Any new alternative routes in addition to Alternative 1 and Alternative 4, and / or changes in the location of major Project components compared to the Detailed Project Description will be formally communicated to the Impact Assessment Agency of Canada (the Agency).</p> <p>A comprehensive assessment of all alternative routes will be completed as part of the effects assessment. Section 8 of the ToR states that the EA will assess and evaluate the alternative methods, which includes Alternative 1, Alternative 4 and the Project components identified in the Section 5.2.1 subsections. That is, an assessment of each alternative will be undertaken and not just the preferred alternatives. Section 12 of the ToR also provides flexibility for accomodating new circumstances in the EA. This includes the ability to assess and evaluate newly identified alternative methods should they arise during the EA and modifications to the alignments of Alternative 1 and Alternative 4.</p>	<p>Section 8, pg. 72</p> <p>Section 12, pg. 111</p> <p>Commitment for EA</p>
IAAC-3	<p>Section 10.2.4 Crown Government Agencies</p> <p>ENDM, MNR and the Agency also reviewed and provided comments on a coordinated provincial and federal Consultation Plan (Appendix B). The MFFN Project Team met with these agencies on May 20 and June 18, 2020, and comments received have been addressed.</p> <p>The Agency has not validated the content of the current version of Appendix B to confirm that the document as currently drafted adequately addresses the Agency's feedback on the previous version of the document (see Enclosure 2). Update the text to indicate that a previous draft was reviewed and include wording to state clearly it is the project team's view, not</p>	As stated in Section 1.2 of Appendix B of the ToR, the Project and associated documents have been prepared in a coordinated effort to satisfy both provincial and federal requirements, including the contents of the Tailored Impact Statement Guidelines. MFFN acknowledges that the Agency has not validated whether changes made to Appendix B adequately address the Agency's comments that were provided on the EA / IS Consultation and Engagement Plan during development of the ToR. The intent of the text in Section 10.2.4 of the ToR was not to imply that the Agency had validated that their comments had been addressed but that MFFN had reviewed the comments and updated the EA / IS Consultation and Engagement Plan as a result. A concordance table has been developed to demonstrate how the EA / IS Consultation and Engagement Plan was revised based on the Agency's comments and will be forwarded to the Agency.	<p>Appendix B, Section 1.2, pg.1</p> <p>Commitment for EA</p>

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	<p>the Agency’s view, that the Agency’s comments were addressed.</p> <p>The Agency expects any plan proposed by Marten Falls First Nation to capture the information and meet the requirements outlined in the federal Tailored Impact Statement Guidelines.</p>	<p>The Agency’s request has been noted so that, moving forward, it will be clarified and corrected in Project documentation (e.g., the EA Report). MFFN understands that it is the Agency’s preference that the ToR be amended to remove the statement indicating that their comments on the EA / IS Consultation and Engagement Plan have been addressed. Since this response clarifies the intent of the wording used in the ToR and recognizing that this change will be accommodated in the EA Report, no edit to the ToR has been made. Further, the EA / IS Consultation and Engagement Plan is a living document and may be updated based off comments received during the formal ToR review period and throughout the EA, as necessary.</p>	
IAAC-4	<p>Section 13, Table 13-1 Potential Permits and Approvals for the Project</p> <p>Approval Authority: Impact Assessment Agency of Canada (the Agency) (Previously the Canadian Environmental Assessment Agency)</p> <p>Permit / Approval / Authorization: Determination</p> <p>Applicability to the Project: Determination if the Project will require a federal IA under the Impact Assessment Act, 2019 since the CAR is a designated project under the Act, or if the provincial EA process is considered sufficient under the Canada-Ontario Agreement on Environmental Assessment Cooperation.</p> <p>Revise the text about the Impact Assessment Agency of Canada in Table 13-1 to delete reference to substitution of the assessment process of one jurisdiction for that of another jurisdiction. It is too far into the federal process of the Project to consider substitution. According to the Impact Assessment Act, the province of Ontario may request substitution of a project assessment process during the planning phase, if the Agency has not issued the Notice of Commencement of the federal assessment. Upon receipt of a substitution request, prior to the issuance of the Notice of Commencement of the federal assessment, the federal Minister of Environment and Climate Change would decide whether substitution of the federal assessment process for the provincial assessment process is appropriate.</p>	<p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	Commitment for EA
IAAC-5	<p>Section 2.3 – Supporting Document – Alternatives Development</p> <p>Representatives from ENDM, the Ministry of the Environment, Conservation and Parks (MECP), the Ministry of Natural Resources and Forestry (MNRF) and Canadian Environmental Agency are all participants in these regular meetings. Table 2-3 highlights early engagement with these regulatory agencies.</p> <p>The reference to “Canadian Environmental Agency” should be changed to “Impact Assessment Agency of Canada”.</p>	<p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	Commitment for EA
Indigenous Communities			
Aroland First Nation – December 18, 2020			
AroFN-1	<p>Scope of the Environmental Assessment does not capture access to the Ring of Fire</p> <p>Of critical concern to AFN are glaring omissions regarding assessment and consideration of access to the Ring of Fire and portions of the MFNCAR being used as a heavy industrial supply road. Broadening the scope of the Environmental Assessment is even more important now with the announcement of the Northern Road Link which would connect the MFNCAR to the Ring of Fire.</p> <p>The impacts of the MFNCAR are drastically deepened as a result the proposed Northern Road Link Project. Instead, the MFNCAR Project Team has removed important contextual information and consideration of access to the Ring of Fire in the Final ToR to intentionally narrow the assessment scope and undermine a thorough assessment process. Given the potential for the MFNCAR to provide industrial supply road access to and from the Ring of Fire, the Project Team must re-consult and seek AFN’s consent on alternative route options within our territory.</p>	<p>Marten Fall First Nation (MFFN) acknowledges that future development opportunities may arise if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the Environmental Assessment (EA) will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>In April 2018, MFFN signed an agreement with the Ministry of Environment, Conservation and Parks (MECP) to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Northern Development and Mines) has delegated some procedural aspects of Ontario’s Duty to Consult to MFFN, and</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p> <p>Appendix B, Section 4.1.7, pg. 21 to 24</p> <p>Commitment for EA</p>

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		<p>together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p> <p>Issues of consent and concerns related to alternatives for connecting the CAR to the provincial highway network now that the Northern Road Link has been announced are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	
AroFN-2	<p>Inadequate acknowledgement of AFN's territory and impacts to AFN's rights and interests in the ToR</p> <p>AFN is deeply concerned by the Project Team's decision to remove reference to the Project occurring in AFN's territory. The draft ToR acknowledged that the MFNCAR overlapped with AFN's territory, but in the final ToR, the Project Team removes reference to AFN and other Matawa First Nation Traditional Territories by stating, "The Project is located within the traditional territory of First Nations, including MFFN."</p> <p>This omission is concerning to AFN as it indicates that the Project Team is not taking the impacts on AFN's rights and interests seriously. The proposed MFNCAR overlaps directly with AFN's Traditional Territory, ultimately connecting to the Anaconda and Painter Lake forestry roads that pass directly through our community. The potential adverse impacts to our Treaty and Aboriginal rights and interests will be significant, especially considering our community members' high level of use along the Anaconda and Painter Lake Roads up to and north of Dusey Lake.</p>	<p>The removal of the specific reference to Aroland First Nation's Traditional Territory was made in response to comments received from other Indigenous communities on the Draft ToR with respect to their Traditional Territory in relation to the Project. The intent of this change was to be more inclusive with respect to the Traditional Territories of the various potentially affected Indigenous communities. The Project Team continues to solicit and receive inputs on the Traditional Territories of potentially affected Indigenous communities in relation to the Project through the Consultation and Engagement Program. However, MFFN acknowledges that the Project overlaps with the Traditional Territory of Aroland First Nation, and that the Project has the potential to affect Aroland First Nation. Further, MFFN commits to formally acknowledge that the Project overlaps with the Traditional Territory of Aroland First Nation throughout the EA and in the EA Report.</p>	<p>Section 7.1.4.1, pg. 41</p> <p>Commitment for EA</p>
AroFN-3	<p>Limitations and Inaccuracies in the Record of Consultation (RoC) appended to the ToR</p> <p>With respect to consultation on the ToR since February 2020, the Project Team has presented a narrative that AFN was provided several opportunities to review and provide feedback on MFFN's responses to AFN's comments on the draft ToR, the RoC and that "no comments were received." Unfortunately, the RoC does not provide the critical context that explains why AFN was not able to engage with the Project Team at that time.</p> <p>AFN did not receive capacity funding from the province until mid-October. In addition, the COVID-19 pandemic has put undue pressure on our community's capacity as well as opportunities to safely engage our community on the Project. Capacity funding is critical to supporting an adequate and meaningful consultation process and despite communicating our limitations, the MFNCAR Project Team continued to advance the ToR. Although the RoC may appear to portray several instances of engagement, but quantity of engagement is not an acceptable metric for consideration for meaningful engagement.</p> <p>Further, the RoC does not include correspondence and efforts by AFN to advance Memorandum of Understanding (MoU) discussions with MFFN between July and October 2020. Since our June 26, 2020 meeting with MFFN, AFN has been awaiting edits from MFFN on the MoU only to be told in October that MFFN does not wish to carry on down a path we had been working towards for over two years. MFFN's actions to date do not provide AFN with confidence that the procedural aspects delegated to MFFN will be executed honorably on behalf of the Provincial Crown.</p>	<p>The Project Team has taken the approach that both the quantity and quality of the consultation with Indigenous communities such as Aroland First Nation is of critical importance. The Record of Consultation includes community-specific sections that provide a chronological, summary of MFFN's engagement with each Indigenous community and a synopsis of their comments, issues and interests, and MFFN's responses and follow-up regarding these. The Record of Consultation provided with the ToR includes all communication and engagement with Aroland First Nation up to July 31, 2020. The Project Team acknowledges that ongoing discussions and communications have occurred since that time. These communications are being tracked and this information will be included in the future Record of Consultation and Engagement in the EA.</p> <p>The Project Team acknowledges the challenges relating to funding and the COVID-19 pandemic has had on Aroland First Nation's ability to engage and we will continue to explore ways to adjust and improve our engagement efforts with Aroland First Nation. While it is unfortunate that MFFN and Aroland First Nation were unable to develop a MOU, MFFN is committed to exploring other options to help ensure respectful and meaningful engagement and consultation with Aroland First Nation going forward. MFFN noted this in its December 8, 2020 response letter and has instructed the Project Team to follow up with Aroland First Nation to begin the process to develop a custom consultation process, instead of a MOU for the community.</p>	<p>Appendix C, Section 3.1, pg. 21 to 35</p>
AroFN-4	<p>In closing, it is still our position that presenting the Project in isolation without considering the cumulative effects of other proposed all-season road and mining projects in the region under-represents the potential impacts of the project. The impacts of the MFNCAR, Webequie Supply Road and Northern Road Link projects will extend far beyond environmental effects. The level of infrastructure and potential development being potentially unlocked regionally will have significant and pervasive impacts on our communities. We will continue to advocate for an integrated review process that considers the full range of regional impacts and our preference is to approach this work in a way that brings all our Matawa First Nation neighbours to the table. We are hopeful that MFFN, Webequie First Nation, and the provincial and federal agencies will collaborate with us on these matters.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> <p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the other development, including the Northern Road Link and Webequie Supply Road are constructed.</p> <p>MFFN has been actively pursuing a CAR for many years. Currently, the community is only accessible by air and winter road; however, the cost for air travel are increasing and the winter road is only available during a limited 6 to 8 week period, which is also becoming increasingly unreliable with changing climate conditions. In MFFN's December 23, 2020 letter to the MECP submitting comments on the ToR, MFFN shares that the cost and limited availability of goods and supplies "forces us to live in unacceptable conditions. We have endured this for too long and seen progress across the country as we stand still. The stagnation created is unacceptable and for us, it has created a situation of absolute and</p>	<p>Section 5.1, pg. 14 to 15</p> <p>Section 7.2, pg. 65</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.8, pg. 69</p> <p>Section 7.2.9, pg. 70</p> <p>Section 7.2.10, pg. 70</p>

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		<p><i>relative deprivation. Our people are in a social crisis and we are seeking economic independence so we can provide needed supports and resources to our people. For these reasons Marten Falls First Nation sees a community access road as needed to improve the well being of our members, grow our community and our independence.”</i> For these reasons, the purpose of the Project remains unchanged and MFFN is conducting an EA for a multi-use road that will provide all-season community access.</p> <p>Detailed responses to Aroland First Nation’s comments on the ToR are provided within AroFN-5 to AroFN-54, including MFFN’s plans to consider the potential effects of the Project that new access may allow and commitment to undertake a cumulative effects assessment as part of the EA.</p>	
AroFN-5	<p>Drat ToR Section: 3.3 Canada- Ontario Agreement on Environmental Assessment Co-operation</p> <p>AFN’s Comment from January 20, 2020 Submission: AFN prefers that both Canada and Ontario conduct separate impact assessments under respective Environmental Assessment and Impact Assessment legislation. As MFFN notes in the draft ToR, Aboriginal and Treaty Rights are guaranteed under section 35 of the Constitution Act, which includes recognition of existing Aboriginal and Treaty Rights to hunt, trap, fish, gather and manage the lands for all First Nation, Inuit and Metis people of Canada. As part of these rights, the Government of Canada has the Duty to Consult Indigenous communities for this Project. The Government of Ontario has sub-national, and different, relationship with AFN. The Government of Canada’s Impact Assessment Act contains specific provisions with respect to section 35 of the Constitution Act for the Impact Assessments it conducts. The Government of Ontario’s Environmental Assessment Act does not contain such specific provisions. MFFN should proceed with a federal Impact Assessment and a parallel Ontario Environmental Assessment. Where practical, MFFN should consider opportunities to coordinate EA and IA documentation as noted in comments below</p> <p>Project Team Response: MFFN will be proceeding with a federal Impact Assessment and an Ontario Environmental Assessment. However, as outlined in the Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment , dated February 24, 2020 and prepared by the Impact Assessment Agency of Canada (IAAC) with input from the Ontario Ministry of the Environment, Conservation and Parks (MECP) "A coordinated federal and provincial assessment process should result in one body of proponent documentation related to the assessment, which is known as the Impact Statement for the Agency, and as the Environmental Assessment report for MECP...This Cooperation Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the Impact Assessment Act and Ontario’s Environmental Assessment Act, as well as the completeness of any information submitted by the proponent." The Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment is available on the Impact Assessment Agency of Canada’s website.</p> <p>AFN Response and Comments on Final ToR: AFN appreciates the Project Team’s clarification and confirmation that the Cooperation Plan between MECP and IAAC will not supersede the legislative obligations prescribed in the IAA. AFN agrees in principle that a coordinated federal and provincial assessment should have a single body of documentation that is inclusive of all requirements under the EAA and IAA. The value and importance of a comprehensive account of impacts based on provincial and federal requirements will support AFN to identify, understand, and assess the project in a holistic way. What is challenging from AFN’s perspective is the proposed MFNCAR Project is not the only assessment process occurring in the region for a set of interconnected road projects that represent a single undertaking to connect the Ontario highway system to the Ring of Fire and to two First Nation communities. Currently, AFN is participating, or plans to participate, in the following roads environment and impact assessment processes that have the shared objective of connecting the Ontario highway system to the Ring of Fire:</p> <ul style="list-style-type: none">▪ Provincial EA process for Webequie Supply Road (WSR) (In Progress) • Provincial EA process for MFCAR (In Progress)▪ Federal IA process for WSR (In Progress)▪ Federal IA process for MFCAR (In Progress)▪ Federal Regional Assessment (Forthcoming)▪ Provincial EA process for Northern Road Link (Forthcoming)▪ Federal IA process for Northern Road Link (Forthcoming) <p>AFN’s participation in the above projects involve:</p> <ul style="list-style-type: none">▪ Engagement and consultation with numerous proponents and provincial and federal staff;▪ Participation in several projects that are at different stages of the assessment process;▪ Handling multiple and competing timelines across the various projects; and▪ Managing engagement fatigue of our staff and community members. <p>All of the above projects are interrelated and in some way support exploration, development and access to the Ring of Fire. Given the interconnectedness of these projects, AFN recommends that the WSR, the Northern Road Link, and the portion of the MFCAR that connects the WSR and Northern Road Link be considered in a single assessment. This approach is reasonable from an administrative and operational perspective but is also mindful and supportive of</p>	<p>MFFN understands Aroland First Nations concerns about capacity to be able to participate in each of the federal and provincial EA processes for the various road projects noted in this comment. MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether other road proposals are approved and / or constructed.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the Webequie Supply Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p> <p>EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>Section 7.2, pg. 65 Commitment for EA</p>

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	<p>community engagement needs.</p> <p>The AFN community does not view the WSR, MFCAR and Northern Road Link as separate projects. Rather, the AFN community sees the proposed development of a single road that starts in AFN's territory and the Ontario provincial road network, and ends at the Webequie Airport via McFaulds Lake. With the AFN community perspective in mind, it is critical that AFN is engaged, and the project is assessed through this holistic and cultural lens that considers the full suite of road project impacts in the region.</p>		
AroFN-6	<p>Drat ToR Section: 3.4.1 Environmental Assessment and Project Management Principles</p> <p>AFN's Comment from January 20, 2020 Submission: Project management principles speak to “sound scientific, engineering, and planning practices and processes, and on input obtained through consultation activities” but do not speak to Indigenous science and Indigenous knowledge.</p> <p>According to the Canadian Impact Assessment Agency, in its document Let’s talk Indigenous Knowledge: Indigenous Knowledge Policy Framework for Proposed Project Reviews and Regulatory Decisions https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes/discussion-paper-developmentindigenous-knowledge-policyframework.html#toc1:</p> <p>“Indigenous knowledge has made, and continues to make, valuable contributions to environmental, regulatory, and other processes across the country. Indigenous knowledge has also been the focus of growing international discourse. In recognition of the unique perspectives and value of Indigenous knowledge, governments across the world have integrated Indigenous knowledge into decision-making. Indigenous knowledge has also been addressed by a number of international agencies, including the United Nations in the United Nations Declaration</p> <p>Project Team Response: The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited. However, the Project Team acknowledges that Indigenous Knowledge is a critical component of the EA process and therefore does not preclude Indigenous knowledge as an information source for the EA. Section 8.4 of the ToR highlights the importance of Indigenous knowledge and how MFFN plans to integrate it into the EA. Section 8.4 has been placed directly following Section 3.4.1 (as Section 3.4.2) to highlight the importance of Indigenous Knowledge in the EA process.</p> <p>AFN Response and Comments on Final ToR: AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. For the purposes of this review, the MECP Code of Practice represents the minimum requirements for an EA. At a Nation-to-Nation level with our Matawa neighbours, we must be leaders in raising the bar and ensuring that our Indigenous Knowledge and values meaningfully contribute and influence the assessment process. For too long, our Indigenous Knowledge has been ignored and marginalized in the assessment process and there is an opportunity with this Project to demonstrate how Indigenous Knowledge and teachings can meaningfully influence the process. To achieve this objective, Indigenous Knowledge must be at the foundation of the assessment process. AFN maintains that the value and contributions of Indigenous Knowledge must be reflected in the project management principles.</p>	<p>MFFN agrees that Indigenous Knowledge is a critical component of the EA process and therefore does not preclude Indigenous knowledge as an information source for the EA that can meaningfully influence the process. The value and contributions of Indigenous Knowledge will be included as part of MFFN's Project Management Principles for the Project.</p>	<p>Commitment for EA</p>
AroFN-7	<p>Drat ToR Section: 3.4.1 Environmental Assessment and Project Management Principles</p> <p>AFN's Comment from January 20, 2020 Submission: The project management principles include: “Minimize potential harm and enhance benefits to the environment by recommending impact management measures and opportunities to enhance societal benefits.” However, the project management principles do not reference the federal Impact Assessment principle to assess how the project may contribute to the social and economic wellbeing</p> <p>AFN submits that MFFN should align this principle with the federal Impact Assessment principle:</p> <p>“Minimize potential harm, enhance benefits to the environment, and enhance social and economic wellbeing by recommending impact management measures and opportunities to enhance societal benefits with respect to both positive impacts and negative impacts.”</p> <p>Project Team Response: The Project will meet the requirements of both the Ontario Environmental Assessment Act and the federal Impact Assessment Act. However, the ToR is prepared to meet provincial requirements and therefore may not reflect all federal requirements. Section 7.1.2 of the ToR includes the full definition of environment as included in the Environmental Assessment Act. The Ontario Environmental Assessment Act defines the environment to mean in part "the social, economic and cultural conditions that influence the life of humans or a community," which addresses concerns regarding the Project's assessment of its contribution to social and economic wellbeing. Further, the preliminary potential effects listed in Table 7-4 in Section 7.2 of the ToR includes effects on social (includes well-being) and the economy.</p> <p>AFN Response and Comments on Final ToR: AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. Given that the Project Team has tightly scoped the ToR to Ontario's EA requirements, AFN requests that the Project Team commit in writing to address the following</p>	<p>MFFN agrees that it is important to protect the environment and enhance benefits of the Project. The EA will recommend impact management measures to minimize potential harm, enhance benefits to the environment, and enhance social and economic well-being with respect to both positive and negative effects.</p> <p>Table 7-6 is a high-level summary of potential effects of the Project. MFFN acknowledges Aroland First Nation's comments regarding “economic well-being” and the request to add social and cultural dimensions to effects on community well-being. The assessment of economic activity will consider the change in overall economic well-being and changes in community well-being will consider changes in socio-economic structures and changes in community cohesion. The assessment of these changes will incorporate other socio-economic criteria and indicators to provide a holistic assessment of potential effects on community well-being, which will be inclusive of social and cultural dimensions of well-being. The assessment will examine and make recommendations on how societal benefits of the Project can be enhanced.</p>	<p>Section 7.1, pg. 27</p> <p>Section 7.2, pg. 63 and 65</p> <p>Section 8, pg. 72</p> <p>Commitment for EA</p>

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	<p>principle in the IA:</p> <p>“Minimize potential harm, enhance benefits to the environment, and enhance social and economic wellbeing by recommending impact management measures and opportunities to enhance societal benefits with respect to both positive impacts and negative impacts.”</p> <p>In addition, AFN recommends that the commitment to assess social and economic well-being be further strengthened in Table 7-6 by:</p> <ul style="list-style-type: none">▪ adding “changes to economic well-being” to the potential effects under economy▪ adding social and cultural dimensions of well-being to the potential effect “changes to community well-being”		
AroFN-8	<p>Drat ToR Section: 3.4.1 Environmental Assessment and Project Management Principles</p> <p>AFN’s Comment from January 20, 2020 Submission: The project management principles make no mention of monitoring, follow-up and compliance aspects of the EA. AFN submits that MFFN should include an additional principle: “MFFN will work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up, and compliance.”</p> <p>Project Team Response: The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited.</p> <p>However, MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up and compliance, and foresees this as part of the consultation undertaken for the EA. Section 9.2 of the Draft ToR outlines the Projects’ environmental monitoring commitments, which includes the follow-up and compliance aspects of the EA, and Table 4-2 on the Consultation Plan includes consultation activities aimed at receiving input on the impact management measures and monitoring measures. The ToR also identifies MFFN’s plan that Indigenous knowledge will help determine appropriate impact management measures and monitoring methods (Section 8.4).</p> <p>Table 4-2 of the Consultation Plan will be updated to clarify input will be sought on impact management and monitoring.</p> <p>AFN Response and Comments on Final ToR: Please see AFN’s comments to 3.4.1 related to Indigenous Knowledge. From AFN’s perspective the same approach is critical for Indigenous approaches to monitoring, follow-up, and compliance. The importance and value of Indigenous communities as stewards and guardians of their territories should be reflected in the project management principles for the assessment. This is especially important to AFN given that a significant portion of the MFNCAR overlaps directly with AFN’s Traditional Territory.</p> <p>AFN continues to submit that MFFN should include an additional principle: “MFFN will work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up, and compliance.”</p>	<p>MFFN agrees that is important to work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up and compliance. The monitoring, follow-up and compliance will be included as part of MFFN’s Project Management Principles for the Project. Recommendations from Indigenous communities to enhance monitoring, follow-up, and compliance will be solicited through the Project Consultation and Engagement Program during the “Identification of Preferred Alternatives” and “Review of Draft EA / Impact Statement (IS)” milestones (EA / IS Consultation and Engagement Plan appended to the ToR).</p>	<p>Appendix B, Section 4.1.7, pg. 23</p> <p>Commitment for EA</p>
AroFN-9	<p>Drat ToR Section: 3.4.1 Environmental Assessment and Project Management Principles</p> <p>AFN’s Comment from January 20, 2020 Submission: The project management principles make no mention of Gender-based analysis plus (GBA+). According to the Canadian Impact Assessment Agency in its document “Gender- Based Analysis Plus in Impact Assessment” https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/gender-based-analysis-plus-impact-assessment-fact-sheet.html: “Gender-based analysis plus (GBA+) is an analytical framework that asks important questions about how designated projects may affect diverse groups. It considers the potential for disproportionate effects based on sex and gender, as the name suggests, in addition to the potential for disproportionate effects on groups represented by the “+” component of “GBA+”, which may include groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability. GBA+ provides a framework and analytical tools to guide an impact assessment of a project, with the intent of identifying those effects that may disproportionately affect any groups identified in respect of a specific project. It informs decision-making by seeking to answer what is known about possible project impacts and transparently outline to the public and decision makers what is not known.” AFN submits that MFFN should include an additional principle: MFFN will apply Gender-based analysis plus (GBA+) to the EA to consider the potential for disproportionate effects based on sex and gender, and including groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability.</p> <p>Project Team Response: A GBA+ framework will be utilized for the federal Impact Assessment that is also to be completed for the Project to consider gender and other identity factors.</p> <p>The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited.</p> <p>AFN Response and Comments on Final ToR: AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. The impacts of the MFCAR, WSR, and Northern Road Link projects will extend far beyond the environmental effects. The level of infrastructure and potential development</p>	<p>The Project will meet the requirements of both the Ontario <i>Environmental Assessment Act</i> and the federal <i>Impact Assessment Act</i>. MFFN plans to undertake a cooperative assessment meeting the legal requirements of both provincial and federal assessment processes. As outlined in the Cooperation Plan for the Marten Falls Community Access Road Project, dated February 24, 2020, the alignment of respective timelines of the two processes does not supersede the legislative processes to be documented in the EA / IS Report. That is, since the Project is also subject to the Federal <i>Impact Assessment Act</i>, and as per the Tailored Impact Statement Guidelines (TISG), a Gender Based Analysis Plus (GBA+) framework will be undertaken. This analysis will examine the potential for disproportionate effects of the Project, the results of which will be documented in the EA / IS Report. Vulnerable population groups and subgroups will be identified during the EA based on input received through consultation and engagement. That the ToR does not reference GBA+ does not change this requirement to document the results of the GBA+ analysis in the EA / IS Report. It will be up to the Province to decide whether the results of the GBA+ will be considered in its decision making.</p>	<p>Section 3.1, pg. 5</p> <p>Section 3.2, pg. 6</p> <p>Section 3.3., pg. 6</p>

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	<p>being potentially unlocked regionally will have a significant impact on our communities.</p> <p>Simply stating that the MECP Code of Practice does not require a GBA+ framework is not a rationale for excluding a GBA+ framework in the ToR. The Code of Practice fully permits and encourages flexibility, especially in response to the input of Indigenous groups. Furthermore, given that the GBA+ framework will be utilized for the federal Impact Assessment, the Ontario Environmental Assessment process and ultimately the Minister's decision-making can efficiently and effectively make use of the GBA+ assessment inputs.</p> <p>Of heightened concern to AFN is the disproportionate effects the MFNCAR, WSR, and Northern Road Link will have on members of our community based on sex and gender. The impacts of the resource development economy on Indigenous Peoples, particularly Indigenous women and girls, has been highlighted in other areas of the country (please see Amnesty International's Report "Out of Site, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada" Report Template (amnesty.ca)). The findings and experiences in other jurisdictions serve as precautionary experiences of what could happen in within AFN's territory. As a result, GBA+ must be a key principle in both the provincial and federal processes.</p> <p>AFN continues to submit that MFFN should include an additional principle: MFFN will apply gender-based analysis plus (GBA+) to the EA to consider the potential for disproportionate effects based on sex and gender, and including groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability.</p>		
AroFN-10	<p>Drat ToR Section: 3.4.1 Environmental Assessment and Project Management Principles</p> <p>AFN's Comment from January 20, 2020 Submission: The project management principles make no mention of the precautionary principle is referenced in the Mandate of the federal Impact Assessment Act and will thus apply to this project.</p> <p>AFN submits that MFFN should include the precautionary principle in line with the federal Impact Assessment:</p> <p>"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost- effective measures to prevent environmental degradation, and as such the EA will clearly describe and document all uncertainties and assumptions underpinning an analysis."</p> <p>Project Team Response: The Project will meet the requirements of both the Ontario Environmental Assessment Act and the federal Impact Assessment Act. However, the ToR was prepared to meet provincial requirements and therefore may not reflect all federal requirements.</p> <p>The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited.</p> <p>The spirit of the precautionary principle is reflected in the ToR. Specifically that uncertainty in the assessment will be reduced by making conservative assumptions (Section 8). The EA will clearly describe and document all uncertainties and assumptions made in the assessment.</p> <p>AFN Response and Comments on Final ToR: AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. We appreciate the efforts to reduce uncertainty through making conservative assumptions, but the commitment does not go far enough to address the intent of the precautionary principle. With varying federal and provincial requirements being applied to the Project, AFN recommends that the highest and most rigorous requirements between the two assessments be applied and implemented. This action will support effective coordination between the Projects while reducing the burden on AFN to review and consider different assessments of the same project.</p> <p>AFN continues to submit that MFFN should include the precautionary principle in line with the federal Impact Assessment:</p> <p>"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation, and as such the EA will clearly describe and document all uncertainties and assumptions underpinning an analysis."</p>	<p>The spirit of the precautionary principle is reflected in the ToR. Specifically, that uncertainty in the assessment will be reduced by making conservative assumptions, planning implementation of impact management and monitoring measures and requiring adaptive management techniques to address potential unforeseen circumstances should they arise (Section 8). The EA will clearly describe and document all uncertainties and assumptions made in the assessment. A precautionary approach will be included as part of MFFN's Project Management Principles for the Project.</p> <p>The Project will meet the requirements of both the Ontario <i>Environmental Assessment Act</i> and the federal <i>Impact Assessment Act</i>. Therefore, the highest and most rigorous requirements between the two assessment processes will be documented in the coordinated EA / IS Report. That is, MFFN will apply the precautionary principle in line with the federal impact assessment process.</p>	<p>Section 8, pg. 72 Commitment for EA</p>
AroFN-11	<p>Drat ToR Section: 4. Purpose of the Study</p> <p>AFN's Comment from January 20, 2020 Submission: The Project is proposed to provide reliable all- season multi-purpose ground access between MFFN and the provincial highway network. However, the proposed Project with a 100 metre (m) wide ROW cleared to a width of 60 m will also create a new corridor right-of-way which can enable future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelines. Potential future parallel linear infrastructure will provide substantial opportunities enhance social and economic well- being (see above comment on principles).</p> <p>AFN submits that the Purpose of the Project be amended: "The Project is proposed to provide reliable all-season multi-purpose ground access between MFFN and the provincial highway network, and establish a corridor right- of-way that will</p>	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>Regarding the Anaconda / Painter Lake Road network that passes by Aroland First Nation, MFFN would be happy to look</p>	<p>Section 7.2, pg. 65 Section 7.2.10, pg. 70 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA</p>

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	<p>enable future parallel linear infrastructure.”</p> <p>Project Team Response: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p> <p>AFN Response and Comments on Final ToR: AFN's comments on the draft ToR were advanced prior to the announcement of the Northern Road Link project by Webequie First Nation (WFN), MFFN, and the Government of Ontario. With segments of the MFCAR posed to enable access to the Ring of Fire via the Northern Road Link, AFN asserts that the purpose of the project be amended to include this development.</p> <p>We have heard from the Project Team that “the CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs.” AFN understands the importance of all-season road connectivity for MFFN, but with the introduction of the Northern Road Link project, the proposed scope of impacts becomes more significant. The MFNCAR becomes a multi-purpose road that could potentially enable heavy industrial use and access related with the Ring of Fire. Both proposed MFCAR routes connect in with the Painter Lake and Anaconda road network that pass directly through AFN and area of high use by members. As a result, AFN recommends that other alternatives for connecting the MFNCAR to the provincial highway network must be considered with deep consultation with AFN. More comments on this matter are captured in the Alternative Methods and Alternative To sections below.</p> <p>With respect to reasonably foreseeable projects, AFN maintains that there should be a dedicated section in the ToR for the cumulative effects assessment. With the project enabling both future parallel liner infrastructure (e.g., telecommunication services, electrical transmission line services, and energy transportation pipelines) and access to the Ring of Fire, more detail and methodology regarding the cumulative effects assessment must be included. Under the new IAA, cumulative effects assessment must include and consider cumulative effects on the rights of Indigenous Peoples. AFN recommends that any cumulative effects assessment include cumulative effects on the rights of Indigenous Peoples as well as the environment.</p>	<p>at the options and alternatives for upgrades / realignment that Aroland First Nation is considering. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Concerns related to alternatives for connecting the CAR to the provincial highway network now that the Northern Road Link has been announced is outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN is also interested in understanding other activities and opportunities Aroland First Nation may also be considering independent of or in relation to development in the Far North (e.g., Aroland First Nation's community vision of rail siding) so it may be considered in the cumulative effects assessment where appropriate.</p> <p>The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG developed by the Impact Assessment Agency of Canada (the Agency). In accordance with the TISGs, the EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures.</p>	
AroFN-12	<p>Drat ToR Section: 4. Purpose of the Study</p> <p>AFN's Comment from January 20, 2020 Submission: "AFN has no objections to the Project supporting a multi-purpose road built to meet industrial use specifications, provided that the Project study includes meaningful assessment of opportunities enhance social and economic" well-being (see above comments on potential future parallel linear infrastructure and principles).</p> <p>AFN submits that in order for the Project to support a multi- purpose road built to meet industrial use specifications, it should also explicitly support enable future parallel linear infrastructure and opportunities enhance social and economic well-being made possible by such parallel linear infrastructure.</p> <p>Project Team Response: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure paralleling the CAR in the future. Although the road is proposed to be built to meet industrial use specifications with 100 m wide right-of-way, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of industry and linear development in the region. Therefore, the Project is not being planned or designed to accommodate for other infrastructure.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the Project; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment, which would consider potential benefits</p>	<p>See response to AroFN-11</p>	<p>See response to AroFN-11</p>

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	on social and economic well-being. AFN Response and Comments on Final ToR: Please see response to Section 4 directly above.		
AroFN-13	Drat ToR Section: 4. Purpose of the Study AFN’s Comment from January 20, 2020 Submission: "MFFN states that the “EA will confirm the preferred route, identify the potential effects of the Project and recommend impact management measures to avoid, eliminate or minimize potential environmental effects.” AFN submits that this statement be amended: “The EA will confirm the preferred route, identify the potential effects of the Project, identify and recommend impact management measures to avoid, eliminate or minimize potential environmental effects, and identify opportunities enhance social and economic well- being.” Project Team Response: Section 3.4.1 of the Terms of Reference states that the project management principles of the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario will be incorporated throughout the environmental assessment (EA). Enhancing societal benefits to the environment is one of these principles. The environment, as defined by the Ontario Environmental Assessment Act and being used for the Project, includes "the social, economic and cultural conditions that influence the life of humans or a community". The preliminary potential effects listed in Table 7-4 of the ToR includes effects on social well-being and the economy. Section 7.2 of the ToR will be updated to clarify that potential effects on the environment includes both positive and negative effects to show that opportunities to enhance societal benefits, including those related to social well-being and the economy, will be part of the EA. The ToR will also be updated to indicate that opportunities to enhance benefits to the environment will be identified when recommending impact management measures in the EA. AFN Response and Comments on Final ToR: See response to Section 3.4.1 above regarding social and economic well-being. Further, given AFN’s response to 3.4.1 regarding GBA+, AFN maintains that the proposed language AFN advanced previously regarding GBA+ be reconsidered for this section of the ToR.	See response to comment AroFN-7 and AroFN-9	See response to AroFN-7 and AroFN-9
AroFN-14	Drat ToR Section: 5.1 Rationale for the Proposed Undertaking AFN’s Comment from January 20, 2020 Submission: This section makes no mention of MFFN’s deficits with respect to low-cost energy services/energy reliability, and telecommunication services – services that could be enabled through parallel linear infrastructure within a 100 m wide ROW cleared to a width of 60 m. AFN submits that MFFN should adjust the Rationale for the Proposed Undertaking to include recognition of the significant deficits experienced by the MFFN with respect to low-cost energy services/energy reliability, and telecommunication services, while also revising the Purpose of the Project as discussed above. Project Team Response: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment. AFN Response and Comments on Final ToR: Please see AFN’s comments regarding Section 4 Purpose of the Study.	See response to AroFN-11	See response to AroFN-11
AroFN-15	Drat ToR Section: 5.2 Description of the Undertaking AFN’s Comment from January 20, 2020 Submission: "MFFN states that options for road ownership, maintenance activities and liability are being considered in discussion with the Province. The existing Painter Lake Road that connects to the proposed undertaking, together with a substantial portion of the southern portions of the proposed undertaking, are within AFN’s traditional territory. As such, MFFN should also be discussing options for road ownership maintenance activities and liability in discussion with AFN. MFFN should also be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN’s traditional territory. As well, MFFN should also" be discussing options, with AFN, for ancillary infrastructure including but not limited to temporary access roads and temporary construction camps within AFN’s traditional territory. A FN submits that MFFN should consider options for road ownership, maintenance activities and liability in discussion with AFN, as well as with the Province – and consider tripartite discussions for the same. Similarly, AFN should be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN’s traditional territory, and options for ancillary infrastructure including but not limited to temporary access roads, temporary construction camps, and staging areas within AFN’s traditional territory. Project Team Response: Decisions regarding road ownership, maintenance and liability have not yet been determined.	The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR. Since MFFN is the Proponent for the Project, discussions related to road ownership, maintenance, and liability are between MFFN and the province only. Discussions related to road ownership, maintenance, and liability are outside of the scope of is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter. In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i> . As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario’s Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as	Section 2, pg. 3 Section 11.1, pg. 102 Appendix B, Section 4.1.7, pg. 22 to 23 Commitment for EA

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	<p>Conversations with the Province are ongoing and updates will be provided as they are available.</p> <p>The Terms of Reference sections 6 and 8 have been updated to clarify that ancillary infrastructure components of the Project, such as aggregate sites will be described and assessed in the EA. As such there will be opportunities to provide input on them at key milestones per Table 4-2 of the Consultation Plan.</p> <p>The design and location of ancillary infrastructure (i.e., temporary infrastructure required for construction) will be informed by consultation with Indigenous communities and Indigenous Knowledge shared.</p> <p>AFN Response and Comments on Final ToR: The Project Team's response does not adequately address AFN's comments and recommendation. Since a significant portion of the proposed road is with AFN territory, AFN must be a part of the ongoing discussions related to road ownership, maintenance, and liability. This depth of engagement is commensurate with the deep level of impact this project will have on AFN's rights and interests.</p> <p>Given the scope and depth of impacts anticipated, AFN expects that our consent will be sought for aspects of the project that fall within our territory. This includes consent on the route, design and location of ancillary infrastructure and appropriate avoidance, mitigation, and accommodation measures. More information related to this matter can be found in our comments related to the proposed consultation plan for the EA.</p>	<p>part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN with consult with Aroland First Nation during the EA to understand the community's concerns regarding the Project and the potential impact on their Aboriginal and Treaty Rights in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p> <p>MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation.</p> <p>Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	
AroFN-16	<p>Drat ToR Section: 5.2 Description of the Undertaking - Project components</p> <p>AFN's Comment from January 20, 2020 Submission: Project components should also include options and opportunities for accommodating future parallel linear infrastructure.</p> <p>Project Team Response: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p> <p>AFN Response and Comments on Final ToR: Please see AFN's comments regarding Section 4 Purpose of the Study.</p>	See response to AroFN-11	See response to AroFN-11
AroFN-17	<p>Drat ToR Section: 5.2.2 Project Activities</p> <p>AFN's Comment from January 20, 2020 Submission: MFFN states that "Domestic waste generated during construction will be collected in appropriate on-site containment and disposed of at approved waste facilities. The closest waste management site to the Project is to the immediate southwest of the intersection of Anaconda and Ogaki Road, approximately 11 km northwest of Aroland First Nation." AFN has significant concerns about negative impacts of additional waste being placed in waste management sites within its traditional territory.</p> <p>MFFN should be aware that the Ministry of Natural Resources is considering closure of landfills it owns and operates in the region, and that the Municipality of Greenstone has initiated an Ontario Environmental Assessment study to review alternative options for municipal solid waste management within the Municipality, the need for which is directly related to the closure of several rural Ministry of Natural Resources-owned landfill sites and the limited remaining lifespan of the existing Geraldton Ward landfill site.</p> <p>MFFN's EA should consider alternative methods for the disposal of domestic waste generated during construction, and engage in waste disposal discussions with AFN and the Municipality of Greenstone.</p> <p>Project Team Response: MFFN appreciates the information provided and will engage in waste disposal discussions with AFN and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options.</p> <p>AFN Response and Comments on Final ToR: In light of the Project Team's response, AFN still sees a significant risk and uncertainty with how waste disposal is being considered in the EA. AFN continues to recommend that an assessment of alternative methods for the disposal of waste outside of the vicinity of the project be included in the ToR.</p>	<p>Approved waste facilities in the vicinity of the Project will be considered and identified during the EA (Section 5.2.2). MFFN will confirm whether the Ministry of Natural Resources and Forestry (MNRF) Hanover Tower Road Waste Disposal Site is still operational and, if warranted, will seek to identify alternate sites. Section 9.1.1 of the ToR indicates that MFFN will engage with the waste site operator and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options.</p> <p>MFFN will discuss waste facility options with Aroland First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p>	Section 5.2.2, pg. 20 Section 9.1.1, pg. 77 Commitment for EA
AroFN-18	<p>Drat ToR Section: 6.2 Approach to Considering "Alternatives To"</p> <p>AFN's Comment from January 20, 2020 Submission: The "Do Nothing" alternative should include discussion of economic and social development related to other linear infrastructure that is economically prohibitive without the existence of a primary ROW.</p> <p>AFN submits that MFFN should include discussion of the absence of other linear infrastructure with regard to the "Do Nothing" alternative.</p>	See response to AroFN-11, and AroFN-19 to AroFN-21	See response to AroFN-11, and AroFN-19 to AroFN-21

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	<p>Project Team Response: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The Project is not being planned or designed to accommodate for other infrastructure. However, MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p> <p>AFN Response and Comments on Final ToR: Please see AFN's comments regarding Section 4 Purpose of the Study, 6.2 and 6.3.1.</p>		
AroFN-19	<p>Drat ToR Section: 6.2 Approach to Considering "Alternatives To"</p> <p>AFN's Comment from January 20, 2020 Submission: MFFN notes that it "is possible that a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire. Provincial interest is for one road to be built to serve both community access and industrial supply needs (i.e., multi-functional use); therefore, the proposed CAR may be used by private, commercial and industrial interests."</p> <p>AFN has significant concerns about a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN agrees that not proceeding with the Project does not address the problem of unreliable community access to MFFN.</p> <p>AFN does not agree with the statement that the "Do Nothing" alternative eliminates or reduces industrial opportunities and resulting benefits to MFFN and others in the region with respect to access to mining claims north of MFFN and the Ring of Fire. Mineral exploration entities and mining companies are currently accessing claims north of MFFN and the Ring of Fire. Further, AFN would be significantly impacted by a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN submits that any consideration of an undertaking for a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire be subject to an Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking.</p> <p>AFN submits that the Do Nothing alternative should be confined to unreliable community access to MFFN: how not proceeding with the Project does not address the problem of unreliable community access to MFFN." Any discussion of a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire must note for the record AFN's concern that its rights and interests would be significantly, permanently and irreversibly impacted by such a supply road, and that consideration by any party, including MFFN or the Province, of an undertaking for such a supply road be subject to a Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking.</p> <p>Project Team Response: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent.</p> <p>An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. The discussion around "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire" will be removed from Section 6.2.</p> <p>AFN Response and Comments on Final ToR: Please see AFN's comments regarding Section 4 Purpose of the Study. In addition, AFN disagrees with the Project Team's response and proposed action to remove reference to "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire." The removal of specific language in the ToR related to a supply road and access to the Ring of Fire via the MFNCAR is intentional to exclude a thorough assessment of impacts.</p> <p>From a regional perspective, the WSR, Northern Road Link, and MFCAR collectively advance both community and Ring of Fire access to the provincial highway system and AFN contends that any road network that is contemplated in the region considers both objectives. The importance of this point is further demonstrated by the announcement of the</p>	<p>See response to AroFN-11.</p> <p>To address Aroland First Nation's comment of January 20, 2020 to confine the Do Nothing alternative to unreliable community access, language related to a supply road being constructed from a point along the CAR to the mineral claims north of MFFN and the Ring of Fire was removed from this section in order to provide a more clear and accurate description of the Project purpose and problem this Project is being proposed to address. The intent was not to exclude a thorough assessment of impacts. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN is also interested in understanding other activities and opportunities Aroland First Nation may also be considering independent of or in relation to development in the Far North (e.g., Aroland First Nation's community vision of rail siding) so it may be considered in the cumulative effects assessment where appropriate.</p> <p>Regarding the Anaconda / Painter Lake Road network that passes by Aroland First Nation, MFFN would be happy to look at the options and alternatives for upgrades / realignment that Aroland First Nation is considering. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives . MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Concerns related to alternatives for connecting the CAR to the provincial highway network now that the Northern Road Link has been announced is outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>See response to AroFN-11</p> <p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p> <p>Appendix B, Section 4.1.7, pg. 21 to 24</p>

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	<p>Northern Road Link. The MFNCAR is now an important piece of a possible road network up to the Ring of Fire. As a result, the appropriate scope and purpose of the undertaking for the Project must be amended to include supply road access to the McFauld’s Lake areas to the provincial highway network.</p> <p>AFN sees the distinction between the roads projects as project splitting, which comes with significant risk of inadequately assessing, understanding, and addressing impacts to AFN’s rights and interests. These projects should not be assessed or considered separately. The advancement of the Northern Road Link fundamentally changes the impacts the MFNCAR project may have on AFN’s rights and interests. As a result, understanding alternatives to and alternatives methods for connecting MFFN to the provincial highway network and the Ring of Fire must be considered by the EA. This is especially important for the consideration of alternatives to connecting into the existing provincial highway network around AFN. AFN has substantial concerns regarding a potential supply road that passes through our community and connects into the Painter Lake and Anaconda road network.</p>		
AroFN-20	<p>Drat ToR Section: 6.3.1 Identification of Alternative Methods</p> <p>AFN’s Comment from January 20, 2020 Submission: "MFFN references “Feedback received during winter and spring 2019 consultations confirmed that Alternative 2 and Alternative 3 are not considered to be reasonable alternatives for the Project based on the concerns raised by MFFN community members and Chief and Council.” Prior to Alternative 2 and Alternative 3 being screened out of the EA as Alternative Methods, MFFN should undertake more extensive consultation with potentially impacted parties, including AFN.</p> <p>MFFN notes in the supporting documentation - Marten Falls First Nation Supporting Document – Draft Alternatives Development Community Access Road, November, 2019 -" that consultation with AFN on “potential routes” consisted of: “A meeting was held with the Aroland First Nation Chief and Council and the community to introduce the Project and ToR process. The community meeting provided an update on the Project, including a look at potential routes and outlining items to be presented in the ToR. Preceding the community meeting was a meeting with Aroland Chief and Council.” The Supporting Document makes no mention of any specific input or comments from AFN. This minimal consultation activity is not sufficient to enable AFN to properly assess Alternative Methods for potential routes for the CAR. MFFN should undertake more extensive consultation with AFN on all four route alternatives, including Alternative 2 and Alternative 3, prior to screening them out of the EA as Alternative Methods. This consultation should include AFN Indigenous Knowledge.</p> <p>Project Team Response: During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for assessment and evaluation in the EA. The history and development of alternative routes for the Project provided in the Alternative Development Report describes how the alternative routes for the Project evolved through previously completed studies and the community-led process. A screening of alternative routes was not undertaken as part of the identification of the reasonable range of alternative methods for the EA.</p> <p>MFFN undertook a detailed review of the four routes to identify alternative routes that are considered reasonable for the Project. A reasonable range of alternatives, per the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario must be appropriate to the proponent doing the study. Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community. MFFN Chief and Council passed a Band Council Resolution in July 2019 to only consider Alternative 1 and Alternative 4 in the EA process by supporting feedback received from MFFN community as part of the community-led process to advance decisions on the Project.</p> <p>The meeting with Aroland First Nation occurred in May 2019, prior to the signing of the Band Council Resolution. As noted, the meeting included potential routes and not confirmed alternative routes for the EA. The decision to not consider Alternative 2 and Alternative 3 in the EA process was not based on a screening of alternatives but on the community-led process for planning of the Project. MFFN is unable to accommodate Aroland First Nation's request to undertake more extensive consultation on all four potential routes shared in May 2019 because Alternative 2 and Alternative 3 are not considered to be reasonable for the Project.</p> <p>AFN Response and Comments on Final ToR: Further to AFN’s comments on 6.2 above, the community consultations with AFN and route assessments were undertaken at a time when the MFCAR only contemplated all season road access to MFFN that may be used for industrial access. The proposed connection of a portion of the MFCAR to the McFauld’s Lake substantially alters AFN’s position on the Project. With the Northern Road Link now a reasonably foreseeable project that will be assessed through provincial and federal assessment processes, AFN asserts that community consultations and route alternatives must be re-considered given the potential for the route to be used as an industrial supply road.</p> <p>MFFN must undertake more extensive consultation on all four potential routes shared in May 2019 because Alternative 2 and Alternative 3 may be reasonable Alternatives for the Project that now includes a connection to the proposed Northern</p>	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Therefore, the EA will be for a multi-use road that will provide all-season community access. Although the Northern Road Link Project was announced during development of the ToR, the CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>Prior to commencement of the ToR for the CAR, MFFN signed an agreement in April 2018 with the MECP to prepare an EA for a CAR built to meet industrial use specifications to accommodate multi-purpose use by MFFN community and industrial proponents. MFFN met with Aroland First Nation in August 2017 before the agreement with the Province had been signed to inform Aroland First Nation of the plan for the road to be multi-purpose and to discuss the relationship with mining companies. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire, which Ontario had also announced in August 2017 through their intent to support MFFN to undertake technical and environmental studies that could inform planning and development of a north-south access road to the Ring of Fire. Therefore, possible connection to the Ring of Fire has been recognized as a possibility since the onset of the EA process for the Project and is reflected in the ToR. For example, the ToR acknowledges that future development opportunities may arise if the CAR is constructed and that that EA will identify and assess potential effects of the Project as a result of changes due to increased access (Sections 7.2.1, 7.2.8, 7.2.9 and 7.2.10).</p> <p>The EA Report will include consulting on the potential effects of Alternative 1 and Alternative 4, including temporary infrastructure, quarries, borrow areas and aggregate source areas to support the Project, however, further consultation on Alternative 2 and Alternative3 are not planned as they are not considered to be reasonable for the Project. Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community. Announcement of the Northern Road Link in March 2020 reinforces further for MFFN that Alternative 2 and Alternative 3 are unreasonable alternatives for the Project. The reasons for not pursuing Alternative 2 and Alternative 3 can be further discussed with Aroland First Nation. The ToR also provides flexibility to accommodate changes and / or unforeseen circumstances that may arise throughout the environmental planning process. This includes the alternative methods to be assessed in the EA.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the Webequie Supply Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p>	<p>Supporting Document – Alternatives Development, Section 2.1.7, pg. 9</p> <p>Section 6.3, pg. 23 to 24</p> <p>Section 7.2, pg. 65</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.8, pg. 69</p> <p>Section 7.2.9, pg. 70</p> <p>Section 7.2.10, pg. 70</p> <p>Section 12, pg. 111</p>

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	Road link, the WSR, the Ring of Fire, and each of those road corridors to the Provincial highway system.		
AroFN-21	<p>Drat ToR Section: 6.3.1 Identification of Alternative Methods</p> <p>AFN’s Comment from January 20, 2020 Submission: Alternative methods are limited to two route alternatives. Along with including all four route alternatives as alternative methods, the EA should consider additional alternative methods, including:</p> <ul style="list-style-type: none">Alternative methods for enabling the ROW to include future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelinesAlternative methods for accessing crushed rock and granular materials through rock quarries and borrow areasAlternative methods for connecting the CAR to the Ontario provincial highway networkAlternative methods for the disposal of domestic waste generated during construction <p>Project Team Response: Linear Infrastructure: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure paralleling the CAR in the future. However, the Project is not being planned or designed to accommodate for other infrastructure because the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p> <p>Ancillary Infrastructure (i.e., temporary infrastructure required for construction): Sections 6 and 8 of the Terms of Reference (ToR) will be updated to clarify that the alternatives assessment and effects assessment will include temporary infrastructure components of the Project, such as aggregate sites. Temporary infrastructure alternatives will be identified for each of the alternative road alignments (i.e., Alternative 1 and Alternative 4).</p> <p>Provincial Highway Connection: The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province.</p> <p>Waste: Section 5.2.2 states that waste management and disposal for the Project will be in accordance with Ontario's Environmental Protection Act, and that domestic wastes generated during construction will be collected and disposed of at approved waste facilities. The ToR will be updated to indicate that approved waste facilities in the vicinity of the Project will be considered and identified during the EA.</p> <p>AFN Response and Comments on Final ToR: Please see AFN's comments regarding Section 4, 5.2.2, 6.2 and 6.3.1 above.</p> <p>Further, AFN takes issue with the Project Team's following response:</p> <p>"The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns, then we encourage your community to discuss this with the Province."</p> <p>AFN agrees that environmental effects of the Project must be minimized but asserts that minimizing impacts of the Project on AFN's rights and interests is also an important priority. Although environmental effects of a project or activity may help us understand impacts to Indigenous rights and interests, those categories of impacts are not synonymous with each other. Given the potential for the MFNCAR being used for industrial supply road access to and from the Ring of Fire, the Project Team must re-consult and engage with AFN on the proposed routes.</p> <p>With respect to the ongoing work AFN is undertaking with the Painter Lake/Anaconda roads, the Project Team's interpretation of the purpose of the project is incorrect. The purpose of the study is to explore and understand community perspectives on potential upgrades to the Anaconda and Painter Lake forestry roads, including community support and/or opposition for road upgrades. The study also seeks to understand how an upgrade would impact AFN's ability to exercise its Treaty and Aboriginal rights and interests and the technical and engineering requirements of any potential construction. To be clear, the purpose of the project is not to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the MFNCAR.</p>	<p>See response to AroFN-11, and AroFN-17 to AroFN-20</p> <p>MFFN agrees that minimizing impacts of the Project on Indigenous peoples' rights and interests is also an important priority. Indigenous peoples' rights and interests is identified in the ToR as an environmental component to be assessed for effects in the EA (Section 7.2.1).</p> <p>Section 7.1.2 of the ToR provides the definition of environment being used for the Project which is from the <i>Environmental Assessment Act</i>. The Ontario <i>Environmental Assessment Act</i> defines the environment to mean in part "the social, economic and cultural conditions that influence the life of humans or a community." MFFN has interpreted this definition on the environment to include Indigenous peoples' rights and interests. Therefore, the statement in MFFN's response to Aroland First Nation's January 20, 2020 comment on Section 6.3.1 of the ToR that the "Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects" was not limited to the natural environment, but was inclusive of all components of the environment including Indigenous peoples' rights and interests.</p> <p>The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p> <p>Thank you for providing information about the work Aroland First Nation is undertaking with the Painter Lake / Anaconda roads.</p>	<p>See response to AroFN-11, and AroFN-17 to AroFN-20</p> <p>Section 7.2.1, pg. 65 to 66</p> <p>Commitment for EA</p>

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AroFN-22	<p>Drat ToR Section: 7.1.1 Study Area</p> <p>AFN’s Comment from January 20, 2020 Submission: The Study Area does not allow for assessment of alternative methods of connecting the CAR to the Ontario provincial highway network. The draft ToR does not consider the feasibility of connecting the CAR to the provincial highway network at Painter Lake, or the feasibility of other locations and approaches to connecting the CAR to the provincial highway network.</p> <p>AFN submits that the Study Area should be enlarged to enable consideration of alternative methods of connecting the CAR to the Ontario provincial highway network.</p> <p>Project Team Response: The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province.</p> <p>AFN Response and Comments on Final ToR: Please see response to 6.3.1 directly above.</p>	See response to AroFN-21	See response to AroFN-21
AroFN-23	<p>Drat ToR Section: 7.1.2 Environmental Features</p> <p>AFN’s Comment from January 20, 2020 Submission: Table 7-1 “Environmental Disciplines to be Considered during the Environmental Assessment” does not include gender-based analysis plus (GBA+).</p> <p>AFN submits that Table 7-1 should include gender-based analysis plus (GBA+)</p> <p>Project Team Response: A GBA+ framework will be utilized for the federal Impact Assessment that is also to be completed for the Project to consider gender and other identity factors.</p> <p>AFN Response and Comments on Final ToR: Please see response to 3.4.1.</p>	See response to AroFN-9	See response to AroFN-9
AroFN-24	<p>Drat ToR Section: 7.1.4 Description of the Existing Environment; 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment</p> <p>AFN’s Comment from January 20, 2020 Submission: MFFN is aware that AFN is seeking an agreement with MFFN that includes sharing Indigenous Knowledge. Once this agreement is executed, the MFFN and AFN will be able to share Indigenous Knowledge while respecting rights and interests.</p> <p>Given AFN’s unique location in relation to the Project, including a substantial area of traditional territory that will be overprinted by the Project, and connections to the Anaconda and Painter Lake roads that are wholly within AFN’s traditional territory, AFN submits that the assessment and evaluation of effects of alternative methods should not commence until AFN’s Indigenous Knowledge is available following execution of an agreement with MFFN that includes sharing Indigenous Knowledge and sufficient time and resources are available for AFN to meaningfully and effectively collect Indigenous Knowledge specific to those alternative methods.</p> <p>The ToR should explicitly acknowledge that AFN’s Indigenous Knowledge should be available to inform:</p> <ul style="list-style-type: none">▪ selection of sensitive receptors▪ selection of valued components (VCs)▪ selection of criteria and indicators to be used to assess and evaluate net effects▪ assessment of alternative methods▪ assessment of the potential effects of the Project, including effects on traditional and cultural uses and the subsequent potential effect on spirituality and health▪ EA outcomes and accommodations for collaborative Indigenous stewardship that allows for a more inclusive and holistic approach to environmental management and monitoring▪ appropriate impact management measures, including site-specific measure for sensitive areas, including avoidance where possible so the CAR can be designed, constructed and operated in a manner that meets the needs of AFN land users and harvesters who use and have in- depth knowledge of the land▪ impact management strategies that include opportunities to support, retain and enhance Indigenous Knowledge during planning, construction, and operation of the CAR▪ environmental commitments▪ environmental monitoring▪ Follow-up programs <p>Project Team Response: The Project Team has been in communication with Aroland First Nation regarding the Sharing</p>	<p>MFFN acknowledges and appreciates the efforts both parties have made to develop a MOU between Aroland First Nation and MFFN. With respect to the decision to terminate discussions on the MOU, MFFN would like to reiterate that the intent was to establish a framework of principles for how MFFN will work with Aroland First Nation to advance the EA; it was not intended to be a legally binding agreement that would govern the EA. Further, it was MFFN’s intent that the MOU would be developed based on community-to-community discussions rather than a legal exercise undertaken by external parties; this intent has been consistently communicated to Aroland First Nation. It is MFFN’s view that additional and / or a more formalized agreement with Aroland First Nation based on matters of common interest could be discussed as the Project and EA proceeds. MFFN is committed to exploring other options to help ensure respectful and meaningful engagement and consultation with Aroland First Nation going forward. MFFN noted this in its December 8, 2020 response letter and has instructed the Project Team to follow-up with Aroland First Nation to begin the process to develop a custom consultation process, instead of a MOU for the community.</p> <p>Given sensitivities and confidentiality considerations, an Indigenous Knowledge Sharing Agreement between MFFN and Aroland First Nation will be required prior to the sharing and integration of Aroland First Nation’s Indigenous Knowledge and information on Indigenous land and resource use in the EA. MFFN looks forward to working with Aroland First Nation to finalize an Indigenous Knowledge Sharing Agreement that meet the needs of both communities.</p> <p>Section 3.4.2 of the ToR outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation. MFFN has been and will continue to work with Indigenous communities to respectfully collaborate on how Indigenous Knowledge will be used to identify and confirm criteria (valued components) and indicators, sensitive receptors, characterize existing conditions, effects assessment criteria, predict the potential positive and negative effects of the Project, and help to determine appropriate impact management measures and monitoring measures. The Consultation and Engagement Program and Indigenous Knowledge Program for the Project serve to support MFFN in working with Indigenous communities, including Aroland First Nation, to understand community concerns, values, and knowledge (including Indigenous Knowledge), which will be used to inform decision-making throughout the EA.</p> <p>The Project has been designed so that Indigenous Knowledge and information from Indigenous Land and Resource Use Studies are available early in the EA before decisions are made. Figure 4-1 and Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR) identifies the key decision timelines for the EA. MFFN recognizes that collection of Indigenous Knowledge and Indigenous land and resource use information takes time and may occur concurrent to the EA during the early stages of the assessment. While MFFN is planning to proceed according to the schedule and timelines identified in the EA / IS Consultation and Engagement Plan, data shared throughout the process will be considered and used in the EA in accordance with the Indigenous Knowledge Sharing Agreement for the Project. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the</p>	Section 3.4.2, pg. 9 to 12 Section 7.1.4.3, pg. 43 Appendix B, Section 4.1.7, pg. 21 to 24

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	<p>Agreement. The Project Team looks forward to receiving the next round of edits of the Sharing Agreement from Aroland First Nation. The Project Team will continue to collaborate with Aroland First Nation to finalize the Sharing Agreement and to solicit and utilize Aroland's Indigenous Knowledge as outlined in the terms of the Indigenous Knowledge Sharing agreement. Section 8.4 - Incorporation of Indigenous Knowledge in the EA outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods.</p> <p>AFN Response and Comments on Final ToR: AFN seeks clarification from the Project Team regarding the use of the term “Sharing Agreement.” Up until October 2020, MFFN and AFN were working towards a Memorandum of Understanding (MoU) when MFFN unilaterally ended those discussions.</p> <p>Based on AFN’s review of Appendix B, we interpret the term Sharing Agreement to refer to Indigenous Knowledge Sharing Agreements intended to confirm confidentiality between the Project Team and Indigenous communities.</p> <p>The MoU AFN and MFFN were working on for over two years included Indigenous Knowledge sharing protocols as well as how AFN and MFFN would work together in consultation, including consent, in a binding agreement. The MoU was much more comprehensive than a Sharing Agreement. MFFN terminated these MoU discussions with AFN and, therefore, MFFN's response in this table is not an accurate reflection of progress on these matters.</p> <p>AFN continues to submit that the assessment and evaluation of effects of alternative methods, including alternative road corridors, as noted above, should not commence until AFN’s Indigenous Knowledge is available following execution of an agreement with MFFN that includes sharing Indigenous Knowledge and sufficient time and resources are available for AFN to meaningfully and effectively collect Indigenous Knowledge specific to those alternative methods.</p> <p>The ToR should explicitly acknowledge that AFN’s Indigenous Knowledge should be available to inform:</p> <ul style="list-style-type: none">▪ selection of sensitive receptors▪ selection of valued components (VCs)▪ selection of criteria and indicators to be used to assess and evaluate net effects▪ assessment of ALL alternative methods, including alternative road corridors▪ assessment of the potential effects of the Project, including effects on traditional and cultural uses and the subsequent potential effect on spirituality and health▪ EA outcomes and accommodations for collaborative Indigenous stewardship that allows for a more inclusive and holistic approach to environmental management and monitoring▪ appropriate impact management measures, including site-specific measure for sensitive areas, including avoidance where possible so the CAR can be designed, constructed and operated in a manner that meets the needs of AFN land users and harvesters who use and have in-depth knowledge of the land▪ impact management strategies that include opportunities to support, retain, and enhance Indigenous Knowledge during planning, construction, and operation of the CAR▪ environmental commitments▪ environmental monitoring▪ Follow-up programs	<p>Indigenous Knowledge Program.</p>	
AroFN-25	<p>Drat ToR Section: 7.1.4 Description of the Existing Environment</p> <p>AFN’s Comment from January 20, 2020 Submission: The description of the existing environment does not include an expanded Study Area inclusive of alternative methods of connecting the CAR to the Ontario provincial highway network. AFN submits that the description of the existing environment be enlarged to include an expanded Study Area inclusive of alternative methods of connecting the CAR to the Ontario provincial highway network.</p> <p>Project Team Response: The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province.</p> <p>AFN Response and Comments on Final ToR: Given AFN’s responses to 6.2 and 6.3.1 above, the description of the environment should be amended to accurately reflect the full scope of alternative methods of connecting the MFCAR to the Ring of Fire and the provincial highway network.</p> <p>In addition, AFN was deeply concerned by the Project Team’s decision to remove reference to the Project occurring in</p>	<p>Alternative Methods: See response to AroFN-11 and AroFN-21.</p> <p>Territories: See response to AroFN-2</p>	<p>See response to AroFN-2, AroFN-11 and AroFN-21</p>

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	<p>AFN's territory. In Section 7.1.4.11, Indigenous Knowledge and Land Use, of the draft ToR the Project Team states, "MFFN and other Matawa First Nation communities share traditional lands in the area of the Project and over a vast territory in northern Ontario. The Project falls mostly within the traditional territory of MFFN and shared territory with Aroland First Nation in the southern end of the Project."</p> <p>In the final ToR, the Project Team removes reference to AFN and other Matawa First Nation Traditional Territories by stating, "The Project is located within the traditional territory of First Nations, including MFFN."</p> <p>AFN formally requests that the Project Team provide a rationale as to why references to AFN and other Matawa First Nations territories in the Project Area was explicitly removed from the ToR. This omission is concerning to AFN as it indicates that the Project Team is not taking the impacts on AFN's rights and interests seriously. Traffic to and from the MFNCAR will pass directly by AFN's reserve community, and through a significant portion of AFN's Traditional Territory. As the most impacted community by the MFNCAR and Northern Road Link Projects, an acknowledgement of AFN's territory and shared territory with MFFN is a basic courtesy. The complete removal of the acknowledgement is concerning. AFN formally requests that the Project Team add references related to AFN's territory back into the ToR.</p>		
AroFN-26	<p>Drat ToR Section: 7.1.4 Description of the Existing Environment; 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment</p> <p>AFN's Comment from January 20, 2020 Submission: The determination of sensitive receptors should be informed by AFN Indigenous Knowledge.</p> <p>AFN submits that the determination of sensitive receptors should be informed by AFN Indigenous Knowledge.</p> <p>Project Team Response: The Project Team looks forward to receiving Aroland First Nation's Indigenous Knowledge to help determine sensitive receptors.</p> <p>AFN Response and Comments on Final ToR: Given that AFN's Indigenous Knowledge and Land Use Study (IKLUS) for the MFCAR Project has not been completed, AFN requests that no decisions are made on the sensitive receptors until the IKLUS is finalized.</p>	See response to AroFN-24.	See response to AroFN-24
AroFN-27	<p>Drat ToR Section: 7.2.5 Groundwater</p> <p>AFN's Comment from January 20, 2020 Submission: Construction activities, and the operation of the CAR, may have impacts on spring water sources that have benefits to Indigenous peoples, and may have spiritual value.</p> <p>AFN submits that the potential effects on groundwater should include impacts on spring water sources that may have benefits to Indigenous peoples and may have spiritual value.</p> <p>Project Team Response: The EA will consider potential impacts on spring water sources that may have benefit to Indigenous peoples and may have spiritual value.</p> <p>AFN Response and Comments on Final ToR: AFN does not see specific reference to the inclusion of impacts on spring water in the groundwater section the final ToR. Since the Project Team has committed to including spring water in the assessment, AFN requests that the ToR be updated to reflect this intent.</p>	Section 7.2.1 of the ToR indicates that the "Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources." Water resources is inclusive of spring water sources (i.e., spring water sources refer to areas of groundwater upwelling) identified by Aroland First Nation as having spiritual value. Aroland First Nation's comments and MFFN's response that the EA will consider potential effects on spring water resources have been documented as part of the ToR, and therefore is committed for inclusion in the EA. MFFN will consult with Aroland First Nation to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with all Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 7.2.1, pg. 65 Commitment for EA
AroFN-28	<p>Drat ToR Section: 7.2.6 Vegetation</p> <p>AFN's Comment from January 20, 2020 Submission: Potential effects to vegetation and ecological communities during the operation of CAR may include spread of invasive species due to increased recreational use and vehicle traffic, which can have subsequent effects on wildlife and wildlife habitat.</p> <p>AFN submits that the potential effects on vegetation during operation of the CAR should include the potential spread of invasive species due to recreational use and vehicle traffic during operation.</p> <p>Project Team Response: Invasive species are considered in the Draft ToR in Section 7.1.4.6, Section 7.1.4.9, Section 7.2.6, Section 7.2.7, and Section 7.2.8. In the EA, effects from invasive species will be considered for vegetation as well as for other disciplines (e.g., Vegetation and Fish and Fish Habitat).</p> <p>AFN Response and Comments on Final ToR: AFN does not see specific reference to the inclusion of potential effects on vegetation due to the spread of invasive species by recreational use and vehicle traffic during operation. AFN maintains that these activities may contribute to the spread of invasive species and, therefore, should be included in the vegetation section of the ToR.</p>	Section 7.2.7 of the ToR indicates that "potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function and changes to species diversity, including SAR and traditional use plants," Spread of invasive species during construction is also identified as a potential pathway (Section 7.2.7), as well as from increased access to the Far North (Section 7.2.8 and Section 7.2.9). While effects of invasive species during operations and maintenance are not specifically noted within the ToR for the Vegetation discipline, the EA will consider the potential effects that may result from the introduction of invasive species through various pathways including recreation and vehicle traffic during operation and maintenance.	Section 7.2.7. pg. 68 Section 7.2.8, pg. 69 Section 7.2.9, pg. 70
AroFN-29	<p>Drat ToR Section: 7.2.8 Fish and Fish Habitat</p> <p>AFN's Comment from January 20, 2020 Submission: MFFN has not consulted with AFN regarding the location of access road watercourse crossings. In conjunction with assessing alternative methods, MFFN should ensure that AFN is consulted on all watercourse locations for either alternative to make sure culturally sensitive or important locations are not impacted by bridge or culvert construction.</p>	In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i> . As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a MOU to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project	Section 1, pg. 1 Section 3.1, pg. 5 Section 11.1, pg. 102 Appendix B

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	<p>Project Team Response: The Project is in the early phases of Project planning and detailed design has not commenced. The MFFN Project Team will consult with potentially affected Indigenous communities on watercourse crossings. The MFFN Project Team has initiated an Indigenous Knowledge Program to assist with collecting and utilizing important Indigenous Knowledge in Project planning, routing and design. It is anticipated that information brought forward through the Indigenous Knowledge Program will help to inform the planning and design of watercourse crossings.</p> <p>AFN Response and Comments on Final ToR: Given the scope and depth of impacts anticipated, AFN expects that our consent will be sought for aspects of the project that fall within our territory. This includes consent on the route, design, and location of ancillary infrastructure and appropriate avoidance, mitigation, and accommodation measures. Given that AFN's IKLUS for the MFCAR Project has not been completed, AFN requests that no decisions are made on the water crossings until the IKLUS is finalized.</p>	<p>is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation. Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>The MFFN Project Team will consult with potentially affected Indigenous communities on watercourse crossings. In addition, MFFN provided Indigenous communities, including Aroland First Nation, with the Indigenous Knowledge Program Guidance Document in November 2020 to support communities in collecting and sharing Indigenous Knowledge and information on Indigenous land and resource use and cultural values relevant to the Project (including completing Project-specific studies). An Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities was also shared in January 2021; the Fact Sheet is also available on the Project website. MFFN looks forward to Aroland First Nation's forthcoming Indigenous Knowledge and Land Use Study and input through the Consultation and Engagement Program.</p>	Commitment for EA
AroFN-30	<p>Drat ToR Section: 7.2.8 Fish and Fish Habitat</p> <p>AFN's Comment from January 20, 2020 Submission: MFFN lists approximately 20 fish species, including the species "targeted by communities inhabiting the region and by local and fly-in charter angling and hunter tourist outfitters." It is not clear this included AFN.</p> <p>MFFN must identify and include species of importance to AFN and ensure they are afforded a level of high significance and prioritized in the assessment.</p> <p>Project Team Response: The fish species listed in the Draft ToR include those known or suspected to occur within the Project Area, and was based on information obtained from various sources, including Indigenous Knowledge collected for the purposes of this project.</p> <p>The MFFN Project team respectfully requests information from Aroland First Nation regarding species of importance. Section 3.4.2 - Incorporation of Indigenous Knowledge and Indigenous Land and Resources Use in the EA outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing baseline conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods.</p> <p>AFN Response and Comments on Final ToR: Given that AFN's IKLUS for the MFCAR Project has not been completed, AFN requests that this list be updated with any additional species of importance that are identified through the IKLUS.</p>	<p>MFFN looks forward to Aroland First Nation's forthcoming Indigenous Knowledge and Land Use Study. Any additional species of importance that are identified by Aroland First Nation as part of their Indigenous Knowledge and Land Use Study will be incorporated.</p>	Commitment for EA
AroFN-31	<p>Drat ToR Section: 7.2.8 Fish and Fish Habitat</p> <p>AFN's Comment from January 20, 2020 Submission: MFFN indicates that "As a result of the broad scale, the field program will involve both an aerial and ground-based survey approach to characterize existing baseline conditions at waterbody crossings within the study area." The description does not mention which season the field program will occur and whether AFN will be involved in the data collection.</p> <p>MFFN must first complete an early spring rapid-assessment survey to document flow conditions and the potential for seasonal fish habitat in conjunction with assessing alternative methods. In addition, MFFN must follow up in the summer to confirm permanent fish habitat and sample those locations in consultation and assistance by AFN community members.</p> <p>Project Team Response: ToR section 9.1.1 includes a commitment to prepare work plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. Indigenous communities will be notified of future field surveys based on the work plans, and any opportunities for participation, in advance of field program commencement.</p> <p>AFN Response and Comments on Final ToR: For work in AFN's Traditional Territory, notification of opportunities is an inadequate level of engagement. AFN members must be involved in the planning, development, and implementation of all field programs as stewards and guardians of our territory. AFN recommends that the Project Team commits to work collaboratively with AFN to develop and implement all field programs in AFN's territory.</p>	<p>MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions. Therefore, MFFN confirms that information shared will inform the planning, development and implementation of future field studies as appropriate. In addition, the results of field studies will be shared throughout the EA, and will be documented in the EA Report.</p> <p>MFFN will notify Indigenous communities of opportunities to participate in baseline studies for the Project. However, the COVID-19 pandemic and associated protocols of social distancing have limited the opportunities for field monitor positions. Furthermore, given the location of the Project and logistical constraints to accessibility of the area , limited Indigenous monitor positions are anticipated to be available. A commitment has been made to MFFN community that Indigenous monitor positions for field work in support of the Project would first be filled by MFFN. In circumstances when MFFN is not available to participate in a baseline study, MFFN will contact neighbouring Indigenous communities, including Aroland First Nation, for interest in participating in the program.</p>	Appendix B, Section 4.1.7, pg. 22 Commitment for EA

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AroFN-32	<p>Drat ToR Section: 7.2.8 Fish and Fish Habitat</p> <p>AFN’s Comment from January 20, 2020 Submission: MFFN states that “the ground-based field surveys will be used to obtain site-specific field data at a subset of waterbody crossings to verify or augment the results and assumptions from the desktop analysis.” This approach introduces the potential for information gaps and missed constraints and opportunities due to fish and fish habitat.</p> <p>After a thorough desktop analysis and Indigenous consultation is complete, MFFN should conduct rapid assessment surveys in the spring to fine-tune the location and number of watercourse crossings containing fish habitat. The MTO Environmental Guide for Fish and Fish Habitat should then be used to document habitat conditions at each crossing confirmed or highly likely to provide fish habitat. Spring and fall sampling should be completed where no recent fisheries information is available.</p> <p>Project Team Response: ToR section 9.1.1 includes a commitment to prepare work plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. The EA will identify the field studies conducted in support of this EA.</p> <p>AFN Response and Comments on Final ToR: AFN understands that a work planning exercise will occur later, but this response does not address AFN’s comments. AFN recommends that the Project Team commits to implement the recommendation as part of the work planning referred to in Section 9.1.1.</p>	<p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects on the alternative methods, which may be adjustment throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives results in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. A rapid assessment by helicopter has been completed at each potential water crossing in Fall 2020, during a period of high flows. Photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies.</p> <p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> <p>Since the release of the ToR, and in consultation with relevant agencies, MFFN has increased the coverage of the fish and fish habitat studies. All water crossings will be assessed from the air and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys. All surveys will be done within the appropriate flow conditions and under the requirements of Department of Fisheries and Oceans and MNRF.</p> <p>Timing windows and other relevant impact management measures will be identified in the EA.</p>	Commitment for EA
AroFN-33	<p>Drat ToR Section: 7.2.10 Indigenous Knowledge and Land Use</p> <p>AFN’s Comment from January 20, 2020 Submission: AFN continues to undertake Community Based Land Use Plan (CBLUP) activities and is working to finalize its CBLUP.</p> <p>For the record, AFN continues to undertake CBLUP activities and is working to finalize its CBLUP as initiated under the Far North Act.</p> <p>Project Team Response: We appreciate you providing a status of the CBLUP activities currently underway by Aroland First Nation.</p> <p>AFN Response and Comments on Final ToR: In Table 7-1 of the final ToR, AFN’s community profile contains the following information: “Aroland First Nation is engaged with the Far North Branch of MNRF for a CBLUP but is not actively planning.”</p> <p>AFN requests that the community profile be amended to: AFN continues to undertake CBLUP activities and is working to finalize its CBLUP as initiated under the Far North Act.</p>	<p>The status of community based land use planning documented in Table 7-2 of the ToR was prepared in consultation with the Ministry of Natural Resources and Forestry (MNRF) and reflects the status of planning identified by MNRF at the time of preparing the ToR. The information has been noted so that, moving forward, Project documentation (e.g., the EA Report) will identify the status of land use planning identified by Aroland First Nation.</p>	Commitment for EA
AroFN-34	<p>Drat ToR Section: 7.2.11 Socio- Economic and Built Environment; 8.3 Assess and Evaluate Net Effects</p> <p>AFN’s Comment from January 20, 2020 Submission: AFN expects significant potential impacts from the CAR if the CAR connects to the Ontario provincial highway network at Painter Lake. Traffic to and from the CAR will pass directly by Aroland First Nation’s reserve community, and through a significant portion of Aroland’s traditional territory. The potential direct changes and impacts that may be experienced by Aroland First Nation are not described in this section of the ToR. The exploration of these potential changes should be part of MFFN’s consultation plan with AFN.</p> <p>AFN submits that many of the effects of the Project, if the CAR connects to the Ontario provincial highway network at Painter Lake, driving traffic to and from a road that bisects and runs adjacent to AFN’s reserve, will result in direct effects on AFN community members, and AFN rights and interests. This perspective should inform the assessment and evaluation of net effects in the ToR.</p> <p>AFN submits that potential impacts form the CAR, if the CAR connects to the Ontario provincial highway network at Painter Lake, be subject to specific consultation activities with AFN to include, but not be limited to, potential negative and positive effects on AFN:</p> <ul style="list-style-type: none">▪ Traffic▪ access to AFN’s traditional territory▪ strain on public safety services▪ changes to population▪ changes to hunting/harvesting▪ changes to diet	<p>The Project has been designed so that Indigenous Knowledge and information from Indigenous Land and Resource Use Studies are available early in the EA before decisions are made. Figure 4-1 and Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR) identifies the key decision timelines for the EA. MFFN recognizes that collection of Indigenous knowledge and Indigenous land and resource use information takes time and may occur concurrent to the EA during the early stages of the assessment. While MFFN is planning to proceed according to the schedule and timelines identified in the EA / IS Consultation and Engagement Plan, data shared throughout the process will be considered and used in the EA in accordance with the Indigenous Knowledge Sharing Agreement for the Project. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program.</p> <p>In addition, the Consultation and Engagement Program provides and opportunity to share feedback and input on the criteria and indicators. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone.</p>	Section 8.2, pg. 73 Appendix B, Section 4.1.7, pg. 21 to 24

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	<ul style="list-style-type: none">▪ effects on human health▪ changes to protected area lands▪ changes to recreation and commercial land uses▪ changes to access and use of traditional teaching sites▪ changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects▪ changes to the regional economy▪ changes to the local economy▪ changes to the cost of living in the community▪ changes to regional access to education, training, recreation, and health services <p>Project Team Response: MFFN looks forward to engaging with AFN and receiving input on potential negative and positive effects of the Project on AFN to inform the assessment and evaluation of net effects in the ToR. As outlined in Table 4-2 of Appendix B, the EA Consultation Plan, MFFN plans to consult with Indigenous communities throughout the EA process to receive targeted input on such items as evaluation criteria and potential effects.</p> <p>MFFN appreciates the input on potential negative and positive effects of the Project and confirms that potential effects listed will be considered in the EA. For clarification, in the list below the Environmental Discipline and criteria included in Appendix A that align with the effect AFN noted has been provided.</p> <p><u>Social Discipline</u></p> <ul style="list-style-type: none">▪ traffic: considered under Transportation criteria▪ strain on public safety services: Community Services and Infrastructure criteria▪ changes to population: Populations and Demographics criteria▪ changes to regional access to education, training, recreation, and health services: Community Services and infrastructure criteria <p><u>Human Health and Community Safety</u></p> <ul style="list-style-type: none">▪ changes to diet: Diet criteria▪ effects on human health: all criteria under the Human Health and Community Safety discipline <p><u>Indigenous Rights and Interests Discipline</u></p> <ul style="list-style-type: none">▪ access to AFN's traditional territory: Ability to Exercise Aboriginal and Treaty Rights▪ changes to hunting/harvesting: Ability to Exercise Aboriginal and Treaty Rights▪ changes to access and use of traditional teaching sites: Availability and Access to Sites and Areas for Cultural Practices <p><u>Land and Resource Use Discipline</u></p> <ul style="list-style-type: none">▪ changes to protected area lands: Parks and Protected Areas criteria▪ changes to industry and resource extraction activities such as mining, aggregate: Extractive Industry criteria▪ changes to industry and resource extraction activities such as forestry: Forestry Industry criteria▪ changes to industry and resource extraction activities such as linear infrastructure and energy projects: Energy and Linear Infrastructure criteria Recreation and Tourism Discipline▪ changes to recreation and commercial land uses: Recreation and Tourism criteria <p><u>Economy Discipline</u></p> <ul style="list-style-type: none">▪ changes to the regional economy: Regional Economy criteria▪ changes to the local economy: Regional Economy criteria▪ changes to the cost of living in the community: Regional Economy criteria <p>AFN Response and Comments on Final ToR: AFN's IKLUS for the MFCAR Project has not been completed and may provide additional criteria and indicators for inclusion. AFN requests that the final list of criteria and indicators in Appendix A are not finalized until the IKLUS is completed.</p> <p>More information related to AFN's consultation expectations for proponents working in AFN's territory, please see Appendix II.</p>		
AroFN-35	<p>Drat ToR Section: 7.2.12 Cultural Heritage Resources</p> <p>AFN's Comment from January 20, 2020 Submission: AFN expects specific and confidential consultation on cultural heritage resources informed by AFN Indigenous Knowledge. AFN submits that identification of AFN cultural heritage resources be informed by AFN Indigenous Knowledge and specific and confidential consultation activities.</p> <p>Project Team Response: [BLANK]</p> <p>AFN Response and Comments on Final ToR: The Project Team did not provide a response to this comment AFN</p>	<p>The response to this comment was mistakenly omitted from the table that was attached to the letter dated July 17, 2020 provided to Aroland First Nation, which included responses to Aroland First Nation's January 20, 2020 comments on the Draft ToR. MFFN apologizes for this oversight. The response to this comment was presented in both Appendix B and Appendix E of the Record of Consultation (Appendix C) appended to the ToR. The response is provided below.</p> <p><i>An Indigenous Knowledge Program has been initiated for the Project and will consider Aroland First Nation's Indigenous Knowledge in the EA. Information on cultural heritage resources will be kept in confidence as per an Indigenous Sharing</i></p>	<p>Section 3.4.2.1, pg. 11</p> <p>Appendix B of Appendix C, pg. 17</p> <p>Appendix E of Appendix C, pg. 76</p>

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	requests that the recommendation be considered, and a response be provided from the Project Team.	Agreement. The Cultural Heritage Resources team will engage and consult with Aroland First Nation to better understand cultural heritage resources within the study area of the Project.																					
AroFN-36	<p>Drat ToR Section: 8.2 Proposed Criteria and Indicators</p> <p>AFN’s Comment from January 20, 2020 Submission: Invasive species could provide an indicator of the status of the Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations.</p> <p>Size in concert with distribution could provide a more fulsome indicator of the status of the Wetland Ecosystems, Upland Ecosystem Designated Areas and Critical landform / Vegetation Associations.</p> <p>Direct (e.g. vehicle collisions) and indirect (e.g. population isolation) impacts of the project on SAR wildlife should be considered an indicator.</p> <p>Indigenous Knowledge could provide further information on the indictors for moose and caribou.</p> <p>Indigenous Knowledge could provide further information on the species of fish to be considered</p> <p>AFN expects this project will impacts its communities’ rights and interests; as such, AFN requires a detailed Indigenous Knowledge Land Use and Occupancy Study, Socio- Economic and Built Environment Impact Assessment, and Cultural Heritage Resource assessments to adequately assess how AFN may be affected and determine mitigation/accommodation measures.</p> <ul style="list-style-type: none">▪ For groundwater indicators, include spring water sources▪ For vegetation, include presence of invasive species in each category▪ For vegetation, expand on the “Distribution” indicator to Distribution and Size▪ For wildlife include, direct and indirect impacts of the project on wildlife SAR▪ For ungulates, include Indigenous Knowledge▪ For fish and fish habitat, ensure fish species important to Indigenous communities are included▪ For Indigenous Knowledge and Land use - Traditional Use of Land and Resources and Aboriginal and Treaty Rights, in addition to what is listed in the Draft ToR, include:<ul style="list-style-type: none">– Number and value of fish spawning– Number and value of mammal habitat– Number and value of mammal migration– Number and value of bird habitat– Number and value of bird migration stopovers– Number and value of reptile/amphibian habitat– Number and value of plant habitat– Number and value of mineral licks– Number and value of species at risk– Number and value of spring water sources valued by Indigenous people– Number and value of boat launches– Number and value of commercial harvesting locations– Number and value of historical village/archaeological locations– Number and value of historic trails locations– Number and value of changes noticed to the environment– Number and value of teaching sites valued by Indigenous people for transferring knowledge between generations– Number and value of meeting sites valued by Indigenous people for cultural, recreational and social purposes▪ For Indigenous Knowledge and Land use – Reserve Land and Land Claims, include information available from First Nation governments▪ For all Social criteria include information available from First Nation governments▪ For community well-being, include gender related impacts, including impacts on women and girls▪ For all Economy criteria include information available from First Nation governments▪ For all Human Health criteria include information available from First Nation governments▪ For Human Health – Diet, include a specific country foods study undertaken in collaboration with AFN▪ For Cultural Heritage landscapes, include data from provincial and federal databases▪ For archaeological resources:	<p>The following table identifies how the indicators suggested by Aroland First Nation correspond to the proposed criteria and indicators included from Appendix A of the ToR. In some cases an explanation as to why an indicator suggested by Aroland First Nation has not been included is provided. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone in the EA / IS Consultation and Engagement Plan (Appendix B). The final criteria and indicators for the Project will be confirmed during the EA and will be based on input received through the consultation and engagement program</p> <table><tr><th>Aroland First Nation Indicator / Suggestion</th><th>MFFN Corresponding Indicator in Appendix A of the ToR / Explanation</th></tr><tr><td>Invasive species as an indicator of the status of Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations</td><td>Invasive species is captured within the function and composition indicator.</td></tr><tr><td>Size in concert with distribution could provide a more fulsome indicator of the status of the Wetland Ecosystems, Upland Ecosystem Designated Areas and Critical landform / Vegetation Associations.</td><td>Size is a component of the availability (spatial abundance, which includes number and area) indicator.</td></tr><tr><td>Direct (e.g. vehicle collisions) and indirect (e.g. population isolation) impacts of the project on SAR wildlife should be considered an indicator.</td><td>Section 8.2 of the ToR provides the following definition of indicators: represent the resource, feature or issue related to the criteria that, if changed, may demonstrate an effect on the environment. This will include looking at how the indicator may change as a result of both direct and indirect effects of the Project (Section 7.2). Therefore, direct and indirect are not indicators but are part of the methods to assess potential effects of the Project.</td></tr><tr><td>Indigenous Knowledge could provide further information on the indictors for moose and caribou.</td><td>Indigenous Knowledge (provided through the Indigenous Knowledge Program) is listed as a data source for the Wildlife discipline, including ungulates (moose and caribou).</td></tr><tr><td>Indigenous Knowledge could provide further information on the species of fish to be considered</td><td>Indigenous Knowledge (provided through the Indigenous Knowledge Program) is listed as a data source for the Fish and Fish Habitat discipline.</td></tr><tr><td>For groundwater indicators, include spring water sources</td><td>Spring water sources are captured in the degradation of physical and chemical characteristics indicator. See also response to AroFN-27.</td></tr><tr><td>For vegetation, include presence of invasive species in each category</td><td>Invasive species are captured within the function and composition indicator.</td></tr><tr><td>For vegetation, expand on the “Distribution” indicator to Distribution and Size</td><td>Size is a component of the availability (spatial abundance, which includes number and area) indicator.</td></tr><tr><td>For wildlife include, direct and indirect impacts of the project on wildlife SAR</td><td>Section 8.2 of the ToR provides the following definition of indicators: represent the resource, feature or issue related to the criteria that, if changed, may demonstrate an effect on the environment. This will include looking at how the indicator may change as a result of both direct and indirect effects of the Project (Section 7.2). Therefore, direct and indirect are not indicators but are part of the methods to assess potential effects of the Project.</td></tr></table>	Aroland First Nation Indicator / Suggestion	MFFN Corresponding Indicator in Appendix A of the ToR / Explanation	Invasive species as an indicator of the status of Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations	Invasive species is captured within the function and composition indicator.	Size in concert with distribution could provide a more fulsome indicator of the status of the Wetland Ecosystems, Upland Ecosystem Designated Areas and Critical landform / Vegetation Associations.	Size is a component of the availability (spatial abundance, which includes number and area) indicator.	Direct (e.g. vehicle collisions) and indirect (e.g. population isolation) impacts of the project on SAR wildlife should be considered an indicator.	Section 8.2 of the ToR provides the following definition of indicators: represent the resource, feature or issue related to the criteria that, if changed, may demonstrate an effect on the environment. This will include looking at how the indicator may change as a result of both direct and indirect effects of the Project (Section 7.2). Therefore, direct and indirect are not indicators but are part of the methods to assess potential effects of the Project.	Indigenous Knowledge could provide further information on the indictors for moose and caribou.	Indigenous Knowledge (provided through the Indigenous Knowledge Program) is listed as a data source for the Wildlife discipline, including ungulates (moose and caribou).	Indigenous Knowledge could provide further information on the species of fish to be considered	Indigenous Knowledge (provided through the Indigenous Knowledge Program) is listed as a data source for the Fish and Fish Habitat discipline.	For groundwater indicators, include spring water sources	Spring water sources are captured in the degradation of physical and chemical characteristics indicator. See also response to AroFN-27.	For vegetation, include presence of invasive species in each category	Invasive species are captured within the function and composition indicator.	For vegetation, expand on the “Distribution” indicator to Distribution and Size	Size is a component of the availability (spatial abundance, which includes number and area) indicator.	For wildlife include, direct and indirect impacts of the project on wildlife SAR	Section 8.2 of the ToR provides the following definition of indicators: represent the resource, feature or issue related to the criteria that, if changed, may demonstrate an effect on the environment. This will include looking at how the indicator may change as a result of both direct and indirect effects of the Project (Section 7.2). Therefore, direct and indirect are not indicators but are part of the methods to assess potential effects of the Project.	<p>Section 7.2, pg. 63</p> <p>Section 7.2.1, pg. 65 to 66</p> <p>Section 8.2, pg. 73</p> <p>Appendix A, pg. 1 to 9</p> <p>Appendix B, Section 4.1.7, pg. 22</p> <p>See response to AroFN-27.</p>
Aroland First Nation Indicator / Suggestion	MFFN Corresponding Indicator in Appendix A of the ToR / Explanation																						
Invasive species as an indicator of the status of Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations	Invasive species is captured within the function and composition indicator.																						
Size in concert with distribution could provide a more fulsome indicator of the status of the Wetland Ecosystems, Upland Ecosystem Designated Areas and Critical landform / Vegetation Associations.	Size is a component of the availability (spatial abundance, which includes number and area) indicator.																						
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	<p>– Include an investigation of historic shorelines</p> <p>– Include an investigation of pictographs and petroglyphs</p> <p>– Include an investigation of all sites identified as indicating archaeological potential as identified in the Standards and Guidelines for Consultant Archaeologists (2011)</p> <p>– Do not use the alternative standards and guidelines for assessing archaeology in Northern Ontario. Because less is known about the archaeology of the north, additional rigor should be undertaken, not less – the regular Standards and Guidelines for Consultant Archaeologists (2011) should be employed for this project.</p> <p>Project Team Response: MFFN appreciates AFN's input on the potential indicators to be included in the EA. Many if not most of the suggested indicators have already been included in the list of criteria and indicators, as outlined in Appendix A of the Draft ToR. Please note that Appendix A has been revised to include Indigenous Knowledge as data source for ungulates. Please also note that many of the suggested indicators AFN has provided for Indigenous Knowledge and Land Use are captured in other discipline areas (e.g., wildlife, vegetation).</p> <p>In addition, as noted in Section 8.4 of the Draft ToR, an Indigenous Knowledge Program has been initiated for the Project, which will include Project- specific Indigenous Knowledge Studies (which include Indigenous land and resource use). Information collected and shared with MFFN through this program will be used to inform criteria and indicators, as well as identify specific features and species of value to Indigenous communities including AFN.</p> <p>AFN Response and Comments on Final ToR: AFN requests that the Project Team provide more detailed information in the response table and ToR related to which proposed criteria and indicators were adopted, and for those that were not adopted, a rationale from the Project Team as to why the criteria or indicator were not adopted.</p> <p>In addition, AFN put forward recommendations for a Socio-Economic and Built Environment Impact Assessment and Cultural Heritage Resource Assessment. AFN seeks additional information from the Project Team regarding whether these studies will be supported in the EA through the ToR.</p>	<p>For ungulates, include Indigenous Knowledge</p>	<p>Indigenous Knowledge (provided through the Indigenous Knowledge Program) is listed as a data source for the Wildlife discipline, including ungulates (moose and caribou).</p>		
		<p>For fish and fish habitat, ensure fish species important to Indigenous communities are included</p>	<p>Aroland First Nation is encouraged to share information on the fish species that are important to the community. The Consultation and Engagement, and Indigenous Knowledge programs provide opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020.</p>		
		<p>For Indigenous Knowledge and Land use - Traditional Use of Land and Resources and Aboriginal and Treaty Rights, in addition to what is listed in the Draft ToR, include:</p>			
		<p>▪ Number and value of fish spawning</p>	<p>The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including fish spawning areas. This information will inform the survival, reproduction and abundance indicator for the Fish and Fish Habitat discipline. The findings of the Fish and Fish Habitat assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.</p>		
		<p>▪ Number and value of mammal habitat</p>	<p>The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including habitat. This information will inform the habitat availability indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.</p>		
		<p>▪ Number and value of mammal migration</p>	<p>The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including migration routes. This information will inform the movement corridor and change in wildlife behaviour indicators for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for</p>		



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			<p>traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.</p>	
		<ul style="list-style-type: none">▪ Number and value of bird habitat	<p>The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including habitat. This information will inform the habitat availability indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.</p>	
		<ul style="list-style-type: none">▪ Number and value of bird migration stopovers	<p>The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value. This information will inform the movement corridor and change in wildlife behaviour indicators for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.</p>	
		<ul style="list-style-type: none">▪ Number and value of reptile/amphibian habitat	<p>The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value. This information will inform the habitat availability indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.</p>	
		<ul style="list-style-type: none">▪ Number and value of plant habitat	<p>The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including important plant sites and areas. This information will inform the availability indicator for the Vegetation discipline. The findings of the Vegetation assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be</p>	



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			considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of mineral licks	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including mineral licks. This information will inform the habitat availability indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of species at risk	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to important wildlife species, including species at risk. This information will inform the survival and reproduction indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of spring water sources valued by Indigenous people	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to important water sources, including springs. This information will inform the degradation of physical and chemical characteristics indicator for the Groundwater discipline. See also response to AroFN-27. The findings of the Groundwater assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of boat launches	Number is captured under the access to lands and resources for traditional purposes indicator for the Aboriginal and Treaty Rights and Interests discipline. The presence and potential for effects on boat launches would also be considered under the land and waterway disruption and access indicator for the Recreation and Tourism criterion under the Land and Resource Use discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of commercial harvesting locations	Number is captured under the loss of or change to sites and areas (ha) used for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and	



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			qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of historical village/archaeological locations	Number is captured under the burial sites, historical villages, areas of cultural significance and registered sites indicators for the Archaeology and Cultural Heritage disciplines, as well as the loss of or change to culturally important sites and areas indicator for the Aboriginal and Treaty Rights and Interests discipline. Additionally, the criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program. Value will also inform the changes to cultural traditions indicator for the Aboriginal and Treaty Rights and Interests discipline.	
		▪ Number and value of historic trails locations	Number is captured under the loss of or change to culturally important sites and areas indicator for the Aboriginal and Treaty Rights and Interests discipline. Additionally, the criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of changes noticed to the environment	Section 7.1.2 of the ToR provides the definition of environment to mean in part "the social, economic and cultural conditions that influence the life of humans or a community." Appendix A provides criteria and indicators for each component making up the environment (Indigenous peoples' rights and interests, natural [physical and biophysical], social, economic and built, and archaeology and cultural heritage). Together these inform the number and value of changes to the environment. Additionally, the criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of teaching sites valued by Indigenous people for transferring knowledge between generations	Number is captured under the loss of or change to culturally important sites and areas indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program. Value will also inform the changes to cultural traditions indicator for the Aboriginal and Treaty Rights and Interests discipline.	
		▪ Number and value of meeting sites valued by Indigenous people for cultural, recreational and social purposes	Number is captured under the loss of or change to culturally important sites and areas indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program. Value will also inform the changes to cultural traditions indicator for the Aboriginal and Treaty Rights and Interests discipline.	
		For Indigenous Knowledge and Land use – Reserve Land and Land Claims, include information available from First	Existing Indigenous Knowledge and Indigenous land and resource use data that is shared with MFFN, including information on land claims, is included as a data source	



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		Nation governments	for the Aboriginal and Treaty Rights and Interests discipline. MFFN recognizes Indigenous communities as governments.	
		For all Social criteria include information available from First Nation governments	Municipal, provincial and Indigenous government websites, plans and reports are included as a data source for the Social discipline.	
		For community well-being, include gender related impacts, including impacts on women and girls	Since the Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase, MFFN will apply GBA+ in accordance with the requirements set out in the TISG developed by the Agency. That the ToR does not reference GBA+ does not change this requirement to document the results of the GBA+ analysis in the EA / IS Report. It will be up to the Province to decide whether the results of the GBA+ will be considered in its decision making.	
		For all Economy criteria include information available from First Nation governments	Municipal, provincial and Indigenous government websites are included as a data source for the Economy discipline. MFFN recognizes Indigenous communities as governments.	
		For all Human Health criteria include information available from First Nation governments	Municipal, provincial and Indigenous government websites, plans and reports are included as a data source for the Human Health and Community Safety discipline. MFFN recognizes Indigenous communities as governments.	
		For Human Health – Diet, include a specific country foods study undertaken in collaboration with AFN	As mentioned in Section 7.2.10 of the ToR, the EA will consider how the Project may alter the ability of Indigenous communities to access country foods. MFFN will contact Aroland First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	
		For Cultural Heritage landscapes, include data from provincial and federal databases	Primary and secondary documentary sources are included as a data source for the Archaeology and Cultural Heritage discipline.	
		For archaeological resources:		
		▪ Include an investigation of historic shorelines	The archaeological assessments will be completed to meet the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Standards and Guidelines for Consultant Archaeologists (2011). Where available, Indigenous Knowledge on trapping and harvest areas (plant, fish and other wildlife), camp and campsites, spiritual / sacred places, travel routes, historical sites and historical villages, burials, and other important areas of interest, such as historic shorelines, will be incorporated into the archaeological assessments.	
		▪ Include an investigation of pictographs and petroglyphs	The archaeological assessments will be completed to meet the MHSTCI's Standards and Guidelines for Consultant Archaeologists (2011). Where available, Indigenous Knowledge on trapping and harvest areas (plant, fish and other wildlife), camp and campsites, spiritual / sacred places, travel routes, historical sites and historical villages, burials, and other important areas of interest, such as areas marked by pictographs and petroglyphs, are incorporated into the archaeological	

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		<div><div></div><div>assessments.</div><div>▪ Include an investigation of all sites identified as indicating archaeological potential as identified in the Standards and Guidelines for Consultant Archaeologists (2011)</div><div>▪ Do not use the alternative standards and guidelines for assessing archaeology in Northern Ontario. Because less is known about the archaeology of the north, additional rigor should be undertaken, not less – the regular Standards and Guidelines for Consultant Archaeologists (2011) should be employed for this project.</div></div>	<div>The archaeological assessments will be completed to meet the MHSTCI's Standards and Guidelines for Consultant Archaeologists (2011).</div> <div>The archaeological assessments will be completed to meet the MHSTCI's Standards and Guidelines for Consultant Archaeologists (2011). Where available, Indigenous Knowledge on trapping and harvest areas (plant, fish and other wildlife), camp and campsites, spiritual / sacred places, travel routes, historical sites and historical villages, burials, and other important areas of interest are incorporated into the archaeological assessments.</div>	
		The EA Report will include an assessment of potential effects on the socio-economic and built environment, as well as potential effects on cultural heritage resources. MFFN is available to discuss the scope of these assessments with Aroland First Nation and to understand socio-economic and cultural heritage resources within the area of the Project.		
AroFN-37	<p>Drat ToR Section: 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment</p> <p>AFN's Comment from January 20, 2020 Submission: Section 8.4 should be revised to incorporate the above comments and AFN submissions.</p> <p>Project Team Response: MFFN has responded to all AFN comments and incorporated edits throughout the document as indicated in the comment responses. Edits were not limited to Section 8.4.</p> <p>AFN Response and Comments on Final ToR: AFN requests that the Project Team provide more detailed information in the response table and ToR related to which proposed criteria and indicators were adopted and for those that were not adopted a rationale from the Project Team as to why the criteria or indicator were not adopted.</p>	See response to AroFN-36		See response to AroFN-36
AroFN-38	<p>Drat ToR Section: 9.1 Environmental Commitments</p> <p>AFN's Comment from January 20, 2020 Submission: For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent.</p> <p>Section 9.1 should include reference to environmental commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed.</p> <p>Project Team Response: MFFN is the proponent for this Project and is directing the EA decision-making process but commits to full engagement and consultation with all interested communities, including Aroland First Nation, to support the environmental, social and economic sustainability of the Project.</p> <p>Where appropriate, questions, comments and concerns received on the Project have been incorporated into the applicable sections of the ToR. All comments received and responses to each are included in the Record of Consultation (Appendix C). Appendix C also identifies where within the ToR each comment has been addressed. Where questions, comments or concerns could not be addressed within the ToR, a commitment for the EA has been made. These commitments are listed in Section 9.1.1 of the ToR.</p> <p>AFN Response and Comments on Final ToR: AFN has reviewed Section 9.1.1 and does not see a commitment related to AFN's comments related to consent as well as accommodations developed between MFFN and AFN. AFN requests a rationale as to why the principles of the United Declaration on the Rights of Indigenous Peoples (UNDRIP) and consent are not being promoted in this Project and within the ToR.</p>	<p>In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a MOU to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation.</p> <p>Issues of consent and United Declaration on the Rights of Indigenous Peoples (UNDRIP) are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>		Appendix B
AroFN-39	<p>Drat ToR Section: 9.2 Environmental Monitoring</p> <p>AFN's Comment from January 20, 2020 Submission: For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent. Section 9.2 should include reference to environmental monitoring commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed.</p> <p>Project Team Response: MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to identify environmental monitoring commitments, and foresees this as part of the consultation undertaken</p>	<p>See response to AroFN-38.</p> <p>Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>		See response to AroFN-38

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	<p>for the EA. Section 9.2 of the Draft ToR outlines the Project's environmental monitoring commitments and Table 4-2 of the Consultation Plan includes consultation activities aimed at receiving input on impact management measures and monitoring measures. The ToR also identifies MFFN's plan that Indigenous knowledge will help determine appropriate impact management measures and monitoring methods (Section 8.4). No change is proposed to the ToR as the commitment to identify environmental monitoring commitments with Indigenous communities is captured in the documentation.</p> <p>AFN Response and Comments on Final ToR: MFFN's commitment for identifying environmental monitoring commitments with Indigenous communities is captured but matters of consent and accommodation are not. Please see AFN's response to 9.1 for more detail.</p>		
AroFN-40	<p>Draft ToR Section: 10.1 Principles of Consultation</p> <p>AFN's Comment from January 20, 2020 Submission: AFN accepts and acknowledges the Guiding Principles for Project-related consultation activities described in Figure 10-1 – Guiding Principles.</p> <p>AFN commends MFFN on the adoption of the Guiding Principles for Project-related consultation activities described in Figure 10-1 – Guiding Principles.</p> <p>Given the significant impacts the Project may have on AFN, AFN encourages MFFN to develop a methodology for recording consultation activities with AFN, documenting comments and inputs with AFN, and verifying together with AFN the application of the Guiding Principles the Nishnawbe Aski Nation's Consultation Policy, and opportunities for input described in section 10.1, to this consultation.</p> <p>AFN further submits that a joint statement of adherence, agreed to by AFN and MFFN, be included in the ToR as a consultation deliverable that will be appended to the EA.</p> <p>Project Team Response: The MFFN Project Team will record/document all input received, provide responses where applicable and then circulate the record to Aroland First Nation for review and their confirmation. This commitment is included in Section 11 of the Proposed ToR.</p> <p>AFN Response and Comments on Final ToR: Based on our review of Section 11 and Appendix B, we appreciate that the Project Team has committed to providing Indigenous communities with copies of community-specific records for review prior to going on the public record.</p> <p>Further comments related to AFN's interest and approach to develop a custom consultation process with MFFN is described in Appendix II.</p>	<p>MFFN and the Project Team look forward to working with Aroland First Nation to develop a custom consultation process. The Project Team responded to Aroland's Oct 20, 2020 letter and committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation.</p>	Commitment for EA
AroFN-41	<p>Draft ToR Section: 10.2.2 Indigenous Communities Engagement</p> <p>AFN's Comment from January 20, 2020 Submission: MFFN notes that "The Province of Ontario (MECP and ENDM) and MFFN are entering into an agreement through a Memorandum of Understanding (MOU) to share responsibility of the procedural aspects of Ontario's Duty to Consult, in the context of the EA for the Project. This MOU will define the roles and responsibilities of both parties in regard to the engagement of interested Indigenous communities. The roles and responsibilities of Marten Falls agreed to in the MOU will be included in the Proposed ToR, if the MOU is finalized at that time." AFN submits that the ToR should include consultation from both MFFN and the Province of Ontario, with AFN, on the MOU for sharing responsibility of the procedural aspects of Ontario's Duty to Consult from MFFN and the Province of Ontario.</p> <p>Project Team Response: The MOU between the Province and Marten Falls has been signed. No consultation on the content of the MOU is being undertaken or required as this is an agreement between the Province and Marten Falls. Aroland First Nation is encouraged to speak to the Province should the community have questions regarding Ontario's duty to consult with First Nations.</p> <p>AFN Response and Comments on Final ToR: [BLANK]</p>	<p>Aroland First Nation confirmed on January 29, 2021 that this comment was included unintentionally.</p>	N/A
AroFN-42	<p>Draft ToR Section: 10.2.2 Indigenous Communities Engagement</p> <p>AFN's Comment from January 20, 2020 Submission: The consultation record for the draft ToR does not include a record of comments from First Nations, and does not include traceable information on how those comments impacted the draft ToR.</p> <p>MFFN should provide a detailed record of consultation leading up to the draft ToR, including consultation on alternative methods regarding routes, and provide traceable information on how those comments impacted the draft ToR.</p> <p>Project Team Response: The MFFN Project Team will consider how to best document and summarize information received through consultation in a comprehensive and clear way. Input that can be shared publicly will be contained as part of the Record of Consultation for the Proposed ToR.</p> <p>AFN Response and Comments on Final ToR: All the information and supporting materials pertaining to a First Nation's consultation is contained in various documents and appendices. The scattering of information across different documents</p>	<p>The ToR Record of Consultation includes community-specific sections that provide chronological summary of MFFN's engagement with each Indigenous community and a synopsis of their comments, issues, and interests, as well as MFFN's responses and follow-up regarding these. For the preparation of the EA Record of Consultation and Engagement, MFFN will review the manner in which consultation is documented to better facilitate the review of the Record of Consultation by Indigenous Communities. The Project Team is open to discussing this with Aroland First Nation.</p>	Appendix C Commitment for EA

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	<p>makes it challenging to comprehensively review the consultation record and supporting materials for a single First Nation.</p> <p>As a result, the Provincial Crown, and each First Nation, will be challenged to determine the adequacy with which the procedural aspects of consultation delegated to MFFN have been adequately met. Please revise the supporting documentation to provide coherent consultation records for each First Nation.</p> <p>Further comments and information related to the information contained in the Record of Consultation are outlined in Appendix 2.</p>		
AroFN-43	<p>Drat ToR Section: Table 10-3: Consultation with Neighbouring Indigenous Communities</p> <p>AFN’s Comment from January 20, 2020 Submission: Table 10-3: Consultation with Neighbouring Indigenous Communities MFFN asserts that AFN attendees at the May 23, 2019 with Aroland First Nation Chief and Council and community said that “the community expressed support for the MFFN CAR”. For the record, AFN Chief and Council has not expressed formal support for the CAR, and any statements to that effect from specific Aroland community members at the May 23, 2019 engagement are not to be considered official statements from Aroland First Nation or its leadership.</p> <p>Aroland Chief and Council expressed concern that MFFN and the Province of Ontario are having discussions regarding a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire, that AFN is not being included in these discussions, and that AFN must be included in these discussions given the significant impacts on AFN that would follow such a project. Please revise table 10-3 accordingly.</p> <p>Project Team Response: Table 10-3 of the ToR and the Supporting Document will be edited to indicate that although some community members expressed support for the Project, no formal support from Chief and Council was expressed. The other concerns mentioned in the comment will be added to the documentation.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. Consultation specific to the proposed Northern Road Link is outside the scope of what MFFN is responsible for responding to as the proponent for the Community Access Road Project.</p> <p>AFN Response and Comments on Final ToR: Appendix C of the final ToR contains the Record of Consultation for the ToR phase of the MFNCAR Project. Neither the Record of Consultation nor the meeting notes from the May 23, 2019 meeting have been amended as requested. AFN’s comments provided on the draft ToR need to be reflected in the Final ToR. This information is required for the Minister to make effective decisions on the ToR, and to determine the adequacy with which the procedural aspects of consultation delegated to MFFN have been adequately met.</p>	<p>The corrected information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). As per the Draft ToR comment from Aroland First Nation, Chief and Council has not expressed formal support for the Project, and any statements to that effect from specific Aroland community members from the May 23, 2019 engagement are not to be considered official statements from Aroland First Nation or its leadership. MFFN will prepare documentation that summarizes corrected information for the ToR Record of Consultation.</p> <p>Consultation and engagement on the Project are ongoing. Aroland First Nation will continue to be provided with opportunities to participate in consultation and engagement for the EA.</p>	Commitment for EA
AroFN-44	<p>Drat ToR Section: 11. Consultation Plan for the Environmental Assessment</p> <p>AFN’s Comment from January 20, 2020 Submission: See above comments on consultation with AFN, Indigenous Knowledge, CBLUP, and consent. AFN and MFFN have agreed to develop and execute a binding agreement that will include reference to consultation with AFN, Indigenous Knowledge, and consent with respect to the Project.</p> <p>The ToR should acknowledge that consultation with AFN, including Indigenous Knowledge, CBLUP, and approaches to consent will be included in a binding agreement between AFN and MFFN.</p> <p>Project Team Response: The Project Team has been in communication with Aroland First Nation regarding the Sharing Agreement. The Project Team looks forward to receiving the next round of edits of the Sharing Agreement from Aroland First Nation. The Project Team will continue to collaborate with Aroland First Nation to finalize the Sharing Agreement and to solicit and utilize Aroland’s Indigenous Knowledge as outlined in the terms of the Indigenous Knowledge Sharing agreement. Section 8.4 - Incorporation of Indigenous Knowledge in the EA outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods.</p> <p>AFN Response and Comments on Final ToR: Please see AFN’s response to 7.1.4 related to the “Sharing Agreement.”</p>	See response to AroFN-24	See response to AroFN-24
AroFN-45	<p>Drat ToR Section: 11.5 Consultation Activities During the EA</p> <p>AFN’s Comment from January 20, 2020 Submission: AFN supports the milestone-based approach to guiding the timing and focus of consultation and engagement efforts, however, with respect to comments provided above regarding alternative methods, the following milestones will need revision:</p> <ul style="list-style-type: none">▪ Evaluation of routing alternatives;▪ Identification of preferred alternative. <p>AFN submits that the following milestones: Evaluation of routing alternatives; Identification of preferred alternative be revised as:</p>	<p>The assessment and evaluation of alternative methods is the process of identifying and assessing the potential effects of the Project for each alternative route and then undertaking a comparative analysis of the potential net effects and advantages and disadvantages. The approach to assess and evaluate the alternative methods is provided in Section 8 of the ToR. The steps of this process have been grouped into the consultation milestones in Table 4-2 of the EA / IS Consultation and Engagement Plan so that feedback on targeted input can be obtained in a stepwise manner before advancing to the next stage of the EA process. Therefore, the existing consultation milestones capture the evaluation of alternative methods as follows:</p> <ul style="list-style-type: none">▪ Notice of Commencement: focused on confirming Aroland First Nation’s level of interest in the Project and how the community would like to be kept informed and consulted / engaged with. This milestone will determine which aspects (areas and topics) of the Project and evaluation of alternative methods Aroland First Nation would like consultation	Section 8, pg. 72 Appendix B, Section 4.1.7, pg. 21 to 24

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	<ul style="list-style-type: none">Evaluation of alternative methods;Identification of preferred alternatives. <p>Project Team Response: The Terms of Reference will be updated to revise "Evaluation of routing alternatives" to "Evaluation of alternative methods" as requested in the comment. However, the heading for "Identification of preferred alternative" will remain unchanged as the purpose of the environmental assessment (EA) process is to narrow the alternatives to one preferred alternative.</p> <p>The alternatives assessment and effects assessment will include temporary infrastructure components of Alternative 1 and Alternative 4.</p> <p>AFN Response and Comments on Final ToR: As outlined in AFN's comments on Section 4, 6.2 and 6.3.1 above, AFN maintains that evaluation of alternative methods must be added to the list of milestones.</p>	<p>and engagement with their community to focus on.</p> <ul style="list-style-type: none">Effects Assessment Methods: will describe the approach to assess and evaluate the alternative methods in greater detail. Consultation on the methods of the effects assessment will define the approach to evaluating the alternative methods before effects are predicted.Identification of the Preferred Alternatives: will share the results of the evaluation of the alternative methods (i.e., which alternative methods are preferred for the CAR, including associated infrastructure, and quarries, borrow areas and aggregate source area). Consultation during this milestone will focus on how the effects assessment methods were followed to predict effects and compare net effects and advantages and disadvantages, and to obtain feed back on the results before submitting a Draft EA Report.Review of Draft EA / IS and Review of Final EA / IS: Each of these milestones are another opportunity to review the results of the evaluation of alternative methods and the methodology used to predict effects and select the preferred alternative route.	
AroFN-46	<p>Final Terms of Reference Section: Various</p> <p>Terms of Reference Excerpt: In the draft ToR the MFNCAR was referred to as a proposed Project. In reviewing the Final ToR, the word proposed has been removed throughout the document in various places.</p> <p>Comment: Given that the MFNCAR is still a proposed project, AFN recommends that the final ToR uses the language of the proposed Project.</p>	<p>MFFN agrees that the CAR is a proposed Project since it is in the planning phase pending completion of an EA and applicable approvals. The definition of 'Project' as defined in Section 1 of the ToR states that "<i>The MFFN community is proposing an all-season Community Access Road (CAR or the Project)...</i>" To avoid redundancy throughout the ToR, "proposed Project" was replaced with "Project" given the definition in Section 1.</p>	Section 1, pg. 1
AroFN-47	<p>Final Terms of Reference Section: Section 3.1 Provincial Environmental Assessment Requirements</p> <p>Terms of Reference Excerpt: The final ToR highlights that that in July 2020, "amendments to the EAA included changes to the provincial EA process that may result in requirements for the Project that are different than what is outlined above. MFFN will consult with government agencies throughout the EA process to confirm applicable requirements from the EAA amendment."</p> <p>Comment: AFN is proceeding with the understanding that the MFNCAR ToR and EA will proceed under the Ontario Environmental Assessment Act, 1990, prior to amendments made in 2020, given that the EA process commenced prior to the 2020 amendments. AFN has not received any communication from the Provincial Crown that would indicate otherwise, nor has AFN been consulted by the Provincial Crown on the 2020 amendments or associated regulations.</p>	<p>Whether the <i>Ontario Environmental Assessment Act</i> 1990 or 2020 amendment applies to the Project is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter. MFFN is not aware of any changes to the <i>Environmental Assessment Act</i> that would change how an EA is conducted; the EA is to be completed according to the approved ToR. Although upon commencement of the ToR, MFFN was planning to follow the 1990 Act, MFFN has to consult with government agencies to confirm applicable requirements from the Ontario <i>Environmental Assessment Act</i> 2020 amendment.</p>	Section 3.1, pg. 5
AroFN-48	<p>Final Terms of Reference Section: Various</p> <p>Terms of Reference Excerpt: Throughout the ToR, the Project Team uses the term "approval decisions" in reference to key decision points.</p> <p>Comment: Since approval of the project and decisions are to be determined by a statutory decision-maker, AFN recommends that the word approval is removed and only the word decisions is used.</p>	<p>The ToR was submitted to the MECP so that a decision could be made as to whether the Project is granted approval to move to the next stage in the EA process. Therefore, the type of decision being sought from MECP is an 'approval decision' and this terminology is appropriate in the context being used.</p>	Section 3.4, pg. 7 Section 10.2, pg. 80 Section 10.3, pg. 101 Section 11, pg. 102
AroFN-49	<p>Final Terms of Reference Section: 3.4.2 Indigenous Knowledge and Resource Use</p> <p>Terms of Reference Excerpt: In 3.4.2 the Project Team identified the critical decision-making points throughout the EA where Indigenous Knowledge and Indigenous land and resource use will be considered and incorporated. Informing alternative methods and routes for connection to the provincial highway network is missing from the list.</p> <p>Comment: As described in AFN's comments in Appendix I for Section 4, 6.2 and 6.3.1, alternative methods to connecting MFFN to the provincial highway network and the Ring of Fire must be considered in the scope of this assessment. AFN recommends that 3.4.2 be amended to include "Informing Route Assessment and Selection" since Indigenous Knowledge and land and resource use will be valuable in identifying alternative methods and viability of the proposed routes for both community and supply road access.</p>	<p>See response to AroFN-11, AroFN-19 to AroFN-21 with respect to Aroland First Nation comments on Section 4, Section 6.2, and Section 6.3.1.</p> <p>Section 3.4.2 of the ToR identifies the critical decision-making points throughout the EA. With respect to the recommendation for Section 3.4.2, "Informing Route Assessment and Selection" is part of the assessment and evaluation of alternative methods, which is the process of identifying and assessing the potential effects of the Project for each alternative route and then undertaking a comparative analysis of the potential net effects and advantages and disadvantages. The critical decision-making points listed in Section 3.4.2 (i.e., informing criteria and indicators, establishing existing conditions, assessing potential effects, and developing impact management measures) all contribute to the assessment and evaluation of alternative methods routes to the preferred alternatives. In addition, consultation on the preferred alternatives is identified as part of the targeted input for the Identification of Preferred Alternatives milestone.</p> <p>Also see response to AroFN-45. MFFN recognizes and acknowledges the importance of Indigenous Knowledge and information on Indigenous land and resource use for informing the alternative route assessment and selection of the preferred route.</p>	See response to AroFN-11, AroFN-19 to AroFN-21, and AroFN-45 Section 3.4.2, pg. 9 to 10 Appendix B, Section 4.1.7, pg. 23
AroFN-50	<p>Final Terms of Reference Section: 3.4.2.1 Indigenous Knowledge Program</p> <p>Terms of Reference Excerpt: The approach described to the Indigenous Knowledge Program in the final ToR states: "MFFN respects the importance of Indigenous Knowledge and Indigenous land and resource use information and the following principles will be used to guide the Project-specific Indigenous Knowledge and Indigenous Land and Resource Use studies:</p> <ul style="list-style-type: none">Knowledge Holders will be identified by the MFFN community to participate in the studies;	<p>It is MFFN's intent that Knowledge Holders will be identified by each Indigenous community for the purposes of their Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Study. The text in Section 3.4.2.1 of the ToR should read 'Knowledge Holders will be identified by each Indigenous community to participate in the studies'. As noted in Section 3.4 of the Indigenous Knowledge Program Guidance Document that was shared with Indigenous communities, including Aroland First Nation, in November 2020, community-specific protocols, traditional channels of authority, and levels of approval within each participating Indigenous community will be followed and respected. This includes community-specific protocols for the selection of participants for Indigenous Knowledge and Indigenous Land</p>	Section 3.4.2.1, pg. 11 Commitment for EA

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	<ul style="list-style-type: none">▪ Consultation and Indigenous Knowledge protocols will be defined prior to commencing studies;▪ A collaborative approach will be used that follows the customs and culture of each Indigenous community;▪ Traditional channels of authority and levels of approval within each Indigenous community will be respected; • Indigenous Knowledge and Indigenous land and resource use data collection workshops and interviews will be facilitated at sites within the Traditional Territory of each Indigenous community;▪ Engagement and communication with Knowledge Holders through workshops and / or interviews will be respectful;▪ Indigenous communities will own and control their Indigenous Knowledge and information on Indigenous land and resource use; and▪ MFFN will strive to respectfully collaborate with Indigenous communities on how Indigenous Knowledge and information on Indigenous land and resource use shared will be incorporated into the EA.” <p>Comment: In the draft ToR, the first bulleted point stated that “Knowledge holders will be identified by the community to participate in the studies.” Individual communities must be in control of all aspects of their project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. Knowledge Holders for AFN’s studies should not be identified by the MFFN community. As a result, AFN expects that the language will be changed to:</p> <ul style="list-style-type: none">▪ Each Indigenous community will be responsible for all aspects of their respective Indigenous Knowledge and Indigenous Land and Resource Use Studies.▪ Knowledge Holders will be identified by each Indigenous community for the purposes of their community specific Indigenous Knowledge and Indigenous Land and Resource Use Studies.	<p>and Resource Use Studies. However, as noted in Section 6.1 of the Indigenous Knowledge Program Guidance Document, MFFN would like to reiterate the importance of selecting a range of participants in consideration of Gender-based Analysis Plus.</p> <p>This revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	
AroFN-51	<p>Final Terms of Reference Section: 5.1 Rationale for the Proposed Undertaking</p> <p>Terms of Reference Excerpt: Between the draft and final versions of the ToR, reference to the Ring of Fire has been removed from Section 5.1.</p> <p>Comment: From AFN's perspective, reference to and acknowledgement of MFNCAR providing linkage and access to the Ring of Fire, and linkage from the Ring of Fire to the provincial highway system adjacent to AFN's reserve community, is critical to properly scoping the assessment of this Project. AFN continues to see concerted efforts by the Project Team to distance the MFNCAR from contemplated access to the Ring of Fire. However, the proponent for the MFNCAR is also advancing a propensity for an industrial supply road that connects the MFNCAR to the Ring of Fire. The Minister should consider this attempt at project splitting to be counter to the intent of the Environmental Assessment Act. A “project” means one or more enterprises or activities or a proposal, plan, or program in respect of an enterprise or activity. MFNCAR is part of a combination of enterprises or activities that includes the Northern Road Link, MFNCAR and WSR, and MFFN, WFN and Ontario are on the public record with unequivocal statements such as: “Today's signing marks a new partnership between the government, Marten Falls First Nation and Webequie First Nation to advance planning of critical road infrastructure that would provide reliable, all-season road access to potential mine sites and connect First Nation communities to Ontario's provincial highway network.” – Government of Ontario News Release, March 2, 2020 - https://news.ontario.ca/en/release/56039/moving-forward-with-road-access-to-the-ring-of-fire</p>	<p>To address Aroland First Nation’s comment of January 20, 2020 to confine the Do Nothing alternative to unreliable community access (see AroFN-19), language related to a supply road being constructed from a point along the CAR to the mineral claims north of MFFN and the Ring of Fire was removed from this section in order to provide a more clear and accurate description of the Project purpose and problem this Project is being proposed to address. The intent was not to exclude a thorough assessment of impacts. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	See response to AroFN-19
AroFN-52	<p>Final Terms of Reference Section: 6.3 Approaches to Considering Alternative Methods</p> <p>Terms of Reference Excerpt: The final ToR includes more substantial detail regarding previous studies and ongoing processes that contributed to the development of alternative routes. Noront’s “SNC-Lavalin Report on Access Options, March 30, 2010” is not included in this list and associated description.</p> <p>Comment: AFN submits that Noront’s “SNC-Lavalin Report on Access Options, March 30, 2010” is directly relevant to this section. This reference should include the conclusions of the study, including the conclusion of the study that the Nakina to McFauld’s Lake route option “is not the lowest cost option or the shortest distance however, this route not only addresses the mandate to provide access for the residence of Marten Falls to the mine site and Nakina but also provides an opportunity for the local community to participate in the project.” Further, SNC-Lavalin provided a number 1 ranking to access route Option 3, Nakina to Marten Falls to McFaulds Lake. This report is an important document that contemplates both community access and access to McFaulds Lake via the provincial highway network, which is critical context for the MFCAR Project. This report must be referenced in the Final ToR to assist the Minister in decision-making, and to inform future consideration of the EA and its conclusions.</p>	<p>The <i>SNC-Lavalin Report on Access Options, March 30, 2010</i>, includes recommendations for access road options to McFaulds Lake, and not MFFN. This report was written for a different proponent and purpose than those of the CAR Project. While the report may provide some insightful information, the recommendations and conclusions of the SNC-Lavalin Report are not relevant to the current undertaking by the community of Marten Falls First Nation. That is, what is considered a preferred or reasonable alternative for one proponent / project may be different to that of another.</p> <p>The <i>Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development</i> that accompanies the ToR submission provides a detailed account of the evolution of the alternative methods for the CAR. During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for the EA. Two of the alternative routes generally followed the winter road (Alternative 2 and Alternative 3; routed west to MFFN like Option 3 of the SNC-Lavalin Report), and the other two were routed north-south before turning east toward MFFN (Alternative 1 and Alternative 4). Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community (Alternative 2 and Alternative 3). The reasons for not pursuing Alternative 2 and Alternative 3 can be further discussed with Aroland First Nation. The ToR also provides flexibility to accommodate changes and / or unforeseen circumstances that may arise throughout the environmental planning process. This includes the alternative methods to be assessed in the EA.</p>	Supporting Document – Alternatives Development Section 12, pg. 111
AroFN-53	<p>Final Terms of Reference Section: Table 10-3 Consultation with Neighbouring Communities; Appendix C Record of Consultation; Appendix B Indigenous Communities and Organizations</p> <p>Terms of Reference Excerpt: AFN has reviewed Table 10-3 and the Record of Consultation (RoC) in Appendix C. Overall AFN is deeply concerned by the Project Team’s interpretation of consultation activities and noticed that key</p>	<p>The Record of Consultation provided with the ToR includes all communication and engagement with Aroland First Nation up to July 31, 2020. The Project Team acknowledges that ongoing discussions and communications have occurred since that time. These communications are being tracked and this information will be included in the future EA Record of Consultation and Engagement. Aroland First Nation’s comments regarding not receiving capacity funding to participate in</p>	See response to AroFN-3 and AroFN-24 Commitment for EA

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	<p>correspondence through end of July and mid-October are not reflected in the RoC.</p> <p>Comment: With respect to consultation on the ToR since February 2020, the Project Team has presented a narrative that AFN was provided several opportunities to review and provide feedback on MFFN's responses to AFN's comments on the draft ToR, the RoC and that "no comments were received." Unfortunately, Table 10-3, does not provide the critical context that explains why AFN was not able to engage with the Project Team at that time. AFN did not receive capacity funding from the province until mid-October. In addition, the COVID-19 pandemic has put undue pressure on our community's capacity as well as opportunities to safely engage our community on the Project. Capacity funding is critical to supporting an adequate and meaningful consultation process and despite communicating our limitations, the MFNCAR Project Team continued to advance the ToR. Although the RoC may appear to portray several instances of engagement, quantity of engagement is not an acceptable metric for consideration for meaningful engagement.</p> <p>Further, the RoC does not include correspondence and efforts by AFN to advance our MoU discussions between July and October 2020. Since our June 26, 2020 meeting, AFN has been awaiting edits from MFFN on the MoU only to be told in October that MFFN does not wish to carry on down a path we had been working towards for over two years. MFFN's actions to date do not provide AFN with confidence that the procedural aspects delegated to MFFN will be executed honorably on behalf of the Provincial Crown.</p>	<p>the process until October 2020 are noted.</p> <p>Regarding the MOU comments, please see response to comment AroFN-3 and AroFN-24.</p>	
AroFN-54	<p>Final Terms of Reference Section: Appendix B Consultation and Engagement Plan to support EA / IA</p> <p>Terms of Reference Excerpt: AFN has reviewed the Consultation and Engagement Plan to support the EA / IA.</p> <p>Comment: As outlined in our October 20th letter to MFFN and the Project Team:</p> <p>The proposed Marten Falls Community Access Road overlaps with Aroland's traditional territory, ultimately connecting to the Anaconda and Painter Lake forestry roads which pass directly through our community. The potential adverse impacts to our Treaty and Aboriginal rights and interests will be significant, especially considering our community members' high level of use up to and north of Dusey Lake.</p> <p>Aroland understands how important all-season road access is to the Marten Falls community and has always offered provisional support for the project. Our support has always been conditional on Marten Falls understanding the significant impacts the proposed project will have on Aroland's Treaty and Aboriginal rights and interests, obtaining Aroland's permission for use of our traditional territory and working in partnership with Aroland to ensure the projects impacts could be avoided, mitigated, and accommodated. Any proposed development or activity within our territory must be explored in consultation with Aroland First Nation's membership, based on our protocols and preferred procedures. Ontario's Code of Practice: Environmental Assessments sets the expectation that proponents are responsible for working with Indigenous communities to understand how they wish to be consulted. Up to this point we have relied on our joint-MOU negotiations to communicate how we wish to work with Marten Falls on this project, but given that those negotiations have concluded with no agreement in place, we request that Marten Falls work with us to develop a custom consultation process that ensures the proponent adheres, at a minimum, to the following responsibilities:</p> <ul style="list-style-type: none">(a) Act in good faith;(b) Consult with the intention of fairly and justly addressing all of Aroland's concerns through accommodation measures;(c) Ensure transparency during the consultation and negotiation process;(d) Provide Aroland with adequate financial support and time to ensure that Aroland has the capacity to fully engage in the process in an effective and informed manner;(e) Provide any agreed-upon financial support, including funding for experts/consultants, in a timely manner(f) Provide all relevant and necessary information regarding its action or decision to Aroland as soon as such information is available, including any such information that can only be provided under a confidentiality agreement with Aroland;(g) Respect Aroland Rights and Aroland values;(h) Accommodate Aroland's concerns;(i) Not proceed with any action or make any decision potentially affecting Aroland Rights, Aroland Values, and/or Aroland Traditional Territory until an accommodation agreement has been entered into with Aroland providing Aroland's consent;(j) Honour any agreements reached with Aroland. <p>We believe that establishing a custom consultation process will benefit both parties in clarifying our roles and responsibilities and ensuring a certainty of process in advancing consultation and accommodation in relation to this project. We request that Marten Falls coordinate a meeting for both parties to begin developing this process in order to move forward together.</p>	<p>The Project Team responded to Aroland's October 20, 2020 letter on December 8, 2020 and committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation.</p>	N/A

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Aroland First Nation – March 29, 2021 (Letter dated March 26, 2021)			
AroFN-55	<p>Impacts to AFN's Aboriginal Rights and Interests and the Requirement for Meaningful Consultation</p> <p>We are deeply concerned with the potential for AFN's Treaty and Aboriginal rights and interests to be impacted by the Project. The proposed Project falls directly within AFN's Traditional Territory, where AFN has long exercised its Treaty and Aboriginal rights and interests to hunt, trap, and fish, among other activities. The depth of potential impact on AFN's Treaty and Aboriginal rights are expected to be significant, which requires a deep level of consultation. A custom consultation process is a critical component of supporting a deep and meaningful consultation process.</p> <p>AFN appreciates the MFFN Project Team's offer to arrange a meeting to discuss a custom consultation process and AFN's project team will reach out shortly to schedule a time. While AFN agrees to attend an initial meeting we will require that the MFFN Project Team provide capacity funding for AFN's participation in subsequent meetings to develop and implement the process. We also require that the MFFN Project Team agree to a reasonable timeframe for developing the custom consultation process. AFN proposes to develop a detailed workplan and budget for developing the process that would provide clarity on the amount of capacity funding required as well as a reasonable timeline for the activities.</p> <p>At present, AFN's capacity funding from the Government of Ontario only covers specific tasks and milestones associated with the environmental assessment process and does not include funds to support ongoing issue resolution or the development and implementation of a custom consultation process. To adequately engage in such activities with the MFFN Project Team, we require additional capacity funding. This funding is critical to ensure we have the technical, regulatory and legal support necessary to participate fully in the consultation process.</p>	<p>The EA will assess the potential effects of the Project on Indigenous Peoples' Rights and Interests. A preliminary list of potential effects of the Project on Indigenous Peoples' Rights and Interests are listed in Section 7.2.1 of the ToR and includes changes in the availability and / or quality of resources that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) and changes to subsistence hunting, trapping, fishing and gathering as protected under Aboriginal and Treaty Rights. The Project includes an Indigenous Knowledge Program, which provides additional opportunities for Indigenous communities to share information in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website: http://www.martenfallsaccessroad.ca/tor/.</p> <p>As noted, MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process. MFFN and the MFFN Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation. MFFN suggests that the topic of capacity funding to support the custom consultation process and a timeframe for developing the custom consultation process be included in the agenda for the initial meeting to discuss the custom consultation process. As participant funding is being provided by the Ministry of Energy, Northern Development and Mines (ENDM), the MFFN Project Team is meeting with the ENDM on this request and expect to provide an update at the suggested meeting. It is also noted that the ENDM may also directly contact Aroland First Nation on this matter.</p>	<p>Section 3.4.2.1, pg. 11 to 12</p> <p>Section 7.2.1, pg. 65 to 66</p> <p>Commitment for EA</p>
AroFN-56	<p>AFN Comments and Engagement on the ToR</p> <p>AFN wishes to confirm its receipt of recent correspondence (e.g., emails and attachments) related to the Proposed ToR and associated comment period extension. As you are aware, our communities are vulnerable and facing unprecedented challenges during the COVID-19 pandemic, putting further strain on our limited capacity as staff and resources are diverted to ensure the health and safety of our people. Despite these limitations, AFN has remained flexible, pivoting from in-person engagement to a newsletter approach where members were asked to send comments to our Community Consultation Coordinator (CCC) Sheldon Atlookan, despite the obvious shortcomings of this approach in effectively connecting with our members. Not long thereafter, AFN was forced into a full community lockdown in response to a potential outbreak of COVID-19. Given these challenges, we have been unable to complete adequate engagement with our members and cannot provide clarity on whether or not AFN will have additional comments.</p> <p>We are appreciative of the extension that has been granted, but these timelines are still unreasonable given ongoing challenges related to the COVID-19 pandemic. AFN reaffirms our commitment to engaging with MFFN in good faith and providing meaningful feedback on the ToR. To be able to do so, we require additional time and flexibility to engage with our membership. We will continue to seek and share feedback received via the newsletter approach, but require that no decisions are made on the ToR until we are able to hold an in-person community meeting safely.</p>	<p>MFFN understands that many communities, including Aroland First Nation, are experiencing challenges related to the global pandemic, limited resources and reduced ability to consult and engage with community members on technical matters related to the ToR. MFFN is hopeful that once the EA is initiated that Aroland First Nation will be in a better position to participate in the process.</p> <p>The period of time allotted for interested parties (including Indigenous communities, agencies and interested persons) to review a ToR submitted to the MECP for Minister decision is set by the MECP. The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the review period for interested parties (including Indigenous communities, agencies and interested persons) from the minimum required 30 days to 60 days. An additional opportunity for Aroland First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p>	<p>N/A</p>
AroFN-57	<p>Closing</p> <p>In the light of the unprecedented challenges of a global pandemic and a lack of capacity funding to support a deep level of consultation, AFN does not consider the current process to meet the standard for meaningful consultation and accommodation. Sufficiency of both time, depth of process and capacity funding are key components of a meaningful consultation process that must be met to ensure potential impacts on AFN's Treaty and Aboriginal rights and interests are avoided, mitigated and accommodated, as required.</p> <p>As the Matawa Chiefs Council recently shared in a statement responding to proposed changes to the Far North Act, it is a very heavy burden for First Nations to engage in regulatory processes in the best of times, but the COVID-19 pandemic presents serious risks in addition to existing issues related to healthcare, housing, and access to goods and supplies. We trust the MFFN Project Team understands the realities of the present circumstances as well as AFN's commitment to participating meaningfully in this consultation process.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. The Project Team acknowledges the challenges relating to funding and the COVID-19 pandemic has had on Aroland First Nation's ability to engage and we will continue to explore ways to adjust and improve our engagement efforts with Aroland First Nation.</p>	<p>Commitment for EA</p>
Attawapiskat First Nation – December 15, 2020			
AttaFN-1	<p>This environmental assessment must be put on hold until Attawapiskat is able to resume in-person community consultation sessions.</p> <p>The comments Attawapiskat First Nation provides below were prepared by Attawapiskat's Lands and Resources office, in consultation with environmental advisors, As such, these are technical comments that have not benefited from the crucially important insights that our land users can provide.</p> <p>We are now at a stage in the environmental assessments where we need to consult directly with our members to discuss the impacts of these road projects to our rights and interests. This work is currently on hold, as Attawapiskat is still under</p>	<p>Marten Falls First Nation (MFFN) received a letter from Attawapiskat First Nation on November 19, 2020 (after the Terms of Reference [ToR] was submitted for review) regarding the inability to gather in-person with land users and consult directly with members and a request to extend the timeline. MFFN responded to this letter on December 10, 2020. As a high-level summary of the response letter, MFFN noted that MFFN appreciates Attawapiskat First Nation's participation to-date and review and feedback on the Environmental Assessment (EA) / Impact Assessment (IA) documents, including the Initial Project Description, draft Tailored Impact Statement Guidelines (TISG) and the Draft ToR. MFFN understands that the review of these documents may not have included community membership review, and it is important to include the broader community moving forward.</p>	<p>Section 11.6, pg. 108</p> <p>Commitment for EA</p>

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	<p>a state of emergency due to the pandemic.</p> <p>Our culture and laws require in-person, grassroots engagements. These are required in order to carry out the consultation and accommodation mandated by Canada's Constitution, UNDRIP and other international laws. We are entitled to equal benefit of these laws under section 15 of Canada's Charter of Rights and Freedoms.</p> <p>The in-person engagement facilitates our members sharing in an honest way and many are not willing or able to share openly in other ways. We need to have the opportunity to meet in person. This work cannot be substituted by video or phone conferences. We also cannot yet allow group meetings because Attawapiskat is particularly vulnerable to Covid-19, should we have an outbreak in the community.</p> <p>Furthermore, at present, it is impossible for us to undertake mapping and documentation of traditional use of the project area, since we cannot meet in person and our environmental consultants are unable to travel to Attawapiskat because of Covid-19 restrictions.</p> <p>Attawapiskat First Nation requires that the environmental assessment/impact assessment phases of the Coordinated EAs be extended by the number of months that Attawapiskat is unable to carry out meaningful engagement at the community level. Since March 2020, the pandemic has prevented us from having the types of meetings we need to properly assess how the proposed all-season roads will impact our rights and interests. Therefore, the upcoming phases of the environmental assessments need to be extended for at least six months or until we are able to resume in-person meetings in our community.</p>	<p>MFFN suggested scheduling a call to discuss the best approach to engage with Attawapiskat First Nation in light of the current coordinated EA / IA process, input required and timelines. The letter also encouraged Attawapiskat First Nation to contact the Ministry of the Environment, Conservation and Parks (MECP) directly regarding an extension of the EA. It is noted that the provincial EA for the Project has not yet started as its initiation is contingent on receiving ToR approval from MECP.</p> <p>MFFN will also be reaching out to hire a local Community Coordinator who will be the primary contact from Attawapiskat First Nation and act as a liaison to provide coordination between Attawapiskat First Nation and MFFN during the EA, including advising on appropriate ways to engage with Attawapiskat First Nation during COVID-19.</p>	
AttaFN-2	<p>This road project will have enormous impacts on the water in our territory. The work plan for the EA, as outlined in the ToR, fails to take into account the region's unique hydrology.</p> <p>The ToR refers to the hydrology of the region in terms of " wetlands" and "low lying, poorly drained terrain dominated by muskeg and bog" (p. 44) and indicates that "at water body crossing locations ... the water body type and coarse-level description of surface water and peatland features will be documented " (p. 47). It appears that the surface water field surveys will be done from an engineering perspective to advance details of the road design. This approach fails to take into account the complex patterns of water flow in the muskeg, where the land acts as a giant, inter-connected sponge.</p> <p>The ToR states that "the wetlands within the area of the Project are not designated as provincially significant" (p. 46). These peatlands are globally significant as a vast store of atmospheric carbon and as an almost undisturbed wilderness home to many animals including caribou and enormous flocks of migratory birds. Our muskeg lives and breathes and without it we would not survive as Omushkegowuk people.</p>	<p>MFFN recognizes the importance of these wetland features to Attawapiskat First Nation, as well as for carbon storage and habitat for wildlife. The designation of these wetlands as provincially non-significant reflects that of the Ontario Wetland Evaluation System (https://www.ontario.ca/page/wetlands-evaluation#section-2) and not the practical form / function of undocumented wetlands within the area of the Project. Baseline studies will be completed to assess the form and function of the surface and groundwater features and the EA will assess the potential effects of the Project on the quality and quantity of water. Additional work will be completed to assess the potential effects on peatland features as a result of Project activities. The scope of these surveys is being developed. Consultation on baseline studies is identified as part of the targeted input for the Effects Assessment Methods milestone in the EA / Impact Statement (IS) Consultation and Engagement Plan. The EA will document the methods and results of baseline studies completed in support of the Project. Further, Section 7.2.5 of the ToR describes how the EA will characterize the hydrology of the entire study area (i.e., not only at the baseline sampling points) using both desktop information and field data.</p>	Section 7.2.5. pg. 67
AttaFN-3	<p>Ontario's Ministry of Environment, Conservation and Parks must be directly involved in designing and overseeing a water management plan for CAR.</p> <p>The CAR project will require extensive de-watering. Because of our experience with the de-watering that took place at the Victor Diamond Mine, we are familiar with the hydrological changes, methyl mercury increases, and other environmental consequences that arise when industrial developments de-water peatland environments.</p> <p>The Albany and Attawapiskat Rivers are heavily used for harvesting by our traditional land users. These watersheds, including the headwaters impacted by the CAR project, sustain us in every way, and are at the core of who we are culturally and spiritually.</p> <p>Ontario's MECP must therefore be actively involved from the outset in ensuring that the de-watering and flooding resulting from the CAR project is managed in a way that protects the Albany and Attawapiskat watersheds from contamination and minimizes hydrological changes to downstream environments.</p>	<p>MFFN appreciates Attawapiskat First Nation sharing their experience with the Victor Diamond Mine and the potential effects that may occur as a result of dewatering in peatland environments. It is expected that dewatering for the Community Access Road (CAR) will be temporary in nature and only occur during the construction phase of the Project. Currently there are no plans for permanent damming, draining, or diversion of water; however, should these activities be proposed, they will also be assessed for potential effects in the EA.</p> <p>As noted in the ToR (Section 7.2), the EA will identify and assess the potential effects of the Project, including construction activities on surface water (quantity and quality) and groundwater (quantity and quality). The EA will also identify and assess indirect effects of the Project, such as how changes to surface water and groundwater may result in effects to wildlife and the traditional use of land and resources and availability of resources. The EA will also recommend impact management measures to avoid or minimize potential effects of the Project on the environment.</p> <p>The MECP has been and will continue to be involved with various aspects of the Project. Throughout the EA, agencies, including the MECP, will be consulted on the methods and outcomes of the assessment. In addition, permits and / or permissions will need to be obtained from the MECP prior to conducting any dewatering or water-taking activities (Section 13). These may include Environmental Activity Sector Registry permissions and / or a Permit to Take Water. As part of the application process for these permits, MFFN will be required to present impact management measures and monitoring protocols, which will be developed based on the results of the EA as well as through consultation with the MECP. As a result, dewatering, and water-taking activities, where required, will be managed in accordance with the EA and applicable environmental regulations and permits obtained from the MECP.</p>	Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 13, pg. 113
AttaFN-4	<p>The individual EA for the Marten Falls CAR must include reasonably foreseeable projects resulting from the CAR.</p> <p>The following list of projects must be applicable to <u>all of the Guidelines' considerations and requirements</u>:</p> <ul style="list-style-type: none">Construction of upgrades to the Anaconda/Painter Lake Forestry RoadThe construction and operation of the Northern Road Link (proposed road linking the northern portion of the Marten Falls Community Access Road to the Ring of Fire area)A potential East-West Road	<p>Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity</p>	Section 7.2, pg. 65 Commitment for EA

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	<ul style="list-style-type: none">The Eagle ' s Nest MineMining activities associated with the following deposits: Black Thor, BlackBird, Big Daddy, Black LabelIncreased winter road traffic during Operation s and Maintenance by future mining proponents andAdvanced mineral exploration activities in the Ring of Fire area.	<p>proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. The activities that will be considered in the EA for the cumulative effects assessment include, but not limited to, the list of projects provided by Attawapiskat First Nation.</p>	
AttaFN-5	<p>The technical analysis in the EA must consider the <u>combined</u> and <u>interactive</u> effects of the road and climate change on regional fish and wildlife.</p> <p>This ToR' s statement on climate change references two protocols for assessing the impacts of climate change (p. 65). One is the Public Infrastructure Engineering Vulnerability Committee protocol, which is focused on the physical impacts of climate change on infrastructure. The other is Ontario' s Guide for Considering Climate Change in the Environmental Assessment Process. This guide approaches climate change in terms of greenhouse gas emissions and carbon sinks, and provides no guidance on how EAs should examine the combined effect of climate change and projects.</p> <p>Attawapiskat First Nation requires that the EA take a regional and ecosystem-based approach that looks at how changes brought by the road will be intensified by ongoing climate change. We need to consider that disruptions to the peatlands amid rapid climate change can create feedback loops that are difficult to accurately predict and mitigate, and that can have consequences for fish and wildlife far outside the immediate project footprint.</p> <p>There is no plan in the ToR for using any type of scientific or technical analysis to consider the interactive effect of the road and climate change on fish and wildlife. Instead, we are told in the ToR that the Project Team will seek input from First Nations on our observations and perceptions of climate changes and trends. While it is certainly important to include the expertise of our land users, Attawapiskat First Nation requires that this subject be addressed in the technical analysis. Without such an analysis, we cannot fully understand the impact of the proposed road to our rights and interests.</p>	<p>The potential effects of the Project on climate change, and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the climate change assessment will also be assessed per the requirements set out in Sections 15.5 and 23.2 of the Tailored Impact Statement Guidelines (TISG) developed by the Impact Assessment Agency of Canada (the Agency). A Climate Change Resilience Assessment will be undertaken to asses the potential effects of climate change, such as climate change effects on temperatures patterns and seasonality, including the onset of freeze / thaw events and changes in freeze / thaw cycles, will be evaluated for their effects on the Project and the Project's surrounding physical environment. The proposed methods for climate change will be consulted on during the EA during the Effects Assessment Methods milestone.</p>	<p>Section 7.2.2, pg. 66</p> <p>Appendix B, Section 4.1.7, pg. 22</p> <p>Commitment for EA</p>
AttaFN-6	<p>Concerns about cascading effects of the road</p> <p>The proposed road will open up the potential for resource development and create enormous pressure to build additional roads. If the CAR is built, in time, we will almost certainly see secondary and tertiary roads extending into the headwaters of Attawapiskat territory. The impact of opening our territory to resource extraction industries will be permanent and irreversible.</p> <p>Attawapiskat First Nation is deeply concerned about the long-term cumulative impacts from the opening of the western portion of our territory to development. The location of the proposed road corridor is located in an ecologically sensitive area- it is near the headwaters of many rivers that drain our territory, and it is also a transition zone between the Hudson-James Bay Lowlands and the Ontario Shield, of particular importance to caribou , wolverine , and other species. Many fish and wildlife populations depend on intact habitats across this large geographic area.</p>	<p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p>
AttaFN-7	<p>Concerns about Ontario's role as project facilitator and proponent.</p> <p>Marten Falls First Nation is named as the proponent, yet Ontario's Long-Term Infrastructure Plan clearly states that the province is supporting Marten Falls First Nation to plan and construct an access road connecting the community to the existing provincial highway network at Aroland/Nakina. According to Building Better Lives: Ontario's Long-Term Infrastructure Plan (2017) , "Ontario will continue to support Marten Falls to undertake further technical and environmental studies that could inform planning and development of a north-south access road tied to the business case for, and development of, chromite mining in the Ring of Fire. Building these roads is a critical step in realizing the economic benefits of one of the largest mineral-development opportunities in Ontario in almost a century" [emphasis added]. The Plan goes on to say that "Ontario is working to support these First Nations as they address all regulatory requirements, so that this unique environment is protected" (p. 93).</p> <p>The ToR strongly suggests that the road originally contemplated by Marten Falls First Nation was not multi- purpose, and that there was a "change of the road use to multi- purpose" after 2017 (p. 24). The ToR explains that the reason for this change was that "the provincial government would provide funding to plan all-season road access to the Ring of Fire and that as part of this plan they would work with Indigenous communities, including MFFN, to build all-season access roads to communities" (p. 23). This indicates that Ontario' s primary rationale for promoting the road is to open the Ring of Fire to mineral development.</p>	<p>For decades, interests and concerns of the MFFN community have identified a strong desire for improved all-season community access. The Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development that accompanies the ToR submission provides a detailed account of the evolution of the alternative methods, which occurred over more than ten years. As described in this document, initial efforts were focused on researching and exploring options to connect the community to the existing provincial transportation network year-round for community access only. These early studies were focused on winter road realignment and potential upgrade to an all-season road.</p> <p>In 2017, the Province entered into discussions with MFFN about funding an EA process. The provincial government would provide funding to plan all-season road access to MFFN. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire. The community of MFFN was not initially receptive to changing the intended use of the Project to a multi-purpose road; however, over time the community accepted the change in direction and recognized the potential economic benefits a multi-purpose road could provide while also minimizing infrastructure corridors in the Far North.</p> <p>Ontario's decision to fund the community access road is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>Section 6.3, pg. 22 to 24</p> <p>Supporting Document – Alternatives Development</p>
AttaFN-8	<p>Attawapiskat First Nation requires additional paper and digital maps of the study area, and paper copies of the</p>	<p>Given that Attawapiskat First Nation continues to be under lockdown, MFFN has limited the number of documents being</p>	

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	<p>finalized Terms of Reference.</p> <p>Please send Attawapiskat First Nation two large-scale, paper maps of the project area where activity and alternatives are proposed. Please also send an up-to-date shape file of this map, and a shape file of each of the study areas used by the proponent to examine impacts to wildlife (caribou, fish, etc.).</p> <p>Please also send Attawapiskat First Nation 50 paper copies of the finalized Terms of Reference so that we can distribute them to interested community members.</p>	<p>shipped to five (5) hard copies of the ToR and appendices, 45 USBs with ToR documentation and 50 Project and ToR Fact Sheets (in both English and Cree) in an effort to further limit potential COVID-19 exposure.</p>	
AttaFN-9	<p>Section 3.1 (p. 5): The ToR states that " Ultimate ownership of the road may also trigger an additional class of project under the MECP Class EA to deregulate park land and modify the boundary of a provincial park for the CAR."</p> <p>Attawapiskat First Nation is concerned that Ontario is contemplating deregulating land that is currently protected from development. It is unacceptable that the evaluation of the decision to remove provincial park land from protected status will be done after the CAR individual EA is completed, and after the choice of route has already been made. Attawapiskat First Nation requests information on how the July 2020 amendments to the Environmental Assessment Act have changed the process for triggering an additional class of project under the MECP Class EA on provincial park boundaries.</p>	<p>It is unknown at this time how the July 2020 amendments to the <i>Environmental Assessment Act</i> have or could change the process for triggering the additional class of project under the MECP Class EA to deregulate park land and modify the boundary of a provincial park. The process will be better understood once regulations become available, however MFFN understands that the current PPCRA-Class EA will continue to provide coverage for the Project as no replacement policy / procedure has been established to date, as stated in comment MECP-24. MFFN will consult with government agencies throughout the EA process to confirm applicable requirements from the EAA amendment including the MECP Provincial Parks and Conservation Reserves Class EA. Where possible, the EA will be prepared in a manner that meets the requirements of the MECP Provincial Parks and Conservation Reserves Class EA if confirmed to be applicable to the Project based on consultation with the MECP.</p> <p>MFFN acknowledges the importance of provincial parks and have identified in Section 7.2.10 of the ToR that the EA will consider changes to provincial parks and protected area lands that may affect their values as part of the assessment of effects on land and resource use. The EA will also recommend impact management measures to avoid or minimize potential effects, including any potential effects predicted on provincial parks and protected areas.</p>	<p>Section 3.1, pg. 5</p> <p>Section 7.2.0, pg. 70</p>
AttaFN-10	<p>Section 3.4 (p. 8): As noted above in our general comments, the review period for this project is too short for Attawapiskat First Nation to be meaningfully consulted on this project. Attawapiskat First Nation requires an explanation for why the comment period for " Indigenous communities" is the same as the time (seven weeks for comment on the Individual EA and five weeks for comment on the ministry review) allowed for comments from "interested persons," who do not hold constitutionally-protected rights.</p>	<p>The period of time allotted for interested parties (including the general public, Indigenous communities and government agencies) to review a ToR submitted to the MECP for Minister decision is set by the MECP. The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the review period for interested parties (including the general public, Indigenous communities and government agencies) from the minimum required 30 days to 60 days. An additional opportunity for Attawapiskat First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p> <p>Why the length of the comment period for Indigenous communities is the same as the time allowed for comments from 'interested persons' is outside the scope of what MFFN is responsible for responding to as the proponent of the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>N/A</p>
AttaFN-11	<p>Section 3.4.2 (p. 9): The Indigenous knowledge collection outlined in the ToR emphasizes that Indigenous knowledge will be used to supplement the data gathered through Western scientific means "for this remote area of the province" and that our knowledge can be used to fill data gaps. For Attawapiskat First Nation, the land impacted by this project is part of our homeland. It is not a "remote area of the province." Our knowledge on the health, abundance and distribution of species and their habitats, including seasonal variations and historical changes/fluctuations is directly relevant to assessing impacts from the project, including cumulative impacts that affect our rights and interests. This knowledge has relevance in its own right and does not need to be first filtered through Western scientific understandings.</p>	<p>MFFN acknowledges the importance and value of Indigenous Knowledge in terms of a holistic perspective based on extensive experience of being on the land, observing the natural environment, and respect for the interconnectedness of nature. Further, MFFN acknowledges the direct relevance of Indigenous Knowledge to the characterization of existing conditions and the assessment of potential Project effects. It is not MFFN's intent that Indigenous Knowledge will be first filtered through Western scientific understandings, but rather that these two important bodies of knowledge are complementary and will collectively contribute to a robust characterization of existing conditions and effects assessment. In terms of the reference to the "remote area of the province", the intent here was to highlight the limitation of Western scientific knowledge in this region and the value that Indigenous Knowledge will have in addressing these limitations, reinforcing the complementary nature of these two important bodies of knowledge. MFFN will carry forward this important perspective throughout the EA and in the EA Report.</p>	<p>Section 3.4.2, pg. 9</p> <p>Commitment for EA</p>
AttaFN-12	<p>Section 3.4.2 (p. 10): If this EA is striving for a "fulsome assessment of potential impacts on Aboriginal and Treaty rights and interests " as linked to "potential socio-cultural and health effects," then such an analysis must consider that if this road is built, the mining, forestry, and road development that will ensue will transform our way of life forever. An individual project assessment such as the one being undertaken for the road cannot pretend to produce a "fulsome assessment " of impacts to Aboriginal and Treaty rights.</p>	<p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p> <p>Commitment for EA</p>

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		<p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p> <p>The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the Tailored Impact Statement Guidelines (TISG) developed by the Impact Assessment Agency of Canada (the Agency). In accordance with the TISGs, the EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures. The Proponent will strive to respectfully collaborate with Indigenous communities on how Aboriginal and Treaty Rights and Interests may be impacted cumulatively. MFFN will engage with Indigenous communities through the Indigenous Knowledge Program and the Consultation and Engagement Program. Where Indigenous communities do not wish to participate in the cumulative effects assessment, a preliminary draft of the assessment will be provided for review and feedback prior to finalizing the EA Report.</p>	
AttaFN-13	<p>Section 3.4.2.1 (p. 11): The ToR suggests that the proponent will hold data collection workshops and interviews. Attawapiskat First Nation will itself be responsible for gathering land use and resource data, and share this data with the proponent as we see appropriate. Under no circumstances will this data be collected by the proponent.</p>	<p>MFFN acknowledges that Attawapiskat First Nation will be responsible for gathering land use and resource data and will share the data with MFFN as appropriate. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal TISG). This guidance has been provided through the Indigenous Knowledge Program Guidance Document that was shared with Indigenous communities, including Attawapiskat First Nation, in November 2020. As noted in the Indigenous Knowledge Program Guidance Document (specifically Section 6.1), information collection is generally done through workshops, focus groups, interviews, or a combination of these depending on what works best for the community. However, each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program.</p>	N/A
AttaFN-14	<p>Section 5.2.1 (p. 15-16): Attawapiskat First Nation is concerned by the extent to which quarries, borrow areas, aggregate source areas, construction yards, staging areas, camps, debris and timber stockpiles, and other "temporary" infrastructure will be developed in relation to this road. The ToR mentions decommissioning and blocking temporary infrastructure to discourage public use but to facilitate access for ongoing road maintenance. Is Attawapiskat First Nation to understand that none of the areas of temporary infrastructure will be restored to their original condition? If so, this adds significantly to the footprint of the project.</p> <p>Without extensive remediation, areas of "temporary" infrastructure will remain degraded and the result will be permanent scars on the land. The ToR makes no mention of the remediation efforts that will be undertaken and there is no mention of the specific challenges associated with restoring fragile muskeg environments.</p>	<p>Section 5.2.2 of the ToR states: "Once the CAR is constructed, temporary infrastructure used to facilitate construction will be demobilized, decommissioned and restored, or blocked to discourage public use but facilitate access for ongoing road maintenance."</p> <p>Blocking to discourage public use but facilitate access for ongoing road maintenance is a measure that may be in place while temporary infrastructure continues to be in use. When temporary infrastructure is no longer required to support the Project, it will be restored.</p> <p>The EA will recommend impact management measures to avoid or minimize potential effects of the Project on the environment and identify any potential net effects remaining after the application of impact management measures. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, including Attawapiskat First Nation, government agencies and interested persons on impact management measures during the consultation milestones "Effects Assessment Methods," "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will contact Attawapiskat during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Attawapiskat First Nation is encouraged to share recommendations for remediation and restoration within muskeg environments.</p>	Section 5.2.2, pg. 17
AttaFN-15	<p>Section 5.2.2 (p. 17): Attawapiskat First Nation must be consulted on any provincial and federal permits that will be obtained for this project, including, but not limited to, permits from DFO for work in fish habitats, Environment Canada for impacts to species at risk, and the MECP for the permit to take water.</p>	<p>Although the EA / IS Consultation and Engagement Plan (Appendix B of the ToR) is focused on consultation and engagement efforts throughout the EA, MFFN's primary objective is to effectively communicate information about the Project and to consult with or engage those who may be potentially affected by, or have an interest in, the Project or the lands potentially affected by the Project. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities to support the environmental, social, and economic sustainability of the Project. Therefore, outreach and consultation on the Project will continue beyond the EA phase and into post-EA approvals and permits as shown in Figure 1-2 of the EA / IS Consultation and Engagement Plan.</p> <p>Post EA permits and approvals will be based on the results of the EA (i.e., existing conditions, potential effects, impact management measures, monitoring measures). MFFN will consult with Attawapiskat throughout the EA on baseline conditions, potential effects, and impact management and follow-up measures, and input received will be incorporated into the EA where applicable, and subsequently Project permitting. That is, the information in the EA, informed by consultation with Attawapiskat First Nation, will then be used to prepare permit applications that meet commitments made throughout the EA. Any activities that may affect Indigenous land and resource use and / or Aboriginal and Treaty Rights will include consultation that was undertaken with Indigenous communities so that permit applications reflect the outcome of those discussions.</p>	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8

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AttaFN-16	Section 5.2.2 (p. 19): Attawapiskat First Nation requests information on what substances will be applied to road surfaces during summer months for dust suppression.	Section 5.2.2 ToR states that dust suppression may be applied during the construction and operations phases. The information on what dust suppression substances will be applied is unknown at this time as the CAR is early in the planning process. However, road construction and maintenance will follow typical Ministry of Transportation (MTO) standards and requirements. Therefore, the EA will identify potential substances that may be applied for dust suppression.	Section 5.2.2, pg. 17
AttaFN-17	Section 7.1.1 (p. 27): Attawapiskat First Nation is concerned about the potential for extensive disturbance to water and wildlife from aggregate mining. Some of the aggregate will be sourced from eskers which are important wildlife habitats, and two major potential aggregate sources are located adjacent to the Ogoki River (Figure 7-3 in the ToR), with implications for downstream areas.	MFFN acknowledges the potential effects of obtaining aggregate material from local sources on various components of the environment (e.g., water, wildlife, vegetation), and will identify and assess these effects in the EA.	Section 7.2.5, pg. 67 Section 7.2.8, pg. 69
AttaFN-18	<p>Section 7.1.4.1 (p. 34): In our comments on the draft ToR we raised the concern that Attawapiskat First Nation considers the development of the proposed road to be premature and contrary to the objectives of the Far North Act, given that Marten Falls First Nation, as well as several First Nations with areas of shared use, have not yet completed Community Based Land Use Plans.</p> <p>You responded that "MFFN recognizes that CBLUPs may be currently underway or not yet started. In the absence of completed plans, MFFN is engaging with neighbouring Indigenous communities and working with these communities to obtain Indigenous knowledge to help inform development of the Project. As such, the Project, where possible, can cooperate in the avoidance of possible future land use conflicts."</p> <p>This does not allay our concern. Consultation on an individual project does not substitute for the comprehensive planning that needs to be done so that we can designate protected areas, determine thresholds for development, and protect the integrity of our ecosystem.</p>	<p>MFFN understands that Attawapiskat First Nation has initiated the process of independently preparing a land use plan outside of the <i>Far North Act</i> process and has released a Draft Terms of Reference for your plan in 2015. A review of Attawapiskat First Nation's and MFFN's area of interest for planning shows an overlap within the northern portion of the MFFN's community based land use planning area. This area of overlap is located north of the Project outside of the area where Project components of the CAR are anticipated to occur.</p> <p>MFFN understand the level of comprehensive planning that goes into community based land use planning and MFFN, with support for MNRF, are working with those Indigenous communities who have areas of planning that overlap. Through this process, MFFN is incorporating information shared by other communities to designate protected areas and determine thresholds for development. Recognizing that Community Based Land Use Plans may be currently underway or not yet started, MFFN will continue to engage with communities through the MFFN Community Based Land Use Plan process currently underway and throughout the Project to avoid possible future land use conflicts and protect valued areas and features. As noted in Section 7.1.4 of the ToR, information shared by the MFFN Community Based Land Use Plan Team will be used to support the planning process for the Project.</p>	Section 7.1.4, pg. 31
AttaFN-19	Section 7.1.4.1 (p. 41): Attawapiskat First Nation is concerned that the proponent is taking a site-specific approach to examining impacts to Indigenous land use. While specific sites are obviously important, impacts to Indigenous land use and practices are closely tied to impacts to wildlife and wildlife habitats, and must therefore be considered at a variety of scales, from the local to the sub-watershed, watershed and ecoregion level.	<p>MFFN acknowledges the importance of a more holistic perspective that goes beyond site-specific effects and considers the interrelated nature of wildlife and their habitats and Indigenous land and resource use. While potential site-specific effects will be included as part of the EA, the availability of lands and resources (including wildlife) for traditional activities is proposed as an indicator relevant to the criterion Indigenous Current Use of Lands and Resources for Traditional Purposed in Appendix A of the ToR. As mentioned in Section 8.2 of the ToR, Appendix A Criteria and Indicators includes both quantitative and qualitative criteria.</p> <p>Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including wildlife and their habitats, fish and their habitats, and vegetation) will also serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities. Further, the effects assessments will be completed at a variety of scales (local and regional study areas) for each discipline. Study areas are in the early stages of development; consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR).</p>	Section 8.2, pg. 73 Appendix A, pg. 1 Appendix B, Section 4.1.7, pg. 22
AttaFN-20	<p>Section 7.1.4.9 (p. 54-56): In our comments in the draft ToR, we raised the concern that CAR will result in a decline in sturgeon populations that are shared with Marten Falls and other First Nations. Sturgeon gather in spring spawning aggregations in fast flowing water at precisely the locations favoured for road construction across rivers.</p> <p>The ToR states that the EA will use electrofishing to determine fish presence and relative abundance in the vicinity of water body crossings. Attawapiskat First Nation requests further information on how electrofishing will be used to determine the presence of sturgeon and other fish species. Will this method be used during the spawning period? If so, this is of concern to Attawapiskat First Nation, because electrofishing can injure fish and reduce their fitness. How will the sampling be conducted to prevent harm to the fish being sampled?</p> <p>Furthermore, we point out that sturgeon is an important cultural and economic resource for the community, and impacts to this migratory species must be considered at the watershed scale.</p>	<p>MFFN acknowledges Attawapiskat First Nation's concern surrounding potential declines in sturgeon populations as result of the Project and that this species is culturally and economically important to your community. Electrofishing, angling and netting are common techniques used by fisheries biologists to count fish species present within a waterway at specific times of the year. Fish and fish habitat field surveys, including electrofishing are designed to avoid spawning windows for all fish species and to follow Department of Fisheries and Oceans in-water work timing restrictions. Prior to undertaking electrofishing surveys, a license to collect fish for scientific purposes must be obtained from the MNRF and as part of this process measures that will be in place to avoid potential effects to fish are outlined for MNRF's review.</p> <p>The EA will identify and assess potential effects to fish and fish habitat (Section 7.2.9). The effects will be considered at the quaternary watershed level for watersheds crossed by the roadway. As per Appendix A of the ToR, sturgeon is a criterion for the EA.</p>	Section 7.2.9, pg. 69 to 70 Appendix A, pg. 4
AttaFN-21	Section 7.1 .4.10 (p. 60): Resource harvesting for neighbouring First Nations, including Attawapiskat First Nation, must be described in the baseline and environmental impact sections of the EA. Hunting, fishing, and trapping is not just a land use; it provides the economic basis for the exercise of our Aboriginal and Treaty rights.	MFFN acknowledges the important role of land and water resources and associated hunting, fishing and trapping in the Traditional economy. The economic assessment will include considerations for the potential effects of the Project on Traditional / subsistence economies of Indigenous Communities. These effects will be assessed by evaluating predicted changes on the basis of the 'Economy' criterion (see Appendix A of the ToR). A commitment to assess potential effects of the Project to subsistence economies in the EA is also made in Section 9.1.1 of the ToR.	Section 9.1.1, pg. 77 Appendix A, pg. 6
AttaFN-22	<p>Section 7.2 (p. 65): The potential effects of the project to Indigenous Peoples' Rights and Interests (Table 4-6) should include:</p> <ul style="list-style-type: none">Changes in or loss of stewardship rights	MFFN acknowledges the importance of stewardship rights and right to decision-making to Attawapiskat First Nation. Changes in or loss of stewardship rights and the right to decision-making may be considered under the Changes to Cultural Traditions indicators of the Cultural Continuity criterion. MFFN is open to discussions with Attawapiskat First	Appendix A, pg. 1

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	<div>▪ Changes in or loss of the right to decision-making</div> <p>If the Marten Falls CAR project is approved, a cascade of road, forestry, and mining development will ensue, with irreversible consequences for our region. The consultation planned for this EA excludes neighbouring First Nations from decision-making over the pace and direction of development in Omushkegowuk territory. This is contrary to Article 32 of the UN Declaration on the Rights of Indigenous Peoples: "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."</p>	<p>Nation surrounding their views on stewardship rights and receiving information on any stewardship programs that may exist.</p> <p>In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. A community-specific consultation plan can be developed if of interest to the community.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Attawapiskat First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR.</p>	
AttaFN-23	Section 7.2.4 and 7.2.4.5 (p. 67): Gravel will be sourced from eskers and other deposits of glacial till that have potentially high chromium levels. The EA must consider how the facilities required to produce aggregate, the rock stockpiles, waste materials, and road construction will impact downstream levels of chromium and other metals. Attawapiskat First Nation has concerns about contamination of headwater streams and rivers by heavy metals including chromium.	As per Sections 7.2.4, 7.2.5 and 7.2.6 of the ToR, potential effects of aggregate extraction) will be identified in the EA. The Physiography, Geology, Geochemistry, Terrain and Soils program will assess the potential for acid rock drainage and metal leaching as result of the Project. The need for an Acid Rock Drainage / Metal Leaching Management Plan will be determined following the assessment of field data and completion of the baseline report. The EA will assess the potential effects of the Project on surface water, which will include looking at changes in quality (i.e., water chemistry).	Section 7.2.4, pg. 67 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68
AttaFN-24	Section 7.2.7 (p. 68): Attawapiskat First Nation requires that dustfall from aggregate mining and construction activities be examined as part of the EA' s investigation of impacts to air quality. Dustfall may be an important factor in driving caribou avoidance of industrial developments. Attawapiskat First Nation requires that the proponent design a rigorous monitoring plan for the dustfall resulting from rock crushing and construction activities on vegetation, snow, and waterways. We require information on how the proponent will ensure water quality when fine sediments run off into waterways during the road's construction and operation phases. There must also be a plan in place to monitor the impacts of dust to caribou and other wildlife.	<p>The EA will identify and assess potential effects of the Project on the atmospheric environment. Project activities that have the potential to affect local air quality during construction and operations are identified in Section 7.2.2 of the ToR, and includes suspended particulate from the operation of machinery and equipment, and vehicle movement along the CAR. The EA will also assess the effects of temporary infrastructure, including quarries, borrow areas and aggregate source areas. The potential indirect effects of the anticipated dust emissions from these activities on other environmental disciplines, including vegetation, wildlife, caribou and surface water will be identified and assessed in the EA.</p> <p>The ToR also commits to develop plans for environmental monitoring during the EA process (Section 9.2). Environmental monitoring will verify the potential environmental effects predicted in the EA, evaluate the effectiveness of impact management measures, identify the process MFFN will follow if impact management measures are not effective, and determine compliance with applicable environmental legislation, industry standards, permits and commitments made in the ToR, EA and <i>Environmental Assessment Act</i> approval. The need for specific monitoring activities will be informed by the results of the effects assessment and input received through consultation and engagement. Monitoring for air quality may be recommended.</p>	Section 7.2.2, pg. 66 Section 9.2, pg. 77 Commitment for EA
AttaFN-25	Section 7.2.8 (p. 69): Attawapiskat First Nation is concerned that this road project will have widespread consequences for caribou herds. The road location is in an ecologically sensitive area - the transition zone between the boreal shield and the Hudson Bay lowlands, which is of particular importance to caribou, wolverine and other species. The approach taken in this ToR (which is the plan for moving forward with baseline data collection in the EA) focuses on taking inventories of species and examining direct effects of the project on wildlife (such as the effect of vegetation clearing or water-taking on the availability of food and water for wildlife). This approach is deficient because it does not include changes to ranges and migratory routes, changes to predator-prey relationships, changes to food webs, and the intersection of these factors with climate change.	<p>Potential effects to habitat availability, distribution, species presence and population state, and predator-prey dynamics for both ungulates (e.g., Caribou) and fur bearers (e.g., Wolverine) will be assessed in the EA (Appendix A) and documented in the EA Report. This includes assessment of changes to ranges, migratory routes, and food sources.</p> <p>The potential effects of the Project on climate change, and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The proposed methods for climate change will be consulted on during the EA during the Effects Assessment Methods milestone.</p>	Appendix A, pg. 3 Appendix B, Section 4.1.7, pg. 22 Commitment for EA
AttaFN-26	Section 7.2.9 (p. 69): The analysis of potential effects of the project on fish habitat should include expert- based fish sustainability indices developed for lake sturgeon, walleye, brook trout, and lake whitefish. See: Chetkiewicz, C.-L.B., Carlson, M., O'Conn or, C.M., Edwards, B., Southee, F.M., and M. Sullivan. 2017. Assessing the Potential Cumulative Impacts of Land Use and Climate Change on Freshwater Fish in Northern Ontario. Wildlife Conservation Society Canada. Toronto, Canada.	MFFN appreciates Attawapiskat First Nation identifying the additional data source that could be used to inform potential effects of the Project on fish habitat. Although the data source identified in the comment has not been specifically referenced in the ToR or Appendix A of the ToR, it will be reviewed as applicable when identifying and assessing effects of the Project on fish and fish habitat during the EA.	Commitment for EA
AttaFN-27	Section 7.2.9 (p. 69-70): The analysis of effects on fish must include an analysis of downstream contamination by arsenic, selenium, mercury, and chromium. Attawapiskat First Nation relies on fish stocks downstream of the project area. We must have a full understanding of the projected bio-accumulation of these substances in fish.	The EA will identify and assess potential effects of the Project on surface and groundwater, which will include looking at changes in quantity (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly effect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock materials to produce acid-rock-drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). If construction of the CAR (e.g., ground disturbance or placement of	Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9, pg. 69 Commitment for EA

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		<p>materials) has potential to result in surface water and / or groundwater quality issues, impact management measures and monitoring measures will be identified.</p> <p>At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed.</p> <p>Additionally, the EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, such as fish, potential effects to human health from exposure to COPCs in country foods will be evaluated further as part of the HHRA.</p>	
AttaFN-28	<p>Section 7.2.10 (p. 70): The EA needs to consider the long-term, cumulative impacts of building all-season roads on the mixed (subsistence/wage) economies of Indigenous communities in the region. Economic effects to Attawapiskat First Nation are not limited to changes to the labour market.</p>	<p>MFFN acknowledges the important role of the Traditional economy. The economic assessment will include considerations for the potential effects of the Project on Traditional / subsidence economies of Indigenous Communities. These effects will be assessed by evaluating predicted changes on the basis of the ‘Economy’ criterion (see Appendix A of the ToR). A commitment to assess potential effect to subsistence economies in the EA is also made in Section 9.1.1 of the ToR.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable.</p>	<p>Section 9.1.1, pg. 77</p> <p>Appendix A, pg. 6</p>
AttaFN-29	<p>Section 8.2 (p. 73, Appendix A, p. 8 and Appendix E, p. 60-62): Attawapiskat First Nation is concerned that the proponent has not updated the indicators for impacts to caribou, to the full extent requested by the Ministry of Environment, Conservation and Parks (MECP) in its comments on the draft ToR. The MECP's list (Appendix E, p. 60-62) includes many indicators related to cumulative impacts and indirect effects that the proponent has chosen not to include in its list of indicators for caribou (Appendix A, p. 8).</p> <p>The proponent states (Appendix E, p. 60) that the proposed ToR has been updated to "include suggested criteria and indicators where appropriate." Attawapiskat First Nation requires that all of the MECP indicators be used. Ontario must ensure that the proponent does not pick and choose indicators so as to influence the analysis of indirect and cumulative effects.</p> <p>Furthermore, the MECP has indicated (Appendix D, p. 3 I) that when evaluating alternatives for provincially threatened or endangered species or their habitats, the tolerance of a habitat type to alteration must be taken into account , and both direct (e.g. habitat removal) and indirect (e.g. habitat fragmentation) should be assessed for each alternative. These requirements are not reflected in the Terms of Reference for this project.</p>	<p>Inputs received to date from Indigenous communities, agencies and interested persons through the Consultation and Engagement Program, including inputs received on the Draft ToR, have been used to inform the selection of criteria and indicators included in Appendix A of the ToR for ungulates (moose and caribou). MFFN is in consultation with the MECP regarding MECP's suggested criteria and indicators for assessing effects to ungulates. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. The final criteria and indicators will be based on input received through the consultation and engagement program, including Attawapiskat First Nation's comments on the ToR and ongoing discussions with the MECP.</p> <p>Per Section 7.2 of the ToR, the EA will identify and assess both direct and indirect effects of the Project. Appendix A of the ToR identifies habitat availability, cumulative range disturbance (including movement corridors) and the consideration of the density of linear and nonlinear disturbances as indicators that will be used to determine potential effects of the Project on ungulates. Assessment of these indicators captures potential effects resulting from habitat removal and fragmentation noted in Attawapiskat First Nation's comment.</p>	<p>Section 7.2, pg. 63</p> <p>Appendix A, pg. 3 to 4</p>
AttaFN-30	<p>Section 9 (p. 77): The ToR indicates that "MFFN will continue to share information on caribou and migration as it relates to the Project as it becomes available on an ongoing basis to neighbouring Indigenous communities and interested persons." Will the proponent request that general habitat mapping for caribou be done by the MECP, as the MECP has offered (Appendix D, p. 18)? Attawapiskat requests that MECP be involved in this mapping, and that MECP maps of anthropogenic and natural disturbances and caribou habitat (refuge habitat, winter habitat, etc.) be shared with Attawapiskat.</p>	<p>MFFN has requested general habitat mapping from the MECP and will be incorporating information informed by the mapping into the baseline reporting and effects assessment of the EA, as applicable. This information is subject to a sensitive data license between the MECP and MFFN. Attawapiskat First Nation is encouraged to engage with MECP directly regarding this request. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>Commitment for EA</p>
AttaFN-31	<p>Section 9 (p.77): Attawapiskat expects that the proponent will use Ontario's Caribou Screening Tool reports to assess cumulative impacts of the project. The analysis of cumulative impacts to caribou must include the impact of projects that are reasonably foreseeable if the Marten Falls CAR is approved: (1) construction of upgrades to the Anaconda/Painter Lake Forestry Road; (2) construction and operation of the Northern Road Link; (3) a potential East-West Road; (4) the Eagle ' s Nest Mine; (5) mining activities associated with the following deposits: Black Thor, BlackBird, Big Daddy, Black Label; (6) increased winter road traffic during Operations and Maintenance by future mining proponents and (7) advanced mineral exploration activities in the Ring of Fire area.</p>	<p>The Ontario Caribou Screening Tool will be used to assess past, present, and future effects (including cumulative impacts) of the Project. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate (Canadian Environmental Assessment Agency 2018b). The list of projects provided by Attawapiskat First Nation in this comment will be considered for inclusion in the assessment of cumulative effects in the EA.</p>	<p>Section 7.2, pg. 65</p> <p>Section 10.2.4, pg. 100</p> <p>Commitment for EA</p>
AttaFN-32	<p>Section 11 (p. 102): Attawapiskat First Nation requires information on when exactly we will have an opportunity to comment on assessment methods during the EA. Specifically, we request information on how Indigenous communities will be able to comment on assessment methods when the workplan for the EA has been written and while studies are already underway.</p> <p>As the MECP has commented (Appendix E, p. 17): " While it is appropriate to defer some detailed work planning to the EA phase , the ToR should include commitments for how technical reviewers, and other interested persons, will be consulted during the development of specific evaluation methodologies or technical work plans. It is strongly</p>	<p>MFFN will consult with Attawapiskat First Nation on assessment methods to better understand Attawapiskat First Nation's concerns and obtain feedback and input on the proposed methods. Consultation and engagement is planned to be undertaken during the consultation milestone Effects Assessment Methods identified in Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). The timing of consultation and engagement for this milestone is anticipated to be conducted between Summer 2021 to Fall 2021 to obtain feedback on the following components of the assessment methods:</p>	<p>Appendix B, Table 4-2, pg. 22</p>

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	<p>recommended that those opportunities for review occur prior to the completion of studies.... It is not clear whether MFFN plans to consult on the more detailed methodology and criteria during the EA phase or if the ToR phase is the main opportunity to provide input." Attawapiskat First Nations shares this concern.</p> <p>The proponent did not respond in a meaningful way to this comment from the MECP in Appendix E, saying only that the criteria and indicators in the ToR have been updated and may continue to be updated. Attawapiskat First Nation requests a detailed response from the proponent to the issue raised by the MECP above.</p>	<ul style="list-style-type: none">▪ Consultation and engagement approach;▪ Planned baseline field studies;▪ Existing conditions and results of baseline field studies completed;▪ EA / IA process; and▪ Local and regional study areas, Project phases, criteria and indicators, Project-environment interactions and net effects. <p>The purpose of collecting this information is to gather input and feedback prior to the undertaking the assessment of Project effects. The assessment methods will be updated based on the input received through consultation and engagement, where appropriate.</p> <p>Attawapiskat First Nation will be notified throughout the EA of the specific timing of consultation and engagement for each milestone. This consultation is anticipated to be conducted primarily through:</p> <ul style="list-style-type: none">▪ Notifications;▪ Engagement of Community Coordinators;▪ Holding discussions / meetings;▪ PICs (in-person and / or virtual);▪ Plain language Project updates;▪ Key informant interviews;▪ Website updates;▪ Newsletter and email updates; and▪ Social media updates.	
AttaFN-33	<p>Section 11 and Appendix B (p. 33): Again, there is no clear connection between the Planned Consultation Activities and the Targeted Input listed in Table 4-2, Appendix B. How and when will Attawapiskat First Nation receive information, and what type of information will Attawapiskat First Nation receive, in order to be able to meaningfully comment on the EA study as it is unfolding?</p>	<p>Section 11 of the ToR is a condensed version of the EA / IS Consultation and Engagement Plan and mirrors the same information. Attawapiskat First Nation will receive Project statutory notices at key milestones via registered mail and email. The first notice will be the Notice of Commencement for the EA. Information related to upcoming consultation opportunities to receive targeted input outlined in Table 4-2 will be provided directly to Attawapiskat First Nation with advanced notice. The list of activities outlined in Table 4-1 are a broad range of activities that demonstrate ‘how’ Attawapiskat First Nation may receive information. The anticipated timing column in Table 4-2 shows when Attawapiskat First Nation can expect to receive information and be provided with opportunity to provide targeted input related to each milestone. MFFN will keep Attawapiskat First Nation up to date well in advance of the milestone end dates and to notify of upcoming consultation and engagement opportunities.</p> <p>MFFN will also be reaching out to hire a local Community Coordinator who will be the primary contact for Attawapiskat First Nation and act as a liaison to provide coordination between Attawapiskat First Nation and MFFN during the EA, including advising on appropriate ways to engage with Attawapiskat First Nation.</p>	<p>Section 11, pg. 102-110</p> <p>Appendix B, Section 4.1.5, Table 4-1, pg. 18-19</p> <p>Appendix B, Section 4.1.7, Table 4-2, pg. 22-24</p> <p>Commitment for EA</p>
Constance Lake First Nation – December 18, 2020			
CLFN-1	<p>Constance Lake First Nation (CLFN) continues to experience ongoing challenges regarding participation in this EA, further compounded by the global pandemic and community access/gathering restrictions. CLFN declared a State of Emergency on March 17, 2020 in response to the global pandemic; this declaration is still in-place. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and CLFN was able to commit the resources and thoughtful reflection required on the engagement methods required to meaningfully participate. While provincial funding support has been received for our involvement in this EA, the timelines and pandemic restrictions have not allowed for CLFN to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process. We understand that our concerns are shared with our neighbouring communities, and we are jointly frustrated that this process is advancing despite the unprecedented circumstances we all find ourselves in. This does not feel like a community-led process.</p>	<p>Marten Falls First Nation (MFFN) received a letter from Constance Lake First Nation on July 22, 2020 regarding ongoing capacity and engagement / consultation challenges due to the State of Emergency and COVID-19. MFFN responded to this letter on August 10, 2020. As a high-level summary of the response letter, MFFN noted that MFFN appreciates Constance Lake First Nations’ participation to-date and review and feedback on the draft Terms of Reference (ToR) and community-specific Record of Consultation.</p> <p>Regarding the Environmental Assessment (EA) being put on hold, we note that the provincial EA has not yet commenced as it requires first provincial approval of the ToR. MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Constance Lake First Nation and act as a liaison to provide coordination between Constance Lake First Nation and MFFN during the EA, including advising on appropriate ways to engage with Constance Lake First Nation during COVID-19.</p> <p>In light of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with extra time to review documentation and provide comments. An additional opportunity for Constance Lake First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p>	<p>Commitment for EA</p>
CLFN-2	<p>We respect the need for Marten Falls First Nation to advance on this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; CLFN completed an internal high-level review of the ToR documentation and hosted two small community</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Constance Lake First Nation, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.</p>	<p>Section 10.1, pg. 78</p> <p>Section 11.1, pg. 102</p> <p>Appendix B, Section 2.1, pg. 8</p>

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	engagement sessions prior to reinstating a full lockdown on all gatherings earlier this month. CLFN looks forward to receiving responses from the Ontario Ministry of the Environment, Conservation & Parks and the Marten Falls Community Access Road team regarding these comments and future plans for meaningful and appropriate community engagement and consultation.		
CLFN-3	<p>Restrictive Timelines & Capacity</p> <p>CLFN does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While CLFN has made all efforts to be engaged and informed on this project (including hosting two small community engagement sessions with the assistance of Four Rivers (our technical services group)), our Lands & Resource department does not have dedicated internal staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Efforts were made to conduct an additional small engagement session with the MFCAR team earlier this month, however this session had to be cancelled due to elevated restrictions on community gatherings. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances and during a declared community State of Emergency.</p>	<p>MFFN understands the difficult challenges faced by many communities regarding the global pandemic and inability to gather community members, particularly youth and Elders.</p> <p>As noted in the response to CLFN-1, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Constance Lake First Nation and act as a liaison to provide coordination between Constance Lake First Nation and MFFN during the EA, including advising on appropriate ways to engage with Constance Lake First Nation during COVID-19.</p> <p>It is MFFN's hope that the postponed meeting is rescheduled when Constance Lake First Nation is available to meet, and an appropriate path forward that suits the needs of Constance Lake First Nation for consultation and engagement is determined. A community-specific consultation plan can also be developed if that is of interest.</p>	Commitment for EA
CLFN-4	<p>Indigenous Knowledge Program</p> <p>CLFN would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the Indigenous Knowledge (IK) Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN looks forward to continued consultation with Constance Lake First Nation and your participation in the Indigenous Knowledge Program.</p>	Section 3.4.2.1, pg. 11
CLFN-5	<p>Technical Clarifications</p> <p>In Table 10-1 and Appendix C Table 1-1, under Tribal Council Affiliation for CLFN, our tribal council's appropriate name is 'Matawa First Nations Management'. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation.</p>	<p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	Commitment for EA
CLFN-6	<p>Record of Consultation</p> <p>No further comments at this time. Note that CLFN's State of Emergency declared on March 17, 2020 (referenced in Appendix C, page 59) is ongoing.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p>	Appendix C, Section 3.1, pg. 46 to 64
CLFN-7	<p>Community Priorities</p> <p>Environmental protections: Water, traditional land use and wildlife are of primary importance to CLFN. Stringent measures must be in-place throughout the project life to protect the waters, fish, land, animals (notably moose, caribou, bats, and wolverine) and air quality surrounding the project and associated watersheds. A rigorous environmental monitoring program is also necessary throughout the life of the project. CLFN is concerned about the potential long-term impacts of the project to traditional livelihoods.</p> <p>"When they make a road, all the water bodies, how will they control the pollution? Because it is the water that helps me get to where I need to be, to collect my fish and hunt my moose. I just want to know if they're going to be okay."</p> <p>"We use the animals and fish, that is our livelihood. They have to be careful... we rely on those animals annually."</p> <p>"Water is the most important. Water resources are needed for our future generations."</p>	<p>MFFN acknowledges Constance Lake First Nation's concerns about the potential effects to waters, fish, land, wildlife and air quality and agrees that it is important to protect them. Traditional use of land and resources (Section 7.2.1), air quality (Section 7.2.2), land (Section 7.2.4), surface water (Section 7.2.5), groundwater (Section 7.2.6), wildlife, including moose and caribou (Section 7.2.8) and fish and fish habitat (Section 7.2.9) are all identified within the ToR for assessment of effects during the EA.</p> <p>As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / Impact Statement (IS) Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones "Effects Assessment Methods," "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Constance Lake First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. In addition, the Indigenous Knowledge Program provides additional opportunities for information on Constance Lake First Nation's traditional livelihoods to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Constance Lake First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p>	<p>Section 7.2.1, pg. 65</p> <p>Section 7.2.2, pg. 66</p> <p>Section 7.2.4, pg. 67</p> <p>Section 7.2.5, pg. 67</p> <p>Section 7.2.6, pg. 68</p> <p>Section 7.2.8, pg. 69</p> <p>Section 7.2.9, pg. 69</p> <p>Section 8, pg. 72</p> <p>Section 9, pg. 76</p> <p>Commitment for EA</p>
CLFN-8	<p>Community Priorities</p> <p>Cultural & spiritual significance of the lands and waters:</p> <p>"Our life, spirituality, traditional medicines, animals, birds, little bugs and insects, all water animals, rivers and lakes and a lot more, we are all connected, we need the land and wildlife to be free of pollution."</p> <p>Indigenous Knowledge (IK) data gathering and mapping efforts need to be completed to ensure that conversations surrounding the potential impacts of the project to CLFN's homelands and traditional values are understood and accommodated in this project EA.</p>	<p>MFFN acknowledges the cultural and spiritual significance of healthy lands and waters to Constance Lake First Nation and the interconnectedness of the natural and human environments. The EA will include an assessment of potential effects of the Project on the social, cultural, economic, built and natural environments, thereby capturing Constance Lake First Nation's interest in effects to the land, water, air, plants and wildlife.</p> <p>The Project's Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to Constance Lake First Nation's inputs on the Draft Indigenous</p>	<p>Section 3.4.2.1, pg. 12</p> <p>Commitment for EA</p>

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	<ul style="list-style-type: none">On page 49/50, the list of herptile species of should be expanded to include the painted turtle (Chrysemys picta), since we have observed them near Hearst and have knowledge of incidental occurrences as far north as Nakina.	<p>Knowledge Sharing Agreement that has been shared, and to Constance Lake First Nation's participation in the Indigenous Knowledge Program. Further information on the Indigenous Knowledge Program is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Constance Lake First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>Thank you for identifying the presence of Painted Turtle. This information has been noted so that, moving forward, it can be included in Project documentation (e.g., the EA Report).</p>	
CLFN-9	<p>Community Priorities</p> <p>Meaningful engagement: CLFN's internal communication and engagement processes must be respected, with full-community involvement necessary in all decision-making. CLFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members (especially Elders).</p>	<p>MFFN understands that many communities, including Constance Lake First Nation, are experiencing challenges related to the global pandemic, limited resources, consultation fatigue, conflicting priorities and confusing overlap and deadlines between different projects. Section 10 of the ToR is related to consultation activities that have already taken place. These challenges will be top of mind for MFFN when the consultation program for the EA is commenced which is outlined in Section 11 of the ToR (and the corresponding EA / IS Consultation and Engagement Plan).</p> <p>MFFN understands that online engagement is only one piece of the puzzle and can sometimes be limited in reach. MFFN needs to work together with Constance Lake First Nation to determine the best path forward for consultation and engagement with all community members. As noted in the EA / IS Consultation and Engagement Plan, there are more activities offered than online engagement, including teleconferences and potential small in-person meetings that adhere to physically distant protocols (and do not require an internet connection). Flexibility and adaptability are key, and developing a community-specific consultation and engagement plan is offered if Constance Lake First Nation is interested. MFFN will be hiring a local Community Coordinator and it is anticipated that this role will also help in planning and coordinating consultation and engagement efforts that meet the needs of the community.</p>	<p>Section 10, pg. 78 to 101</p> <p>Section 11.6, pg. 105 to108</p> <p>Appendix B, Section 4.1.5, pg. 19</p>
CLFN-10	<p>Community Priorities</p> <p>Transparency in relationships and discussions: CLFN has been involved in discussions surrounding the future development in the Ring of Fire for over a decade, and many community members are keen to understand the agreements, relationships and motivations behind all involved parties (proponent, provincial government, federal government, neighbouring First Nations and industry) in this project. There is a need for all involved groups to come together and communicate about the project in a holistic manner, so that all concerns and apprehensions might be addressed. Clarification is also required on Aroland First Nation's involvement, since the road crosses their immediate homelands and it is understood that they are undertaking road improvements on the current forestry roads which connect to this project.</p>	<p>Future development to the Ring of Fire, as well as Aroland First Nation's involvement in road improvements is outside the scope of what MFFN is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the Community Access Road (CAR) as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the upgrades to Painter Lake Road and Anaconda Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p>	<p>Section 7.2, pg. 65</p>
CLFN-11	<p>Community Priorities</p> <p>Interest in a regional approach: As affirmed in the Mamow-Wecheekapawetahteewinn (Unity Declaration, 2011), the nine Matawa member First Nations, connected through our language, cultural, social and economic interests, all live and rely upon the lands, water and resources entrusted to us by the Creator. CLFN would like to work together with Marten Falls First Nation and all Matawa member First Nations to collectively discuss this project, the EA and future development in the Ring of Fire. While it is understood that the federal government is advancing plans for a Regional Assessment centered on the Ring of Fire area, CLFN would like the Matawa member First Nations to come together to discuss areas of mutual interest and concern, recognizing the importance of unity.</p> <ul style="list-style-type: none">CLFN would also like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. CLFN has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, caribou, wolverine, bats and sturgeon) will help ensure that data collection efforts are holistic and relevant to all communities in the area.	<p>MFFN acknowledges the importance and value of the lands, water and resources that Matawa member First Nation rely upon. MFFN would be happy to meet with Constance Lake First Nation and other Matawa member First Nations to discuss the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. Therefore, in the context of the cumulative effects assessment for the Project, future development in the Ring of Fire can also be discussed (e.g., identification of other projects to be considered in the cumulative effects assessment, potential effects and impact management measures).</p> <p>MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Follow-up monitoring measures will be consulted on during the milestones Effects Assessment Methods, Identification of Preferred Alternatives, and Review of Draft EA / IS. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies, characterize existing conditions, recommend impact management measures and identify opportunities for Indigenous peoples during development of the Project. In addition, the results of field studies will be</p>	<p>Appendix B, Section 4.1.7, pg. 22 to 23</p>

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		<p>shared throughout the EA, and will be documented in the EA Report.</p> <p>The MFFN Project Team will share Constance Lake First Nation’s comment regarding the desire for complementary data collection and monitoring between communities as part of broader regional initiatives, which are outside the scope of this Project, with MFFN Chief and Council.</p>	
CLFN-12	<p>Community Priorities</p> <p>Transportation: CLFN understands that the project will lead to increased traffic through CLFN’s homelands in the future, most notably once a connection is established to the Ring of Fire through the Northern Road Link. CLFN needs to understand potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership. Increased traffic on waterways is also of concern; how will roads/bridges be designed to ensure they are still navigable?</p>	<p>The EA will assess the potential effects of the Project due to traffic related incidents on the CAR during the operations and maintenance phase. The ToR has identified in Appendix A vehicular accidents as a potential indicator of personal safety to be assessed in the EA. The safety features of the Project will be addressed through the design and engineering of the road.</p> <p>Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>Navigability of watercourses is governed by Transport Canada guidelines and is typically considered during site-specific design of watercourse crossings. Where possible, bridges will be designed to avoid effects to waterway navigability. Additional information on water crossing and potential effects to navigability will be provided in the EA.</p>	<p>Section 7.2, pg. 65</p> <p>Appendix A, pg. 7</p> <p>Commitment for EA</p>
CLFN-13	<p>Community Priorities</p> <p>Improved communications and partnerships with neighbouring First Nations: CLFN views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions and communications with our neighbours.</p>	<p>A primary objective of the EA process is to effectively communicate information about the Project, and to consult with those who may be potentially affected by or have an interest in it. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with interested persons, including Constance Lake First Nation and Matawa First Nations, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.</p>	<p>Section 10.1, pg. 78</p> <p>Section 11.1, pg. 102</p> <p>Appendix B, Section 2.1, pg. 8</p>
CLFN-14	<p>Community Priorities</p> <p>Increased hunting: CLFN is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic and tourism in the North. How will increased access by the road impact moose populations?</p>	<p>Section 7.2.8 of the ToR indicates that potential effects to wildlife (including moose) as a result of the Project will be identified and assessed in the EA. Potential effects to moose due to increased human traffic and tourism will be assessed in the EA by considering how Project activities, such as those listed below, may affect moose population and behaviours:</p> <ul style="list-style-type: none">Noise, lights, and human presence have the potential to change wildlife behaviour through disturbance or attraction of wildlife;Operation of the CAR may result increased risk of mortality of wildlife species through vehicular collisions; andThe CAR will provide year-round access to the Far North, which may increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight-lines along linear corridors, a change to seasonal migration pathways, higher risk of the introduction of invasive species, parasites and disease, and the accidental release of contaminants to the environment. <p>Additionally, the EA will consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. Furthermore, Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.</p> <p>MFFN will contact Constance Lake First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p>	<p>Section 7.2.1, pg. 66</p> <p>Section 7.2.8, pg. 69</p> <p>Commitment for EA</p>
CLFN-15	<p>Community Priorities</p> <p>Protections for Species at Risk: CLFN is concerned that provincial legislation intended to protect species at risk in Ontario (including caribou and bats) is not being upheld in practice. These concerns are further emphasized through Ontario’s recent changes weakening provincial environmental legislation, including changes related to trapping and the Far North Act. CLFN expects to see the highest level of environmental protections and monitoring in-place throughout the life of this project and all projects in northern Ontario.</p>	<p>MFFN acknowledges Constance Lake First Nation’s concerns about the potential effects to Species at Risk (SAR). Recognizing the importance of SAR, Appendix A of the ToR includes SAR as criteria for the Vegetation, Wildlife, and Fish and Fish Habitat disciplines.</p> <p>As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones “Effects Assessment Methods”, “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. MFFN will engage with Constance Lake First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs.</p> <p>Changes to provincial legislation is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>Appendix A, pg. 2 to 5</p> <p>Section 8, pg. 72</p> <p>Section 9, pg. 76</p> <p>Commitment for EA</p>
CLFN-16	<p>Community Priorities</p>	<p>Section 7.2.1 of the ToR indicates that the “Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources.” Water resources is inclusive of springs, aquifers</p>	<p>Section 5.2.1.2, pg. 16</p>

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	<p>Fish populations: CLFN would like to understand how the proposed corridor (and resulting increase in traffic/tourism) could impact fish populations in the area (both during construction and long-term operations). Details on how watersheds are connected surrounding the local study area, and which waterways extend into CLFN's homelands are also required.</p> <ul style="list-style-type: none">CLFN would also like to understand the potential long-term impacts of road operations on groundwater (page 68), natural springs, aquifers, and surface water flow restrictions from alterations such as culvert installations (page 67).	<p>and surface water features. The EA will document existing conditions, including information on watersheds and waterways within the study area for the Project.</p> <p>MFFN acknowledges Constance Lake First Nation's concerns for potential effects of the Project on fish and water resources, and will identify and assess potential effects of the Project on fish and fish habitat (Section 7.2.9), surface water (Section 7.2.5) and groundwater (Section 7.2.6) in the EA. The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly affect fish and fish habitat. The Project activities, outlined in Section 5.2.1 of the ToR, includes culvert installations for assessment of potential effects in the EA.</p> <p>MFFN acknowledges that increased access and increased human traffic / tourism may arise in the future if the CAR is constructed. Section 7.2.9 of the ToR states that "(t)he CAR will provide year-round access to the Far North, which is likely to increase access to waterbodies for recreational use. This has the potential to result in an increase in angling pressure to fish populations, higher risk of the introduction of invasive aquatic species, parasites and disease, and the accidental release of contaminants to waterbodies". The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. The findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.</p>	<p>Section 7.2.1, pg. 66</p> <p>Section 7.2.5, pg. 67</p> <p>Section 7.2.6, pg. 68</p> <p>Section 7.2.9, pg. 70</p>
CLFN-17	<p>Community Priorities</p> <p>Aggregate resources: CLFN would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited along the proposed corridor route.</p>	<p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p>	<p>Section 6.3, pg. 22</p> <p>Section 5.2.2, pg. 20</p> <p>Section 7.1.4.4, pg. 44</p>
CLFN-18	<p>Community Priorities</p> <p>Forestry: CLFN would like to understand how lumber that is cleared during construction will be handled, and what the potential impacts of increased access to the north will have on the forestry industry.</p>	<p>Section 5.2.2 of the ToR identifies how timber will be handled during the Project:</p> <p>Usable timber will be segregated and collected for reuse. Timber and materials that would typically be considered unusable may also be stockpiled to restore areas temporarily disturbed during construction. All other unusable timber and material will be collected and burned at designated sites. When on Crown land, forest resources licencing requirements will be adhered to.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p>	<p>Section 5.2.2, pg. 20</p> <p>Section 7.2.10, pg. 70</p>
CLFN-19	<p>Community Priorities</p> <p>Eventual connection to the Ring of Fire: Since discussions are advancing on the Northern Road Link project, which will inevitably support future mining developments in the Ring of Fire, CLFN would like to have a better understanding of the potential future cumulative effects of such developments on CLFN's homelands.</p>	<p>An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Constance Lake First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative</p>	<p>Section 7.6, pg. 65</p> <p>Appendix B, Table 4-2, pg. 23</p> <p>Commitment for EA</p>

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		effects assessment.	
CLFN-20	Community Priorities Climate change considerations: Since the future decommission of the project is not going to be planned/considered, it is important that the EA discuss how the project construction will accommodate future climate change realities, most notably with greatly fluctuating seasonal temperatures, rainfall events and wildfires. CLFN would also like more information on how carbon sinks (peatlands and forested lands) will be impacted by the development, and how the potential value of future carbon credits in the region might be impacted.	The potential effects of the Project on climate change (ToR Section 7.2.2), and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the climate change assessment will also be assessed per the requirements set out in Sections 15.5 and 23.2 of the Tailored Impact Statement Guidelines developed by the Impact Assessment Agency of Canada. A Climate Change Resilience Assessment will be undertaken to assess the potential effects of climate change, such as climate change effects on temperatures patterns and seasonality, including the onset of freeze / thaw events and changes in freeze / thaw cycles, will be evaluated for their effects on the Project and the Project's surrounding physical environment. The proposed methods for climate change will be consulted on during the EA during the Effects Assessment Methods milestone.	Section 7.2.2, pg. 66 Appendix B, Section 4.1.7, pg. 22 Commitment for EA
CLFN-21	Community Priorities Policy/regulation: CLFN would like to understand how different regulations, including those related to Provincial Parks or protected conservation areas, will apply to the proposed project. CLFN would also like to understand how future community regulations exercising Indigenous Rights in our homelands will apply to/be impacted by the project, such as hunting restrictions on valued species.	The ToR provides preliminary information about how different regulations apply to the Project in Sections 3.1, 3.2, 3.3 and 13. This included identification of the Ministry of the Environment, Conservation and Parks <i>Provincial Parks and Conservation Reserves Act, 2006</i> / Provincial Parks and Conservation Reserves Class EA. It is MFFN's understanding (based on Comment ID MECP-24) that the current Provincial Parks and Conservation Reserves Class EA will continue to provide coverage for this Project as no replacement policy / procedure has been established to date as a result of the 2020 amendments to the Ontario <i>Environmental Assessment Act</i> . The EA will provide additional information about the regulations applicable to the Project as more information becomes available and permitting / approval requirements are confirmed. MFFN will consult with Constance Lake First Nation during the EA to discuss regulations that may be applicable to the Project.	Section 3.1, pg. 5 Section 3.2, pg. 6 Section 3.3, pg. 6 Section 13, pg. 112 to 114 Commitment for EA
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CLFN-22	CLFN continues to experience ongoing challenges regarding participation in this EA, further compounded by the global pandemic and community access/gathering restrictions. Consultation efforts surrounding this project should have been put on-hold until after the global pandemic has subsided, since participation respectful of our community protocols is still impossible at this time. Putting our community members at risk for engagement on these documents has not been an option, and virtual engagement still presents a challenge surrounding internet speeds and capacity. This is an extremely large project with regional implications, opening up and permanently changing the face of northern Ontario; the EA process should be respectful of that scope. CLFN would appreciate information on how other First Nations across the region are managing to participate; are there measures of community satisfaction in their ability to participate in consultation efforts to date? Are they satisfied that they are being properly consulted and accommodated?	The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. We acknowledge your concerns with continuing the ToR process during the pandemic, but maintain that there will remain opportunities to inform the EA / IA beyond the ToR process and are committed to creating these opportunities. If the number of COVID-19 cases continues its current downward trend, we anticipate the province will reopen in September, and given public health guidelines as well as the policies of your community, we would like to meet at that time to further discuss the Project. Although we have not been able to meet in person during the pandemic, we have appreciated the high level of interaction and comments received from Constance Lake First Nation. Some communities have been able to meet with the Project Team via teleconference and others have indicated an inability to meet and engage adequately until face-to-face meetings can take place.	N/A
CLFN-23	In spite of these challenges, and the challenges experienced by our neighbouring First Nations, participation in this technical process needs to continue in order to ensure that CLFN members have a voice at the table. Ideally, the comment responses provided by the Proponent and Province would have been presented to engaged CLFN community members, reviewed/discussed thoroughly as a group, with further comments gathered and provided back to the MOECP in response. The following comments are provided following a limited internal review of the technical information, in respect of the need for Marten Falls First Nation to advance on this project for the betterment of their people and community.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
CLFN-24	CLFN-1: While CLFN appreciates the efforts provided through extended review timelines, the core capacity challenges presented by the pandemic remain a hindrance to CLFN's full and proper engagement and consultation on this project. This barrier will not be overcome until the pandemic subsides and the current State of Emergency is lifted.	The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. We acknowledge your concerns with continuing the ToR process during the pandemic, but maintain that there will remain opportunities to inform the EA / IA beyond the ToR process and are committed to creating these opportunities. If the number of COVID-19 cases continues its current downward trend, we anticipate the province will reopen in September, and given public health guidelines as well as the policies of your community, we would like to meet at that time to further discuss the Project. Although we have not been able to meet in person during the pandemic, we have appreciated the high level of interaction and comments received from Constance Lake First Nation.	N/A
CLFN-25	CLFN-2: Response is adequate.	N/A	N/A
CLFN-26	CLFN-3: Response is adequate. CLFN would like to further discuss options surrounding the development of a community-specific consultation plan.	Thank you for indicating interest in a consultation plan tailored for Constance Lake First Nation. MFFN will contact Constance Lake First Nation to discuss the development of a custom plan.	Commitment for EA

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CLFN-27	CLFN-4: Response is adequate.	N/A	N/A
CLFN-28	CLFN-5: Response is adequate.	N/A	N/A
CLFN-29	CLFN-6: Response is adequate.	N/A	N/A
CLFN-30	CLFN-7: CLFN would like to acknowledge the efforts of the MFCAR team to engage CLFN in the IK Program, and appreciates their ongoing patience during these unprecedented times.	Thank you. MFFN looks forward to continuing our relationship with Constance Lake First Nation throughout the Indigenous Knowledge Program.	N/A
CLFN-31	CLFN-8: Response is adequate.	N/A	N/A
CLFN-32	CLFN-9/Meaningful Engagement: Response is adequate.	N/A	N/A
CLFN-33	CLFN-10: Proponent response is adequate. Ontario response is outstanding and cannot be commented on at this time.	N/A	N/A
CLFN-34	CLFN-11: CLFN appreciates MFFN's acknowledgement and openness to meet with all Matawa member First Nations on this project and remains open to future invitations to such an event. Further clarity is required surrounding the response to CLFN's request for opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts within the region. CLFN would like further information on capacity building support surrounding monitoring efforts on aligned species of interest, with the goal of contributing to mutually beneficial data collection in priority areas.	<p>As noted in the previous response, MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Follow-up monitoring measures will be consulted on during the milestones Effects Assessment Methods, Identification of Preferred Alternatives, and Review of Draft EA / IS. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies, characterize existing conditions, recommend impact management measures and identify opportunities for Indigenous peoples during development of the Project. In addition, the results of field studies will be shared throughout the EA and will be documented in the EA Report.</p> <p>As noted in the previous response, complementary data collection and monitoring between communities are outside the scope of this Project. The MFFN Project Team suggests that Constance Lake First Nation connect with the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry and the federal Impact Assessment Agency of Canada about any future opportunities to support capacity building, data collection and monitoring in the area.</p>	
CLFN-35	CLFN-12: Response is adequate.	N/A	N/A
CLFN-36	CLFN-13: Response is adequate.	N/A	N/A
CLFN-37	CLFN-14: Response is adequate.	N/A	N/A
CLFN-38	CLFN-15: Proponent response is adequate. Ontario response is outstanding and cannot be commented on at this time.	N/A	N/A
CLFN-39	CLFN-16: Response is adequate.	N/A	N/A
CLFN-40	CLFN-17: Response is adequate.	N/A	N/A
CLFN-41	CLFN-18: Response is adequate.	N/A	N/A
CLFN-42	CLFN-19: Response is adequate.	N/A	N/A
CLFN-43	CLFN-20/Climate Change: Response is adequate. It is expected that the additional comments and proponent responses provided in March/May 2021 will be reflected on the official record.	The additional comments made by Constance Lake First Nation and Marten Falls First Nation's responses will be reflected in the comments recorded on the Project.	N/A
CLFN-44	CLFN-21/Designated Protection Zone: Response is adequate.	N/A	N/A
CLFN-45	Caribou Baseline Study: CLFN looks forward to the planned virtual information session to be focused on the moose and caribou study programs. To further clarify on the verbal comments provided in February 2021, when forestry activities are planned in the CLFN homelands, the 'caribou mosaic' and 'caribou line' often modify/impact plans. CLFN would like to know how planning for the road development is going to accommodate such restrictions, as well as those outlined in the provincial caribou strategy?	<p>MFFN understands that Constance Lake First Nation is developing a community-based land use plan. MFFN cannot speak to how the 'Forest Management Guidelines for the Conservation of Woodland Caribou' modify or impact community-based land use plans and how designated protection zones identified within the community-based land use plan are taken into account in forestry activities. However, if MFFN is given access to Constance Lake First Nation's land use plan, it would be considered.</p> <p>Planning for the Project will consider the provincial and federal approach to caribou habitat protection. Habitat categorization / zones for caribou in the study area follows those provided in the General Habitat Description (GHD) for the Forest dwelling Woodland Caribou (<i>Rangifer tarandus caribou</i>) (MNRF 2013). The GHD classifies habitat into three categories:</p> <ul style="list-style-type: none">Category 1: features or areas that have the lowest tolerance to alteration before their function or usefulness is compromised;Category 2: features or areas that have moderate tolerance to alteration before their function or usefulness is	Commitment for EA

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		<p>compromised; and</p> <ul style="list-style-type: none">Category 3: features or areas with the highest tolerance to alteration before their function or usefulness is compromised. <p>Category 1 areas include winter use, nursery areas and travel corridors and play an important role in both the caribou life cycle and seasonal use requirements. These areas have the lowest tolerance to disturbance. The spatial files for caribou GHD were acquired from the MECP and will be spatially analyzed in relation to the Project route alternatives, the local study area (LSA), and regional study area (RSA), which considers the Nipigon, Missisa, Ozhiski and Pagwachuan ranges,) to gain an understanding of how the Project may affect each category type at varying spatial scales. The three categories of habitat have different construction restrictions (e.g., timing windows), which will be followed by the Project.</p> <p>In addition, radio collars were deployed on 30 adult female caribou in February 2021. The radio collars will provide three years of baseline data that will be used during the effects assessment and post-construction monitoring phases of the Project to predict and examine changes in habitat selection, movement, and seasonal use as a function of distance to the proposed disturbance(s) from the Project, and with respect to the spatial organization of provincially delineated Category 1, 2, 3 habitat.</p> <p>The data from these collars can also be used by the Province to update the delineation of their GHD, if new data shows a different pattern of habitat use than the 2009-2011 collar data that was used to inform the current delineation of Category 1, 2, 3 habitat.</p>	
CLFN-46	Regional Assessment: Response is adequate and should be reflected in the official record.	The comments made by Constance Lake First Nation and Marten Falls First Nation's responses will be reflected in the comments recorded on the Project.	N/A
Fort Albany First Nation – December 15, 2020			
FAFN-1	The project is located to the west of FAFN's reserve lands, and intersects with the Albany River system which is one of the most vital features of our Territory and is central to our traditional way of life. The project has the potential to significantly impact our Territory; Inherent, Aboriginal, and Treaty rights; and interests.	Marten Falls First Nation (MFFN) acknowledges Fort Albany First Nation's concerns about the potential impact to the Albany River system. Fort Albany First Nation is encouraged to share information on the Albany River that could be used in the Environmental Assessment (EA). MFFN will consult with Fort Albany First Nation to better understand concerns about the potential effects to the Albany River system and related impacts to Fort Albany First Nation's Aboriginal and Treaty rights and interests. The Indigenous Knowledge Program also provides opportunities for this information and any relevant Indigenous Knowledge and / or information on Indigenous land and resource use and cultural values to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 3.4.2.1, pg. 11 Section 7.2.5, pg. 67
FAFN-2	Need for the cumulative effects assessment to consider the potential induced effects of the Project, such as accelerated mineral exploration and development of in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure;	<p>MFFN acknowledges that increased access and future development opportunities may arise in the future if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the EA will consider the potential effects of the Project due to:</p> <ul style="list-style-type: none">Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods.Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access.Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. <p>Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse</p>	Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.10, pg. 70

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		<p>Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p>	
FAFN-3	Need for further project details (e.g. number of anticipated vehicles and number of construction fronts);	The Project is currently in the early planning phase; therefore, specifics such as the number of construction fronts and number of vehicles that will use the CAR have not yet been determined. The number of construction fronts will depend on several considerations including site access, time of year and available funding. Therefore, where uncertainty exists, a precautionary approach will be applied generally, and specifically to the number of construction fronts assumed in the effects assessment. The number of vehicles will be determined during the EA and documented in the EA Report along with other anticipated vehicle use information that can be reasonably obtained. MFFN understands that the number of construction fronts and number of vehicles that use the CAR could affect the prediction of potential Project effects, and therefore will include a conservative estimate of both numbers in the EA.	Commitment for EA
FAFN-4	Need to indicate plans to collect Indigenous Knowledge (IK) and socio-economic baseline information with FAFN and opportunities for FAFN to verify incorporation on its IK and socio-economic information into the EA;	See response to FAFN-45.	See response to FAFN-45
FAFN-5	Need for the ToR to separate out an assessment of project effects on muskeg, reflecting the particular nature, uniqueness, functions and significance of muskeg, such as increased risk of fire due to during and impacts to permafrost; and	MFFN acknowledges the importance of peatlands and the need to assess potential effects of the Project on peatlands. MFFN commits to having peatlands as a discrete environmental discipline that will be characterized and assessed separately from vegetation.	Commitment for EA
FAFN-6	Need for the ToR to require the environmental assessment to assess potential impacts of the project on water levels and mercury mobilization in additional to other identified potential effects to surface water and fish and fish habitat.	See response to FAFN-46.	See response to FAFN-46
FAFN-7	MFFN is requested to review and respond meaningfully to this letter and the attached comment table. Each comment in the attached table includes a required action to address FAFN’s comments. FAFN looks forward to discussing our comments and responses with MFFN.	MFFN would very much like the opportunity to meet with Fort Albany representatives and provincial officials (should their presence be requested) to discuss your comments and our responses, and to learn more about Fort Albany First Nation’s specific interests in the Project and future engagement and consultation steps. The MFFN Project Team will be in touch to offer some potential dates and times for this meeting.	N/A
FAFN-8	<p>These issues are preliminary in nature and may be developed further following deeper engagement with the community. As FAFN has repeatedly explained, meaningful consultation during the COVID-19 pandemic has been practically impossible. FAFN has been in and out of lockdown for months, with unpredictability from one week to the next regarding such basic things as whether travel in and out of the community is possible, whether community members can safely assemble for meetings, whether our staff can report to work, whether we will need to prioritize crisis response, and so on.</p> <p>The comments provided are, therefore, based on technical review and very limited engagement with community members and leadership. During the review period, we were only able to organize a single meeting with the proponent and a handful of community members, despite this project being of significant concern and interest. We recently had to cancel our plans to hold ToR focus groups with women, elders, youth, men, and traditional knowledge holders, because our community entered another two-week lockdown following five confirmed COVID-19 cases in one of our closest neighbouring communities, Attawapiskat First Nation. It will not be possible to reschedule these before the December 21 deadline for comment.</p> <p>With respect to this deadline, while we appreciate that it was extended from 30 to 60 days, it was known to the proponent and Ontario that this is still an insufficient period given the practical realities of the pandemic. Further, it is also known to Ontario and the proponent that December is a challenging time for community engagement even in normal circumstances, due to the winter road schedule and the Christmas holidays, during which time many people are busy or away and during which time the Band Office is preparing to close for year end.</p> <p>We have engaged in this process in good faith and are trying to protect our Rights and Territory as best we can in these circumstances. However, it has been under what we have experienced as a form of duress, feeling that if we do not engage, we will be seen to have acquiesced in whatever happens, and that by the time we are ready to engage properly, it will be too late to affect this process. Our engagement has come at an unfair cost to us, including the additional burden on our leadership’s time and energy during a period when we should be focused on more pressing things, and the wasted financial and other resources spent on continuously trying to plan and re-plan under tumultuous conditions, and continuously trying to advocate for the Crown and the proponent to make fair, reasonable, and responsible decisions during this unprecedented time.</p> <p>This has been a persistent source of frustration, stress, and demoralization, and it has been disrespectful to us as Treaty partners, as stewards of our Territory, and as a community that stands to be directly affected by this project (particularly</p>	See response to FAFN-47.	See response to FAFN-47

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	by its downstream effects, which will almost literally end up on our doorstep). It remains FAFN’s position that this and other nonessential environmental assessment processes should be stopped until impacted First Nations have the capacity and conditions necessary for meaningful engagement.		
FAFN-9	<p>MFFN ID# 649</p> <p>Proposed ToR Section: ToR Section 5.2.1</p> <p>FAFN Concern: Section 5.2.1.1 Road p. 11 The ToR states that “the number of anticipated vehicles to use the CAR is not known at this time.” Please provide a reasonable estimate of anticipated vehicles to use the CAR, broken down into personal vehicles and commercial vehicles, under a number of scenarios (including by season and with and without development of one or more major ore deposits within the Ring of Fire region).</p> <p>Projected vehicle use is required to estimate potential impacts on a number of components, including, but not limited to, air quality, vegetation, wildlife and Indigenous land use. It is a critical consideration in this EA, as operational use of the road and direct, indirect, and induced effects of that operational use, are subject to this assessment.</p> <p>Proponent Response: The assumed number of vehicles that will use the access road will be determined in the EA which will inform the impact assessment work. For the purpose of the road design, it is currently assumed that up to 400 vehicles / day would use the road.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should indicate that the EA will identify the assumed number of vehicles that will use the access road to inform the impact assessment.</p> <p>Adequacy of ToR dated September 2020: Inadequate. The ToR does not indicate that the EA will identify the assumed number of vehicles that will use the access road to inform the impact assessment.</p>	The Project is currently in the early planning phase; therefore, specifics such as the number of vehicles that will use the CAR have not yet been determined. However, the number of vehicles will be determined during the EA and documented in the EA Report. The EA will also include any other anticipated vehicle use information that can be reasonably obtained.	Commitment for EA
FAFN-10	<p>MFFN ID# 650</p> <p>Proposed ToR Section: ToR Section 5.2.2</p> <p>FAFN Concern: Section 5.2.2 Project Activities p. 13</p> <p>The ToR states that “the number of construction fronts that will be utilized to build the CAR will be determined at a later stage of Project design”.</p> <p>Please provide a reasonable estimate of the maximum numbers of construction fronts that will be utilized to build the CAR. An estimate of the maximum number of construction fronts is required to estimate the impacts associated with noise and the size of the workforce during the construction period.</p> <p>Proponent Response: The number of construction fronts is not known and would be determined as part of post EA design word. The EA will recognize that one or more construction fronts are possible.</p> <p>Adequacy of Proponent Response date September 1, 2020: Inadequate. While the number of construction fronts may not be known at this time and is to be determined at a later stage of project design, the EA must provide a reasonable estimation of the number of construction fronts for the purpose of the effects assessment. Variation in the number of construction fronts is likely to change the estimation of impacts on VCs, including sensory disturbance to wildlife and access to lands and resources for current traditional use. Where uncertainty exists, a precautionary approach utilizes a worst--case scenario, which, in this case, would be the maximum number of construction fronts contemplated.</p> <p>Adequacy of ToR dated September 2020: Inadequate. While the number of construction fronts may not be known at this time and is to be determined at a later stage of project design, the EA must provide a reasonable estimation of the number of construction fronts for the purpose of the effects assessment.</p> <p>Please provide a reasonable estimate of the maximum numbers of construction fronts that will be utilized to build the CAR for the purpose of the EA.</p>	The Project is currently in the early planning phase; therefore, specifics such as the number of construction fronts have not yet been determined. The number of construction fronts will depend on several considerations, including site access, time of year and available funding. Therefore, where uncertainty exists, a precautionary approach will be applied generally, and specifically to the number of construction fronts assumed in the effects assessment. MFFN agrees with Fort Albany First Nation that the number of construction fronts could affect the prediction of potential Project effects and therefore will include a conservative estimate of construction fronts in the EA.	Commitment for EA
FAFN-11	<p>MFFN ID# 651</p> <p>Proposed ToR Section: ToR Section 7.1</p> <p>FAFN Concern: Section 7.1 Description of the Environment</p> <p>The ToR does not indicate how Indigenous knowledge was incorporated into the description of existing environmental conditions. Please indicate how Indigenous knowledge (and from what Nations) was incorporated into the description of existing environmental conditions and/or indicate how Indigenous knowledge will be collected and incorporated into the description of the existing environment in the environmental assessment. Indigenous knowledge provide valuable information about the existing conditions of environmental components that have the potential to be impacted by the project.</p> <p>Proponent Response: The description of baseline conditions in the ToR provides context information, is at a higher level and does not typically include IK. Rather, IK will be collected and included as part of the baseline (existing) conditions description in the EA.</p>	<p>Additional information was provided in Section 7.1.4 Description of the Existing Environment of the ToR, as follows:</p> <p><i>“Indigenous Knowledge is an important information source that must contribute to the characterization of existing environmental conditions, where possible. Given the sensitive nature of Indigenous Knowledge, sharing agreements must be in place prior to the inclusion of such knowledge (Section 3.4.2.1). Efforts to finalize Indigenous Knowledge sharing agreements for the Project are ongoing at the time of preparing the ToR. Therefore, Indigenous Knowledge available to characterize the existing conditions is currently limited. However, the description of the existing environment that will be included in the EA will incorporate applicable Indigenous Knowledge provided, where possible.”</i></p> <p>MFFN acknowledges the importance of early engagement with Indigenous communities. Information on MFFN’s approach to consultation and engagement is included in the EA / IS Consultation and Engagement Plan appended to the ToR (Appendix B).</p> <p>The Project’s Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. As noted in Section 3.4.2.1 of</p>	Section 3.4.2.1, pg. 11 Section 7.1.4, pg. 31 Appendix B, Section 4.1.2, pg. 16

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	<p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. While the ToR describes existing conditions at a high level, such contextual information may nevertheless be informed by engagement with Indigenous Nations, including IK. Engagement with Indigenous Nations should occur at the earliest opportunity.</p> <p>Fort Albany First Nation acknowledges the Proponent’s commitment to collect and include IK as part of the baseline (existing) conditions description in the EA. Please indicate plans to collect IK with Fort Albany First Nation and opportunities for Fort Albany First Nation to verify incorporation of its IK into the EA.</p> <p>Adequacy of ToR dated September 2020: Partially adequate. The ToR states “While baseline data collection has already commenced for several environmental disciplines, it is expected that available Indigenous Knowledge shared and collected to support the EA will be used to both guide future data collection” (p. 9). The ToR also states that “The information included in the ToR will be augmented during the EA by field investigations and studies, Indigenous Knowledge shared, and input from neighbouring Indigenous communities, government agencies and interested persons” (p. 30).</p> <p>Please indicate plans to collect Indigenous Knowledge with Fort Albany First Nation and opportunities for Fort Albany First Nation to verify incorporation of its IK into the EA.</p>	<p>the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal TISG); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Fort Albany First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested.</p> <p>As noted in Section 4 of the Indigenous Knowledge Program Guidance Document, Indigenous communities will be provided with the opportunity to review and discuss draft EA Report documents to confirm that their community information, including Indigenous Knowledge, was captured and presented appropriately (and in line with executed Indigenous Knowledge Sharing Agreements). The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Fort Albany First Nation.</p>	
FAFN-12	<p>MFFN ID# 652</p> <p>Proposed ToR Section: ToR Section 7.2.3</p> <p>FAFN Concern: Section 7.1.4.2 Acoustic Section p.24; 7.2.2 Acoustic Environment p. 49</p> <p>Section 7.1.4.2 of the ToR states the “the Project will undertake a field program to better understand the existing local and regional ambient noise levels” (p.24). However, the ToR does not indicate whether the field program will collect information on the current soundscape in relation to Indigenous values.</p> <p>Section 7.2.2 of the ToR states that “potential noise effects of the alternative routes will be assessed quantitatively a noise protection model” (p. 49).</p> <p>Please indicate how Indigenous values in relation to the current soundscape will be drawn on to inform the noise field study and effects assessment. Ambient sounds are an indicator of biodiversity and comprise a meaningful aspect of the environment for Indigenous people, informing Indigenous knowledge and land use (Herrera--Montes, 2019; Ritts et al., 2016; Muir 2014, Samuels et al. 2010). Limiting baseline studies and effects assessment to “noise” levels is insufficient to capture effects on Indigenous people resulting from alterations in soundscape.</p> <p>Proponent Response: The MFFN Project Team will engage with interested Indigenous communities who may be adversely affected by the Project to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. If FAFN has specific interest in understanding how the noise assessment will be completed, the MFFN Project Team is available for further discussion.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. Fort Albany First Nation acknowledges the MFFN’s commitment to work with affected Indigenous communities to identify receptor locations. Please Indicate whether MFFN intends to incorporate additional information and perspectives from affected Indigenous groups regarding the acoustic environment, where provided by Indigenous groups, into the baseline and effects assessment.</p> <p>Adequacy of ToR dated September 2020: Partially adequate. The ToR states “The location of receptor locations will be informed by input received through the Indigenous Knowledge and consultation programs, where applicable” (p. 66).</p> <p>Please Indicate whether MFFN intends to incorporate additional information and perspectives from affected Indigenous groups regarding the acoustic environment, where provided by Indigenous groups, into the baseline and effects assessment.</p>	<p>The ToR commits to incorporating information provided by Indigenous communities into both the baseline and effects assessment for each discipline, including the Acoustic Environment. With respect to the Acoustic Environment specifically, the ToR states:</p> <ul style="list-style-type: none">▪ Section 7.1.4.3: “<i>In addition, the existing conditions of the acoustic environment will integrate applicable information obtained through the Indigenous Knowledge Program, where possible.</i>”▪ Section 7.2.3: “<i>The location of receptor locations will be informed by input received through the Indigenous Knowledge and consultation programs, where applicable.</i>” <p>Indigenous communities are encouraged to provide information and perspectives regarding the acoustic environment through the Consultation and Engagement and Indigenous Knowledge programs.</p> <p>Additionally, the EA will identify and assess the indirect effects of, such as to human health, land and resource use, and wildlife for example. These indirect effects will be informed by input received through the Indigenous Knowledge and Consultation and Engagement programs. The MFFN Project Team will continue to engage with interested Indigenous communities to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. MFFN will consult with Fort Albany First Nation to better understand questions and concerns related to the Project and the noise assessment.</p>	<p>Section 7.1.4.3, pg. 43</p> <p>Section 7.2.3, pg. 66</p> <p>Commitment for EA</p>
FAFN-13	<p>MFFN ID# 653</p> <p>Proposed ToR Section: ToR Section 7.1.4.5</p> <p>FAFN Concern: Section 7.1.4.4 Surface Water p. 28</p> <p>The ToR states that “ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis.” Please describe how the subset of water body crossings for ground-based field surveys will be determined and how Indigenous nations will be consulted with respect to the selection of such sites. Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.</p> <p>Proponent Response: It is expected that information on waterways and watercourse crossings collected through the IK</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p>	<p>N/A</p>

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	<p>and Consultation Program will inform baseline studies. The MFFN Project Team is available for discussions with interested communities on specific study approaches.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should indicate that the subset of water body crossings for ground-based field surveys will be informed by the results of the IK Program.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “applicable information obtained through the Indigenous Knowledge Program will also be integrated, where possible” (p. 47).</p>		
FAFN-14	<p>MFFN ID# 654</p> <p>Proposed ToR Section: ToR Section 7.2.7</p> <p>FAFN Concern: Section 7.1.4.6 Vegetation p. 29 The ToR states that “a description of soil, plant species, relative abundance of plant species, and presence of invasive and Species at Risk (SAR) will be recorded for each survey plot.” The ToR makes no mention of traditional use plants and medicinal plants. Please indicate how traditional use plants and medicinal plants will be surveyed and with the involvement of which Indigenous groups, and what the status and schedule is for completing this work. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.</p> <p>Proponent Response: Information obtained on traditional and medicinal plants identified through the IK Program will inform baseline studies. The MFFN Project Team is available for discussions on specific study approaches.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should indicate that information on traditional use plants will be described, where such information has been identified through the IK Program.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function and changes to species diversity, including SAR and traditional use plants” (p. 68).</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-15	<p>MFFN ID# 655</p> <p>Proposed ToR Section: ToR Section 7.2.9</p> <p>FAFN Concern: Section 7.1.4.8 Fish and Fish Habitat p. 30</p> <p>The ToR states that “over 20 species of fish, primarily of cool and cold---water thermal regimes, are known to inhabit these waters and are part of, or support a commercial, recreational, or Aboriginal fishery and are therefore regulated by the Fisheries Act.”</p> <p>Please remove “and a part of, or support a commercial, recreation, or Aboriginal Fishery” from this sentence.</p> <p>A focus on "commercial, recreational, or Aboriginal fishery" is not part of the current Fisheries Act. Fort Albany First Nation requires an assessment of all important fish species – to be determined through consultation– not just those subject to a commercial, recreational or Aboriginal fisher.</p> <p>Proponent Response: The EA will consider the potential for effects on all fish species that have the potential to be located in the identified study area. This will be clarified in the ToR.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “To mitigate potential adverse effects on fish and fish habitat, waterbody crossings and culvert installations will be designed and installed in accordance with applicable provincial and federal guidelines and standards to avoid harmful alteration, disruption or destruction of fish habitat” (p. 69).</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-16	<p>MFFN ID# 656</p> <p>Proposed ToR Section: ToR Section 7.2.9</p> <p>FAFN Concern: Section 7.1.4.8 Fish and Fish Habitat p. 31</p> <p>The ToR states that “the ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings) to verify or augment the results and assumptions from the desktop analysis”. Please describe how the subset of water body crossings for ground-based field surveys will be determined and how (and which) Indigenous nations will be consulted with respect to the selection of such sites, including status and timelines for this work. Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.</p> <p>Proponent Response: It is expected that information on fish and fish habitat and specific waterways collected through the IK Program will inform baseline studies. The MFFN Project Team is available to discuss with interested communities</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	<p>the specific approaches to baseline data collection.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should indicate that the subset of water body crossings for ground-based field surveys will be informed by the results of the IK Program.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “Applicable information obtained through the Indigenous Knowledge Program will also be integrated, where possible” (p. 55).</p>		
FAFN-17	<p>MFFN ID# 657</p> <p>Proposed ToR Section: ToR Section 9.1.1</p> <p>FAFN Concern: Section 7.1.4.11 Indigenous Knowledge and Land Use</p> <p>This section of the ToR does not provide information about existing historical and cumulative effects on Indigenous knowledge and land use.</p> <p>Please provide information about existing historical and cumulative effects on Indigenous knowledge and land use or indicate how and on what timeline such information will be collected and incorporated into the effects assessment. A description of existing historical and cumulative effects on Indigenous knowledge and land use is required to accurately characterize baseline conditions and change over time to date. As an Indigenous group like Fort Albany First Nation that has seen many changes, MFFN is well aware that the traditional use and rights practice environment in which this CAR is proposed is not a pristine one, but rather one that has been subject to many high magnitude changes over time.</p> <p>Proponent Response: The description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information). Information of this nature will be requested as part of the IK Program.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should indicate that description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information).</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “MFFN will work with Indigenous communities to collect and incorporate information on Indigenous uses of lands and resources in relation to the area of the Project through the Indigenous Knowledge Program, including Project---specific Indigenous Knowledge and Land and Resource Use Studies” (p. 41). The ToR also states “MFFN will identify how Indigenous land use has changed as a result of cumulative effects. This will be informed by information received through the Indigenous Knowledge Program, where applicable” (p. 77).</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-18	<p>MFFN ID# 658</p> <p>Proposed ToR Section: Section 7.1.4.10</p> <p>FAFN Concern: Section 7.1.4.12 Socio---Economic and Built Environment p. 39</p> <p>The ToR states that “The closest populated areas to the Project are the Indigenous communities of MFFN and Aroland First Nation.” The ToR does not provide information about other Indigenous nations potentially affected by the project.</p> <p>Please indicate which Indigenous nations are anticipated to be employed by the project and provide a description of current socio-economic and built environment conditions for such Indigenous nations.</p> <p>While some Indigenous nations may not be located close to the project, they may nevertheless be affected through pathways associated with employment as well as a series of other potential social, economic, cultural and health effects. These need to be properly characterized in MFFN filings.</p> <p>Proponent Response: The MFFN Project Team is interested in maximizing economic benefits to communities in the region. It is not known at this time which communities may have community members involved in Project construction. It is expected that there will be employment opportunities for community members in the Region subject to required skills and experience. The EA will include descriptions of current socio-economic and built environment conditions.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. Please indicate if the EA will include descriptions of current socio-economic conditions for Fort Albany First Nation.</p> <p>Adequacy of ToR dated September 2020: Partially adequate. The ToR states “A review of available desktop information will be completed to identify information gaps and inform data collection for the Project. This will allow for more focused questioning targeted at specific data gaps and relevant items for each Indigenous community” (p. 61). The ToR does not indicate which Indigenous communities will be included in the socio-economic baseline research.</p> <p>Please indicate if the EA will include descriptions of current socio-economic conditions for Fort Albany First Nation.</p>	The EA will include information on socio-economic conditions within Fort Albany First Nation and other Indigenous communities. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community.	Section 7.2, pg. 63 Section 7.2.10, pg. 70 Commitment for EA
FAFN-19	<p>MFFN ID# 659</p> <p>Proposed ToR Section:</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	<p>FAFN Concern: Section 7.1.4.12 Socio---Economic and Built Environment – Visual Aesthetics p. 43</p> <p>The ToR provides limited information about visual aesthetics in the area of the project.</p> <p>Please provide information about any planned field programs to collect visual data at key locations and plans to consult with Indigenous nations in the collection of such data. The visual environment comprises a meaningful component of the environment for Indigenous peoples, informing traditional knowledge and use. The project has the potential to adversely affect the visual landscape.</p> <p>Proponent Response: Field activities will be undertaken to support the visual assessment. Indigenous communities will be consulted on the visual assessment and associate field program. If FAFN has specific interest in understanding how the visual assessment will be completed, the MFFN Project Team is available for further discussion.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should indicate that Indigenous communities will be consulted on the visual assessment and associate field program.</p> <p>Adequacy of ToR dated September 2020: Adequate. Appendix A to the ToR identifies Traditional Knowledge as a data source for Visual Aesthetics.</p>		
FAFN-20	<p>MFFN ID# 660</p> <p>Proposed ToR Section: N/A</p> <p>FAFN Concern: Section 7.2 Potential Environmental Effects p. 47</p> <p>The ToR does not indicate how the preliminary identification of potential environmental effects was determined, including secondary sources of data that may be drawn on to inform the effects assessment.</p> <p>Please provide identify secondary sources of information about the effects of all---season roads on remote communities and indicate how the review of such information has informed the preliminary identification of potential environmental effects. There are number of predictable effects associated with the development of all---season access roads to remote communities that should inform the effects assessment, including with respect to methods, valued components and findings.</p> <p>Proponent Response: The list of effects is preliminary and comes from the experience of the study team from other similar road projects. The study team has also examined other related EAs and studies to inform the potential for effects. The potential effects list can be expanded upon in the EA.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. Please indicate the other related EAs and studies that have informed the preliminary list of potential effects.</p> <p>Adequacy of ToR dated September 2020: Partially adequate. Please indicate the other related EAs and studies that have informed the preliminary list of potential effects.</p>	See response to FAFN-48.	See response to FAFN-48
FAFN-21	<p>MFFN ID# 661</p> <p>Proposed ToR Section: ToR Section 7.2.7</p> <p>FAFN Concern: Section 7.2.6 Vegetation p. 50 The ToR states that “Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function, and changes to species diversity.” This section of the ToR does not mention potential impacts on traditional use plants, including medicinal plants.</p> <p>Please indicate anticipated changes on traditional use plants, including medicinal plants as a result of the project. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.</p> <p>Proponent Response: Potential for impact on traditional use plants will be noted in the ToR.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function and changes to species diversity, including SAR and traditional use plants” (p. 68).</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-22	<p>MFFN ID# 662</p> <p>Proposed ToR Section: ToR Section 7.2.2, Appendix A: Criteria and Indicators for Alternatives Evaluation</p> <p>FAFN Concern: Section 7.2.10 Indigenous Knowledge and Land Use p. 52 The ToR provides a list of potential effects to Indigenous and Treaty Rights. This list relates primarily to tangible impacts and does not capture potential impacts on intangible social and cultural values.</p> <p>Please identify potential effects on the social and cultural dimensions of land use, such as sense of place, spirituality,</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	<p>knowledge transmission, and social norms. Consideration should also be given to effects resulting from increased non---Indigenous access as a result of the project. The Terms of Reference should identify how these valid impact pathways will be investigated. Indigenous land use cannot be reduced to physical activities, access and biophysical proxies (such as environmental conditions). The social and cultural dimensions of Indigenous land use are integral components and need to be adequately assessed.</p> <p>Proponent Response: The ToR will be revised to reference the potential for these other types of effects, and the indicators will be revised to account for cultural considerations and potential effects.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR includes the following potential effects on Indigenous People’s Rights and Interests “Changes to the experience of being on the land; and Changes to cultural traditions and / or the ability to pursue and transmit cultural traditions (i.e., knowledge transmission)” (p. 65).</p>		
FAFN-23	<p>MFFN ID# 663</p> <p>Proposed ToR Section: ToR Section 7.2.10</p> <p>FAFN Concern: Section 7.2.11 Socio-Economic and Built Environment p. 53 The ToR provides a list of potential effects on the socio-economic and built environment. This list does not consider effects associated with increased access for illicit activities.</p> <p>Please include increased access for illicit activities (e.g. transportation and sale of illegal drugs) in the list of potential effects. Increased access to remote communities is known to result in health and wellbeing impacts as a result of increased illicit activities.</p> <p>Proponent Response: The ToR will be revised to reference that the EA will examine the potential for increased illicit activities.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR includes the following potential effect on the Social, Economic and Built Environment “The Project may result in effects to human health by altering public safety (including potential increased illicit activities, conflicts and other potential harms to communities and their members), public health, diet and mental health. These changes may be facilitated by additional access to and from southern communities year-round” (p.70).</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-24	<p>MFFN ID# 664</p> <p>Proposed ToR Section: ToR Section 7.2.10</p> <p>FAFN Concern: Section 7.2.11 Socio---Economic and Built Environment p. 53 The ToR states that “Improved access to MFFN may also provide benefits in the form of skill development, training and job creation.” The ToR does not mention existing barriers of Indigenous nations to take advantage of project benefits.</p> <p>Please identify differential ability to take advantage of project benefits among Indigenous nations, including Fort Albany First Nation, as a condition that may affect the realization of project benefits. Indigenous communities may have several barriers affecting their ability to take advantage of project benefits, such as lack of transportation, insufficient skills and training, health and wellness issues, and cultural requirements. The effects assessment should identify measures to address such barriers so as to enhance project benefits.</p> <p>Proponent Response: The ToR will be revised to include reference to the consideration of potential barriers to participating in Project benefits as part of the EA.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “It is possible that barriers may exist that may prevent or affect the ability to participate in Project benefits.</p> <p>Potential barriers, should they exist, will be identified during the EA, and where feasible, measures to enhance benefits of the Project will be considered” (p. 71).</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-25	<p>MFFN ID# 665</p> <p>Proposed ToR Section: N/A</p> <p>FAFN Concern: Section 8. Assessment and Evaluation, p. 54</p> <p>This section of the ToR does not identify the approach to cumulative effects assessment. Please describe the approach that will be used to conduct a cumulative effects assessment.</p> <p>For reference purposes, see the First Nations Major Projects Coalition’s Major Project Assessment Standard, Principle 8 (First Nations Major Projects Coalition, 2019) which covers meaningful practice of cumulative effects assessment as identified by over 60 Canadian Indigenous groups. MFFN is requested to identify whether it is committed to conduct any</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	<p>required cumulative effects assessment to this standard. Cumulative effects resulting from multiple past, present and reasonable foreseeable projects and activities are a primary concern for Indigenous communities and require adequate assessment.</p> <p>Proponent Response: The Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada outline in more detail the expected scope of study for the Cumulative Effects Assessment.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should also outline the scope of study for the Cumulative Effects Assessment. The Ministry of the Environment, Conservation and Parks guidance document Preparing and reviewing terms of reference for environmental assessments in Ontario identifies that inclusion of information about cumulative effects in an EA is a best practice and encourages proponents to “Include information about potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible.”</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “As outlined in the Consultation Plan (Appendix B), MFFN will seek input from neighbouring Indigenous communities, including vulnerable groups such as women, youth and the elderly, as well as from government agencies and interested persons, on the proposed method to assess and evaluate the alternatives and cumulative effects” (p. 72).</p>		
FAFN-26	<p>MFFN ID# 666</p> <p>Proposed ToR Section: ToR Section 7.2</p> <p>FAFN Concern: Section 8. Assessment and Evaluation, p. 54</p> <p>This section of the ToR does not include consideration of potential induced effects from the Project.</p> <p>Please include consideration of potential induced effects of the project, such as accelerated mineral exploration and development in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure.</p> <p>Road development is likely to result in induced effects that need to be adequately assessed and mitigated.</p> <p>Proponent Response: The EA will consider the potential for cumulative effects from other potential future projects in the region subject to information availability. As well, effects from changes in access including the potential for increased hunting pressure will also be assessed.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The requirement to assess the effects of induced development as part of the cumulative effects assessment should be included in the TOR.</p> <p>Adequacy of ToR dated September 2020: Partially adequate. The ToR states “As outlined in the Consultation Plan (Appendix B), MFFN will seek input from neighbouring Indigenous communities, including vulnerable groups such as women, youth and the elderly, as well as from government agencies and interested persons, on the proposed method to assess and evaluate the alternatives and cumulative effects” (p. 72). Fort Albany First Nation members are highly concerned about future development in the Ring of Fire, including further impacts on rivers, water, fish, wildlife, and FAFN treaty and Aboriginal rights, among other impacts.</p> <p>The ToR should indicate that the EA will consider activities and developments induced by the Project, including but not limited to accelerated mineral exploration and development in the Ring of Fire, as part of the cumulative effects assessment.</p>	See response to FAFN-49.	See response to FAFN-49
FAFN-27	<p>MFFN ID# 667</p> <p>Proposed ToR Section: Supporting Document</p> <p>FAFN Concern: Section 10.2 Summary of Consultation Activities on the ToR</p> <p>p. 62</p> <p>The ToR states that “An overall introduction to the Project and the EA process was provided during initial conversations with interested persons.” The ToR does not indicate if or how such conversations informed project design or effects assessment methods.</p> <p>Please indicate how early engagement with Indigenous nations influenced project design (e.g. selection of alternative route alignments) and/or future opportunities for such engagement. Please also identify how MFFN is planning to engage Fort Albany First Nation in consideration of alternative routing options. Meaningful consultation requires that engagement has the potential to result in concrete changes to project design and planning, particularly at an early stage in the planning process.</p> <p>Proponent Response: Previous engagement activities on the identification of the alternative routes was largely focused with the MFFN community, as described in the Alternatives Supporting Document to the ToR. Going forward in the EA, the MFFN Project Team will engage with all interested communities in the selection of the route including receiving input on the evaluation criteria to be used.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	<p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should indicate that the MFFN Project Team will engage with all interested communities in the selection of the route including receiving input on the evaluation criteria to be used.</p> <p>Adequacy of ToR dated September 2020: Adequate. The TOR states “During the EA, Indigenous Knowledge and information on Indigenous land and resource use will inform and validate the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods” (p. 9). The ToR also states that “Additional information on how alternatives will be compared, proposed criteria and indicators, and assessment and evaluation of net effects in the EA is provided in the following sections. As outlined in the Consultation Plan (Appendix B), MFFN will seek input from neighbouring Indigenous communities” (p. 72).</p>		
FAFN-28	<p>MFFN ID# 668</p> <p>Proposed ToR Section: ToR Section 10.2, Appendix C: Record of Consultation</p> <p>FAFN Concern: Section 10.2 Summary of Consultation Activities on the ToR</p> <p>p. 63</p> <p>The ToR states that “a list of issues received through consultation activities during preparation of the ToR will also be included in the Proposed ToR.” Please provide a list of all issues received to date, inclusive of issues raised during preparation of the ToR. Please also indicate how such issues have been, or will be, addressed.</p> <p>Adequate issues tracking necessitates documentation of issues when first raised and steps to address such issues, including perceived adequacy of such steps and any further issues that arise.</p> <p>Proponent Response: The issues received since the release of the Draft ToR will be described in the revised (Proposed) ToR that will be made available for all to review.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. In addition to a list of issues received during preparation of the ToR, the ToR should provide a list of issues received prior to preparation of the ToR, or note that no issues were received prior to preparation of the ToR.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-29	<p>MFFN ID# 669</p> <p>Proposed ToR Section: Supporting Document</p> <p>FAFN Concern: Section 10.2.2 Indigenous Communities Engagement p. 64 The ToR states that “Prior to commencing the ToR, MFFN held Project---related discussions with several Indigenous communities between 2017 and 2018. A summary of these activities is provided in Marten Falls First Nation Community Access Road Supporting Document – Draft Alternatives Development (AECOM 2019).” This document is not available.</p> <p>Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review.</p> <p>Proponent Response: The Supporting Document is available through the Project website.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-30	<p>MFFN ID# 670</p> <p>Proposed ToR Section: Supporting Document</p> <p>FAFN Concern: Section 10.2.2 Indigenous Communities Engagement p. 65 The ToR states that “The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation (AECOM 2019a), provides a summary of the attempts to engage with Indigenous communities up to October 24, 2019.” The document is not available.</p> <p>Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review.</p> <p>Proponent Response: The Supporting Document is available through the Project website.</p> <p>Adequacy of Proponent Response date September 1, 2020: Inadequate. The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation could not be located on the Project website. Please provide a link.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-31	<p>MFFN ID# 671</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	<p>Proposed ToR Section: Appendix B: Consultation Plan</p> <p>FAFN Concern: Section 11.3.1 Identification of Indigenous Communities p. 76</p> <p>The ToR states that “All identified communities will receive all statutory notices related to the EA (e.g., Notice of Commencement of the Environmental Assessment) andcomprehensive, plain---language Project updates through email, mail and the Project website. Each will also be provided the full opportunity to review and comment on key EA documents including the Draft and Proposed ToR as well as the Draft and Final Environmental Assessment Report. In addition, Indigenous communities, depending on their level of interest in and the potential for impacts related to development of the CAR, will be encouraged or offered the opportunity to meet in---person to discuss the Project and gather feedback at appropriate milestones throughout the EA.” Please indicate how opportunities for more constructive engagement on assessment topics, methods, mitigations, etc. will be provided, in addition to notification, project updates, and review and comment.</p> <p>Project notification and the opportunity to review and comment on project documents provides the bare minimum of consultation. Best practice, aligned with the United Nations Declaration on the Rights of Indigenous People, requires that Indigenous nations have the opportunity to make consent--- based decisions about projects that have the potential to affect their rights. This entails constructive engagement in project design and assessment methods.</p> <p>Proponent Response: MFFN is open to having discussions with Fort Albany First Nation on how they would like to be engaged throughout the EA. Also see the Consultation Plan, which is appended to the Draft ToR. A revised Consultation Plan will be appended to the Proposed ToR.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “During the EA, Indigenous Knowledge and information on Indigenous land and resource use will inform and validate the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods” (p. 9).</p>		
FAFN-32	<p>MFFN ID# 672</p> <p>Proposed ToR Section: ToR Section 6.3.1 and Section 12</p> <p>FAFN Concern: Section 12. Accommodating New Circumstances p. 81</p> <p>The ToR states that “Minor changes include, but are not limited to, modifications or variations to the consultation plan, proposed study areas and alternatives, refinement of evaluation criteria and need for additional studies.”</p> <p>Please provide information about the anticipated scope of changes to proposed study areas and alternatives. Large changes to proposed study areas and alternatives could have significant implications for the EA.</p> <p>Proponent Response: The ToR has been revised to provide further clarity on the scope of possible changes to the alternatives and associated study areas.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. Please describe the changes that have been made to the ToR in response to this comment so these changes can be reviewed.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-33	<p>MFFN ID# 673</p> <p>Proposed ToR Section: Appendix A: Criteria and Indicators for Alternatives</p> <p>FAFN Concern: Appendix A Draft Criteria & Indicators for Alternatives Evaluation pp. 1-2</p> <p>The “availability” indicator for vegetation, wildlife and ungulates is not defined. It is unclear whether this indicator refers to spatial extent or a different consideration. It is also unclear whether this indicator is intended to capture disturbance and avoidance effects.</p> <p>Please define the indicator “availability”. A clear definition of indicators is required to assess their appropriateness.</p> <p>Proponent Response: The ToR has been updated to include a definition of availability.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. Please provide the definition for availability in response to this comment so that the definition may be reviewed.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-34	<p>MFFN ID# 674</p> <p>Proposed ToR Section: ToR Section 8.2</p> <p>FAFN Concern: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	<p>Wildlife criteria do not include any large mammals.</p> <p>Please indicate how Indigenous nations will be consulted to refine the list of wildlife criteria (and other criteria). The list of criteria presented in Appendix A may not capture all criteria of concern to Indigenous nations.</p> <p>Proponent Response: The MFFN Project Team is open to the inclusion of other large mammal species of concern. This is a draft list that we expect will be refined during the EA. We are open to your suggestions.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>		
FAFN-35	<p>MFFN ID# 675</p> <p>Proposed ToR Section: ToR Section 8.2</p> <p>FAFN Concern: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2</p> <p>The list of wildlife and ungulate indicators does not seem to capture potential impacts on habitat quality, movement corridors or species distribution. Please provide indicators for habitat quality, movement corridors and species distribution for wildlife and ungulates, or describe how these considerations will be captured by other indicators. Habitat quality, movement corridors and species distribution are key indicators for wildlife and ungulate impacts.</p> <p>Proponent Response: The list of indicators will be updated in the revised ToR.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. Please provide the list of updated indicators in response to this comment so that they may be reviewed.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-36	<p>MFFN ID# 676</p> <p>Proposed ToR Section: Appendix A: Criteria and Indicators for Alternatives Evaluation</p> <p>FAFN Concern: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2</p> <p>Potential Data Sources for ungulates do not identify Indigenous knowledge or field investigations.</p> <p>Please list Indigenous knowledge and field investigations as Potential Data Sources for ungulates. Indigenous knowledge and field investigations are key potential data sources for ungulates.</p> <p>Proponent Response: The criteria list has been revised to include Indigenous Knowledge and field investigations as data sources.</p> <p>Adequacy of Proponent Response date September 1, 2020: Adequate.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-37	<p>MFFN ID# 677</p> <p>Proposed ToR Section: Appendix A: Criteria and Indicators for Alternatives Evaluation</p> <p>FAFN Concern: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2</p> <p>The ToR includes “value of” animal and plant harvesting areas as indicators of Traditional Use of Land and Resources and Aboriginal and Treaty Rights. Please provide specific indicators for social, cultural, spiritual, food security, sense of place, cultural transmission components or indicate how these aspects are accounted for in the proposed indicators. "Value" may be too broad to account for social, cultural, spiritual, food security, sense of place, cultural transmission components.</p> <p>Proponent Response: This section in the ToR has been revised to provide measurable indicators for cultural components of the assessment.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. Please provide the list of measurable indicators for cultural components in response to this comment so that they can be reviewed.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-38	<p>MFFN ID# 678</p> <p>Proposed ToR Section: ToR Section 7.2.10</p> <p>FAFN Concern: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4</p> <p>The ToR includes indicators for Community Well---being, but does not include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to illicit activities (e.g. transportation and sale of drugs).</p> <p>Please include indicators of Community Well---being that capture impacts from increased disposable income, increased access to southern communities and increased access to illicit activities (e.g. transportation and sale of drugs), or</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	<p>indicate how the proposed indicators capture these elements. The project has the potential to result in impacts associated with increased disposable income, increased access to southern communities and increased access to elicit activities.</p> <p>Proponent Response: These potential noted impacts will be considered as part of the EA.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>		
FAFN-39	<p>MFFN ID# 679</p> <p>Proposed ToR Section: ToR Section 7.2.10</p> <p>FAFN Concern: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4</p> <p>The ToR provides indicators for Regional Economy but does not include indicators to capture Indigenous nations’ ability to take advantage of project benefits.</p> <p>Please include an indicator that captures the ability of Indigenous nations to take advantage of project benefits. Indigenous communities may have several barriers to their ability to take advantage of project benefits.</p> <p>Proponent Response: The extent to which communities can take advantage of Project benefits will be considered as part of the EA.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should include indicators to capture Indigenous nations’ ability to take advantage of project benefits.</p> <p>Adequacy of ToR dated September 2020: Adequate. The ToR states “It is possible that barriers may exist that may prevent or affect the ability to participate in Project benefits.</p> <p>Potential barriers, should they exist, will be identified during the EA, and where feasible, measures to enhance benefits of the Project will be considered” (p. 71).</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p>	<p>N/A</p>
FAFN-40	<p>MFFN ID# 680</p> <p>Proposed ToR Section: Appendix A: Criteria and Indicators for Alternatives</p> <p>FAFN Concern: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 5</p> <p>The ToR provides “Visibility of the Project from sensitive locations” as indicator for Visual Character.</p> <p>Please provide an indicator and methodology that captures changes in visual quality. For a project such as this, the use of Indigenous Visual Quality Objectives, and mock up visual perspectives from different viewpoints before and after project development, through engagement with Indigenous peoples, is standard practice. “Visibility” is an insufficient indicator to capture visual quality.</p> <p>Proponent Response: The visual assessment will include a Visual Sensitivity indicator. This recognizes that certain landscapes are more susceptible to change and more sensitive due to the angle, distance of viewer, as well as the cultural significance to viewers.</p> <p>Adequacy of Proponent Response date September 1, 2020: Partially adequate. The ToR should include Visual Sensitivity as an indicator for Visual Quality.</p> <p>Adequacy of ToR dated September 2020: Adequate.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p>	<p>N/A</p>
FAFN-41	<p>FAFN ID# 1</p> <p>Reference: Section 7.1.4.8 Wildlife; Section 7.2.8 Wildlife</p> <p>Context: The ToR does not identify insect species that may be affected by the Project.</p> <p>Rationale: Insect are an important food sources for animals, and perform important roles as pollinators and other roles in the muskeg. Insects are also pests, an important Issue during the warmer months in the region.</p> <p>Request: Please describe how information about insects will be integrated in the ToR, for both the existing (baseline and trend) environment and in the effects assessment.</p>	<p>MFFN acknowledges Fort Albany First Nation’s concerns regarding pests and insects and will incorporate this information into the EA where appropriate. General habitat assessment will consider ecological habitat for important insect species. In addition, the EA will assessment potential effects on pollinating insects , as well as how the potential introduction of invasive species may affect wildlife and vegetation</p>	<p>Commitment for EA</p>
FAFN-42	<p>FAFN ID# 2</p> <p>Reference: Section 7.1.4.7; Section 7.2.7; Section 9.1.1</p> <p>Context: Fort Albany First Nation is very concerned about potential impacts of the Project on muskeg. FAFN members note that peat keeps the water pure. If peat is destroyed, then water – the source of life – is adversely affected and so is Fort Albany First Nation.</p>	<p>MFFN acknowledges Fort Albany First Nation’s concerns about potential impacts of the Project on peatlands. MFFN commits to having peatlands as a discrete environmental discipline that will be characterized and assessed separately from vegetation. The EA will assess how potential effects of the Project on peatlands may indirectly affect surface water, vegetation and climate change.</p> <p>As noted in Section 11 of the ToR, MFFN is committed to creating and sustaining constructive dialogue and relationships with neighbouring Indigenous communities, government agencies and interested persons. MFFN has developed a</p>	<p>Section 3.4.2.1, pg. 11 to 12</p> <p>Commitment for EA</p>

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	<p>The ToR provides limited information about the existing muskeg environment and how the Project’s impacts on muskeg will be assessed. The ToR states that “During the vegetation field survey, peatlands will be also examined” (p.49) and that “MFFN will assess potential effects to peatlands in the EA. An estimate of the length of road corridor that will cross through peatlands will be provided in the EA” (p.77).</p> <p>Rationale: The ToR does not separate out muskeg (or peatlands) as a unique ecosystem for the environmental assessment, and fails to identify some potential effects on muskeg, such as increased risk of fire due to drying and impacts to permafrost. The ToR should require the environmental assessment to reflect the particular nature, uniqueness, functions, and significance of muskeg. Additionally, the ToR should require the proponent to engage in robust and deep engagement with Fort Albany First Nation on the issue of muskeg impacts (without limitation to engagement on other potential impacts).</p> <p>Request: a) Please revise the ToR to require the environmental assessment to reflect the particular nature, uniqueness, functions, and significance, of muskeg, such as increased risk of fire due to drying and impacts to permafrost.</p> <p>b) Please identify whether and how the Proponent is committed to engage with other Indigenous Nations, including Fort Albany First Nation, in a robust and deep manner on the assessment of impacts on muskeg.</p>	<p>Consultation and Engagement Program for the EA and will work with Indigenous communities, including Fort Albany First Nation, through that process to consult and engage in a robust and deep manner. Fort Albany First Nation is encouraged to continue to share information on their traditional use of peatlands and MFFN will continue to consult wit Fort Albany First Nation to better understand their concerns. This information can also be shared the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p>	
FAFN-43	<p>FAFN ID# 3</p> <p>Reference: Section 7.2.5; Section 7.2.9</p> <p>Context: The ToR states “It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e.g., road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential” and “Placement of stockpiles, soil compaction and impervious surfaces may change surface drainage patterns as well” (p. 67). The ToR does not identify potential decreases in water levels.</p> <p>Section 7.2.9 of the ToR identifies potential effects on fish and fish habitat but does not include changes in water levels or mercury mobilization.</p> <p>Rationale: Fort Albany First Nation is vitally connected to the rivers in its territory, using river systems for transportation, nourishment, drinking water, and teaching sites. Fort Albany First Nation has been adversely impacted by historical activities that have altered water flow and resulted in sedimentation and debris flowing down river. Fort Albany First Nation members are highly concerned that the proposed Project will adversely impact water quality and reduce water levels.</p> <p>An assessment of the Project’s potential impacts on water levels and mercury mobilization, in addition to other identified potential effects, is required to understand potential impacts on Fort Albany First Nation’s transportation, subsistence, and health.</p> <p>Request: Please revise the ToR to require the environmental assessment to assess potential impacts of the project on water levels and mercury mobilization in addition to other identified potential effects to surface water and fish and fish habitat.</p> <p>This assessment should be carried forward into the assessment of potential effects on traditional/Indigenous land use, including a consideration of particular effects on Indigenous women.</p>	<p>See response to FAFN-50.</p>	<p>See response to FAFN-50</p>
FAFN-44	<p>FAFN ID# 4</p> <p>Reference: N/A</p> <p>Context: The Webequie Supply Road, which is another all-season road proposed at the same time as Marten Falls (and indeed connected in the sense that both are required to reach the Ring of Fire), has a draft TOR that includes detailed information on "alternatives to" the all season road in Section 5.1.1. The alternatives to covered in the WSR case include:</p> <p>5.1.1 Alternatives to the Undertaking 31</p> <p>5.1.1.1 Alternative 1: Do Nothing – Null Alternative 33</p> <p>5.1.1.2 Alternative 2: Upgrade Existing Trail System to Seasonal Winter Road 33</p> <p>5.1.1.3 Alternative 3: Alternative Modes of Transportation 34</p> <p>5.1.1.4 Alternative 4: Manage Transportation Demand..... 38</p> <p>5.1.1.5 Alternative 5: New All---Season Road..... 38</p> <p>5.1.1.6 Preferred Planning Alternative 38</p> <p>Rationale: Marten Falls should be subject to the same level of diligence in its parallel provincial assessment.</p> <p>Request: FAFN requests that the ToR be revised to require at minimum consideration in the Environmental Assessment of all the "alternatives to" identified in the WSR ToR, so that the parties can understand if there are viable alternatives to the Marten Falls all-season road.</p>	<p>See response to FAFN-51.</p>	<p>See response to FAFN-51</p>

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FAFN-45	<p>#: FAFN-4</p> <p>Original FAFN Request: See FAFN-4</p> <p>MFFN Response: See FAFN-4</p> <p>Adequacy of MFFN Response: Partially adequate. The Proponent’s response to FAFN-18 states “The EA will include information on socio-economic conditions within Fort Albany First Nation and other Indigenous communities. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community.”</p> <p>Additional FAFN Request: Please align response with response to FAFN-658</p>	<p>It has been assumed that the reference to “FAFN-658” is a typo and should read FAFN-18. The response to FAFN-4 has been updated to align with FAFN-18 as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation):</p> <p>The Project’s Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. As noted in Section 3.4.2.1 of the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines [TISG]); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Fort Albany First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested.</p> <p>The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Fort Albany First Nation.</p> <p><u>The EA will include information on socio-economic conditions within Fort Albany First Nation. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community.</u></p> <p>MFFN is currently developing the proposed approach for the primary socio-economic data collection program. It is anticipated that primary data collection will focus on the communities located within the discipline-specific local study area (LSA) for the social environment. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the TISG developed by the Impact Assessment Agency of Canada (the Agency). It is anticipated that the LSA for the social environment will correspond to the area that is most likely to be affected by the Project, including MFFN, Aroland First Nation and the Municipality of Greenstone. These communities are likely to experience the most Project-related change due to the location of the Project and anticipated resulting access.</p> <p>The social environment study areas will be informed by feedback received from Indigenous communities and interested persons. Indigenous communities and interested persons will be consulted on their interest, concern and perceptions regarding the potential for social effects to their community. To be included in the LSA for the social environment, there needs to be either an articulated community concern or perception of social effect on the community as a result of changing access to the MFFN community due to the Project, and / or due to Project effects on the environment that could result on social effects to a community. Consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). Information on the socio-economic data collection program will also be consulted on during the Effects Assessment Methods milestone.</p>	<p>Section 3.4.2.1, pg. 11 to 12</p> <p><u>Section 7.2, pg. 63</u></p> <p><u>Section 7.2.10, pg. 70</u></p> <p>Appendix B, Section 4.1.7, pg. 21 to 24</p> <p><u>Commitment for EA</u></p>
FAFN-46	<p>#: FAFN-6</p> <p>Original FAFN Request: See FAFN-6</p> <p>MFFN Response: See FAFN-6</p> <p>Adequacy of MFFN Response: Partially adequate. The response states that “At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed.” This response does not contain a rationale for the assumption that mercury mobilization will not occur.</p> <p>Additional FAFN Request: Please indicate that the EA will consider mercury mobilization as a potential project impact</p>	<p>The response to FAFN-6 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation):</p> <p>The EA will identify and assess potential effects of the Project on surface water, which will include looking at changes in quantify (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface water could indirectly effect fish and fish habitat. While this Project does not currently include plans for permanent damming, draining or diversion of water <u>which create the potential for methyl-mercury formulation / mobilization</u>, should these measures be proposed they will be assessed for potential effects as part of the EA. Similarly, at this time there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of the ongoing Project design (and / or results of the</p>	<p>Section 7.2.5, pg. 67</p>

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	pathway.	geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed. <u>Should a Project-environment interaction identify the potential for methyl-mercury mobilization it will be identified and assessed in the EA.</u> Specific details on infrastructure design and their potential effects are currently in development and will be shared with Fort Albany First Nation once available.	
FAFN-47	<p>#: FAFN-8</p> <p>Original FAFN Request: See FAFN-8</p> <p>MFFN Response: See FAFN-8</p> <p>Adequacy of MFFN Response: FAFN acknowledges that the opportunities for comment have been extended beyond those normally provided. However, the fact that there have been 126 days provided for review is misleading in terms of what this practically allowed for. This total time has been provided through a series of shorter periods (not one long period known from the outset), during a time when FAFN was moving in and out of different phases of lockdowns and public health measures unpredictably, such that consultation activities could not actually be planned over this full time or with any confidence. Further, as FAFN has emphasized, the issue was not just time but ability to actually engage safely, effectively, and inclusively in community consultation activities during this time, due to both public health and safety concerns and acute demands on staff and leadership.</p> <p>Additional FAFN Request: Suspend the EA process <i>at a minimum</i> until the pandemic has been contained sufficiently to allow for large community gatherings and for our external advisors to travel to FAFN to support our consultation and study activities. FAFN also asserts that the EA process should be suspended until the Regional Impact Assessment of the Ring of Fire has been conducted.</p>	<p>The response to FAFN-8 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation):</p> <p>The preliminary comments Fort Albany First Nation has provided are appreciated and informative. We understand the challenges that the COVID-19 pandemic has had on our ability to engage and consult with Fort Albany First Nation on the Project and also the challenges for meeting internally. We appreciate Fort Albany First Nation providing opportunities to engage with your community through online engagement. We will continue to support your efforts and explore ways to engage with your leadership, technical consultants, and community about the Project.</p> <p>The Project Team will be in contact to discuss opportunities to meet with Fort Albany First Nation leadership and technical advisors regarding the responses to your ToR comments and to discuss next steps for engagement and consultation with Fort Albany First Nation.</p> <p>In addition to providing the opportunity to review the Draft ToR that was released well in advance of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with sufficient time to review documentation and provide comments. An additional opportunity for Fort Albany First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p> <p>Throughout this process, our intention has never been to instill a sense of duress, frustration, stress or to demoralize our neighbouring communities and treaty partners. MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The MFFN CAR is an essential and critical piece of community infrastructure to support MFFN's growth and development. As treaty partners, it is MFFN's responsibility to understand the potential impacts this will have on our neighbouring communities interests and rights. MFFN's engagement with Fort Albany First Nation, despite the challenges of COVID-19, was not to frustrate or demoralize but to ensure that we understand your interests and concerns in the Project and to respect and safe guard your Aboriginal and treaty rights and interests so we can try and avoid, mitigate, or accommodate any potential impacts to them. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process.</p> <p><u>The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the Minister of the Environment, Conservation and Parks on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Fort Albany First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA.</u></p> <p><u>The ToR recognizes that a Regional Assessment of the Ring of Fire region under the <i>Impact Assessment Act</i> is underway. This is an assessment independent of the EA for the Community Access Road; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Impact Assessment Agency of Canada's (the Agency) contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.</u></p>	<p><u>Section 7.2., pg. 65</u></p> <p><u>Appendix B, Section 4.1.7,</u></p> <p><u>pg. 22 to 24</u></p> <p>Commitment for EA</p>
FAFN-48	<p>#: FAFN-20</p> <p>Original FAFN Request: See FAFN-20</p> <p>MFFN Response: See FAFN-20</p> <p>Adequacy of MFFN Response: Partially adequate. The Tłıchq All-season Road project (https://reviewboard.ca/registry/ea-1617-01) provides a best practice example EA that should be reviewed to determine potential effects of the Project.</p> <p>Additional FAFN Request: Please indicate that the Tłıchq All-season Road project will be reviewed to inform the list of potential Project-related effects to be assessed.</p>	<p>The response to FAFN-20 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation):</p> <p>The EA will include a list of relevant studies, including other EAs, reviewed to inform the potential effects as a result of the CAR. Where existing studies have been used to inform information in the EA, they will be appropriately referenced such that the content in the EA and the connection to the existing study is transparent. Other related projects and studies that were examined to inform the potential for effects identified in Section 7.2 of the ToR included:</p> <ul style="list-style-type: none">▪ Wataynikaneyap Power Phase 1 New Transmission Line to Pickle Lake Project;▪ Nextbridge Infrastructure L.P. East-West Tie Transmission Project;▪ Cliffs Natural Resources Inc. Cliffs Chromite Project;	<p>Commitment for EA</p>

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		<ul style="list-style-type: none">▪ Shoal Lake No. 40 First Nation Freedom Road Project;▪ Webequie First Nation Webequie Supply Road; and▪ East Side Road Authority PR 304 to Berens River All-Season Road. <p><u>During the EA, other Projects, such as the Tłı̨chǫ All-season Road Project, will be reviewed to inform the list of potential Project-related effects to be assessed.</u></p>	
FAFN-49	<p>#: FAFN-26</p> <p>Original FAFN Request: See FAFN-26</p> <p>MFFN Response: See FAFN-26</p> <p>Adequacy of MFFN Response: Partially adequate. As induced development would depend on the existence of the Project, no information currently exists to determine such future projects and activities as “reasonably foreseeable.” Nevertheless, projections of likely development in the Ring of Fire resulting from new access can be made. While such projections would not include the level of detail as already proposed projects, it would still be possible to estimate effects from induced development, albeit at a lower level of certainty.</p> <p>Additional FAFN Request: Please indicate that the EA will consider activities and developments induced by the Project, including but not limited to accelerated mineral exploration and development in the Ring of Fire, as part of the cumulative effects assessment. Consideration of induced development should not be restricted to activities that are “known at the time of preparing the EA Report,” but also include activities that are likely to occur.</p>	<p>The response to FAFN-26 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation):</p> <p>MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to:</p> <ul style="list-style-type: none">▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods.▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access.▪ Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. <p>Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p><u>MFFN acknowledges that not all induced development will have sufficient information available at the time of preparing the EA Report to be considered certain or reasonably foreseeable. Therefore, the EA will identify, at a high-level, the likely types of induced development, such as mineral exploration, that may occur due to new access provided by the CAR. A general, qualitative discussion on the types of potential effects that would be expected could also be identified; however, MFFN cannot speculate on the likelihood or extent of development in the region to provide quantitative estimates of potential cumulative effects. Future development would be subject to approvals separate from this Project, and the cumulative effects of their activities with the CAR would be considered as part of their independent assessments.</u></p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.10, pg. 70</p> <p><u>Commitment for EA</u></p>
FAFN-50	<p>#: FAFN-43</p> <p>Original FAFN Request: See FAFN-43</p> <p>MFFN Response: See FAFN-43</p> <p>Adequacy of MFFN Response: Partially adequate. The response states that “At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed.” This response does not contain a rationale for the</p>	<p>The response to FAFN-43 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation):</p> <p>The EA will identify and assess potential effects of the Project on surface and ground water, which will include looking at changes in quantify (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface and groundwater could indirectly affect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock materials to produce acid rock drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). If construction of the CAR (e.g.,</p>	<p>Section 3.4.2.1, pg. 11 to 12</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.5, pg. 67</p> <p>Section 7.2.6, pg. 68</p> <p>Section 7.2.9, pg. 69 to 70</p>

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	<p>assumption that mercury mobilization will not occur.</p> <p>Additional FAFN Request: Please indicate that the EA will consider mercury mobilization as a potential project impact pathway.</p>	<p>ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management and monitoring measures will be identified.</p> <p>At this time, the Project does not include plans for permanent damming, draining or diversion of water there are no anticipated Project components which would create the potential for exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed. Should a Project-environment interaction identify the potential for methyl-mercury mobilization it will be identified and assessed in the EA.</p> <p>Additionally, the EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, such as fish, potential effects to human health from exposure to COPCs in country foods will be evaluated further as part of the HHRA.</p> <p>MFFN acknowledges that rivers provide both transportation and sustenance to Fort Albany First Nation. The EA will assess how potential effects of the Project on surface water (i.e., flow) and fish communities may indirectly affect navigation and Indigenous land and resource use. Fort Albany First Nation is encouraged to continue to share information on their traditional use of land and resources and cultural values. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p>	Commitment for EA
FAFN-51	<p>#: FAFN-44</p> <p>Original FAFN Request: See FAFN-44</p> <p>MFFN Response: See FAFN-44</p> <p>Adequacy of MFFN Response: Partially adequate. Fort Albany First Nation understands MFFN's rationale for not including a consideration of alternatives to the project in the TOR. However, Fort Albany First Nation reiterates its statement that Marten Falls should be subject to the same level of diligence as the Webequie Supply Road, and should therefor consider alternatives to the Project in the EA.</p> <p>Additional FAFN Request: FAFN requests that the ToR be revised to require at minimum consideration in the Environmental Assessment of all the "alternatives to" identified in the WSR ToR, so that the parties can understand if there are viable alternatives to the Marten Falls all-season road.</p>	<p>The response to FAFN-44 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation):</p> <p><i>The Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario</i> allows for proponents to limit the discussion of previously examined alternatives in the EA when alternatives have been previously considered through a separate decision-making process such as a provincial government priority initiative. As described in Section 6.2 of the ToR, the decision for the Project to be a road has been made through previous planning and decision-making processes. A CAR would be the only viable option that could provide all-season access to the provincial highway network since no alternative to a road can provide the same level of freedom of movement for community members to travel outside the community. Given MFFN's unique circumstances as a remote First Nation community with an airport with non-daily service and high costs per trip, and a winter road system that only provides seasonal service and is increasingly unreliable, or a railroad which does not provide the freedom of movement, it is not reasonable to consider these alternatives as they do not meet the community needs. <u>The EA Report will include a high-level discussion outlining the previous decisions made for the Project to be a road and identify why other alternatives to are not considered appropriate / viable options for reliable, all-season access to MFFN.</u></p> <p>It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR and in accordance with subsections 6.1(3) and 6(2)(c). Ontario's decision on the MFFN ToR, including whether to accept the EA to be prepared in accordance with subsections 6.1(3) and 6(2)(c) of the <i>Environmental Assessment Act</i> is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a final decision on whether or not to approve the ToR.</p>	<p>Section 3.4, pg. 7 to 8</p> <p>Section 6.2, pg. 21 to 22</p> <p><u>Commitment for EA</u></p>
Fort Albany First Nation – May 28, 2021			
FAFN-52	<p>#: FAFN-45</p> <p>Original FAFN Request: See FAFN-45</p> <p>MFFN Response: See FAFN-45</p> <p>Adequacy of MFFN Response: FAFN confirms that the reference to FAFN-658 was a typo and should read FAFN-18 (corresponding to MFFN ID-658).</p>	N/A	N/A

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	The response is adequate. Additional FAFN Request: None.		
FAFN-53	#: FAFN-46 Original FAFN Request: See FAFN-46 MFFN Response: See FAFN-46 Adequacy of MFFN Response: Adequate. Additional FAFN Request: None.	N/A	N/A
FAFN-54	#: FAFN-47 Original FAFN Request: See FAFN-47 MFFN Response: See FAFN-47 Adequacy of MFFN Response: Inadequate. Additional FAFN Request: FAFN reiterates its earlier points on this matter. Reference to future engagement opportunities is not sufficient given the importance of the TOR phase in shaping the entire EA, and given that in-person engagement may still not be possible for some time. With respect to the Regional Impact Assessment, the outcomes of that process should be informing all developments related to the Ring of Fire, including the MFCAR (which is not merely a community access road, but a critical piece of infrastructure meant to help open up the Ring of Fire to large-scale development). Given that there are not yet even agreed Terms of Reference for the RIA, if the EA continues on the current timeline, it is likely to finish long before those outcomes are available. While recognizing the important reasons that the people of MFFN want an all-season road, FAFN believes the most responsible approach is to wait until the RIA has been conducted so that any other projects that follow can be fully informed by it. The current approach will undermine both the MFCAR assessment processes and the RIA for years to come.	<p>The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. We acknowledge your concerns with continuing the ToR process during the pandemic, but maintain that there will remain opportunities to inform the EA / IA beyond the ToR process and are committed to creating these opportunities. If the number of COVID-19 cases continues its current downward trend, we anticipate the province will reopen in September, and given public health guidelines as well as the policies of your community, we would like to meet at that time to further discuss the Project. Although we have not been able to meet in person during the pandemic, we have appreciated the high level of interaction and comments received from Fort Albany First Nation.</p> <p>We acknowledge your concerns with continuing the CAR EA / IA process in advance of the Regional Assessment (RA) of the Ring of Fire being completed, but reiterate that the RA is an assessment independent of the EA / IA for the CAR. We also note that should the CAR EA / IA be completed in advance of the RA, it could provide important and useful information to inform the RA and future projects in the area. As the RA is being undertaken by IAAC and not MFFN, we suggest FAFN contact IAAC to confirm the expected scope and timeline of the RA given the Terms of Reference for the RA is not yet available.</p>	N/A
FAFN-55	#: FAFN-48 Original FAFN Request: See FAFN-48 MFFN Response: See FAFN-48 Adequacy of MFFN Response: Adequate. Additional FAFN Request: None.	N/A	N/A
FAFN-56	#: FAFN-49 Original FAFN Request: See FAFN-49 MFFN Response: See FAFN-49 Adequacy of MFFN Response: Adequate. Additional FAFN Request: None.	N/A	N/A
FAFN-57	#: FAFN-50 Original FAFN Request: See FAFN-50 MFFN Response: See FAFN-50 Adequacy of MFFN Response: Adequate. Additional FAFN Request: None.	N/A	N/A
FAFN-58	#: FAFN-51 Original FAFN Request: See FAFN-51 MFFN Response: See FAFN-51 Adequacy of MFFN Response: Adequate. Additional FAFN Request: None.	N/A	N/A
Ginoogaming First Nation – December 18, 2020			
GFN-1	Ginoogaming First Nation (GFN) continues to experience a lack of internal capacity to participate in consultation activities	Marten Falls First Nation (MFFN) understands that many communities, including Ginoogaming First Nation, are	Commitment for EA

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	for this EA, further compounded by the global pandemic and community access/gathering restrictions. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and GFN was able to commit the resources and thoughtful reflection on engagement methods required to meaningfully participate. While provincial funding support has been received for our involvement in this EA, the timelines and pandemic restrictions have not allowed for GFN to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process.	<p>experiencing challenges related to the global pandemic, limited resources and reduced ability to consult and engage with community members on technical matters related to the Terms of Reference (ToR). MFFN is hopeful that once the Environmental Assessment (EA) is initiated that Ginoogaming First Nation will be in a better position to participate in the process.</p> <p>To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Ginoogaming First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19.</p> <p>In light of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with extra time to review documentation and provide comments. An additional opportunity for Ginoogaming First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p>	
GFN-2	We respect the need for Marten Falls First Nation to advance this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; many of the comments provided were gathered through limited community engagement and an internal review of the ToR documentation. GFN looks forward to receiving responses from the Ontario Ministry of the Environment, Conservation & Parks and the Marten Falls Community Access Road team regarding these comments and future plans for meaningful and appropriate engagement and consultation.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Ginoogaming First Nation, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8
GFN-3	<p>Restrictive Timelines & Capacity</p> <p>GFN does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While GFN has made all efforts to be engaged and informed on this project, our Lands & Resource department does not have dedicated staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances.</p>	<p>MFFN understands the difficult challenges faced by many communities regarding the global pandemic and inability to gather community members, particularly youth and Elders. MFFN is hopeful that once the EA is initiated that Ginoogaming First Nation will be in a better position to participate in the process.</p> <p>To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Ginoogaming First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19.</p> <p>It is MFFN's hope that an appropriate path forward that suits the needs of Ginoogaming First Nation for consultation and engagement is determined. A community-specific consultation plan can also be developed if that is of interest.</p>	Commitment for EA
GFN-4	<p>Indigenous Knowledge Sharing</p> <p>GFN community members have ancestral homelands and traplines within the proposed project area, most notably around Percy Lake, Painter Lake, Briarcliffe Lake and Melchett Lake. While GFN currently has a compiled database of community Indigenous Knowledge (IK) value data, the collection of new IK data will have to be supported in the northern portion of the homelands. The IK collection program will have to include gatherings of Elders and families with values in the project area (including individuals that currently reside in neighbouring communities), and extensive mapping efforts to ensure their values are accurately documented.</p>	<p>MFFN acknowledges the values of ancestral homelands and traplines within the proposed Project area to Elders and families of Ginoogaming First Nation. Ginoogaming First Nation is encouraged to share Indigenous Knowledge and information on their traditional use of land and resources. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program.</p> <p>As noted in Section 3.4.2.1 of the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN is looking forward to receiving previously collected Indigenous Knowledge that may be relevant to the Project once the Indigenous Knowledge Sharing Agreement with Ginoogaming First Nation is finalized and executed.</p> <p>MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Ginoogaming First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program.</p>	Section 3.4.2.1, pg. 11
GFN-5	<p>Indigenous Knowledge Sharing</p> <p>GFN would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the IK Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.</p>	MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN looks forward to continued consultation with, and Ginoogaming First Nation's participation in the Indigenous Knowledge Program.	Section 3.4.2.1, pg. 11
GFN-6	Technical Clarifications	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g.,	Commitment for EA

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	In Table 10-1 and Appendix C Table 1-1, under Tribal Council Affiliation for GFN, our tribal council’s appropriate name is ‘Matawa First Nations Management’. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation.	the EA Report).	
GFN-7	Record of Consultation No further comments at this time.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Appendix C, Section 3.1, pg. 95 to 107
GFN-8	Community Priorities Family traditional homelands in project area: IK data collection/gathering/mapping efforts need to be supported to ensure that conversations surrounding the potential impacts of the project to our families and GFN’s homelands are understood and accommodated in this project EA. GFN’s IK needs to be incorporated into the baseline conditions for this EA, with potential impacts considered and accommodated within all project planning.	MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Ginoogaming First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program. The Indigenous Knowledge Program Guidance Document includes information on how Indigenous Knowledge may be used to inform the baseline conditions for the various technical aspects of the EA (e.g., fish and fish habitat, wildlife and wildlife habitat). Ongoing engagement with Indigenous communities through the Consultation and Engagement Program and Indigenous Knowledge Program will enable MFFN to understand Indigenous community perspectives on potential Project effects and work with Indigenous communities, including Ginoogaming First Nation, on the identification of measures to avoid of, minimize potential effects.	N/A
GFN-9	Community Priorities Trapline impacts: GFN members are currently actively trapping in the area of the proposed project. Impacts to individual trappers need to be discussed, accommodated, and compensated.	MFFN acknowledges that Ginoogaming First Nation members are actively trapping in the area of the proposed Project. Ginoogaming First Nation is encouraged to share further information on trapping activities undertaken in the area of the Project. This can be shared through the Consultation and Engagement Program and the Indigenous Knowledge Program. As noted in Section 7.2.1 of the ToR, the EA will assess the potential effects of the Project due to changes in or loss of sites and areas used for traditional activities, including trapping. It is important that MFFN is aware of trapping activities in proximity to the alternative routes to inform the effects assessment and identification of impact management measures.	Section 7.2.1, pg. 66
GFN-10	Community Priorities Environmental protections: Ensuring measures are in-place throughout the project life to protect the waters, fish, land, plants (notably blueberries), animals (notably moose) and air quality surrounding the project and associated watersheds, including a rigorous environmental monitoring program. GFN would like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. GFN has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, sturgeon, and bats) will help ensure that data collection efforts are relevant to all communities in the area. This holistic approach would benefit the full region and is more respectful of our Indigenous culture.	MFFN acknowledges Ginoogaming First Nation’s concerns about the potential effects to waters, fish, land, plants, wildlife and air quality and agrees that it is important to protect them. Traditional use of land and resources (Section 7.2.1), air quality (Section 7.2.2), land (Section 7.2.4), surface water (Section 7.2.5), groundwater (Section 7.2.6), plants (Section 7.2.7), wildlife, including moose and caribou (Section 7.2.8) and fish and fish habitat (Section 7.2.9) are all identified within the ToR for assessment of effects during the EA. Species of importance to Indigenous communities, such as blueberries and moose, will be identified through the Indigenous Knowledge Program and Consultation and Engagement Program. The identified species will be provided to the appropriate environmental disciplines (i.e., vegetation, wildlife) for consideration in the discipline-specific effects assessment. The environmental discipline will predict and assess potential effects to these species and provide the findings to the Aboriginal and Treaty Rights and Interest discipline, who will then assess how the changes to these species predicted by the environmental disciplines may result in effects to its traditional use by Indigenous communities. As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones “Effects Assessment Methods,” “Identification of Preferred Alternatives” and “Review of Draft EA / Impact Statement (IS)”. MFFN will engage with Ginoogaming First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. In addition, the Indigenous Knowledge Program provides additional opportunities for information on Ginoogaming First Nation’s traditional livelihoods to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Ginoogaming First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects	Section 7.2.1, pg. 65 Section 7.2.2, pg. 66 Section 7.2.4, pg. 67 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.7. pg. 68 Section 7.2.8, pg. 69 Section 7.2.9, pg. 69 Section 8, pg. 72 Section 9, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 23 Commitment for EA

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		<p>Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Follow-up monitoring measures will be consulted on during the milestones Effects Assessment Methods, Identification of Preferred Alternatives, and Review of Draft EA / IS. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies, characterize existing conditions, recommend impact management measures and identify opportunities for Indigenous peoples during development of the Project. In addition, the results of field studies will be shared throughout the EA, and will be documented in the EA Report.</p> <p>The MFFN Project Team will share Ginoogaming First Nation's comment regarding the desire for complementary data collection and monitoring between communities as part of broader regional initiatives, which are outside the scope of this Project, with MFFN Chief and Council.</p>	
GFN-11	<p>Community Priorities</p> <p>Meaningful engagement: Ensure the Province and MFCAR team understand GFN's internal processes (as detailed in the GFN Consultation and Accommodation Protocol), the hierarchy of advice and necessity of full-community involvement in decision-making processes to reach consensus. The protection of the waters and watersheds surrounding this proposed project must be of the highest priority, respecting GFN's Nanagjitong Nibi Water Declaration.</p> <ul style="list-style-type: none">While it is referenced within the ToR that such Protocols will be considered when undertaking consultation activities (page 79), GFN would prefer this statement read that such protocols will be recognized. Recognition of GFN's Protocol has not been demonstrated to-date, most notably with the challenges of engagement during the current pandemic and the clear requirement for longer review periods and capacity supports. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members.GFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff.	<p>MFFN understands that many communities, including Ginoogaming First Nation, are experiencing challenges related to the global pandemic, limited resources, consultation fatigue, conflicting priorities and confusing overlap and deadlines between different projects. Section 10 of the ToR is related to consultation activities that have already taken place. These challenges will be top of mind for MFFN as they relate to Section 11 (and the corresponding EA / IS Consultation and Engagement Plan) during the EA.</p> <p>MFFN also understands that online engagement is only one way to engage and can be limited in its reach for some communities. MFFN will work with Ginoogaming First Nation to determine the best path forward for consultation and engagement with all community members. As noted in the EA / IS Consultation and Engagement Plan, there are more activities offered than online engagement, including teleconferences and potential small in-person meetings that meet physically distant protocols (and do not require an internet connection). Flexibility and adaptability are key and developing a community-specific consultation and engagement plan is offered if Ginoogaming First Nation is interested.</p> <p>To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Ginoogaming First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19.</p>	<p>Section 10, pg. 78-101</p> <p>Section 11.6, pg. 105-108</p> <p>Appendix B, Section 4.1.5, pg. 19</p>
GFN-12	<p>Community Priorities</p> <p>Transportation: GFN understands that the project will lead to increased traffic through GFN's homelands, most notably once mineral development advances in the Ring of Fire. GFN needs to understand the potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership (especially in light of the increasingly tragic traffic accidents with transport trucks observed in recent years). GFN would like to see measures in-place to improve driver safety throughout the Trans-Canada Highway system.</p> <ul style="list-style-type: none">Road safety considerations should be added to the list on page 70, especially once future mineral developments are developed as a result of improved access through the MFCAR.	<p>The EA will assess the potential effects of the Project due to traffic related incidents on the Community Access Road (CAR) during the operations and maintenance phase. The ToR has identified in Appendix A vehicular accidents as a potential indicator of personal safety to be assessed in the EA. The safety features of the proposed Project will be addressed through the design and engineering of the road.</p> <p>Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p>	<p>Section 7.2, pg. 65</p> <p>Appendix A, pg. 7</p>
GFN-13	<p>Community Priorities</p> <p>Economic opportunities: GFN is interested in learning more about potential economic development opportunities to support road construction contracts and would like to encourage the construction proponent to source local, First Nation-owned business contractors. Community members are also interested in employment and training opportunities surrounding road construction work, including camp support, aggregate extraction and baseline data collection.</p> <ul style="list-style-type: none">On page 59, the upcoming Greenstone Gold Mine (GGM) should be added to the Greenstone Economy section, as construction on the new development is anticipated to begin shortly (within the timeframe of this EA).	<p>Project construction, operations and maintenance are anticipated to generate direct and indirect employment, which is anticipated to include employment and procurement opportunities for Indigenous people and other local community members. MFFN will consult with communities in the local study area to better understand a community's current skill sets, potential opportunities for employment through the Project, and areas where training could improve employment opportunities. The EA will assess potential positive and negative effects of the Project on the economy and include impact management measures where applicable. As the ownership of the road is currently unknown, MFFN cannot commit to an Indigenous training and hiring policy for the Project at this time. However, it is expected that such a policy would be created in relation to the Project and that recommendations included in the EA regarding training and hiring would form a basis for the policy.</p> <p>The EA will include a description of the anticipated economic and employment contributions of the Greenstone Gold Mine.</p>	<p>Section 7.2.10, pg. 71</p>
GFN-14	<p>Community Priorities</p> <p>Increased forestry: GFN understands that the development of the MFCAR will likely result in increased forestry activities in the area. GFN is very active in forestry operations within our homelands and we recognize the economic development opportunities presented by this increased activity (especially in-light of skilled GFN membership in the forest industry).</p>	<p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p>	<p>Section 7.2.10, pg. 70</p>
GFN-15	<p>Community Priorities</p> <p>Impacts to valued plants: GFN currently harvests valued plants throughout our homelands, including edible plants (blueberries, raspberries, etc.), medicinal plants (cedar, Labrador tea, etc.) and plants for use in technology (birch bark, cedar root, etc.). GFN members need to understand the potential impacts of the MFCAR project to our valued plants and</p>	<p>MFFN acknowledges the importance of plants used for subsistence, medicinal purposes, and in technology to Ginoogaming First Nation. Ginoogaming First Nation is encouraged to share further information on plant harvesting activities undertaken in the area of the Project through the Indigenous Knowledge Program. As noted in Section 7.2.1 of the ToR, the EA will assess the potential effects of the Project due to changes in or loss of sites and areas used for</p>	<p>Section 5.2.2, pg. 19</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.7, pg. 68</p>

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	<p>to the animals that rely on them (including fish, moose and geese). Will chemicals (spraying herbicides, road salt application, dust control measures) be used in road construction and maintenance?</p> <ul style="list-style-type: none">On page 49, the preliminary list of plant species of importance should be expanded to include sweet flag (<i>Acorus calamus</i>) and white cedar (<i>Thuja occidentalis</i>).	<p>traditional activities, including plant harvesting and use. It is important that MFFN is aware of plant harvesting and use activities in proximity to the alternative routes to inform the effects assessment and identification of impact management measures. Species of importance to Indigenous communities, such as blueberries, raspberries, white cedar, sweet flag, Labrador tea, birch, fish, moose and geese, will be identified through the Indigenous Knowledge Program and Consultation and Engagement Program. The identified species will be provided to the appropriate environmental disciplines (i.e., vegetation, wildlife, fish and fish habitat) for consideration in the discipline-specific effects assessment. The environmental discipline will predict and assess potential effects to these species and provide the findings to the Aboriginal and Treaty Rights and Interest discipline, who will then assess how changes to these species predicted by the environmental disciplines may result in effects to its traditional use by Indigenous communities. Furthermore, as noted in Section 7.2.7 of the ToR, potential effects on vegetation and ecological communities will consider changes to species diversity, including traditional use plants. Additionally, indirect effects on wildlife (e.g., how changes in vegetation may affect the wildlife that rely on them) will be identified and assessed in the EA.</p> <p>Road maintenance activities that are anticipated to occur during the operations phase of the Project are identified in Section 5.2.2 of the ToR. Road maintenance will follow typical Ministry of Transportation standards and requirements. Dust suppression may be applied to road surfaces during the summer months, and ploughs, graders, loaders and dump trucks may be used to clear snow in the winter months. Vegetation control applications are typically done without the use of chemicals and road maintenance in the winter is typically done using sand and snow ploughs (not salt). However, the EA will conservatively assess the potential effects of salt, pesticide and dust suppressant use, and where effects are predicted recommend impact management measures.</p> <p>Thank you for providing input on additional plant species of importance. This information has been noted so that, moving forward, it can be included in Project documentation (e.g., the EA Report).</p>	<p>See response to GFN-4</p>
GFN-16	<p>Community Priorities</p> <p>Improved communications and partnerships with neighbouring First Nations: GFN views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions, communications, and potential partnerships. GFN would like the opportunity to share our experience in becoming connected to the provincial highway system, and the changes it brought to the well-being of our community and homelands.</p>	<p>A primary objective of the EA process is to effectively communicate information about the proposed Project, and to consult with those who may be potentially affected by or have an interest in it. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with interested persons, including Ginoogaming First Nation and Matawa First Nations, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.</p>	<p>Section 10.1, pg. 78</p> <p>Section 11.1, pg. 102</p> <p>Appendix B, Section 2.1, pg. 8</p>
GFN-17	<p>Community Priorities</p> <p>Increased hunting: GFN is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic/tourism. Community members currently hunt where no other hunters travel; if there is an increase in hunters in the region, this will impact the experience and the value of hunting to our membership. Caribou have also been seen in the project area. Potential impacts to camping and trapping/hunting cabins also need to be understood.</p>	<p>MFFN acknowledges that increased access and increased human traffic / tourism may arise in the future if the CAR is constructed. As noted in Section 7.2.1 of the ToR, the EA will consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. Indicators have been proposed in Appendix A of the ToR to support the assessment of potential effects on: specific sites and areas used for traditional activities, including camping and trapping / hunting cabins; the availability of lands and resources for traditional activities; and the experience of being on the land. Furthermore, in addition to Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.</p>	<p>Section 7.2.1, pg. 66</p> <p>Appendix A, pg. 1</p>
GFN-18	<p>Community Priorities</p> <p>Fish populations: GFN would like to understand how the proposed corridor (and resulting increase in traffic/tourism) could impact fish communities and fishing opportunities within our homelands.</p> <ul style="list-style-type: none">GFN would also like to understand the potential long-term impacts of road operations on groundwater (page 68), natural springs, and surface water flow restrictions from alterations such as culvert installations (page 67).	<p>Section 7.2.1 of the ToR indicates that the “Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources.” Water resources is inclusive of springs, aquifers and surface water features. The EA will document existing conditions, including information on watersheds and waterways within the study area for the Project.</p> <p>MFFN acknowledges Ginoogaming First Nation’s concerns for potential effects of the Project on fish and water resources, and will identify and assess potential effects of the Project on fish and fish habitat (Section 7.2.9), surface water (Section 7.2.5) and groundwater (Section 7.2.6). The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly effect fish and fish habitat. The Project activities, outlined in Section 5.2.1 of the ToR, includes culvert installations for assessment of potential effects in the EA.</p> <p>MFFN acknowledges that increased access and increased human traffic / tourism may arise in the future if the CAR is constructed. Section 7.2.9 of the ToR states that “(t)he CAR will provide year-round access to the Far North, which is likely to increase access to waterbodies for recreational use. This has the potential to result in an increase in angling pressure to fish populations, higher risk of the introduction of invasive aquatic species, parasites and disease, and the accidental release of contaminants to waterbodies”. The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. The findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be</p>	<p>Section 5.2.1.2, pg. 16</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.5, pg. 67</p> <p>Section 7.2.6, pg. 68</p> <p>Section 7.2.9, pg. 70</p>

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		used to assess the potential effects to the availability of lands and resources for traditional activities.	
GFN-19	<p>Community Priorities</p> <p>Increased load on infrastructure in Geraldton: GFN members current access health care services, groceries, and other services in the neighbouring town of Geraldton, with the proposed corridor anticipated to result in increased loads to this infrastructure (especially in-light of the planned development of the Greenstone Gold Mine (GGM)). GFN would like to understand how increased loads to Geraldton's infrastructure (including community roads, the hospital, landfill and police services) could be affected by the proposed project, and to ensure that the eventual development of GGM is included in the assessment of cumulative effects. Will a bypass need to be constructed to divert traffic from Geraldton's centre? The towns of Longlac and Jellicoe will also likely experience an increased load on their services.</p>	<p>MFFN acknowledges that if population increases or demographics change, strain on public services and infrastructure may also occur. Therefore, changes to the socio-economic environment will look at potential changes in availability and use of public services and infrastructure (Section 7.2.10 of the ToR) within Geraldton that may occur as a result of the Project will be considered in the EA.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The potential for the Project to act cumulatively with the Greenstone Gold Hardrock Mine will be considered for inclusion in the cumulative effects assessment of the EA.</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p>
GFN-20	<p>Community Priorities</p> <p>Aggregate resources: GFN would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited in the north and present both economic development opportunities and potential risks to local IK values.</p>	<p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>MFFN recognizes Indigenous Knowledge as a critical component of the EA process and is committed to working with Indigenous communities to respectfully collaborate on how Indigenous Knowledge will be utilized in identifying indicators, informing baseline conditions, predicting potential effects of the Project, and helping to determine appropriate impact management measures and monitoring methods. MFFN will consult with Ginoogaming First Nation to better understand their concerns. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Ginoogaming First Nation in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p>	<p>Section 6.3, pg. 22</p> <p>Section 5.2.2, pg. 20</p> <p>Section 7.1.4.4, pg. 44</p> <p>Commitment for EA</p>
GFN-21	<p>Community Priorities</p> <p>Eventual connection to the Ring of Fire: Since the proposed road will eventually connect to future mineral developments in the Ring of Fire, GFN would like to have a better understanding of the potential future cumulative effects of such mining developments on GFN's homelands. The future increase in railway use from these potential future developments (most notably onto the rail lines that cross our main access road) are also of concern (especially for safety) and need to be considered.</p>	<p>An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Ginoogaming First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.</p>	<p>Section 7.6, pg. 65</p> <p>Appendix B, Table 4-2, pg. 23</p> <p>Commitment for EA</p>
GFN-22	<p>Community Priorities</p> <p>Navigation concerns: The Albany and Ogoki Rivers are import waterways for travel, and the Whitesand area to the Ogoki and Armstrong to Auden are important portage routes. How will the road/bridges be designed to ensure that people can still travel on the waters?</p>	<p>MFFN acknowledges that rivers provide transportation to Ginoogaming First Nation. The EA will assess how potential effects of the Project on surface water (i.e., flow) may indirectly affect navigation. Ginoogaming First Nation is encouraged to continue to share information on their traditional use of land and resources. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Ginoogaming First Nation, in November 2020. An Indigenous Knowledge Program Fact Sheet (with</p>	<p>Commitment for EA</p>

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		<p>versions in Ojibway, Oji-Cree and Cree) was also shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>Where possible, bridges will be designed to avoid effects to waterway navigability. Additional information on water crossing and potential effects to navigability will be provided in the EA.</p>	
GFN-23	<p>Community Priorities</p> <p>Potential impacts to Indigenous language and Marten Falls First Nation members: GFN values our Ojibway language and culture, and recognizes that our shared language is valued, preserved, and used by Marten Falls First Nation (MFFN) members. GFN is concerned that the road connection may have impacts to language use, and the health and well-being of MFFN members as newcomers enter their homelands and community. GFN would like to better understand how the MFFN community feels about the project and to share experiences with our neighbours and shared families.</p>	<p>MFFN acknowledges the importance of Indigenous language and concerns about how the Ojibway language and the health and well-being of Ginoogaming First Nation community members may be affected by the Project. The EA will assess how the project could result in potential changes to communities including population change, use of Indigenous language as well as community well-being and social cohesion. See draft effects criteria in ToR Appendix A. Ongoing engagement with Indigenous communities through the Consultation and Engagement Program and Indigenous Knowledge Program will enable MFFN to understand Indigenous community perspectives on potential Project effects and work with Indigenous communities, including Ginoogaming First Nation, on the identification of impact management measures to avoid or minimize potential effects. MFFN Chief and Council endorsed the ToR prior to its submission to the Ministry of the Environment, Conservation and Parks. MFFN have consulted their membership on the Project prior to the commencement of the EA and will continue to do so throughout the EA process. MFFN understands that not all members are supportive of a road and they continue to have questions. Generally, those who are unsupportive express fears related to impending environmental degradation of the land as the result of the mineral development in the area known as the Ring of Fire and, fear of declining wildlife populations after the potential opening of the Far North landscape to non-Indigenous hunting and fishing. These fears and concerns are valid and will be investigated through the EA process. Those who are supportive of the Project express excitement over the idea of reduced costs to travel and provision of goods and services to the community and ability to travel and see family. Some individuals have expressed wanting to move back to Marten Falls once a road is built because only then will they be able to afford to travel to and from the community. However, both those in support and not in support of the road express concerns of the potential social impacts on the community such as potential increase in current level of illicit substances entering the community or, increase in rates of violence or missing persons if more outsiders have unrestricted access into the community. MFFN would be happy to discuss experiences with their neighbours.</p>	Section 7.2.10, pg. 70
GFN-24	<p>Community Priorities</p> <p>Unity: GFN asserts that the collective traditional territories of the nine Matawa member First Nations are under our own control, and that approval to operate in our respective territories cannot be given by the Government or any other external entities. As affirmed in the Mamow-Wecheekapawetahteewinn (aka Unity Declaration, signed in 2011), the nine First Nations, connected through our language, cultural, social, and economic interests, all live and rely upon the lands, water and resources entrusted to us by the Creator. While it is understood that the federal government is advancing plans for a Regional Assessment centered on the Ring of Fire area, GFN would like the Matawa member First Nations to come together to discuss areas of mutual interest and concern, recognizing the importance of unity.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Ginoogaming First Nation, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.</p> <p>In April 2018, MFFN signed an agreement with the Ministry of the Environment, Conservation and Parks (MECP) to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario’s Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p>	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8
Kasabonika Lake First Nation – December 14, 2020 (email) – Comment received from Eno Anderson as individual community member			
KasabFN-1	<p>Any land issues outstanding (i.e. land claims)?</p>	<p>Marten Falls First Nation (MFFN) acknowledges the concerns of Kasabonika First Nation with respect to the status of the land and land claims. MFFN has been working with the provincial and federal agencies to identify any relevant land claims. As noted in Section 7.1.4.1 of the Terms of Reference (ToR), there are several outstanding federal land claims relevant to Ginoogaming and Eabametoong First Nations, and these have been identified in Table 7-2 of the ToR. At the time of preparing the ToR, there were no additional comprehensive or specific federal land claims in the vicinity of the Project. There were also no identified land claims with the Government of Ontario occurring in the preliminary study area (i.e., within 2.5 km of each side of the centreline of each alternative route). MFFN will continue to communicate with both provincial and federal agencies throughout the Environmental Assessment to identify any emerging land claims that may need to be considered (Section 9.1.1 of the ToR). In addition, MFFN requests that Kasabonika Lake First Nation share any information on potential future land claims relevant to the Project that becomes available as the Environmental Assessment proceeds.</p>	Section 7.1.4.1, pg. 34 Section 7.1.4.1, Table 7-2, pg. 36 to 37 Section 9.1.1, pg. 77
Kitchenuhmaykoosib Inninuwig First Nation – December 18, 2020 (phone)			
KitchFN-1	<p>Concern about impacts to migration on caribou herds. Caribou migrate twice a year and there could also be impact on the community’s intake of caribou as food.</p>	<p>As part of the Environmental Assessment (EA), targeted caribou surveys will be conducted. Final details of this survey program will be determined in consultation with federal and provincial regulator. Consultation with Indigenous</p>	Section 7.2.8, pg. 69

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		<p>communities, agencies and interested persons on baseline studies is identified as part of the targeted input for the Effects Assessment Methods milestone. These surveys will provide information on existing caribou use in the area of the Project, and will inform an effects assessment, which will include the effects of the Project and associated components on the caribou population, habitat use and movement within the study area.</p> <p>As mentioned in Section 7.2.10 of the Terms of Reference, the EA will consider how the Project may alter the ability of Indigenous communities to access country foods such as caribou. Marten Falls First Nation will contact Kitchenuhmaykoosib Inninuwig First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p>	<p>Section 7.2.10, pg. 70</p> <p>Appendix B, Table 4-2, pg. 22</p> <p>Commitment for EA</p>
Long Lake #58 First Nation – December 18, 2020			
LL58-1	<p>Long Lake #58 First Nation (LL58) continues to experience a lack of internal capacity to participate in consultation activities for this EA due to the late offer of funding support from the province and resultant delay in agreement execution (final agreement signed December 8/20). The absence of timely provincial and proponent funding support means that the community consultation requirements defined in LL58’s Engagement and Accommodation Protocol (2015) have not been met for this EA at this time. LL58 has not yet been able to hire an internal Community Outreach and Engagement Coordinator to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process. Such challenges have been further exacerbated by recent tragedies in our community and the ongoing Covid-19 pandemic straining our already limited resources. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and LL58 was able to commit the resources and thoughtful reflection required on engagement methods required to meaningfully participate.</p>	<p>Marten Falls First Nation (MFFN) extends deep sympathy to the entire Long Lake #58 First Nation community on the recent tragedies, as well as the many difficulties presented by COVID-19 and lack of resources. MFFN understands the challenges related to receiving late funding support from Ontario and by way of submitting this formal comment, Ontario is made aware. MFFN is hopeful that once the Environmental Assessment (EA) is initiated that Long Lake #58 First Nation will be in a better position to participate in the process.</p> <p>To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Long Lake #58 First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19. Hopefully once the job posting is distributed it will expedite onboarding support for Long Lake #58 First Nation, including the development of a custom consultation and engagement plan, if that is of interest to the community.</p> <p>In light of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with extra time to review documentation and provide comments. An additional opportunity for Long Lake #58 First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p>	<p>Commitment for EA</p>
LL58-2	<p>We respect the need for Marten Falls First Nation to advance this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; many of the comments provided were gathered during a single community engagement event conducted in early 2020 on the federal Impact Assessment for this project, and on a limited internal review of the ToR documentation.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Long Lake #58 First Nation, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.</p>	<p>Section 10.1, pg. 78</p> <p>Section 11.1, pg. 102</p> <p>Appendix B, Section 2.1, pg. 8</p>
LL58-3	<p>Restrictive Timelines & Capacity</p> <p>LL58 does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While LL58 has made all efforts to be engaged and informed on this project, our Lands & Resource department does not have dedicated staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances.</p>	<p>MFFN understands the difficult challenges faced by many communities regarding the global pandemic and inability to gather community members, particularly youth and Elders. MFFN is hopeful that once the EA is initiated that Long Lake #58 First Nation will be in a better position to participate in the process.</p> <p>To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Long Lake #58 First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19.</p> <p>It is MFFN’s hope that an appropriate path forward that suits the needs of Long Lake #58 First Nation for consultation and engagement is determined. A community-specific consultation plan can also be developed if that is of interest.</p>	<p>Commitment for EA</p>
LL58-4	<p>Indigenous Knowledge Program</p> <p>LL58 would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the Indigenous Knowledge (IK) Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN looks forward to continued consultation with Long Lake #58 First Nation and your participation in the Indigenous Knowledge Program.</p>	<p>Section 3.4.2.1, pg. 11</p>
LL58-5	<p>Technical Clarifications</p> <p>LL58 would like to clarify that we are not a signatory to the Robinson-Superior Treaty 1850, as stated on Page 38 of the Terms of Reference document. LL58 has been located on a one square mile tract of land since 1905. While we were located to this land, and despite the fact that our homelands overlap the geographic boundaries of the Treaty 9 and Robinson-Superior Treaty of 1850, LL58 has never signed a treaty with the Crown. LL58’s community profile is accurately reflected in Appendix C, Page 143. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation (Inc. should not added to Matawa First Nations Management).</p>	<p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p>	<p>Commitment for EA</p>
LL58-6	<p>Record of Consultation</p> <p>No comments at this time.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p>	<p>Appendix C, Section 3.1, pg. 143 to 158</p>

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LL58-7	<p>Community Priorities</p> <p>Environmental protections: Ensuring measures are in-place throughout the project life to protect the waters, fish, land, animals (notably moose) and air quality surrounding the project and associated watersheds, including a rigorous environmental monitoring program.</p> <ul style="list-style-type: none">LL58 would like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. LL58 has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, sturgeon, and migratory birds) will help ensure that data collection efforts are relevant to all communities in the area. This holistic approach would benefit the full region and is more respectful of Indigenous perspectives.	<p>MFFN acknowledges Long Lake #58 First Nation’s concerns about the potential effects to waters, fish, land, wildlife and air quality and agrees that it is important to protect them. Traditional use of land and resources (Section 7.2.1), air quality (Section 7.2.2), land (Section 7.2.4), surface water (Section 7.2.5), groundwater (Section 7.2.6), wildlife, including moose and caribou (Section 7.2.8) and fish and fish habitat (Section 7.2.9) are all identified within the Terms of Reference (ToR) for assessment of effects during the EA.</p> <p>As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / Impact Statement (IS) Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones “Effects Assessment Methods,” “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. MFFN will engage with Long Lake #58 First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. In addition, the Indigenous Knowledge Program provides additional opportunities for information on Long Lake #58 First Nation’s traditional livelihoods to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Long Lake #58 First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Follow-up monitoring measures will be consulted on during the milestones Effects Assessment Methods, Identification of Preferred Alternatives, and Review of Draft EA / IS. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies, characterize existing conditions, recommend impact management measures and identify opportunities for Indigenous peoples during development of the Project. In addition, the results of field studies will be shared throughout the EA, and will be documented in the EA.</p> <p>The MFFN Project Team will share Long Lake #58 First Nation’s comment regarding the desire for complementary data collection and monitoring between communities as part of broader regional initiatives, which are outside the scope of this Project, with MFFN Chief and Council.</p>	<p>Section 7.2.1, pg. 65</p> <p>Section 7.2.2, pg. 66</p> <p>Section 7.2.4, pg. 67</p> <p>Section 7.2.5, pg. 67</p> <p>Section 7.2.6, pg. 68</p> <p>Section 7.2.8, pg. 69</p> <p>Section 7.2.9, pg. 69</p> <p>Section 8, pg. 72</p> <p>Section 9, pg. 76</p> <p>Appendix B, Section 4.1.7, pg. 22 to 23</p> <p>Commitment for EA</p>
LL58-8	<p>Community Priorities</p> <p>Meaningful engagement: Ensure the Province and MFCAR team understand LL58’s internal processes (as detailed in the LL58 Engagement & Accommodation Protocol previously provided), the hierarchy of advice and necessity of full-community involvement in decision-making processes to reach consensus.</p> <ul style="list-style-type: none">While it is referenced within the ToR that such Protocols will be considered when undertaking consultation activities (page 79), LL58 would prefer this statement read that such protocols will be recognized. Recognition of LL58’s Protocol has not been demonstrated to-date, most notably with the challenges of engagement during the current pandemic and the clear requirement for longer review periods and capacity supports. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members.LL58’s limited resources have been further strained due to the pandemic and simultaneous consultation effort from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR.	<p>MFFN understands that many communities, including Long Lake #58 First Nation, are experiencing challenges related to the global pandemic, limited resources, consultation fatigue, conflicting priorities and confusing overlap and deadlines between different projects. Section 10 of the ToR is related to consultation activities that have already taken place. These challenges will be top of mind for MFFN as they relate to Section 11 (and the corresponding EA / IS Consultation and Engagement Plan) during the EA.</p> <p>It is not MFFN’s intent to come across as though these problems will be solved by shifting to online engagement. MFFN understands that online engagement is only one available method and can be limited in its reach for some communities. MFFN will work with Long Lake #58 First Nation to determine the best path forward for consultation and engagement with all community members. As noted in the EA / IS Consultation and Engagement Plan, during COVID-19 restrictions there are more activities offered than online engagement, including teleconferences and potential small in-person meetings that meet physically distant protocols (and do not require an internet connection). Flexibility and adaptability are key and developing a community-specific consultation and engagement plan is offered if Long Lake #58 First Nation is interested. MFFN will be hiring a local Consultation Community Coordinator and it is anticipated that this role will also help in planning and coordinating consultation and engagement efforts that meet the needs of the community.</p>	<p>Section 10, pg. 78-101</p> <p>Section 11.6, pg. 105-108</p> <p>Appendix Bf ToR, Section 4.1.5, pg. 19</p>
LL58-9	<p>Community Priorities</p> <p>Cultural & spiritual significance of the lands and waters: IK data collection/gathering/mapping efforts need to be supported to ensure that conversations surrounding the potential impacts of the project to LL58’s homelands are understood and accommodated in this project EA. LL58’s IK needs to be incorporated into the baseline conditions for this EA, to assist in the determination of potential impacts.</p> <ul style="list-style-type: none">On page 49, the preliminary list of plant species of importance should be expanded to include sweet flag (<i>Acorus calamus</i>), white cedar (<i>Thuja occidentalis</i>) and sage.	<p>Long Lake #58 First Nation is encouraged to share further information on the cultural and spiritual significance of the lands and waters, Indigenous Knowledge, and information on traditional uses of land and resources. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Species of importance to Indigenous communities, such as sweet flag, white cedar and sage, will be identified through these programs. The identified species will be provided to the appropriate environmental disciplines (i.e., vegetation) for consideration in the discipline-specific effects assessment. The environmental discipline will predict and assess potential effects to these species and provide the findings to the Aboriginal and Treaty Rights and Interest discipline, who will then assess how changes to these species predicted by the environmental disciplines may result in effects to its traditional use by Indigenous communities.</p> <p>MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines); it also includes information on how Indigenous Knowledge may be used in the EA including to inform the baseline conditions for the various technical aspects of the EA (e.g., fish and fish habitat, wildlife and wildlife habitat). The Indigenous Knowledge Program Guidance Document was</p>	<p>Section 3.4.2.1, pg. 11</p> <p>Commitment for EA</p>

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		<p>shared with Indigenous communities, including Long Lake #58 First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program.</p> <p>The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Long Lake #58 First Nation.</p> <p>Ongoing engagement with Indigenous communities through the Consultation and Engagement Program and Indigenous Knowledge Program will enable MFFN to understand Indigenous community perspectives on potential Project effects and work with Indigenous communities, including Long Lake #58 First Nation, on the identification of measures to avoid, minimize or accommodate potential effects.</p> <p>Thank you for identifying sweet flag, white cedar and sage as plant species of importance. This information has been noted so that, moving forward, it can be included in Project documentation (e.g., the EA Report).</p>	
LL58-10	<p>Community Priorities</p> <p>Transportation: LL58 understands that the project will lead to increased traffic through LL58’s homelands in the future, most notably once a connection is established to the Ring of Fire through the proposed Northern Road Link. LL58 needs to understand potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership (especially in light of the increasingly tragic traffic accidents with transport trucks observed in recent years). LL58 would like to see measures in-place to improve driver safety throughout the Trans-Canada Highway system.</p> <ul style="list-style-type: none">Road safety considerations should be added to the list on page 70, especially once future mineral developments are developed as a result of improved access through the MFCAR.	<p>The EA will assess the potential effects of the Project due to traffic related incidents on the Community Access Road (CAR) during the operations and maintenance phase. The ToR has identified in Appendix A vehicular accidents as a potential indicator of personal safety to be assessed in the EA. The safety features of the proposed Project will be addressed through the design and engineering of the road.</p> <p>Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p>	<p>Section 7.2, pg. 65</p> <p>Appendix A, pg. 7</p>
LL58-11	<p>Community Priorities</p> <p>Economic opportunities: LL58 is interested in learning more about potential economic development opportunities to work with the Proponent in supporting road construction contracts and would like to encourage the construction proponent to source local, First Nation-owned business contractors. Community members are also interested in employment and training opportunities surrounding road construction work, including camp support, aggregate extraction, materials/supply transportation, and environmental data collection. LL58 understands that increased traffic in LL58’s homelands in the future will also result in increased tourism opportunities for LL58 businesses.</p> <ul style="list-style-type: none">On page 59, the upcoming Greenstone Gold Mine (GGM) should be added to the Greenstone Economy section, as construction on the new development is anticipated to begin within the timeframe of this EA.	<p>Project construction, operations and maintenance are anticipated to generate direct and indirect employment, which is anticipated to include employment and procurement opportunities for Indigenous people and other local community members. MFFN will consult with communities in the local study area to better understand the community’s current skill sets, potential opportunities for employment through the Project, and areas where training could improve employment opportunities. The EA will assess potential positive and negative effects of the Project on the economy and include impact management measures where applicable. As the ownership of the road is currently unknown, MFFN cannot commit to an Indigenous training and hiring policy for the Project at this time. However, it is expected that such a policy would be created in relation to the Project and recommendations included in the EA including on training and hiring, would form a basis for the policy.</p> <p>MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access.</p> <p>The EA will include a description of the anticipated economic and employment contributions of the Greenstone Gold Mine.</p>	<p>Section 7.2.10, pg. 70</p>
LL58-12	<p>Community Priorities</p> <p>Improved communications and partnerships with neighbouring First Nations: LL58 views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions, communications and potential partnerships with our neighbours. LL58 is also open to sharing our experience in becoming connected to the provincial highway system, and the changes it brought to the well-being of our community and homelands.</p>	<p>A primary objective of the EA process is to effectively communicate information about the proposed Project, and to consult with those who may be potentially affected by or have an interest in it. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with interested persons, including Long Lake #58 First Nation and Matawa First Nations, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.</p>	<p>Section 10.1, pg. 78</p> <p>Section 11.1, pg. 102</p> <p>Appendix B, Section 2.1, pg. 8</p>
LL58-13	<p>Community Priorities</p> <p>Increased hunting: LL58 is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic/tourism. Moose population studies should be included in this study at an equivalent level to caribou.</p>	<p>Section 7.2.8 of the ToR indicates that potential effects to wildlife (including moose) as result of the Project will be identified and assessed in the EA. Potential effects to moose due to increased human traffic and tourism will be assessed in the EA by considering how Project activities, such as those listed below, may affect moose population and behaviour:</p> <ul style="list-style-type: none">Noise, lights, and human presence have the potential to change wildlife behaviour through disturbance or attraction of wildlife;	<p>Section 7.2.1, pg. 66</p> <p>Section 7.2.8, pg. 69</p> <p>Commitment for EA</p>

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		<ul style="list-style-type: none">Operation of the CAR may result increased risk of mortality of wildlife species through vehicular collisions; andThe CAR will provide year-round access to the Far North, which may increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight-lines along linear corridors, a change to seasonal migration pathways, higher risk of the introduction of invasive species, parasites and disease, and the accidental release of contaminants to the environment. <p>Additionally, the EA will consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. Furthermore, Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.</p> <p>Baseline studies for moose will be completed as part of the larger wildlife program that includes remote camera surveys, observations in the field and habitat mapping. Whereas species-specific surveys for caribou as planned for the Project since these studies, in addition to informing the EA, are also intended to inform <i>Endangered Species Act</i> Authorizations.</p> <p>MFFN will contact Long Lake #58 First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p>	
LL58-14	<p>Community Priorities</p> <p>Fish populations: LL58 would like to understand how the proposed corridor (and resulting increase in traffic/tourism and spill risks) could impact fish communities and fishing opportunities within LL58’s homelands.</p> <ul style="list-style-type: none">LL58 would also like to understand the potential long term impacts of road operations on groundwater (page 68), natural springs, and surface water flow restrictions from alterations such as culvert installations (page 67).	<p>Section 7.2.1 of the ToR indicates that the “Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources.” Water resources is inclusive of springs, aquifers and surface water features. The EA will document existing conditions, including information on watersheds and waterways within the study area for the Project.</p> <p>MFFN acknowledges Long Lake #58 First Nation’s concerns for potential effects of the Project on fish and water resources, and will identify and assess potential effects of the Project on fish and fish habitat (Section 7.2.9), surface water (Section 7.2.5) and groundwater (Section 7.2.6) in the EA. The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly effect fish and fish habitat. The Project activities, outlined in Section 5.2.1 of the ToR, includes culvert installations for assessment of potential effects in the EA.</p> <p>MFFN acknowledges that increased access and increased human traffic / tourism may arise in the future if the CAR is constructed. Section 7.2.9 of the ToR states that “(t)he CAR will provide year-round access to the Far North, which is likely to increase access to waterbodies for recreational use. This has the potential to result in an increase in angling pressure to fish populations, higher risk of the introduction of invasive aquatic species, parasites and disease, and the accidental release of contaminants to waterbodies”. The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. The findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.</p>	<p>Section 5.2.1.2, pg. 16</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.5, pg. 67</p> <p>Section 7.2.6, pg. 68</p> <p>Section 7.2.9 pg. 70</p>
LL58-15	<p>Community Priorities</p> <p>Increased load on infrastructure in Geraldton: LL58 members currently seek health care services, groceries, and other services in the neighbouring town of Geraldton, with the proposed corridor anticipated to result in increased loads to this infrastructure (especially in-light of the anticipated future development of GGM). LL58 would like to understand how increased loads to Geraldton’s infrastructure (including community roads, the hospital, landfill and police services) could be affected by the proposed project, and to ensure that the eventual development of GGM is included in the assessment of cumulative effects.</p>	<p>MFFN acknowledges that if population increases or demographics change, strain on public services and infrastructure may also occur. Therefore, changes to the socio-economic environment will look at potential changes in availability and use of public services and infrastructure (Section 7.2.10 of the ToR) within Geraldton that may occur as a result of the Project will be considered in the EA.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The potential for the Project to act cumulatively with the Greenstone Gold Hardrock Mine will be considered for inclusion in the cumulative effects assessment of the EA.</p>	<p>Section 7.2.10, pg. 70</p>
LL58-16	<p>Community Priorities</p> <p>Aggregate resources: LL58 would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited in the north and present both economic development opportunities and potential risks to local IK values.</p>	<p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>MFFN recognizes Indigenous Knowledge as a critical component of the EA process and is committed to working with Indigenous communities to respectfully collaborate on how Indigenous Knowledge will be utilized in identifying indicators, informing baseline conditions, predicting potential effects of the Project, and helping to determine appropriate impact management measures and monitoring methods. MFFN will consult with Long Lake #58 First Nation to better understand</p>	<p>Section 6.3, pg. 22</p> <p>Section 5.2.2, pg. 20</p> <p>Section 7.1.4.4, pg. 44</p> <p>Commitment for EA</p>

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		their concerns. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Long Lake #58 First Nation in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	
LL58-17	<p>Community Priorities</p> <p>Eventual connection to the Ring of Fire: Since the proposed road will eventually connect to future mineral developments in the Ring of Fire, LL58 would like to have a better understanding of the potential future cumulative effects of such mining developments on LL58’s homelands.</p>	<p>An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. MFFN will engage with Long Lake #58 First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.</p>	<p>Section 7.6, pg. 65</p> <p>Appendix B, Table 4-2, pg. 23</p> <p>Commitment for EA</p>
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MFFN-1	<p>Marten Falls First Nation has been actively pursuing a community access road for many years. Currently, Marten Falls is only accessible by air and winter road. Costs for air travel are increasing and the issue has been made worse because reduced air service during the pandemic and will likely increase more with raises in the carbon tax in the new year. Our winter road is only available to us during a limited 6 to 8 week-long season and is becoming increasingly unreliable with changing climate conditions. We are concerned heavy equipment could break through the ice and sink into the muskeg and, about potential petroleum hydrocarbon impacts to nearby waterways if an accident happens or, in the worse case if a fuel truck were to fall through the ice. In addition, our mighty Ogoki and Albany Rivers that were dammed in the 1950’s turned our once mighty rivers, which we used as highway, into waterways that are only navigable during short period of high flow in the spring and fall. This has limited our ability to hunt and gather from the land throughout most of the summer and fall. Marten Falls First Nation understands the devastating impacts resulting from historical industrial developments. We continue to face remarkably high costs for anything and everything in the community because of this difficulty to transport. While bread and eggs are expensive, availability of key supplies like renovation and construction material is so limited that we are unable to build or renovate our structures. That forces us to live in unacceptable conditions. We have endured this for too long and seen progress across the country as we stand still. The stagnation created is unacceptable and for us, it has created a situation of absolute and relative deprivation. Our people are in a social crisis and we are seeking economic independence so we can provide needed supports and resources to our people. For these reasons Marten Falls First Nation sees a community access road as needed to improve the well being of our members, grow our community and our independence.</p>	<p>The concerns included in this comment have been noted so that, moving forward, this information can be incorporated into the need and purpose of the Project in future documentation (e.g., the Environmental Assessment [EA] Report).</p>	<p>Commitment for EA</p>
MFFN-2	<p>Chief and Council fully endorsed the Terms of Reference prior to its submission to the Ministry of Environment and Climate Change. We have consulted our membership on the potential community access road prior to the commencement of the environmental assessment (EA) and will continue to do so throughout the EA process. We understand that not all members are supportive of a road and they continue to have questions. Generally, those who are unsupportive express fears related to impending environmental degradation of the land as the result of the mineral development in the area known as the Ring of Fire and, fear of declining wildlife populations after the potential opening of the Far North landscape to non-indigenous hunting and fishing. Although these fears and concerns are valid, we need to investigate them through the EA process. We are also exploring access limitations that might be applicable to the general</p>	<p>Marten Falls First Nation (MFFN) Chief and Council and community review of the Terms of Reference (ToR) for acceptance to submit the ToR to the Ministry of the Environment, Conservation and Parks is documented in Section 10.2.2.1 of the ToR. The ToR documented the plans for this consultation and engagement session with MFFN. Thank you for sharing that MFFN Chief and Council fully endorsed the ToR prior to its submission. The ToR captured consultation from March 2019 to July 31, 2020; consultation after this date will be captured in the Record of Consultation for the EA.</p> <p>The ToR acknowledges that future development opportunities may arise if the Community Access Road (CAR) is</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.8, pg. 69</p> <p>Section 7.2.9, pg. 70</p> <p>Section 7.2.10, pg. 70</p> <p>Section 8, pg. 72 to 74</p>

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	public wishing to access the road. Additionally, Marten Falls has not agreed to the construction of any mine in the Ring of Fire yet because the proper EA and permitting work has not been done. Those who are supportive of the project express excitement over the idea of reduced costs to travel and provision of goods and services to the community and ability to travel and see family. Some individuals have expressed wanting to move back to Marten Falls once a road is built because only then will they be able to afford to travel to and from the community. However, both those in support and not in support of the road express concerns of the potential social impacts on the community such as potential increase in current level of illicit substances entering the community or, increase is rates of violence or missing persons if more outsiders have unrestricted access into the community. To properly address potential negative impacts and enhance the positive aspects of the project, one needs to first identify what the benefits and impacts are.	<p>constructed and that that EA will identify and assess potential effects of the Project as a result of changes due to increased access (Sections 7.2.1, 7.2.8, 7.2.9 and 7.2.10). Specifically, the ToR indicates that the EA will consider the concerns noted in the comment as follows:</p> <ul style="list-style-type: none">▪ Section 7.2.1: Changes in the availability and / or quality of resources, including potential changes associated with increased assess by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, fathering) within the area of the Project;▪ Section 7.2.8: The CAR will provide year-round access to the Far North, which is likely to increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight-lines along linear corridors...▪ Section 7.2.9: The CAR will provide year-round access to the Far North, which is likely to increase access to waterbodies for recreational and traditional resource use. This has the potential to result in an increase in angling pressure to fish populations ...▪ Section 7.2.10: Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access.▪ Section 7.2.10: Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods.▪ Section 7.2.10: Effects to human health by altering public safety (including potential increased illicit activities, conflicts and other potential harms to communities and their members), public health, diet and mental health. These changes may be facilitated by additional access to and from southern communities year-round.▪ Section 7.2.10: Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>The assessment and evaluation of alternative methods is the process of identifying and assessing the potential effects of the Project for each alternative route and then undertaking a comparative analysis of the potential net effect and advantages and disadvantages. The approach to assess and evaluate the alternative methods is provided in Section 8 of the ToR. As part of this process, both the potential benefits and negative effects will be identified.</p>	Section 10.2.2.1, pg. 89 Commitment for EA
MFFN-3	Marten Falls First Nation understands that an EA is a decision-making tool, and that the ToR is the first stage of the process outlining what will be evaluated in the EA. Until the EA is completed, Marten Falls First Nation will not have all the information needed to make an informed decision on whether benefits of the community access road out weight the environmental impacts that will result. Therefore, Marten Falls First Nation plans to continue and advance the EA. Protecting the environment, land, air and water and, the social and economic well-being of our members is of the utmost importance to Marten Falls. We are working hard with our Project Team and AECOM to ensure that these concerns are addressed as part of the assessment.	Your time in reviewing the information and your continued interest and support in the Project is appreciated. The EA will identify and assess effects to the land, air, water, and social environment. Table 7-6 of the ToR provides a preliminary list of potential effects with additional detail provided in Sections 7.2.1 to 7.2.11. The EA will also recommend impact management measures to avoid or minimize potential effects of the Project on the environment.	Section 7.2, pg. 63 to 71
MFFN-4	We understand the road will impact the environment and may open access to the mineral development in the Ring of Fire. Marten Falls First Nation has always supported a north-south access road, connected to the community so that Marten Falls members can access economic opportunities should mines develop in the Ring of Fire, located the heart of the traditional territory of Marten Falls First Nation. Marten Falls First Nation wants to lead all decision making for all	The EA / IS Consultation and Engagement Plan's primary objective is to effectively communicate information about the Project and to consult with or engage those who may be potentially affected by, or have an interest in, the Project or the lands potentially affected by the Project. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Matawa communities, to support the environmental, social and	Section 10.1, pg. 78 Appendix B, Section 2.1, pg. 8

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	activities that occur within our traditional territory. In the past, Marten Falls has made efforts to work with our neighbouring communities and tribal council and after many years of negotiation and despite Marten Falls First Nation's support of negotiated agreements, Matawa communities did not make an agreement on how our First Nations would work together and with Ontario. Despite this Marten Falls First Nation wishes to work with our neighbouring First Nations and tribal council on regional partnerships associated with economic development opportunities. The time for us to embark on our journey to progress is now and this project is the first chapter in that journey.	economic sustainability of the Project.	
MFFN-5	We understand that consultation is difficult during the ongoing pandemic as we are all being forced to adapt to the new normal. Our project team continues to observe the ongoing pandemic situation and will react accordingly to government guidance as the situation evolves.	Thank you for your comment. Your time in reviewing the information and your continued interest and support in the Project is appreciated. The MFFN Project Team sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic.	Section 11.6, pg. 108
Matawa First Nations Management – December 21, 2020			
MFNM-1	Matawa First Nations Management (MFNM) acknowledges the significant effort of the Marten Falls First Nation Chief and Council, Elders and community members have put towards the Community Access Road (CAR) Project and information materials. The Proposed Terms of Reference demonstrates the importance of the Project to the First Nation and MFNM supports the autonomous decision-making of each member First Nation with respect to its lands, economy and economic development.	Marten Falls First Nation (MFFN) appreciates your time in reviewing the information and your continued interest in the Project.	N/A
MFNM-2	<p>MATAWA FIRST NATIONS MANAGEMENT (MFNM) EXCLUDED FROM APPENDIX D – SCHEDULE A</p> <p>Matawa First Nations Management (MFNM) has been excluded from Appendix D – Schedule A of the <i>Marten Falls – Ontario Memorandum of Understanding on Shared Consultation Responsibilities</i>. <u>The collective rights and interests of the Matawa member First Nations must be considered in the scope of the assessments to be completed (federal and provincial processes inclusive).</u> <u>The exclusion of the Matawa Chiefs Council or MFNM (tribal council) is inconsistent with Ontario's decision to include the Metis Nation of Ontario – Region 2 and the Red Sky Metis Independent Nation. The Matawa member First Nations are the primary Indigenous group within the potentially impacted territory.</u></p> <p>a) While not an Indigenous rights holder, the Matawa First Nations Management provides collective services, supports and expertise to assist our member First Nations and advance the legitimate concerns of the 10,728 registered members of the communities. The representative interest of MFNM invested in the Matawa Chiefs Council (MCC) and our service organizations greatly outweighs other stakeholders such as the Metis organizations, municipalities, and other interested persons. A formal written response from the Province of Ontario will be required. This issue may be discussed and considered by the MCC for a formal position and direction on this item.</p> <p>b) Clarification will be required from the Proponent going forward in terms of the consultation records and activities being collected, retained and reported in the <i>Appendix C – Record of Consultation</i>. In order to protect the interests and maintain the fairness of procedures for all Matawa member First Nations, the issue of consultation activities being conducted within MCC meetings, or the Matawa Annual General Meetings forums, conferences and events hosted by MFNM and Matawa organizations will have to be addressed. [A copy of the <i>Record of Consultation</i> that includes Matawa First Nations references is attached to this letter for quick reference.]</p> <p>c) In addition, MFNM raises a concern also regarding the precedent being set by the Proponent in the recognition of the two (2) Metis organizations within the James Bay Treaty No. 9 boundaries. While Ontario may have delegated procedural aspects of the duty to consult and accommodate to the Proponent, the recognition of Metis rights within the Treaty No. 9 boundaries impacts all Treaty No. 9 members and beneficiaries. Ontario must articulate and clarify a distinctions-based approach within this EA process and proposed consultation process. First Nations treaty rights and Metis 'rights' are not equal.</p>	<p>We have referred your comment about the Marten Falls-Ontario Memorandum of Understanding (MOU) on Shared Consultation to Ontario so they can respond to you directly on this matter.</p> <p>Thank you for sharing your concerns regarding the sharing of Project information during meetings for Matawa First Nations. MFFN will meet with Matawa First Nation Management to provide clarification on the consultation records for activities with Matawa First Nations Management and to confirm what Project information sharing / consultation activities are considered appropriate for future meetings.</p> <p>It has been brought to our attention that mapping within the Terms of Reference (ToR) was unclear in terms of displaying Métis organizations within the James Bay Treaty No. 9 boundaries. The clarified information has been noted so that, moving forward, it will be mapped accurately in Project documentation (e.g., the Environmental Assessment [EA] Report). The depiction on Figure 7-2 of the ToR was not provided with proper context and Métis will be shown on their own map in the EA to avoid any misunderstanding.</p>	Section 10.2.1, pg. 82 Commitment for EA
MFNM-3	<p>SPECIFIC CONCERNS RELATED TO ONTARIO'S DRAFT GUIDELINES FOR MINISTRIES ON CONSULTATION WITH ABORIGINAL PEOPLES RELATED TO ABORIGINAL RIGHTS AND TREATY RIGHTS, 2006</p> <p>MFNM also is noting for the record that the Province of Ontario is proceeding with the delegation of procedural aspects of the Crown duty to consult and accommodate with the Proponent based upon 'Draft guidelines for Ministries' that have remained stagnant since 2006. MFNM is concerned about the application of these draft guidelines and the liability that may be posed directly to the Proponent, Chief and Council and membership.</p> <p>a) In addition to noting this general concern for fair and public consideration including the membership-at-large of Marten Falls First Nation, MFNM requests that the Marten Falls First Nation <i>Proposed Terms of Reference for the Marten Falls Community Access Road</i> include the copy of Ontario's duty to consult and accommodate policy it is implementing and accepting for the purpose of the Project and that a copy of the policy also be publicly displayed when 'consultation' activities are being hosted and conducted by the Proponent.</p> <p>b) Written statement is also requested from the Province of Ontario related to the impacts of the new <i>Crown Liability and Proceedings Act, 2019</i> on the <i>Draft guidelines for Ontario ministries for consultations with Aboriginal peoples related to Aboriginal rights and treaty rights</i>.</p>	<p>The approach for consultation and engagement throughout the EA is guided by the EA / Impact Statement (IS) Consultation and Engagement Plan provided as Appendix B of the ToR. The EA / IS Consultation and Engagement Plan outlines the option to develop community-specific consultation protocols during the EA. This plan, which was reviewed by Ontario, has been designed to meet consultation requirements outlined in section 5.1 of the Ontario <i>Environmental Assessment Act</i>, the Code of Practice for Consultation in Ontario's Environmental Assessment Process (MECP 2014a) and Code of Practice on Preparing and Reviewing Environmental Assessments in Ontario (MECP 2014b). It is also designed to meet the Agency's requirements as outlined in the Tailored Impact Statement Guidelines (IAAC 2020) issued for this Project. The Draft Guidelines for Consultation with Indigenous Peoples related to Aboriginal Rights and Treaty Rights (Government of Ontario 2019) and the Nishnawbe Aski Nation Handbook on Consultation in Natural Resource Development (Nishnawbe Aski Nation 2007) were also used for guidance where appropriate. Furthermore, MFFN and Ontario have entered into an MOU on Shared Consultation Responsibilities that defines the responsibilities of MFFN and Ontario with respect to the consultation activities for the Project.</p> <p>Both the EA / IS Consultation and Engagement Plan and the MFFN-Ontario MOU on Shared Consultation Responsibilities are available on the Project website (www.martenfallsaccessroad.ca), and will also be made available at in-person consultation and engagement events throughout the EA.</p>	Appendix B Commitment for EA

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	<p>c) Written statement is also requested from the Province of Ontario as to the specific set of Ministry consultation policies that are being enforced within the <i>Marten Falls – Ontario Memorandum of Understanding on Shared Consultation Activities</i>. There are the ‘<i>Draft guidelines</i>’ for general ministry application – but Ontario ministries may prepare their own ministry guidelines or policies. MFNM is requesting the specific guidelines and policies to be stated.</p> <p>d) To note, Ontario’s refusal to update the <i>Draft guidelines</i> and ensure that the First Nations of Ontario are being consulted in the most fair and forthright manner to the honour of the Crown may result in investor and economic instability. It has been a consistent message of the MCC that First Nations are the ‘investors of certainty’ and require an equitable and partnership-based approach.</p> <p>e) MFNM is also requesting the formal appointment of an Ontario Crown representative to whom First Nations may direct their concerns related to the ‘duty to consult’ and establish and maintain public oversight of the provincial government’s consultation record and decisions (including negative decisions where the duty of consult is determined to not apply) in order to bring clarity to the process for all First Nations impacted. The Crown of Ontario and Ministers of the Crown (Indigenous Affairs, Energy, Northern Development and Mines, Natural Resources and Forestry, Environment Parks and Conservation) cannot hide behind the Proponent.</p>	Portions b) to e) of this comment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	
MFNM-4	<p>OBJECT TO STATEMENT REGARDING THE STATUS OF THE LAND AND THE ABSENCE OF ANY CURRENT LAND CLAIMS</p> <p>The specific reference on p. 34 of the Proposed Terms of Reference:</p> <p><i>“Ontario land claims consider land claims related to Indigenous communities’ rights to land and to the use of the land. Claims can consider size and location of reserves or improper use of reserve lands by government (Government of Ontario 2019a). Currently, no land claims with the government of Ontario are occurring within the preliminary study area (government of Ontario 2019b). At the time of preparing the ToR, there are no additional comprehensive or specific federal land claims in the vicinity of the Project, beyond those mentioned in Table 7-2 under Ginoogaming First Nation and Eabametoong First Nation.”</i></p> <p>MFNM objects to this carte blanche statement regarding the status of the land and land claims on the preliminary study area. There are no land claims on this area of land due to its untouched, unencroached and remote location. This land in question may be the subject of future negotiations and/or land claims by the First Nations who will be impacted by development in the future. To use the sensitive status of the lands subject to James Bay Treaty No. 9 to clearly facilitate unimpeded access to the lands and resources is of First Nation concern.</p>	MFFN acknowledges the concerns of Matawa First Nations Management with respect to the status of the land and land claims. MFFN has been working with the provincial and federal agencies to identify any relevant land claims. As noted in Section 7.1.4.1 of the ToR, there are several outstanding federal land claims relevant to Ginoogaming and Eabametoong First Nations, and these have been identified in Table 7-2 of the ToR. At the time of preparing the ToR, there were no additional comprehensive or specific federal land claims in the vicinity of the Project. There were also no identified land claims with the Government of Ontario occurring in the preliminary study area (i.e., within 2.5 km of each side of the centreline of each alternative route). MFFN will continue to communicate with both provincial and federal agencies throughout the EA to identify any emerging land claims that may need to be considered (Section 9.1.1 of the ToR). In addition, MFFN requests that Matawa First Nations Management share any information on potential future land claims relevant to the Project that becomes available as the EA proceeds.	<p>Section 7.1.4.1, pg. 34</p> <p>Section 7.1.4.1, Table 7-2, pg. 36 to 37</p> <p>Section 9.1.1, pg. 77</p>
MFNM-5	<p>CLARIFICATION ON THE ROLES AND AGREEMENTS BETWEEN CANADA AND ONTARIO IN ASSESSING THE CONSTITUTIONALLY PROTECTED RIGHTS OF THE PEOPLE OF JAMES BAY TREATY NO. 9 (1905-1906) AND (1929-1930)</p> <p>MFNM is requesting a written statement from the Province of Ontario with respect to the role of the federal Crown of Canada with respect to the assessing the duty to consult and accommodate and the protection of the Inherent Aboriginal and Treaty Rights under Section 35 of the <i>Constitution Act, 1982</i> on this Project. Canada and Ontario are the signatories to James Bay Treaty No. 9 which is a very unique situation across this province and distinguishes Treaty No. 9 from all other Ontario treaties.</p> <p>A clear outline and process for updating the impacted First Nations on the roles, current and future negotiations and agreements between the Crowns of Canada and Ontario for this Project seem in order. This concern is in addition to the scope of the interactions between Canada and Ontario outlined in Section 3.3 Canada-Ontario Agreement on Environmental Assessment.</p>	This comment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	N/A
MFNM-6	<p>PROPOSED TERMS OF REFERENCE IS OUTDATED DUE TO SIGNIFICANT LEGISLATIVE CHANGES BY ONTARIO</p> <p>In light of the Province of Ontario’s aggressive approach to revising legislation, policy and regulations in order to ease its access to the North and the ‘Ring of Fire’ Area, the <i>Proposed Terms of Reference</i> is outdated due to significant legislative changes. The <i>Proposed Terms of Reference</i> must be prepared in order to inform the impacted First Nations, the public and other interested organizations or persons with respect to the changes to the Ontario <i>Environmental Assessment Act</i> via Bill 197, including the deleting of the term ‘<i>undertaking</i>’ from government legislation, the expiry of Section XIV of the <i>Mining Act</i> related to provisions for the Far North [section now removed], the changed nature of the Ontario Crown via the Ontario <i>Crown Liability and Proceedings Act, 2019</i>, and Ontario’s proposals to revise the <i>Far North Act, 2010</i> and ‘renewal’ of the Ontario trapping allocation policies. These are at a minimum a preliminary list of how the <i>Proposed Terms of Reference</i> has ignored the Ontario government tactics towards the Rights and interests of First Nations.</p>	Section 3.1 of the ToR recognizes that the Ontario <i>Environmental Assessment Act</i> was amended in July 2020. MFFN is also aware of changes to other legislation, policies and regulations that have been proposed by the province. The changes identified in the comment have been noted so that, moving forward, MFFN can track proposed changes and reflect any updated legislation within future documentation (i.e., EA Report) current at that time. MFFN will consult with government agencies throughout the EA process to understand changes and to confirm the requirements applicable to the Project. The Project will meet the requirements of legislation in place at the time of completing the EA based on consultation with government agencies, and identify any grandfather exemptions applied to the Project should they occur.	<p>Section 3.1, pg. 5</p> <p>Commitment for EA</p>
MFNM-7	<p>ARBITRARY EXCLUSION OF EABAMETOONG FIRST NATION FROM BEING IDENTIFIED AS A POPULATED AREA CLOSEST TO THE PROJECT ALONGSIDE MARTEN FALLS FIRST NATION AND AROLAND FIRST NATION</p>	The EA will examine the potential for effects on traditional and non-traditional economies of communities potentially affected by the Project. The statement on pg. 58 pf the ToR regarding MFFN and Aroland First Nation as the	<p>Section 3.4.2, pg. 9 to 12</p> <p>Section 9.1.1, pg. 77</p>

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	<p>To be fair and objective to all Matawa member First Nations, MFNM raises a concern of the arbitrary exclusion of Eabametoong First Nation from being identified as a populated area near the Project alongside Marten Falls First Nation and Aroland First Nation (p. 57). The <i>Proposed Terms of Reference</i> relies heavily on this assumption for the strength of its Project and MFNM will defer to Eabametoong First Nation on its positions and direction regarding this issue. Further to this, “<i>The closest Indigenous communities to the Project are MFFN and Aroland First Nation. These communities are likely to have the most economic interest in the Project.</i>” (p. 58)</p> <p>As First Nations are being relied upon for “<i>closest populated areas</i>” and potentially to be part of the wider assessment of the EA, MFNM requests written clarification on the roles and responsibilities of any First Nations that are identified as significantly factored into the Project in the <i>Proposed Terms of Reference</i>. It is important that we all understand how this may proceed. This clarification should also be included and outlined in the <i>Proposed Terms of Reference</i>.</p> <p>MFNM also reserves the right for this issue to be clarified by the Matawa member First Nations and the positions of each First Nation to be articulated and respected.</p>	<p>communities to have the most economic interest in the Project reflects that these are the only two communities that would directly connect with the Community Access Road (CAR). The statement is not to imply that these are the only communities that may experience economic effects from the Project. The economic interests that are referenced in this section are further defined in Appendix A through the indicator “Traditional Economies” under the Regional Economy criterion. Therefore, as committed to in Section 9.1.1 of the ToR, MFFN will assess potential effects of the Project on the traditional / subsistence economies in the EA. This will consider the traditional economies of Indigenous communities that demonstrate use of land that may be potentially affected by the Project. Information on Indigenous land and resource use can be collected and / or shared through the Project Indigenous Knowledge Program. Further information on the Indigenous Knowledge Program is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p>	Appendix A, pg. 6
MFNM-8	<p>TRUE SCOPE OF THE PROJECT TO PROVIDE ALL-SEASON ROAD ACCESS TO MINERAL CLAIMS AND EXPANDING MINING AND FORESTRY INDUSTRIES</p> <p>As the <i>Proposed Terms of Reference</i> emphasizes the importance of the Project to address the high-cost of living for Marten Falls First Nation members, to which MFNM completely supports the initiatives and decisions made by member Frist Nations to address these important and long-standing needs. However, the <i>Proposed Terms of Reference</i> clearly states the dual purpose of the road for community purposes as well as the use of the road by industrial proponents such as mining and forestry (p. 13). As early as 2011, Marten Falls First Nation has been supported by the MNRF to upgrade the winter road “...to provide the MFFN community with economic opportunities related to the mineral developments in MFFN territory or near the Project” (p. 14). The Project will also provide all-season ground access to areas where multiple mining companies have a high number of mineral claims and no all-season ground access currently exists (p. 60)</p> <p>The <i>Proposed Terms of Reference</i> clearly states that the scope of this EA is related to the Province’s position that it “...would provide funding to plan all-season road access to the Ring of Fire and that as part of this plan they would work with Indigenous communities, including MFFN, to build all-season access roads to communities” (p.23).</p> <p>And that</p> <p>“<i>The agreement with the Province was to prepare an Individual EA under the EAA and preliminary design of a CAR (Community Access Road) built to meet industrial use specification to accommodate multi-purpose use by MFFN community and industrial proponents</i>” (p.24).</p> <p>And that</p> <p>“<i>The primary economic activities in the region include mining, forestry and resource-based tourism. Mining exploration and development is expanding</i>” (p. 58)</p> <p>This is the true scope of the Project presented in this <i>Proposed Terms of Reference</i>. MFNM recommends that the true scope be addressed in order for all parties to be treated fairly and equitably in the events and developments of the North that will impact all members and beneficiaries of James Bay Treaty No. 9. To allow the presentation of the <i>Proposed Terms of Reference</i> and Project to First Nations and the Ontario public as anything less, is potentially the dishonour of the Crown of Ontario.</p>	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed or industry uses the road. For this reason, the purpose of the Project remains unchanged.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p>	Section 7.2, pg. 65 Section 7.2.10, pg. 70
MFNM-9	<p>UNDETERMINED ‘ROAD OWNERSHIP’ IN DISCUSSION WITH THE PROVINCE</p> <p>The <i>Proposed Terms of Reference</i> states and reiterates that the options for road ownership, maintenance activities and liability are being considered in discussion with the Province.</p> <p>“...while options for road ownership, maintenance activities and liability are being considered in discussion with the Province” (p.3).</p> <p>And</p> <p>“Options for ultimate road ownership and access are being considered in discussion with the Province” (p.5).</p> <p>And</p> <p>“Options for road ownership, operations and maintenance activities, and liability are being considered in discussion with the Province” (p.15).</p> <p>MFNM will be deferring to the Matawa Chiefs Council and member First Nations on this issue.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. Decisions regarding road ownership, maintenance and liability have not yet been determined. Conversations with the Province are ongoing and updates will be provided as they are available.</p>	Section 9.1.1, pg. 76
MFNM-10	<p>THE MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS PROCEEDING WITH PROCESS DURING COVID-19 GLOBAL PANDEMIC</p> <p>MFNM also states for the public record that this process by the Ministry of the Environment, Conservation and Parks has proceeded during the COVID-19 global pandemic as First Nations are maintaining the priority of preparing and protecting</p>	<p>MFFN sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. The period of time allotted for interested parties (including the general public, Indigenous communities and government agencies) to review a ToR is set by the Ministry of the Environment, Conservation and Parks. The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given</p>	Section 11.6, pg. 108

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	their communities from this dangerous health hazard.	the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the review period for interested parties (including the general public, Indigenous communities and government agencies) from the minimum required 30 days to 60 days. Indigenous communities identified by Ontario have also been provided with an additional opportunity to comment on the ToR until March 31, 2021. This brings the total number of days allotted for review to 126 days.	
MFNM-11	In closing, these are preliminary review comments with respect to the Marten Falls First Nation Community Access Road Project Environmental Assessment (EA). MFNM reserves the right to reassess the points contained in this letter, as well as the positions stated as directed by the Matawa Chiefs Council.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
Mushkegowuk Council – December 16, 2020			
MkgwC-1	<p>The Mushkegowuk Council can appreciate and fully understand the desire to have a year-round access road to the community of Marten Falls. However, as the road is also intended for industrial purposes and will help facilitate mining development in the region, the Council believes strongly that the Marten Falls Road EA should not proceed until the Ring of Fire Regional Assessment (RA), which is slated to begin in 2021, is completed.</p> <p>The RA has a stated goal of providing “information and analysis regarding future developments in the Ring of Fire area and their potential effects in order to inform and improve impact assessments and other planning and decision-making processes in a way that helps protect the environmental, health, cultural, social and economic conditions of the area while also creating opportunities for sustainable economic development” (emphasis added). Thus there can be no doubt that the project-level environmental assessment of the Marten Falls Road would benefit enormously from the prior completion of the Regional Assessment. The RA will be better suited to address broader, regional issues that will not be considered at a project level.</p> <p>The ToR acknowledges as much on page 65 when it is stated that “The Minister of Environment and Climate Change determined that a regional assessment of the Ring of Fire region will be conducted pursuant to the Impact Assessment Act (IAA) (IAAC 2020b). This is an assessment independent of the EA for the CAR (Community Access Road), however, <i>should information relevant to the cumulative effects assessment for the Project arise from the regional assessment of the Ring of Fire within an appropriate timeline it will be used</i>” (emphasis added). This statement indicates that the RA could well produce information that is relevant to the Marten Falls Road EA, but that it can only be considered if it arises “within an appropriate timeline.” In other words, any information that arises from the regional assessment after the EA has been completed cannot, for obvious reasons, be considered, regardless of how relevant it might be to the Marten Falls project. This is illogical in our view and potentially undermines the credibility of the EA process. To fully benefit from the more holistic and comprehensive analysis that will be conducted through the Ring of Fire regional assessment, the Marten Falls EA should be postponed until the RA has been carried out.</p> <p>For instance, construction of the Marten Falls Road and the Webequie Supply Road as well as the proposed Northern Link Road that is now under study, and other activities associated with mining development in the Ring of Fire will have cumulative impacts that are significant, long-lasting and widespread throughout the region. Cumulative effects assessments are often done poorly at the project-specific level, which is why it is so important that they are assessed at the regional level. A regional assessment is meant to take place at earlier stages of the decision-making cycle to inform project-level EAs within the region. The RA takes a broad level of analysis and focuses on cross-sector links and issues. A project-level EA will likely not capture important and complex considerations such as how impacts from the Marten Falls road will be layered upon existing and expected cumulative effects in the region and how these can best be mitigated.</p>	Based on feedback from the Impact Assessment Agency of Canada (the Agency), it is understood that the Regional Assessment of the Ring of Fire does not impact the timing of the Impact Assessment for the Project. The Terms of Reference (ToR) recognizes that a regional assessment of the Ring of Fire region under the <i>Impact Assessment Act</i> is underway. This is an assessment independent of the Environmental Assessment (EA) for the Community Access Road (CAR); however, should information from the regional assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. Marten Falls First Nation (MFFN) will maintain contact with the Agency’s contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.	Section 7.2, pg. 65 Commitment for EA
MkgwC-2	We would reiterate that, as we have downstream and down-muskeg communities, the combined effects of a significant increase in industrial activities and the effects of a changing climate could considerably impact our wildlife, waterways and wetlands, which we depend on for our way of life. In addition, the James Bay Lowlands sequester more than 12 megatons of carbon dioxide each year. (For comparison, Ontario’s annual emissions are around 170 megatons.) Worldwide, peatlands store three times as much carbon as boreal and tropical forests combined and the high-density carbon of the Hudson Bay Lowland provides one-tenth of the cooling effects of the world’s peatlands	MFFN acknowledges the Council’s concerns about the potential effects to wildlife, waterways, wetlands, including peatlands as a result of the Project. Potential effects of the Project on each will be assessed in the EA. In addition, the potential effects of the Project on climate change, and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the climate change assessment will also be assessed per the requirements set out in Sections 15.5 and 23.2 of the Tailored Impact Statement Guidelines (TISG) developed by the Agency. The detailed method to assess these effects will be shared as they are developed during the EA.	Section 7.2, pg. 65 Section 7.2.5, pg. 67 Section 7.2.7, pg. 68 Section 7.2.8, pg. 69 Appendix B, Section 4.1.7, pg. 22
MkgwC-3	In short, the Mushkegowuk Council believes the order of the two assessments needs to be reversed. It makes little sense to conduct a project-level EA immediately prior to a planned regional assessment and we feel strongly that a moratorium should be placed on any development activities in the region before the RA has been completed.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. A moratorium on development activities is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	N/A
MkgwC-4	Mushkegowuk Council also recommends adding to the ToR the review and analysis of caribou crossing data with	MFFN is interested in discussing the results of baseline studies and the assessment of Project effects for caribou with	Section 9.1.1, pg. 77

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	western science and traditional knowledge experts to determine appropriate mitigation measures such as sloping, grain size and top-dressing. The completed study is to be reviewed by all directly and indirectly impacted First Nations communities so that concerns can be addressed and taken into consideration for the road design.	Indigenous knowledge experts of interested Indigenous communities to obtain information and input on potential impact management measures to be recommended in the EA. Consultation on impact management measures is identified as part of the targeted input for the Effects Assessment Methods, Identification of Preferred Alternatives and Review of Draft EA / Impact Statement (IS) milestones in the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). It is important to note that the level of study proposed for the EA will look at potential effects to caribou as a result of the Project activities and recommend specific impact management measure approaches. Some of those impact management measures approaches, such as caribou crossings for example and if recommended in the EA, will be refined in greater detail as part of future permitting and detailed design.	Appendix B, Section 4.1.7, pg. 21 to 24
MkgwC-5	Mushkegowuk proposes as well that a terrestrial advisory group comprised of local, downstream and down muskeg First Nations, harvesters, land users, regulatory officials and the proponent be established to review detailed design and construction phases so as to avoid or mitigate potential effects to Treaty lands and Aboriginal rights.	The EA will consider the suggestion for an advisory group to be established at the time of detailed design and construction. MFFN will consulted with Indigenous communities, agencies and interested persons on impact management measures, including those measures to avoid, mitigate and off-set the impact(s) to Aboriginal or Treaty Rights, during the Effects Assessment Methods, Identification of Preferred Alternatives and Review of Draft EA / IA milestones in Appendix B (EA / IS Consultation and Engagement Plan).	Appendix B, Section 4.1.7, pg. 22 to 23
MkgwC-6	Finally, the ToR is silent on the complexity of the hydrology of the James Bay Lowlands, one of the world's largest wetlands and carbon sinks. According to western science, very little is known about the interconnectivity of the James Bay Lowlands hydrology, yet Mushkegowuk Cree Elders have cautioned that the Lowlands are deeply interconnected with underground rivers and streams not yet visible in aerial photos. Moreover, researchers with University of Waterloo have found that variations to water tables in the James Bay Lowlands either due to climate change and/or dewatering activities such as mining, road construction have a direct link to increased methylmercury levels. Therefore, Mushkegowuk is requesting an in-depth fulsome field Wetland Regional Study carried out by independent researchers as one of the critical baseline studies for this EA.	MFFN will identify and assess potential effects of the Project on wetlands (e.g., peatlands). Information about the atmospheric, climate change, physiography, geology, terrain and soils, surface water, groundwater, vegetation, Indigenous and social disciplines will be used to characterize peatlands by their type, classification, hydrology, quantification of carbon storage and gas exchange rates. This will be based on a combination of desktop information and the results of field-based studies completed in support of the Project. Field data will be largely collected within the Local Study Area and will be supplemented with desktop information across the Regional Study Area. Furthermore, the EA will assess potential effects of the Project on peatland availability, distribution, composition, and function (e.g., as habitat and carbon sink). This effects assessment will consider both direct and indirect effects to capture both local and regional changes that may occur as a result of the Project. At this time there are no anticipated Project components which would create exposure pathways for methyl-mercury formation or bioaccumulation. Should these be identified as part of the ongoing Project design, sampling programs will be conducted to establish baseline levels in select areas, and an effects assessment will be completed.	Section 7.2.5, pg. 67 Commitment for EA
MkgwC-7	No.1 Reference: Section 5.1 Rationale for the Proposed Undertaking Context: The section only includes the rationale for the construction of a community access road, whereas it is implicit throughout the ToR that the road will also be meant to facilitate mining and other industrial development in the Ring of Fire region. Requested Change: Add an explanation so that it is clear that part of the rationale for this road is to facilitate mining development. Rationale: Acknowledging the industrial development purpose of the road is a critical component of the ToR and ultimately of the EA itself. This project needs to be explicitly connected to the Ring of Fire Regional Assessment as it should be viewed as a project that will lead to further development and impacts. It is not just a single project that can assessed in isolation.	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed or industry uses the road. For this reason, the purpose of the Project remains unchanged. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.	Section 7.2.10, pg. 70
MkgwC-8	No.2 Reference: Section 5.2.1.1 Road Context: The ToR states that “the number of anticipated vehicles to use the CAR is not known at this time.” Requested Change: Please provide a reasonable estimate of anticipated vehicles to use the CAR, broken down into personal vehicles and commercial vehicles, under a number of scenarios (including by season and with and without development of one or more major ore deposits within the Ring of Fire region). Rationale: Projected vehicle use is required to estimate potential impacts on a number of components, including, but not limited to, air quality, vegetation, wildlife and Indigenous land use. It is a critical consideration in this EA, as operational use of the road and direct, indirect, and induced effects of that operational use, are subject to this assessment.	The Project is currently in the early planning phase; therefore, specifics such as the number of vehicles that will use the CAR have not yet been determined. However, the number of vehicles will be determined during the EA and documented in the EA Report. The EA will also include any other anticipated vehicle use information that can be reasonably obtained.	Commitment for EA
MkgwC-9	No.3 Reference: Section 5.2.2 Project Activities Context: The ToR states that “the number of construction fronts will be determined as part of detailed design” Requested Change: Please provide a reasonable estimate of the maximum number of construction fronts that will be utilized to build the CAR.	The Project is currently in the early planning phase; therefore, specifics such as the number of construction fronts have not yet been determined. The number of construction fronts will depend on several considerations, including site access, time of year and available funding. Therefore, where uncertainty exists, a precautionary approach will be applied generally, and specifically to the number of construction fronts assumed in the effects assessment. MFFN agrees with Mushkegowuk Council that the number of construction fronts could affect the prediction of potential Project effects and therefore will include a conservative estimate of construction fronts in the EA.	Commitment for EA

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	Rationale: An estimate of the maximum number of construction fronts is required to estimate impacts associated with noise and the size of the workforce during the construction period.		
MkgwC-10	<p>No.4</p> <p>Reference: Section 7.1.3 Description of the Environment</p> <p>Context: The ToR does not indicate how Indigenous knowledge will be incorporated into the description of existing environmental conditions. It only states that “Indigenous Knowledge shared by Indigenous communities” is planned to be used</p> <p>Requested Change: Please indicate how Indigenous knowledge (and from what Nations) was incorporated into the description of existing environmental conditions and/or indicate how Indigenous knowledge will be collected and incorporated into the description of the existing environment in the environmental assessment.</p> <p>Rationale: Indigenous knowledge provides valuable information about the existing conditions of environmental components that have the potential to be impacted by the project.</p>	<p>MFFN is currently working with Indigenous communities to develop community-specific Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA, including in the description of baseline conditions. Efforts to finalize the Sharing Agreements are ongoing, and as a result the Indigenous Knowledge currently available to inform existing conditions is limited to that from MFFN and community knowledge shared through consultation and engagement to date. However, it is anticipated that an Indigenous Knowledge Sharing Agreement will be established with each potentially affected Indigenous community with interest in sharing Indigenous Knowledge, which will enable the inclusion of Indigenous Knowledge in the characterization of baseline conditions. Further information on the Indigenous Knowledge Program and how Indigenous Knowledge shared will be used in the EA, including in the establishment of baseline conditions, is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>As stated in Sections 3.4.2 and 7.1.4 of the ToR, Indigenous Knowledge is an important information source that will contribute to the characterization of the existing environment and will be incorporated in the EA to inform baseline conditions.</p>	<p>Section 3.4.2, pg. 9 to 10</p> <p>Section 7.1.4, pg. 31</p>
MkgwC-11	<p>No.5</p> <p>Reference: Section 7.1.4.3 Acoustic Environment</p> <p>Context: Section 7.1.4.2 of the ToR states that “the Project will undertake a field program to better understand the existing local and regional ambient noise levels” (p. 43). However, the ToR does not indicate whether the field program will collect information on the current soundscape in relation to Indigenous values.</p> <p>Requested Change: Please indicate how Indigenous values in relation to the current soundscape will be drawn on to inform the noise field study and effects assessment.</p> <p>Rationale: Ambient sounds are an indicator of biodiversity and comprise a meaningful aspect of the environment for Indigenous people, informing Indigenous knowledge and land use. Limiting baseline studies and effects assessment to “noise” levels is insufficient to capture effects on Indigenous people resulting from alterations in soundscape.</p>	<p>The ToR commits to incorporating information provided by Indigenous communities into both the baseline and effects assessment for each discipline, including the Acoustic Environment. With respect to the Acoustic Environment specifically, the ToR states:</p> <ul style="list-style-type: none">Section 7.1.4.3: “<i>In addition, the existing conditions of the acoustic environment will integrate applicable information obtained through the Indigenous Knowledge Program, where possible.</i>”Section 7.2.3: “<i>The location of receptor locations will be informed by input received through the Indigenous Knowledge and consultation programs, where applicable.</i>” <p>Indigenous communities are encouraged to provide information and perspectives regarding the acoustic environment through the Consultation and Engagement and Indigenous Knowledge programs.</p> <p>Additionally, the EA will identify and assess the indirect effects of changes to the acoustic environment on Indigenous use of land and resources and Indigenous experience of being on the land. These indirect effects will be informed by input received through the Indigenous Knowledge and Consultation and Engagement programs. The MFFN Project Team will continue to engage with interested Indigenous communities to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. MFFN will consult with the Mushkegowuk Council to better understand questions and concerns related to the Project and the noise assessment.</p>	<p>Section 7.1.4.3, pg. 43</p> <p>Section 7.2.3, pg. 66</p> <p>Commitment for EA</p>
MkgwC-12	<p>No.6</p> <p>Reference: Section 7.1.4.4 Surface Water</p> <p>Context: The ToR states that “Surface water field surveys will be completed along an approximate 200 m section of the selected water body.”</p> <p>Requested Change: Please describe how Indigenous nations will be consulted with respect to the selection of such sites.</p> <p>Rationale: Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.</p>	<p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> <p>Cultural importance was also considered in site selection and was based on information provided by MFFN. It is acknowledged that particular waterways hold unique values and meaning to Indigenous peoples. MFFN will consult with Indigenous communities on the study approach for water crossings and to incorporate shared Indigenous Knowledge and values into the EA where appropriate. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail.</p>	<p>Section 3.4.2.1, pg. 11 to 12</p> <p>Commitment for EA</p>
MkgwC-13	<p>No.7</p> <p>Reference: Section 7.1.4.6 Vegetation</p> <p>Context: The ToR states that “a description of soil, plant species, relative abundance of plant species, and presence of invasive and Species at Risk (SAR) will be recorded for each survey plot... including applicable information obtained through the Indigenous.” The ToR makes no mention of traditional use plants and medicinal plants.</p> <p>Requested Change: Please indicate how traditional use plants and medicinal plants will be surveyed and with the involvement of which Indigenous groups, and what the status and schedule is for completing this work.</p> <p>Rationale: Traditional use plants and medicinal plants are important components of the environment for Indigenous</p>	<p>Section 7.1.4.7 of the ToR (Vegetation) indicates that the results of vegetation field investigations, combined with other data sources (e.g., MNRF 2019), including applicable information obtained through the Indigenous Knowledge Program where possible, will be used to describe and map the range of vegetation communities present in the study area.” A preliminary list of plant species of importance to Indigenous communities based on available Indigenous Knowledge is provided in Section 7.1.4.7 of the ToR; these plant species will inform baseline studies and baseline conditions. Further, MFFN makes a commitment in Section 7.2.7 of the ToR to identify and assess potential effects on vegetation and ecological communities, which will include changes to community diversity (including community loss), changes to wetland quantity and function, and changes to species diversity, including SAR and traditional use plants.</p>	<p>Section 7.1.4.7, pg. 48</p> <p>Section 7.2.7, pg. 68</p>

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	people and have the potential to be impacted by the project.	<p>Indigenous communities are encouraged to share information on the locations, species, and uses of plants of traditional, medicinal, technological, and / or cultural or spiritual importance through the Indigenous knowledge Program. This information will be used to inform the characterization of baseline conditions as well as the effects assessment, and the identification of impact management measures. Further information on the Indigenous Knowledge Program is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>Members of MFFN participated in field programs in 2019 and will continue to be included in the future programs. MFFN will notify Indigenous communities of opportunities to participate in baseline studies for the Project. However, the COVID-19 pandemic and associated protocols of social distancing have limited the opportunities for field monitor positions. Furthermore, given the location of the Project and logistical constraints to accessibility of the area, limited Indigenous monitor positions are anticipated to be available. A commitment has been made to MFFN community that Indigenous monitor positions for field work in support of the Project would first be filled by MFFN. In circumstances when MFFN is not available to participate in a baseline study, MFFN will contact neighbouring Indigenous communities for interest in participating in the program.</p>	
MkgwC-14	<p>No.8</p> <p>Reference: Section 7.1.4.10 Economy</p> <p>Context: Page 58: “A prohibitive factor to large development projects such as mining and forestry is transportation costs and infrastructure access.”</p> <p>Requested Change: This indicates that the road will be used for industrial development purposes and there be should a clear reference in the ToR that the road has a dual purpose (community access and mining development).</p> <p>Rationale: As noted above, the rationale for this project is incomplete and should include an explicit reference to the Ring of Fire mineral development.</p>	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed or industry uses the road. For this reason, the purpose of the Project remains unchanged.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p>	Section 7.2.10, pg. 70
MkgwC-15	<p>No.9</p> <p>Reference: Section 7.1.4.9 Fish and Fish Habitat</p> <p>Context: The ToR states that “the ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings) to verify or augment the results and assumptions from the desktop analysis”</p> <p>Requested Change: Please describe how the subset of water body crossings for ground-based field surveys will be determined and how (and which) Indigenous nations will be consulted with respect to the selection of such sites, including status and timelines for this work.</p> <p>Rationale: Particular waterways hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.</p>	<p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> <p>Cultural importance was also considered in site selection and was based on information provided by MFFN. It is acknowledged that particular waterways hold unique values and meaning to Indigenous peoples. MFFN will consult with Indigenous communities on the study approach for water crossings and to incorporate shared Indigenous Knowledge and values into the EA where appropriate. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail.</p>	Section 3.4.2.1, pg. 11 to 12 Commitment for EA
MkgwC-16	<p>No.10</p> <p>Reference: Section 3.4.2 Indigenous Knowledge and Land Use</p> <p>Context: This section of the ToR does not provide information about existing historical and cumulative effects on Indigenous knowledge and land use.</p> <p>Requested Change: Please provide information about existing historical and cumulative effects on Indigenous knowledge and land use or indicate how and on what timeline such information will be collected and incorporated into the effect’s assessment.</p> <p>Rationale: A description of existing historical and cumulative effects on Indigenous knowledge and land use is required to accurately characterize baseline conditions and change over time to date. As an Indigenous group like Mushkegowuk First Nation that has seen many changes, MFFN is well aware that the traditional use and rights practice environment in which this CAR is proposed is not a pristine one, but rather one that has been subject to many high magnitude changes over time.</p>	<p>MFFN recognizes that historical activities have changed the conditions of the environment observed today. Therefore, MFFN has committed to identifying how Indigenous land use has changed as a result of cumulative effects. The last bullet in Section 9.1.1 of the ToR states:</p> <p><i>“MFFN will identify how Indigenous land use has changed as a result of cumulative effects. This will be informed by information received through the Indigenous Knowledge Program, where applicable.”</i></p> <p>MFFN will solicit information on Indigenous land and resource use including past and present use as part of the Indigenous Knowledge Program. This will include information on historical Indigenous land and resource use and associated changes as a result of cumulative effects (subject to available information). The Indigenous Knowledge Program serves as an important avenue for sharing this type of information, and specific questions to solicit this type of information have been included in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020.</p>	Section 9.1.1, pg. 76
MkgwC-17	<p>No.11</p> <p>Reference: Section 7.1.4.10 Socio-Economic and Built Environment</p>	<p>Each of the Indigenous communities identified in Table 10-1 of the ToR will be profiled in in the EA Report. Detailed socio-community profiles will be developed for communities located within the local study area (LSA) of the social</p>	Section 7.2.10, pg. 71 Section 10, Table 10-1, pg.

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	<p>Context: The ToR states that “The closest populated areas to the Project are the Indigenous communities of MFFN and Aroland First Nation.” The ToR does not provide information about other Indigenous nations potentially affected by the project.</p> <p>Requested Change: Please indicate which Indigenous nations are anticipated to be employed by the project and provide a description of current socio-economic and built environment conditions for such Indigenous nations.</p> <p>Rationale: While some Indigenous nations may not be located close to the project, they may nevertheless be affected through pathways associated with employment as well as a series of other potential social, economic, cultural and health effects. These need to be properly characterized in MFFN filings.</p>	<p>environment and will be informed by primary data collection. The regional study area (RSA) for the social environment will be profiled in less detail based on secondary data sources plus information obtained from general engagement activities. Statistics collected on the RSA for the social environment will focus on larger regional areas such as unorganized regional districts.</p> <p>Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the TISG developed by the Agency. Study areas will be informed by feedback received from Indigenous communities and interested persons. Consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). Information on the socio-economic data collection program will also be consulted on during the Effects Assessment Methods milestone.</p> <p>The MFFN Project Team is interested in maximizing economic benefits to communities in the region. It is not known at this time which communities may have community members involved in Project construction. Project construction, operations and maintenance are anticipated to generate direct and indirect employment, which is anticipated to include employment and procurement opportunities for Indigenous people and other local community members. The EA will assess potential positive and negative effects of the Project on the Social, Economic and Built Environment, and include impact management measures where applicable.</p>	83 Commitment for EA
MkgwC-18	<p>No.12</p> <p>Reference: Section 7.1.4.10 Socio-Economic and Built Environment – Visual Aesthetics</p> <p>Context: The ToR provides limited information about visual aesthetics in the area of the project.</p> <p>Requested Change: Please provide information about any planned field programs to collect visual data at key locations and plans to consult with Indigenous nations in the collection of such data.</p> <p>Rationale: The visual environment comprises a meaningful component of the environment for Indigenous peoples, informing traditional knowledge and use. The project has the potential to adversely affect the visual landscape.</p>	<p>MFFN acknowledges the importance of the visual environment to Indigenous communities. MFFN will consult with Indigenous communities, on baseline and effects assessment methods of the Project, which includes visual aesthetics, per the EA / IS Consultation and Engagement Plan appended to the ToR. Consultation will be conducted to better understand Indigenous communities’ concerns and obtain feedback and input on the proposed methods. If of interest, this could include receiving input on the visual assessment including determining locations of potential visual sensitivity.</p>	Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA
MkgwC-19	<p>No.13</p> <p>Reference: Section 7.2 Potential Environmental Effects</p> <p>Context: The ToR does not indicate how the preliminary identification of potential environmental effects was determined, including secondary sources of data that may be drawn on to inform the effects assessment.</p> <p>Requested Change: Please provide identify secondary sources of information about the effects of all-season roads on remote communities and indicate how the review of such information has informed the preliminary identification of potential environmental effects.</p> <p>Rationale: There are number of predictable effects associated with the development of all-season access roads to remote communities that should inform the effects assessment, including with respect to methods, valued components and findings.</p>	<p>The EA will include a list of relevant studies, including other EAs, reviewed to inform the potential effects as a result of the CAR. Where existing studies have been used to inform information in the EA, they will be appropriately referenced such that the content in the EA and the connection to the existing study is transparent. Other related projects and studies that were examined to inform the potential for effects identified in Section 7.2 of the ToR included:</p> <ul style="list-style-type: none">▪ Wataynikaneyap Power Phase 1 New Transmission Line to Pickle Lake Project;▪ Nextbridge Infrastructure L.P. East-West Tie Transmission Project;▪ Cliffs Natural Resources Inc. Cliffs Chromite Project;▪ Shoal Lake No. 40 First Nation Freedom Road Project;▪ Webequie First Nation Webequie Supply Road; and▪ East Side Road Authority PR 304 to Berens River All-Season Road.	Commitment for EA
MkgwC-20	<p>No.14</p> <p>Reference: Section 7.2 Potential Environmental Effects</p> <p>Context: Page 65: “As part of the assessment, consideration will be given to confirming whether net effects of the undertaking could combine with effects of other past, present, and reasonably foreseeable projects (cumulative effects).”</p> <p>Requested Change: Unless this EA is going to carry out a comprehensive cumulative effects’ assessment, the ToR should defer to the Regional Assessment as the means by which such an assessment will be carried out.</p> <p>Rationale: Cumulative effects assessments are often done poorly at the site-specific level, which is why it is so important that they are assessed at the regional level. Any impacts from this project will be layered onto other potential activities in the region</p>	<p>MFFN is currently developing the proposed approach to the cumulative effects assessment and in doing so is considering provincial and federal requirements, as well as comments received from Indigenous communities, government agencies and interested persons on the Project related to cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p> <p>MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government</p>	Section 7.2, pg. 65 Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA

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		<p>agencies and interested persons on cumulative effects assessment methods during the consultation milestones “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. MFFN will engage with Mushkegowuk Council to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.</p> <p>As identified in Section 7.2 of the ToR, the regional assessment of the Ring of Fire region is an assessment independent of the EA for the CAR, however, should information from the regional assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the cumulative effects assessment for the Project. Based on feedback from the Agency, it is understood that the Regional Assessment of the Ring of Fire does not impact the timing of the impact assessment for the Project. MFFN will maintain contact with the Agency’s contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.</p>	
MkgwC-21	<p>No.15</p> <p>Reference: Section 7.2 Potential Environmental Effects</p> <p>Context: This statement on page 65 is inaccurate: “The study area for the cumulative effects assessment and identification of projects (e.g., mining, other linear infrastructure) that may act cumulatively with the Project will be determined in the EA.</p> <p>Requested Change: Given the cumulative effects assessment are often done poorly at the project-level, the ToR needs to clarify exactly how a rigorous and comprehensive cumulative effects assessment will be carried out during this EA. The ToR should also explain how the proponent will acquire the data, research and tools necessary to such an assessment before the Ring of Fire RA has been carried out.</p> <p>Rationale: The EA is not a suitable process to carry out a comprehensive effects’ assessment. This is one of the main objectives of a regional assessment. The EA could identify other potential projects and impacts but properly assessing the combined effects is almost certainly beyond the scope of a project-level EA. We note that even Regional Assessments sometimes have difficulty conducting cumulative effects assessments (e.g. Newfoundland-Labrador Exploratory Drilling RA) due to the complexity of the issues involved.</p>	<p>MFFN is currently developing the proposed approach to the cumulative effects assessment and in doing so is considering provincial and federal requirements, as well as comments received from Indigenous communities, government agencies and interested persons on the Project related to cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p> <p>MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. MFFN will engage with Mushkegowuk Council to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.</p> <p>MFFN is aware that a regional assessment of the Ring of Fire area was announced by the federal government, and that information from the regional assessment process may be relevant to the Project including the assessment of cumulative effects. Should information relevant to the cumulative effects assessment for the Project become available from the regional assessment of the Ring of Fire area during preparation of the EA, it will be used to inform the Project assessment as appropriate. Based on feedback from the Agency, it is understood that the Regional Assessment of the Ring of Fire does not impact the timing of the impact assessment for the Project. MFFN will maintain contact with the Agency’s contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.</p>	<p>Section 7.2, pg. 65</p> <p>Section 9.1.1, pg. 76</p> <p>Appendix B, Section 4.1.7, pg. 21 to 24</p> <p>Commitment for EA</p>
MkgwC-22	<p>No.16</p> <p>Reference: Section 8. Assessment and Evaluation</p> <p>Context: This section of the ToR does not include consideration of potential induced effects from the Project.</p> <p>Requested Change: Please include consideration of potential induced effects of the project, such as accelerated mineral exploration and development in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure.</p> <p>Rationale: Road development is likely to result in induced effects that need to be adequately assessed and mitigated.</p>	<p>MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to:</p> <ul style="list-style-type: none">▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods.▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access.▪ Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. <p>Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.1, pg. 66</p> <p>Section 7.2.10, pg. 70</p>

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		<p>Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p>	
MkgwC-23	<p>No.17</p> <p>Reference: Section 10.2 Summary of Consultation Activities on the ToR</p> <p>Context: The ToR states that “An overall introduction to the Project and the EA process was provided during initial conversations with interested persons.” The ToR does not indicate if or how such conversations informed project design or effects assessment methods.</p> <p>Requested Change: Please indicate how early engagement with Indigenous nations influenced project design (e.g. selection of alternative route alignments) and/or future opportunities for such engagement. Please also identify how MFFN is planning to engage Mushkegowuk First Nation in consideration of alternative routing options.</p> <p>Rationale: Meaningful consultation requires that engagement has the potential to result in concrete changes to project design and planning, particularly at an early stage in the planning process.</p>	<p>The Record of Consultation (appended to the ToR) includes a “Summary of Feedback Received and Response / Action” for Indigenous communities, government agencies and interested persons. These tables highlight questions, comments and concerns provided, the response and if applicable where the feedback has been addressed in the ToR or will be considered in the EA. Table 10-3 in Section 10 of the ToR also outlines this information.</p> <p>Section 10.2.5 of the ToR provides a high-level summary of the changes made to the ToR based on the issues raised and comments received through review of the Draft ToR.</p> <p>Mushkegowuk Council has been part of the Master Contact List and received communications since the beginning of the Project. These touchpoints included opportunities to review materials and provide feedback on the proposed route alternatives. During the EA, Mushkegowuk Council will continue to receive Project information and will have opportunities to provide feedback on Alternative 1 and Alternative 4 that are continuing to be assessed and evaluated during the EA. Feedback received during the EA will influence the selection of the preferred alignment.</p>	<p>Section 10.2.2.2, Table 10-3, pg. 90 to 96</p> <p>Section 10.2.5, pg. 101</p> <p>Appendix C</p>
MkgwC-24	<p>No.18</p> <p>Reference: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2</p> <p>Context: Wildlife criteria do not include any large mammals.</p> <p>Requested Change: Please indicate how Indigenous nations will be consulted to refine the list of wildlife criteria (and other criteria).</p> <p>Rationale: The list of criteria presented in Appendix A may not capture all criteria of concern to Indigenous nations.</p>	<p>The criteria and indicators listed in Appendix A of the ToR are preliminary, and have been provided for the purposes of gathering feedback for refinement in the EA. The criteria “Fur Bearers” and “Caribou” are considered representative of large mammals in the area of the Project. The final list of criteria and indicators to be used in the EA will be based on information that arises throughout the study process and incorporate comments received through consultation and engagement. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, agencies and interested person to obtain feedback and input on the criteria and indicators during the consultation milestone “Effects Assessment Methods”. Possible consultation activities that may be used to gather input and feedback are identified in Table 11-1 of the ToR.</p>	<p>Section 11.6, pg. 106</p> <p>Appendix B, Section 4.1.7, pg. 22</p>
Neskantaga First Nation – November 6, 2020 (email) – MFFN Project Team provided a response via email to David Peerla on November 17, 2020			
NeskFN-1	<p>The ToR is a critical strategic document that guides the entirety of the provincial EA. The approval of the ToR for the Project by the Minister is a critical decision regarding the Project’s EA and the Project’s impacts on Neskantaga’s constitutionally- protected rights. This decision cannot be taken before the duty of consultation on, and accommodation of, Neskantaga’s interests has been discharged, appropriate to the decision point; <u>meaningful consultation has not yet occurred and will not be achieved during the pandemic and evacuation.</u></p> <p><u>Contrary to the suggestion in your letter quoted above, consultation cannot be ‘made up’ at later stages.</u></p>	<p>The MFFN Project Team continues to take the lead from Indigenous communities in terms of their interest in having Project-related discussions during this time. To help support participation, we have been working with communities to find alternative forms of engagement including virtual meetings, conference calls, and online forums. The MFFN Project Team has recently had successful and productive meetings using these approaches.</p> <p>The MFFN Project Team is committed to being flexible and adaptable with our approach to consultation and engagement. We are available to answer any Project-related questions to support Neskantaga First Nation’s review of the Proposed Terms of Reference. We are also open to coordinating a call to discuss the Project at a time that suits Neskantaga First Nation.</p>	N/A
Neskantaga First Nation – December 21, 2020			
NeskFN-2	<p>We wish to begin by noting that Neskantaga First Nation has repeatedly asked for an extension of time to file these comments. In the context of our water emergency and evacuation, not to mention the global pandemic, it has not been possible for us to discuss the TOR in detail with our elders and knowledge holders. Therefore, this submission is incomplete and cannot cover the full extent of our views. We question whether the Crown’s duty to consult and accommodate can be met in the circumstances. Meaningful consultation cannot be met with a one-way transfer of information; it must be reciprocal, the Crown must be open to changing course as a result of the exchange.</p>	<p>Marten Falls First Nation (MFFN) sympathizes with Neskantaga First Nation on the unprecedented events surrounding the COVID-19 pandemic as well as the water emergency and evacuation experienced by the community. The period of time allotted for interested parties (including the general public, Indigenous communities and government agencies) to review a Terms of Reference (ToR) is set by the Ministry of the Environment, Conservation and Parks (MECP). The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the</p>	<p>Section 11.6, pg. 108</p>

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		review period for interested parties (including the general public, Indigenous communities and government agencies) from the minimum required 30 days to 60 days. An additional opportunity for Neskantaga First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.	
NeskFN-3	<p>We submit that the approval of the Terms of Reference (TOR) for the “Marten Falls Community Access Road Project” (“MFCARP”) is unlawful for several reasons.</p> <p>First, the TOR adopts too narrow a scope which amounts to “project-splitting”. The road sections are proceeding through environmental assessment (EA) according to an improper incremental approach. At a minimum, all sections of the proposed North-South road to the Ring of Fire should be assessed as one project. Ideally, the project would be subject to environmental assessment as originally scoped, which included the proposed mine, its transportation corridor and any associated infrastructure. Second, once appropriately scoped, the project would have multiple proponents. The TOR has not adequately explained the relationships between the various proponents. Finally, in encouraging or allowing these parts of the same North-South project to be brought forward as separate projects, the Crown has not established a transparent and fair process.</p>	<p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an Environmental Assessment (EA) for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged. The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>“Project splitting” is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>Section 2, pg. 3</p> <p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p>
NeskFN-4	<p>The Improper Incremental Approach: The North-South Road is One Project</p> <p>The Ontario plan to develop the Ring of Fire is based on a North-South all-season road corridor to provide access to the Ring of Fire mining development area. The proposed road corridor to the Ring of Fire is comprised of at least these three crucial components:</p> <p>1. Phase 1 of the North-South Road to the Ring of Fire (the so-called MFCAR). The development of Phase 1 of the North-South road would also build a spur from the integrated transportation corridor to provide year-round road access to Marten Falls. Marten Falls First Nation is the proponent for the EA for this project and has been working with the Province and the Federal government on a coordinated Federal-Provincial EA. MFFN will design and permit Phase 1, while options for road ownership, maintenance activities and liability are said to be still under consideration in discussions with Ontario and Canada.</p> <p>2. Phase 2 of the North-South Road (the so-called Northern Road Link (NRL)). The Province is working with Marten Falls and Webequie First Nations to advance the Northern Road Link project. On March 2, 2020, Marten Falls First Nation, Webequie First Nation and Ontario announced an agreement to advance the planning and development of this portion of the North-South road. Marten Falls First Nation has undertaken pre-feasibility studies on the Northern Road Link. On October 28, 2020 the Minister of the Environment, Conservation and Parks (the Minister) entered into an agreement, commonly referred to as a “voluntary agreement”, with Marten Falls and Webequie First Nations to make the Phase 2 of the N/S Road subject to the requirements of the Ontario Environmental Assessment Act.</p> <p>3. Anaconda/Painter Lake Forestry Road Upgrades: The Province is working with Aroland First Nation to upgrade the Anaconda/ Painter Lake Forestry Roads through the Provincial Forest Management Planning process. This section of road is necessary to connect the mine site all the way to the provincial highway system.</p>	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the Project remains focused on community access and connecting MFFN to the provincial highway network.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that upgrades to Anaconda / Painter Lake Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p> <p>Commitment for EA</p>
NeskFN-5	<p>The TOR is inappropriately scoped and amounts to “Project-Splitting”</p> <p>Neskantaga is concerned that Ontario, as both the funder and regulator of the projects, is encouraging or allowing 'project-splitting' — intentionally breaking a project up into its component parts in order to avoid an EA at the appropriate scale. Project-splitting compromises the discussion about alternative routes, road impacts and the potential cumulative impacts of the development on the region as a whole. It also compromises the effective consideration of impacts on Aboriginal and Treaty rights.</p> <p>Instead, the entire North-South road should be assessed as one project. The roads are connected interdependent parts of a larger undertaking, namely the construction of a North-South road to the Ring of Fire. The North-South road depends on the development of the Ring of Fire to make the project economically viable. There is no indication Ontario would be funding the EA of the MFCAR if it was not also upgrading the Painter Forestry Road and initiating the Northern Road link EA, all to support and facilitate the development of mining in the Ring of Fire. The construction of each segment of the North-South road and the eventual mine[s] would clearly result in significant cumulative impacts on the environment if all</p>	<p>“Project splitting” is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>Although the EA for the proposed Northern Road Link will be undertaken separately and independently from this Project, Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that upgrades to Anaconda / Painter Lake Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p> <p>The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the Tailored Impact Statement Guidelines (TISG) developed by the Impact Assessment Agency of Canada (the Agency). In accordance with the TISGs, the EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures.</p>	<p>Section 2, pg. 3</p> <p>Section 7.2, pg. 65</p> <p>Commitment for EA</p>

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	<p>are approved.</p> <p>The road segments have similarities that provide a basis for evaluating their environmental consequences together, including common timing, common geography and all being proposed for the common goal of supporting the development of the Ring of Fire. Similarly, no section of the road project can be effectively assessed in isolation, without considering the cumulative effects of the full North-South road.</p> <p>The Act makes allowance for multiple proponents for a project. The definition of proponent includes “A person, agency, group or organization that carries out or proposes to carry out an undertaking or is the owner or person having charge, management or control of an undertaking.” Further, Ontario’s guidance indicates (in 5.2.1) that:</p> <p>The terms of reference is to include a brief, clear statement identifying the proponent. <i>If there is more than one proponent</i>, the relationship between them and how they plan to work together, including their responsibilities, throughout the environmental assessment process must be explained. It will be the responsibility of the proponent(s) to prepare the environmental assessment in accordance with the terms of reference if it is approved.</p>	<p>The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR.</p>	
NeskFN-6	<p>Ontario is a Shadow Proponent</p> <p>Ontario is funding the Marten Falls and Webequie First Nations to undertake EAs for these projects as the Nations do not have the financial resources to fund this work. Typically for an individual EA, the procedural aspects of Crown consultation are delegated to the proponent. The Crown also relies on the statutory consultation required under the Act to assist in meeting its duty to consult. Proponents are expected to bear reasonable costs of consultation and often provide participant funding to Aboriginal communities when required. In this circumstance, Marten Falls and Webequie First Nations as proponents do not have resources to provide participant funding. To help support the development of the roads, Ontario created a time-limited (up to three years), project-specific Participant Funding Initiative for the EAs. We understand that Ontario is currently seeking a 50-50 cost share with the federal government for the planning and construction costs of new all-season roads to the Ring of Fire area. In other words, Ontario is clearly also one of the proponents of the North-South road.</p> <p>As such, Neskantaga requests that the multiple proponents of the MFCAR and the NRL (MFFN, WFN and Ontario) coordinate on one EA that includes and integrates the various sections of the North-South road route. Further, a proper TOR includes an adequate explanation of how the various proponents are going to work together.</p>	<p>The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR. Considering the MFFN CAR and the Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>Section 2, pg. 3</p>
NeskFN-7	<p>The Adverse Impacts on Neskantaga of the Improper Incremental Approach</p> <p>The full scale and impact of Ontario’s project has not been presented to either Neskantaga, Canada or the public. Ontario’s failure to disclose the full scale of its project plans has resulted in an improper scoping of the assessment, and thus an unlawful TOR.</p> <p>Neskantaga has broad strategic level concerns about the proposed North-South road and the development of the Ring of Fire. The road is intended to promote and facilitate future roads, mines and mining exploration, airstrips, winter road widening, a trans-load facility at the rail line, transmission lines and possibly a railway line and refinery in the region. These are major changes with widespread potential impacts on our way of life and our Aboriginal and Treaty rights.</p> <p>Neskantaga is concerned that an incremental ‘piece-by-piece’ approach to the assessment will minimize the consideration of project impacts on our Aboriginal and Treaty rights, foreclose development options and alternatives, and unreasonably minimize the impacts of ‘opening up of the North’ until it is too late and decisions are irreversible.</p> <p>Neskantaga, and other Matawa First Nations, had previously agreed that no roads would be initiated until an agreement with Ontario had been reached on joint decision making in the region.</p> <p>The Minister’s decision on the MFCAR TOR represents a strategic higher-level decision for the North-South road, after which the road and mine[s]will inevitably gain momentum. In fact, that is the publicly stated goal of the road project. In the March 2020 announcement of the NRL, the Premier’s office stated that they were “moving forward with road access to the Ring of Fire.”</p>	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. The EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures.</p> <p>The concerns noted in this comment are outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>Section 7.2, pg. 65 Commitment for EA</p>
NeskFN-8	<p>Foreclosing Routing Options</p> <p>In 2015, the Ministry of the Environment and Climate Change (MOECC) in Ontario approved Noront’s TOR for the EA related to their Eagle’s Nest project with a set of amendments. The Noront TOR sets out the legal requirements for Noront to complete a provincial EA of the mine, road, and other facilities. A number of the conditions imposed by MOECC on the Noront EA reflect key issues and concerns raised by Neskantaga and other Matawa First Nations. In particular, the TOR provides specific requirements of interest to Neskantaga regarding the access route to the mine, consultation throughout the EA process, and the establishment of an advisory panel to review the EA. The amendments to the TOR required that Noront include in its future EA a complete description of the project that includes a discussion of all access routes being considered for use for construction of the project, including the roads, mine access and other project components.</p> <p>Beginning in 2016, and continuing to the present, Noront has publicly stated that they will not be proceeding with meeting</p>	<p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their</p>	<p>Section 6.3, pg. 22 to 24 Section 7.2, pg. 65 Section 12, pg. 111 Supporting Document – Alternatives Development Commitment for EA</p>

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	<p>the obligations of the amended TOR thereby avoiding the requirements set out in the amended approvals. Instead they will be proposing simply an EA of the Eagles Nest mine. By separating the mine from the road and further dividing the road into separate segments, Neskantaga is prevented from making its views known in the earliest planning stages of the North-South road project, on the assessment of route options and on development of the mine and associated infrastructure. In fact, only one road routing option, a route largely following the original Cliffs North-South road route is now being seriously considered. Going forward it will be impossible to make substantial changes to the project route to accommodate Neskantaga's concerns and interests.</p>	<p>activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. It is anticipated that Eagle's Nest mine will also be considered for inclusion in the cumulative effects assessment in the EA.</p> <p>The Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development that accompanies the ToR submission provides a detailed account of the evolution of the alternative methods for the CAR. Development of alternatives routes evolved through previously completed studies, including the Cliffs Chromite Project. During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for the EA. Two of the alternative routes generally followed the winter road (Alternative 2 and Alternative 3), and the other two were routed north-south before turning east toward MFFN (Alternative 1 and Alternative 4). Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community (Alternative 2 and Alternative 3). Therefore, Alternative 1 and Alternative 4, which are located similarly to the proposed Cliffs north-south road along the southern portion of the routes were identified as reasonable and for consideration in the EA. The reasons for not pursuing Alternative 2 and Alternative 3 can be further discussed with Neskantaga First Nation. The ToR also provides flexibility to accommodate changes and / or unforeseen circumstances that may arise throughout the environmental planning process. This includes the alternative methods to be assessed in the EA.</p> <p>The EA / Impact Statement (IS) Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Neskantaga First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Neskantaga First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p>	
NeskFN-9	<p>Decisions are being Made in the Wrong Order</p> <p>If the TOR is approved, consultation will be allowed to proceed in the wrong order, deferring critical discussions until after major decisions have been made [road phases approved] – including decisions about potential impacts of the Project, appropriate mitigation steps, and foreclosing discussions about potential avoidance measures.</p> <p>The courts have said that the Crown's duty of consultation arises early in the process. To be meaningful, consultation must take place before key decisions are made that advance a project. Phase 1 of the North-South Road to the Ring of Fire is more than a simple community access road, it is the key to a massive mining development that will open up the Neskantaga homeland for the first time, threatening the Neskantaga river system, fish, wildlife and our very way of life. Ontario have gone a long way down the path towards planning the North-South road corridor and mining development in the Ring of Fire without Neskantaga input and that is a problem that must be addressed.</p>	<p>The ToR identifies preliminary effects of the Project in Section 7.2 and commits to developing impact management measures to avoid of minimize potential negative effects and enhance benefits. The Project is currently in the early planning phase; therefore, specifics such as the full extent of Project effects that will be assessed in the EA and the impact management measures that will be recommended have not yet been determined.</p> <p>The ToR sets out the framework MFFN will follow during preparation of the EA. This framework includes the consultation and engagement plan provided in Section 11 and Appendix B. MFFN will consult with Indigenous communities, including Neskantaga First Nation, agencies and interested persons on potential effects and impact management measures during the consultation milestones "Effects Assessment Methods", "Identification of Preferred Alternatives" and "Review of Draft EA / IS Report". Consultation at each milestone has been designed in a stepwise manner to receive feedback on targeted input prior to advancing to the next stage of the EA process.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>MFFN will contact Neskantaga First Nation during the EA to understand the concern in more detail and to share</p>	<p>Section 7.2, pg. 63 to 71</p> <p>Section 11, pg. 102 to 100</p> <p>Appendix B, Section 4.1.7, pg. 21 to 24</p> <p>Commitment for EA</p>

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		information to allow both parties to better understand potential effects and impact management measures.	
NeskFN-10	<p>The Crown did not Establish a Transparent Process</p> <p>In order to be meaningful, consultation must occur early, at the planning stages of the north-south road, before the project is defined, and before any scoping decisions have been made:</p> <p>The duty of consultation, if it is to be meaningful, cannot be postponed to the last and final point in a series of decisions. Once [sic] important preliminary decisions have been made and relied upon by the proponent and others, there is a clear momentum to allow a project. This case illustrates the importance of early consultations being an essential part of meaningful consultation.</p> <p>(Squamish Nation at para. 74; see also Kwikwetlem at para. 70; Rio Tinto at para. 44; Haida at para.76).</p> <p>Effective consultation, at least for major projects affecting a First Nation, must include an opportunity to provide macro-level input on the EA process itself. We have not been afforded this. We were not part of the discussions through which the decision to split the North-South road into discrete sections for the purpose of EA was taken. This is the first formal opportunity we have to object to this approach, and we wish to have our view recorded. Because of these deficiencies, Neskantaga was not provided with complete information on the true project (the North-South road). There is no explicit mention of other expected regional developments that will be made more likely by the approval of this section of road, including the Webequie Supply Road or the specific eventual mining plans. All of these are likely cumulative impacts of Phase 1 of the North-South road. By allowing the Project-Splitting, the risks and impacts of the road section are underrepresented.</p>	<p>“Project slitting” is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the Webequie Supply Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p> <p>Commitment for EA</p>
NeskFN-11	<p>For these reasons, we submit that the approval of the Terms of Reference (TOR) for the “Marten Falls Community Access Road Project” (“MFCARP”) is unlawful under both Canadian law and Neskantaga’s indigenous legal orders and Consultation Protocol which require our free, prior and informed consent.</p>	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. Responses to the concerns raised on the ToR are provided in NeskFN-1 to NeskFN-39.</p> <p>Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>N/A</p>
NeskFN-12	<p>We have a number of outstanding information requests from previous rounds of comments. The Lidar data sharing request remains a priority.</p>	<p>MFFN is working with Neskantaga First Nation to understand which information requests are outstanding and will work with Neskantaga First Nation to provide information as available and applicable.</p>	<p>Commitment for EA</p>
NeskFN-13	<p>1.Issue: Alternatives Assessment and Evaluation Reference.</p> <p>Consider the environment, cost and constructibility of the alternatives, and compare the advantages and disadvantages of each; p.72</p> <p>Meeting Minutes Marten Falls All Season Multi Use Road Proposal December 12, 2017</p> <p>MOECC commented that their preference would be for one EA all the way to the ROF, but one portion would be constructed earlier (to the community).</p> <p>What is the projected construction and operating cost of the road per km?</p>	<p>The Project is currently in the early planning and preliminary design phase; therefore, specifics such as the projected construction and operating cost of the road have not yet been fully determined. The estimated cost to construct and operate the Community Access Road will depend on several considerations, including the length of the road, time of year when construction takes place, the number and length of watercourse crossings and the quantity and hauling distance of aggregate material. Projected estimated costs will be refined later in the planning process. The EA will include information related to preliminary cost estimates based on information available at the time. These costs will be considered preliminary and subject to change through detailed design and post-EA work in support of the Project.</p>	<p>Commitment for EA</p>
NeskFN-14	<p>Would a producing mine transporting concentrates on the entire north south road corridor [MFCAR, Northern Road Link and Painter Lake Road Upgrades] need to be constructed in order to repay the initial capital investment in the MFCAR segment and to support the ongoing operating and maintenance cost of the MFCAR? If not, how will the capital investment to build the road be recovered and how will the ongoing maintenance and support of the road be funded?</p>	<p>MFFN has been actively pursuing a community access road for many years. Currently, Marten Falls is only accessible by air and winter road. Costs for air travel are increasing and the winter road, which is only available during a limited 6 to 8 week-long season, is becoming increasingly unreliable with changing climate conditions. The community continues to face high costs for goods and supplies because of these limitations to existing transport options (i.e., air and winter road). In MFFN’s December 23, 2020 letter to the MECP submitting comments on the ToR, MFFN shares that the cost and limited availability of goods and supplies “forces us to live in unacceptable conditions. We have endured this for too long and seen progress across the country as we stand still. The stagnation created is unacceptable and for us, it has created a situation of absolute and relative deprivation. Our people are in a social crisis and we are seeking economic independence so we can provide needed supports and resources to our people. For these reasons Marten Falls First Nation sees a community access road as needed to improve the well being of our members, grow our community and our independence.”</p> <p>The Project is considered essential for MFFN to improve the well-being of the community and the economic feasibility of the CAR is secondary to addressing the problem of unreliable community access to MFFN. The potential environmental and socio-economic effects and benefits of the Project will be investigated in the EA.</p>	<p>Section 5.1, pg. 14 to 15</p> <p>Section 9.1.1, pg. 76</p>

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		Decisions regarding road ownership, maintenance and liability, as well as decisions to fund the road development have not yet been determined. Conversations with the Province are ongoing and updates will be provided as they are available.	
NeskFN-15	Is the MFCAR as a stand alone community access road viable or feasible from an economic standpoint?	<p>The rationale for the Project is provided in Section 5.1 of the ToR and includes at a high-level the economic considerations that support the need for the Project, namely unreliable year-round access to MFFN has resulted in high costs to ship goods and materials, food and fuel to the community, as well as the basic quality of life benefits to the community that would arise from the Project. In MFFN's December 23, 2020 letter to the MECP submitting comments on the ToR, MFFN shares that the cost and limited availability of goods and supplies “forces us to live in unacceptable conditions. We have endured this for too long and seen progress across the country as we stand still. The stagnation created is unacceptable and for us, it has created a situation of absolute and relative deprivation. Our people are in a social crisis and we are seeking economic independence so we can provide needed supports and resources to our people. For these reasons Marten Falls First Nation sees a community access road as needed to improve the well being of our members, grow our community and our independence.”</p> <p>The Project is considered essential for MFFN to improve the well-being of the community and the economic feasibility of the CAR is secondary to addressing the problem of unreliable community access to MFFN. The potential environmental and socio-economic effects and benefits of the Project will be investigated in the EA.</p>	Section 5.1, pg. 14 to 19
NeskFN-16	In the alternative, is Ontario planning to fund and build an uneconomic road in the hopes that a later EA of the Northern Road Link, and Noront mine EA would allow the construction of an economically viable MFCAR segment?	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether other road proposals are approved and / or constructed.</p> <p>The concern of this comment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	Section 4, pg. 13
NeskFN-17	Comment. The construction of a mine in the Ring of Fire development area is dependent on the entire north south road transportation corridor. In other words, the MFCAR, the Northern Road Link, and the Anaconda/Painter Lake Forestry Road Upgrades are not separate projects that happen to coexist. The development of the Noront mine depends on the building of the entire north south road and entire north south road depends on the mine for tolls and other revenues In our view, the stages of the north south road project should not be treated as separate projects for EA purposes.	Considering the CAR, Northern Road Link and Anaconda / Painter Lake Road upgrades as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	N/A
NeskFN-18	<p>2. Issue: Wetland and Stream Losses Changes in Resource Availability for Subsistence Reference.</p> <p>The general area of the Project is dominated by wetlands (e.g., bogs, fens, swamps and marshes) of the Albany River watershed and several of its subwatersheds. P.32</p> <p>Will compensation be provided for unavoidable wetland and stream losses? If so, please describe the plans to compensate for these losses. If compensation is not being provided, please explain why it is not being provided.</p>	It is too early in the EA process to confirm what impact management measures will be recommended in the EA. Recommendations for appropriate impact management measures are based on the potential effects predicted in the assessment and evaluation of effects. Detailed information on the size and composition of the area of wetlands potentially affected needs to be understood to determine the appropriate impact management approach, such as whether compensation will be required. The EA will identify and assess potential effects of the Project to wetlands (i.e., peatlands, bogs, fens, swamps and marshes), and will provide recommendations for impact management measures, such as compensation if appropriate, based on the predicted effects.	Commitment for EA
NeskFN-19	<p>3. Issue: Indigenous Use of Land and Resources for Traditional Purposes Reference.</p> <p>Linear features such as trails and waterways are used by Indigenous Peoples to access cultural sites within and beyond the area of the Project. p.41</p> <p>Comment: Minimizing overlaps and impacts of the proposed road on the historic Neskantaga trail from the Attawapiskat River to Marten Falls is a Neskantaga priority. The trail is not just a trail, but includes all as sociated archaeological sites and historic structures. The Lidar data is essential for identifying the historic trail route.</p>	MFFN acknowledges the importance of the historic Neskantaga trail and other locations of importance to Neskantaga First Nation. Neskantaga First Nation is encouraged to provide further information on these important locations within the local and regional study areas related to Aboriginal and Treaty Rights and Interests. These study areas were provided in the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo that was shared with all Indigenous communities, including Neskantaga First Nation, in August 2020, and in the Update on the Proposed Aboriginal and Treaty Rights and Interests Study Areas Memo provided to all Indigenous communities in January 2021. MFFN will consult with Neskantaga First Nation to better understand the location of important features. In addition, the Indigenous Knowledge Program provides additional opportunities for further information sharing. Additional information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Neskantaga First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 3.4.2.1, pg. 11 Commitment for EA
NeskFN-20	<p>4. Issue: Fish Values Changes in Resource Availability for Subsistence, Changes in Competition for Resources for Subsistence Reference.</p> <p>The fish community composition and use of these waterbodies will vary because of factors such as availability of suitable</p>	The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were	Section 3.4.2.1, pg. 11 to 12 Commitment for EA

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	<p>habitat (overwintering, rearing, and feeding) and connectivity to other waterbodies. Over 20 species of fish, primarily of cool and cold water thermal regimes, are known to inhabit the waters in the area.p.32</p> <p>Numerous streams and rivers, large and small lakes, ponds and wetlands that provide habitat for a variety of fish and wildlife are prevalent in the area of the Project, notably the Albany River, Ogoki River, Dusey River, Gourlie Creek, Wabassi River, Buffaloskin River and their tributaries (Natural Resources Canada 2019). Fish use of these waterbodies will vary as a result of factors such as availability of suitable habitat (overwintering, rearing, and feeding) and connectivity to other waterbodies.p.54</p> <p>How many streams and specific study locations will you visit and how frequently will you visit the locations during the study period to try to capture the variability of stream use by fish from a system perspective?</p>	<p>evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> <p>Cultural importance was also considered in site selection and was based on information provided by MFFN. It is acknowledged that particular waterways hold unique values and meaning to Indigenous peoples. MFFN will consult with Indigenous communities on the study approach for water crossings and to incorporate shared Indigenous Knowledge and values into the EA where appropriate. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Neskantaga First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives results in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However, photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial surveys. Since the release of the ToR, and in consultation with relevant agencies, MFFN has increased the coverage of the fish and fish habitat studies. All water crossings will be assessed from the air and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys.</p> <p>Sufficient field information is available through historic and / or recent field investigations to understand annual and seasonal variation of stream use.</p>	
NeskFN-21	Will the EA disclose the potential impacts from blasting to fish and aquatic resources, including incubating eggs and resident and migrating fish, noting required buffer zones and timing windows will not mitigate all impacts to aquatic resources, including several species of resident fish?	Section 7.2.9 of the ToR indicates that potential effects to fish and fish habitat, including potential effects from blasting, will be identified and assessed in the EA. Recommendations for appropriate impact management measures will be based on the potential effects predicted in the assessment and evaluation of effects. This will include consideration of timing window restrictions to avoid or minimize potential effects to fish at specific life stages due to blasting activities, and will generally follow the Department of Fisheries and Ocean’s requirements for blasting near or in fish or fish habitat.	Section 7.2.9, pg. 69
NeskFN-22	Will the EA quantify and disclose the potential impacts to fish and aquatics from dust impacts from the road traffic?	The EA will identify and assess potential effects of the Project on the atmospheric environment. Project activities that have the potential to affect local air quality during construction and operations are identified in Section 7.2.2 of the ToR, and includes suspended particulate from the operation of machinery and equipment, and vehicle movement along the CAR. The potential indirect effects of the anticipated dust emissions from these activities on other environmental disciplines, including fish and fish habitat and surface water will be identified and assessed in the EA. Therefore, the EA will consider how changes in air quality from dust resulting from road traffic could indirectly effect fish and fish habitat.	Section 7.2, pg. 63 Section 7.2.2, pg. 66 Commitment for EA
NeskFN-23	Will pile driving for bridge piers and temporary trestles be included and analyzed as a potential impact to fish and fish eggs?	The EA will identify and assess potential effects of the Project and Project Activities on the environment, including fish and fish habitat (Section 7.2.9), surface water (Section 7.2.5) and groundwater (Section 7.2.6). The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly effect fish and fish habitat. If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or ground water quality or vibration effects, impact management measures and monitoring measures to avoid or minimize potential effects to fish and fish habitat will be recommended in the EA.	Section 7.2, pg. 65 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9, pg. 69 to 70
NeskFN-24	<p>5. Wildlife Changes in Resource Availability for Subsistence, Changes in Competition for Resources for Subsistence Reference.</p> <p>The CAR will provide year round access to the Far North, which is likely to increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight lines along linear corridors, a change to seasonal migration pathways, higher risk of the introduction of invasive species, parasites and disease, and the accidental release of contaminants to waterbodies.p.69</p> <p>How will the EA measure the changes to indigenous harvest opportunity, experiences and quality caused by the road traffic and non-indigenous hunters?</p>	MFFN acknowledges that increased access for recreational and traditional uses may arise in the future if the CAR is constructed. As noted in Section 7.2.1 of the ToR, the EA will consider the potential effects of the Project on the availability and / or quality of resources. This will include potential changes associated with increased access by Indigenous and non-Indigenous land users as a result of the Project, which may, in turn indirectly affect Indigenous land and resource use activities (e.g., hunting, harvesting, and gathering) within the area of the Project. Indicators have been proposed in Appendix A of the ToR to support the assessment of potential effects on: the availability of lands and resources for traditional activities; the quality of resources for traditional activities, and the experience of being on the land. Furthermore, in addition to Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including resources important for traditional activities) will serve as important data sources to be used to assess the potential effects to the availability and quality of lands and resources for traditional activities. Similarly, the findings of the atmospheric, acoustic, visual aesthetics, social, and land resource use effects assessments will serve as important data sources to be used to assess the potential effects to the experience of being on the land.	Section 7.2.1, pg. 65 Appendix A, pg. 1

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NeskFN-25	Will a Subsistence Foods Monitoring Plan be developed in order to monitor the potential impacts from the road to communities that rely on subsistence resources?	The EA is to include data collection activities to assess the extent to which Indigenous country food harvesting activities may be affected by the Project. The Indigenous Knowledge Program Guidance Document shared with all Indigenous communities, including Neskantaga First Nation, in November 2020 includes questions about subsistence (country) food consumption to support this assessment. The need for longer-term monitoring of the potential effect will also be examined in the EA and if necessary, recommendations made for any monitoring activities related to country food harvesting.	Commitment for EA
NeskFN-26	6. Traffic and Noise Related Impacts, Changes in Resource Availability for Subsistence Reference: However, once constructed, the CAR will provide a route for the transportation of people and supplies, and potentially industrial, forestry and mining traffic as well. Therefore, the CAR will be designed to accommodate a range of heavy and light vehicle types. P.66 How many round trips per day by the different road users[community, commercial, mining etc] are projected?	The Project is currently in the early planning phase; therefore, specifics such as the number of vehicles that will use the CAR have not yet been determined. However, the number of vehicles will be determined during the EA and documented in the EA Report. The EA will also include any other anticipated vehicle use information that can be reasonably obtained.	Commitment for EA
NeskFN-27	Comment. Neskantaga land users and knowledge holders commented that noise from the proposed road will impact wildlife.	The potential for noise to alter the behaviour of wildlife is identified in Section 7.2.8 of the ToR and these potential effects (i.e. noise on wildlife) will be assessed in the EA.	Section 7.2.8, pg. 69
NeskFN-28	7. Issue: Control of Fugitive Dust Changes in Resource Availability for Subsistence Reference. During the operations phase, vehicular traffic use may change local air quality due to the year round access to MFFN. The change would be due to vehicle use and associated emissions, elevated road dust generation and from road maintenance activities. However, emissions related to travel by air of persons and goods are expected to decrease with the implementation of the CAR. p.19 It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e. road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential. Changes to surface water quality and quantity may cause indirect effects to other environmental disciplines such as fish and fish habitat, and wetlands. p.67 Dust resulting from construction activities and vehicle use of the CAR may damage vegetation primarily through physical effects such as cell destruction and blocked stomata (Spellerberg 1998). Dust accumulation on plants may also affect photosynthesis, respiration and transpiration, which are important processes required for plant survival (Farmer 1993). Materials used during road maintenance (e. road salt or dust suppressants) may have an indirect effect on vegetation and wetlands along the road edge through a potential change in soil and or sur face water quality. p.68 Will fugitive dust from the transportation of ore concentrate and vehicle traffic on the road be quantified [estimate of tons of dust per year] and considered as a main contributor to contaminant emissions? If not, why not?	Air emissions (i.e., quantities) will be modelled and documented in the EA for each phase of the Project as follows: <ul style="list-style-type: none">Construction phase: equipment and earth moving activities (such as drilling, blasting and aggregate productions);Operations and maintenance phase: dust and other emissions from community use of the CAR and maintenance activities; andCumulative effects during the operations phase of the Project: dust and other emissions from community use of the road and maintenance activities, as well as industrial use of the road (such as transportation of mined material from development in the Ring of Fire).	Section 7.2.2, pg. 66 Commitment for EA.
NeskFN-29	How will fugitive dust impacts from runoff from bridges be addressed?	It is too early in the EA process to confirm what impact management measures and monitoring measures will be recommended in the EA Report. Recommendations for appropriate impact management measures are based on the potential effects predicted in the assessment and evaluation of effects. The EA will identify and assess the potential effects of the Project due to dust emissions, which in turn will inform the appropriate impact management measures and monitoring measures that will be recommended. Road construction and maintenance will follow typical Ministry of Transportation (MTO) standards and requirements (e.g., potential substances that may be applied for dust suppression [Section 5.2.2]) and recommendations for impact management measures and monitoring measures will be based on these requirements as well as input received through the consultation and engagement program. Consultation on impact management measures is identified as part of the targeted input for the Effects Assessment Methods, Identification of Preferred Alternatives and Review of Draft EA / IS milestones in the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). MFFN will contact Neskantaga First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	Section 5.2.2, pg. 17 Section 7.2, pg. 65 Section 7.2.2, pg. 66 Section 9.2, pg. 77 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA
NeskFN-30	Will the proponent prepare a fugitive dust control plan identifying project design features and best management practices?	As noted in Section 7.2 of the ToR, the EA will identify and assess the potential effects of the Project, including dust generated from the construction and operation of the CAR. The EA will also identify and assess indirect effects of the Project, such as how dust emissions changes may result in effects to surface water and vegetation. The EA will recommend impact management measures to avoid or minimize potential effects of the Project on the environment, including any potential effects from fugitive dust. It is too early in the EA process to confirm what impact management measures and monitoring measures, such as whether a fugitive dust control plan will be required, will be recommended in the EA Report. As part of the EA, the	Section 5.2.2, pg. 17 Section 7.2, pg. 65 Section 7.2.5, pg. 67 Section 7.2.8, pg. 68 Appendix B, Section 4.1.7, pg. 21 to 24

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		<p>potential effects dust will be determined, which in turn will inform the appropriate impact management measures and monitoring measures that will be recommended. Road construction and maintenance will follow typical MTO standards and requirements(e.g., potential substances that may be applied for dust suppression) and recommendations for impact management measures and monitoring measures will be based on these requirements as well as input received through the consultation and engagement program.</p> <p>Consultation on monitoring measures is identified as part of the targeted input for the Identification of Preferred Alternatives and Review of Draft EA / IS milestones in the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). MFFN will contact Neskantaga First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p>	Commitment for EA
NeskFN-31	<p>Will there be a separate evaluation of predicted change in surface water quality from both mining concentrate transport and vehicle traffic dust deposition? If not, please explain why not.</p>	<p>The Project is currently in the early planning phase; therefore, specifics such as the number of vehicles that will use the CAR have not yet been determined. The number of vehicles will be determined during the EA and documented in the EA Report along with other anticipated vehicle use information that can be reasonably obtained. The Air quality modelling work is capable of identifying deposition from vehicle traffic and mining traffic separately, which in turn can be used to understand potential effects to surface water from both uses. Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>Additionally, the EA will include the effects of potential accidents and malfunctions, which will look at the failure of certain works or incidents involving road users caused by technological malfunctions, human error or exceptional natural events (e.g., flooding, earthquake, forest fire). This will be inclusive of vehicle accidents and associated spills near / at watercourse crossings that could release diesel or other material into water.</p>	<p>Section 7.2, pg. 65</p> <p>Commitment for EA</p>
NeskFN-32	<p>Which Ministries would be responsible for fugitive dust compliance and enforcement?</p>	<p>The MECP is responsible for fugitive dust compliance and enforcement.</p>	N/A
NeskFN-33	<p>8. Issue: Spills and Spill Risk Changes in Resource Availability for Subsistence Reference.</p> <p>During construction and operation, there is the possibility of accidental leaks or spills from construction equipment and vehicle use. In preparation for construction, a Spill Management Plan will be develop ed to mitigate and manage accidental releases.p.19</p> <p>Changes in soil quality may also occur due to accidental release of contaminants during construction from the use of equipment and machinery (e. use of chemicals, explosives and fuel, equipment washing) and from vehicles during operation of the CAR (e.g., leaks and spills from road users). p.67</p> <p>Will the spill management plan consider the likelihood of driver injuries or fatalities that could delay spill reporting?</p>	<p>A Spill Management Plan details spill prevention, preparedness and response requirements to support the safe response to accidental spills, leaks and releases of materials to the environment. The EA will include the effects of potential accidents and malfunctions, which will look at the failure of certain works or incidents involving road users caused by technological malfunctions, human error or exceptional natural events (e.g., flooding, earthquake, forest fire). Driver injuries or fatalities and delay to spill response will be included in the accidents and malfunctions.</p>	Commitment for EA
NeskFN-34	<p>Will the spill management plan consider a scenario where a truck accident at a stream crossing sees diesel entering water bodies through broken ice or incomplete freezing of the water body?</p>	<p>The Spill Management Plan will consider plausible releases of Project-related materials to the environment (land and water) during the construction and operations phases. It will include details on prevention, preparedness and response regardless of how materials, including diesel, is accidently released into the environment. Therefore, measures included in the Spill Management Plan will be inclusive of vehicle accidents and associated spills near / at watercourse crossings that could release diesel or other material into water during frozen, partially frozen and thawed conditions.</p>	Commitment for EA
NeskFN-35	<p>Will scenarios of diesel spills from tanker truck rollover and estimates of the probability of a concentrate spill during concentrate transport form part of the EA? If not, please explain why not.</p>	<p>The EA will include the effects of potential accidents and malfunctions, which will look at the failure of certain works or incidents involving road users caused by technological malfunctions, human error or exceptional natural events (e.g., flooding, earthquake, forest fire). Project-related accidents and malfunctions will be based on the worst-case scenario and the more-likely but lower consequence scenario in order to assess the potential for minor and major accidental spills from vehicles anticipated to use the CAR. Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p>	Commitment for EA
NeskFN-36	<p>If estimates of diesel and/or concentrate spills are made, will the probability of two trailer vs. three trailer accidents be compared?</p>	<p>The EA will include the effects of potential accidents and malfunctions, which will look at the failure of certain works or incidents involving road users caused by technological malfunctions, human error or exceptional natural events (e.g., flooding, earthquake, forest fire). Therefore, estimate of the quantity of materials likely to be released or spilled will be based on the worst-case scenario and the more likely but lower consequence scenario for vehicles anticipated to use the CAR. Section 5.2.1.1 of the ToR identifies the following as the vehicles anticipated to use the CAR: personal vehicles (e.g., cars, vans, small trucks, motorcycles), and commercial vehicles including larger trucks up to the legal road limits on weight and size.</p>	<p>Section 5.2.1.1, pg. 15</p> <p>Commitment for EA</p>
NeskFN-37	<p>9. Issue: Mercury Changes in Resource Availability for Subsistence</p>	<p>A geochemistry study is proposed to characterize the soil and bedrock materials to produce acid-rock-drainage and / or</p>	Commitment for EA

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	<p>Reference.</p> <p>It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e. road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential. Changes to surface water quality and quantity may cause indirect effects to other environmental disciplines such as fish and fish habitat, and wetlands. p.67</p> <p>Construction activities such as use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential, dewatering, water use, and the creation of impervious surfaces have the potential to result in effects to groundwater quality, quantity and flow. p.68</p> <p>Preamble. Mercury is naturally present at low levels in some rock formations in the project area.</p> <p>The proposed road would require the blasting and extraction of millions of cubic yards of rock, sand, and gravel for its construction. The project will require permanent placement of this material for road construction, bridge and culvert stream crossings, and to fill wetlands, lakes, and ponds along the road.</p> <p>How does the proponent plan to test the proposed fill materials needed to build and operate the road for mercury, and other contaminants, during the EA process?</p>	<p>metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). This study will be informed by the review of detailed terrain mapping, a review of geotechnical work completed for the Project during the pre-EA period, and a field reconnaissance program focused on collecting data in areas with potential for metal leaching and acid rock drainage that may be disrupted by construction. If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management measures and monitoring measures will be identified. At this time, there are no anticipated Project components which would create exposure pathways for mercury Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed.</p>	
NeskFN-38	What detection limits will be used for mercury in surface water?	At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation or bioaccumulation. Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed.	N/A
NeskFN-39	Will studies of moss be carried out to establish baseline levels of mercury in the project area?	At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation or bioaccumulation. Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed.	N/A
Neskantaga First Nation – February 23, 2021 (email)			
NeskFN-40	<p>In our September 25, 2020 comments we recommend a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this road segment being part of the larger industrial access road to the Ring of Fire that will be eventually developed. Further, our view was that an assessment of impacts on caribou be based on the entire herd ranges.</p>	<p>The ToR identified a preliminary study area for the Project and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development; consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR).</p> <p>The proposed Caribou Regional Study Area (RSA) encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges. Therefore, effects on caribou populations will be predicted and assessed in the EA at the range level. The effects on caribou will also be considered in the context of the federal Far North range (ON9), which is an area that encompasses the Missisa and Ozhiski ranges as well as the area north of these ranges to the Manitoba border.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG developed by the Agency. In accordance with the TISGs, the EA will include the consideration of cumulative effects to caribou within each Project study area for caribou. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>Federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., zone-of-influence [ZOI]) effects to caribou habitat. With this approach all habitat within the 500 m buffer is assumed to be removed, which is considered to be precautionary since habitat will not actually be physically removed by the development but will remain available to caribou.</p> <p>Based on provincial guidance, the proposed geographic extent of the Ungulate Local Study Area (LSA) is a 10 km buffer on both sides of the centerlines of the alternative routes. This area is anticipated to capture local effects of the Project on ungulates that may extend beyond the footprint of Project infrastructure (e.g., dust and noise). The size of the LSA is based on the characteristics of boreal caribou subpopulations and home ranges and the potential extent of effects from linear disturbance. The size of the buffer aligns with provincial Best Management Practices (BMPs) for industry that recommends minimizing sensory disturbance within 10 km of known or potential High Use Areas during sensitive periods (e.g., MNR 2013a, b, c; MNR 2014). Although the term “ZOI” is not used in the provincial BMPs, the recommendation to avoid disturbances within 10 km of sensitive areas implies a similar intent; in other words, it specifies a distance from a disturbance within which caribou may shift their distribution or change their behaviour in response to influences of a disturbance / development.</p> <p>The decision was made to use the most conservative approach and follow the guidance of the provincial government to use a 10 km buffer for the Ungulate LSA. However, the 500 m buffer recommended by Environment and Climate Change</p>	<p>Section 7.2, pg. 65</p> <p>Appendix B, Section 4.1.7, pg. 22</p>

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		Canada (ECCC) will be added to the disturbance to estimate cumulative effects at the range scale. The analytical approach of Boulanger et al. (2012) and Plante et al. (2018) assess indirect changes to caribou distribution post-development. Since the Project has not been approved and developed, these analytical approaches cannot be used for quantifying indirect changes to caribou habitat by the proposed Project.	
NeskFN-41	Have you modified your recently announced caribou field study to reflect our comments? If not, why not?	<p>The caribou field study has been designed to characterize baseline conditions in the proposed Ungulate LSA, which is a 10 km buffer on both sides of the centerlines of the alternative routes, by monitoring caribou habitat selection and movement, and estimate survival and recruitment for three years (2021 to 2024). GPS radio collars were deployed on caribou in February 2021. Animals were targeted for captures in the 10 km Ungulate LSA, but the search area and actual deployment of collars also occurred on animals in a larger “area of potential interest”, which was a 35 km buffer around the proposed alternative routes. Additional field programs for ungulates are targeted to the Ungulate LSA but will also include the broader “area of potential interest” and the proposed Caribou RSA, (encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges), depending on collared caribou movement and habitat selection. All data acquired from the caribou field programs, regardless of where they occur geographically in relation to the proposed Project, will be included in the analysis for the Project.</p> <p>Neskantaga First Nation has previously commented that the EA should assess potential effects of the Project on caribou at the range level. Since both the proposed Caribou RSA encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges and the caribou field study includes the broader “area of potential interest” and Caribou RSA, effects on caribou populations will be predicted and assessed in the EA at the range level.</p>	Commitment for EA
NeskFN-42	Does your field study approach comply with the pandemic guidelines issued by the Nishnawbe Aski Nation?	<p>Health and safety protocols, including measures to minimize exposure to and the spread of COVID-19, have been developed for field programs that are being conducted in support of the Project. These measures are based on provincial guidance developed by the Ministry of Health and include procedures such as:</p> <ul style="list-style-type: none">▪ Wearing COVID-19 specific Personal Protective Equipment, including gloves and masks;▪ Regularly disinfecting field equipment;▪ Social distancing as much as feasibly possible;▪ Completing self-assessments of COVID-19 symptoms on a daily basis prior to the commencement of field work; and▪ COVID-19 testing for any helicopter pilots / field crew personnel entering Indigenous communities. <p>In addition to the measures being undertaken by field crews, MFFN will work with individual communities to confirm their own COVID-19 guidelines wherever Project team members are anticipated to identify a need for access within a community, including for in-person consultation and engagement activities.</p>	N/A
NeskFN-43	Finally, there is currently a surge in COVID cases in Thunder Bay that is having a serious impact on Neskantaga, and likely Marten Falls. The entire attention of the leadership and the Neskantaga EA technical team is focused on responding to the pandemic.”	<p>MFFN sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. Thank you for informing us of your community’s current situation.</p>	N/A
Neskantaga First Nation – April 6, 2021 (Letter dated March 31, 2021)			
NeskFN-44	In the context of the ongoing global pandemic, the vaccine rollout to the community, the recently declared off-reserve COVID19 emergency and our unresolved water emergency, it has not been possible for us to discuss the TOR in detail with our elders, knowledge holders and community members[see accompanying crisis timeline]. Therefore, this submission is incomplete and cannot cover the full extent of our views.	<p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN sympathizes with Neskantaga First Nation on the unprecedented events surrounding the COVID-19 pandemic as well as the water emergency and evacuation experienced by the community.</p>	N/A
NeskFN-45	<p>We question whether the Crown’s duty to consult and accommodate for a proposal that will impact Neskantaga and other Nations-for generations-can be met in the circumstances. Meaningful consultation cannot be met with a one-way transfer of information; it must be reciprocal, the Crown must be open to changing course as a result of the exchange.</p> <p>Our position remains that the Terms of Reference consultation should be paused until the conditions for meaningful consultation exist.</p> <p>Despite the limitations imposed on us, find below our further questions and comments.</p>	<p>In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario’s Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. Throughout this process, MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The Project is an essential and critical piece of community infrastructure to support MFFN’s growth and development. We will continue to advocate for additional capacity and resources for our</p>	Appendix B, Section 2.1, pg. 8, and 22 to 24

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		<p>neighbouring communities in order for them to engage with us on our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Neskantaga First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA.</p> <p>This comment has also been referred to Ontario so they can respond to you directly on this matter as well.</p>	
NeskFN-46	<p>Issue: Indigenous Use of Land and Resources for Traditional Purposes + Identifying Potential Alternate Routes</p> <p>Reference. 7.2.11Archaeology and Cultural Heritage p.71</p> <p>a) Robert Bell in a 1912 report published by the Ontario Bureau of Mines describes two routes between the Attawapiskat River and Marten Falls. The upstream route terminates at Beteau Lake on the Attawapiskat and is described as taking a se course for ca. 60 miles. He cites an Indigenous informant to indicate that the Beteau Lake route maintains a constant bearing, traverses level ground covered in sphagnum, and crosses five streams flowing towards the Attawapiskat River and only one towards the Albany River (Bell 1912:71). The second route terminates at Pym's Island on the Attawapiskat, was a trek of about 50 miles, and crossed a similar sphagnum covered landscape. The tone of Bell's commentary suggested that at least the Beteau Lake route could be traveled in the warm season, suggesting that it was not impeded by the extensive muskeg wetlands of the region. No seasonal travel information is available for the Pym's Island route.</p> <p>The location reported by McInnes in 1903 is readily identifiable along the Albany River, and is reported to be located on the well-drained south bank of the river, with extensive wetland bogs further inland. Examination of contemporary maps identifies a set of rapids on the Albany at this location that is still known as Marten Falls.</p> <p>Figure 2 is a detail of the GIS project that illustrates the northern half of the proposed Marten Falls road route alternatives, with a 5 km wide buffer (yellow) and the area of interested identified by Marten Falls FN residents (green). The map includes the middle reaches of the Attawapiskat and Albany River systems, and identifies important locations specified by Bell in his report. The Beteau Lake route is presented as a straight red line se to the Marten Falls HBC post. The estimated 60 mile distance overshoots the destination, likely reflecting the additional distance required to avoid muskegs and other impediments. The Pym's Island route is similarly portrayed as a 50 mile long red line extending ssw. It also overshoots the Marten Falls destination. What is important is how these bearing estimates intercept the yellow buffer zones to a significant degree.</p> <p>The relief and wetland data themes are not visible in Figure 2 in order to maintain map clarity. Much of this landscape is low water-saturated organic terrain, that is quite difficult to traverse in the warm season. I suspect that the Beteau Lake route may have taken advantage of sand and gravel eskers that are found in the region. Indeed, the proposed travel route may well also follow these raise and well-drained sinuous ridges. This leave a strong probability that the travel route, ecologically important micro-habitats, and associated encampments, toolstone harvest and game ambush localities may coincide with the most viable routes for permanent road construction (or at least aggregate quarrying). In light of this risk, the next step is to closely examine the hydrological data themes to seek out a route southeast from Beteau Lake that is limited to six major stream crossings: 5 of which drain north to the Attawapiskat River and one which drains south to the Albany River.Within the current limits of the topographic maps and NTS DigitalElevation models, potential routes should also be sought in the cartography that might take advantage of higher and better drained sediments.</p> <p>McInnes Map and Figure 2 attached.</p> <p>Neskantaga is seeking a commitment from the proponent that archaeological assessments of Neskantaga named places, trails, portages, travel routes, sacred and burial places and habitation shall be conducted pursuant to an Archaeology Assessment Terms of Reference to be developed jointly to the mutual satisfaction of Neskantaga and the proponent.</p>	<p>Thank you for sharing information about the trail from the historic Marten Falls trading post to Beteau Lake and Pym's Island.</p> <p>The trail information has been shared with our Archaeological and Cultural Heritage team and will help to inform the baseline knowledge of the area for the cultural heritage reporting (2021-2022) and the Stage II archaeological field program that is planned for 2022-2023. The proposed Archeological and Cultural Heritage Local and Regional Study Areas are currently being defined and we will share them with Neskantaga First Nation once drafted. Please note that the Stage II archaeological field program will be focussed within the Local Study Area. Based on a preliminary review of the information provided, the trail extends beyond the geographic extent of the archaeological field program. However, it will inform the cultural heritage and archaeological baseline of the larger Regional Study Area.</p> <p>All archaeological work will be conducted to meet the Ministry of Heritage, Sport, Tourism, and Culture Standards and Guidelines. As part of the archaeological program, MFFN would like to invite a community representative from Neskantaga First Nation to accompany the archaeology team in key areas of the field program.</p> <p>MFFN is also engaging Neskantaga First Nation in the Indigenous Knowledge Program for the Project. The Project-specific Indigenous Knowledge Study provides an opportunity for Neskantaga First Nation to further share Indigenous Knowledge and land and resource use (e.g., trails) within the Aboriginal and Treaty Rights and Interests Study Areas. This information will also help to inform the assessments.</p>	Commitment for EA
NeskFN-47	<p>Issue: Climate Change</p> <p>Reference 7.2.2Atmospheric Environment</p> <p>The GHG emissions from the Project will be estimated, based on industry standards and other publicly available information and compared to the provincial, national and industry profile GHG emissions.p.66</p> <p>a) The road will lead to increased greenhouse gas emissions during an ongoing climate emergency. Climate change has and will continue to adversely impact the ongoing viability of Neskantaga's Treaty protected harvesting rights. Climate change has already had a particularly serious impact on Neskantaga because of the close relationship between the Nation and the land and waters on which they rely.</p> <p>There has been a growing call for all projects to disclose a plan for how their business model will be compatible with a net-zero economy. A net zero economy will limit global warming to no more than 2 degrees Celsius above preindustrial averages and eliminate net greenhouse gas emissions by 2050.Will the MFCAR business model be compatible with a</p>	<p>MFFN shares Neskantaga First Nation's concerns regarding the impacts of climate change generally and specifically on traditional land use and protected harvesting rights. A greenhouse gas (GHG) assessment for the CAR must be undertaken before MFFN can provide further information on the potential GHG effect of the Project. In addition, the air quality assessment will consider whether a potential reduction in air travel as a result of the CAR for the movement of community member, supplies and goods will have a positive effect of GHG overall. However, information on what impact management measures will be applied is unknown at this time as the CAR is early in the planning process.</p> <p>The GHG assessment proposes to categorize emissions based on estimates of construction and operation emissions, and operation emissions from community users of the road as well as industrial / commercial users of the road delivering supplies to the MFFN community.</p>	Section 7.2.2, pg. 66

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	net-zero economy? Neskantaga would like the estimate of GHG emissions to be categorized by construction, industrial road users and community road users.		
NeskFN-48	<p>Issue: Improper Scoping</p> <p>Reference. Marten Falls First Nation Supporting Document–Alternatives Development Community Access Road</p> <p>The community of MFFN was not initially receptive to changing the intended use of the Project to a multi-purpose road; however, overtime the community accepted the change in direction as a necessity to access provincial funding and recognized the potential economic benefits a multi-purpose road could provide. p.9</p> <p>MFFN’s position is that no chromite should travel east to west, but instead should travel north to south to support MFFN’s economic interest in Ring of Fire development.p.10</p> <p>a) Neskantaga has consistently raised strategic level concerns about the proposed MFCAR because it is intended to promote and facilitate future road and mining projects and open up the entire region to transformational industrial development that will have permanent impacts on the way of life of Neskantaga, and other First Nations, for generations.</p> <p>The full, integrated Ring of Fire development project, with all of its cumulative and interactive impacts, has never been publicly presented for Neskantaga consultation and participation. In fact appropriate consultations have not really begun because no Crown actors have acknowledged the full nature and purpose of the project.</p> <p>We are concerned that privately, in government to government cost sharing negotiations between Ontario and Canada, there is a different development project in the Ring of Fire being discussed. The Ontario business case for federal cost sharing contains critical information of direct relevance for a fair assessment of the actual and potential impacts of the MFCAR project and that information has not been disclosed to Neskantaga, other First Nations and the public. In short, Ontario has failed to disclose the full scale of its development plans, thereby leading to an improper scoping of the proposed Marten Falls road project that is currently under review.</p>	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether other developments, including the Northern Road Link, Webequie Supply Road or mines are constructed. Although the EA is for a multi-use road, the purpose is to provide all-season community access.</p> <p>The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. However, the MFFN CAR EA will consider other development from a cumulative effects perspective. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>The comment about government to government cost sharing negotiations between Ontario and Canada and an Ontario business case is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	Commitment for EA
Neskantaga First Nation – June 16, 2021 (email dated June 14, 2021)			
NeskFN-49	<p>Original ID#: NeskFN-40</p> <p>Original Comment: See NeskFN-40</p> <p>Original Response: See NeskFN-40</p> <p>Follow-up Comment: RE: “The analytical approach of Boulanger et al. (2012) and Plante et al. (2018) assess indirect changes to caribou distribution post-development. Since the Project has not been approved and developed, these analytical approaches cannot be used for quantifying indirect changes to caribou habitat by the proposed Project.”</p> <p>There are analytical approaches described in Boulanger and Plante to understand how much impact roads and other land use have on caribou distribution. We would expect the Proponent to be conducting this analysis at different scales including the LSA and range scale before, during, and after construction if the Project is approved.</p> <p>We want to reiterate that the project/Proponent must consider all of the current footprints not just the Project (e.g., cumulative effects). This is essential given that Ontario caribou populations are in decline and remain a species-at-risk for Ontario and Canada.</p> <p>The Proponent should review the growing body of evidence for a zone of influence on roads through intact habitats for caribou. We have provided two references, and Dr. Len Hunt with MNRF is another source who has looked at this issue for the Pickle Lake road in particular, which would be very analogous.</p> <p>This approach helps us to understand/anticipate the potential impacts of this road on caribou, a SAR in Ontario, which the Proponent is obliged to report on. The Proponent should thoroughly review the literature and consult with experts (e.g., WCS Canada and others) on this important issue. And incorporate this into monitoring, so that other projects can learn.</p>	<p>How the effects of the proposed Project on boreal caribou will be evaluated at the local and regional scales, and before, during and after construction, if the Project is approved, will be described in the EA Report / IS and the methodology will be made available for review should the Proposed ToR be approved and the EA commence. Effects to caribou will be evaluated quantitatively in a local study area (a 10 km buffer around the proposed alignments) and a regional study area (the geographic extent of Missisa, Ozhiski, Nipigon and Pagwachuan ranges). The local study area allows for the characterization of existing conditions and prediction of potential environmental effects for the Project. The larger regional study area recognizes that boreal caribou disperse between ranges and although the Project primarily intersects the Missisa range, there may be implications to the broader provincial population. Effects to caribou will also be evaluated qualitatively at the scale of the federal Far North range (ECCC 2019).</p> <p>Radio collars were deployed on 30 adult female caribou by the Project in February 2021 to provide three years of baseline data which will be used to characterize baseline conditions and develop statistical models that test the hypothesis that caribou movement and habitat selection will change in response to the Project. Additional radiocollars deployed by MNRF in the Missisa and Ozhiski ranges between 2019 and 2021 will also be included in these analyses. Zone of Influence (i.e. the spatial extent of change in response to a given disturbance) analysis methods similar to that in Boulanger et al (2012) or Plante et al. (2018) will be used during the effects assessment and post-construction monitoring phases of the Project to predict and examine changes in habitat selection, movement, and seasonal use as a function of distance to the proposed disturbance(s), and with respect to the spatial organization of biophysical attributes (ECCC 2019) and provincially delineated Category 1, 2, 3 habitat in the study areas.</p> <p>As mentioned in the response to NeskFN-40, the federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., sensory disturbance) effects to caribou as a result of human disturbance(s) and will be applied to the Project and all other developments within the Far North range. This approach assumes all habitat within the 500 m buffer around human development is functionally removed, which is a precautionary approach since habitat in the buffer will not be physically removed by the development and will remain available to caribou. The federal guidance approach (EC 2011; ECCC 2020) will quantify cumulative habitat disturbances (human and wildfire) to determine whether the cumulative effects (human and natural) to caribou habitat exceed habitat availability thresholds established in the federal Recovery Strategy (ECCC 2020).</p> <p>As mentioned in response to NeskFN-40, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing</p>	Section 7.2, pg. 65 Appendix B, Section 4.1.7, Table 4-2, pg. 22 to 23



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		<p>the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a).The Project is also subject to the Federal <i>Impact Assessment Act</i> and is currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG for the Project developed by the Agency. In accordance with the TISGs, the EA will include the consideration of cumulative effects to caribou within each Project study area for caribou.</p> <p>Throughout the EA, there will be many opportunities for consultation and engagement between Neskantaga First Nation and MFFN. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA. MFFN will engage with Neskantaga First Nation through the EA / IA to:</p> <ul style="list-style-type: none">▪ Obtain input on baseline data collection during the Effects Assessment Methods milestone;▪ Obtain input on criteria and indicators during the Effects Assessment Methods milestone;▪ Obtain input on study areas during the Effects Assessment Methods milestone;▪ Obtain input on effects assessment and its conclusions during the Identification of Preferred Alternatives and Review of Draft EA / IS milestones;▪ Obtain input on the development of impact management measures and follow-up programs occurs during the Effects Assessment Methods and Identification of Preferred Alternatives milestones; and▪ Obtain input on potential projects and activities that could act cumulatively with the Projeect as well as potential cumulative effects to be considered during the Identification of Preferred Alternaives milestone. <p>Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions. Information shared will inform the planning, development and implementation of future field studies as appropriate. In addition, the results of field studies will be shared throughout the EA and will be documented in the EA Report.</p> <p>MFFN understands there are unpublished results of the Centre for Northern Forest Ecosystem Research investigation undertaken for the Transmission Line to Pickle Lake Project and will attempt to obtain them. Should the results be shared with MFFN, information from the investigation will be reviewed to inform the EA where appropriate and as applicable. A thorough literature review and consultation with subject matter experts, including but not limited to MNRF and WCS who are on the Projects’ stakeholder list and will continue to be consulted during the EA process ,will be conducted to inform the analysis in the EA and subsequent monitoring programs, should the Project be constructed.</p>	
Neskantaga First Nation – August 25, 2021 (email dated August 13, 2021)			
NeskFN-50	<p>Reference text from NeskFN-49: ...the federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., sensory disturbance) effects to caribou as a result of human disturbance(s) and will be applied to the Project and all other developments within the Far North range. This approach assumes all habitat within the 500 m buffer around human development is functionally removed, which is a precautionary approach since habitat in the buffer will not be physically removed by the development and will remain available to caribou.</p> <p>Reply: It is unclear how the proponent is considering Zone of Influence in this regard. Although we understand that removing 500 m as a buffer considers a zone of influence associated with the road, it is not a Zone of Influence assessment. The proponent should estimate the yearly ZOI from MNRF and new collaring data to estimate yearly trends in ZOI distance and magnitude for the Missisa, Ozhiski and other ranges that intersect with the proposed project and consider cumulative factors affecting trends in ZOI. The attached by Boulanger et al. 2021¹ provides an example of how this was applied to consider mining impacts on Bathurst caribou in the NWT in a before and after analysis.</p>	<p>The 500 m referred to in that response paragraph to NeskFN-49 relates to the assessment of cumulative effects (i.e., the indirect loss of habitat), and was not intended to relate to consideration of a zone of influence (ZOI) assessment.</p> <p><u>MFFN provided this response to NeskFN-49 related to ZOI assessment:</u></p> <p>Radio collars were deployed on 30 adult female caribou by the Project in February 2021 to provide three years of baseline data which will be used to characterize baseline conditions and develop statistical models that test the hypothesis that caribou movement and habitat selection will change in response to the Project. Additional radiocollars deployed by MNRF in the Missisa and Ozhiski ranges between 2019 and 2021 will also be included in these analyses. Zone of Influence (i.e. the spatial extent of change in response to a given disturbance) analysis methods similar to that in Boulanger et al (2012) or Plante et al. (2018) will be used during the effects assessment and post-construction monitoring phases of the Project to predict and examine changes in habitat selection, movement, and seasonal use as a function of distance to the proposed disturbance(s), and with respect to the spatial organization of biophysical attributes (ECCC 2019) and provincially delineated Category 1, 2, 3 habitat in the study areas.</p> <p><u>In response to the additional components of the NeskFN-50 comment:</u></p> <p>MFFN agrees with Neskantaga First Nation that we can use the collar data (MFFN collared animals and MNRF collared animals) to model pre-development ZOI estimates. The ZOI analysis can be conducted to assess annual (2021, 2022, 2023) and overall (3 years combined) estimates of pre-disturbance ZOI from the collar data. If sufficient data in the MFFN study area is available from MNRF collars prior to 2021, then additional pre-disturbance annual or merged ZOI estimates can be modeled.</p>	Section 7.2, pg. 65

¹ Boulanger, J., K.G. Poole, A. Gunn, & J. Wierzchowski. 2012. Estimating the zone of influence of industrial developments on wildlife: a migratory caribou Rangifer tarandus groenlandicus and diamond mine case study. Wildlife Biology 18:164–179

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		<p>The pre-disturbance ZOI analysis will use data from collars deployed during baseline (i.e., before development / pre-construction phase), whereas the analysis presented by Boulanger et al. 2021 used collar data that was collected starting in the mine construction phase. Boulanger et al. (2012, 2021) do not consider baseline (i.e., before development) caribou distributions. MFFN's pre-disturbance analysis will strengthen conclusions about changes in caribou distribution and also allows us to consider the spatial layout of habitat at baseline. In the MFFN CAR caribou study area, the layout of provincially delineated Category 1, 2, 3 habitat areas demonstrates that habitat is not uniformly distributed throughout, and that will be considered as a variable in a ZOI model.</p> <p>A cumulative effects assessment will be a component of the joint IS / EA produced for this Project, however, it is not necessary to estimate ZOI for each separate development in order to consider cumulative factors. Rather, we can make conservative assumptions about ZOI (i.e., assume in the analysis that the ZOI is larger than the maximum size shown in scientific literature). We can also assume the ZOIs will be continuous during all phases of all reasonably foreseeable projects that are assessed as part of the cumulative effects assessment, which is a conservative approach because Boulanger et al. 2021 showed no ZOI during construction.</p> <p>MFFN will work with Neskantaga First nation to schedule a meeting to discuss ZOI modeling for this project and clarify any ongoing questions about this analysis.</p>	
NeskFN-51	<p>Reference text from NeskFN-49: The federal guidance approach (EC 2011; ECCC 2020) will quantify cumulative habitat disturbances (human and wildfire) to determine whether the cumulative effects (human and natural) to caribou habitat exceed habitat availability thresholds established in the federal Recovery Strategy (ECCC 2020).</p> <p>Reply: Proponent should clarify what the threshold for cumulative effects are in this project including road densities given the intact nature of the region. The critical habitat science used to generate the current risk assessment used by EC does not look at habitat supply (e.g., how much habitat is available), but rather how much disturbance is too much.</p>	<p>MFFN will use the thresholds for cumulative effects as directed in the federal recovery strategy for boreal caribou (ECCC 2020), which is 65% undisturbed available habitat to support a self-sustaining population of boreal caribou (with the exception of SK1). It is not the proponent's role to set a project-specific threshold for cumulative effects.</p>	N/A
NeskFN-52	<p>Various studies show that the sensory disturbance buffer of 500 m is exceeded for caribou. For example, Hebblewhite et al. (2011)² showed avoidance up to 2.7 km across 8 road studies of caribou while Polfus et al. (2011)³ and Johnson et al. (2015)⁴ showed as low as 1 km for roads. This is important given the uncertainty of the mitigation measures anticipated for the project.</p>	<p>MFFN will follow the methods of the federal recovery strategy for boreal caribou (ECCC 2020) and the provincial Integrated Range Assessments (MNR 2014) for quantifying project disturbance (i.e., 500 m buffer to account for indirect habitat loss as a result of sensory disturbances). We will qualitatively consider the results of other research and peer-reviewed literature in our assessment.</p>	Commitment for EA
NeskFN-53	<p>We recommend a ZOI approach which is likely to be dynamic, depending on the size, location and phase of the development, the level of industrial activity associated with the project including volume of traffic, and caribou range characteristics (population status, movements, demographics, etc.). This is important also because this project will be adding new development to previously undisturbed habitat (unlike Watay options to follow existing linear disturbance to which caribou have already been impacted). In addition, it addresses the total area of disturbance rather than linear feature density or other metric.</p>	<p>MFFN is committed to doing ZOI analysis during baseline (pre-disturbance phase) to inform the characterization of baseline conditions and the assessment of the Project. Should the Project be approved, and pending permit conditions, MFFN will consider follow-up monitoring including additional ZOI analysis of different development phases.</p> <p>MFFN will work with Neskantaga First Nation to schedule a meeting to discuss ZOI modeling for this project and clarify any ongoing questions about this analysis.</p>	Commitment for EA
NeskFN-54	<p>We recommend the proponent design baseline data collection and monitoring to determine how scale of habitat selection (including at the home range and range scale) changes as overall herd distribution relative to the project. This is essentially a habitat change assessment, particularly for calving and early and late winter habitat.</p>	<p>MFFN has designed the baseline data collection program to allow for scale-integrated habitat selection analysis with the data currently being collected from the 30 collars.</p> <p>Habitat selection analysis will account for how habitat is spatially distributed in the study area at baseline/ pre-disturbance. Land cover characteristics tied to the biophysical attributes of caribou seasonal habitat preferences, and the delineation of the provincial Category 1, 2, and 3 habitat areas have demonstrated that the habitat is not uniformly distributed. Seasonal resource selection function (RSF) models can be run at various orders of ecological scale with the data being collected from the collars (Manly et al. 2002; DeCesare et al. 2012).</p>	N/A
NeskFN-55	<p>We recommend the proponent consider the edge effects of the road given noise and permanence on various species including caribou and changes in risk of mortality to caribou due to impacts on moose and wolves and the use of early successional habitats and linear features for movement, respectively and the impacts to calving and early and late winter habitats.</p>	<p>Edge effects are considered as part of the 500 m buffer that is applied to anthropogenic features in habitat analysis. As per EC 2011, "a 500 m buffer on anthropogenic disturbance provided an appropriate, minimum approximation of the zone of influence of these features on caribou demography" (pg. vi). This buffered area is considered to be functionally unavailable to caribou and captures "basic information about the effects of fragmentation or the spatial configuration of human disturbance on the landscape in addition to the effects of habitat loss" (EC 2011, pg 23). The 500 m buffer quantifies the increase in landscape permeability for predators as a result of an anthropogenic disturbance.</p>	N/A
NeskFN-56	<p>We would anticipate that proponent needs to consider impacts of the project on migratory and sedentary ecotypes and not presume one or the other based on previous collaring information.</p>	<p>MFFN agrees with Neskantaga First Nation that we should not presume which ecotype of caribou occurs in the study area based on previous collar data. Based on provincial and federal recovery strategies and the biophysical attributes of preferred habitat, it is assumed that boreal (sedentary) caribou are the foremost ecotype in the study area, and that migratory caribou (Southern Hudson Bay subpopulation) may occur seasonally, in the winter, when eastern migratory caribou move south from the forest-tundra transitional areas along the coast to the boreal forest (Pond et al. 2016;</p>	Commitment for EA

² Hebblewhite, M. 2011. Effects of energy development on ungulates. In: Energy development and wildlife conservation in western North America. D.E. Naugle (editor), pp. 71–94. Island Press, Washington, DC

³ Polfus, J.L., M. Hebblewhite, & K. Heinemeyer. 2011. Identifying indirect habitat loss and avoidance of human infrastructure by northern mountain woodland caribou. Biological Conservation 144:2637–2646

⁴ Johnson, C.J., L.P.W. Ehlers, & D.R. Seip. 2015. Witnessing extinction – cumulative impacts across landscapes and the future loss of an evolutionarily significant unit of woodland caribou in Canada. Biological Conservation 186:176–186

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		<p>COSEWIC 2017; MECP 2021).</p> <p>MFFN notes that as a threatened species both provincially and federally, boreal caribou receive species and habitat protection. Eastern migratory caribou is listed as Special Concern in Ontario and as such, do not receive species or habitat protection under the provincial Endangered Species Act. Eastern migratory caribou were assessed as Endangered by COSEWIC in 2017 but have yet to be added to Schedule 1 of the federal Species at Risk Act and as such, there is no designated critical habitat for the species. MFFN acknowledges that some communities hunt caribou as a country food and that both sedentary and migratory caribou have traditional values to the communities.</p> <p>MFFN deployed collars on 30 adult female caribou in February 2021, and collars were spatially spread out throughout the ungulate study area (10 km buffer). Preliminary movement data current to September 2021 has demonstrated that both ecotypes of caribou inhabit the study area at some point in the year. As year-round residents, boreal caribou will likely be more impacted by the Project than eastern migratory caribou because of the frequency and duration of interaction with the Project. As such, MFFN has proposed to include boreal caribou as a Valued Component in the IA/EA and conduct a quantitative assessment of existing conditions, Project impacts, and residual effects. Eastern migratory caribou occur on a seasonal basis, and use the same areas in the winter as are currently delineated by the province as Category 1 winter use areas for boreal caribou. Protected habitat has not been defined for eastern migratory caribou in the Project area. As such, MFFN is proposing to include a qualitative assessment of eastern migratory caribou in the IA/EA, whereby peer reviewed literature and data from collars would be summarized to describe the seasonal use and potential impacts by the Project based on known threats in their winter range (note that eastern migratory caribou travel corridors and summer use range are outside the scope of the Project based on the Project's geographic location). Boreal caribou will act as a proxy species in the assessment, and it is expected that mitigations proposed to protect boreal caribou winter use areas will protect eastern migratory wintering grounds as well.</p> <p>As previously communicated, MFFN will provide opportunities for Neskantaga First Nation to share Indigenous Knowledge through the Project's Indigenous Knowledge and Consultation and Engagement Programs and would welcome any information Neskantaga can provide on the overlap between migratory and sedentary caribou and seasonal patterns of use and movement by migratory caribou in this region.</p>	
NeskFN-57	Proponent should consider 500 m relevance for other species such as marten/furbearers (e.g., Webb 2010 ⁵ , Tigner et al. 2015 ⁶)	<p>MFFN is in the process of determining the models to quantify changes to marten / furbearer habitat, including direct and indirect effects (i.e., sensory disturbance which functionally removes habitat even though it is not physically removed) as a result of human disturbance(s).</p> <p>MFFN will consider marten home range size and peer-reviewed literature to determine an appropriate buffer size for indirect effects. Existing marten habitat suitability models developed to guide forestry operations in Ontario (Elkie et al. 1999, 2009) will be reviewed (if made available), with consideration to the applicability of the model given there is no timber harvest in the wildlife study area. Similarly, MFFN will consider other peer-reviewed literature but where possible, will rely on research that has been conducted in regions with similar baseline conditions. For example, the research conducted by Tigner et al. (2015) was in northern BC/Alberta where marten occurrence was being compared in areas with seismic line density ranging from <1 km/km² up to > 26 km/km², which is a much higher level of disturbance than in the landscape where the MFFN CAR project will occur.</p> <p>MFFN will take into consideration Neskantaga First Nation's suggestion to use a 500 m buffer around the proposed Project footprint to calculate indirect effects of the Project on furbearers.</p>	Section 7.2.8, pg. 69 Commitment for EA
Nibinamik First Nation – March 31, 2021 (Letter dated February 26, 2021)			
NibFN-1	<p>As Chief of Nibinamik First Nation (“Nibinamik”), I am writing regarding Ontario’s review of the Webequie supply road, the Marten Falls community access road, and the newly announced Northern Road Link (collectively the “Proposed Projects”). I am also writing to provide a preliminary response to Ontario’s request for Nibinamik’s comments on the Terms of Reference submitted by Webequie and Marten Falls for their respective road projects.</p> <p>As further outlined below, Nibinamik is concerned about the lack of coordination between Ontario's review of the Proposed Projects. We are concerned that because of this lack of coordination / harmonization, impacts of the Proposed Projects will fall through the cracks between the provincial assessments and risk going unaddressed. These concerns are compounded by the recently announced Northern Road Link and the entire lack of clarity for how this new additional project – that substantially expands the scope of impacts associated with Webequie and Marten Falls projects – will be considered and assessed by Ontario.</p>	<p>The environmental assessments (EAs) for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the Marten Falls First Nation (MFFN) Community Access Road (CAR), Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	N/A
NibFN-2	Quite simply, the Proposed Projects are forever projects. They represent a first wave of an industrial revolution of the North that will have far reaching environmental, economic, and social impacts on Nibinamik and our Homelands. While in	<p>The EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and</p>	Section 7.2, pg. 65 Appendix B, Section 4.1.7,

⁵ Webb, Shevenell M., and Mark S. Boyce. "Marten Fur Harvests and Landscape Change in West-Central Alberta." *Journal of Wildlife Management* 73, no. 6 (2009): 894-903. <https://doi.org/10.2193/2008-341>.

⁶ Tigner, J., E. M. Bayne, and S. Boutin. "American Marten Respond to Seismic Lines in Northern Canada at Two Spatial Scales." *PLoS One* 10, no. 3 (2015): e0118720. <https://doi.org/10.1371/journal.pone.0118720>. <https://www.ncbi.nlm.nih.gov/pubmed/25768848>.

Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

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	<p>the past, Nibinamik participated in discussions with Ontario and other neighbouring First Nations under the Regional Framework Agreement, those processes were unilaterally terminated by Ontario in August of 2019. No alternative process to address cumulative or regional impacts has been established.</p>	<p>future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / Impact Statement (IS) Consultation and Engagement Plan appended to the Terms of Reference (ToR) identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. MFFN will engage with Nibinamik First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.</p> <p>The ToR recognizes that a Regional Assessment of the Ring of Fire region under the <i>Impact Assessment Act</i> is underway. This is an assessment independent of the EA for the CAR; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Impact Assessment Agency of Canada’s (the Agency’s) contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.</p>	<p>pg. 22 to 24 Commitment for EA</p>
NibFN-3	<p>Ontario must put in place an environmental assessment process that is capable of evaluating the cumulative and regional impacts of these Proposed Projects, otherwise the entire environmental assessment regime becomes nothing but a sham and Ontario’s duty to consult is at risk of not being fulfilled. As further outlined below, Nibinamik’s preliminary review of the Terms of Reference for the Webequie and Marten Falls road projects lead us to make the following comments:</p> <ol style="list-style-type: none">1) These Proposed Projects are forever projects;2) A cumulative effects assessment is entirely inadequate to consider the scope and significance of the regional impacts in this situation; and3) A coordinated, harmonized approach must be put in place by Ontario without delay. <p>Each of these points are briefly outlined in further detail below.</p>	<p>See response to NibFN-2 for the response to cumulative and regional effects and NibFN-5 for a response to concerns related to “forever projects”.</p> <p>In April 2018, MFFN signed an agreement with the Ministry of Environment, Conservation and Parks (MECP) to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted Indigenous communities on the Project. Ontario (MECP and the Ministry of Northern Development and Mines) has delegated some procedural aspects of Ontario’s Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN will continue to discuss the Project with Nibinamik First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR and is available to discuss a community-specific consultation plan should Nibinamik First Nation wish to set one up for the Project.</p> <p>The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	<p>See response to NibFN-2 and NibFN-5 Appendix B Appendix D Commitment for EA</p>
NibFN-4	<p>We want to emphasize that this letter is a <u>preliminary response only</u>. In particular, due to the ongoing state of emergency in Nibinamik First Nation and the COVID-19 pandemic, we have not been able to meet with community members or Elders to discuss their concerns and input on either Terms of Reference or other project documents. The health and wellbeing of our community members must come first.</p> <p>Nibinamik anticipates providing further comments once it is safe for our community to meet. Also, as further outlined below, given the gap in cumulative and regional effects assessment, it would be premature for us to provide detailed comments on the Terms of Reference documents until we know how those gaps will be addressed by the Crown. We trust that Ontario’s assessment process and timelines will be flexible and that no final decisions regarding the Proposed Projects will be made until the state of emergency is lifted and meaningful consultation has been able to occur.</p>	<p>Thank you for your comment. Your time in reviewing the information and providing a preliminary response is appreciated. MFFN and the Project Team look forward to working with Nibinamik First Nation to understand the community’s concerns about the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p> <p>The MFFN Project Team sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. In addition to providing the opportunity to review the Draft ToR that was released well in advance of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with sufficient time to review documentation and provide comments. An additional opportunity for Nibinamik First Nation to comment on the ToR was provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p> <p>Throughout this process, MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The Project is an essential and critical piece of community infrastructure to support MFFN’s growth and development. We will continue to advocate for additional capacity and</p>	<p>Appendix B, Section 4.1.7, pg. 22 to 24</p>

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		resources for our neighbouring communities in order for them to engage with our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Nibinamik First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA.	
NibFN-5	<p>1) The Proposed Projects are forever projects</p> <p>The Proposed Projects are the first permanent roads that will cut up cross the otherwise pristine landscape of our Homelands. Ontario must structure an assessment process that can adequately consider the full scope of these forever impacts, including impact on the region as a whole, as well as on our constitutionally protected rights, and our community members social, cultural, and spiritual well-being.</p> <p>To be clear, Nibinamik is generally supportive of other First Nations working to connect to the provincial road systems so that they are no longer accessible only by air. As a remote First Nation ourselves, we recognize the important benefits, including access to healthcare and the economy, that flow from all-season road access. We are working together with our neighbouring First Nations to discuss their road projects, however our discussions together have also been impacted by COVID-19 and the need to prioritize the health of our community members. We expect these discussions will continue, according to our own ways of sharing information and traditional protocols, when it is safe to do so.⁷</p> <p>The Proposed Projects however, are not only about securing community access to the provincial road network. They are designed to generate further industrial development and literally pave the way for mining, forestry, and development that would otherwise not be possible without these roads. The first, but certainly not the last, of this development is the Ring of Fire, which in and of itself has untold environmental, social, and climate change impacts.</p> <p>The function of these roads to usher in the Ring of Fire and initiate the industrialization of the North is not a hidden, secret agenda. It is plainly spelled out in the Project Descriptions for both road projects in the Terms of Reference documents.⁸ The roads' industrialization purpose has also been acknowledged by the federal government.⁹ The Ring of Fire development is therefore an entirely foreseeable – and even expressly planned – impact flowing directly from these Proposed Projects.</p> <p>While the federal government has recognized the regional impacts of these proposed roads, the province is at serious risk of failing to ensure that the <u>provincial Crown</u> assessments – and any <u>provincial approvals</u> flowing from these assessments – are meaningful and appropriate for the level of change being proposed. Specifically, there is no reference in the respective Terms of Reference for the road projects or how these impacts – caused by a radical change to the pristine culture and environmental landscape of the North – can be considered other than through the cumulative effects assessment for the individual road projects.¹⁰ For the reasons outlined below, this siloed approach is misguided and wholly unacceptable.</p>	<p>The MFFN Project Team sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. Your time in reviewing the information and providing a preliminary response is appreciated. MFFN and the Project Team look forward to working with Nibinamik First Nation as we move forward with the EA process. The approach to consultation and engagement on the Project is designed to provide flexibility and adaptability to evolving Project needs and may involve community-specific consultation and engagement plans. Nibinamik First Nation is encouraged to share their traditional protocols as part of discussions with MFFN for a community-specific consultation and engagement plan should Nibinamik First Nation wish to set one up for the Project.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. See response to NibFN-2 for the further response to cumulative and regional effects.</p> <p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the other development, including the Northern Road Link, Webequie Supply Road or mines are constructed. Although the EA is for a multi-use road, the purpose is to provide all-season community access.</p> <p>The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	See response to NibFN-2 Commitment for the EA Section 5.1, pg. 14 to 15 Section 7.2, pg. 65 Appendix B, Section 4.1.5, pg. 19
NibFN-6	<p>2) A cumulative effects assessment is entirely inadequate to consider the scope of regional impacts in this situation</p> <p>Cumulative effects assessment, as part of an individual assessment of the Proposed Projects, is patently inadequate to identify and assess impacts associated with the Ring of Fire development and the industrialization that will flow on the heels of these roads. The development of the Ring of Fire is unprecedented in Ontario's history. It has been referred to as the next oil sands in terms of size and scope of economic potential; its impacts are likewise significant and unprecedented.</p> <p>Ontario cannot expect community-led projects to adequately identify the extensive and lasting regional impacts that will flow from these roads as part of advancing the Ring of Fire. Experienced proponents in well-resourced provincial and federal governments have struggled with this task. It is naive to assume that small governments, First Nations; or otherwise, whose previous experiences is limited to local infrastructure projects, can adequately undertake the sort of comprehensive regional impacts identification and assessment that is needed to accurately or completely consider impacts flowing from the Ring of Fire.</p> <p>Among other things, impacts of the road projects as part of advancing the Ring of Fire development will undoubtedly</p>	<p>The EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. MFFN have engaged qualified experts and advisors to support them on the Project and undertaking the EA, including identifying and assessing potential cumulative effects of the Project with past, present and reasonably</p>	Section 7.1.1, pg. 27 Section 7.2, pg. 65

⁷ In particular, Nibinamik's traditional protocols and ways of sharing information will need to be further discussed with Marten Falls First Nation and Webequie First Nation for how these can form the basis for individualized consultation plans regarding their proposed road projects.

⁸ See: Webequie Detailed Project Description at 66; and Marten Falls Community Access Road Project Tailored Impact Statement Guidelines (24 February 2020) at 132-133. See also: Marten Falls Community Access Road, Terms of Reference at Section 4; and Webequie First Nation Supply Road, Terms of Reference at Section 1.4 (Purpose and Rationale for the Undertaking and Study).

⁹ Federal Government Announces Regional Assessment of the Ring of Fire Area.

¹⁰ Marten Falls Community Access Road, Terms of Reference, Section 7.2 (Potential Environmental Effects) referencing how “the Northern Road Link will be considered for inclusion in the cumulative effects assessment of the Project.” See also Webequie First Nation Supply Road, Terms of Reference, Section 8.1 (Cumulative Effects).

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	<p>extend beyond the four-square corners of the Proposed Projects’ Project Development Areas. Both Webequie and Marten Falls have expressed concerns about their ability to identify or consider such impacts,¹¹ and the study areas identified in the Terms of Reference for both projects is significantly smaller than the area potentially impacted by large-scale industrial development such as the Ring of Fire.¹² In addition, the assessment process for the northern Road Link is still largely unknown, even though it expressly changes the scope and scale of the First Nations road projects through linking them together.</p> <p>To believe that these cumulative and regional impacts can be assessed as part of the individual reviews of the Proposed Projects is setting the First Nations up for failure. Moreover, it is turning a blind eye to the full scope of potential impacts and setting the provincial Crown up to breach its constitutional obligations to Nibinamik and other affected First Nations. As further outlined below, these cumulative and regional impacts that require the Crown to put in place a process with cumulative and regional scope to adequately identify and address them. Ontario cannot, in good faith, approve the Terms of Reference for the individual projects without taking steps to fill this critical gap.</p>	<p>foreseeable projects.</p> <p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) to be refined during the EA, which includes the identification of a cumulative effects assessment study area. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. MFFN will engage with Nibinamik First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.</p> <p>The ToR recognizes that a Regional Assessment of the Ring of Fire region under the <i>Impact Assessment Act</i> is underway. This is an assessment independent of the EA for the CAR; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Agency’s contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.</p> <p>The Northern Road Link Project is outside the scope of what MFFN is responsible for responding to as the proponent for the Project.</p> <p>Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p>	
NibFN-7	<p>3) A coordinated, harmonized approach must be put in place by Ontario without delay</p> <p>Ontario has a duty to consult with Indigenous communities – such as Nibinamik – when there is a proposed project or decision that has the potential to impact our constitutionally protected rights. It is abundantly clear that the Proposed Projects fall into this category and required a meaningful consultation process be put in place. As outlined below however, Ontario’s siloed approach to consultation about the Proposed Project leaves significant gaps and unaddressed impacts that are fatal flaws in Ontario’s consultation process.</p> <p>The duty to consult is grounded in the honour of the Crown and requires a process that is consistent with upholding the Crown’s honour with regards to the situation in question.¹³ It’s illogical to believe that the Crown can turn a blind eye to regional or cumulative impacts of these Proposed Projects – particularly where Nibinamik has expressly put Ontario on notice about these gaps – and still have a sound consultation process. Where there are identified impacts, there must be a process in place that can address those impacts. Anything less would be inconsistent with the honour of the Crown and render Ontario’s consultation process meaningless.</p> <p>This is reflected in the duty to consult itself, since the scope of consultation is directly proportionate to the seriousness of the potential impacts at stake¹⁴ and considering and addressing cumulative impacts is necessarily a part of meaningful consultation.¹⁵ How then can there be a meaningful consultation process about the Proposed Project where the full scope of impacts is not on the agenda? There can’t be.</p> <p>The answer to this situation lies in the honour of the Crown. The honour of the Crown cannot be delegated and, while Ontario may attempt to rely, to some extent, on the individual First Nation proponents, ultimately it is Ontario that is responsible for ensuring the duty to consult and accommodate is fulfilled prior to any provincial decisions about the Proposed Projects.¹⁶ This means that Ontario must take steps to fill these gaps in the individual project assessments¹⁷ and put in place a robust consultation process with the aim of addressing Nibinamik’s concerns about regional and cumulative impacts.¹⁸ This process should be put in place without further delay, and in any event prior to or concurrently with any provincial approval of the Terms of Reference for the proposed road projects to ensure that no impacts fall through the gaps.</p>	<p>See response to NibFN-3 for the response the Ontario’s Duty to Consult and the delegated procedural aspects to MFFN under the MOU for this shared responsibility. See response to NibFN-2 for the response to cumulative and regional effects.</p> <p>The ToR includes a Consultation and Engagement Plan (Appendix B) that outlines the approach to consultation throughout the EA. The Ontario-MFFN MOU informed the development of the Consultation and Engagement Plan. Additional opportunities to comment on the proposed approach will occur during the EA and is identified as part of the targeted input for the “Notice of Commencement” and “Effects Assessment Methods” consultation milestones. MFFN will also consult and engage on cumulative effects assessment methods during the consultation milestones “Identification of Preferred Alternatives” and “Review of Draft EA / IS”.</p> <p>The comments requesting Ontario put in place a coordinated, harmonized approach and Ontario’s duty to consult are outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comments to Ontario so they can respond to you directly on these matters.</p>	<p>See response to NibFN-2</p> <p>See response to NibFN-3</p> <p>Appendix B, Section 4.1.7, pg. 22</p> <p>Appendix D</p>
NibFN-8	We trust that this letter has provided further clarification of why Nibinamik believes that the Proposed Project assessment	Thank you for your comments. Your time in reviewing the information is appreciated. MFFN has responded to the	N/A

¹¹ Webequie Supply Road Detailed Project Description: Response to Summary of Issues (November 2019) at 7 (item no. 30) states that the Regional Assessment of the Ring of Fire area “is outside the care and control of Webequie First Nation” See also: Marten Falls First Nation Detailed Project Description Summary (November 2019) at 77 where the proponent notes that the Webequie Supply Road Project “is well outside the MFFN Project study area.”

¹² Marten Falls Community Access Road, Terms of Reference, Section 7.1.1 (Preliminary Study Area); Webequie Supply Road, Terms of Reference, Section 8.2 (Study Area Definitions) and also page 160 and 162 where the ToR repeatedly states that “a Regional Assessment is beyond the scope of this Project.”

¹³ Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73 [“Haida”], at para 45.

¹⁴ Haida, at para 39.

¹⁵ Chippewas of the Thames First Nation v. Enbridge Pipelines Inc., 2017 SCC 41, at para 42; see also Prophet River First Nation v. Canada (Attorney General), 2017 FCA 15, at para 61.

¹⁶ Haida, at para 53; see also: Clyde River, at para 22.

¹⁷ Clyde River (Hamlet) v. Petroleum Geo-Services Inc., 2017 SCC 40 [“Clyde River”], at para 22.

¹⁸ Haida, para 42.

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	must be harmonized, as well as our preliminary comments on how the Terms of Reference for the Webequie and Marten Falls road projects are inadequate in this respect. ¹⁹ We want to emphasize that we are providing these comments to the Crown, as it is the Crown that must take steps to fill these gaps and address these regional and cumulative impacts, which would be entirely unfair and inappropriate to lay at the foot of the individual First Nations who are the proponents for their road projects.	concerns raised in your letter where appropriate and have deferred the comments to Ontario, where indicated.	
NibFN-9	We look forward to further working together to address Nibinamik’s concerns related to the above. Nibinamik intends to participate in the Proposed Project assessments consistent with our traditional land use protocols and inherent rights and jurisdiction. To be clear, any proposed projects or development taking place on our Homelands requires deep partnership with us.	MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN will continue to discuss the Project with Nibinamik First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR and is available to discuss a community-specific consultation plan should Nibinamik First Nation wish to set one up for the Project.	Commitment for EA
NibFN-10	Please be in touch with us should you have any questions regarding this letter. In addition, please copy our legal counsel, Pape Salter Teillet LLP, on all correspondence with Nibinamik related to the Webequie supply road, the Marten Falls community access road, and the proposed Northern Road Link.	Thank you for your comment. Nibinamik’s legal counsel will be added to the Project Contact List.	Commitment for EA
Red Sky Métis Independent Nation – October 29, 2020 (Phone) – MFFN Project Team provided a response via email to Donelda DeLaRonde on December 10, 2020			
RSMIN-1	Concerned about the potential regional social and health effects (e.g. increased number of transport truck-related accidents, increased drug use, etc.) related to the proposed MFFN CAR and hopes that the MFFN Project Team will consider the social effects holistically.	These potential effects will be considered in the social impact assessment holistically. Changes in community well-being will consider changes in socio-economic structures and changes in community cohesion, the assessment of these changes will incorporate other socio-economic criteria and indicators to provide a holistic assessment of potential effect on community well-being.	Commitment for EA
Red Sky Métis Independent Nation – March 26, 2021 (Phone)			
RSMIN-2	RSMIN does not have any problems with the development of the MFFN Community Access Road and believes there will be many benefits for the community but that there will also be potential negative impacts.	Marten Falls First Nation (MFFN) appreciates your time in reviewing the information and your continued interest in the Project. The Environmental Assessment (EA) will include an assessment of potential positive and negative effects of the Project as well as impact management measures to avoid or minimize potential negative effects and enhance benefits.	Section 7.2, pg. 63 and 65
RSMIN-3	RSMIN tries to look at development from a holistic way	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
RSMIN-4	Positive benefits of the project: <ul style="list-style-type: none">Better and safer access to the communityReduced travel costsYouth have better access to services and educationBetter access to medical service and careTourism and ecotourism opportunities	MFFN agrees that the Project will result in many benefits including, but not limited to those which have been outlined in the comment. A preliminary list of potential benefits of the Project is provided in Section 7.2.10 of the ToR. MFFN will consider the potential benefits identified by Red Sky Métis Independent Nation when undertaking the assessment of potential benefits from the Project.	Section 7.2, pg. 63 Section 7.2.10, pg. 71 Commitment for EA
RSMIN-5	Negative impacts: <ul style="list-style-type: none">Cumulative effects with other development in the north (e.g., mines)Impacts on neighbouring communities (i.e., RSMIN territory and communities like Thunder Bay and Geraldton) on increased ease of accessIncrease and different types of crime in community and in neighbouring communitiesImpacts local and regional health care services	<p>The Terms of Reference identifies preliminary effects of the Project in Section 7.2 and commits to developing impact management measures to avoid or minimize potential negative effects and enhance benefits, including those potential negative effects outlined in the comment:</p> <ul style="list-style-type: none">Cumulative effects: Section 7.2 (pg. 65);Increased access: Section 7.2.1 (pg. 65-66), Section 7.2.7 (pg. 68), Section 7.2.8 (pg. 69), Section 7.2.9 (pg. 69 to 70) and 7.2.10 (pg. 70);Public safety, such as crime: Section 7.2.10 (pg. 70); andPublic services, such as health care: Section 7.2.10 (pg. 70). <p>The Project is currently in the early planning phase; therefore, specifics such as the full extent of Project effects that will be assessed in the EA and the impact management measures that will be recommended have not yet been determined. MFFN will consider the potential negative effects identified during the EA when undertaking the assessment of potential effects of the Project.</p>	Section 7.2, pg. 63 to 71 Commitment for EA
Wapekeka First Nation – December 18, 2020			
Wapekeka First Nation indicated that they would not be commenting on the Terms of Reference.			

¹⁹ As outlined above, the COVID-19 global pandemic has impacted Nibinamik’s ability to meet with community members to discuss the Terms of Reference for the proposed Marten Falls and Webequie road projects and therefore we may have further comments to provide once it is safe for our community to gather together again.

Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Weenusk First Nation – December 18, 2020			
Weenusk First Nation indicated that they would not be commenting on the Terms of Reference.			
Other Interested Persons			
Twin Lakes Outfitters & Wilderness Camps – October 29, 2020			
TLOWC-1	We operate 21 Fly-In Outpost Camps. I am emailing you with concerns about of our Outpost Camps on the Ogoki River that would be affected by the Marten Falls all season Road, especially the western crossing opening and the alternative route. It is Patience Lake and we use it for Fishing and Hunting with Tourist groups from June to October. Patience Lake Outpost Camp would not be a feasible Fly-In Outpost Camp if there is a bridge over the River with traffic driving by.	<p>The preferred route is not yet known and will be identified during the Environmental Assessment (EA). To select the preferred route, the alternatives will be assessed and compared using natural, social, economic and cultural environments, and technical considerations. The route that has comparatively more advantages (benefits) than disadvantages (effects) will be preferred. Impact management measures will be developed in the EA to avoid and / or minimize potential effects.</p> <p>It is important that MFFN is aware of the presence of features and businesses in proximity to alternative routes so that they are considered in the EA process. The EA will assess potential effects of the alternative routes on tourism operators by evaluating predicted changes on the basis of the 'Recreation and Tourism' criterion (see Appendix A of the Terms of Reference). As part of the assessment, impact management measures will be recommended to avoid and / or minimize the predicted effects. This could include measures to minimize effects that could disturb operations of existing tourism outfitters, or as part of design development of alternative route alignments and watercourse crossing locations.</p> <p>MFFN will contact Twin Lakes Outfitters & Wilderness Camps during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p>	Commitment for EA
Leuenberger Air Services – December 21, 2020			
LAS-1	<p>Please accept this letter as Leuenberger Air Services comments on the Marten Falls Access Road.</p> <p>Leuenbergers has been in the remote fly-in fishing and hunting business since 1960 with remote fly- in camps on both the Ogoki and Albany Rivers.</p> <p>With respect to the Ogoki River crossing the furthest East crossing (alternative 1) is the most favourable as it puts the road furthest away from camps on the Ogoki River. We have a camp on Kayedon and Harrogate Lake, and Twin Lakes Outfitters has a camp on Patience Lake and Esser Lake both downstream from Harrogate. Twin Lakes also has a mini moose permit LUP at the North Channel and the Dusey Junction. We feel that the furthest East crossing (alternate 1) is the best option for the Ogoki crossing as it has the least impact on the remote tourism camps.</p> <p>With respect to the Albany River crossing, we hold an LUP on Tebeau Lake as well as 7 Lakes Outfitters and a camp there also. There is also another fly-in camp on Caviar Lake downstream from Tebeau Lake. Our position is that the furthest East crossing (alternate 4) is the best option for the Albany crossing.</p> <p>Leuenbergers feels that the above route crossings will have the least impact on the remote fly-in fishing camps located on these rivers.</p>	<p>The preferred route is not yet known and will be identified during the Environmental Assessment (EA). To select the preferred route, the alternatives will be assessed and compared using natural, social, economic and cultural environments, and technical considerations. The route that has comparatively more advantages (benefits) than disadvantages (effects) will be preferred. Impact management measures will be developed in the EA to avoid and / or minimize potential effects.</p> <p>Thank you for the information provided regarding the locations of your operations. This information will be considered in the effects assessment and route evaluation work. It is important that Marten Falls First Nation (MFFN) is aware of the presence of features and businesses in proximity to alternative routes so that they are considered in the EA process. The EA will assess potential effects of the alternative routes on tourism operators by evaluating predicted changes on the basis of the 'Recreation and Tourism' criterion (see Appendix A of the Terms of Reference). As part of the assessment, impact management measures will be recommended to avoid and / or minimize the predicted effects. This could include measures to minimize effects that could disturb operations of existing tourism outfitters, or as part of design development of alternative route alignments and watercourse crossing locations.</p> <p>MFFN will contact Leuenberger Air Services during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p>	Section 7.2.10, pg. 70 Appendix A, pg. 7 Commitment for EA
LAS-2	There is also the concern of access to these rivers and lakes along the routes. Is access going to be allowed from the road to the rivers and lakes that have existing remote fly-in tourist camps?	<p>MFFN acknowledges that increased access and future development opportunities may arise if the Community Access Road is constructed. As mentioned in Section 7.2.10 of the Terms of Reference, the EA will consider the potential effects of the Project due to:</p> <ul style="list-style-type: none">▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods.▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. <p>MFFN will contact Leuenberger Air Services during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures. It is currently unknown whether access to rivers and lakes from the road will be permitted.</p> <p>In addition, MFFN is aware that the <i>Public Lands Act</i> includes access restrictions for hunting, fishing and resource use during the key tourism season on Anaconda Road and road systems north of Anaconda Road. These access restrictions will be identified in the EA.</p>	Section 7.2.10, pg. 70 Commitment for EA
Noront Resources Ltd. – December 21, 2020			

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NOR-1	As the only company with feasibility level mining projects and most of the significant mineral discoveries in the Ring of Fire, Noront can make valuable contributions in many areas, including from previous environmental assessment work along parts of the route Marten Falls is studying.	Marten Falls First Nation (MFFN) appreciates your time in reviewing the information and your continued interest in the Project.	N/A
NOR-2	Section: 1 Introduction Wording in Draft ToR: [BLANK] Noront Comment: Noront is very pleased that all-season community access is being promoted for Marten Falls First Nation. Noront believes the industrial use of this road should also be mentioned (forestry or mining: as per Section 4 of the ToR) since a portion of the CAR has been identified as part of the access road to the Ring of Fire region located north of the community. **Note that there is reference to use by industrial proponents in Section 4 – Purpose of the Project and Study. This reference should be also included in the introduction.	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an Environmental Assessment (EA) for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether development happens in the Ring of Fire. For this reason, description of the Project as documented in Section 1 of the ToR will remain unchanged. Provincial interest, which is supported by MFFN, is for one road to serve both community access and industrial supply needs. As such, MFFN has decided the Project will be built to meet industrial use specifications and to accommodate multipurpose use by MFFN community and industrial proponents. Since the CAR may be used by private, commercial and industry, the Terms of Reference (ToR) acknowledges potential benefits and effects that may occur due to multipurpose use, which includes the possibility of mining industry use of the road. The EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.	Section 4, pg. 13 Section 7.2, pg. 65
NOR-3	Section: 5.1 Rationale for the Proposed Undertaking Wording in Draft ToR: [BLANK] Noront Comment: 5.1 should also note that community members travel to and from the community is by air at great expense for flights plus additional transportation costs to get to destinations outside the community. The Northern Road Link (NRL) to the Ring of Fire was announced in March of 2020. The MFCAR project should acknowledge this connected road project and note that factors associated with the NRL project will inform the MFCAR project.	As stated in Section 5.1 and 6.2 of the ToR, the dependence of the community on air transportation (both for people and goods) is relatively expensive. The ToR also identifies that on March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.	Section 5.1, pg. 14 Section 6.2, pg. 22 Section 7.2, pg. 65
NOR-4	Section: 5.2.1.1 Wording in Draft ToR: [BLANK] Noront Comment: Following the first line, it should be noted that the ROW could be used for power transmission lines or communications lines, which would be reviewed separately from the MFCAR project.	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other non-road linear infrastructure developments in proximity to the CAR. If information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.	Section 7.2, pg. 65
NOR-5	Section: 5.2.2 Planning and Design Phase Wording in Draft ToR: [BLANK] Noront Comment: The Cliffs “Integrated Transportation System” design, technical information, and environmental base-line data is available to the MFCAR team and should inform the project design and assessments for areas of common alignment and alternatives assessment. Cliffs also identified quarry and borrow-pit sources of road building materials.	The reference Cliffs’ materials were reviewed during the development of the ToR and will continue to inform the EA, including potential aggregate sources for the Project.	Section 6.3, pg. 22 Supporting Document – Alternatives Development, Section 2.1.4, pg. 6 Commitment for EA
NOR-6	Section: 5.2.2 Construction Phase Wording in Draft ToR: “However, the construction sequence to build the CAR will be confirmed through detailed design and will be contingent on several factors such as availability of funding,...” Noront Comment: Ontario has stated they will fund the road development. The MFCAR team should obtain this confirmation and apply it to their planning, since investigating other funding alternatives may not be required.	The Project is currently in the early planning phase; therefore, specifics such as the number of construction fronts have not yet been determined. The number of construction fronts will depend on several considerations, including site access, time of year and available funding. MFFN has secured provincial funding to research and explore options for connecting the community to the existing provincial transportation network, including permitting and approval support (i.e., EA process). Although the provincial government has stated verbally that Ontario would fund the road, the provincial budget does not identify funding for the CAR. Further, MFFN has not received confirmation or an agreement from the province to fund development of the Project. Therefore, decisions to fund the road development have not yet been determined and conversations with Ontario are ongoing and an update will be provided when it is available.	Commitment for EA

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NOR-7	<p>Section: 6.2, Second paragraph</p> <p>Wording in Draft ToR: “A CAR would be the only viable option that could provide 24-hour access to the provincial highway network...”</p> <p>Noront Comment: “A CAR would be the only viable option that could provide 24-hour/day, year-round access to the provincial highway network...”</p>	<p>The Project is currently in the early planning phase; therefore, specifics such as whether the CAR will provide 24-hour/day service year-round have not yet been determined. The EA will provide information on operational use of the CAR and whether any access restrictions related to time of use are planned to be in place.</p>	Commitment for EA
Wildlife Conservation Society – December 21, 2020			
WCS-1	<p>Recommendation 1. The TOR should describe Ontario’s role as a proponent of the Project as per Section 5.2.1 in MECP’s Code of Practice for Preparing and reviewing terms of reference for environmental assessments in Ontario</p> <p>The current TOR does not clarify Ontario’s role as a proponent of the Project. Ontario is providing funding to Marten Falls First Nation to conduct the impact assessment and is also funding road construction. In addition to funding this initiative, Ontario is also serving as the regulator for the permitting and impact assessment regime, suggesting a conflict of interest that must be publicly acknowledged. As such, the TOR is misleading and, in order to serve the public interest, must explain the relationships between the Project, Ontario, and First Nations. Despite the consultant’s efforts within the TOR to describe the Project as a community access road, it is clear that it is Ontario is an unnamed proponent in the impact assessment process and should be included in the Proponent Description more explicitly.</p>	<p>The Proponent for the Community Access Road (CAR), Marten Falls First Nation (MFFN), is identified in Section 2 of the Terms of Reference (ToR). Additionally, Section 2.1.1 of the ToR provides further information on how the planning and development of this Project is community-led. Although Ontario provides funding to MFFN for the Project as noted in Section 6.2 of the ToR, MFFN is the Proponent of the Project, not Ontario.</p> <p>The role of the provincial government, and any potential conflict of interest associated with it, is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a final decision on whether or not to approve the ToR.</p>	<p>Section 2, pg. 3</p> <p>Section 2.1.1, pg. 3</p> <p>Section 6.2, pg. 21</p>
WCS-2	<p>Recommendation 2. The TOR should be revised to address the actual purpose and scope of the Project, which is to build a road that is capable of being an industry supply road for mining industries in the Ring of Fire as per Ontario’s vision for economic development in the far north (e.g., Ministry of Finance 2019).</p> <p>The Project Description includes a stated intention to facilitate additional development in the region beyond the current scope of the Project (“Phase 1”) as described, including multi-metal and chromite mining. It is not in the public interest to consider a TOR that does not anticipate and include the infrastructure and development that it is intended to stimulate. We are referring specifically to the Northern Link Road (“Phase 2”) and Painter Road extension as well as the Webequie Supply Road and Noront’s Eagles Nest Project, which also includes potential associated infrastructure such as the smelter. The TOR description of the Project is misleading to both the public and First Nations in terms of risks associated with the Project and the need for the undertaking. Finally, much of the material associated with Ontario’s discussions and negotiations with Marten Falls about the “community access road” is neither public nor available for external review.</p> <p>Related to this recommendation, the Project is framed as being of benefit to the community yet there is little or no information to show that an industry supply road to access mining projects for minerals, including chromite, can also be a community access road. The TOR needs to be more explicit and test this very important assumption directly in the impact assessment by considering multiple future scenarios of the Ring of Fire development and the road use demands of each.</p>	<p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an Environmental Assessment (EA) for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose and description of the Project remains unchanged.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the Anaconda / Painter Lake Road upgrade, Webequie Supply Road and Eagles Nest Project will also be considered for inclusion in the cumulative effects assessment in the EA.</p>	<p>Section 7.2, pg. 65</p> <p>Section 7.2.10, pg. 70</p> <p>Commitment for EA</p>
WCS-3	<p>Recommendation 3. The TOR should be revised to address alternatives in a more comprehensive way including “functionally different ways” of meeting Project need and purpose as well as the null alternative.</p> <p>We do not support the Proponent’s rationale described in the TOR for why the impact assessment will not include a null alternative of no community access road nor do we support the narrow scoping of alternatives to the community access road and the selection of the two alternative routes without more critical and transparent evaluation of criteria for route selection beyond cost and current engineering. It is in the public interest that the assessment considers the null option (as described below) as well as alternative ways of achieving the societal benefits purported by the Proponent, particularly economic ones. Accordingly, alternative analyses are the only way to determine whether the Project’s inevitable negative impacts on the environment and First Nations are acceptable given the lack of commitment by Ontario to addressing cumulative effects at relevant social and ecological scales and the region-opening development the Project is anticipated to enable.</p> <p>The null option is not whether there should be no community access road, but whether an industry supply road should be used to provide community access to Marten Falls. The null option for these two different types of roads (a community access road vs. an industry supply road that can accommodate community traffic) is not the same and this needs to be made clear in the impact assessment.</p> <p>The community should have a strong say on their road alternatives. The TOR suggests the only allseason route available to Marten Falls for community access is the current Alternative 1 and Alternative 4. It is profoundly disturbing to read in section 6.3 in the TOR that Ontario’s role as funders for the EA process was used by the province to scope the proposed preferred Alternative routes for the current Project. If the road is really about community access, the current winter road</p>	<p>Section 8 of the ToR indicates that the EA will include a comparative analysis of the advantages and disadvantages of the preferred alternative against the “do nothing” alternative. MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link or development in the ring of Fire occurs. For this reason, the purpose of the Project remains unchanged and the “do nothing” alternative would be not proceeding with the Project.</p> <p>It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR and in accordance with subsections 6.1(3) and 6(2)(c).</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. MFFN is currently developing the proposed approach to the cumulative effects assessment and in doing so is considering provincial and federal requirements, as well as comments received from Indigenous communities, government agencies and interested persons on the Project related to cumulative effects. MFFN will consult and engage on cumulative effects assessment methods during the EA.</p> <p>Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic</p>	<p>Section 3.4, pg. 7 to 8</p> <p>Section 5.2.1.3, pg. 16</p> <p>Section 6.3, pg. 22 to 24</p> <p>Section 7.2, pg. 65</p> <p>Section 8, pg. 72</p> <p>Section 8.4, pg. 74</p> <p>Appendix B, Section 4.1.7</p> <p>Supporting Document – Alternatives Development</p>

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	<p>route would also be considered in an alternatives analysis and would not have been scoped out at the TOR stage. The impact assessment needs to consider all the options for a community access road and not just the preferred industry supply routes as proposed in the TOR. Fundamentally, the content of the draft ToR demonstrates Ontario’s colonial and patriarchal relationship in its relationship with First Nations under Treaty No. 9. As such Ontario’s promotional statements of “community-led” and commitments to Indigenous Knowledge programs as examples of impact assessment practice that are “outside the box” appear tokenistic and wholly inadequate in the context of reconciliation and commitments to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).</p> <p>Finally, alternative routes must also consider future scenarios for mineral exploration, mining, forestry, and hydroelectric potential under climate change as well as access needs for Marten Falls. Alternatives for roads must explicitly include identify where aggregate may be coming from eskers and/or other glacial deposits as well as the impacts to permafrost and hydrology in the region. Aggregate coming from areas beyond currently proposed spatial boundaries needs to also be identified, including access routes, given the fact that the proposed road will not be decommissioned in the future. In addition, alternatives must be guided by explicit criteria covering a suite of sustainability considerations associated with the goal of “betterment” under the EAA. The TOR should include the criteria for determining technical and economic feasibility.</p>	<p>(i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p> <p>The Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development that accompanies the ToR submission provides a detailed account of the evolution of the alternative methods for the CAR. During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for the EA. Two of the alternative routes generally followed the winter road (Alternative 2 and Alternative 3), and the other two were routed north-south before turning east toward MFFN (Alternative 1 and Alternative 4). Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community. MFFN Chief and Council passed a Band Council Resolution in July 2019 to only consider Alternative 1 and Alternative 4 in the EA process by supporting feedback received from MFFN community as part of the community-led process to advance decisions on the Project. Therefore, the decision to remove the alternatives that generally followed the winter road alignment was made by MFFN.</p> <p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. Most of the rock required for construction is expected to come from sites adjacent to the CAR; however, where this is not possible, potential sources further away, possibly outside the preliminary study area may need to be developed to support the Project (Section 5.2.1.3). A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>The method to assess the effects of the Project (including quarries, borrow areas and aggregate source areas) is outlined generally in Section 8. In addition to comparing the predicted net effects of the two alternatives using the proposed criteria and indicators listed in Appendix A, technical consideration of cost and constructability such as capital cost, maintenance cost, route length, borrow availability, safety and construction implementation (Section 8.4) will be used to compare the alternative methods as part of the evaluation of advantages and disadvantages.</p>	
WCS-4	<p>Recommendation 4. MECP should develop the TOR to the same standards as the federal assessment for the road and be more explicit about coordination both with the federal government and First Nations engagement.</p> <p>We remain concerned and skeptical about the ability of Ontario, specifically MECP, to manage up to 3 individual road segment projects in coordination with the federal government to develop one north-south industry supply road to the Ring of Fire. Given Ontario’s efforts to reduce red tape and be more efficient, we see the current piecemeal approach to impact assessment of roads to the Ring of Fire as an excessive yet inadequate approach to enhance so-called community access. The TOR should describe how the six disparate assessment processes will be coordinated, i.e., between Ontario and the Canadian Impact Assessment Agency, including between the different road segment “projects”, and between the federal regional assessment and this project. A starting point would be to develop the TOR to the same standard as the federal process, which is an objectively higher bar, in terms of cumulative effects, etc.</p> <p>We remain particularly concerned about the ability of Marten Falls and other First Nations to manage the challenges of engaging with Ontario (and Canada) on multiple development projects during current social and community crises across First Nations in the far north, including being able to respond to COVID-19.</p> <p>WCS Canada is on the public record regarding concerns about the piecemeal approach that Ontario is taking with respect to planning in the Ring of Fire through our comments to the federal government on this Project. WCS Canada has also made a case for a regional strategic assessment in the Ring of Fire. We are also on the public record outlining our concerns about Ontario’s failed approach to enabling coordination of regional impacts (i.e., infrastructure, impact assessment) and benefits (i.e., revenues, monitoring) through the Regional Framework Agreement between nine First Nations (Matawa) and Ontario as well as the limitations of Ontario’s environmental assessment program, particularly the inability of Ontario to address cumulative effects.</p>	<p>The Project will meet the requirements of both the Ontario <i>Environmental Assessment Act</i> and the federal <i>Impact Assessment Act</i>. Therefore, the highest and most rigorous requirements between the two assessment processes will be documented in the coordinated EA / Impact Statement (IS) Report. The EA Report will provide information on how the provincial and federal EA processes for the CAR are being coordinated.</p> <p>MFFN sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. The period of time allotted for interested parties (including the general public, Indigenous communities and government agencies) to review a ToR is set by the Ministry of the Environment, Conservation and Parks (MECP). The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the review period for interested parties (including the general public, Indigenous communities and government agencies) from the minimum required 30 days to 60 days. Indigenous communities identified by Ontario have also been provided with an additional opportunity to comment on the ToR until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. The ToR recognizes that a regional assessment of the Ring of Fire region under the <i>Impact Assessment Act</i> is underway. This is an assessment independent of the EA for the CAR; however, should information from the regional assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. Based on feedback from the Impact Assessment Agency of Canada (the Agency), it is understood that the Regional Assessment of the Ring of Fire does not impact the timing of the impact assessment for the Project. MFFN will maintain contact with the Agency’s contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.</p> <p>Considering the CAR, Webequie Supply Road, and Northern Road Link as a single assessment is outside the scope of</p>	<p>Section 3.1, pg. 5</p> <p>Section 3.2, pg. 6</p> <p>Section 7.2, pg. 65</p> <p>Section 11.6, pg. 108</p> <p>Commitment for EA</p>

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		what MFFN is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a decision on whether or not to approve the ToR.	
WCS-5	In general, the Project together with mineral and other industrial development in the Ring of Fire together with climate change has the potential to cause significant regional environmental impacts, which tend to be just as important as the more direct and local impacts with which current project-level assessments of these projects is preoccupied, albeit superficially at this point (e.g., Johnson et al., 2019).	<p>MFFN acknowledges that development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.</p> <p>The ToR recognizes that a regional assessment of the Ring of Fire region under the <i>Impact Assessment Act</i> is underway. This is an assessment independent of the EA for the CAR; however, should information from the regional assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Agency's contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.</p>	Section 7.2, pg. 65 Section 7.2.10, pg. 70 Commitment for EA
WCS-6	<p>7.1.1 Preliminary Study Area</p> <p>The width of corridor established is currently too narrow (5 km) for assessing baseline and impacts on any mobile or fluid ecological component. Attention to larger spatial extents to consider impacts is important for addressing the wider-ranging effects of roads. For example, it is known that declines in species abundance range from: 40 and 2800 m from the road for birds, between 250 m and 1000 m (and possibly more) for amphibians, and up to 17 km for mammals (Benítez-López et al. 2010).</p>	<p>The ToR identified a preliminary study area for the Project and committed to developing discipline-specific local and regional study areas during the EA. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. As part of this process MFFN is preparing Study Plans that describe the approach to baseline data collection and assessment of effects. Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Development of the study plans includes discussions with provincial and federal regulators on the Local Study Area (LSA) and Regional Study Area (RSA) for each discipline, including wildlife. The development of these discipline specific study areas seeks to allow for a review of wide-ranging effects where they might occur.</p> <p>MFFN will consult and engage on discipline-specific local and regional study areas during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on study areas during the consultation milestone “Effects Assessment Methods.” Comments received through consultation and engagement on the ToR, including this comment from the Wildlife Conservation Society, are being taken into consideration during study plan development. Interested persons are encouraged to provide input / express any concerns related to the study areas during consultation with MFFN.</p>	Section 7.1.1, pg. 27 Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 22 Commitment for EA
WCS-7	<p>7.1.1 Preliminary Study Area</p> <p>Specific recommendations for species include the following:</p> <ul style="list-style-type: none">▪ Birds: the extent of BCR 8 including habitats that are already impacted by industrial forestry.▪ Caribou and wolverine: The Proponent should provide relevant spatial boundaries for assessing impacts of the Project on caribou ranges and other relevant scales. Wolverine winter home ranges for Ontario are at the high end of published ranges for North America, with those of males averaging 2,563 km² and females 428 km² (Dawson et al. 2010).▪ For lake sturgeon: The project must be considered at the scale of the secondary watersheds. As a linear feature, the project crosses three secondary watersheds (Ekwan, Attawapiskat, Winusk) and has the potential to impact lake sturgeon populations in these watersheds. Haxton and Cano (2006) highlight the significance of these intact watersheds and relatively unperturbed populations. We stress the fact that project is located within the headwaters with likely impacts downstream, which are best considered at the watershed scale. We suggest this scale would also enable better consideration of impacts to other fish species that are ecologically and culturally important, but not considered species at risk by Ontario or Canada (e.g., migratory lake whitefish, walleye, pike, suckers, etc.).	<p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. MFFN will consult and engage on discipline-specific local and regional study areas during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on study areas during the consultation milestone “Effects Assessment Methods.” Comments received through consultation and engagement on the ToR, including this comment from the Wildlife Conservation Society, are being taken into consideration during study area development. Below is a description of the anticipated study areas for birds, caribou, wolverine and lake sturgeon, which are still in development and therefore subject to change.</p> <ul style="list-style-type: none">▪ Birds: MFFN is proposing that the regional study area (RSA) for birds consist of an 11 km buffer from the centreline of each alternative route, which , fall within BCR8 and BCR7.▪ Caribou: The RSA proposed for caribou has been subject to a number of discussions with regulatory agencies. At this time, MFFN is proposing an RSA that captures the Missisa, Ozhiski, Nipigon and Pagwachuan Ontario Caribou	Section 7.1.1, pg. 27 Appendix B, Section 4.1.7, pg. 22 Commitment for EA

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		<p>Ranges.</p> <ul style="list-style-type: none">▪ Wolverine: The proposed RSA for wolverine includes all Wildlife Management Units that intercept a 10 km buffer from the centreline of the proposed alternative routes.▪ Lake Sturgeon: MFFN is proposing an RSA for Fish and Fish Habitat defined by the tertiary subwatersheds though which the Project Alternative 1 and Alternative 4 cross.	
WCS-8	<p>7.1.1 Preliminary Study Area</p> <p>With respect to study area boundaries, we encourage a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this Project as well as the larger North-South road that will be eventually developed. To this end, Dr. Len Hunt and colleagues of the Centre for Northern Forest Ecosystem Research (CNFER) in the Ontario Ministry of Natural Resources and Forestry (MNRF) investigated this for the Pickle Lake road in the same general region, and will have unpublished results to inform such an analysis for caribou.</p>	<p>The ToR identified a preliminary study area for the Project (i.e., 5 km corridor) and committed to developing discipline-specific local and regional study areas during the EA. Study areas identify the geographic extents within which potential effects of the Project are likely to occur, and are based on experience from past Projects, research, guidance materials, Indigenous Knowledge, professional judgement and input received through consultation and engagement. Three study areas, based on the anticipated extent (i.e., area of influence) of potential Project effects are proposed for the Project:</p> <ul style="list-style-type: none">▪ Project Development Area: area of direct disturbance (i.e., footprint of Project infrastructure);▪ Local Study Area: the area where direct effects of the Project are likely to occur; and▪ Regional Study Area: the area where indirect effects of the Project are likely to occur. <p>Therefore, when defining study area boundaries for each environmental discipline, extent of effects, which is the area of influence, is considered. MFFN will consult and engage on discipline-specific local and regional study areas during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on study areas during the consultation milestone “Effects Assessment Methods.” Interested persons are encouraged to provide input / express any concerns related to the study areas during consultation.</p> <p>MFFN will attempt to obtain the unpublished results of the Centre for Northern Forest Ecosystem Research investigation undertaken for the Transmission Line to Pickle Lake Project. Should the results be shared with MFFN, information from the investigation will be reviewed to inform the EA where appropriate and as applicable.</p>	<p>Section 7.1.1, pg. 27</p> <p>Appendix B, Section 4.1.7, pg. 22</p> <p>Commitment For EA</p>
WCS-9	<p>7.1.4.4 Physiography, Geology, Terrain and Soils</p> <p>The TOR and impact assessment should describe the historical land use (e.g., forestry, mineral exploration) and the potential for contamination of soils and sediments and describe any known or suspected soil contamination with the study area that could be re-suspended, released or otherwise disturbed as a result of the Project.</p>	<p>The EA will include a description of historical land use and an assessment of the likelihood of encountering contaminated soils and sediments. Details on any known or suspected soil contamination areas that could be re-suspended, released or otherwise disturbed as a result of the Project will also be documented.</p>	<p>Commitment for EA.</p>
WCS-10	<p>7.1.4.4 Physiography, Geology, Terrain and Soils</p> <p>The TOR and impact assessment should identify ecosystems that are sensitive or vulnerable to acidification resulting from the deposition of atmospheric contaminants.</p>	<p>The EA will identify locations that may have ecological receptors that are sensitive or vulnerable to acidification.</p>	<p>Commitment for EA.</p>
WCS-11	<p>7.1.4.4 Physiography, Geology, Terrain and Soils</p> <p>The TOR and impact assessment should describe permafrost conditions including distribution of frozen and unfrozen ground and the potential for thaw settlement and terrain instability associated with ground thawing in permafrost areas.</p>	<p>The EA will describe permafrost conditions including detailed mapping of landscape features such as areas of permafrost degradation. Degradation of physical or chemical characteristics of permafrost, terrain or topography (e.g., natural hazards) and soils is listed as an indicator to measure the potential effect of the Project on physiography, geology, terrain, and soils in Appendix A of the ToR.</p>	<p>Appendix A, pg. 2</p> <p>Commitment for EA</p>
WCS-12	<p>7.1.4.4 Physiography, Geology, Terrain and Soils</p> <p>Impacts to permafrost must be considered in the cumulative effects assessment.</p>	<p>The EA will describe permafrost conditions including detailed mapping of landscape features such as areas of permafrost degradation. Degradation of physical or chemical characteristics of permafrost, terrain or topography (e.g., natural hazards) and soils is listed as an indicator to measure the potential effect of the Project on physiography, geology, terrain, and soils in Appendix A of the ToR. This data will be used to inform the cumulative effects assessment.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Cumulative effects assessments build on the results of the effects assessment and considers the incremental changes that are predicted to have a likely net adverse effect. Disciplines that do not have a net effect predicted, or the net effects are of negligible magnitude or positive direction, will not be carried forward into the cumulative effects assessment</p> <p>MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones “Identification of Preferred Alternatives” and “Review of Draft EA / IS” their concerns and obtain feedback on, but not limited to, the study area, and past, present and reasonably foreseeable projects, and effects to be considered in the cumulative effects assessment.</p>	<p>Appendix A, pg. 2</p> <p>Section 7.2, pg. 65</p> <p>Commitment for EA</p>
WCS-13	<p>7.1.4.5 Surface Water and 7.1.4.6 Groundwater</p> <p>Surface water description needs to explicitly indicate what primary, secondary, tertiary and quaternary watersheds the Project will impact. These should be mapped more explicitly on figures describing the project study area in the impact assessment.</p>	<p>The EA will identify which primary, secondary, tertiary and quaternary watersheds the Project is predicted to effect and include maps illustrating the surface water study areas.</p>	<p>Section 7.1.1., pg. 27</p> <p>Commitment for EA</p>

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WCS-14	7.1.4.5 Surface Water and 7.1.4.6 Groundwater Surface water hydrology and flows, including for intermittent or ephemeral streams and wetlands, should be included in a figure and map of the study area and watersheds in the impact assessment.	The EA will figures of mapped and unmapped waterbodies crossed by the Project. These figures will also provide documented or inferred estimates of the characteristic flow regime (i.e., ephemeral, intermittent, and permanent).	Commitment for EA
WCS-15	7.1.4.5 Surface Water and 7.1.4.6 Groundwater The impact assessment must include flow hydrographs for nearby streams and rivers showing the full range of seasonal and inter-annual variations; they may be based on data from nearby gauging stations or from gauging stations on site.	The baseline studies for the EA will include the compilation and presentation of long-term, historical streamflow and lake level records from nearby gauge stations (operated by Water Survey of Canada or other). These continuous hydrometric records (presented as hydrograph and stage-discharge plots) will be used to evaluate the characteristic variability of flows and water levels in the local and regional surface water system on a seasonal and inter-annual basis. Information from site-specific, spot flow measurements and water level readings at water crossing locations (obtained during field campaigns for the Project in 2020 and 2021) will also be used to provide added context for the natural variations in discharge and water levels during periods of low and high flow conditions.	Commitment for EA
WCS-16	7.1.4.5 Surface Water and 7.1.4.6 Groundwater The impact assessment must include stage hydrographs for nearby lakes showing the full range of seasonal and interannual water level variations particularly for major water crossings.	The baseline studies for the EA will include the compilation and presentation of long-term, historical streamflow and lake level records from nearby gauge stations (operated by Water Survey of Canada or other). These continuous hydrometric records (presented as hydrograph and stage-discharge plots) will be used to evaluate the characteristic variability of flows and water levels in the local and regional surface water system on a seasonal and inter-annual basis. Information from site-specific, spot flow measurements and water level readings at water crossing locations (obtained during field campaigns for the Project in 2020 and 2021) will also be used to provide added context for the natural variations in discharge and water levels during periods of low and high flow conditions.	Commitment for EA
WCS-17	7.1.4.5 Surface Water and 7.1.4.6 Groundwater The impact assessment should include a conceptual model of the hydrogeological environment, including a discussion of geomorphic, hydrostratigraphic, hydrologic, climatic, and anthropogenic controls on groundwater flow.	The description of the environment will include information from a conceptual site model of the hydrogeological environment, including a discussion of geomorphic, hydro stratigraphic, hydrologic, climatic and anthropogenic controls on groundwater flow.	Commitment for EA
WCS-18	7.1.4.5 Surface Water and 7.1.4.6 Groundwater In general, the TOR is inadequately scoped to consider ecosystem services, which should be addressed in relevant sections in the impact assessment. Discussion of wetlands in the ToR and impact assessment needs to include stored carbon and its continued sequestration benefits within the second largest peatland complex in the world (Hudson Bay Lowlands). The ToR should direct the Proponent to develop a carbon budget for the Project in the impact assessment and ensure wetlands in the study area also consider the wetland context within the watershed as well as adjacent land use with a focus on hydrological and other functions. Impacts to carbon should be considered in the cumulative effects assessment.	<p>MFFN appreciates your input regarding impacts to carbon as part of the cumulative effects assessment and your interest in understanding Project effects on stored carbon. We recognize that peatlands within the area play a significant role in the sequestration of carbon. As such, the Project has committed to include an assessment of land use changes (e.g., wetlands or peatlands) and the resultant net greenhouse gas emissions (GHG), as required by the Tailored Impact Statement Guidelines (TISG) for the Project, and stated in Section 7.1.4.2 of the ToR, “desktop information regarding the extent that peatlands and other landcover types that are within the study area act as carbon sinks will also be compiled.” MFFN has committed to studying peatlands as a discrete environmental discipline and will assess how potential effects of the Project on peatlands may indirectly affect surface water and / or climate change. The EA will also characterize peatlands by their type, classification, hydrology, quantification of carbon storage and gas exchange rates. Furthermore, the EA will assess impacts to peatland availability, distribution, composition, and function (e.g., as habitat and carbon sink).We continue to refine our approach to studying broader climate change trends, stored carbon and sequestration benefits and will consider your comments as part of that process.</p> <p>The cumulative effects assessment will build on the results of the Project effects assessment and will consider the incremental changes that are predicted to have a likely residual adverse effect on a criterion. The criteria that do not have a residual effect predicted, or the residual effect is of negligible magnitude or positive in direction, will not be carried forward into the cumulative effects assessment. That is, should a residual effect of the project be predicted on peatlands, peatlands will be considered in the cumulative effects assessment.</p>	Section 7.1, pg. 42 Section 7.2, pg. 65 Commitment for EA
WCS-19	7.1.4.7 Vegetation The impact assessment must quantify, delineate and describe wetlands (fens, marshes, peat lands, bogs, etc.) within the study area potentially directly, indirectly and/or cumulatively affected by the project including: <ul style="list-style-type: none">wetland class, ecological community type and conservation status;biodiversity with respect to both flora and fauna;abundance at local, regional and provincial scales;distribution; andcurrent level of disturbance	<p>The EA will identify and assess potential effects of the Project to wetlands (e.g., peatlands). Information about the atmospheric, climate change, physiography, geology, terrain and soils, surface water, groundwater, vegetation, Indigenous and social disciplines will be used to characterize peatlands by their type, classification, hydrology, quantification of carbon storage and gas exchange rates. Furthermore, the EA will assess potential effects of the Project on peatland availability, distribution, composition, and function (e.g., as habitat and carbon sink).</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. Consultation will be to obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, the process to identify which criteria will be carried forward into the assessment of cumulative effects, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.</p>	Section 7.2.5, pg. 67 Commitment for EA
WCS-20	7.1.4.7 Vegetation The impact assessment must provide a carbon budget of wetlands to identify and describe capacity to act as a carbon sink vs. source. Include rates of uptake and emission, and estimates of carbon pools in the wetlands that may be	The Project has committed to include an assessment of land use changes (e.g., wetlands or peatlands) and the resultant net GHG emissions, as required by the TISGs for the Project, and stated in Section 7.1.4.2 of the ToR, “desktop information regarding the extent that peatlands and other landcover types that are within the study area act as carbon	Section 7.1, pg. 42

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	released when removed or altered during construction and operation.	sinks will also be compiled.” We continue to refine our approach to studying broader climate change trends, stored carbon and sequestration benefits and will consider your comments as part of that process.	
WCS-21	7.1.4.7 Vegetation A description of the current natural disturbance regimes needs to be included. Historical and current fire disturbances should be considered at the largest spatial scale. Fires result in plant communities with age class distributions that fluctuate over time; yet most impact assessments do not address the implications of forest fires resulting in an under-estimate of the total overall disturbance to the land-based and the implications of this disturbance on social and ecological values such as wildlife habitat. Any proximate activities that have resulted in changes to fire regimes should also be described (e.g., fire suppression, flooding, insect infestations). We recommend using Ontario’s Far North Land Cover product rather than PLC2000 given how dated the latter product is.	Section 7.1.4.7 of the ToR recognizes that fires are an important force of natural change within Ecoregion 2W, but less important in Ecoregion 2E. The current level of both anthropogenic and natural disturbance of vegetation will be identified assessed in the EA to determine the level of habitat fragmentation, historical and current fire disturbance, and any proximate activities that have resulted in changes to fires regimes in order to predict changes in forest fire risk as a result of the Project. The EA commits to using the Ontario Far North Land Cover Mapping tool for delineation of vegetation communities.	Section 7.1.4.7, pg.48 Commitment for EA
WCS-22	7.1.4.7 Vegetation The current level disturbance associated with vegetation due to human activities, including the level of habitat fragmentation and the amount, merchantability and location of any merchantable timber to be removed during project construction.	Available information will be reviewed to describe and map the ecozones, ecoregions and ecodistricts per Ontario’s Ecological Landscape Classification. In addition, a pre-Project characterization of the shoreline, banks, current and future flood risk areas, wetland catchment boundaries, and watershed boundaries will also be included documented in the EA. The current level of both anthropogenic and natural disturbance associated with vegetation will be included with a description of the level of habitat fragmentation, historical and current fire disturbance, and any proximate activities that have results in changes to fires regimes. Section 5.2.2 of the ToR indicates that Project activities will include removal of timber and grubbing. Usable timber will be segregated and collected for reuse. While the EA will identify and assess areas of vegetation loss, the quality and quantity of tree removals will be refined during detail design and at the time of construction planning.	Section 5.2.2, pg. 20 Section 7.2.7, pg. 68 Commitment for EA
WCS-23	7.1.4.8 Wildlife Biodiversity The impact assessment should describe Ontario’s commitment to biodiversity and identify the biodiversity metrics, biotic and abiotic indicators that are used to characterize the baseline biodiversity for terrestrial wildlife and discuss the rationale for their selection.	The EA will describe Ontario’s commitment to biodiversity. Biodiversity metrics as well as biotic and abiotic indicators that are used to characterize baseline biodiversity for terrestrial wildlife will be identified and discussed as part of the rationale for their selection. The EA will provide a rationale for selection of these metrics.	Commitment for EA
WCS-24	7.1.4.8 Wildlife Biodiversity Data associated with Ontario’s Far North Biodiversity Project including information on plants, invertebrates, bats, birds, amphibians, reptiles, fishes, and some mammals should be included in the impact assessment (http://sobr.ca/the-far-north-biodiversity-project/).	Although not specifically listed in the ToR as a potential data source for the Project, MFFN will review this data source and include relevant information in the EA.	Commitment for EA
WCS-25	7.1.4.8 Wildlife Biodiversity The impact assessment should describe the levels of disturbance currently affecting wildlife and wildlife habitat, such as habitat fragmentation and the extent of human access and use.	The current levels of disturbance affecting wildlife and wildlife habitat such as habitat fragmentation, habitat loss, and levels of human use will be documented. The EA will also document habitat fragmentation and human access and use. The effects of creating new access to the Far North will be considered in the EA. Section 7.2 of the ToR identifies potential effects of the Project and specifically, effects to Indigenous use of lands and resources, wildlife and fish from potential increased in access and recreational opportunities as results of the Project.	Section 7.2.1, pg. 66 Section 7.2.8, pg. 69 Section 7.2.9, pg. 69 to 70
WCS-26	7.1.4.8 Wildlife Biodiversity The impact assessment should include any key biodiversity areas (http://www.keybiodiversityareas.org/home), including Important Bird Areas (https://www.ibacanada.com/explore_how.jsp?lang=en) which will be transitioning to KBAs in the next year given the anticipated timeline of the project (3-10 years); and any sensitive habitat areas within the study area.	The EA will include a review of important biodiversity, ecologically and culturally sensitive areas and all designated natural features known to occur within area of the Project. MFFN will review these data sources and include relevant information in the EA.	Commitment for EA
WCS-27	7.1.4.8 Wildlife Bats Field surveys for bats should result in a species inventory (species present/not detected) and quantify baseline bat activity in different habitats or features in the project area and to help support and evaluate project siting decisions and impact predictions	Section 7.1.4.8 of the ToR described how bat maternity roost monitoring will be used to quantify baseline bat activity in different habitats through “a review of aerial imagery and PLC2000 landcover types conducted to identify potentially habitat for SAR bats. Bat acoustic monitors will be deployed in the study area”. Results of acoustic surveys and desktop review will: <ul style="list-style-type: none">provide a species inventory (species present / not detected);quantify baseline bat activity using an index to evaluate relative use by habitat type or feature to inform Project siting decisions and predict Project effects on bat habitat;locate and confirm high potential habitat for roosts, hibernacula, and foraging;identify potential migration corridors; andidentify site-specific travel corridors and movement patterns.	Section 7.1.4.8, pg. 54
WCS-28	7.1.4.8 Wildlife	Section 7.1.4.8 of the ToR described how bat maternity roost monitoring will be used to quantify baseline bat activity in different habitats through “a review of aerial imagery and PLC2000 landcover types conducted to identify potentially	Section 7.1.4.8, pg. 54

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	Bats Surveys should also attempt to locate and confirm use of high value habitat features such as roosts (including cavity trees and buildings with potential for roosting) and hibernacula as well as any migration and site-specific travel corridors	habitat for SAR bats. Bat acoustic monitors will be deployed in the study area”. Results of acoustic surveys and desktop review will: <ul style="list-style-type: none">provide a species inventory (species present / not detected);quantify baseline bat activity using an index to evaluate relative use by habitat type or feature to inform Project siting decisions and predict Project effects on bat habitat;locate and confirm high potential habitat for roosts, hibernacula, and foraging;identify potential migration corridors; andidentify site-specific travel corridors and movement patterns.	
WCS-29	7.1.4.8 Wildlife Bats Acoustic surveys should be continuous throughout the night (at least 30 minutes before sunset to 30 minutes after sunrise recommended) during the active season	The 2019 acoustic surveys targeted for maternity roosting structures were conducted using Wildlife Acoustics Song Meter SM4BAT-FS ultrasonic recorders. Autonomous Recording Units were programmed to record ultrasonic activity nightly beginning 30 minutes before sunset to 30 minutes after sunrise for at least 10 days during the maternity roosting period of June 1 to June 30. The methods and results of the field study for bats will be documented in the EA Report.	Section 7.1.3, pg. 30 to 31
WCS-30	7.1.4.8 Wildlife Birds Field surveys for birds need to include nocturnal surveys as standardized point count surveys are biased towards diurnal breeding songbirds. Nocturnal owls and cryptic species including but not limited to Eastern Whip-poor-will and Common Nighthawk need to be included in assessment and monitoring programs for these species at risk (NABCIC 2019). First Nation communities should be included in the monitoring of species.	<p>Due to access and safety restrictions with helicopters only flying during daylight hours, point count surveys are not proposed for nocturnal or crepuscular bird species. Rather, monitoring programs using Autonomous Recording Units have been proposed for these species, and measures will be taken to best triangulate the locations of detected calling individuals. MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions.</p> <p>MFFN will notify Indigenous communities of opportunities to participate in baseline studies for the Project. However, the COVID-19 pandemic and associated protocols of social distancing have limited the opportunities for field monitor positions. Furthermore, given the location of the Project and logistical constraints to accessibility of the area, limited Indigenous monitor positions are anticipated to be available. A commitment has been made to MFFN community that Indigenous monitor positions for field work in support of the Project would first be filled by MFFN. In circumstances when MFFN is not available to participate in a baseline study, MFFN will contact neighbouring Indigenous communities for interest in participating in the program.</p>	Appendix B, Section 4.1.7, pg. 22 Commitment for EA.
WCS-31	7.1.4.8 Wildlife Birds The impact assessment should describe any concentrations of migratory birds, including sites used for migration, staging, breeding, feeding and resting and these should be included in surveys and monitoring programs.	The EA will describe migration, stopover / staging, breeding, feeding and resting sites used by migratory birds.	Commitment for EA.
WCS-32	7.1.4.8 Wildlife Birds Table 7-4 the habitat descriptions for Eastern Whip-poor-will and Common Nighthawk should include empirical research highlighting that the two species were found to equally occupy clearcuts, burned stands, and wetlands (Farrell et al. 2017) and their presence in a landscape is strongly related to the amount of wetlands available in the landscape (English et al. 2017; Farrell et al. 2019). Impacts of the Project on wetlands will impact these species given the value of wetland habitats for these and other insectivores.	MFFN will identify and assess potential effects of the Project on species at risk (SAR), including Eastern Whip-poor-will and Common Nighthawk in the EA. This will include considering how changes in their habitat (including wetlands), including the creation of new habitat types, such as clearings and fires, may affect these species.	Commitment for EA.
WCS-33	7.1.4.8 Wildlife Birds Field surveys for at-risk wildlife species note that acoustic monitoring will be used for Eastern Whip-poor-will. We suggest that this effort should also be allocated for other species-at-risk like Common Nighthawk as well as other species that are identifiable by call (e.g., amphibians). Timing of acoustic monitoring should be specified since research has shown that the timing of recordings can significantly affect whether or not a species is detected, particularly for crepuscular species like Eastern Whip-poor-will and Common Nighthawk (Farrell et al. 2017; Farrell et al. 2019).	<p>Autonomous Recording Devices will be used to detect crepuscular species at risk, including Common Nighthawk and Eastern Whip-poor-will, as well as amphibians. Timing of acoustic surveys for Eastern Whip-poor-will and Common Nighthawk will follow the <i>MNRF Draft Survey Protocol for Whip-poor-will (Caprimulgus vociferous) in Ontario</i> (MNRF 2014) and the <i>MNR Eastern Whip-poor-will (Caprimulgus vociferous) and Common Nighthawk (Chordeiles minor) Survey Protocol</i> (MNRF 2013), respectively.</p> <p>MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions.</p>	Appendix B, Section 4.1.7, pg. 22 Commitment for EA.
WCS-34	7.1.4.8 Wildlife Birds The impact assessment should provide an estimate of year-round bird use by species and group (e.g., water birds) of the study area.	The EA will consider temporal sources of variation of the bird criteria listed in Appendix A, including among seasons (e.g., spring migration, breeding season, late summer / fall migration, and late winter).	Appendix A, pg. 3 Commitment for EA

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WCS-35	<p>7.1.4.8 Wildlife</p> <p>Large mammals</p> <p>Field surveys based on remote cameras should specify the timing of the surveys and cameras should be in the field all year, particularly in winter. First Nation communities should be involved in field monitoring.</p>	<p>Winter tracking surveys are proposed to be conducted by tracking specialists on the ground to estimate the distribution, abundance, and density of fur bearers and other mammals within the local study area for wildlife. For Ungulates (i.e., moose and caribou) a remote camera program is proposed. The objectives of the remote camera program are to document the presence, seasonal and annual patterns in distribution and amount of use, by wolves, moose and other wildlife in the local study area for ungulate. To achieve the program's objectives, remote camera will be deployed to collect data across all seasons, over two years (i.e., from spring 2021 to spring 2023).</p> <p>MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions.</p> <p>MFFN will notify Indigenous communities of opportunities to participate in baseline studies for the Project. However, the COVID-19 pandemic and associated protocols of social distancing have limited the opportunities for field monitor positions. Furthermore, given the location of the Project and logistical constraints to accessibility of the area, limited Indigenous monitor positions are anticipated to be available. A commitment has been made to MFFN community that Indigenous monitor positions for field work in support of the Project would first be filled by MFFN. In circumstances when MFFN is not available to participate in a baseline study, MFFN will contact neighbouring Indigenous communities for interest in participating in the program.</p>	<p>Appendix B, Section 4.1.7, pg. 22</p> <p>Commitment for EA</p>
WCS-36	<p>7.1.4.8 Wildlife</p> <p>Large mammals</p> <p>The TOR and impact assessment should acknowledge that MNRF dataset for caribou remains the best available scientific data for the region. More attention to monitoring of the impacted ranges (Missisa, Nipigon and Pagwachuan) by Ontario is required to address range assessments and cumulative range disturbance and should be required at the range level as part of the Project. The impact assessment should also address impacts on critical habitat for caribou as identified by MNRF.</p>	<p>MFFN is working with the MECP and the Ministry of Natural Resources and Forestry (MNRF) to develop an approach to baseline data collection and effects assessment for caribou for the Project. The recommendation for more monitoring within the Missisa, Nipigon and Pagwachuan ranges by Ontario is outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a final decision on whether or not to proceed with an EA for the Project.</p> <p>Per Section 7.2 of the ToR, the EA will identify and assess both direct and indirect effects of the Project on caribou. The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) and committed to developing discipline-specific local and regional study areas during the EA. The regional study area being considered for caribou includes the Missisa, Ozhiski, Nipigon and Pagwachuan caribou ranges to capture range level effects. The local study area being considered for caribou is 10 km on both sides of the centerline of the Project. Therefore, the EA will consider the potential effects resulting from habitat removal and fragmentation at the range level and the smaller local scale. Study areas are still in development and therefore subject to change.</p> <p>The EA will utilize the following data sources to inform the caribou assessment, which include caribou data from MNRF:</p> <ul style="list-style-type: none">▪ Baseline disturbance footprint spatial data (available from MECP / MNRF);▪ Caribou General Habitat Description spatial data (available from MECP);▪ Caribou observation data including collar locations, survey observations, and incidentals (available from MECP);▪ Caribou occupancy models in the Far North (Poley et al. 2014) (available from MECP / MNRF or authors);▪ Caribou resource selection probability function within Ontario (Hornseth and Rempel 2016) (available from MECP / MNRF);▪ Caribou Screen Tool results (available from MECP);▪ Forest Resource Inventory data (MNRF). Available at: https://www.ontario.ca/page/ontarios-open-data-directive;▪ Indigenous Knowledge observations and data;▪ Integrated Range Assessment Reports for the Nipigon, Pagwachuan, and Missisa (Far North) Ranges. Available at https://www.ontario.ca/page/caribou-boreal-population;▪ Landcover spatial data (MNRF). Available at: https://www.ontario.ca/page/ontarios-open-data-directive;▪ Moose Aerial Inventory population data for Wildlife Management Unit 17 (available from MNRF);▪ Moose Aquatic Feeding Areas , mineral licks, and calving data (available from MNRF);▪ Natural Heritage Information Centre (available upon request), including:<ul style="list-style-type: none">– Species Monitored Subject Tracking Point;– Species Observation, Provincially Tracked; and– Species Search Area;▪ Ogoki Forest-Forest Management Plan (2018-2020). Available from: https://www.efmp.lrc.gov.on.ca/efmp/home.do;▪ The Far North Biodiversity Project (MNRF) (available from MNRF). Available at: http://sobr.ca/the-far-north-biodiversity-project/;	<p>Section 7.1.4.8, pg. 54</p> <p>Section 7.2, pg. 63</p>

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		<ul style="list-style-type: none">Woodland Caribou in the Far North of Ontario: Background Information in Support of Land Use Planning (Berglund et al. 2014) (available from MECP); andOther available studies that were completed in the region.	
WCS-37	<p>7.1.4.8 Wildlife</p> <p>Large mammals</p> <p>Caribou exhibit different ecotypes defined in part by movement behaviours (e.g., Pond et al. 2014, Berglund et al. 2014). The impact assessment should be more detailed with respect to scales of selection by caribou in the far north (Hornseth and Rempel 2016), include models developed by MNRF (e.g., Fryxell et al. 2020), and consider alternatives and cumulative effects of disturbance on caribou, particularly given established thresholds for disturbance e.g., 30% (Environment Canada 2012).</p>	<p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. MFFN will consult and engage on discipline-specific local and regional study areas during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on study areas during the consultation milestone “Effects Assessment Methods.” Comments received through consultation and engagement on the ToR, including this comment from the Wildlife Conservation Society, are being taken into consideration during study area development. Below is a description of the anticipated regional study area being considered for caribou to capture range level effects. Study areas are still in development and therefore subject to change.</p> <p>The regional study area being considered for caribou includes the Missisa, Ozhiski, Nipigon and Pagwachuan caribou ranges to capture range level effects.</p> <p>The local study area being considering for caribou is 10 km on either side of the centerline of the Project.</p> <p>Caribou occupancy models produced by Poley et al. (2014) illustrate the probability of occupancy of caribou across the Far North. The models will be acquired from MECP and will be examined at the Missisa, Ozhiksi, Nipigon and Pagwachuan Range level to understand potential effects of the Project on caribou within the local study area.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISGs developed by the Agency. In accordance with the TISGs, the EA will include the consideration of cumulative effects to caribou.</p>	<p>Section 7.1.1, pg. 27</p> <p>Section 7.2, pg. 65</p> <p>Appendix B, Section 4.1.7, pg. 22</p> <p>Commitment for EA</p>
WCS-38	<p>7.1.4.8 Wildlife</p> <p>Large mammals</p> <p>Wolverine should be addressed more thoroughly in the TOR and the impact assessment. The status and scientific knowledge of wolverine in Ontario is well described in the Ontario Wolverine Recovery Strategy (2013) and the Government Response Statement as well as Ray et al. (2018).</p>	<p>The EA will identify and assess effects to wolverine through the criterion fur bearers for wildlife. An initial description of existing wolverine conditions is provided in the ToR in Section 7.1.4.8, and will be described in greater detail within the EA. Although not specifically listed in the ToR as potential data sources for the Project, MFFN will review the Ontario Wolverine Recovery Strategy (2013), Government Response Statement and Ray et al. (2018) and include relevant information in the EA.</p>	<p>Section 7.1, pg. 30</p> <p>7.1.4.8, pg. 53</p> <p>Appendix A, pg. 4</p> <p>Commitment for EA</p>
WCS-39	<p>7.1.4.8 Wildlife</p> <p>Large mammals</p> <p>Wolves should be addressed more explicitly in the TOR and impact assessment, given the ability of linear disturbance to facilitate predators and access to ungulates like caribou and moose. Kittle et al. (2017) conducted research on wolves in areas that overlap the Project and their models should be included.</p>	<p>Baseline studies on fur bearers include collecting information on Gray Wolf (<i>Canis lupus</i>) to characterize existing conditions and to understand potential effects from the Project on this species. The EA will assess the potential effects of increased sight-lines to wildlife, including the predation risk of wolves on caribou, and this will be informed by a proposed remote camera monitoring program that will be focused on detecting wolves and caribou. Although not specifically listed in the ToR as a potential data source for the Project, MFFN review Kittle et al. (2017) and include relevant information in the EA.</p>	<p>Commitment for EA</p>
WCS-40	<p>7.1.4.8 Wildlife</p> <p>Large mammals</p> <p>Moose need to be considered more explicitly in the TOR and the impact assessment. Rempel (2010) and Street et al. (2015) describe studies and models that should be included in the impact assessment.</p>	<p>More information on the existing conditions and potential effects of the Project on Moose will be provided in the EA. Availability and distribution of moose habitat will be estimated and mapped using Ontario Land Cover Compilation v. 2.0 (OLCC) (LIO 2020), which is a compilation of Far North Land Cover v 1.4 and Provincial Land Cover 2000 Edition in ArcMap. Habitat categorization for moose will follow an HSI model approach, and good quality habitats will be defined according to a threshold representing the minimum value below which the habitat is not suitable for reproduction and survival (Ackakaya et al. 2004). The standard threshold value is typically 0.5, which will be used in this assessment.</p> <p>The moose HSI is similar to that used by the Ontario Landscape Tool for predicting moose densities (Rempel 2008, Elkie et al. 2013). The model considers the following three parameters:</p> <ul style="list-style-type: none">percent of area in young forest cover types;percent of area in mature conifer; andpercent of area in mature mixed forest.	<p>Commitment for EA.</p>
WCS-41	<p>7.1.4.8 Wildlife</p> <p>Large mammals</p> <p>Poley et al. (2014) describe occupancy of caribou, wolves, and moose in the far north. Occupancy models should be included in the cumulative effects assessment and the impact assessment.</p>	<p>Caribou occupancy models produced by Poley et al. (2014) illustrate the probability of occupancy of these species across the Far North. The models will be acquired from MECP and will be examined at the Missisa, Ozhiksi, Nipigon and Pagwachuan Ranges level. The range level will also be used to understand existing conditions and potential effects at smaller geographic extent (i.e., the area where direct effects of the Project are anticipated).</p>	<p>Commitment for EA.</p>
WCS-42	<p>7.1.4.9 Fish and Fish Habitat</p>	<p>Longnose dace (<i>Rhinichthys cataractae</i>) will be added to the list of species with potential to occurring in the area of the</p>	<p>Commitment for EA</p>

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	Longnose dace (Rhinichthys cataractae) needs to be added to the species list on page 55 as per Eakins 2018.	Project where suitable habitat is present in the EA.	
WCS-43	7.1.4.9 Fish and Fish Habitat The description of lake sturgeon in Table 7-5 needs to explicitly include the fact that lake sturgeon is a migratory species that depend on intact watersheds and functional habitat connectivity as per COSEWIC 2017.	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
WCS-44	7.1.4.9 Fish and Fish Habitat Field sampling as described is inadequate and Ontario should provide funding to enable the Proponent to sample all major water crossings, and at a minimum, two representative types for each watershed size for the minor crossings.	<p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects on the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives results in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. Photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies.</p> <p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> <p>Since the release of the ToR, and in consultation with relevant agencies, MFFN has increased the coverage to the fish and fish habitat studies. All water crossings will be assessed from the air and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys. Ground-based surveys are designed to meet Department of Fisheries and Oceans and MNRF requirements.</p>	Commitment for EA
WCS-45	7.1.4.9 Fish and Fish Habitat Ephemeral streams and ponds can be extremely important for spawning for some fish species, and for amphibians. The TOR and field sampling and monitoring programs need to include ephemeral streams and other annual variations in water levels and water flow. The TOR should specify what time of year sampling will be conducted and how ephemeral aquatic habitat will be assessed and monitored. The impact assessment should specify how the Project will document, monitor, and assess impacts on connectivity between important ephemeral fish habitat and main course rivers and streams.	<p>The baseline studies for the EA will include the compilation and presentation of long-term, historical streamflow and lake level records from nearby gauge stations (operated by Water Survey of Canada or other). These continuous hydrometric records (presented as hydrograph and stage-discharge plots) will be used to evaluate the characteristic variability of flows and water levels in the local and regional surface water system on a seasonal and inter-annual basis. Information from site-specific, spot flow measurements and water level readings at waterbody crossing locations themselves (obtained during field campaigns for the Project in 2020 and 2021) will also be used to provide added context for the natural variations in discharge and water levels during periods of low and high flow conditions.</p> <p>The EA will include figures of mapped and unmapped waterbodies crossed by the Project. These figures will also provide documented or inferred estimates of the characteristic flow regime (i.e., ephemeral, intermittent, and permanent). Ecological processes will be evaluated for potential susceptibility to adverse effects from the Project, such as considerations for: patterns and connectivity of habitat patches, continuation of key natural disturbance regimes.</p> <p>MFFN recognizes that ephemeral and intermittent waterbodies have the potential to provide important habitat features for fish, such as spawning habitat for Northern Pike. All waterbodies including those of ephemeral and intermittent flow regime were included in the desktop and preliminary studies for their potential to directly support fish, based on characteristics such as connectivity / access for fish when flow is present. Habitat features and function were also described during field studies, including spawning habitat and migratory corridors, and which waterbodies of ephemeral or intermittent flow regime could provide suitable habitat conditions</p>	Commitment for EA
WCS-46	7.1.4.9 Fish and Fish Habitat Provide a map of sites (e.g., waterbodies) of past and current recreational and commercial fishing (Marshall & Jones 2011).	Where information is available, waterbodies in the study area that provide known recreation, tourism and / or commercial fishing opportunities will be identified, mapped and considered in the EA Report.	Section 7.1.4.10, pg. 60
WCS-47	7.1.4.9 Fish and Fish Habitat Provide current underwater soundscape and vibration descriptions from various sources based on acoustic measurements and provide information on vibration and sound sources, geographic extent and spatial and temporal variations within the water column of the major and minor water crossings.	As noted in Section 7.2.3 of the ToR, Project construction activities, including equipment and machinery use, geotechnical drilling and blasting, have the potential to cause temporary noise and vibration effects at sensitive receptors. There effects are not anticipated to be long-term dur to the temporary nature of construction activities. Therefore, potential net effects, if any following implementation of impact management measures (such as the Department of Fisheries and Ocean’s Guidelines for Blasting in or Near Canadian Fisheries Waters), as a result of construction activities including vibration and blasting will be described in the EA. This includes the potential for temporary disturbance from blasting and the potential effects to fish (e.g., behaviour, use of habitat) if this potential disturbance cannot be avoided.	Section 7.2.3, pg. 66 Commitment for EA
WCS-48	7.1.4.9 Fish and Fish Habitat Provide biodiversity metrics, biotic and abiotic indicators that are used to characterize the baseline biodiversity for fish in	Currently MFFN is proposing the following biodiversity metrics for the fish and fish habitat discipline:	Commitment for EA

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	the study area.	<ul style="list-style-type: none">▪ Distribution in space;▪ Frequency of occurrence;▪ Patterns of occurrence and abundance in time;▪ Abundance and, if possible, density; and▪ Associate habitat types and strength of associations. The EA will provide a rationale for selection of these metrics.	
WCS-49	7.4.1.10 Social, Economic and Built Environment Provide a figure including approximate locations of permanent residences, temporary land uses (e.g., cabins and traditional sites) and known locations of sensitive areas (e.g., schools, hospitals, community centres, retirement complexes or assisted care homes).	Where information is available, dwellings, including for example permanent residences and seasonal cabins, in the study area will be identified, mapped and considered in the EA Report.	Commitment for EA
WCS-50	7.4.1.10 Social, Economic and Built Environment The impact assessment should identify all springs and any other potable surface water resources and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance.	Section 7.2.1 of the ToR indicates that the “Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources.” Water resources is inclusive of spring water sources (i.e., spring water sources refer to areas of groundwater upwelling) and other potable water resources. As noted in Section 3.4.2 of the ToR, Indigenous Knowledge will be gathered through the Indigenous Knowledge Program and integrated into the baseline description for each discipline as appropriate. This will include the Indigenous Knowledge on locations of sensitive receptors, such as spring water sources that may have value to Indigenous peoples. The Indigenous Knowledge Program provides additional opportunities for Indigenous communities to share information such as this in greater detail.	Section 3.4.2.1, pg. 11 to 12 Commitment for EA
WCS-51	7.2. Potential Effects The impact assessment must address cumulative effects. While the MECP Code of Practice “encourages” proponents to provide information about potential cumulative effects in the EA, a project of this scale, complexity, and potential impacts should not be left to the discretion of the proponent. We expect the cumulative effects assessment to include the projects identified in Recommendation 3 above. We also recommend MECP develop guidance for proponents on cumulative effects assessment to improve transparency, consistency, and standards for impact assessment processes in Ontario.	In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. MFFN is currently developing the proposed approach to the cumulative effects assessment and in doing so is considering provincial and federal requirements, as well as comments received from Indigenous communities, government agencies and interested persons on the Project related to cumulative effects. MFFN will consult and engage on cumulative effects assessment methods during the EA. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISGs developed by the Agency. Development of provincial guidance for cumulative effects assessments is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a final decision on whether or not to approve the ToR.	Section 7.2, pg. 65 Commitment for EA
WCS-52	7.2.1 Indigenous Peoples Rights and Interests The TOR and impact assessment must address food sovereignty and food security of First Nations. As presented, the TOR suggests the Project will enhance access to “modern” foods yet a substantial literature on First Nations health and well-being suggest “modern” foods contribute to a number of diseases impacting First Nations. Similarly, the use of “food consumption” under Indigenous Cultural Sites, Features and Practices on pg. 41 is better described as Indigenous Food Systems relevant to food sovereignty. The relationships between “modern” foods and the ability of First Nations to access and consume healthy and abundant fish and wildlife populations as promised by Treaty No. 9 deserves more explicit treatment in the impact assessment as manifestations of rights as well as health and cultural values.	The EA will assess the potential effect to human health based on changes to food supply and consumption as a result of the Project. This will include potential effects on the harvesting of country foods by Indigenous communities and associated indirect effects on human health. These effects will be assessed by evaluating the predicted changes on the basis of the “Diet” criterion and associated indicators “food consumption” and “food supply” (see Appendix A of the ToR).	Section 7.2.10, pg. 70 Appendix A, pg. 7
WCS-53	7.2.1 Indigenous Peoples Rights and Interests The impact assessment should describe the use of local vegetation for medicinal purposes or as a source of country	A preliminary list of plant species of importance to Indigenous communities based on available Indigenous Knowledge is provided in Section 7.1.4.7 of the ToR; these plant species will be included in baseline surveys and the effects	Section 5.2.2, pg. 19 Section 7.1.4.7, pg. 49

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	foods including any other plant species of concern for consumption or where use has any Indigenous cultural importance. The assessment should also describe any herbicide use on country foods, animal browse, and surface waters as well as mitigation given the project activities.	assessment. Indigenous communities are encouraged to share information on the locations, species, and uses of plants of traditional, medicinal, technological, and / or cultural or spiritual importance through the Indigenous knowledge Program for the Project. This information will be used to inform the characterization of baseline conditions as well as the effects assessment and identification of impact management measures. Further, MFFN makes a commitment in Section 7.2.7 of the ToR to identify and assess potential effects on vegetation and ecological communities, which will include changes to community diversity (including community loss), changes to wetland quantity and function, and changes to species diversity, including SAR and traditional use plants. Road maintenance activities that are anticipated to occur during the operations phase of the Project are identified in Section 5.2.2 of the ToR. Road maintenance will follow typical Ministry of Transportation standards and requirements. Dust suppression may be applied to road surfaces during the summer months, and ploughs, graders, loaders and dump trucks may be used to clear snow in the winter months. Vegetation control applications are typically done without the use of chemicals and road maintenance in the winter is typically done using sand and snow ploughs (not salt). However, the EA will conservatively assess the potential effects of salt, pesticide and dust suppressant use, and where effects are predicted recommend impact management measures.	Section 7.2.7, pg. 68
WCS-54	7.2.1 Indigenous Peoples Rights and Interests The impact assessment should describe the use of (magnitude, timing) migratory and nonmigratory birds as a source of country foods (traditional foods) and whether consumption has Indigenous cultural importance.	The Project’s Indigenous Knowledge Program serves to solicit Indigenous Knowledge and information on Indigenous land and resource use, including migratory and non-migratory birds. The Indigenous Knowledge Program Guidance Document developed for the Project and provided to all Indigenous communities in November 2020 includes specific questions related to birds used for subsistence or cultural purposes and Indigenous Knowledge related to birds and their habitat (e.g., nesting areas).	N/A
WCS-55	7.2.1 Indigenous Peoples Rights and Interests The impact assessment should describe the use of terrestrial wildlife as a source of country foods (traditional foods) and whether its consumption has Indigenous cultural use and value.	The EA will examine the use of wildlife as a source of country foods by Indigenous people. Potential effects will be assessed by evaluating the predicted changes on the basis of “Indigenous Current Use of Lands and Resources for Traditional Purposes” criterion under the Aboriginal and Treaty Rights and Interests discipline and the criterion “Diet” under the Human Health and Community Safety” criterion.	Section 7.2.1, pg. 66 Section 7.2.10, pg. 70 Appendix A, pg. 1 and 7
WCS-56	7.2.1 Indigenous Peoples Rights and Interests The TOR and impact assessment should include Indigenous names for plants, fish and wildlife that are important to First Nations affected by the Project.	The EA Report will include a glossary for the Indigenous names for plants, fish and wildlife in the EA.	Commitment for EA
WCS-57	7.2.2 Atmospheric Environment The Project should be more precautionary about the contaminants that may be mobilized during construction and associated with dust. For example, chromite mining may mobilize both forms of chromium, with trivalent chromium in the ore and waste rock potentially oxidizing to harmful hexavalent chromium as dust (Beukes et al. 2017). In a dust form, hexavalent chromium may be more broadly distributed than the Project study area.	The EA will consider whether exposure to contaminants in dust as a result of the Project may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) in dust, potential effects to human health from exposure to COPCs in dust will be evaluated further as part of the HHRA.	Commitment for EA
WCS-58	7.2.5.3 Quarries, Borrow Areas, and Aggregate Source Areas The TOR should identify eskers both as part of the physiography, geology, terrain and soils (7.1.4) and include potential impacts to eskers for the purposes of road building. Figure 7-3 while not complete is misleading as mapped and eskers should be included as context for additional sites proximate to the Project study area. We suspect that aggregate related to eskers will require a larger study area than currently proposed in the TOR.	MFFN acknowledges that eskers may provide habitat for wildlife. The EA will characterize the baseline conditions of the physiography, geology, terrain and soils discipline, and this will include mapping of eskers that are crossed by the Project. Degradation of terrain, topography and soils is identified as an indicator in App A to measure changes to physiography, terrain and soils in the effects assessment. In addition, the EA will look at the indirect effects on how changes in terrain, topography and soil may affect wildlife habitat, including use of eskers by wildlife.	Section 7.1.1.4 Section 7.2 Appendix A, pg. 2 Commitment for EA
WCS-59	7.2.5 Potential Environmental Effects: Surface Water The TOR should also acknowledge direct impacts including the creation of physical barriers to animal movement, habitat fragmentation of stream habitats that are critical for spawning and movement, alteration of soil properties leading to sedimentation and erosion as well as surface water flows, and impacts due to increased access for invasive freshwater species (including plants) and Indigenous and non-Indigenous hunters, fishers, and trappers. These changes in turn alter interspecies dynamics and affect the abundance and distribution of species affecting Aboriginal and Treaty rights.	Section 7.2.8 and Section 7.2.9 of the ToR identified potential for effects to wildlife and fish and fish habitat from physical barriers to animal movement, habitat fragmentation of stream habitats, which will be assessed in the EA. Project-related effects on surface water quality and quantity (Section 7.2.5) may result in indirect effects on fish and fish habitat, including SAR. This includes deposition of sediment in a waterbody which could result in the loss of or alteration to habitat, alteration to baseflows or water temperatures, disruption of fish life processes, and fish and egg mortality. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources, which may, in turn, influence Indigenous land and resource use activities in the area of the Project and changes to the experience of being on the land (Section 7.2.1). The EA will look at the direct effects of each and how changes in wildlife and fish may indirectly affect Indigenous (section 7.2.1) and non-Indigenous (Section 7.2.10) use of lands and resources as well as impacts to Aboriginal Treaty Rights and Interests (Section 7.2.1).	Section 7.2.5, pg.67 Section 7.2.8, pg. 69 Section 7.2.9, pg. 69 to70 Section 7.2.1, pg. 66 Section 7.2.10, pg. 70
WCS-60	7.2.5 Potential Environmental Effects: Surface Water The TOR should also acknowledge contaminants more explicitly. Changes to the water table through road building and	The EA will identify and assess potential effects of the Project on surface and groundwater, which will include looking at changes in quantity (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the	Section 7.2.5, pg. 67 Section 7.2.6, pg. 68

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	other developments anticipated with the Project can directly or indirectly alter methylmercury formation and accumulation in the water as well as in fish (Webster et al. 2015). Gravel and soil extraction and sedimentation in the building of roads can have potential indirect effects on existing mercury (including mercury mobilization and/or methylation) and must be considered in impact assessment as well as monitored since methylmercury contamination is already an issue throughout northern Ontario, including in fish and lake sediments (Tang et al. 2013, Brazeau et al. 2013, Lescord et al. 2019). Finally, the use of eskers or other glacial deposits used as locally-source gravel is suspected to be a source of chromium and, potentially, other metals naturally abundant in the region, to northern rivers and lakes (Dyer & Handley 2013).	indirect effects of the Project, such as how changes in surface and groundwater could indirectly effect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock materials to produce acid-rock-drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife, and humans). If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management measures and monitoring measures will be identified. At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation or accumulation. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed.	Section 7.2.9, pg. 69 Commitment for EA
WCS-61	7.2.5 Potential Environmental Effects: Surface Water In the longer term, both construction of roads and anticipated mines will generate tailings and waste rock piles that may discharge metals and other contaminants into water bodies and through runoff and leachate seepage.	The EA will identify and assess potential effects of the Project on surface and groundwater, which will include looking at changes in quantity (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface and groundwater could indirectly effect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock materials to produce acid-rock-drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife, and humans). If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management measures and monitoring measures will be identified. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.	Section 7.2, pg. 65 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9, pg. 69 Commitment for EA
WCS-62	7.2.8 Potential Environmental Effects: Wildlife Eskers are ecologically important (Far North Science Advisory Panel Report 2010: 57). Eskers need to be mapped and included as values for wildlife since they contribute substantially to regional biodiversity, for instance as travel routes for caribou, and as den sites for wolves in a landscape dominated by exposed bedrock and permafrost (Johnson et al. 2005). Any modeling of impacts on large mammals associated with road development must explicitly include the aggregate sources as well as access.	MFFN acknowledges that eskers may provide habitat for wildlife. The EA will characterize the baseline conditions of the physiography, geology, terrain and soils discipline, and this will include mapping of eskers that are crossed by the Project (CAR, temp infrastructure for construction, quarries, borrow areas and aggregate sources area). Degradation of terrain, topography and soils is identified as an indicator in App A to measure changes to physiography, terrain and soils in the effects assessment. In addition, the EA will look at the indirect effects on how changes in terrain, topography and soil may affect wildlife habitat, including use of eskers by wildlife.	Section 7.1.1.4 Section 7.2 Appendix A, pg. 2 Commitment for EA
WCS-63	7.2.8 Potential Environmental Effects: Wildlife The ecological significance of intact boreal forest needs to be emphasized in the TOR and impact assessment (Far North Science Advisory Panel 2010).	The ecological significance of contiguous boreal forest habitat will be documented within the EA.	Commitment for EA
WCS-64	7.2.8 Potential Environmental Effects: Wildlife Birds: The TOR should be revised to address the removal of upland habitats for birds for quarries, borrow areas, and aggregate source areas for the roads. The impact assessment should address the removal of upland habitat for breeding birds through the clearing of upland habitat given the scale anticipated as well as the need for aggregate given the road will not be decommissioned and will become an industrial route to the Ring of Fire. We suspect the development of quarries, borrow areas, and aggregate source areas for the Project will remove as much upland habitat as the road itself.	The EA will identify and assess the potential effects on the Project on birds as result of Project activities. This includes the potential alteration or loss of habitat of various types used by birds such as upland habitats. Quarries, borrow areas and aggregate source areas are identified in Section 5.2.1.3 of the ToR as Project activities to be assessed in the EA.	Section 5.2.3.1, pg. 16 Section 7.1.1, pg. 27 Appendix A, pg. 3
WCS-65	7.2.8 Potential Environmental Effects: Wildlife Birds: The TOR should be revised to consider the direct impacts of forest clearing on ground nesting species, Eastern Whip-poor-will and Common Nighthawk (Farrell et al. 2019), and the avoidance of edges once previously intact forest has been destroyed (e.g., Machtans 2006).	Potential direct effects to birds, including Eastern Whip-poor-will and Common Nighthawk, due to the alteration or loss of habitat will be assessed in the EA. Both species are identified as a criterion for the wildlife discipline (Appendix A) for assessment in the EA. Potential effects due to the alteration or loss of habitat will include consideration of Project-related changes to habitat availability, distribution, quality and fragmentation, and disruption of breeding and wildlife behaviour.	Section 7.2.8, pg. 69 Appendix A, pg. 3
WCS-66	7.2.9 Potential Environmental Effects: Fish and Fish Habitat The TOR needs to address contaminants more explicitly and the baseline and monitoring of contaminants needs to be part of the impact assessment. For example, metals such as arsenic and chromium in fish (Lescord et al. 2020) as well as methylmercury contamination (Tang et al. 2013, Brazeau et al. 2013, Lescord et al. 2019).	The EA will include a description of historical land use and an assessment of the likelihood of encountering contaminated soils and sediments. Details on any known or suspected soil contamination areas that could be re-suspended, released or otherwise disturbed as a result of the Project will also be documented. The EA will identify and assess potential effects of the Project on surface, which will include looking at changes in quantity (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface water could indirectly effect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock materials to produce acid-rock-drainage and / or metal leaching that could affect water quality in surface water. If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management measures and monitoring measures will be identified. At this time, there are no anticipated Project components which would create exposure pathways for metals or methyl-mercury formation. Should these be identified as part of ongoing Project design	Commitment for EA

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		(and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed.	
WCS-67	7.2.11 Archaeology and Cultural Heritage Eskers are important in understanding past and current Indigenous land use. Specifically, eskers contain micro-habitats of food and medicines in contrast to other areas. As such, these features are important and valued components for addressing First Nation values and should be considered in the impact assessment.	<p>The archaeological assessments will be completed to meet the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' <i>Standards and Guidelines for Consultant Archaeologists</i> (2011). Areas of elevated topography, glacial geomorphology, soil texture and drainage, resource areas including food or medicinal plants, and proximity to modern and historic watercourses are some examples of features of archaeological potential that must be subject to archaeological assessment (see Section 1.3.1 of the <i>Standards and Guidelines for Consultant Archaeologists</i> for full list). As part of the Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment, a Cultural Landscape Study will be undertaken. A Cultural Landscape is a geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including Indigenous communities. The landscape may include features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association (Government of Ontario 2014). Where available, Indigenous Knowledge will be incorporated to ensure information on trapping and harvest areas (plant, fish and other wildlife), camp and campsites, spiritual / sacred places, travel routes, historical sites and historical villages, burials, and other important areas of interest are incorporated into the archaeological assessments and Cultural Heritage Report.</p> <p>In addition, the Project's Indigenous Knowledge Program serves to solicit Indigenous Knowledge and information on Indigenous land and resource use, including the use and importance of eskers. The Indigenous Knowledge Program Guidance Document developed for the Project and provided to all Indigenous communities in November 2020 includes specific questions related important environmental features, including eskers.</p>	Commitment for EA



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