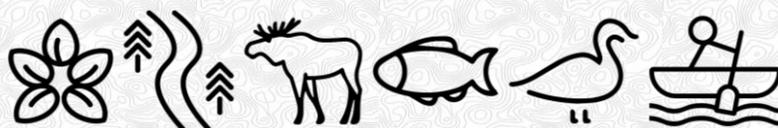


B3. Attawapiskat First Nation

- B3.1 Outgoing Community Specific Correspondence
- B3.2 Incoming Community Specific Correspondence
- B3.3 Draft Aboriginal and / or Treaty Rights and Interests Preliminary Existing Conditions Report



B3.1 Outgoing Community Specific Correspondence



From: Nokleby, Andrea <[redacted]>
Date: Mon, Jun 19, 2023 at 6:00 AM
Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates
To: <[redacted]> Dorothee Schreiber <[redacted]>
Cc: Bob Baxter <[redacted]>, Lawrence Baxter <[redacted]>, Qasim Saddique <[redacted]>, Poulakas, Demetri <[redacted]>

Good Morning,

I hope this email finds you and your community well.

We are currently preparing a response to our previous correspondence that will be sent to you in a separate email. With respect to that, we still wanted to highlight the June 30, 2023 milestone for sharing Indigenous Knowledge (IK) and information on Indigenous land and resource use. Please note, that we will continue to work with you following this date to share information for subsequent phases of the assessment processes.

If you would like to meet to further discuss the IK Program, please do not hesitate to let me know.

Have a wonderful week ahead,

Andrea



Andrea Nokleby
Partner
Dillon Consulting Limited
[redacted]
www.dillon.ca
  

Inclusiveness: Enabling belonging to draw strength from our differences.

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Thursday, July 27, 2023 10:16 AM
To: undisclosed-recipients:
Subject: Join the Community Coordinator Program!



MARTEN FALLS FIRST NATION

ALL SEASON COMMUNITY ACCESS ROAD

Community Coordinator Program

Since March 2022, the Marten Falls First Nation (MFFN) Community Access Road Project Team has shared on-going communications about providing funding for a Community Coordinator from your community.

We believe a Community Coordinator will strengthen our collective efforts on the Community Access Road, while keeping your community up-to-date and involved.

Responsibilities

- Coordinate between the MFFN Community Access Road Project Team and community members living in / outside of your community as per your local practices and in collaboration with Chief and Council;
- Provide advice and guidance on appropriate ways to engage your community – in-person and virtually;
- Keep informed on Community Access Road Project activities (e.g., timelines, documents, events) and communicate relevant Project information to community members;
- Participate in meetings with the Project Team and other Community Coordinators;
- Provide support for community engagement activities related to the Project including:
 - Coordinate and organize logistics for meetings, workshops, events and / or school visits (e.g., book meeting spaces, order refreshments, help with truck / boat rentals and accommodations)
 - Help identify meeting participants and information providers (e.g., youth and / or elders);
 - Assist with meeting facilitation, note taking and meeting minute preparation, and coordinate translation services, if needed; and
 - Organize distributing Project advertisements and notices in your community; either online (e.g., Facebook) or posting in community;
- Assist in collecting data / information in your community (e.g., Indigenous Knowledge, community information and socio-economic information);
 - Assist in reviewing draft documents, questionnaires or Project updates / information sheets.

How much funding is available?

The funding available for a Community Coordinator is \$25/hour for 16 hours per week. Communities can choose to go with milestone-based payments where the First Nation distributes funding directly to the Community Coordinator or direct payments from the Project to the Community Coordinator—the choice is up to your community!

How many months will the funding be available for?

Funding is available as soon as you agree to start and the hiring process is completed, until the Final Environmental Assessment / Impact Statement is issued. Our current schedule for issuing this document is July 2025.

Next Steps

If you would like to learn more, contact Jennifer Bruin or Demetri Poulakas at info@martenfallsaccessroad.ca or 1-800-764-9114.

On Tue, Aug 15, 2023 at 2:53 PM McEwen, Kate <[REDACTED]> wrote:

Dear Chief Sylvia Koostachin-Metatawabin and Dorothee,

I am new to the Marten Falls First Nation Community Access Road Project Team, as a consultant, and will be the Indigenous Consultation (IC) Lead for Attawapiskat First Nation. My colleague Kathryn Ross forwarded me your email below, and I am in touch to provide a response on behalf of the Project.

We appreciate your interest in the Community Access Road, as well as the studies and data that is being collected as part of the joint provincial Environmental Assessment and federal Impact Assessment processes.

We are committed to working with you to provide the information you need and would welcome an opportunity to meet to discuss in further detail your information requirements and how best we can support these needs.

At this time, a complete draft of the EA / IS and associated existing conditions reports will be made available for Attawapiskat First Nation's review in June 2024, one month prior to formal submission of the Draft EA / IS to the regulator, to provide an advanced opportunity for review. We hope that knowing these timelines well in advance will assist in Attawapiskat First Nation's plans for review. There will be continued dialogue following the submission of the draft EA / IS in summer and fall 2024, leading up to the formal submission of the final EA / IS, which is expected in summer 2025.

Our goal has and continues to be, to share Community Access Road information and seek feedback throughout the regulatory process, in a variety of forums. These forums have included Public Information Centres (PIC) #3 in June 2022, and again at the

PIC #4 in November and December 2022, in addition to the consistently available information like the discipline-specific webinars and videos about valued components that are located on the Community Access Road website. We've also endeavored to solicit more discipline-specific feedback as applicable, by sharing the Stage 1 and limited Stage 2 Archaeology Assessment reports that were distributed February 3, 2023, for your review and input, as well as Attawapiskat First Nation's section of the Milestone #1 Progress Report related to consultation and engagement.

We intend to continue to share Community Access Road information, results of existing conditions studies and would welcome an opportunity to brief Attawapiskat First Nation on technical matters, all of which can occur through ongoing engagement on the Community Access Road, in the scheduled milestones. We intend to continue to share Community Access Road information and, results of existing conditions studies. We would welcome an opportunity to brief Attawapiskat First Nation on technical matters, all of which can occur through ongoing engagement on the Community Access Road, in the scheduled milestones. We are also currently planning PIC #5 which we are expecting to host in the fall, where we intend to share and ask for feedback on the results from the existing conditions reports and route selection. If Attawapiskat First Nation is unable to attend the upcoming PIC #5, all the materials will be shared with Attawapiskat First Nation for an opportunity to review and comment, similar to all previous PICs.

In terms of the caribou data request, currently, we are working with the regulators regarding data sharing responsibilities, and we will respond more fulsomely, when we have more information to share, hopefully in the coming weeks.

We would like to again offer to meet with Attawapiskat First Nation to provide an overview of the caribou survey and initial findings, better understand Attawapiskat First Nation's raw data needs and re-iterate Community Access Road milestones. We would like to again offer to meet with Attawapiskat First Nation to provide an overview of the caribou survey and initial findings. This will allow us to better understand Attawapiskat First Nation's raw data needs and objectives. If there is a specific date(s) and time(s) in the next few weeks that works best for Attawapiskat First Nation, please let us know and we can arrange a meeting. If you would prefer not to meet, we will continue to follow-up once we have more information from the regulators on a data sharing agreement.

Kind regards,

Kate McEwen

Kate McEwen, M.A.
She/her/hers

Senior Indigenous Engagement Specialist
Impact Assessment and Permitting



On Wed, Aug 23, 2023 at 5:40 PM McEwen, Kate <[REDACTED]> wrote:

Hi Dorothee,

Please see the email from February 2023 below, as requested. I've tested the links, and they are working for me, but they do expire (eventually); I'd recommend downloading the reports when you have a chance.

May I please request, that you confirm if you'd like to be added onto the Project mailing list, for future distributions?

Please let me know if you have any questions, comments, or technical difficulties with the links.

Kind regards,

Kate

McEwen, Kate

From: McEwen, Kate
Sent: September 5, 2023 2:54 PM
To: Dorothee Schreiber
Cc: McGill, Dale (MNRF); Sylvia Koostachin-Metatawabin; Nephin, Amelie (MNRF); Trimble, Ingrid; Fiskin, Avril; Deveaux, Leah; Qasim Saddique; Bob Baxter; lawrencebax; Jennifer Bruin; McKinnon, Don; Andrea Nokleby
Subject: MFFN CAR - Attawapiskat First Nation request for shapefiles
Attachments: Borehole_Golder_2010.zip; MWLocations_20230814.zip

Dear Dorothee,

The Marten Falls First Nation Community Access Road (MFFN CAR) Project Team has been advised by the Ministry of Natural Resources and Forestry, that Attawapiskat First Nation is looking for shapefiles for the boreholes, the MFFN CAR Project has completed. In an effort to support Attawapiskat First Nation, we have gathered the requested information and have attached the following:

Attached please find the following:

- Shapefiles of completed boreholes
- Shapefiles of complete monitoring wells

If you have any questions or comments, the Project would be happy to meet to discuss the shapefiles. As noted in previous communications, we would like to once more extend an offer to meet with Attawapiskat First Nation, to better understand their needs. We believe this would be beneficial not only to forge bonds between our communities, but to ensure the information we share supports Attawapiskat First Nations' plans.

Kindly,

Kate

Kate McEwen, M.A.
She/her/hers

Senior Indigenous Engagement Specialist
Impact Assessment and Permitting

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McEwen, Kate

From: McEwen, Kate
Sent: September 27, 2023 8:59 AM
To: Dorothee Schreiber
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro,Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP); Bob Baxter
Subject: RE: Follow-up Re: MFFN CAR IK Program Key Dates

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Dorothee,

Thank you very much for your email. The MFFN CAR Project Team has been actively trying to find a way to make the raw caribou data available to Attawapiskat First Nation. The MFFN CAR Project Team met with representatives from the Ministry of the Environment, Conservation and Parks (MECP), and the Impact Assessment Agency of Canada on July 10 and August 30, 2023, to discuss Attawapiskat First Nation's request for the raw caribou data; we are continuing to work with these regulators to find a solution and hope to have a more fulsome response to you soon.

Thank you,

Kate

Kate McEwen
She/her/hers

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McEwen, Kate

From: McEwen, Kate
Sent: October 5, 2023 7:28 AM
To: Dorothee Schreiber
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro, Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP)
Subject: RE: Follow-up Re: MFFN CAR IK Program Key Dates

Hello Dorothee,

We apologize for the delay. The request is complex, and we are working with Ministry of the Environment, Conservation and Parks (MECP), and the Impact Assessment Agency of Canada to determine the best possible approach, that is compliant with regulatory requirements including those of Species at Risk (SAR) Branch and is appropriate, considering the sensitivity of the data and our related obligations.

Thank you,

Kate

McEwen, Kate

From: McEwen, Kate
Sent: October 5, 2023 2:49 PM
To: [REDACTED] Jack Linklater JR
Cc: MFFN Community Access Road Project Team
Subject: Marten Falls First Nation Community Access Road Project - Project Updates

Hello,

I hope this email finds you well. I am in touch to provide general updates on behalf of the Project.

Public Information Centre #5.

- The PIC #5 will be held in Thunder Bay and Geraldton from October 23 - 27. Dates and a more formal notice will be shared soon.
- Join us for updates and information on:
 - Update on what we heard at the Aboriginal and Treaty Rights and Interests (ATRI) forum and plans for the next forum;
 - Update on existing conditions results for completed studies;
 - How Indigenous Knowledge is used and how it informs the process;
 - Identifying of the preferred route;
 - Existing conditions results for completed studies;
 - How route alternatives will be assessed, recommended and a preferred route chosen;
 - Cumulative Effects Assessment and why it is important; and
 - Next steps and future opportunities to get involved.

Climate Change Workshop

- Workshop to be held in Q1 2024 with interested Indigenous Communities. Dates and a more formal notice will be shared soon.

Aboriginal and Treaty Rights and Interests Forum

- There will be upcoming Forum on Aboriginal and Treaty Rights and Interests November 21-23 (Thunder Bay), where cumulative effects will also be presented. More precise dates and a formal notice will be shared soon.

Community Coordinators

- Are you interest in participating in the Community Coordinator Program or do you have any questions about the Program?

Indigenous Knowledge (IK) Program.

- It is my understanding that the IK Sharing Agreement and associated IK Funding Agreements are with Attawapiskat First Nation for review. Are you able to provide a status update on these, or do you have any questions or comments on the documents?

Please let me know if you have any other questions or comments.

Thank you,

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Tuesday, October 17, 2023 3:44 PM
To: [REDACTED]
Subject: Invitation - ATRI Forum Nov 21 - 23, 2023
Attachments: Invitation ATRI Second Forum - October 2023.pdf

Hello,

On behalf of the Marten Falls First Nation and Webequie First Nation Project Teams, please find attached an invitation to attend the Second Aboriginal and / or Treaty Rights Forum related to the following projects:

Webequie Supply Road (WSR)
Marten Falls Community Access Road (MFCAR)
Northern Road Link (NRL)

Building on the first Forum held in February 2023, this follow-up Forum provides an opportunity to identify and discuss potential impacts to northern Indigenous communities' Aboriginal and/or Treaty Rights and interests as they relate to the above Projects.

If you have any questions regarding the Forum or need additional information to engage your community please do not hesitate to reach out to us using the following contact information:

WSR: Michael Fox: [REDACTED]
MFCAR: Andrea Nokleby: [REDACTED]
NRL: Mishal Naseer: [REDACTED]

We look forward to seeing you there.

Marten Falls First Nation Community Access Road Project Team

--

MFFN Community Access Road Project Team

Visit our website: <http://www.martenfallsaccessroad.ca/>

Follow us on Facebook: <https://www.facebook.com/MFFNCommunityAccessRoadProject/>

Call us: 1 800-764-9114

Email us: info@martenfallsaccessroad.ca

ABORIGINAL AND / OR TREATY RIGHTS AND INTERESTS

WEBEQUIE SUPPLY ROAD (WSR) • MARTEN FALLS COMMUNITY ACCESS ROAD (MFCAR) • NORTHERN ROAD LINK (NRL)

YOU ARE INVITED!

ABORIGINAL AND / OR TREATY RIGHTS AND INTERESTS FORUM

Led by Webequie First Nation and Marten Falls First Nation

Funded by Ontario, our Treaty partner



Thunder Bay

Valhalla Inn, 1 Valhalla Inn Rd

November 21 - 23, 2023



Building on the momentum of the first Aboriginal and / or Treaty Rights and Interests Forum in February 2023, Webequie First Nation and Marten Falls First Nation encourage you to participate in a follow-up Forum to discuss potential impacts to northern Indigenous communities' Aboriginal and / or Treaty Rights and Interests as they relate to the following Projects:

Webequie Supply Road (WSR) • Northern Road Link (NRL) • Marten Falls Community Access Road (MFCAR)



Participant Funding

The Province of Ontario will fund up to 3 representatives from your community to attend the Forum, including travel, accommodation and meals. All questions about funding or the coordination of funding should be directed to the Province of Ontario at [REDACTED]

Additional community representatives are welcome to attend.



Purpose

The Purpose of this Forum is to create a respectful, culturally-sensitive, and collaborative space to develop and/or confirm our understanding of the Project areas (WSR, MFCAR, and NRL) as your Aboriginal and / or Treaty Rights and Interests may be impacted by these Projects. *Please note the purpose of this event is to discuss Aboriginal and / or Treaty Rights and Interests and not to collect Indigenous Knowledge.*



Who Should Attend from your Community

Representatives who are knowledgeable about and comfortable speaking to the Rights and Interests of your community in any of the Project areas. Representatives who can continue this dialogue with their community to better understand and share Rights and Interests in any of the Project areas are also encouraged to attend.

On Day 3 of the Forum, we will be hosting a half-day discussion on Cumulative Effects as they relate to the Projects.

RSVP to [REDACTED] by October 23rd, 2023 to reserve your room at the Valhalla Inn. (Later RSVP for Forum attendance is OK!)



MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD



Ontario

From: Andrea Nokleby
Sent: Tuesday, October 17, 2023 9:00 AM
To: Sylvia Metatawabin; Xavier Wheesk; Dorothee Schreiber; Steve Hookimaw; Jack Linklater JR
Cc: Bob Baxter; Qasim Saddique; Lawrence Baxter; Poulakas, Demetri
Subject: Invitation - ATRI Forum Nov 21 - 23, 2023
Attachments: Invitation ATRI Second Forum - October 2023.pdf

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Good Morning,

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- Northern Road Link (NRL)

Building on the first Forum held in February 2023, this follow-up Forum provides an opportunity to identify and discuss potential impacts to northern Indigenous communities' Aboriginal and/or Treaty Rights and interests as they relate to the above Projects.

Day 1 and 2 of the Forum will focus on Aboriginal and / or Treaty Rights and Interests. On Day 3, we will be hosting a half-day discussion on Cumulative Effects as they relate to the Projects.

If you have any questions regarding the Forum or need additional information to engage your community please do not hesitate to reach out to us using the following contact information:

WSR: Michael Fox: [REDACTED]
MFCAR: Andrea Nokleby: [REDACTED]
NRL: Mishal Naseer: [REDACTED]

We look forward to seeing you there.

Have a great day,

Andrea



Andrea Nokleby
Partner
Dillon Consulting Limited
[REDACTED]
www.dillon.ca
  

This message is directed in confidence solely to the person(s) named above and may contain privileged, confidential or private information which is not to be disclosed. If you are not the addressee or an authorized representative thereof, please contact the undersigned and then destroy this message.

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ABORIGINAL AND / OR TREATY RIGHTS AND INTERESTS

WEBEQUIE SUPPLY ROAD (WSR) • MARTEN FALLS COMMUNITY ACCESS ROAD (MFCAR) • NORTHERN ROAD LINK (NRL)

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Webequie Supply Road (WSR) • Northern Road Link (NRL) • Marten Falls Community Access Road (MFCAR)



Participant Funding

The Province of Ontario will fund up to 3 representatives from your community to attend the Forum, including travel, accommodation and meals. All questions about funding or the coordination of funding should be directed to the Province of Ontario at [REDACTED]

Additional community representatives are welcome to attend.



Purpose

The Purpose of this Forum is to create a respectful, culturally-sensitive, and collaborative space to develop and/or confirm our understanding of the Project areas (WSR, MFCAR, and NRL) as your Aboriginal and / or Treaty Rights and Interests may be impacted by these Projects. *Please note the purpose of this event is to discuss Aboriginal and / or Treaty Rights and Interests and not to collect Indigenous Knowledge.*



Who Should Attend from your Community

Representatives who are knowledgeable about and comfortable speaking to the Rights and Interests of your community in any of the Project areas. Representatives who can continue this dialogue with their community to better understand and share Rights and Interests in any of the Project areas are also encouraged to attend.

On Day 3 of the Forum, we will be hosting a half-day discussion on Cumulative Effects as they relate to the Projects.

RSVP to [REDACTED] by October 23rd, 2023 to reserve your room at the Valhalla Inn. (Later RSVP for Forum attendance is OK!)



MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD



Ontario

McEwen, Kate

From: McEwen, Kate
Sent: November 14, 2023 9:28 AM
To: Dorothee Schreiber
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro, Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP); lawrencebax; Jennifer Bruin; Moszynski, Dorothy (MECP)
Subject: RE: Follow-up Re: MFFN CAR IK Program Key Dates

Dear Dorothee,

Thank you very much for your email and your continued interest in the Marten Falls First Nation Community Access Road (MFFN CAR) Project. Caribou is a species at risk and like other provincially tracked species and species at risk, features related to them including collar data are not available as open data. The MFFN CAR Project Team has been actively trying to find a way to make the raw caribou data available to Attawapiskat First Nation. With this in mind, the MFFN CAR Project Team met with representatives from the Ministry of the Environment, Conservation and Parks (MECP), and the Impact Assessment Agency of Canada on July 10 and August 30, 2023, to discuss Attawapiskat First Nation request for the raw caribou data and find a solution.

The MFFN CAR Project Team has been advised that the province will be able to provide you with the caribou data. It is the Project's understanding that the first step to initiate this transfer of information will be for the province to provide Attawapiskat First Nation with a data sharing agreement; and that MECP has contacted you directly to start this process.

For your awareness, to date we have submitted caribou data according to the schedule and conditions outlined in the Project's *Endangered Species Act* Permit, which was issued on February 9, 2021. This includes submission of raw collar data and mortality locations to MECP twice per year, and all species at risk (SAR) observations to Natural Heritage Information Centre (NHIC) by December 31 of each year (including observations that occurred during the aerial recruitment and distribution surveys in 2022 and 2023, and incidental observations of SAR during other natural sciences field programs). The most recent submission of caribou collar data occurred on October 13, 2023. Analyses for the draft Environmental Assessment/Impact Statement (EA / IS) includes caribou data up to March 31, 2023; the remaining data from collars (which are active until February 2024) will be incorporated into revisions and analyses in the final EA / IS.

We would like to discuss our Caribou Study Plan with Attawapiskat First Nation, to facilitate an understanding of what we undertook, and our interpretation of the findings. Please advise if this is of interest to Attawapiskat First Nation.

A complete draft of the EA / IS and associated existing conditions reports will be made available for Attawapiskat First Nation as well as the other rights-bearing Indigenous communities' review in June 2024, one month prior to the draft EA / IS and associated existing conditions reports are submitted to the regulators. We want to coordinate in advance, to ensure that Attawapiskat First Nation has any support that may be required from the Project, to undertake a thorough review of the draft EA / IS and associated existing conditions reports. Can we meet in the coming weeks to proactively discuss, Attawapiskat First Nation's review process for those reports, and, understand how the Project can support an efficient review?

In addition, there will be continued dialogue following the submission of the draft EA / IS in summer and fall 2024, leading up to the formal submission of the final EA / IS, which is expected in summer 2025.

Kindly,

Kate McEwen

Kate McEwen, M.A.

She/her/hers

Senior Independent Environmental Specialist



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From: McEwen, Kate
Sent: Tuesday, November 14, 2023 9:50 AM
To: [REDACTED] Jack Linklater JR
Cc: info@martenfallsaccessroad.ca
Subject: MFFN CAR Project Update
Attachments: Invitation ATRI Second Forum - October 2023.pdf

Good morning,

I hope this email finds you well. I am in touch on behalf of Marten Falls First Nation Community Access Road Project Team to provide general updates on the Project.

Public Information Centre #5

Public Information Centre #5 took place on October 25, 2023 in Thunder Bay and October 26, 2023 in Geraldton to share information and feedback on the Existing Conditions Reports early findings and the Route Selection Milestone. All materials shared at Public Information Centre #5 can be found here: <https://www.martenfallsaccessroad.ca/pic5/> If you have any questions or feedback you would like to share, please fill out the feedback form, or contact me directly.

New Webinar – Route Selection

A major milestone for the Community Access Road is the selection of the preferred route. This Thursday, November 16 from 4 p.m. to 5 p.m. EST we will be hosting a live webinar on the Route Selection Milestone and covering the studies and steps involved in reaching a final route. Please join us! Click here to register: [Webinar Registration - Zoom](#).

ATRI Forum #2

The ATRI Forum #2 will be held at the Valhalla Inn, in Thunder Bay from November 21 - 23.

Building on the first Forum held in February 2023, this follow-up Forum provides an opportunity to identify and discuss potential impacts to northern Indigenous communities' Aboriginal and/or Treaty Rights and interests as they relate to the above Projects.

Day 1 and 2 of the Forum will focus on Aboriginal and / or Treaty Rights and Interests. On Day 3, we will be hosting a half-day discussion on Cumulative Effects as they relate to the Projects.

Additionally, join us Tuesday Nov 21 at 7:00 at the Valhalla Inn for the movie screening of Bridges to the North - a story about Webquie and Marten Falls First Nation. Check out the Movie Trailer here: <https://www.youtube.com/watch?v=TDk14SrDdgo>

Climate Change Workshop

Workshop to be held in Q1 2024 with interested Indigenous Communities. Dates and a more formal notice will be shared soon.
Community Coordinators

Are you interest in participating in the Community Coordinator Program or do you have any questions about the Program?
Indigenous Knowledge (IK) Program.

It is my understanding that the IK Sharing Agreement and associated IK Funding Agreements are with Attawapiskat First Nation for review. Are you able to provide a status update on these, or do you have any questions or comments on the document?
As always, I would also be happy to schedule a time to connect with you to discuss the Community Access Road.

Sincerely,

Kate McEwen, M.A.
She/her/hers

Senior Indigenous Engagement Specialist
Impact Assessment and Permitting

[REDACTED]

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ABORIGINAL AND / OR TREATY RIGHTS AND INTERESTS

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YOU ARE INVITED!

ABORIGINAL AND / OR TREATY RIGHTS AND INTERESTS FORUM

Led by Webequie First Nation and Marten Falls First Nation

Funded by Ontario, our Treaty partner



Thunder Bay

Valhalla Inn, 1 Valhalla Inn Rd

November 21 - 23, 2023



Building on the momentum of the first Aboriginal and / or Treaty Rights and Interests Forum in February 2023, Webequie First Nation and Marten Falls First Nation encourage you to participate in a follow-up Forum to discuss potential impacts to northern Indigenous communities' Aboriginal and / or Treaty Rights and Interests as they relate to the following Projects:

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Participant Funding

The Province of Ontario will fund up to 3 representatives from your community to attend the Forum, including travel, accommodation and meals. All questions about funding or the coordination of funding should be directed to the Province of Ontario at [REDACTED]

Additional community representatives are welcome to attend.



Purpose

The Purpose of this Forum is to create a respectful, culturally-sensitive, and collaborative space to develop and/or confirm our understanding of the Project areas (WSR, MFCAR, and NRL) as your Aboriginal and / or Treaty Rights and Interests may be impacted by these Projects. *Please note the purpose of this event is to discuss Aboriginal and / or Treaty Rights and Interests and not to collect Indigenous Knowledge.*



Who Should Attend from your Community

Representatives who are knowledgeable about and comfortable speaking to the Rights and Interests of your community in any of the Project areas. Representatives who can continue this dialogue with their community to better understand and share Rights and Interests in any of the Project areas are also encouraged to attend.

On Day 3 of the Forum, we will be hosting a half-day discussion on Cumulative Effects as they relate to the Projects.

RSVP to [REDACTED] by October 23rd, 2023 to reserve your room at the Valhalla Inn. (Later RSVP for Forum attendance is OK!)



MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD



Ontario

McEwen, Kate

From: McEwen, Kate
Sent: November 22, 2023 9:49 AM
To: Dorothee Schreiber
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro, Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP); lawrencebax; Jennifer Bruin; Moszynski, Dorothy (MECP)
Subject: RE: Follow-up Re: MFFN CAR IK Program Key Dates

Dear Dorothee,

Thank you very much for your prompt response and continued interest.

We are glad to know that Ontario has reached out to Attawapiskat First Nation to set up a data sharing agreement.

Thank you for being open to having a virtual meeting to discuss the Caribou Study Plan. You asked what we mean by “we want to coordinate in advance, to ensure that Attawapiskat First Nation has any support that may be required from the Project, to undertake a thorough review of the draft Environmental Assessment / Impact Statement (EA / IS) and associated existing conditions reports” and if this meant that the MFFN CAR Project Team, and its consultants, would support Attawapiskat First Nation’s review of the draft EA / IS, if requested.

This means that the Project Team is requesting coordination meetings with Attawapiskat First Nation to:

- Point to where information, of particular interest to Attawapiskat First Nation, would be located in the draft EA / IS;
- Provide an overview of the draft EA/IS; and/or
- Go over review expectations. We are aiming to make the draft EA/IS available to Attawapiskat First Nation in June of 2024, and given the regulatory timelines we would need the review completed by November 2024. In advance of June 2024, the Project Team would like to work with Attawapiskat First Nation to identify their reviewers and means to making the draft EA/IS available to them. We would also like to understand preferred format (electronic, print or both) for those individuals. We want to keep Attawapiskat First Nation informed of timelines so when the draft EA/IS is available, Attawapiskat First Nation has sufficient time to align resources and complete their review in advance of the deadline.

These are suggestions, but our intent is to be available to go through the information or respond to questions you may have about the draft EA / IS once it is provided.

Please provide some dates and times that would work well for the virtual meeting to discuss the Caribou Study plan.

Thank you,

Kate

Kate McEwen, M.A.
She/her/hers

Senior Indigenous Engagement Specialist
Impact Assessment and Permitting

AECOM

McEwen, Kate

From: McEwen, Kate
Sent: November 27, 2023 3:07 PM
To: Dorothee Schreiber; MFFN Community Access Road Project Team
Cc: [REDACTED]
Subject: RE: MFFN CAR Milestone 2 Progress Report
Attachments: Attawapiskat First Nation 2023-11-22 MFCAR Progress Report Milestone 2 (5)_Optimized.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Dorothee,

My sincere apologies – I'd like to blame technology, but I think this was my error and I am so sorry.

I have corrected the issue so if you click on the link below, it should work now. Just to be on the safe side, I have also attached a zipped version.

Thank you,

Kate

McEwen, Kate

From: McEwen, Kate
Sent: November 28, 2023 12:18 PM
To: Dorothee Schreiber
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro, Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP); lawrencebax; Jennifer Bruin; Moszynski, Dorothy (MECP)
Subject: RE: Follow-up Re: MFFN CAR IK Program Key Dates

Thanks, Dorothee.

To confirm, we'll send the invite to yourself and Pauline. Would you prefer Zoom or Teams?

Kate

McEwen, Kate

Subject: MFFN CAR - Meeting with Attawapiskat First Nation Re. Caribou Study Plan

Location: [Redacted]

Start: Mon 2023-12-04 1:00 PM

End: Mon 2023-12-04 2:00 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: McEwen, Kate

Required Attendees: McEwen, Kate; Poulakas, Demetri; Dorothee Schreiber; Deveaux, Leah; Qasim Saddique; Bob Baxter; lawrencebax; Jennifer Bruin; Bacon, Michelle; Green, Christine; Pauline Tookate; Greenaway, Erin; Trimble, Ingrid

Optional Attendees: Andrea Nokleby

Agenda to be shared prior to meeting.

AECOM Engagement is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

[Redacted]

Meeting ID: [Redacted]

Passcode: [Redacted]

One tap mobile

[Redacted]

Dial by your location

[Redacted]

Meeting ID: [Redacted]

Passcode: [Redacted]

McEwen, Kate

From: McEwen, Kate
Sent: November 28, 2023 8:46 AM
To: Dorothee Schreiber
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro, Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP); lawrencebax; Jennifer Bruin; Moszynski, Dorothy (MECP)
Subject: RE: Follow-up Re: MFFN CAR IK Program Key Dates

Hi Dorothee,

We are confirming the date for this, apologies for the delay. Can you please advise who all from Attawapiskat First Nation would be in attendance and if Teams or Zoom is your preferred virtual platform.

Thank you,

Kate

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McEwen, Kate

From: Nokleby, Andrea <[REDACTED]>
Sent: November 28, 2023 1:58 PM
To: Sylvia Metatawabin; Xavier Wheesk; Dorothee Schreiber; Steve Hookimaw; Jack Linklater JR
Cc: Bob Baxter; Lawrence Baxter; Qasim Saddique; Jennifer Bruin; McEwen, Kate
Subject: For Review - Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report
Attachments: DRAFT - ATRI Preliminary Existing Conditions Report - Attawapiskat First Nation Nov 28, 2023.pdf

This Message Is From an External Sender

This message came from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Report Suspicious](#)

Booshoo / Wachea,

Marten Falls First Nation is completing a Federal Impact Assessment and Provincial Environmental Assessment for the Proposed Community Access Road Project.

Marten Falls First Nation is **required** to complete an Assessment of Potential Impacts on the Rights of Indigenous Peoples, as part of the assessment processes. Marten Falls First Nation also **wants** to understand your rights and how they may be affected by the proposed Project.

The Project Team has prepared the attached ***Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report***, which describes our current understanding of your community's Aboriginal and / or Treaty Rights and Interests as they relate to the proposed Project.

This report is important because it will be used for the future impact / environmental assessment (i.e., this report is not the assessment). In order to do a meaningful impact assessment in the future, the Project Team really needs to understand your community's rights and / or interests with respect to the proposed Project.

The Report has been prepared based on any information provided directly to Marten Falls First Nation and publicly available sources of information.

We want to work with you to update the Draft Preliminary Existing Conditions Report with information your community chooses to share with Marten Falls First Nation. Important dates to note:

- We are asking for communities to provide input on the draft report by **January 19, 2024**, where possible, so it can be woven into the Draft Impact Statement / Environmental Assessment Report (2024).

- Additional information, feedback, comments and edits can be shared after this date. This Draft Preliminary Existing Conditions Report will not be finalized until later in 2024.
- Information **received after January 19, 2024** will be woven into the next phases of the assessment processes including the Final Environmental Assessment / Impact Statement Report (2025).

We would be more than happy to meet with you to:

- Hear your feedback - what did we miss, what did we get wrong, what is correct?
- Discuss the best way to update the report; and
- Review and discuss the Project schedule and next steps.

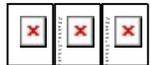
It is important to note that this is an iterative process, and we will continue to update our understanding of your rights and / or interests as we work towards completing the Impact Statement / Environmental Assessment.

We hope all is well with you and your community.

Andrea

Andrea Nokleby
Partner
Dillon Consulting Limited

www.dillon.ca



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Ce message est destiné uniquement aux personnes indiquées dans l'entête et peut contenir une information privilégiée, confidentielle ou privée et ne pouvant être divulguée. Si vous n'êtes pas le destinataire de ce message ou une personne autorisée à le recevoir, veuillez communiquer avec le soussigné et ensuite détruire ce message.

McEwen, Kate

From: McEwen, Kate
Sent: November 29, 2023 1:10 PM
To: Dorothee Schreiber; MFFN Community Access Road Project Team
Cc: [REDACTED]

Subject: RE: MFFN CAR Milestone 2 Progress Report

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Dorothee,

There was a technical issue with the reports, and they have been re-uploaded.

The link below is still live, the report within the link has been updated. Please download the version that is now in the folder linked below.

My sincere apologies and thanks for your patience and understanding with the hiccups on this one.

Kind regards,

Kate

|
└

From: McEwen, Kate
Sent: December 6, 2023 3:31 PM
To: [REDACTED] ack Linklater JR
Cc: lawrencebax; Bob Baxter; Qasim Saddique; Jennifer Bruin
Subject: Marten Falls First Nation Community Access Road – Socio-economic Assessment Interest
Attachments: MFFN CAR_Socio-econ interest check letter_Attawapiskat First Nation - Dec 6.pdf

Good afternoon Chief Sylvia Koostachin-Metatawabin,

Marten Falls First Nation (MFFN) is continuing the provincial Environmental Assessment (EA) and Federal Impact Assessment (IA) for the proposed Marten Falls First Nation Community Access Road (MFFN CAR) Project that is to provide all season access to the community. Attached is a letter requesting if your community has any interests or concerns regarding possible social-community and/or economic impacts as a result of the MFFN CAR Project.

Please also note that this request is different from other requests sent to your community regarding the collection of Indigenous Knowledge and information pertaining to the assessment of impacts to Indigenous rights.

Should your community have socio-economic interests or concerns related to the MFFN CAR Project we would like to hear from you by December 30, 2023.

Thank You,

Kate McEwen, M.A.
She/her/hers

Senior Indigenous Engagement Specialist
Impact Assessment and Permitting



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6 December, 2023

Attawapiskat First Nation

Marten Falls First Nation Community Access Road Project – Socio-economic Assessment Interest

Dear Chief Koostachin-Metatawabin:

Marten Falls First Nation (MFFN) is continuing the provincial Environmental Assessment (EA) and Federal Impact Assessment (IA) for the proposed Marten Falls First Nation Community Access Road (MFFN CAR) Project that is to provide all season access to the community. As per previous correspondence sent to your community, the Project is currently in the process of assessing alternative routes for the proposed access road. Most recently, Public Information Centres and webinars have been held to present information related to alternative route assessment. A preferred route is to be confirmed in early 2024.

Once the preferred route is selected, an assessment of possible Project impacts is to be undertaken. This impact assessment is to be completed in spring 2024 and a draft EA Report/IA Statement is to be completed and released in summer 2024.

The purpose of this letter is to again request **if your community has any interests or concerns regarding possible social-community and/or economic impacts as a result of the MFFN CAR project?** The construction of the Community Access Road has the potential to result in various social and economic effects, particularly for those communities that would be connected to or have access to the proposed road. This could include both potential positive and negative effects. Attached to this letter are a list of the possible social and economic effects of the Project that are to be assessed.

To meet the requirements of the federal IA process, we are required to assess potential social and economic effects of the MFFN CAR project on all communities that have been identified for engagement. If your community has interests or concerns regarding possible social and/or economic effects from the MFFN CAR Project then we would like to hear from you. We would like to understand your concerns and explore related information collection that might include interviews with community representatives and/or community surveys.

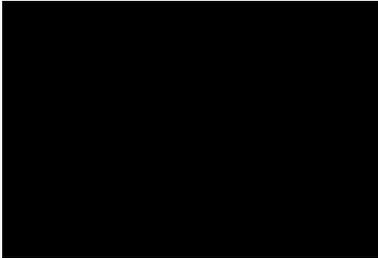
Please also note that this request is different than other requests sent to your community regarding the collection of Indigenous Knowledge and information pertaining to the assessment of impacts to Indigenous rights.





Please get in touch with Kate McEwen [REDACTED] should you have interest in and or would like to talk about concerns related to potential social and/or economic impacts of the MFFN CAR project.

Yours truly



Lawrence Baxter

MFFN CAR Project Team Member/MFFN Community Member





What Are the Possible Social and Economic Effects of the Marten Falls First Nation Community Access Road Project?

Social:

- Community populations.
- Supply and demand for housing and community services like education and childcare.
- Change in volume of traffic on existing roads that would connect with the Marten Falls Community Access Road.
- Change in local air quality and noise levels that could result in nuisance effects.
- Changes to community wellbeing.

Economic:

- New business opportunities.
- Change in regional economic activity.
- Project procurement opportunities (goods and services required for the project).
- Changes to the price of goods in local communities, traditional economies, job opportunities and training opportunities.
- Government expenditures and tax revenue.
- Regional economy, including changes to: prices for goods and services.
- Impact to local business operations, the labour market including employment and training, and public finances.



From: McEwen, Kate
Sent: December 14, 2023 9:32 AM
To: Dorothee Schreiber
Cc: [REDACTED] Jack Linklater JR; info@martenfallsaccessroad.ca; Pauline Tookate; Qasim Saddique; Bob Baxter; lawrencebax; Jennifer Bruin; Trimble, Ingrid; Andrea Nokleby; Angelis, Niki
Subject: RE: MFFN CAR Project Update
Attachments: Breakout Room Discussion Deck - Nov 18, 2023.pdf

Hello Dorothee,

My apologies for the delay in reply; your email came in while I was away, and I did not return until after the ATRI Forum however below provides some clarity on your inquiry regarding the Forum.

At the ATRI Forum, a map depicting the draft list of projects to be included in the cumulative effects assessment, which was issued in section 22 of the Tailored Impact Statement Guidelines (TISG), was shared, to gather thoughts and validate if there were additional projects that should be included. This map and list were also shared at the PIC #5.

In the MFFN CAR breakout room, the primary discussion was regarding the Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Reports. I've attached the slide deck, for your reference. Key discussion points on the reports included:

- Purpose of the report
- Content of the report
- Review of the community -specific Preliminary Area of Interest for the proposed Project
- Next steps for reviewing and update the report

On November 28, 2023, Andrea Nokleby (copied on this email, or available at [REDACTED]) sent the Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report for Attawapiskat First Nation. If you have any questions, comments or would like to discuss the report, please reach out to Andrea and Bob Baxter (also included on this email).

On the third day of the ATRI Forum, there was a presentation on Cumulative Effects. In the first quarter of 2024, the MFFN CAR Project will also be presenting a webinar on Cumulative Effects that Attawapiskat First Nation will be invited to.

Please reach out with any questions or comments regarding the above.

Thanks,

Kate

Kate McEwen, M.A.
She/her/hers

Senior Indigenous Engagement Specialist
Impact Assessment and Permitting



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MARTEN FALLS FIRST NATION

COMMUNITY ACCESS ROAD

Boozhoo! MARTEN FALLS FIRST NATION

ALL SEASON COMMUNITY ACCESS ROAD



Aboriginal and / or Treaty Rights and Interests Forum

November 21st & 22nd , 2023



We Are Here Because...



Marten Falls First Nation is completing a Provincial Environmental Assessment and Federal Impact Assessment for the Proposed Community Access Road Project



Marten Falls First Nation is **required** to complete an Assessment of Potential Impacts on the Rights of Indigenous Peoples under the *Impact Assessment Act*



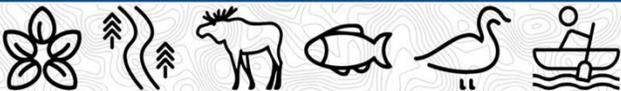
Marten Falls First Nation **wants to talk to you** about your rights that may be affected by the proposed Project





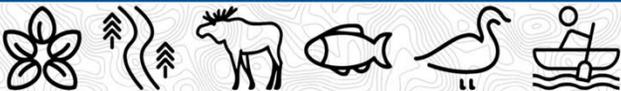
Impact Assessment Agency of Canada Process

Steps to assessing potential
impacts on the rights of
Indigenous Peoples





Current Understanding of Rights and Interest





What We Have Done So Far to Understand Your Rights & Interests



Consultation and
Engagement Program



Indigenous Knowledge
Program



Project-Specific
Indigenous Knowledge
and Land and Resource
Use Studies / Reports

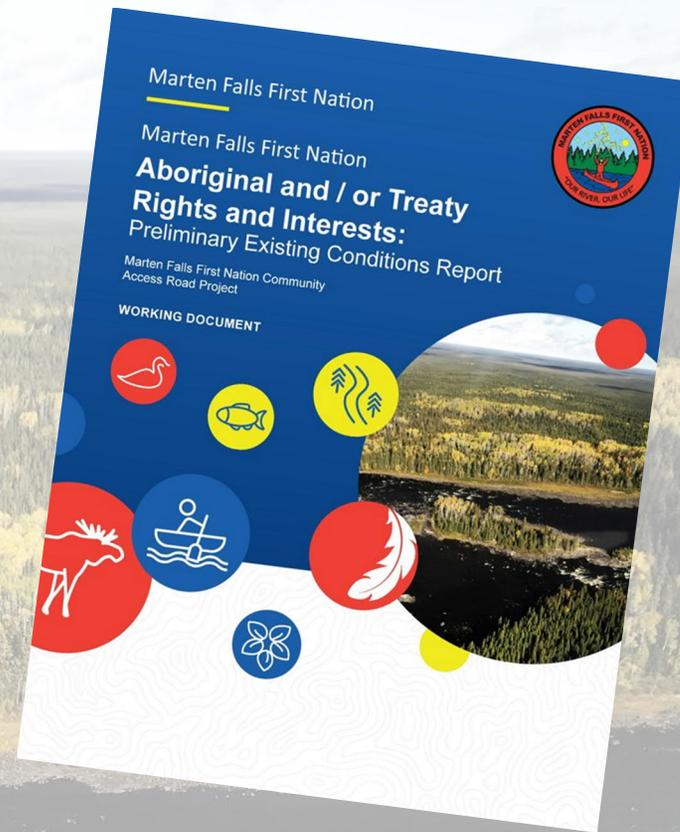


Research





Reporting on Our Current Understanding





What's in the Report?



Historical information



Information on how Indigenous Communities have been impacted to date (e.g. dams)



Our current understanding of your Community's Rights and Interests related to the proposed Project



Our current understanding of where your Community exercises your Aboriginal and / or Treaty Rights



Historical and Regional Context



First Nation

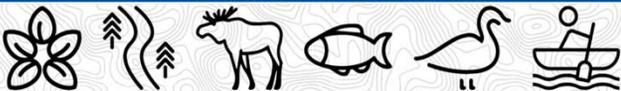
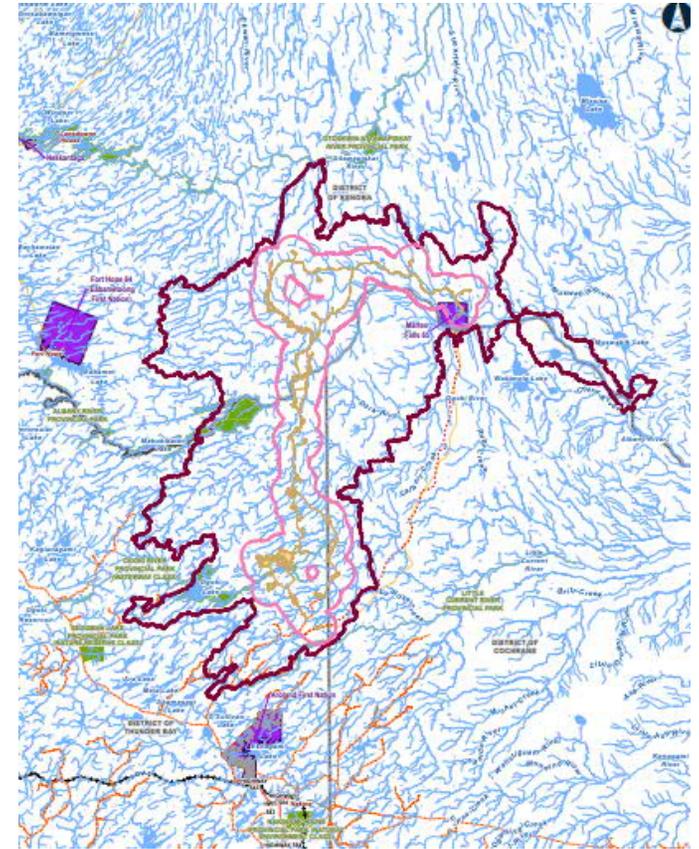




Preliminary Area of Interest

Where did this information come from?

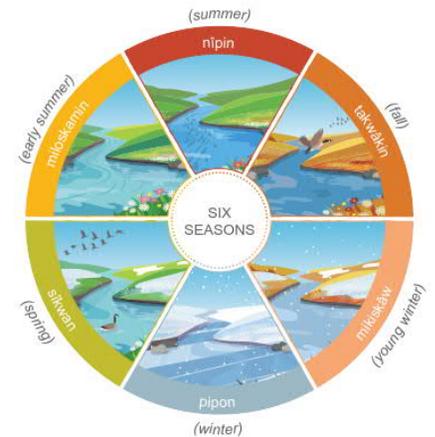
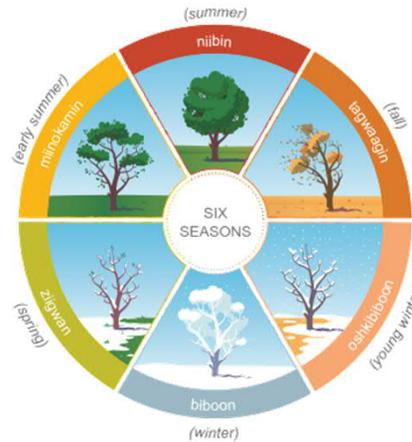
- Information provided directly to Marten Falls First Nation by the Community
- Community Based Land Use Planning Information
- Homelands Mapping
- Traditional Territory Mapping
- Community Consultation Protocols
- Other Environmental Assessments





Do you want to look at some of this information now?

Do you want to share any information now?





Next Steps

Preliminary
Aboriginal and / or
Treaty Rights and
Interests Existing
Conditions Report
will be sent directly
to your community
for review and
comment.



We will work with you to update the Draft Existing Conditions Report with information your Community chooses to provide Marten Falls First Nation



Please provide any new information by **January 12th, 2024**

- Information received will be woven into the Draft Environmental Assessment / Impact Statement Report (2024)
- Information received after January 12th, 2024 will be woven into the next phases of the assessment processes including the Final Environmental Assessment / Impact Statement Report (2025)





Marten Falls First Nation Invites your Feedback and Comments

Bob Baxter, MFFN Community Advisor

Email: [REDACTED]

Phone: [REDACTED]

Qasim Sadique, Project Director

Email: [REDACTED]

Phone: [REDACTED]

Lawrence Baxter, MFFN Community Advisor

Email: [REDACTED]

Phone: [REDACTED]

Andrea Nokleby, Project Consultant

Email: [REDACTED]

Phone: [REDACTED]



From: McEwen, Kate
Sent: December 22, 2023 11:48 AM
To: Dorothee Schreiber
Cc: [REDACTED] Jack Linklater JR; info@martenfallsaccessroad.ca; Pauline Tookate; Angelis, Niki
Subject: RE: MFFN CAR Project Update

Hi Dorothee,

The draft list of projects to be included in the cumulative effects assessment was shared both during Public Information Centre (PIC#5) and at the ATRI forum. While we received feedback on the list during the PIC, we did not receive any comments at the ATRI forum from participants.

Please let me know if you have any other questions or would like to discuss further.

Happy Holidays!

Kate

From: McEwen, Kate <[REDACTED]>
Sent: Wednesday, 10 January 2024 18:43
To: Dorothee Schreiber
Cc: s [REDACTED] Jack Linklater JR; info@martenfallsaccessroad.ca; Pauline Tookate; Angelis, Niki
Subject: MFFN CAR - Milestone 2 and Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report Follow up

Flag Status: Flagged

Hi Dorothee,

Happy New Year!

I wanted to check-in and confirm you were able to download the Milestone 2 Report from the link that was re-sent on November 29, 2023? I've included it for reference. [REDACTED] We welcome any edits or comments to the report by February 15, 2024.

In addition, I wanted to follow up on the *Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report*, you would have received from my colleague Andrea Nokleby on November 28, 2023.

- We are asking for communities to provide input on the draft report by January 19, 2024, where possible, so it can be woven into the Draft Impact Statement / Environmental Assessment Report (2024).
- Additional information, feedback, comments and edits can be shared after this date. This Draft Preliminary Existing Conditions Report will not be finalized until later in 2024.
- Information received after January 19, 2024 will be woven into the next phases of the assessment processes including the Final Environmental Assessment / Impact Statement Report (2025).

And lastly, I want to introduce Niki Angelis CC'd on this email. She will be the primary contact person for the MFFN CAR and Attawapiskat First Nation going forward. I'll still be involved and available to support as needed but Niki will be the MFFN CAR Project consultant you will primarily be hearing from.

Please let us know if you have any questions or comments on the above, or any other Project related matters.

Thank you,

Kate McEwen, M.A.
She/her/hers

Senior Indigenous Engagement Specialist
Impact Assessment and Permitting

[REDACTED]

[REDACTED]

[REDACTED]

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From: Angelis, Niki <[REDACTED]>

Sent: Tuesday, January 30, 2024 11:21 PM

To: Dorothee Schreiber <[REDACTED]>

Co [REDACTED]

[REDACTED]

Subject: RE: MFFN CAR - Milestone 2 and Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report Follow up

Good afternoon Dorothee,

My apologies for the delay in responding to this email. As Kate noted, I will be your primary contact for the Community Access Road moving forward (though I will keep Kate in the loop).

Thank you for your email and confirming that you were able to download the Milestone 2 Report. If you have any comments regarding the report, please let me know by February 15, 2024.

Regarding your comment to the ATRI Existing Conditions Report, I have forwarded them to the Team for their review and response.

Please note that moving forward you will be included on all correspondence to Attawapiskat First Nation regarding the impact assessment for the road.

Sincerely,
Niki

Niki Angelis
Communication and Community Engagement

[REDACTED]



[REDACTED]

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From: Angelis, Niki [REDACTED]
Sent: Wednesday, 31 January 2024 23:15
To: s [REDACTED]

Cc: McEwen, Kate
Subject: MFFN CAR - Climate Change Webinar
Attachments: MFFN CAR Climate Change Webinar-Poster_Feb 8 2024.pdf

Good afternoon,

I hope this email finds you well.

As you may know, the Community Access Road Webinar Series has started back up again!

Next month we are hosting a live webinar on Climate Change Adaptation and the Community Access Road and we are hoping a representative of Attawapiskat First Nation will be able to attend.

The Climate Change Adaptation and Resiliency Study looks at the future climate to ensure the Community Access Road is prepared for and can withstand future climate changes. But we are also hoping to hear from you or members of your community about changes observed or experienced on the land over time. That is where we need your help to spread the word about the webinar to knowledge holders, Elders or contacts with knowledge or interest in climate and environmental concerns for your community.

Please feel welcome to share this email and the attached poster to people who you think may be interested. If you have any questions you would like answered at the webinar you can share them with me in advance.

The webinar is taking place on Thursday February 8 at 4 p.m. EST and you can register here: [Webinar Registration - Zoom](#)

Please let me know if you have any questions.

Sincerely,

Niki Angelis
Communication and Community Engagement

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MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Are You Interested In Climate Change?

Do you hold special knowledge around climate and environmental concerns for your community? We want to hear from you!

The Climate Change Adaptation and Resiliency Study looks at the future climate to ensure the Community Access Road is prepared for and can withstand the future climate. We are eager to hear about changes you have observed or experienced on the land over time. We would also like to hear your insights and experiences related to climate change and how you have adapted to current changes.

Join us for a virtual webinar!

Date: February 8, 2024, at 4:00 – 5:00 p.m. EST

Register for the webinar [HERE](#).

Dive into meaningful discussions and open dialogue with the MFFN CAR Project Team, and share your comments, ideas and community values.

We look forward to seeing you!

Contact Information

You are welcome to contact the Project Team at any time with questions or comments.

1-800-764-9114 | info@martenfallsaccessroad.ca
www.martenfallsaccessroad.ca

[www.facebook.com/
MFFNCommunityAccessRoadProject](https://www.facebook.com/MFFNCommunityAccessRoadProject)



From: Angelis, Niki [REDACTED]

Sent: Thursday, February 15, 2024 6:21 PM

To: Dorothee Schreiber [REDACTED]

Cc: [REDACTED]

Subject: MFFN CAR - Updates

Hello Dorothee,

I hope this email finds you well.

I am just following up on the Milestone 2 Report to see if Attawapiskat First Nation had any edits or comment to the report before the deadline today.

The report is still available using this link: [REDACTED]

I also wanted to share information on the Climate Change Adaptation webinar that took place last week. For those who would like to watch the webinar the link can be found [here](#). Please feel welcome to share this with anyone who might be interested. As part of the webinar, we are also sharing a survey to understand how climate change has, or is affecting people and their Community:

<https://forms.office.com/r/35GpPM412f>

More webinars are coming on Engineering & Construction and Cumulative Effects. Dates and a more formal notice will be shared once confirmed.

Sincerely,

Niki

From: Angelis, Niki <[REDACTED]>

Sent: Thursday, February 15, 2024 6:36 PM

To: Dorothee Schreiber [REDACTED]

Cc: [REDACTED] Jack Linklater JR [REDACTED] Pauline Tookate

Subject: RE: MFFN CAR - Updates

Hello Dorothee,

Thank you for confirming.

Take care,
Niki

From: Angelis, Niki <[REDACTED]>
Sent: Wednesday, 20 March 2024 19:19
To: [REDACTED]
Cc: McEwen, Kate
Subject: MFFN CAR - What's New

Good afternoon,

I hope this email finds you well.

I'm reaching out today to share some new ways to engage with the Community Access Road.

MFFN Councillor and Senior Community Member Advisor, Bob Baxter shared the latest updates on the route recommendation and the role of community input in determining the route. You can watch and share the short video here: [Marten Falls First Nation: Community Access Road Update](#). Please note the route is not final and will be further informed through consideration of Indigenous Knowledge.

We have also recently launched new social media accounts. We are now on [LinkedIn](#) and [Instagram](#)! Follow us to stay up to date on the Community Access Road.
Other ways to get involved:

I wanted to follow up on the Community Coordinator Program and check in to see if there is interest in taking part in the program. If you have any questions about the program or funding, please let me know.

Climate Change Experience Survey: We are also interested in the community's experience and perspectives on the changing climate. Please use and share the link to complete the survey on climate change and your community. [You can access it \[REDACTED\]](#)

You can also view the webinar on Climate Change Adaptation: [Marten Falls First Nation Community Access Road - Climate Change Adaptation Webinar on Vimeo](#)

Please let me know if you have any questions.

Sincerely,

Niki Angelis
Communication and Community Engagement
[REDACTED]

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From: Angelis, Niki <[REDACTED]>
Sent: Wednesday, 10 April 2024 22:54
To: Dorothee Schreiber
Cc: [REDACTED]

Subject: MFFN CAR - Aboriginal and / or Treaty Rights and Interests Existing Conditions Report Follow up
Attachments: Attawapiskat - MFFN CAR Response to ATRI EC Report April 2024.pdf

Good afternoon Dorothee,

I hope this email finds you well.

Please find attached the response to the feedback we received by email on January 19, 2024, on the Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report for the Marten Falls First Nation Community Access Road.

Sincerely,

Niki Angelis
Communication and Community Engagement
Mobile: [REDACTED]



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April 09, 2024

Attawapiskat First Nation
[Redacted]

Attention: Dorothee Schreiber
Attawapiskat First Nation

Subject: Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report - Community Feedback

Dear Dorothee Schreiber,

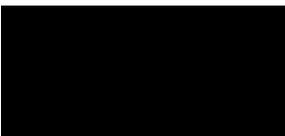
Thank you for your feedback, which we received by email on January 19, 2024, on the Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report for the Marten Falls First Nation Community Access Road.

This letter is in response to the comments received. The table below includes your feedback accompanied by our corresponding response.

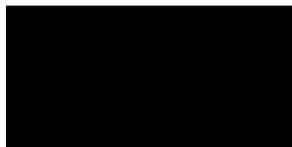
Thank you for confirming that you should be included on all correspondence to Attawapiskat First Nation regarding the Community Access Road.

Should you have any questions or concerns, please feel free to contact Bob Baxter at email [Redacted] and / or Andrea Nokleby at [Redacted]

Sincerely,



Qasim Saddique
Project Director



Lawrence Baxter
Senior Community Member Advisor

Cc:

- Chief Sylvia Metatawabin, Attawapiskat First Nation





- Jack Linklater JR, Attawapiskat First Nation
- Pauline Tookate, Attawapiskat First Nation
- Lawrence Baxter, Senior Community Advisor, MFFN Community Access Road Project Team
- Bob Baxter, Senior Community Member Advisor, MFFN Community Access Road Project Team
- Qasim Sadique, Project Director, MFFN Community Access Road Project Team
- Jennifer Bruin, Technical Advisor, MFFN Community Access Road Project Team
- Andrea Nokleby, MFFN Community Access Road Project Consultant
- Niki Angelis, MFFN Community Access Road Project Consultant





Table 1: Comments and Responses on Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report

Report Section	Comment Received	Response
	<p>The Regional Study Area for looking at impacts to Attawapiskat's rights is FAR too small. The regional study area must include all of the territory that would experience long-term cumulative impacts from this road, which is after all a frontier development, opening the region to development.</p> <p>The Regional Study Area must therefore extend to include the James Bay Lowlands as well as any caribou ranges that intersect with the proposed road to the Ring of Fire.</p>	<p>Study areas identify the geographic extents within which potential effects of the road are likely to occur. The existing conditions and potential effects are documented for three study areas selected for the Community Access Road.</p> <p>The three boundaries are as follows:</p> <ol style="list-style-type: none"> 1) A Project Development Area, outlines the area of direct disturbance due to Project activities; 2) A Local Study Area, an area where direct effects of the Project are considered likely to occur (for most ecological disciplines the Local Study Area is larger than the Project Study Area); and 3) A Regional Study Area, an area where indirect effects of the Project are likely to occur. <p>Marten Falls First Nation completed three rounds of engagement on the Study Areas. In August 2020, we circulated the preliminary Study Areas to all Indigenous Communities including Attawapiskat First Nation. We received feedback from some Indigenous communities which resulted in the expansion of the Regional Study Area to include four additional quaternary watersheds. We also received comments from other communities indicating that the rationale for delineating the Regional Study Area was an appropriate approach. We re-issued the revised ATRI study areas in January 2021, and again in August 2022 when the Project Development Area was further defined.</p> <p>The size of the study areas for ATRI have been determined based on the characteristics of all valued components and potential range of effects from the road. These areas have been drafted based on existing guidance from Indigenous communities, government, and best practices.</p> <p>Marten Falls First Nation recognizes that the proposed Project has the potential to influence the exercise of Aboriginal and / or Treaty Rights outside of the Regional</p>





Report Section	Comment Received	Response
		<p>Study Area. This is particularly relevant in the case of caribou and water given the range and movement of these important resources. This lens will be applied in the future stages of the Impact Assessment / Environmental Assessment.</p> <p>As a component of our initial study planning, our technical teams established Regional Study Area boundaries which would capture the area of potential effect, including cumulative effects, based on the understanding of the road components and operations at the time. The Ungulates Study Plan outlined the Regional Study Area for caribou, which is described as: the geographic extent of four caribou ranges that intersect the proposed community access road route alternatives (Missisa, Ozhiski, Nipigon and Pagwachuan ranges). The ungulates study area was heavily informed by both Indigenous participation and involvement and the requirements / methods outlined by scientists within the Government of Canada and Government of Ontario to maximize the extent of study.</p> <p>As we have moved through collecting existing condition information we have continued to review and refine the study area boundaries as necessary. With regards to caribou, the Regional Study Area will be reviewed following analysis of the collaring data to assess whether any adjustments to the boundary for impact assessment purposes will be required.</p> <p>As we move forward into the Impact Assessment phase, we continue to refine our study areas for consideration in the Cumulative Effects Assessment. The process of assessing cumulative effects first requires that we understand the direct effects of the project and determine residual effects after mitigations can be applied. This is the step we are currently engaged in.</p> <p>The cumulative effects assessment will assess residual effects of Valued Components within Regional Study Areas, and will evaluate how cumulative effects from other projects, such as the Eagles Nest Mine, within the Regional Study Area may add to the project level effects.</p>



From: Angelis, Niki
Sent: April 25, 2024 11:42 AM
To: [REDACTED]

Subject: MFFN Community Access Road - Community Coordinator Role

Good afternoon Chief Sylvia Koostachin-Metatawabin,

I hope this email finds you well.

I wanted to follow up on the Community Coordinator Program and check in to see if there is interest in taking part in the program. This is a funding opportunity for a Community Coordinator from Attawapiskat First Nation to help the Marten Falls First Nation Community Access Road with engagement in a way that works best for your community. If you have any questions about the program and / or funding, and would like to meet with the Project Team to discuss, please let me know.

Stay Connected

We have also recently launched new social media accounts. Further to [Facebook](#), we are now on [LinkedIn](#) and [Instagram](#)! Follow us to stay up to date on the Community Access Road.

Sincerely,

Niki Angelis
Communication and Community Engagement

[REDACTED]



[REDACTED]

[aecom.com](#) | [LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Sent: Tuesday, May 28, 2024 9:41 PM

To: Dorothee Schreiber <[REDACTED]>

Cc: Pauline Tookate <[REDACTED]>

Subject: Re: Marten Falls Community Access Road Update – Spring Groundwater Program

Good afternoon Dorothee,

Thank you for your email.

The Groundwater Monitoring Program obtained Land Use Permits for the installation of Groundwater Monitoring Wells in 2022. The work being conducted in the Spring of 2024 is limited to the collection of ground water samples from those wells and is generally considered non-invasive and not subject to permits or approvals.

Please note however that efforts to minimize sensory disturbance for caribou will be in place as follows:

Crews will maintain suitable altitude when flying to, from and between sampling sites (> 400 m above ground level).

Efforts will be made not to circle sites more than is necessary for a safe landing.

Should any species at risk be observed from the air near a groundwater monitoring site, field crew should not land on the site and instead proceed to a different site(s) for the day. All observations shall be recorded and provided to the Program Leads so we can add it to our annual NHIC report of sensitive species.

Should any species at risk be encountered while on the ground at or near the groundwater monitoring site, activities will cease immediately, and enough time be provided for the individual to move out of the area on their own. All observations should be recorded with a waypoint and provided to the program lead. If an animal is encountered and work has to be paused, a report needs to be filed to the Project Team to forward to MECP's SARB at

[REDACTED] within 48 hours detailing the encounter and, if applicable, seek direction from MECP.

Sincerely,

The Marten Falls Community Access Road Project Team

MFFN Community Access Road Project Team

Visit our website: <http://www.martenfallsaccessroad.ca/>

Follow us on Facebook: <https://www.facebook.com/MFFNCommunityAccessRoadProject/>

Call us: 1 800-764-9114

Email us: info@martenfallsaccessroad.ca

From: Angelis, Niki [REDACTED]

Sent: Thursday, May 30, 2024 10:15 PM

To: s [REDACTED]

Cc: SU [REDACTED]

Subject: RE: Cease and Desist - Access Road Project

Good afternoon,

Please find attached the letter sent on behalf of the Marten Falls First Nation Community Access Road Project Team

Sincerely,

Niki Angelis
Communication and Community Engagement

[REDACTED]



[REDACTED]

[REDACTED] [Facebook](#) | [Instagram](#)



May 30, 2024

Attawapiskat First Nation



Subject: Response to Cease and Desist Letter Respecting Field Work for the Marten Falls First Nation Proposed Community Access Road

Dear Chief Sylvia Koostachin-Metatawabin:

We are responding to the letter received on May 29, 2024.

We are surprised at the timing of your letter and your request.

As Attawapiskat First Nation know, Marten Falls First Nation is interested in and takes very seriously the protection of caribou. We are currently engaged as the proponent for the Community Access Road to gather information on the location of caribou in the area we are now studying for the environmental assessments. This information is important. It is also sensitive because there is potential for harm to the caribou if this information was publicly available. You and your community are aware of this because you have previously requested data on caribou and we have made efforts to work with the Province to share this sensitive data with you.

Marten Falls also has other interests and responsibilities to carry out its environmental assessments, including responsibility to monitor groundwater at seasonal intervals. This requires that Marten Falls consultants go out into the field in the very near future to carry out the required monitoring tasks within the current season. We do not wish to impair the integrity of that monitoring by missing a season of data.

Marten Falls believes it has been addressing these two interests and responsibilities well. We believe we are carrying out our environmental assessments in a way that is respectful of the caribou and gathers the required water information. Throughout our regular and on-going discussions with the Ministry of the Environment, Conservation and Parks about our environmental assessment responsibilities, including species at risk such as the caribou, we are not aware of any information that suggests we must depart from what our assessment requires us to do.





We will therefore be proceeding to do what we need to do in a timely way that takes additional care to avoid or minimize disturbance to caribou.

If you wish to share with us information on the caribou that we do not have, we would be pleased to receive it anytime.

Sincerely,



Qasim Saddique
Project Director

Lawrence Baxter
Senior Community Member Advisor

Cc:

- Sylvia Metatawabin, Attawapiskat First Nation
- Jack Linklater JR, Attawapiskat First Nation
- Pauline Tookate, Attawapiskat First Nation
- Xavier Wheesk, Attawapiskat First Nation
- Steve Hookimaw, Attawapiskat First Nation
- Dorothee Schreiber, Attawapiskat First Nation
- Kate Kempton, Woodward & Co Lawyers LLP
- Susan Fridlyand, Woodward & Co Lawyers LLP
- Hilary Gignac, MECP, Species at Risk Branch
- Susan Ecclestone, MECP, Land and Water Division
- Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Sadique, Project Director, MFFN Community Access Road Project Team
- Lawrence Baxter, Senior Community Advisor, MFFN Community Access Road Project Team
- Bob Baxter, Senior Community Member Advisor, MFFN Community Access Road Project Team
- Jennifer Bruin, Technical Advisor, MFFN Community Access Road Project Team



From: Angelis, Niki <[REDACTED]>

Sent: Friday, May 31, 2024 10:40 PM

To: D [REDACTED]

[REDACTED]

Subject: RE: MFFN CAR - Aboriginal and / or Treaty Rights and Interests Existing Conditions Report Follow up

Good afternoon Dorothee,

Please find attached the response to the feedback we received by email on May 3, 2024, on the Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report for the Marten Falls First Nation Community Access Road.

Sincerely,

Niki Angelis
Communication and Community Engagement

[REDACTED]



[REDACTED]

aecom.com | [LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)



May 31, 2024

Attawapiskat First Nation
[REDACTED]

Attention: Dorothee Schreiber
Consultant for Attawapiskat First Nation

Subject: **Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report - Community Feedback**

Dear Dorothee Schreiber,

Thank you for your feedback, which we received by email on May 3, 2024, with additional comments regarding the Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report for the Marten Falls First Nation Community Access Road Project (the Project). This letter is in response to the comments received. The table below includes your feedback accompanied by our corresponding responses.

Should you have any questions or concerns, please feel free to contact Bob Baxter at email [REDACTED] and / or Andrea Nokleby at [REDACTED]

Sincerely,

[REDACTED]

Qasim Saddique
Project Director

Lawrence Baxter
Senior Community Member Advisor

Cc:

- Qasim Sadique, Project Director, MFFN Community Access Road Project Team
- Lawrence Baxter, Senior Community Advisor, MFFN Community Access Road Project Team
- Bob Baxter, Senior Community Member Advisor, MFFN Community Access Road Project Team
- Jennifer Bruin, Technical Advisor, MFFN Community Access Road Project Team
- Andrea Nokleby, MFFN Community Access Road Project Consultant





- Niki Angelis, MFFN Community Access Road Project Consultant
- Jack Linklater JR, Attawapiskat First Nation
- Pauline Tookate, Attawapiskat First Nation
- Sylvia Metatawabin, Attawapiskat First Nation
- Robert Sutherland, Attawapiskat First Nation
- James Kataquapit, Attawapiskat First Nation
- Xavier Wheesk, Attawapiskat First Nation
- Tesla Koostachin-Nakogee, Attawapiskat First Nation
- Kara Shisheesh, Attawapiskat First Nation
- Caitlin Cafaro, IAAC





Table 1: Comments and Responses on Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report

Comment Received	Response
<p>We understand from your response that you will not expand the Regional Study Area for impacts to our rights beyond the limited range indicated in the attached map, despite the fact that the road is a frontier development expected to have regional development impacts, and despite the fact that the road overlaps with the habitat of wildlife such as caribou that ranges over a very large area.</p>	<p>The study areas that will be used for the assessment on Aboriginal and / or Treaty Rights and Interests have been modified from the ones presented in the Existing Conditions Report. These modifications are based on specific changes to the study areas that will be used for the effects assessment on other Valued Components (e.g., surface water, fish and fish habitat, wildlife). Specifically, the Local Study Area has increased from a 5 km buffer to a 10 km one, and the Regional Study Area has increased in geographic size. Please note that the selection of a preferred route alternative will result in refined study areas for the effects / impact assessments, to represent only one route corridor instead of two. The study areas for the preferred alternative include ancillary features such as pits and quarries, temporary access roads, and worker camps.</p> <p>In recognition that the Project has the potential to affect caribou, which may, in turn, impact Aboriginal and / or Treaty Rights, a Caribou Study Area that coincides with the four potentially affected caribou ranges (Missisa, Nipigon, Ozhiski, and Pagwachuan) has been added to the assessment study areas. This will be used to specifically assess how potential Project effects on caribou may impact Aboriginal and Treaty Rights and / or Interests.</p> <p>The revised Aboriginal and / or Treaty Rights and Interest Study Areas will be shared as part of the Draft Environmental Assess Report / Impact Statement.</p>
<p>As you are aware, the three proposed road segments leading to the Ring of Fire are in fact one continuous road. An impacts to rights Regional Study Area that does not include the other road segments, nor the larger region in which development is expected to occur, will result in an Impact Statement that is not acceptable and that will need to be redone. In your map, the Regional Study Area for impacts to rights ends just at the northern extent of the proposed MFFN CAR, even though the road and its impacts to rights in fact extend much further north. As Minister Pirie recently said in an interview with</p>	<p>The Marten Falls First Nation Community Access Road is a stand-alone project that serves to connect the Marten Falls First Nation Community to the provincial highway system. Environmental Assessments / Impact Assessments are being conducted for the proposed Northern Road Link and Webequie Supply Roads, which include an assessment on Aboriginal and / or Treaty Rights and Interests.</p> <p>The Impact Assessment Act requires that each environmental assessment of a project take into account any cumulative environmental effects that are likely to result from the project in combination with the environmental effects of other physical activities that have been or will be carried out.</p>





Comment Received	Response
<p>NetNewsLedge in Thunder Bay, once the all-season road (which he referred to as ONE road) is built “you’re going to see an incredible boom in mining.” Clearly, this boom in mining will occur over an area far beyond what is indicated in your proposed Regional Study Area for impacts to rights. The Regional Study Area therefore needs to reflect the frontier nature of this development, and the long-term, irreversible impacts to large portions of our territory and our way of life that will occur as the result of industrial development, directly facilitated by this road.</p>	<p>Both the Webequie Supply Road and Northern Road Link projects will be included as part of the Cumulative Effects Assessment as well as Ring of Fire mining activities which have publicly available information on their development.</p> <p>The Marten Falls Community Access Road: Aboriginal and / or Treaty Rights and Interests Draft Report will outline the Analysis, Mitigation, Follow Up and Significance of each potential cumulative effect for each valued component identified in the Cumulative Effects Assessment.</p>
<p>In your response, you say that “Marten Falls First Nation recognizes that the proposed Project has the potential to influence the exercise of Aboriginal and / or Treaty Rights outside of the Regional Study Area. This is particularly relevant in the case of caribou and water given the range and movement of these important resources. This lens will be applied in the future stages of the Impact Assessment / Environmental Assessment.”</p> <p>This statement is confusing because it appears to accept that the Regional Study Area is too small, but does not explain why a larger Regional Study Area is not being applied to the impacts to rights analysis.</p>	<p>As noted above, the Project has the potential to affect caribou, which may, in turn, impact Aboriginal and / or Treaty Rights. As such, a Caribou Study Area that coincides with the four potentially affected caribou ranges has been added to the assessment study areas. This will be used to specifically assess how potential Project effects on caribou may impact Aboriginal and Treaty Rights and / or Interests. Further, the Aboriginal and / or Treaty Rights and Interests Regional Study Area has increased in geographical size to further capture potential impacts on Aboriginal and / or Treaty Rights.</p>



From: Angelis, Niki <[REDACTED]>
Sent: Wednesday, 05 June 2024 22:24
To: Sylvia Koostachin-Metatawabin; [REDACTED]

Subject: Three-Road Gathering & Expo: June 11-13, 2024
Attachments: 2024-05-29 Three Road Projects Gathering & Expo_Invitation & Agenda_2024-05-29.pdf

Good afternoon,

Further to the voicemail message, I wanted to follow up on the Three-Road Gathering & Expo that is taking place June 11-13 at the Superior (previously the Victoria Inn) Suites and Conference Centre in Thunder Bay.

I wanted to make sure you received the invitation and ask if representatives of Attawapiskat First Nation are planning to attend.

Please find the official invitation and agenda attached.

If you have any questions, please do not hesitate to reach out to me for more information.

Sincerely,

Niki Angelis
Communication and Community Engagement

[REDACTED]



[REDACTED]

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THREE ROAD PROJECTS GATHERING & EXPO

WEBEQUIE SUPPLY ROAD (WSR) • MARTEN FALLS COMMUNITY ACCESS ROAD (MFCAR) • NORTHERN ROAD LINK (NRL)

YOU ARE INVITED!

THREE ROAD PROJECTS GATHERING & EXPO

Led by Webequie First Nation and Marten Falls First Nation

Funded by the Province of Ontario, our Treaty Partner



Superior Inn Hotel and Conference Centre

555 Arthur St W

June 11, 12, & 13, 2024



Continuing to build on the momentum of the last two gatherings which focused on Aboriginal and/or Treaty Rights and Interests, Marten Falls First Nation and Webequie First Nation are excited to host the **Three Road Projects Gathering & Expo**. The Gathering & Expo will provide participants with an engaging and interactive space for consultation to learn more about the projects, ask questions, and share feedback focusing on water, peatlands and building roads on peatlands. We will also engage with you on a common approach to reviewing the draft of the Environmental Assessment Report/Impact Statement (EAR/IS) for the WSR and the MFCAR Projects. In response to feedback received at previous events, a day has been set aside specifically for Elders to engage with the Project Teams and share perspectives on the projects.

Day 1: Elder's Gathering

Day 2: Three Road Project Presentations & Expo

Day 3: Common Approach to Review Draft of EAR/IS Workshop



PARTICIPANT FUNDING

The Province of Ontario will fund up to 3 representatives from your community to attend, including travel, accommodation, and meals. All questions about funding or the coordination of funding should be directed to the Province of Ontario at [REDACTED]

Additional community representatives are welcome to attend.



PURPOSE

The purpose of this Gathering is to create a respectful, and collaborative space for consultation to continue to build an understanding of the three road projects and their potential impacts by:

- Providing a comfortable space for Elders to gather and discuss the Projects,
- Creating opportunities to engage directly with the Project proponents and consulting teams sharing information about the Projects, and
- Discussing the upcoming draft EAR/IS Review Process for WSR and MFCAR.



WHO SHOULD ATTEND FROM YOUR COMMUNITY

Representatives who are knowledgeable and comfortable speaking and sharing information about the road projects and the potential impacts on your community are encouraged to attend. Elders are especially encouraged to attend the Elder's Gathering.

RSVP to [REDACTED] by May 29, 2024 to reserve your room at the Superior Inn Hotel and and Conference Centre. (Later RSVP for Gathering attendance is OK!)



MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD



Ontario

From: Cugnet, Jaimie <[REDACTED]>
Sent: Friday, 28 June 2024 19:12
To: s [REDACTED]

Cc: Angelis, Niki
Subject: Marten Falls First Nation Community Access Road (MFFN CAR) - June Update

Dear Chief Sylvia Koostachin-Metatawabin,

I hope this finds you well.

My name is Jaimie Cugnet, and I am a consultant with MFFN CAR Project. Niki Angelis is currently out of office, and I am sending the June 2024 update on her behalf.

Please find an update of the upcoming activities occurring regarding the Community Access Road below:

Three Road Projects Gathering & Expo

Thank you for attending the Three Road Project Gathering & Expo from June 11 – 13, 2024. If you have any questions or feedback on the CAR, please contact the MFFN CAR Project Team at info@martenfallsaccessroad.ca.

Stage 1 Archaeological Assessment Report

The Stage 1 Archaeological Assessment Report documents the archaeological and land use history, to determine whether there is potential for archaeological sites in the additional areas required for aggregate impacts. It incorporates a review of recent mapping, previous archaeological reports, and incorporation of any information collected from Indigenous communities.

The Stage 1 Archaeology Assessment Report was sent out to communities on June 3, 2024. The reports are available for download here: [Draft Stage 1 Archaeological Assessment_May 2024 – Google Drive](#)

Feedback and comments on the report is requested by August 2, 2024.

To support your review, we encourage setting up a meeting with our team to help walk you through the reports, answer any questions you may have or as an opportunity to provide feedback.

Community Coordinator Program:

As we continue to move through the provincial Environmental Assessment (EA) and federal Impact Assessment (IA), we want to continue to engage and consult with Attawapiskat First Nation on a consistent basis and in a way that works best for your community. If Attawapiskat First Nation is interested in participating in the Community Coordinator Program, we are looking for your input on who should be the Community Coordinator in your community.

We appreciate your time and thoughts on this Program, and are here to answer any questions about funding, participation and candidate selection process. Please let me know if you are open to have a detailed discussion at a time that works best for you.

IK Program

I understand that the latest versions of the IK Sharing and Funding Agreements are being reviewed by yourself and Council and was hoping you could share an update on the status. While the request for submission date has passed, we are still welcoming IK from Attawapiskat First Nation to be included in the draft Environmental Assessment / Impact Statement. Please let me know if you have any questions about this program, or feel welcome to reach out directly to Bob Baxter at [REDACTED] or Andrea Nokleby at [REDACTED]

Please let me know if you have any questions, and I will be happy to assist.

Warm regards,

Jaimie Cugnet

Communication & Community Engagement Specialist, Environment
[REDACTED]

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From: Angelis, Niki <[REDACTED]>
Sent: Tuesday, 30 July 2024 17:49
To: [REDACTED]
Cc: [REDACTED]
Subject: MFFN Community Access Road - Feedback & Engagement Opportunities
Attachments: 2024-07-17_Community Coordinator.pdf

Good morning Chief Sylvia Koostachin-Metatawabin

I hope this email finds you well.

I wanted to touch base on some opportunities for feedback and engagement regarding the Marten Falls First Nation Community Access Road.

Stage 1 Archaeological Assessment Report
The Stage 1 Archaeology Assessment Report was sent out to communities on June 3, 2024. This report shares information on the archaeological and land use history, to determine whether there is potential for archaeological sites in the additional areas required for aggregate impacts. It incorporates a review of recent mapping, previous archaeological reports, and incorporation of any information collected from Indigenous communities. **Feedback and comments on the report is requested by this Friday August 2, 2024.**

The reports are available for download here: [Draft Stage 1 Archaeological Assessment_May 2024 – Google Drive](#)

If you have any questions or would like a meeting with our team to discuss / provide feedback on the reports, please let me know.

Community Coordinator Program
Funding for the Community Coordinator program is still available! We are looking for a Coordinator to represent your community as the primary point of contact between Attawapiskat First Nation and the MFFN CAR Project Team as we work through the Environmental Assessment processes.

The Community Coordinator will provide advice, guidance and support for community engagement activities related to the Community Access Road and, at this stage in the EA / IA process, will focus much of their time preparing the community for the release of the Draft Environmental Assessment / Impact Statement in November.

I have attached a job poster to this email to share with Community members.

This position will receive \$25 per hour and is expected to be approximately 16 hours per week for up to 1 year (up to Summer 2025). We are flexible with respect to payment terms (e.g., to an individual or to the band council) and are open to discussing what works best for your community.

Thank you for your time and please feel welcome to reach out to me if you have any question about this email or any aspect of the Community Access Road.

Sincerely,

Niki Angelis
Communication and Community Engagement
[REDACTED]



Upcoming Vacation: June 19 to July 8



MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

WE'RE HIRING!



Marten Falls First Nation (MFFN) is undertaking a federal Impact Assessment (IA) and provincial environmental assessment (EA) for an all-season access road to our community. To support these studies, we are looking to hire **Community Coordinators**.

Are you a highly motivated person? Do you have strong organizational and relationship building skills? Would you like to work with a great project team and build experience in environmental management?

If so, this could be the role for you!

The Community Coordinator will be a primary point of contact between your community and the MFFN Project Team. We will work closely with you as you help to involve your community in the environmental assessment processes.

Responsibilities

- Coordinate between the MFFN Project Team and community members living in / outside of your community as per your local practices and in collaboration with Chief and Council;
- Provide advice, guidance and support for community engagement activities related to the Project including:
 - Coordinate and organize logistics for meetings, workshops, events and / or school visits (e.g., book meeting spaces, order refreshments, help with truck / boat rentals and accommodations);
 - Help identify meeting participants and information providers (e.g., youth and / or elders); Assist with meeting facilitation, note taking and meeting minute preparation, and coordinate translation services, if needed; and
 - Organize distributing Project advertisements and notices in your community; either online (e.g., Facebook or posting in community);
- Assist in collecting data / information in your community (e.g., Indigenous Knowledge Aboriginal and / or Treaty Rights and Interests, community and socio-economic information);
- Assist in coordination of the review of the Draft Environmental Assessment / Impact Statement, and / or Aboriginal and / or Treaty Rights and Interests Reports.

This position will receive \$25 per hour and is expected to be approximately 16 hours per week for up to 1 year (up to Summer 2025). If you or someone you know would like to learn more about the program, contact: Niki Angelis at info@martenfallsaccessroad.ca or 1-800-764-9114.

From: Angelis, Niki <[REDACTED]>
Sent: Wednesday, 31 July 2024 22:12
To: Dorothee Schreiber
Cc: [REDACTED]
Subject: MFFN CAR- Question regarding Ground Water Program
Attachments: SummerFieldNotice_July2024.pdf

Good afternoon Dorothee,

Thank you for meeting with Project Team to discuss the Draft ATRI Existing Conditions Report for Attawapiskat First Nation.

With respect to your request for details around the permitting or authorization required to carry out the ground water sampling, a Land Use Permit for the Groundwater Drilling Program as a whole was issued by NDMNRF on May 7, 2022.

Please note that as a part of the Land Use Permitting process for the drilling program, the application was screened by MNR through their Class EA and they are likely best to respond directly to Attawapiskat First Nation with regards to the full permit. We also recommend that you contact Ontario directly if you have questions related to their process.

We also wanted to make note that the summer Groundwater Sampling work (as noted in the attached Field Notice) has now been scheduled to take place from August 8 to August 16, 2024.

Please note that I am preparing a summary note from our meeting on the draft ATRI Existing Conditions Report that I will share shortly, along with the supporting documents used during the meeting.

Sincerely,
Niki

Niki Angelis
Communication and Community Engagement

 Delivering a better world

[aecom.com](https://www.aecom.com) | [LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

Upcoming Vacation: June 19 to July 8



Field Notice

Summer 2024

Field Notice

Issued: July 2024



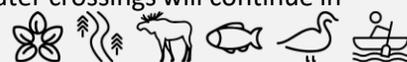
What's Happening?

The following field programs will be taking place over the summer to support the provincial Environmental Assessment (EA) and federal Impact Assessment (IA) for the Marten Falls First Nation (MFFN) proposed Community Access Road (CAR).

Geotechnical Investigation

Field crews will be conducting geotechnical investigations of aggregate sites and water crossings along the proposed route for the Community Access Road. This work will be undertaken in three phases:

- Phase 1 - The initial helicopter reconnaissance will be undertaken to assess each site and accurately locate all test hole locations and gather information related to permit applications. Field crews will be accessing sites across the study area by helicopter—you may see helicopters in the area. Crews may land in natural clearings if it is safe to do so. This work will take place between **July 19–21, 2024**;
- Phase 2 - The fall geotechnical work is expected to **begin in mid-September 2024 and be completed by the end October 2024**. These dates will be confirmed following the permitting process and the investigations may be extended further into November if weather permits. The geotechnical investigations this fall will focus on the aggregate sites. Sites will be drilled to confirm the quantity and quality of the rock as well as well as determine the groundwater table and flow direction; and
- Phase 3 - Remaining investigations related to aggregate sites and water crossings will continue in the **Spring of 2025**.



Groundwater and Geochemistry Program

The Groundwater and Geochemistry program will be continuing into the summer season. This program is important for evaluating the health of groundwater along the proposed route for the Community Access Road, and tests for things like minerals, dissolved metals (including mercury), volatile organic compounds, and radiological content. Groundwater samples are taken in the spring, summer, and fall seasons to give researchers a thorough understanding of how conditions can change seasonally.

After a successful spring groundwater monitoring program in early June, groundwater crews will once again be in the field collecting samples for the summer program. The program began in 2022 and will wrap-up in Fall 2024.

- Summer groundwater sampling is expected to occur in **late July or early August 2024**; and
- Fall groundwater sampling is expected to occur in **September 2024**.

What to expect

Field crews will be accessing sites across the study area by helicopter—you may see helicopters in the area. Crews may need to remove naturally fallen trees or branches from existing helipad sites to allow safe helicopter access.

If you are interested in groundwater and geochemistry, or physiography, terrain, and soils, you can view [webinars recordings](#) and [videos](#) about it on our website.

An update will be provided if scheduling changes due to weather or other conditions. An additional notice will be provided for the fall Geotechnical Investigation, as well as the Groundwater and Geochemistry Program.

Where?

See the next pages for maps.

Contact Information

You are welcome to contact the MFFN CAR Project Team at any time with questions or comments.

Lawrence Baxter

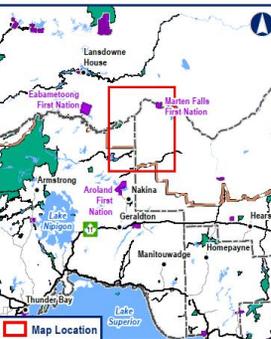
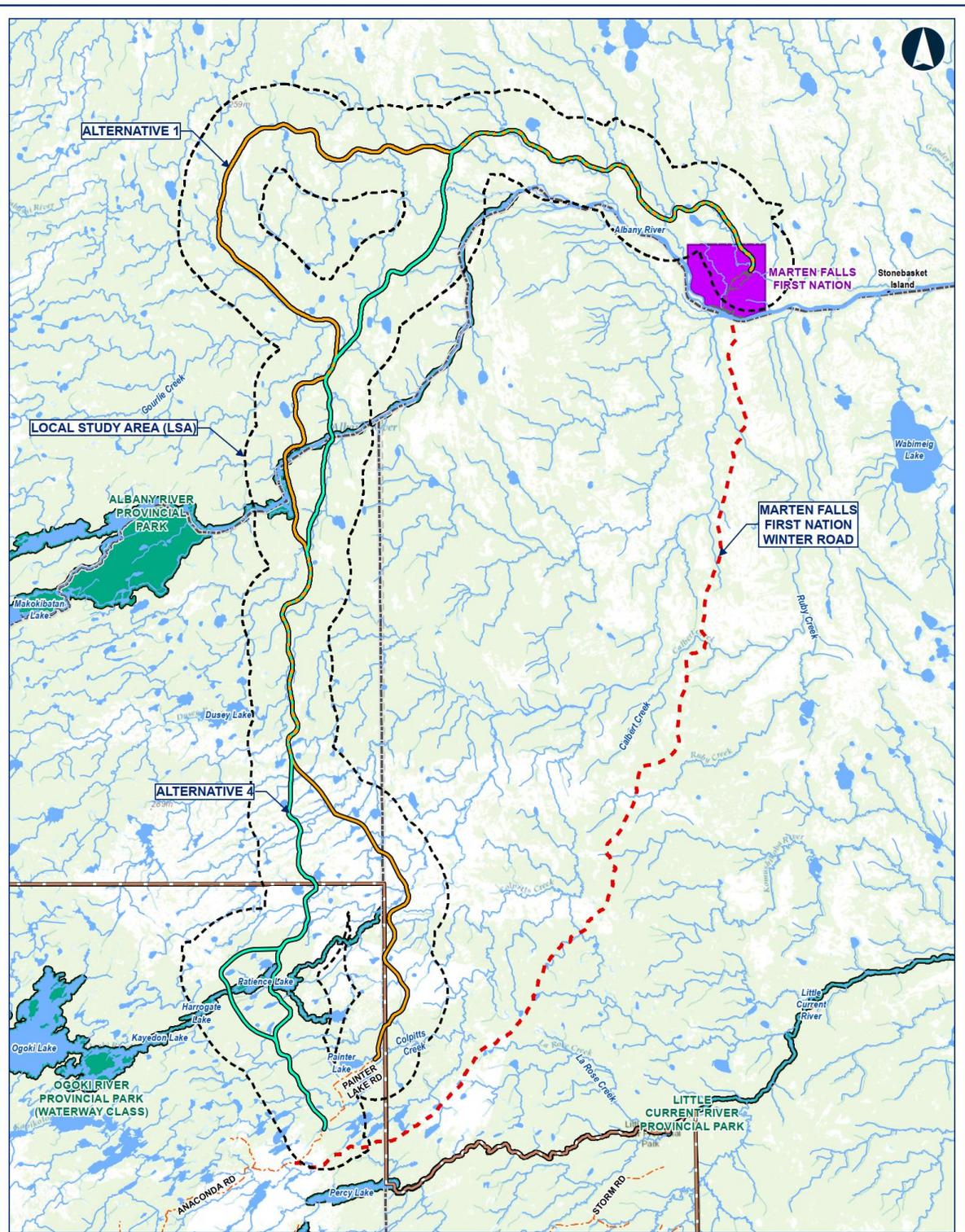
Senior Community Member Advisor

Marten Falls First Nation

1-800-764-9114 | info@martenfallsaccessroad.ca

www.martenfallsaccessroad.ca





Legend

- Local Study Area (LSA)
- Route Alternatives**
 - Alternative 1
 - Alternative 4
- General Features**
 - Local Road
 - Resource / Recreation Road
 - MFFN Existing Winter Access Road
 - Watercourse
 - Waterbody
- Far North Boundary
- First Nation Reserve
- District Municipal Boundary
- Provincial Park

Notes:
None
Data Source: Base Data: Provided by MNRF 2023; Route Infrastructure: Provided by ACCOM 2021. Contains information licensed under the Open Government Licence Ontario.

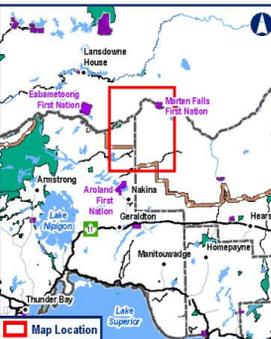
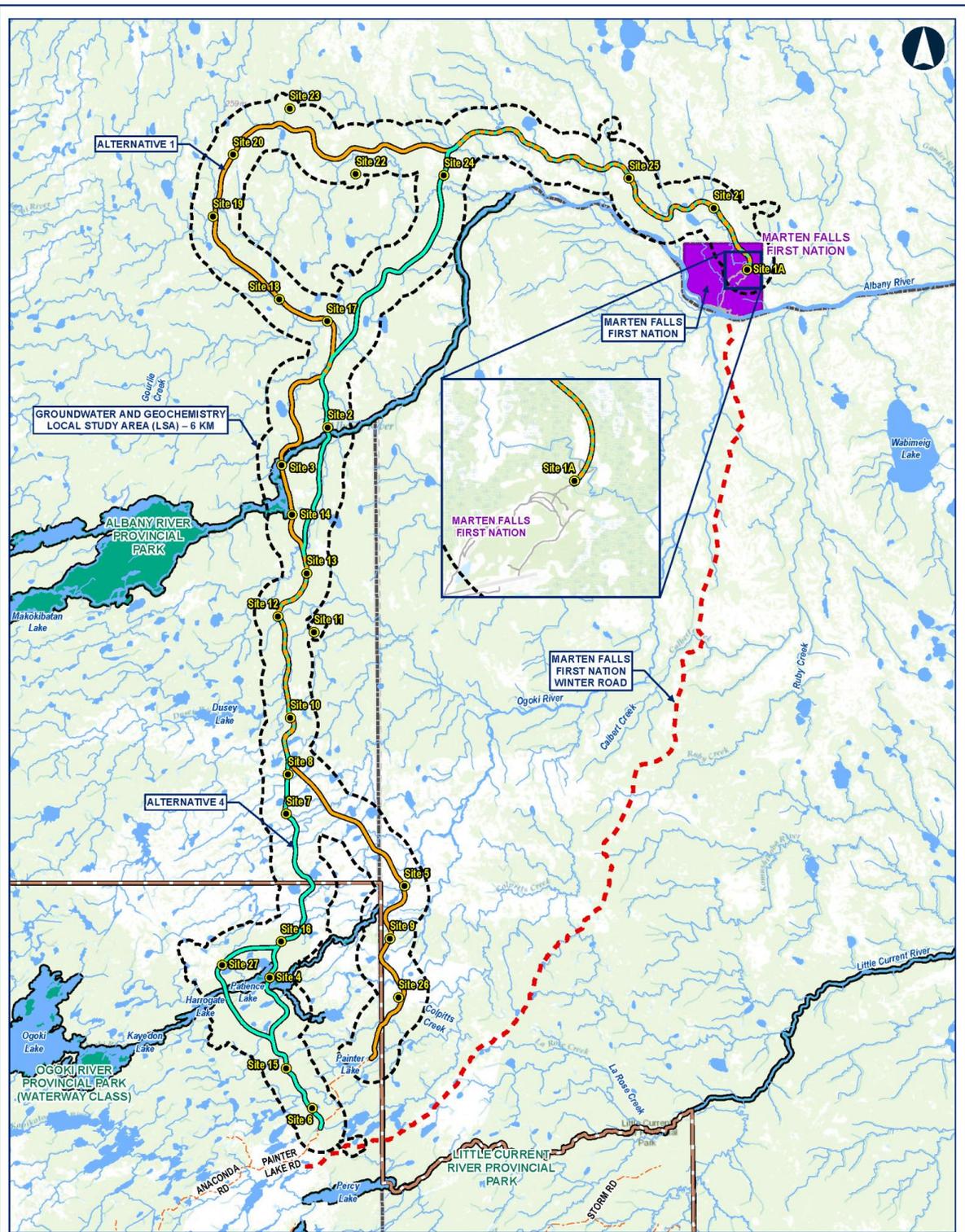
MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Geotechnical Investigation

0 5 10 20
Kilometres
Datum: NAD 1983 CSRS UTM Zone 16N

June 2024	1-450,000
Rev:00	

Contains information provided by Ontario Ministry of the Environment, Conservation and Parks and by Ontario Ministry of Natural Resources and Forestry. Geotechnical Investigation of Ontario 2020. Through a Service-Level Agreement, the Ministry of Natural Resources and Forestry, Ontario Ministry of the Environment, Conservation and Parks, and the Ministry of Transportation and Infrastructure have agreed to share this information. The use of this information is for informational purposes only. The use of this information is not a warranty or endorsement by the Ministry for its use or by ACCOM or its clients. The use of this information is not a warranty or endorsement by the Ministry for its use or by ACCOM or its clients.



Legend

- Groundwater Well Locations
- Groundwater Local Study Area (L.S.A) - 6 km
- Route Alternatives
 - Alternative 1
 - Alternative 4
- General Features
 - Local Road
 - Resource / Recreation Road
 - MFFN Existing Winter Access Road
 - Watercourse
- Waterbody
- First Nation Reserve
- Provincial Park
- Far North Boundary
- District Municipal Boundary

Notes:

Data Source:
 Base Data: Provided by MRF 2021; Route Infrastructure - Provided by ACCOM201. Contains information licensed under the Open Government Licence Ontario.
 Aerial photography provided by:
 Geospatial Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, DeLorme, NAVTEQ, Swisstopo, Mapbox, (c) OpenStreetMap contributors, and the GIS User Community

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Groundwater and Geochemistry Local Study Area

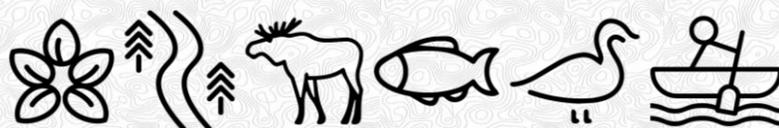
0 5 10 20
Kilometres

Datum: NAD 1983 CSRS UTM Zone 18N

Jul, 2022	1:450,000 <small>(Scale 1:450,000)</small>
Rev 00	

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B3.2 Incoming Community Specific Correspondence



From: Dorothee Schreiber <[REDACTED]>

Sent: August 23, 2023 11:22 AM

To: McEwen, Kate <[REDACTED]>

Cc: Sylvia Koostachin-Metatawabin <[REDACTED]> Pauline Tookate
<[REDACTED]> Jack Linklater JR <[REDACTED]> Qasim Saddique

<[REDACTED]> Bob Baxter <[REDACTED]> Cafaro, Caitlin (IAAC/AEIC <[REDACTED]>

Trimble, Ingrid <[REDACTED]> Andrea Nokleby <[REDACTED]>

Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates

Hi Kate,

Thanks for your email. At this time, could you resend the "Stage 1 and limited Stage 2 Archaeology Assessment reports that were distributed February 3, 2023", and please copy me as well? I don't think I received them when you sent them in February.

Thanks,
Dorothee

From: Dorothee Schreiber <[REDACTED]>
Sent: August 23, 2023 4:13 PM
To: McEwen, Kate <[REDACTED]>
Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates

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Thank you Kate, I have downloaded them. Yes, please add me to the mailing list for future distributions.

Dorothee

McEwen, Kate

From: Dorothee Schreiber <[REDACTED]>
Sent: September 5, 2023 5:13 PM
To: McEwen, Kate
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro, Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby
Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates
Attachments: image002.jpg

Follow Up Flag: Follow up
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Hi Kate,

I wanted to follow up on a couple of items from your email below.

On August 15th, you wrote that "In terms of the caribou data request, currently, we are working with the regulators regarding data sharing responsibilities, and we will respond more fulsomely, when we have more information to share, hopefully in the coming weeks." It has now been three weeks. Would you have an update for us on this?

The pattern that has emerged is that every time we repeat our request for the caribou data, your team offers to meet with us. Below, you say that you want to meet to "better understand Attawapiskat First Nation's raw data needs and requirements." Could you explain what is still unclear, or needs to be better understood by your team? Our need is for the raw baseline caribou data. We need this data in order to conduct our own analyses on it, as part of our assessment of impacts to rights. It has now been over a year since we first asked for your team to share the baseline caribou data with us.

As Caitlin Cafaro at IAAC wrote on August 30th, the Agency expects proponents to work collaboratively with Indigenous communities and to accommodate, to the extent possible, each Indigenous community's preferred means of engagement within the legislated timeframe under the Impact Assessment Act. This can include offering an opportunity for Indigenous communities to provide input on particularly relevant draft chapters of the Impact Statement and sharing relevant information, including baseline data. She also expressed that as such, the Agency is very disappointed with the time it is taking to address the requests.

Finally, could you clarify when the EA/IS will be made available for Attawapiskat First Nation's review. Is this in summer 2024 or 2025? In your email you wrote that the formal submission would be in 2024, but then later wrote that it would be in 2025.

Thanks,
Dorothee

McEwen, Kate

From: Dorothee Schreiber <[REDACTED]>
Sent: September 6, 2023 12:24 PM
To: McEwen, Kate
Subject: Re: MFFN CAR - Attawapiskat First Nation request for shapefiles
Attachments: image001.png

Follow Up Flag: Follow up
Flag Status: Flagged

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Thank you Kate!

Dorothee

McEwen, Kate

From: Dorothee Schreiber <[REDACTED]>
Sent: September 28, 2023 1:04 PM
To: McEwen, Kate
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro,Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP)
Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates
Attachments: image001.png

Follow Up Flag: Follow up
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Hi Kate,

Thanks for your email. I think it would be helpful if you could share what the issue is with the regulators, and generally what sorts of problems you are in the process of resolving. Otherwise, it is very difficult for us to understand why there would be such a long delay in transferring data to us.

Thanks,
Dorothee

McEwen, Kate

From: Dorothee Schreiber [REDACTED]
Sent: November 14, 2023 5:59 PM
To: McEwen, Kate
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro, Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP); lawrencebax; Jennifer Bruin; Moszynski, Dorothy (MECP)
Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates
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Dear Kate McEwan,

Thanks very much for the information. As you indicate, Ontario is in the process of preparing a data sharing agreement for the caribou data that you collected and transferred to Ontario.

Yes, I think it would be good to have a virtual meeting to discuss your Caribou Study Plan, especially if you have findings to share. I am glad to hear that Attawapiskat will receive a complete draft of the EA/IA in June 2024, prior to it being submitted to the regulator for a conformity review. I am not sure what you mean by: " We want to coordinate in advance, to ensure that Attawapiskat First Nation has any support that may be required from the Project, to undertake a thorough review of the draft EA / IS and associated existing conditions reports." Could you kindly explain?

Thanks,
Dorothee

From: Dorothee Schreiber <[REDACTED]>
Sent: November 17, 2023 11:33 AM
To: McEwen, Kate
Cc: [REDACTED]; Jack Linklater JR; info@martenfallsaccessroad.ca; Pauline Tookate
Subject: Re: MFFN CAR Project Update

Follow Up Flag: Follow up
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Hi Kate McEwan,

Thanks for your email. I think the concern about the ATRI forum you are hosting in Thunder Bay next week is that at last year's forum, there was no new information being shared from the proponents' side, but the proponents were very interested in taking notes about everything I said about possible impacts to Attawapiskat. Could you confirm whether any new information will be shared, that is not already available on the website or the various newsletters we have received?

Regarding the Indigenous Knowledge sharing program, I believe that Attawapiskat already sent multiple letters and emails about why we would not participate in this program. I will find the most recent email on the subject and forward it to you. I think it was before you started working on this file.

Thanks,
Dorothee

McEwen, Kate

From: Dorothee Schreiber <[REDACTED]>
Sent: November 23, 2023 2:19 PM
To: McEwen, Kate
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro, Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP); lawrencebax; Jennifer Bruin; Moszynski, Dorothy (MECP)
Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates
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Thanks Kate, I would be available Monday December 1st after 10:30am, or anytime on Monday the 4th.
Would any of those times work for you?

Thanks,
Dorothee

McEwen, Kate

From: Dorothee Schreiber <[REDACTED]>
Sent: November 27, 2023 3:16 PM
To: McEwen, Kate
Subject: Re: MFFN CAR Milestone 2 Progress Report

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Thank you, I was able to download this version.

Dorothee

McEwen, Kate

From: Dorothee Schreiber <[REDACTED]>
Sent: November 27, 2023 12:05 PM
To: MFFN Community Access Road Project Team
Cc: [REDACTED] McEwen, Kate
Subject: Re: MFFN CAR Milestone 2 Progress Report

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Dear MFFN Access Road Project Team,

I was unable to download the Progress Report you sent. Despite multiple attempts, only one of the two files downloaded properly from Google Drive (the Appendix file). Please re-send the other file another way -- perhaps as a Zip file to reduce file size.

Thanks
Dorothee

McEwen, Kate

From: Dorothee Schreiber <[REDACTED]>
Sent: November 28, 2023 9:54 AM
To: McEwen, Kate
Cc: Sylvia Koostachin-Metatawabin; Pauline Tookate; Jack Linklater JR; Qasim Saddique; Bob Baxter; Cafaro,Caitlin (IAAC/AEIC; Trimble, Ingrid; Andrea Nokleby; McLeod, Sasha (MECP); lawrencebax; Jennifer Bruin; Moszynski, Dorothy (MECP)
Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates

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Thanks, I think that Pauline may be able to attend, but she is extremely busy running the administration in Attawapiskat, and may actually still be in Toronto for training. You can just send the invite and include Pauline.

Thanks
Dorothee

McEwen, Kate

From: Dorothee Schreiber <[REDACTED]>
Sent: November 28, 2023 12:33 PM
To: McEwen, Kate
Subject: Re: Follow-up Re: MFFN CAR IK Program Key Dates

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I think either one works. Zoom tends to work a bit better, I find.

Thanks
Dorothee

From: Dorothee Schreiber <[REDACTED]>
Sent: December 18, 2023 3:38 PM
To: McEwen, Kate
Cc: [REDACTED]; Jack Linklater JR; info@martenfallsaccessroad.ca; Pauline Tookate
Subject: Re: MFFN CAR Project Update

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Thank you, Kate.

I have downloaded the slide deck you attached. Could you also indicate how the draft list of projects to be included in the cumulative effects assessment was expanded based on the discussion you had at the ATRI forum?

Thanks,
Dorothee

From: Dorothee Schreiber <[REDACTED]>

Sent: Friday, January 19, 2024 10:21 AM

To: McEwen, Kate <[REDACTED]>

Cc: [REDACTED] Jack Linklater JR <[REDACTED]> info@martenfallsaccessroad.ca;

Pauline Tookate <[REDACTED]> Angelis, Niki <[REDACTED]>

Subject: Re: MFFN CAR - Milestone 2 and Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report Follow up

Hi Kate,

Thanks for the email about the MFFN CAR documents. Yes, I was able to download the Milestone 2 report. I have reviewed the Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report. My main comment is that the Regional Study Area for looking at impacts to Attawapiskat's rights is FAR too small. The regional study area must include all of the territory that would experience long-term cumulative impacts from this road, which is after all a frontier development, opening the region to development. The Regional Study Area must therefore extend to include the James Bay Lowlands as well as any caribou ranges that intersect with the proposed road to the Ring of Fire.

Please note also that this is the first time I have received information about the study areas you are proposing. Looking at your record of consultation, I see that the August 16, 2022 email was sent only to the Chief and a few Councillors. Many of the emails your team has sent over the past few years have not reached me for this reason. Please ensure that I am included in any emails to Attawapiskat First Nation about the impact assessment for this road.

Thanks,
Dorothee

From: Dorothee Schreiber <[REDACTED]>

Sent: Thursday, February 15, 2024 11:30 AM

To: Angelis, Niki <[REDACTED]>

Cc: [REDACTED]; Jack Linklater JR <[REDACTED]> Pauline Tookate

<[REDACTED]>

Subject: Re: MFFN CAR - Updates

Hi Niki,

Thanks for your email. We have no comments on the Milestone report, as it is simply a record of consultation and a record of the various activities you have undertaken so far.

Thanks,
Dorothee

From: Dorothee Schreiber <[REDACTED]>
Sent: May 3, 2024 4:48 PM
To: Angelis, Niki
Cc: [REDACTED]

Subject: Re: MFFN CAR - Aboriginal and / or Treaty Rights and Interests Existing Conditions Report Follow up
Attachments: Pages from DRAFT - ATRI Preliminary Existing Conditions Report - Attawapiskat First Nation Nov 28, 2023.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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Good afternoon,

Thank you for sending a response to Attawapiskat's concerns about the Regional Study Area that you plan to use to assess impacts to Aboriginal and Treaty rights.

We understand from your response that you will not expand the Regional Study Area for impacts to our rights beyond the limited range indicated in the attached map, despite the fact that the road is a frontier development expected to have regional development impacts, and despite the fact that the road overlaps with the habitat of wildlife such as caribou that ranges over a very large area.

As you are aware, the three proposed road segments leading to the Ring of Fire are in fact one continuous road. An impacts to rights Regional Study Area that does not include the other road segments, nor the larger region in which development is expected to occur, will result in an Impact Statement that is not acceptable and that will need to be redone. In your map, the Regional Study Area for impacts to rights ends just at the northern extent of the proposed MFFN CAR, even though the road and its impacts to rights in fact extend much further north. As Minister Pirie recently said in an interview with NetNewsLedge in Thunder Bay, once the all-season road (which he referred to as ONE road) is built "you're going to see an incredible boom in mining." Clearly, this boom in mining will occur over an area far beyond what is indicated in your proposed Regional Study Area for impacts to rights. The Regional Study Area therefore needs to reflect the frontier nature of this development, and the long-term, irreversible impacts to large portions of our territory and our way of life that will occur as the result of industrial development, directly facilitated by this road.

In your response, you say that "Marten Falls First Nation recognizes that the proposed Project has the potential to influence the exercise of Aboriginal and / or Treaty Rights outside of the Regional Study Area. This is particularly relevant in the case of caribou and water given the range and movement of these important resources. This lens will be applied in the future stages of the Impact Assessment / Environmental Assessment."

This statement is confusing because it appears to accept that the Regional Study Area is too small, but does not explain why a larger Regional Study Area is not being applied to the impacts to rights analysis.

I am copying the Impact Assessment Agency of Canada here as well, so that they are aware of these discussions and can refer to them when they evaluate the Impact Statement you submit.

Thanks,

Dorothee

From: Dorothee Schreiber <[REDACTED]>
Sent: May 24, 2024 11:28 AM
To: MFFN Community Access Road Project Team; Pauline Tookate; Jack Linklater JR; Sylvia Metatawabin
Subject: Re: Marten Falls Community Access Road Update – Spring Groundwater Program

Hello,

Thank you for sending this field notice. Could you please let us know whether you have obtained any authorizations from Ontario to undertake this work in caribou habitat during the critical spring calving/nursery period?

Thanks,
Dorothee

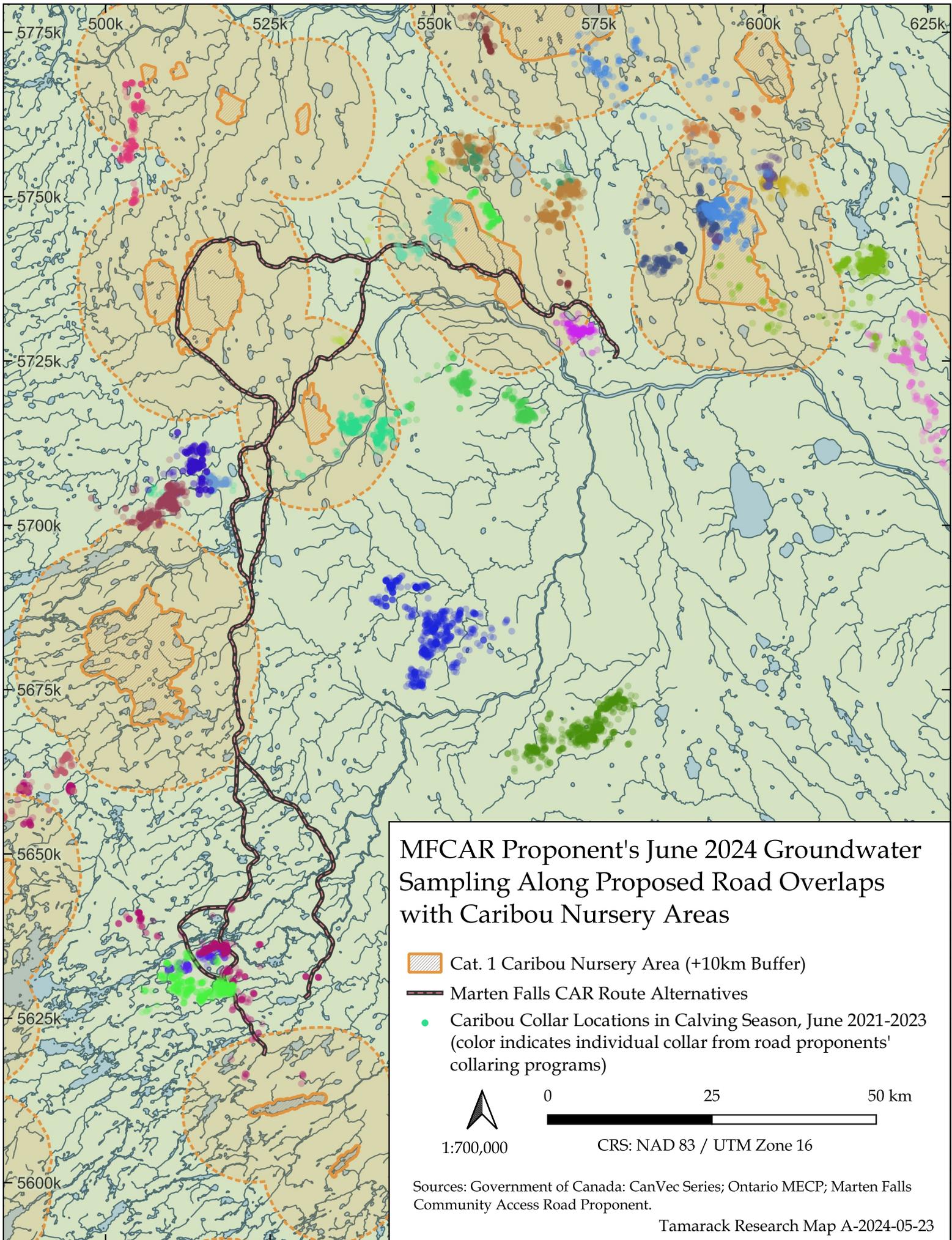
From: Dorothee Schreiber <[REDACTED]>
Sent: Tuesday, May 28, 2024 4:34 PM
To: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Cc: Pauline Tookate <[REDACTED]> Jack Linklater JR <[REDACTED]>; Angelis, Niki <[REDACTED]>; Sylvia Koostachin-Metatawabin <[REDACTED]>; Kate Kempton <[REDACTED]>; Susan Fridlyand <[REDACTED]>; Gignac, Hilary (MECP) <[REDACTED]>
Subject: Re: Marten Falls Community Access Road Update – Spring Groundwater Program

Hello,

Thanks for your response. Attawapiskat First Nation has asked the MECP to review the proposed activity, since the type of fieldwork you are proposing in boreal caribou habitat does not have an exemption under Ontario's Endangered Species Act. Please note that even for activities that have a conditional exemption, such as mining exploration, "The person must not carry out any part of the activity in an area that is being used, or has been used at any time in the previous three years, by a member of a species identified in the notice of activity form to carry out a life process related to hibernation or reproduction, including rearing." **As indicated in the attached map**, there are multiple sites along your proposed sampling route that have been used in such a way in the past three years (and these are only the caribou we know about, meaning that there are likely many others that we do not know about because we don't have collar data on them). In addition, your route passes through several Category 1, high use caribou calving areas, mapped by Ontario as part of the General Habitat Description. Ontario's best practices guidelines for work in caribou habitat recognize that May 1- July 14 is a very low tolerance period for disturbance of caribou on the calving/nursery grounds.

It is unclear how flying at >400m above ground level before landing would allow you to detect individually dispersed female caribou, camouflaged against the background vegetation.

Dorothee



MFCAR Proponent's June 2024 Groundwater Sampling Along Proposed Road Overlaps with Caribou Nursery Areas

-  Cat. 1 Caribou Nursery Area (+10km Buffer)
-  Marten Falls CAR Route Alternatives
-  Caribou Collar Locations in Calving Season, June 2021-2023 (color indicates individual collar from road proponents' collaring programs)




 1:700,000 CRS: NAD 83 / UTM Zone 16

Sources: Government of Canada: CanVec Series; Ontario MECP; Marten Falls Community Access Road Proponent.

From: Riley Euler <[REDACTED]>
Sent: Wednesday, May 29, 2024 1:12 PM
To: info@martenfallsaccessroad.ca; qsaddique <[REDACTED]>
Cc: Susan Fridlyand <[REDACTED]>; Kate Kempton <[REDACTED]>; Dorothee Schreiber <[REDACTED]>; Gignac, Hilary (MECP) <[REDACTED]>; s <[REDACTED]>
[REDACTED]
Subject: Cease and Desist - Access Road Project

Good afternoon,

Please see the attached correspondence from Kate Kempton.

Thank you,

Riley Euler
Legal Assistant | Woodward & Company LLP

[REDACTED]

WoodwardandCompany.com

Sent from lək' wəqən and WSÁNEĆ Unceded Territories (Victoria, British Columbia)

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REPLY TO: Kate Kempton
Victoria Office

ASSISTANT: Lina Santana

File # 6311

May 29, 2024

Via Email

Lawrence Baxter
Senior Community Advisor
MFFN Community Access Road Project Team
Email : info@martenfallsaccessroad.ca

Qasim Sadique
Project Director
Suslop Inc.
Email: [REDACTED]

Dear: Mr. Baxter

Re: Cease and Desist Respecting Field Work for the Marten Falls First Nation Proposed Community Access Road

We are advised that the Marten Falls Community Access Road Project Team (the “**Project Team**”) is planning to take groundwater samples for the Groundwater and Geochemistry Program during June 2 to 9, 2024. According to the notice issued April 2024, enclosed hereto, helicopters will be used to access sites across the study area and areas will be cleared using chainsaws.

If this is correct, the Project Team must cease and desist in their sampling plans immediately and until at least July 15.

The proposed sampling work passes through several Category 1¹ Woodland Caribou nursery habitats as well as sites that are documented to have been used during the past three years by female caribou during calving season – see enclosed map for reference. The Woodland Caribou, boreal population, is listed as threatened under the federal *Species at Risk Act*, S.C. 2002, c. 29 and the Ontario *Endangered Species Act, 2007*, S.O. 2007, c.6 (the “**ESA**”). Ontario’s guidance requires that sensory disturbance within 10km of known or potential high use areas be minimized during sensitive periods including nursery areas from **May 1 to July 14** (the “**Low Tolerance Period**”).

The Project Team’s plan to “minimize sensory disturbances” by, amongst other things, flying at higher altitudes, making efforts not to circle sites “more than is necessary”, observing species at risk “from the air” (i.e., >400m above ground level) are not sufficient. The Project Team’s activities will undoubtedly cause significant anthropogenic disturbance, which at such a sensitive period, is very

¹ Sub-range habitat features and high use areas that exhibit repeated intensive use by individual Caribou or groups.

VICTORIA OFFICE:
[REDACTED]
[REDACTED]
[REDACTED]

likely to harm or harass the caribou or damage their habitat contrary to sections 9(1) and 10(1) of the *ESA*. To our knowledge, no authorization under the *ESA* has been provided.

Please confirm by **Friday, May 31, 2024, 5:00pm EST**, receipt of this letter and that the sampling will not take place during the Low Tolerance Period. Failure to so confirm by this date and time will lead to further legal steps being taken against you.

Yours truly,
WOODWARD & CO. LAWYERS LLP



Kate Kempton

Enclosure (2)

cc

Chief and Council, Attawapiskat First Nation
Dorothee Schreiber, Environmental Consultant for Attawapiskat First Nation, [REDACTED]
Susan Fridlyand, Woodward & Co Lawyers LLP, [REDACTED]
Hilary Gignac, MECP, Species at Risk Branch, [REDACTED]
Susan Ecclestone, MECP, Land and Water Division, [REDACTED]



Field Notice



Spring 2024 Groundwater and Geochemistry Field Notice

Issued: April 2024

What's Happening?

The Groundwater and Geochemistry program will be continuing into the spring season to support the provincial Environmental Assessment (EA) and federal Impact Assessment (IA) for the Marten Falls First Nation proposed Community Access Road.

Groundwater and Geochemistry Program

The Groundwater and Geochemistry Program has been ongoing since 2022 and is important for evaluating groundwater health in the area. Groundwater samples are taken from monitoring wells that are positioned along the proposed route alternatives and are tested for things like minerals, dissolved metals (including mercury), volatile organic compounds and radiological content.

Samples are taken from monitoring wells three times a year, during the spring, summer and fall seasons, and will be starting up again this spring. The program will wrap up in Fall 2024, and the monitoring wells will be decommissioned in 2025.

Schedule

- Spring groundwater sampling is expected to begin in **late May 2024**, and be completed in June 2024.
- The summer groundwater sampling is expected to occur in **August 2024**.
- The fall groundwater sampling is expected to occur in **September 2024**.





Field Notice



What to expect

Field crews will be accessing sites across the study area by helicopter—you may see helicopters in the area. Crews may need to clear brush and trees from helipad sites to allow helicopter access, which could require the use of chainsaws.

If you are interested in groundwater and geochemistry, you can view [webinar recordings](#) and [videos](#) about it on our website.

An update will be provided if scheduling changes due to weather or other conditions. Additional notices will be provided for the summer and fall Groundwater and Geochemistry Programs.

Where?

See the next page for a map.



Contact Information

You are welcome to contact the Project Team at any time with questions or comments.

Lawrence Baxter

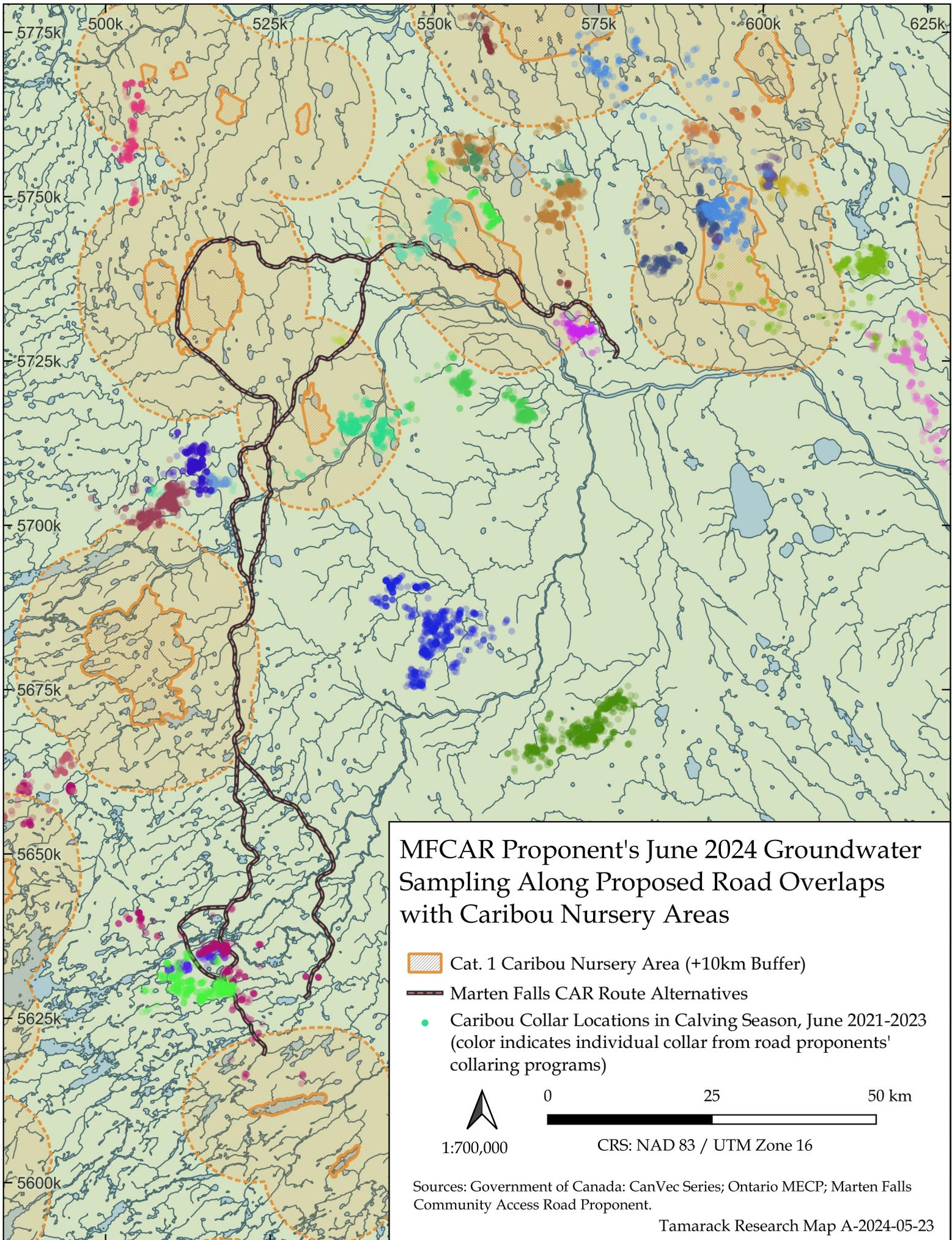
Senior Community Member Advisor

Marten Falls First Nation

1-800-764-9114 | info@martenfallsaccessroad.ca

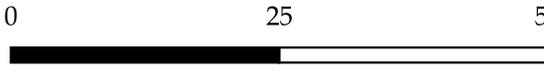
www.martenfallsaccessroad.ca





MFCAR Proponent's June 2024 Groundwater Sampling Along Proposed Road Overlaps with Caribou Nursery Areas

-  Cat. 1 Caribou Nursery Area (+10km Buffer)
-  Marten Falls CAR Route Alternatives
-  Caribou Collar Locations in Calving Season, June 2021-2023 (color indicates individual collar from road proponents' collaring programs)

 1:700,000 CRS: NAD 83 / UTM Zone 16

Sources: Government of Canada: CanVec Series; Ontario MECP; Marten Falls Community Access Road Proponent.

From: Kate Kempton <[REDACTED]>

Sent: Thursday, May 30, 2024 5:58 PM

To: Angelis, Niki <[REDACTED]> Susan Fridlyand

[REDACTED] Lina Santana

Cc: Susan Fridlyand <[REDACTED]>

Subject: Re: Cease and Desist - Access Road Project

Qasim, please stop. It's exhausting.

We will arrange for an urgent call tomorrow to give you more details. While you have this information already, perhaps we're not on the same wavelength and we can discuss. Don't proceed without thus.

Susan and Lina please get this set up for tomorrow no matter what. Invite everyone here. Thx. K

Kate Kempton (She/Her)

Senior Counsel | Woodward & Company LLP

[REDACTED]

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Attachments: 2024-05-29 Cease and Desist Letter - Access Road Project.pdf

Importance: High

From: Riley Euler [REDACTED]

Sent: Friday, May 31, 2024 4:05 PM

To: [REDACTED]

[REDACTED]

Subject: URGENT! Cease and Desist Respecting Field Work for the Marten Falls First Nation Proposed Community Access Road
Importance: High

Hi everyone,

Further to our email from earlier this week, Attawapiskat First Nation has significant concerns that Canada and Ontario have okayed a sampling plan by the proponent that completely disregards its own endangered species legislation. **We require a call with Canada and Ontario on MONDAY, JUNE 3.** Please immediately advise if you are available at **4:30 p.m. EST.** If we do not hear from you by **5:00 p.m.** we will schedule the call for **4:30 p.m. Monday, June 3.**

We understand the proponent is required to complete its water sampling requirements. We have been advised it is being constrained by Canada and/or Ontario in so doing. However, this sampling puts into harms was Woodland Caribou, and endangered species federally and provincially, during a very low tolerance time (caving season) which per Ontario's own guidance takes place **May 1 - till July 14.**

We appreciate your prompt attention to this most pressing matter.

Thank you,

Riley Euler
Legal Assistant | Woodward & Company LLP

[REDACTED]

WoodwardandCompany.com

Sent from lək'wəḡən and W̱SÁNEĆ Unceded Territories (Victoria, British Columbia)

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REPLY TO: Kate Kempton
Victoria Office

ASSISTANT: Lina Santana

File # 6311

May 29, 2024

Via Email

Lawrence Baxter
Senior Community Advisor
MFFN Community Access Road Project Team
Email : info@martenfallsaccessroad.ca

Qasim Sadique
Project Director
Suslop Inc.
Email: [REDACTED]

Dear: Mr. Baxter

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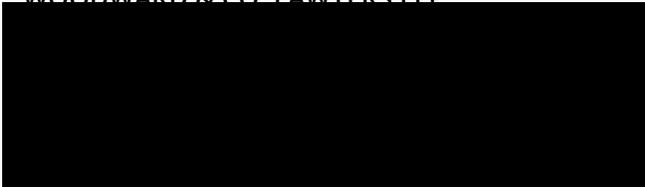
VICTORIA OFFICE:
[REDACTED]
[REDACTED]
[REDACTED]

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Please confirm by **Friday, May 31, 2024, 5:00pm EST**, receipt of this letter and that the sampling will not take place during the Low Tolerance Period. Failure to so confirm by this date and time will lead to further legal steps being taken against you.

Yours truly,

WOODWARD & CO. LAWYERS LLP



Kate Kempton

Enclosure (2)

cc

Chief and Council, Attawapiskat First Nation

Dorothee Schreiber, Environmental Consultant for Attawapiskat First Nation,

Susan Fridlyand, Woodward & Co Lawyers LLP,

Hilary Gignac, MECP, Species at Risk Branch,

Susan Ecclestone, MECP, Land and Water Division,



Field Notice



Spring 2024 Groundwater and Geochemistry Field Notice

Issued: April 2024

What's Happening?

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Groundwater and Geochemistry Program

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If you are interested in groundwater and geochemistry, you can view [webinar recordings](#) and [videos](#) about it on our website.

An update will be provided if scheduling changes due to weather or other conditions. Additional notices will be provided for the summer and fall Groundwater and Geochemistry Programs.

Where?

See the next page for a map.



Contact Information

You are welcome to contact the Project Team at any time with questions or comments.

Lawrence Baxter

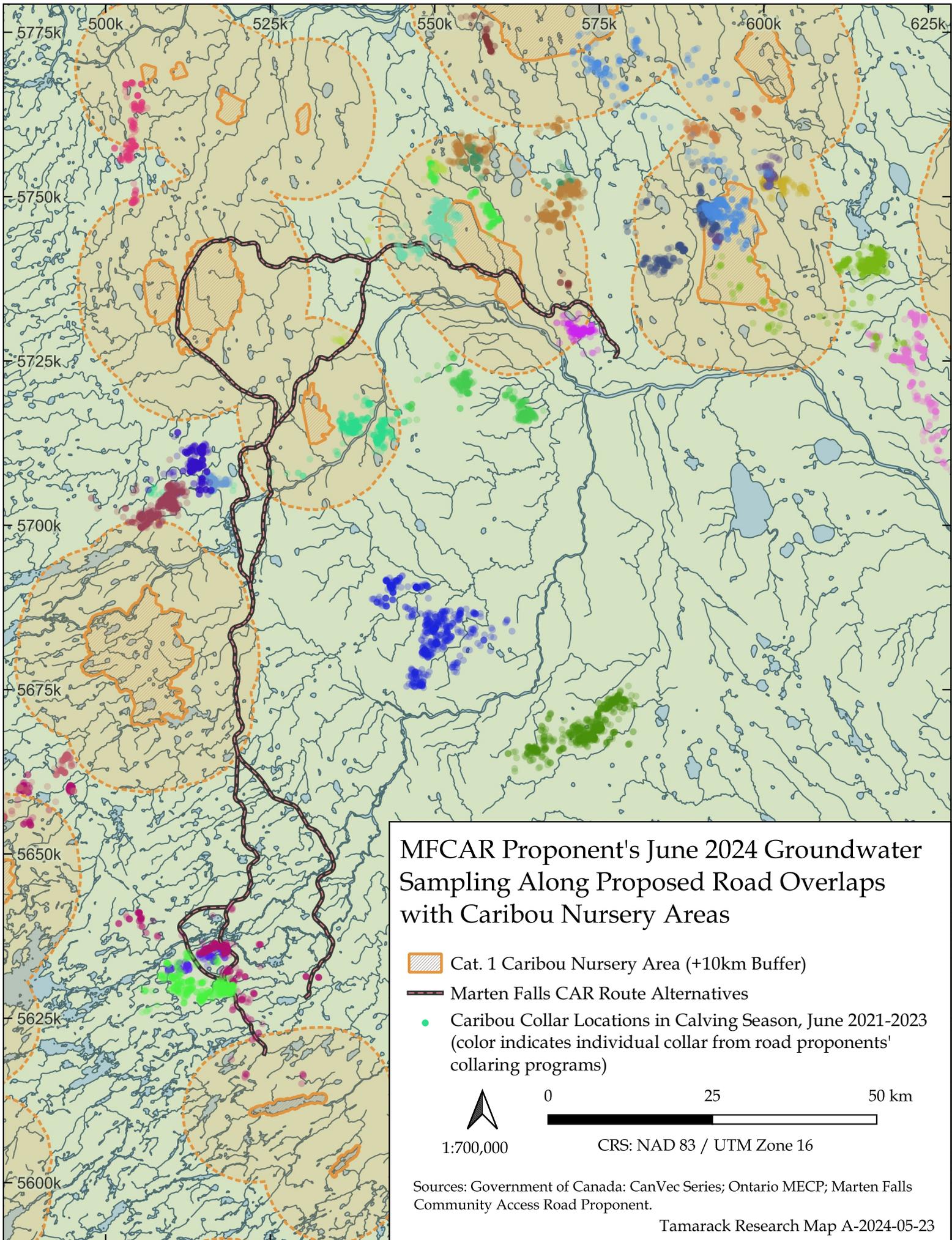
Senior Community Member Advisor

Marten Falls First Nation

1-800-764-9114 | info@martenfallsaccessroad.ca

www.martenfallsaccessroad.ca





MFCAR Proponent's June 2024 Groundwater Sampling Along Proposed Road Overlaps with Caribou Nursery Areas

-  Cat. 1 Caribou Nursery Area (+10km Buffer)
-  Marten Falls CAR Route Alternatives
-  Caribou Collar Locations in Calving Season, June 2021-2023 (color indicates individual collar from road proponents' collaring programs)

1:700,000  0 25 50 km
CRS: NAD 83 / UTM Zone 16

Sources: Government of Canada: CanVec Series; Ontario MECP; Marten Falls Community Access Road Proponent.

From: Dorothee Schreiber <[REDACTED]>
Sent: Friday, June 28, 2024 2:44 PM
To: Angelis, Niki <[REDACTED]>
Cc: s <[REDACTED]>

Subject: Re: MFFN CAR - Aboriginal and / or Treaty Rights and Interests Existing Conditions Report Follow up

Good afternoon Niki,

Thank you for sending the response table included in your letter of May 31, 2024. Unfortunately, the responses do not address Attawapiskat's concerns. I don't think that response tables are the best format for addressing concerns at this point, and that an online meeting is needed. Would you be able to propose some dates/times for a meeting in the second half of July?

Thanks,
Dorothee

From: Dorothee Schreiber <[REDACTED]>
Sent: Wednesday, July 31, 2024 4:24 PM
To: Angelis, Niki <[REDACTED]>
Subject: Re: MFFN CAR- Question regarding Ground Water Program

Thank you, Niki for the follow-up and the useful information on the MNR permit.

Dorothee

B3.3 Draft Aboriginal and / or Treaty Rights and Interests Preliminary Existing Conditions Report





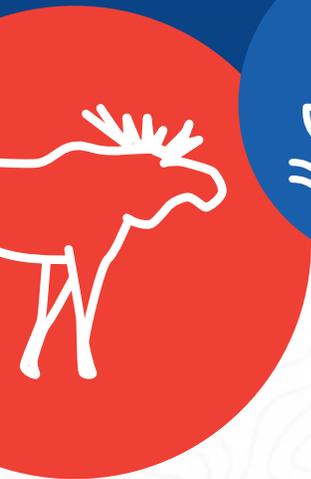
Attawapiskat First Nation

Marten Falls First Nation

Aboriginal and / or Treaty Rights and Interests: Preliminary Existing Conditions Report

Marten Falls First Nation Community
Access Road Project

WORKING DOCUMENT



Contacts

Bob Baxter, MFFN Community Advisor

Email: [REDACTED]

Phone: [REDACTED]

Website: martenfallsaccessroad.ca

Andrea Nokleby, Project Consultant

Email: [REDACTED]

Phone: [REDACTED]

November 28, 2023

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Introduction



Marten Falls First Nation is the Proponent of a proposed all-season Community Access Road (the Project). The Project would connect the community to the Ontario provincial highway network (**Figure 1-1**). The Project is subject to the federal *Impact Assessment Act* and the *Ontario Environmental Assessment Act* and associated regulatory processes. As part of these regulatory processes, the Proponent is required to assess the potential impacts of the Project on the rights and interests of Indigenous peoples, including on Aboriginal and / or Treaty Rights which are recognized and affirmed in Section 35 of the *Constitution Act, 1982*. The Project Team is currently consulting with 23 Indigenous communities, including Marten Falls First Nation, who may have Aboriginal and / or Treaty Rights and Interests that have the potential to be adversely impacted by the Project. As a First Nation Proponent, constitutionally protected rights are of the upmost importance and significance to Marten Falls First Nation.

The purpose of this *Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report* is to:



Share our current understanding of rights and interests within the Project area specific to each Indigenous community;

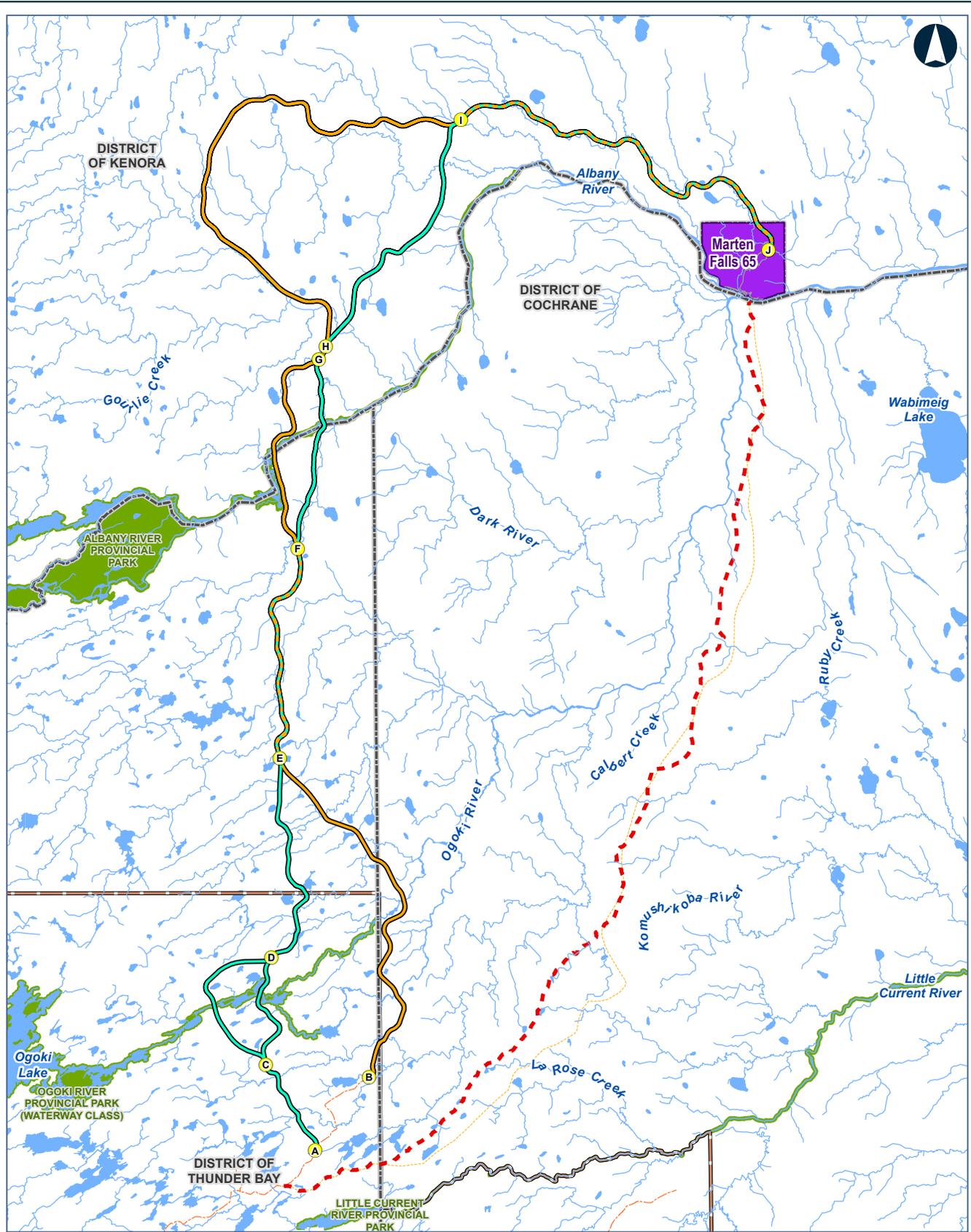


Provide our understanding of how rights are currently being exercised within the Project area; and



Seek your review and feedback on our current understanding.

The report begins with background information about the proposed Project and Aboriginal and / or Treaty Rights and Interests, and why it is so important to have a strong understanding of rights and interests relevant to the proposed Project (**Section 1**). This is followed by our understanding of the historical and regional context with respect to Aboriginal and / or Treaty Rights and Interests and how they have been cumulatively impacted to date (**Section 2**). The next section includes our understanding of your community today, including Aboriginal and / or Treaty Rights and Interests that have the potential to be impacted by the proposed Project (**Section 3**). The report concludes with an overview of the next steps in the regulatory processes and how Marten Falls First Nation will continue to work with Indigenous communities on assessing the potential impacts of the Project on the Aboriginal and / or Treaty Rights and Interests of Indigenous peoples (**Section 4**).



Legend

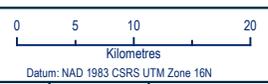
- Route Alternative Node
- - - Existing Winter Access Road
- Provincial Park
- Route Label**
- Alternative 1
- Alternative 4
- Alternative 1 and Alternative 4
- General Features**
- Local Road
- - - Winter Road
- - - Resource / Recreation Road
- - - Railway
- Watercourse
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Waterbody

Date Source: Base Data Provided by MNRF 2019; Route Infrastructure - Provided by AECOM 2019. Contains information licensed under the Open Government Licence Ontario.

DRAFT

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Project Overview



Datum: NAD 1983 CSRS UTM Zone 16N

Sep, 2023	1:430,000 <small>when printed 11"x17"</small>
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Figure 1-1

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1.1 Imagining Access – Why the Project?

The Project will offer Marten Falls First Nation the opportunity to grow as a community but also be part of the social and economic fabric of the region and country. The Community Access Road will reduce transportation costs for goods and services, making food, gas, and other supplies cheaper. It will help families be together in the community and increase social interactions with other communities. It will also provide a vital connection to emergency, health, and social services.

The development of the Community Access Road will mean that Marten Falls First Nation can begin to forge partnerships with businesses and governments to grow social and economic development opportunities. Opportunities will mean more training and jobs for youth in the region. In the near future, Marten Falls First Nation members will be able to work from their home community and spend or save their hard-earned money at the nearest urban centres. The road will also allow for the continuation of Marten Falls First Nation people on the land because community members will be able to access the lands and waters at a fraction of the price it is now for transportation.

Presently, many Marten Falls First Nation members, especially the youth, have migrated to the cities and towns in search of a better life. It only makes sense that they get a chance at a better life right in their own territory. The Community Access Road will support Marten Falls First Nation in repatriating their members and youth, and in continuing to honour their role as stewards of the lands, waters, and resources as their ancestors did.

1.2 Aboriginal and Treaty Rights and Interests Overview

For the purpose of this report, Aboriginal and Treaty Rights and Interests are defined as follows.

Aboriginal Rights refer to the collective rights to practice traditions and customs that distinguish the unique culture of Indigenous groups and societies, which have been practiced since prior to European contact. These rights are grounded in the recognition of the status of Indigenous groups and societies as the original peoples of Canada, and their continued use and occupation of the land since before European contact; these rights flow to the descendants of Indigenous groups and societies on this basis. Aboriginal rights are not specifically defined under Section 35 as they can vary from group to group depending on the customs, practices and traditions that have formed part of their distinctive cultures, but they may include (CIRNAC, 2023):

- Indigenous title or ownership rights to land;
- Right to occupy and use lands and resources, such as hunting and fishing rights;
- Self-determination and self-government rights; and
- Cultural and social rights.



Treaty Rights are rights that are set out in historic and modern treaty agreements, including Treaty 9 and the Robinson-Superior Treaty, where the proposed Project is located. Treaties define specific rights, benefits, and obligations for the signatories of them, and vary depending on the time and circumstances in which they were negotiated (CIRNAC, 2023).

Aboriginal Interests refer to all requirements relating to Indigenous peoples required by both the federal *Impact Assessment Act* and the *Ontario Environmental Assessment Act*. In addition to an assessment on potential impacts to Section 35 Aboriginal and Treaty Rights, Interests also include impacts under federal jurisdiction with respect to Indigenous peoples, including impacts on (i) physical and cultural heritage, (ii) current use of land and resources for traditional purposes, (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, and any change occurring in Canada to the health, social or economic conditions of Indigenous peoples in Canada (IAAC & BCEAO, 2022). Therefore, Interests include those identified by Indigenous groups with respect to potential economic, social, health, heritage, or environmental effects of the proposed Project, which may or may not be directly related to specific Aboriginal and / or Treaty Rights.

Note: Interests related to Aboriginal and / or Treaty Rights only are presented in this **Preliminary Existing Conditions Report**. Interests that are not specifically related to Aboriginal and / or Treaty Rights are presented in the existing conditions reports prepared by other disciplines (e.g., Socio-Economic, Land and Resource Use). Relevant information prepared by other disciplines will be used to inform the assessment on Aboriginal and / or Treaty Rights and Interests.





1.2.1 What is the Aboriginal and / or Treaty Rights and Interests Assessment Process?

The assessment of the potential impacts of the proposed Project on Aboriginal and / or Treaty Rights and Interests is intended to be flexible and adaptable. The impact assessment process is generally undertaken as a series of seven steps (IAAC, 2022), as shown in **Figure 1-2**. Steps may need to be revisited and revised based on inputs from, and the specific context of, potentially affected Indigenous communities.

Dialogue (and ideally collaboration) with Indigenous communities throughout the process enables modifications to the process, if and as needed, and promotes a holistic understanding and consideration of Indigenous community needs, protocols, rights, and interests.

It is important to note that the steps of the Aboriginal and / or Treaty Rights and Interests impact assessment are not completed in isolation of each other (i.e., step 1 does not need to be fully completed before moving onto the next step). This is because of the interconnectedness of the steps, the iterative nature of the process, the volume of information that is collected during the process, and the dialogue with Indigenous communities throughout the process.

Figure 1-2: Aboriginal and / or Treaty Rights and Interests Impact Assessment Process





The Marten Falls First Nation Project Team is currently working through Steps 1 to 3. This **Preliminary Existing Conditions Report** is a working document that has been developed based on dialogue with and inputs received from Indigenous communities to date and an extensive literature review of publicly available documents. By sharing this Preliminary Existing Conditions Report, we are wanting to work with Indigenous communities to validate, build on and / or revise our understanding of:

- Aboriginal and / or Treaty Rights and Interests relevant to the proposed Project (Step 1);
- The context in which impacts on these rights and interests have already occurred, and how the proposed Project may further impact rights and interests (Step 2); and
- The guiding values and topics associated with community well-being, cultural expression, and the preferred means of exercising rights (Step 3).

The next steps in the Aboriginal and / or Treaty Rights and Interests Impact Assessment process is to collaborate with Indigenous communities to grow the Proponent's understanding of:

- Pathways of potential impacts from the proposed Project (Step 4);
- Anticipated levels of impact that the Project may have (Step 5); and
- Measures and / or actions that can be taken to address potential impacts including the associated pathways (Step 6).
- The final step (Step 7) is to engage with communities to validate the outcomes of the Aboriginal and / or Treaty Rights and Interests Impact Assessment.





1.2.2 Proposed Study Areas for the Aboriginal and / or Treaty Rights and Interests Assessment

Study areas identify the geographic areas within which potential effects of the Project may occur. These study areas are used to guide the data collection and assessment processes.

The Project has both a general Study Area and a Project Development Area which are defined as follows:

- Project Study Area- includes the area within 2.5 km of each side of the centreline of each alternative route (resulting in a 5 km wide Study Area). The preliminary Study Area generally allows for the documentation of existing conditions and prediction of potential effects for the Project. A 5 km wide Study Area provides flexibility for route refinements that may arise during the Environmental Assessment process through advancement of design (e.g., adjustment of the road alignment to avoid features). The specific location of Project components, including the roadway, quarries, borrow areas, aggregate source areas and temporary infrastructure, are not yet known and will be determined in the Environmental Assessment.
- Project Development Area – encompasses the 100-metre-wide Community Access Road right-of-way, temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads.

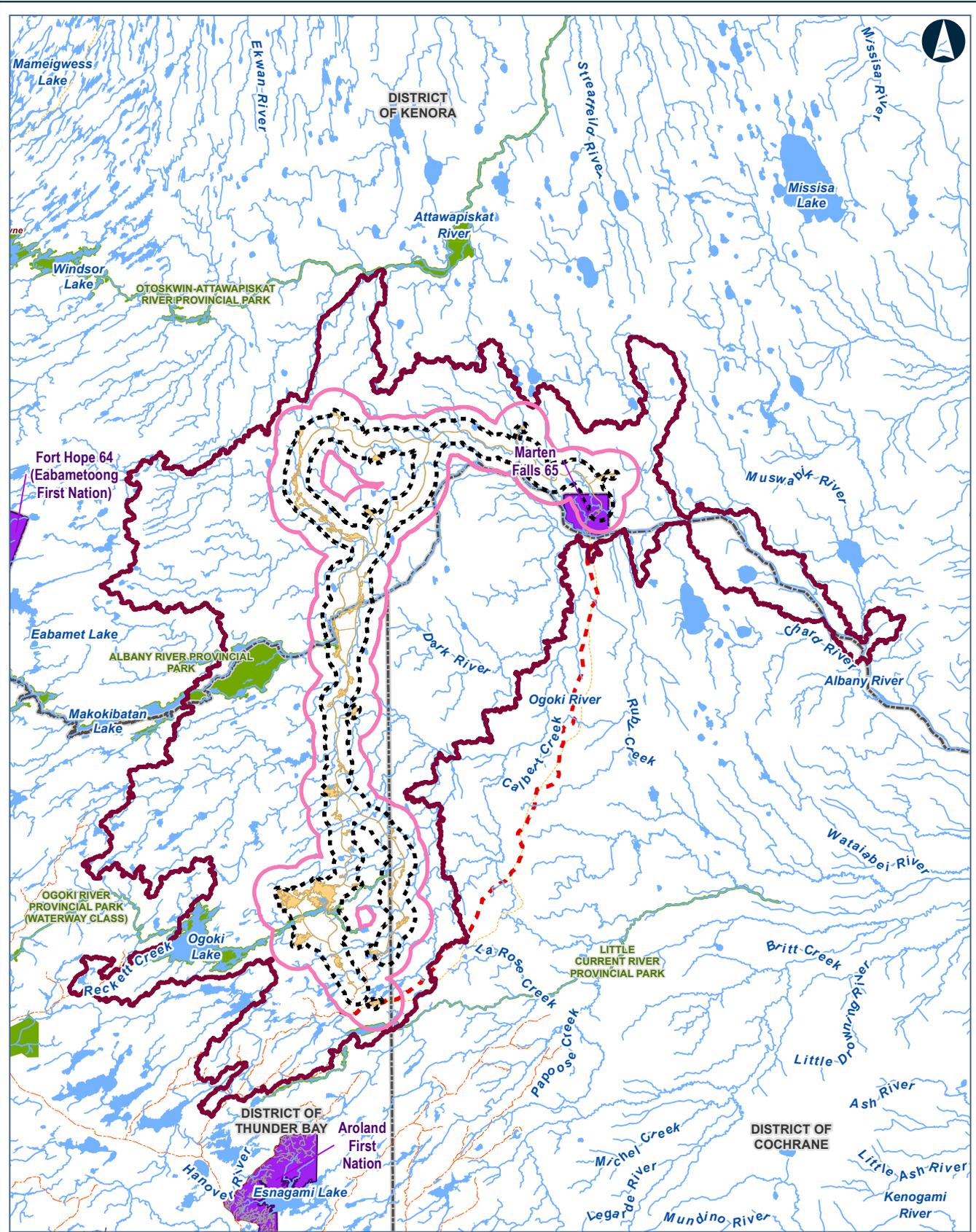


In addition to the Project Study Area and the Project Development Area, study areas have been identified for the Aboriginal and / or Treaty Rights and Interests assessment. Information on the proposed study areas for the Aboriginal and / or Treaty Rights and Interests impact assessment and associated requests for input have been previously shared with all potentially affected Indigenous communities, as follows:

- **August 2020:** The Project Team shared the Preliminary Aboriginal and / or Treaty Rights and Interests Study Areas Memo with Indigenous communities for review and comment.
- **September 2020:** The Project Team received valuable feedback from Indigenous communities on the preliminary study areas.
- **January 2021:** The Project Team revised the proposed study areas for the assessment based on feedback received and distributed an Update on the Proposed Aboriginal and / or Treaty Rights and Interests Study Areas Memo outlining the changes and requesting any feedback.
- **August 2022:** The Project Team revised the proposed study areas based on changes to the proposed Project Development Area for the Project. Changes to the Project Development Area resulted to changes in the proposed Local Study Area for the Aboriginal and / or Treaty Rights and Interests assessment only; there were no changes to the proposed Regional Study Area for the assessment. An Update on the Proposed Aboriginal and / or Treaty Rights and Interests Study Areas Memo, outlining the changes and requesting any feedback, was distributed to Indigenous communities.

The current study areas for the Aboriginal and Treaty Rights and / or Interests assessment (as of September 2023) are shown in **Figure 1-3**.





Legend

Project Study Area	General Features	First Nation Reserve
ATRI Local Study Area	Local Road	District Municipal Boundary
ATRI Regional Study Area	Winter Road	Waterbody
Project Development Area	Resource / Recreation Road	Provincial Park
	Existing Winter Access Road	
	Railway	
	Watercourse	

Notes:
1. Local and Regional Study Areas are Preliminary.

Data Source:
Base Data: Provided by MNR 2019; Route Infrastructure - Provided by AECOM 2019. Contains information licensed under the Open Government Licence Ontario.

**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Study Areas for the Aboriginal and Treaty Rights and Interests Impact Assessment

0 5 10 20 30
Kilometres

Datum: NAD 1983 CSRS UTM Zone 16N

Nov, 2023	1:800,000	
Rev:00	*when printed 11"x17"	

Figure 1-3

Contains information provided by Ontario Ministry of the Environment, Conservation and Parks or by Ontario Ministry of Natural Resources and Forestry (Ontario, Queen's Printer of Ontario 2020, through a Baseline Data License Agreement. This drawing has been prepared for use of AECOM client and may not be reproduced or relied upon by third parties, except as approved by AECOM and its client, as required by law or for use by governmental reviewing agencies. AECOM accepts no responsibility, and denies any liability whatsoever, to any party that modifies this drawing without AECOM express written consent. The use of Baseline Data in this drawing does not constitute an endorsement by the Ministry for this drawing by AECOM of the Baseline Data.

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1.3 A Shared Understanding – Working Together

Marten Falls First Nation is committed to developing a shared understanding of Aboriginal and / or Treaty Rights and Interests within the assessment study areas. The Project Team recognizes that there are things that may have been missed or misunderstood with respect to community Aboriginal and / or Treaty Rights and Interests, and the intent in preparing and sharing this **preliminary report** is to encourage the community to validate, build-on, and /or correct any misunderstandings.

This report sets the stage for the Project Team’s understanding of community Aboriginal and / or Treaty Rights and Interests and will be foundational to the impact assessment that will be completed in the future. By understanding the Aboriginal and / or Treaty Rights and Interests of communities in relation to the proposed Project, the Project Team will be better positioned to have informed conversations with potentially impacted Indigenous communities and their members.

It is the objective of the Project Team to avoid, mitigate or reduce potential negative impacts associated with the proposed Project while enhancing potential positive impacts related to Aboriginal and / or Treaty Rights and Interests.





Historical and Regional Context



The culture, knowledge, and history of Indigenous peoples is passed down through oral stories and accounts from generation to generation. The following chapter presents an historical and regional overview of the Indigenous peoples in the region. The information presented below was collected from written academic articles, journals, and other publicly available documents, many of which were informed by oral history. Indigenous authors and publishers were sought where possible to capture a more authentic understanding of the history, culture, rights, and interests of Indigenous peoples, both pre- and post-contact, and how Indigenous peoples and their rights and interests have been cumulatively impacted to date.

Note: the term “Indian”, which is the historical term used by the Crown for First Nations peoples in Canada, is used throughout **Section 2** when referencing historical documents and associated content.

2.1 Pre-Contact Context

Section 2.1.1 to **2.1.6** describe aspects of the societies of Indigenous peoples of the region prior to more consistent contact with Europeans (pre-contact), which occurred in the mid- to late-17th century.

The Indigenous peoples of what is now known as northern Ontario primarily consisted of the Anishinaabeg (which translates to ‘Original People’) and the Cree peoples (The Canadian Encyclopedia, 2023).

The Anishinaabeg in this region of Ontario have been referred to as the Northern Ojibwa. The Cree people of this region are known as the Omushkegowuk (‘People of the Muskeg’). Throughout **Section 2.1.1** to **2.1.6**, ‘Indigenous peoples’ refers to the Anishinaabeg and the Omushkegowuk peoples of the region specifically, unless otherwise stated. Information on the community as it is today – is provided in **Section 3**.



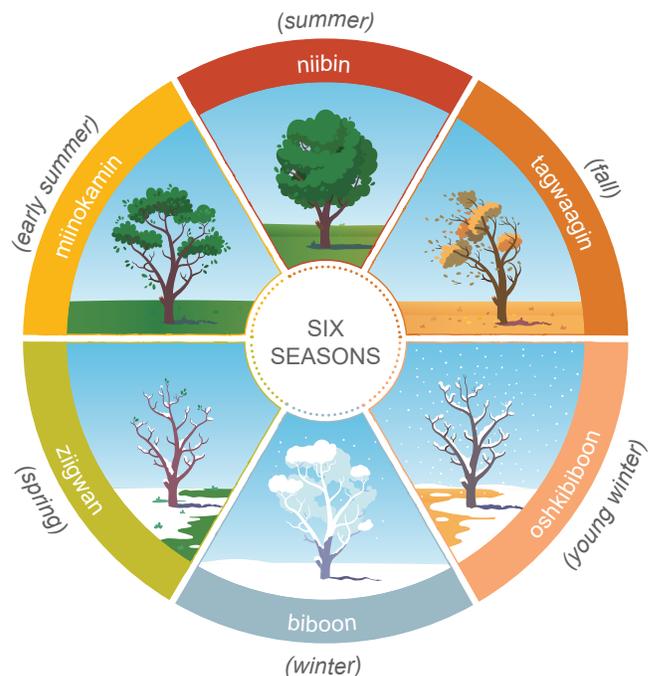


2.1.1 Seasonal Lifeways

Indigenous lifeways are typically shared and nurtured through culture, language, stories, and ceremony, and rooted in place and sacred relationship with the Earth, sky, sun, plants, animals, and water (Robertson, 2023). Prior to contact, Indigenous peoples lived their lives following the animals they hunted and according to the seasons. As noted by Davidson-Hunt and Berkes (2003), the Anishinaabeg have six seasons:

- *Ziigwan* (spring);
- *Miinokamin* (early summer);
- *Niibin* (summer);
- *Tagwaagin* (fall);
- *Oshkibiboon* (young winter); and
- *Biboon* (winter).

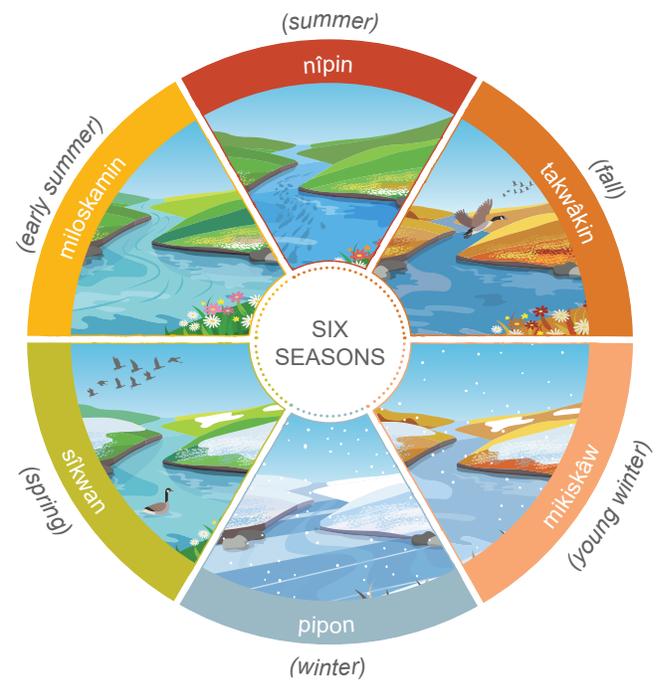
The seasons were denoted according to changes in the landscape. For example, *tagwaagin* begins when the leaves start to change colour and fall from the trees and turns into *oshkibiboon* when all the leaves have fallen off the trees and the first snows have fallen, while *biboon* turns to *ziigwan* when the ice on the lakes begin to melt and break up (Davidson-Hunt and Berkes, 2003).





The Omushkegowuk have described six seasons with several seasons reflecting the yearly melting and freezing of the waterways given their reliance on lakes and rivers for their livelihoods (Honigmann, 1948; Six Seasons of the Asiniskaw Īthiniwak, n.d.):

- *Sīkwan* (breakup, translates to “rattling feathers” because the geese fly in and it sounds like rattling);
- *Miloskamin* (spring, translates to “good moving water”);
- *Nīpin* (summer, translates to “gifts from the water” because of the fish that are offered);
- *Takwākin* (fall, translates to “gathering up” because e this is the season in which birds and people prepare for the coming winter);
- *Mikiskāw* (freeze-up, translates to “plenty of beads” because of the forming frost); and
- *Pipon* (winter).



Both the Anishinaabeg and the Omushkegowuk used the moon cycles to mark temporal dynamics of seasonal change, and to provide a more standardized way to note the passage of time during the year (Davidson-Hunt and Berkes, 2003; Six Seasons of the Asiniskaw Īthiniwak, n.d.).





Indigenous peoples of the region were hunters and gatherers who travelled seasonally, following the important resources that sustained them in each season. They used birch bark canoes, rafts, snowshoes, and toboggans for easier travel depending on the season (Long, 2010). A rich variety of foods were available, including birds (e.g., duck, goose, and partridge), big game (e.g., bear, deer, moose, and caribou), furbearers (e.g., beaver, muskrat, marten, and wolverine), and fish (e.g., whitefish, pickerel, pike, trout and sturgeon) (Dawson, 1976; Long, 2011; Long et al., 2017). Indigenous peoples also gathered berries, plants, medicines, and fuels (Long, 2011). *Manoomin* (wild rice) was an important staple food among the Anishinaabeg in the Great Lakes region (Desmarais, 2019). Kuhnlein and Turner (1991) noted that plants used in the Hudson Bay Lowlands, further north, included: the roots and sweet sap of large tamarack trees; rock tripe lichen; angelica (wild celery); wapato (arrowhead); the shoots, roots, and stems of fireweed; cattails; wild onions; and, the buds of juniper and spruce trees. Early accounts indicate that the Omushkegowuk spent much of the year pursuing game over large areas in the north, while areas to the south provided food the Anishinaabeg were able to harvest in large quantities including fish, deer, moose, and caribou, requiring less travel (Bishop & Smith, 1975).

The division of labour was based on gender. The men were hunters and trappers (and butchers prior to returning to the group), and makers of toboggans, sleds and snowshoe and wigwam frames. The women fished and hunted and trapped small game, gathered plant foods and medicines, collected firewood, prepared meals, and created material goods for family and trade, in addition to their child caregiver duties (McMillan and Yellowhorn, 2004, as cited in Soloway, 2015). The role of women in preparing geese for future use by drying and smoking, and in preparing feathers and quills for sale, was especially important among the Omushkegowuk, (Lytwyn, 2002).

Indigenous lifeways were intimately tied to the family (Long, 2010). The social organization consisted of community groups composed of immediate and extended families, which may have inhabited single or several drainage basins. Settlements consisted of small habitation sites and associated hunting camps (Dawson, 1987). Up to ten families lived and shared together, typically a group of brothers and their wives and children (Bohaker, 2020), depending on the season and circumstances (Long, 2011). Families resided in cone-shaped wigwams made of wood and moss, covered in moose or caribou hides (MFFN & OMNRF, 2020).





When studying traditional Omushkegowuk (Attawapiskat) land tenure, Cummins (1992) reported that two to five Omushkegowuk families lived and travelled together as a ‘microband’, and up to 15 families connected as a ‘macroband’. The macrobands in the region were aware of each other as they completed their seasonal rounds (Cummins, 1992).

Communities would come together in the summer, usually at a lake or shore within the territory where food was abundant; these areas were occupied annually for extended periods by clustered groups (Dawson, 1987). Summer gatherings were the largest, and hundreds of people (sometimes over a thousand) from several ‘bands’ would assemble for visiting, trade, marriage negotiations and to discuss issues of common concern (Leacock, 1981; Bohaker, 2020).

Small camps used on a temporary basis by community members to harvest resources in both summer and winter were also present around the larger summer gathering sites. Groups would disperse in the winter to their hunting areas (Dawson, 1987), and each family had a hunting territory (Oldmixon, 1931, as cited in Long *et al.*, 2017). According to anthropologist Edward Rogers (1963), hunting ranges (territories) were loosely managed and hunting groups returned to the same general area each year. Trapping was done mostly for subsistence as the hunter-gatherer lifestyle required seasonal movement to avoid resource depletion (Rogers, 1963).

Indigenous land use, cultural practices, and settlement systems were shaped primarily by the seasonal cycles of the region. During the summer, time was spent fish harvesting and drying, berry picking and drying, and collecting materials for building homes and utility items including wigwams, snowshoes and fish baskets (MFFN & OMNRF, 2020). Furbearer snaring and small bird hunting was also common (Long *et al.*, 2017). Summer was also a time for traditional gatherings for ceremonies including marriages, feasts, new friendships, naming ceremonies, and celebrations for community members who passed away (MFFN & OMNRF, 2020).

Fall was spent preparing for the winter hunting camps and season. This involved preserving food and preparing hides, making any utility items needed (e.g., moccasins and snowshoes), and making sure the dogs were fattened up for the coming winter sledding when it was time to move to the winter





areas (O mushkego Education & OCCC, 2006; MFFN & OMNRF, 2020). Fish were an important source of food during this time (O mushkego Education & OCCC, 2006), as were a variety of birds including waterfowl, grouse, and ptarmigan (O mushkego Education & OCCC, 2006; Long *et al.*, 2017). Caribou and moose provided additional sources of food during this time (O mushkego Education & OCCC, 2006).

During the early winter or freeze up, travel was limited until the rivers and streams were frozen and fishing and trapping were important for sustenance (O mushkego Education and OCCC, 2006). Winter was a prime time for hunting caribou and trapping furbearers (Long *et al.*, 2017). Winter gave people freedom as they could travel all over the land, and not worry about food spoiling (MFFN and OMNRF, 2020).

Breakup and spring (early summer) brought warmth. Areas for new shelters away from winter homes were scouted to prepare for the spring hunt (MFFN and OMNRF, 2020). Among the lowland O mushkegowuk, the spring harvesting of goose and duck was significant and was seen as a celebration for the survival of the family through the harsh winter conditions (Cummins, 1992). Canoes were used as a mode of travel as the waters of the rivers and streams started to flow again (O mushkego Education & OCCC, 2006). After the ice breakup was a time for fish harvesting and drying, and muskrat hunting and trapping (MFFN & OMNRF, 2020).





2.1.2 Culture and Worldview

Indigenous peoples of the region practiced a cultural way of living. The culture was, and continues to be, grounded in relationships with and knowledge of the environment, and shared through oral stories and practices (MFFN & OMNRF, 2020). When Europeans started to travel into the region, many viewed the land as something to be explored, owned, developed, and used for profit – this view was in contrast to the Indigenous’ world view that the land and its resources is something to be shared, cared for, and honoured (Tsuji & Tsuji, 2021). From an Indigenous way of life, Indigenous peoples did not own the land; they were connected to it and depended on its generation and empowerment of all life, including the intangible aspects like culture, language, and dream (Tsuji & Tsuji, 2021). Indigenous worldview and identity were, and continue to be, grounded in intimate relationships with the land and the natural world, and the principles of kinship, respect, reciprocity, and responsibility (Bell, 2013; Guido, 2021).

The perspectives of many Indigenous peoples were, and continue to be, rooted in a recognition of the inter-relation of all of creation – everything is considered to be connected, like the strands of a spider’s web (Bell, 2013). Moreover, many Indigenous peoples’ beliefs on the origin of humankind framed their perspectives on relationships between humans and other beings: plants and animals inhabited the land before humankind and assisted humans when they arrived on earth (Johnston, 2005; Luby *et al.*, 2021); and, all things in the natural world are valuable and equal (Simpson, 2000a).





was taken or received, something had to be given back to give thanks. Gifts were offered for successful hunts and harvests; these included specific offerings that were often very private to the individual or group but they also entailed actions to sustain the life of a moose or caribou population from which they hunted (Tapestry Institute, n.d.).

- Indigenous stories also indicate important responsibilities to ensure healthy and balanced relationships with Creation. Anishinaabe teachings describe the gifts that each person is born with and responsibility of each person to “use their gifts to the best of their ability for the good of the community, and for the good of creation” (Bell, 2013, p. 103).

The perception of environments as social-ecological systems is an underpinning of an Indigenous worldview, and the spatial and temporal dynamics of the land were included in both memory and language (Davidson-Hunt & Berkes, 2003). As noted by Davidson-Hunt and Berkes (2003), Anishinaabe ways of remembering can be described as an experience of journeying within the land that is situated in both space and time: the journey is structured temporally according to the practices, seasons, moons, and ceremonies that mark of the passing of time and life stages, and spatially based on what is encountered and observed. This is evident in Indigenous place names, which provide a mental image of how a particular place in the landscape looks, how it relates to other places, and what occurred or might be found at the place (e.g., *Aagimakobawatig* describes a place where black ash grows beside a rapid). As noted by Berkes et al. (1998), the Anishinaabe notion of “land” is more akin to the concept of “ecosystem” but with the added dimensions of peoples, their culture and their history.

In addition to providing sustenance, the lands, waters, and their resources provided, and continue to provide, spiritual connection and well-being. Everything could be considered alive – both animate and inanimate objects were believed to have a spirit life (Simpson, 2000a). Many Anishinaabeg understood the world to be inhabited by spiritual beings known as *manidoos*, and these were known to be associated with places and seasons (Johnston, 2005). Moreover, the spiritual world was believed to exist as parallel world or plane of existence that could be accessed through prayer





or ceremony or that could manifest when it decided to do so (Honour the Earth, 2017). These beliefs remain an important part of Anishinaabe culture today.

In Anishinaabe culture, Johnston (2005, p. 17) describes that “there is an ongoing relationship between the Dead and the Living; between Ancestors and Descendent.” It was considered the obligation of the living to bury their relatives in a proper manner (in marked graves with commemorative and symbolic items placed on them) and in a proper place (in their place of origin and/or near their ancestors), and to protect them from disturbance or desecration; failure to do so was thought to harm both the dead and the living (Johnston, 2005). Many Anishinaabe believed that bodies have several souls: one of them remains in the bones after death and only leaves when it is “recycled” into a descendant; the other leaves the body after death and travels to rejoin other relatives who have died (Johnston, 2003, as cited in Bohaker, 2020). Feasting to celebrate the dead (Feast of the Dead) was important for the care and protection of deceased souls (Johnston, 2005). The feasts also had a function of perpetuating alliances among kin and initiating alliances with outsiders (Bishop, 1976). Based on available records, the Jesuit missionaries were “mystified by the care and attention that Aboriginal people showed toward their dead” (Johnston, 2005, p. 8).

Prior to contact, Indigenous lifeways were based on a deep connection with the lands and all its inhabitants. As noted by Cajete (2000), “Native people expressed a relationship with the natural world that could only be called ensoulment” (p. 186). They spent so much time on the land, interacting with the natural world, that “their landscapes became reflections of their very souls” (Cajete, 2000, p. 187). The mutual relationships between, and the value of, all things in the natural world (including celestial bodies, spirits, and natural forces), as well as the need for balance among them, were recognized and honoured (Honor the Earth, 2017).





2.1.3 Language

Indigenous culture is rooted in language (Wastesicoot, 2015). Both the Anishinaabeg and Omushkegowuk are Algonquian in terms of their language group, one of the most populous and widespread Indigenous linguistic and cultural groups in North America.

Anishinaabemowin (Ojibwe) was the language of the Anishinaabeg, while the Omushkegowuk spoke *Inilîmowin* (Swampy Cree).

Both languages are considered polysynthetic, which means that they have long, compound words to express complex meanings that would require many words, or even an entire sentence, in other languages (Oxford, 2019). A typical word is made up of several, or many small parts, with a variety of combinations that mean different things. For example:

- *Boozhoo* (“hello”) in *Anishinaabemowin* acknowledges the original spirit of *Nanaboozhoo*, and also conveys the process of using the breath of life (“*boo*”) to express the feeling of life (“*zhoo*”) (Horton, 2021); and,
- The *Inilîmowin* word *niwanahikân* means “I am setting my traps” (Omushkego Education, 2016).

Both *Anishinaabemowin* and *Inilîmowin* also organize their nouns according to animacy: whether the noun is referring to a living thing like a human or animal (animate) or an object (inanimate); this is analogous to the use of masculine and feminine nouns in French, just on a different axis. However, some non-living objects, like drum and tobacco, are treated as animate, and this may have to do with the spiritual significance of these objects (Oxford, 2019).

There was no written form for the Ojibway and Cree languages prior to contact, though European missionaries later created a system of writing (OCCC, 1986). By the early 1800s, European traders noted that a mixed Cree-Ojibway dialect was spoken by Indigenous people who lived in territories shared by the Lowland Cree and Northern Ojibway, where mixing and intermarriage was common (Lytwyn, 2002); this became what is today referred to as *Anishiniimowin* (Oji-Cree).

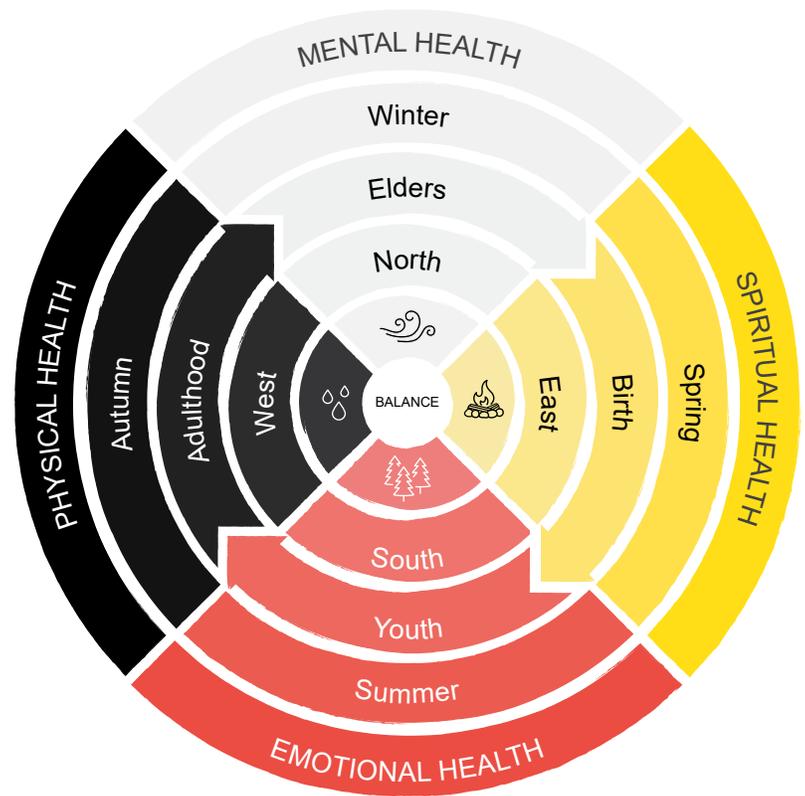




2.1.4 Learning and Knowledge Building

Indigenous educational traditions have been described as holistic whereby the learning process had to address the whole person, including the intellectual, spiritual, emotional, and physical dimensions (RCAP, 1996a). The process of learning and knowledge building among Indigenous people was considered a life-long process rooted in personal experience, ceremony, reflection and sharing (Simpson, 2000b), and recognition and honouring of the relationships with and within the natural world (McGregor, 2013).

Rituals, storytelling, and harvesting and gathering practices out on the land were foundational for conveying worldviews and handing down instructions for maintaining balance in the natural and spiritual worlds through the generations (Honor the Earth, 2017). As described by Johnston et al. (2018), Indigenous knowledge “originates in oral sources (conversations, stories, traditional teachings) in the day-to-day practices of Indigenous peoples according to Indigenous worldviews and including insights from the spirit world” (p. 4). The knowledge-transfer activities of rituals, ceremonies, storytelling and practices on the land were often directly tied to the place the knowledge relates to (Honor the Earth, 2017); that is, Indigenous knowledge sharing was not only relational in nature but also place-based.





Leanne Simpson (2000b) explored Anishinaabe ways of learning and identified a variety of important learning modalities, including dreaming, ceremonies, learning by doing (experiential learning), and storytelling. Dreaming, visioning, and ceremonies were considered important paths for knowledge transmission from the spiritual world to humans (Simpson, 2000b). Being on the land was considered critical for experiential learning, and young people learned how to participate by practicing the tasks and skills they would need to perform as adults (Antoine *et al.*, 2018). Learning by observation was an important component of experiential learning. The Anishinaabeg often relied on plants, animals, and spiritual entities as teachers, each offering gifts and lessons of caring and sharing that were accessed through careful observation (Simpson, 2000b). For example, plants and animals could offer lessons based on where and when they grow, how they multiply, how they provide food for others, and who they prefer the company of, and who they avoid (Raven *et al.*, 1998, as cited in Simpson, 2000b).



Storytelling was an important way to teach principles and values. There were various forms of stories, including stories of origin, sacred stories, stories of personal experience, and stories that convey laws, responsibilities, morals, values and life lessons, all of which were grounded in one's intimate relationship with the land (Fontaine, 2020). In oral tradition, storytellers may impart their own life and experience when telling stories, and the listeners filtered stories through their own experiences and reflective thinking to make them relevant to their own lives (Peltier, 2021). The meaning that was drawn from a story may depend on who was telling it, and the circumstances in which it was told in terms of time, place, and situation of the telling. Storytelling tradition is non-linear and cyclical in perspective. Time can be represented in different ways; while stories find their origins in the past, they can also speak to the present (RCAP, 1996b).

As described by Anishinaabe educator David Anderson (2002), traditionally children were often raised by their immediate and extended families, and taught the “big story” and the abstract messages of Anishinaabe being from infancy. Generally, children learned to listen and observe, and they watched as the community worked together to ensure the survival of all; role modelling was an important aspect of teaching (Bell, 2013). Children were expected to take the abstract concepts, morals, and values they were exposed to through storytelling, and develop them into their own meaningful relationships with all elements of the natural and spiritual world (Anderson, 200 2; Bell, 2013).





2.1.5 Governance and Legal Principles

Both the Anishinaabeg and the Ojibwegowuk had their own forms of governance in place prior to contact with Europeans. As noted by Anishinaabe legal scholar John Borrows (2002), Indigenous peoples developed spiritual, political, and social conventions to guide relationships with each other and the natural environment, and “these customs and conventions became the foundations of many complex systems of government and law” (p. 47). Leadership among the Indigenous peoples in the region was observed to be markedly different from European societies, and European observers were “impressed by the lack of rigid, hierarchical political order among the Indians” (Lytwyn, 2002, p. 20).

The Anishinaabeg were traditionally governed by a hereditary clan system, the *Doodemaag*. Early accounts from the late 17th century indicate that the Anishinaabeg constituted their governments as *doodem* (clan) beings who met in council, and specific *doodem* beings took on responsibility for roles and places (Bohaker, 2020). *Doodems* were most often animals, but they could also be a tree or a *Manitou* (e.g., thunderbirds, mermen, underwater *manidoos*), and they tied people to specific places those *doodems* inhabited (Corbiere, 2019). Anishinaabe historian William Warren noted that Northern Ojibway *doodems* included Sucker, Goose, Beaver, Sturgeon, Gull, hawk, Cormorant, and Whitefish (Lytwyn, 2002). Each animal symbolized an ideal to be sought (Johnston, 1987). For example, “the leadership role in councils that was undertaken by members of the Loon *doodem* was visually reinforced by the fact that the common markings of loons has markings around its neck, resembling the wampum shell collars that leaders wore to indicate their status and political role” (Warren & Neill, 1885, as cited in Bohaker, 2020, p. 61).

The *doodem* was the foundation of Anishinaabe identity, exemplified by the fact that Anishinaabe leaders meeting in council signed colonial documents with imaged representing their *doodem* identities (Bohaker, 2020). Individuals were born into their *doodem*, which came from the father’s side of the family (Bohaker, 2020). However, people could be adopted into a willing clan when seasonal cycles led to movements inland or upriver that led to a summer identity and a winter identity (Witgen, 2013, as cited in Corbiere, 2019). Marriages often functioned as micro-alliances that brought different *doodemag* together, sometimes from considerable distances away, for important social and political connections.





Given the role marriage had as an alliance-making institution, it was reinforced by a taboo against marrying someone from within the same *doodem* (Bohaker, 2020).

Each *doodem* had its own leadership system (common council), which may have involved an *ogimaa* (chief), an *aanikeogimaa* (second chief, deputy), and *gichi-Anishinabek* (elders, councillors), all of whom were leaders of their own *indinaakonigewin* (those whom one overwintered with, a group of usually 20-40 people) (Miller, 2010). In addition to these leaders, women's councils and warrior councils served to advise and significantly influence decisions. Each of these councils also had leaders (Bohaker, 2020). According to Miller (2010), women's councils were a central component of Anishinaabe governance, and women had defined political roles. One woman, an *ogimaakwe* or chief woman, would present the results of the women's council findings to the men during gatherings (Miller, 2010). Women could also hold the role of the *ogimaa* (Bohaker, 2020). Warrior councils had a responsibility to protect their people (Bohaker, 2020).

Historically, common councils met regularly and were responsible for local affairs, including where and what to hunt, where family groups reside through the seasons, settling conflicts and disputes in the community, and family alliances (Bohaker, 2020). Both women's and warrior councils provided common councils with advice on these matters (Bohaker, 2020). General councils between common councils occurred at least annually if not semi-annually, as part of the seasonal round. General councils were places at which alliances between common councils were established and renewed (Bohaker, 2020).

As noted by Bohaker (2020), leaders were expected to be generous with their wealth and "good leaders accumulated wealth in order to give it away" (p. 139). Their intended role was as "stewards" who took care of the people and the land. Leadership was not absolutely hierarchical and individuals could hold several leadership roles, with their status depending on their own personal gifts, expertise, and their *doodem* (Bohaker, 2020). Governance practices were primarily consensus-based through councils and alliances (Bohaker, 2020); this is reflected in Anishinaabe oral histories that demonstrate consultative and consensus-based leadership models through story (Borrows, 2010). Common practice was for leaders to exercise their authority *with* their community, not *over* them (Mills, 2019). *Doodem* kin ties could create and sustain lateral connections between different councils, and reinforce the political principle of interdependence through alliance (Bohaker, 2020).



Anishinaabe *aadizookaanag* (sacred stories) explain the origins of the *doodem* tradition: human beings are descended from, and therefore kin to, the other-than-human beings who are their *doodem*. To share a *doodem* was to be immediate kin. Indigenous worldview on kinship may be reflective of the idea of shared souls rather than shared blood, and “understanding this distinction is critical for understanding the concept of personhood in Anishinaabe law” (Bohaker, 2020, p. 53).

The governance structure of the Anishinaabe people was formalized through the *Niswi-mishkodewinan* (Three Fires Confederacy) of the Ojibway (Chippewas), Odaawa and Potawatomi Nations. The three groups shared similar languages and territories, and met for military and political purposes. Each group had a distinct role in the confederacy: the Ojibway were the providers and knowledge keepers of medicine and faith, the Odaawa were the warriors and keepers of trade, and the Potawatomi were the firekeepers who took care of the three fires (nations) and made sure they were strong. The fire was central to the governance structure, and continues to be so to this day (Anishinabek Nation, 2023a; Anishinabek Nation, 2023b).

While the Omushkegowuk did not have a clan system like that of the Anishinaabeg, they did have a kinship system where the family was the major self-governing unit, and extended family were involved to support each member in living up to their responsibilities (RCAP, 1996c; Wastesicoot, 2015). Elders served various functions based on their skills, including as storytelling historians, advisors, and counsellors to young people and others (Wastesicoot, 2015).





The Omuškegowuk had a leadership structure with *okimâw* (leaders) who were respected for their ability to make good decisions with respect to hunting practices and rules (Lytwyn, 2002). The *okimâw* were not intended to rule with force or dictate the lives of those who followed them, but rather, they were expected to display leadership based on their life skills, experience, and wisdom (Lytwyn, 2002), and their exemplary connection with the land, knowledge of the animals (Preston, 1990, as cited in Brekes *et al.*, 1991). They did not have the right to impose decisions on others – leadership was meant to be consultative (Lytwyn, 2002), and decisions were accepted by consensus (Preston, 1990, as cited in Brekes *et al.*, 1991). Similarly to the *ogimaa* of the Anishinaabeg, generosity, compassion, and a strong capacity to care for others were important attributes of *okimâw* (Wastesicoot, 2015). Heredity was noted to be an important factor, with leadership observed to be passed down from fathers to sons (Lytwyn, 2002). However, leadership roles were not necessarily inherited, and the *okimâw* remained as leader as long as they were able to maintain the respect of community members; if they lost this, the next person with high standing could assume the leadership role (Mandelbaum, 1979, as cited in Wastesicoot, 2015).

Women played an important role in the kinship system and decision-making processes of the Omuškegowuk (Walker, 2021). Historically, women in Cree society were the keepers of all stories and laws. McAdams (2015) notes that within Cree culture existed the clan mothers or warrior women whose role was to provide the legal “system” of the Cree people, and they were respected for their ability to show compassion and care for the people. Women were highly respected for their sacred role as bearers and teachers of future generations, and they were not only in charge of the ‘household’, but also the well-being of the community (Hookimaw-Witt, 2006). The knowledge of men and women was often considered complementary, and both were important for leadership. As noted by Hookimaw-Witt (2006), in Cree society, while the men had more knowledge about resources in the hunting territory, women had more knowledge about the resources they harvested and managed (small mammals, fish, and plants). Thus, in the realm of Cree politics, both genders had decision-making powers in their own domains, and through interactions with the other gender’s decisions (Hookimaw-Witt, 2006). In addition, in both Anishinaabe and Mushkegowuk cultures it was women who were historically the voice for water, as both hold the important role of giver of life (Chief of Ontario, 2008; Chiblow, 2020).





Borrows (2002) suggests that “Indigenous laws originated in the political, economic, spiritual and social values expressed through the teachings and behaviour of knowledgeable and respected individuals and elders” (p. 13), and their principles are expressed through the stories, ceremonies, and traditions of Indigenous peoples across the country (Borrows, 2002). The instructions, laws, and ethics conveyed in Indigenous stories guided people on how to conduct themselves (McGregor, 2013). As noted by Borrows (2002), oral histories may inherently express Indigenous laws as they represent the accumulated wisdom and experiences of Indigenous peoples’ conflict resolution. They record patterns of past disputes and their solutions while allowing for re-creation to meet emerging needs more easily, and do not depend on finding the first telling of the event, as common law does (Borrows, 2002).

The requirements for maintaining harmonious relationships among all beings have been referred to as Indigenous ‘natural law’ (McGregor, 2013). Among the Anishinaabeg, understanding the natural world as kin, as brothers and sisters, was a critical piece to Anishinaabe law (Fontaine, 2020). This is reflected in the sacred law of *Nda-Nwendaaganag* (all my relations), which acknowledges that all things in the universe are gifts from the Creator and have meaning and purpose. Further, all things are interconnected and important to one another, and respect is afforded to all of Creation (Anishinabek Nation Legal Department, 2018).





According to oral history, it is said that sacred or natural law was given to the Anishinaabeg by the Creator through their *Mino-Bimaadiziwin* (way of living the good life), language, philosophies, and ceremonies (Watts, 2010). *Mino-Bimaadiziwin* is representative of the relationship that the Anishinaabeg have with everything around them, and the understanding that everything is alive, and everything is related (Bell, 2013). It is a traditional legal principle rooted in all Anishinaabeg (Anishinabek Nation Legal Department, 2018). *Mino-Bimaadiziwin* was expected to be lived according seven original (ancestral) teachings that provide guiding principles for the way in which individuals are to treat each other and the natural environment (Bell, 2013; Seven Generations Education Institute, 2021):



Debwewin (truth) – To speak only to the extent we have lived or experienced. Represented by the turtle as the turtle was here during the creation of Earth and carries the teachings of life on his back.



Gwayakwaadiziwin (honesty) – To live correctly and with virtue. Represented by either the raven or the sabel (sasquatch) as they both understand who they are and how to walk in their life.



Dabasendiziwin (humility) – To think lower of oneself in relation to all that sustains us. Represented by the wolf, who lives for his pack and the ultimate shame is to be an outcast.



Zoongide'ewin (courage) – To live with a solid, strong heart. Represented by the bear. The mother bear has the courage and strength to face her fears and challenges while protecting her young. To face life with courage is bravery.



Manaaji'idiwin (respect) – To go easy on one another and all of Creation. Represented by the buffalo as the buffalo gives every part of his being to sustain the human way of living, and respects the balance and needs of others.



Nibwaakaawin (wisdom) – To live with vision. The beaver represents wisdom because he uses his natural gift by altering the environment for his family's survival.



Zaagi'idiwin (love) – Unconditional love between one another including all of Creation, humans and non-humans. The eagle represents love because he has the strength to carry all of the teachings.



The Omushkegowuk shared similar natural law and legal principles. *Wahkotowin* (having relations to all) was a central aspect of Cree natural law, and speaks to the interconnectedness of all things (Cardinal, 2007). According to the late Cree scholar and lawyer Harold Cardinal (2007), *Wahkotowin* is one of the most comprehensive doctrines of law among Cree people, and it contains a subset of laws (values) that establish principles that govern the conduct and behaviour of individuals within the family environment, within their communities, and with others outside the community. These principles are enshrined in the seven sacred teachings, or the seven sacred laws (Wastesicoot, 2015):



Pakwaynamatowin
(sharing);



Sahkiwewin
(love);



Kistenchikewin
(respect;



Kiskentamowin
(wisdom);



Tapatenimowin
(humility);



Tapwewin
(honesty); and,



Sokenimowin
(courage).

Similar to the Anishinaabe concept of *Mino-Bimaadiziwin*, the Cree concept of *Mino-Pimatisiwin* represents the cyclical nature of life and provides guidance on how to live in a good way with oneself, their community, and the natural world (Gaudet & Chilton, 2018). Connection to the land is central to the concept of *Mino-Pimatisiwin* (Gaudet & Chilton, 2018), as is respecting natural law.

2.1.6 Resource Management and Stewardship

Communal management of resources was a common feature of many Indigenous resource-use systems (Berkes, 1989, as cited in Berkes *et al.*, 1991). Resources were considered the property and responsibility of all, and those that utilized them in an area were considered “stewards” who oversaw community norms and rules about their use, which were often comprehensive (Berkes *et al.*, 1991). Collective, consensus-based decision making and enforcement of agreed-upon rules among group members was often the norm (Feit, 1986, as cited in Berkes *et al.*, 1991).



Feit (2004) suggests that some form of hunting territories likely existed among Algonquian hunters in the northern Boreal areas. This would have enabled them to respond to disruptions caused by larger-scale forest fires, and / or resource depletions where groups displaced by these disturbances would have sought to resettle on lands used by adjacent groups of hunters and their families. In his study of hunting territories among the Northern Ojibwa, Bishop (1970) suggests that prior to settlement of interior northern Ontario by traders in the 1770s, hunting groups remained large throughout the year and moved *en masse* within a roughly defined region. Available records indicate a gradual stabilization of hunting groups in certain regions around major lakes and waterways following settlement in the region. By the late 1850s, there were fully developed hunting territories in the upper Albany River drainage area (Bishop, 1970). Leacock (1954, as cited in Bishop, 1970) suggests that the emergence of defined hunting areas held by family units after contact was driven by:

- Increasing scarcity in resources due to overharvesting, forcing bands to split into family units;
- Increasing access to store foods, enabling family units to be more self-sufficient;
- Weakened cooperative bonds among band members as economic ties were transferred from within the group to the trader;
- Non-migratory furbearers could be efficiently exploited by small family units;
- Preference among traders for dealing with individuals rather than groups; and,
- Hindered mobility with increasing dependence on single trading posts.



Within the literature, most available information on pre-contact land and resource management among the Indigenous peoples of northern Ontario pertains to the James Bay Cree, as these were among the first Indigenous peoples in northwestern North America to come in contact with Europeans. Comparatively, there is little information available on the social and economic life among the Ojibwa north of Lake Superior in the early stages of contact because there were few literate traders in the area to describe it (Bishop, 1976) and few Europeans ventured inland from the coast until long after the trading posts had been settled (Lytwyn, 2002).

Lytwyn (2002) studied archived fur trade records of the Hudson Bay Company and reported that prior to contact, specific groups the Lowland Cree (O mushkegowuk) were usually named after prominent physiographic features, especially river basins. These basins were often used by winter hunting groups comprised of several related families (as described in [Section 2.1.1](#)), and led by a hunter or elder who was respected for their ability to make good decisions regarding hunting practices and rules (Preston, 1990, as cited in Berkes *et al.*, 1991). Within the hunting ranges, a smaller (core) area could be used



more intensively as a base camp from which hunters ventured over larger areas in search of big game (Preston, n.d., as cited in Tsuji *et al.*, 2011). The transmission of family-based hunting ranges was typically from father to son, but exceptions were documented (Cummins, 1992).

Based on the research of Lytwyn (2002), hunting groups did not have exclusive rights to their basins (hunting ranges), and there was considerable movement between the river-basin hunting groups. Early traders reported many examples of people moving back and forth between river basins, and commented on the freedom of Lowland Cree people (Omushkegowuk) to hunt and travel without restriction; this pattern of land use was also observed inland among the Upland Cree and Northern Ojibway (Lytwyn, 2002). As recorded by a trader named George Holdsworth in 1815:

“the tribes generally live in peace and friendship with each other, and altho the necessity of migration has caused them to encroach on each others territories the circumstances does not appear to have given rise to jealousies, and several tribes may be seen occupying the track of country in the utmost peace and harmony” (HBCA, B.135/e/1, fo. 4d, as cited in Lytwyn, 2002).

As cited in Tsuji *et al.* (2011), Honigmann (1956) contends that “the notion of territorial [i.e., circumscribed, rigid boundaries] ownership by families did not appear until after the arrival of the Hudson’s Bay Company” (p. 64); prior to this, boundaries were fluid.

The recognition of the inter-relation of all of creation, the dependence of humankind on other beings for survival, and the principles of respect, reciprocity, and responsibility (as described in [Section 2.1.2](#)) serve as underpinnings of Indigenous land stewardship –





something that was considered a sacred responsibility bestowed upon them by the Creator (Davidson-Hunt *et al.*, 2005; Tsuji & Tsuji, 2021). There was an understanding that without balanced relationships with the environment, their own generation as well as those in the future were at risk. As noted by Luby *et al.* (2021), “Anishinaabe Elders teach youth to live with humility and recognize that nonhuman lifeforms can survive without human intervention, but humankind depends on plants and animals for subsistence” (p. 5). According to the Anishinaabeg worldview, in return for the gifts provided to humankind, the Creator placed a moral, custodial responsibility on them referred to as the principle of *gimiinigoowizimin gaaganawendang*, which means ‘keeper of the gifts’ (Davidson-Hunt *et al.*, 2005). Among the Anishinaabeg, feasts were held to respect the beings who made life possible during the past season, and for the beings that were to sustain people in the coming season (Davidson-Hunt & Berkes, 2003).

The responsibility to be stewards of the lands was also prominent among the Omushkegowuk. Berkes *et al.* (1991) contend that “the core of Cree culture is traditionally based on land stewardship activities, skills, and ethics” (p. 15). As told by Fort Albany First Nation elders (see Tsuji & Nieboer, 1999), each season corresponded to a period of time when one or a group of species were abundant and accessible, and just enough animals of a particular species would be harvested for subsistence and sharing. As other species became more plentiful or accessible, harvesting of the next species would begin. This switching of harvesting pressures was intended to prevent overharvesting in one season, which could have negative consequences on that species and thus the community.

Stewardship responsibilities were often conveyed through stories. For example, as told by Geniusz (2015), the Anishinaabe story “The Year the Roses Died” teaches that the gift of Creation requires careful stewardship. Rabbit was blamed by a council of animals for eating all the roses. A *Manitou* (spirit) appears and tells the council (p. 14): “Killing the *Waabooz* [rabbit] will not bring back the roses. You all noticed that the roses were in trouble, and you all decided to take your own shares even if it meant killing the roses forever. There is no honor in this. This is not keeping creation in balance as you were told to do in the Beginning Time.” The story describes how the animals failed in the responsibility to consider the needs of others, and highlights the importance of relationality for stewardship (Campeau, 2019).





2.2 Post-Contact Context

Indigenous peoples interacted with European explorers as early as 1000 AD, but it was not until permanent settlements were established in the 17th and 18th centuries when prolonged contact occurred (CIRNAC, 2017). Soon after the establishment of British and French colonies in what is now eastern Canada, alliances with Indigenous peoples were established to support various interests, including the commercial interests of the newcomers. Utilizing existing Indigenous trade routes, a vast trade network focused on beaver pelts was established between the English and the French and their Indigenous allies. Trade spurred new exploration through the Great Lakes basin, and further east and south (CIRNAC, 2017). Explorers and trappers also became interested in the rich trapping grounds north of Lake Superior and beyond, but the overland journeys from the Great Lakes were challenging. As a result, French explorers sailed through the Hudson Bay in 1668 to establish trade relations and access the heart of fur country (McIntosh & Smith, 2022). This expedition led to the establishment of the Hudson's Bay Company in 1670 (Finch, 2013).

The profitability of the fur trade led to significant competition, and various European and Indigenous interests often clashed violently, with various Indigenous groups displaced from their territories as a result. In 1701, France and the 40 Indigenous groups around the Great Lakes basin entered the Great Peace Treaty to end the violence. Indigenous groups formed both military and commercial (trade) alliances with groups from England and France as power struggles between the two countries intensified (CIRNAC, 2017).

The fall of Montreal in 1760 put an end to French colonial efforts in what would become Canada. To establish peaceful relations with the Indigenous allies of France, the British undertook a series of "Peace and Friendship" treaties. In 1763, France officially ceded its colonial territories with the Treaty of Paris and ended over 150 years of European competition and conflict. That same year, King George III issued a Royal Proclamation, which specified how the British colonies were to be administered and established a framework for the British Crown to acquire Indigenous interests in land through treaties. The Proclamation also established strict protocols for dealing with Indians, including that only the Crown could purchase land from them. Thus, the Proclamation was the first public recognition of First Nations' rights to lands and title (CIRNAC, 2017).





For the next 120 years, the relationship between First Nations and the British Crown transformed from one of allyship to wardship, driven by the influx of newcomers following the American war of Independence (1775-1783) and the War of 1812 (1812-1815), greater demand for land by settlers as a result, increasing costs of supplying gifts to First Nations groups to ensure their loyalty, and declines in the fur trade (Pettit, 2016; CIRNAC, 2017). With a need for more land and military threats fading, the relationship between Indigenous peoples and settlers shifted from one where Indigenous peoples could be considered necessary allies, to one where they could be considered obstacles to growth. What followed was a series of treaties and legislative developments that increased Crown authority over First Nations and lands reserved for them (CIRNAC, 2017).

Section 2.1.1 to 2.2.10 describe the post-contact context, including: the fur trade; early legislation and policy and associated impacts on Indigenous peoples; the numbered treaties established in the region; perspectives on Aboriginal and Métis Rights; and legislative developments that have governed natural resource and land use.





2.2.1 Fur Trade and the Hudson's Bay Company

The Hudson's Bay Company was established by the King of England with a royal charter in 1670, recognizing the economic importance of the fur trade. The charter granted special powers to a corporation of established and wealthy gentlemen, who formed the Hudson's Bay Company. These special powers included exclusive rights to trade, mineral claims, and governance over the entire Hudson Bay drainage area (OCCC, 1986), which makes up a third of what is known today as Canada. However, the charter created no political or legal rights over Indigenous peoples living in the vast territory (Archives of Ontario, n.d.). The Charter named the vast area "Rupert's Land" after the King's cousin and the Hudson's Bay Company's first governor, Prince Rupert.

French fur trappers had already visited the region, but the Hudson's Bay Company was the first to establish permanent trading posts and presence in the region in 1679, with a trading post at Fort Albany on James Bay. The French-British competition for furs eventually led the Hudson's Bay Company to move inland to establish trading posts nearer to the Indigenous hunters who were supplying it furs, and settlements sprang up around the posts (CIRNAC, 2017). In 1743, the Hudson's Bay Company established the first inland trading post, the Henley House, on the north shore of the Albany River. It was moved further south in 1796 and remained operation until 1857. A trading post was first established at Martin's (Marten) Falls on the Albany River in 1794, although it was closed five years later in 1799. In 1818, the Hudson's Bay Company founded a new post at Marten Falls to take the place of Gloucester House, another nearby trading post which was established in 1774. This new post remained operational until 1924. Following the closure of the post, the Marten Falls First Nation community was relocated to the present-day community location of Ogoki Post, approximately 64 km downriver and east (Handfield, 2020). By 1870, the Hudson's Bay Company had 97 trading posts in Rupert's Land (Archives of Ontario, n.d.). A post was established at Fort Hope (present day Eabametoong First Nation) in 1894, and a post at Lansdowne House (present day Neskantaga First Nation) was established in 1900.





The trading posts became a centre for trade relationships and social gatherings during summertime. Pacts between Indigenous peoples living in the region and the Hudson's Bay Company made commerce possible (Archives of Ontario, n.d.). The early trading posts, including Fort Albany, became the base for an extensive trade alliance with the Cree, who became a sort of intermediary between the company and interior Indigenous groups (CIRNAC, 2017). The Albany River became a major east-west trading route as it linked James Bay with the Winnipeg River (Morse, 1968). The Hudson's Bay Company relied on Indigenous knowledge of the area, the animals, and the tools needed for travel and survival, as well as Indigenous trappers to supply valuable furs (OCCC, 1986).

For over 200 years, furs, meat, feathers and handmade objects were bartered at trading posts or factories set up at strategic locations, where dozens of families could gather for a few weeks in the summer to socialize and make collective decisions, including with respect to land use (Long, 2011). During this time, Indigenous peoples became increasingly more dependent on the fur trade, and supplies and items that were previously considered luxuries were now considered necessities; many aspects of Indigenous lifeways were changed by European products (OCCC, 1986). As a result, the traditional economies of Indigenous peoples, including the Anishinaabeg and the Omushkegowuk, began to change. With the introduction of money and European goods, Indigenous men began finding seasonal employment on the York boats (boats used by the Hudson's Bay Company for trade and the transport of goods) and steamboats on the Albany and Attawapiskat Rivers, or building Hudson's Bay Company forts. Some Indigenous people were taught how to keep stores (MFFN & OMNRF, 2020).

As the fur trade became more profitable, some free traders organized themselves to form the Northwest Company, which grew rapidly and became the Hudson's Bay Company's major rival, with open conflicts arising. The fur trade war intensified until 1821, when the Hudson's Bay Company merged with the Northwest Company (OCCC, 1986), extending the Hudson's Bay Company's fur trade monopoly to the Pacific Ocean (Archives of Ontario, n.d.). Without the competition that made them necessary, some trading posts were closed, and trading options for Indigenous peoples became fewer (Finch, 2013). The





Hudson’s Bay Company monopoly lasted until 1869, when the company transferred its deed for the area to the English Crown (Canada) for \$1.5 million to enable westward expansion and settlement. In the transfer, Canada had agreed to a “Protection Pledge” that ensured it would protect the interests of Indigenous peoples living in the territory. The transfer took place without consultation with the Anishinaabeg or Omushkegowuk, who didn’t believe that the Hudson’s Bay Company or the Crown had sovereignty over the land in the first place (Archives of Ontario, n.d.).

The presence of the Hudson’s Bay Company had profound effects on Indigenous peoples across Canada, including the Anishinaabeg and Omushkegowuk. In addition to the lifestyle changes associated with the economic transition, many Indigenous peoples of the region faced starvation in the 19th century, especially between 1820 and 1880. Animals important for both food and the fur trade became scarce because of natural population cycles, over-harvesting, and overhunting. The Hudson’s Bay Company reduced trapping operations in areas where beaver populations were exhausted. Moose almost entirely disappeared from what is now northern Ontario in the period from 1780 to 1930, shifting pressures to smaller game and fish and increasing reliance on foods purchased from trading posts (OCCC, 1986). Caribou also became increasingly rare. The disappearance of these animals meant leather and cloth had to be purchased to avoid cutting up pelts. The transition to small game and fish also led to more time spent settled in areas where these resources are found rather than out in the hunting territory (Bishop, 1970).

The influx of traders and settlers also brought new diseases such as measles, smallpox, whooping cough, influenza, and tuberculosis, all previously unknown to Indigenous peoples. This led to many deaths, especially among elders (OCCC, 1986). Alcohol was also introduced, with devastating effects on Indigenous populations (CIRNAC, 2017).

With the rapid spread of trade came missionaries dedicated to spreading and promoting their faith. Two religions were introduced to the Anishinaabeg and Omushkegowuk: Anglican by the English and Catholicism by the French. Much like how the English and French had competed in the fur trade, the two religions competed for the conversion of Indigenous peoples into their respective churches. This led to severe restrictions on Indigenous beliefs, ceremonies, and practices, such as drumming and dancing, as they were considered pagan and devil worship. Christian ceremonies replaced Indigenous ones, and missionaries encouraged the use of biblical or European names (OCCC, 1986).



2.2.2 Métis Peoples

Decades of intermarriage between English and French traders and explorers with First Nation women created new and distinct communities along waterways and trade posts and routes around the Great Lakes in what is present day Ontario (MNO, 2023a). These communities were historically referred to as “half-breed” or “Métis”, a word used to describe individuals with mixed Indigenous and European ancestry. The term half-breed was more commonly applied to English-speaking descendants of English or Scottish traders and explorers, who were often of the Anglican denomination, while the term Métis was more commonly applied to French-speaking descendants of French traders and explorers, who were often of the Catholic denomination (Foster, 1978). However, the term half-breed fell out of use as it became derogatory (racist) in nature and Métis is now used for people of both French- and English-speaking heritage (Gaudry, 2009).

The Cree had two names for the Métis: *âpihtawikosisân* meaning ‘half people’ and *otipêyimisowak* meaning the ‘independent ones’. The Ojibway referred to the Métis as *wisahkotewan niniwak* meaning ‘men partially burned’ (Teillet, 2013).

The origins of Métis peoples and communities are closely tied to the emergence of the fur trade in North America. The arrival of European explorers in eastern Canada in the 1600s led to unions with Indigenous communities through marriage (Dumont, 2017). As the fur trade and competition among the French, English, and Indigenous groups intensified through the 17th century, French traders were encouraged to seek marriage alliances with Indigenous peoples to establish the kinship basis for trade and military activities (Foster, 1978). These strategic alliances continued until French colonial efforts officially ended in 1763 with the ceding of New France to Britain (see [Section 2.2](#)), upon which time Indigenous peoples in the Great Lakes region rebelled against British rule. With increased hostility between Indigenous peoples and the British in the last few decades of the 18th century, the French practice of establishing alliances with Indigenous peoples through marriage and peace and friendship treaties was adopted (Surtees, 1975, as cited in Foster, 1978).



Initially, children of mixed European and Indigenous ancestry were classified as either Indian or European based on their way of life rather than race. The socio-cultural identity of children was primarily associated with that of their mother: if she remained with her Indian band, then the child was considered an Indian, but if she resided in a trading post for an extended period, the child was considered European (Brown, 1978, as cited in Foster, 1978). However, distinct Métis settlements began to emerge as the Métis population increased, and Métis people began to identify as a separate group rather than simply extensions of their maternal (First Nations) or paternal (European) relations (MNO, 2023a).

As the fur trade expanded north and westward, new trade routes were established, leading to new Métis communities along them (Dumont, 2017). Métis settlements emerged along waterways and watersheds in Ontario as an outgrowth of the fur trade. These settlements were part of larger regional communities, interconnected by (MNO, 2023b):

- The highly mobile lifestyle of the Métis;
- The fur trade network;
- Seasonal rounds;
- Extensive kinship connections; and,
- A shared collective history and identity.

Peterson (1985) described the Great Lakes Métis during the 18th century as “people in the process of becoming” given that although they may not have been self-consciously Métis before 1815, “their distinctiveness was fully apparent to outsiders, if not to themselves” (p. 39). By the early 19th century, there was a historically significant population of Métis descendants in the Great Lakes region of Ontario who had developed a network of trading villages and towns long the shorelines of rivers and lakes (Peterson, 1978, 1985). The Métis settlement at Fort Williams (in present-day Thunder Bay, historically known as Port Arthur) is recognized as one of the two first Métis settlements in Canada (Tronrud & Epps, 1995, as cited in Gale, 1998). According to Peterson (1978), this network of marital and fur-trade alliances among the Great Lakes Métis communities suggested that a larger regional Métis identity had developed.



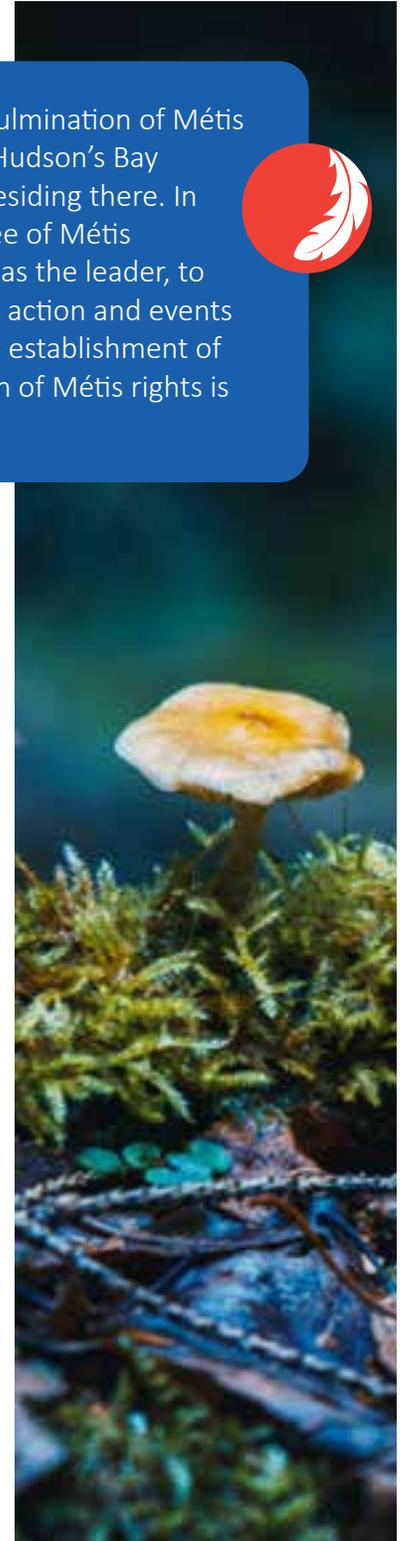


The Red River Métis Settlement has been regarded as the site of the culmination of Métis political consciousness. Canada's purchase of Rupert's Land from the Hudson's Bay Company in 1869 was undertaken without consultation of the Métis residing there. In response, and given concerns about Métis rights, a National Committee of Métis (effectively a provisional government) was established, with Louis Riel as the leader, to stop the land transfer until Métis rights and title were recognized. This action and events that followed became known as the Red River Rebellion and led to the establishment of the Province of Manitoba (Ouellet & Hanson, 2009). Further discussion of Métis rights is provided in **Section 2.2.10.1**.



Dickason (1985) contends that the Métis ethnic consciousness was crystallized in the new Far Northwest (present-day prairies region of Canada) where the pressures of settlement were much lower, Métis communities were far more isolated, and the fur-trade continued to flourish. Many French speaking Métis from the Upper Great Lakes region migrated north and west to the Red River Settlement (in present-day Manitoba) through the early- to mid-19th century. This migration was a result of increasing settlement in the Upper Great Lakes region, significant depletions in fur-bearing animals (Peterson, 1978), and a preference to continue fur-trade practices rather than adopt agricultural ones (Ens, 1996). The Métis of Red River and the Great Lakes Métis were often connected through marriage and kinship practices (Gaudry, 2009). By the mid-19th century, descendants with mixed ancestry were no longer being persuaded to make a choice between Indigenous and European identities, and a distinct and unified sense of Métis identity had emerged (Brown, 1985).

The early ethnic identity among Métis was based on a strong association with and reliance on the fur trade, an independent lifestyle, a lack of agricultural development, subsistence practices to provide clothing and tools, and a lack of established land rights (Peterson, 1978). Both Indigenous and European cultural traditions were adapted and merged into the clothing, food, medical practices, languages, beliefs, and customs of Métis communities (Peterson, 1978). Many First Nations women who were part of





Métis families maintained close ties with their ancestral communities, and many of their traditional lifeways and cultural practices were preserved in Métis communities. For example, Ojibway and/or Cree languages were spoken in many Métis communities in the Great Lakes (Foster, 1985). In addition, many Indigenous groups (including the Anishinaabe and Cree) had close relations with the Métis and shared the land and ways of life on it, as well as aspects of culture and language. Prior to the establishment of First Nation reserves (see [Section 2.2.6](#)), First Nations and Métis shared territory, usually peacefully (Teillet, 2013). It was also common for First Nations and Métis families to travel on hunting expeditions together (Chartrand, 2007).

According to Chartrand (2017), while the identity boundaries between First Nations and Métis were porous and there was a lot of transfer between them, the core identity distinctions were present. An important distinction with respect to legal traditions related to land was that the Métis did recognize individual title and ownership (unlike the collective ownership perspectives of First Nations), which was part of their European heritage understanding (Chartrand, 2017).



Many Métis families flourished and spread further west and north with the expansion of the fur trade. The genetic diversity of Métis peoples enabled them to be more resilient to European diseases, and the Métis also had many allied First Nations families. In addition, the Métis were able to serve as intermediaries between European and First Nations cultures, enabling them to work as guides, interpreters, fur traders, and suppliers of goods to new forts and trading companies. As a result, the Métis became the largest Indigenous merchant family in North America, and strong competition against less acclimatized Europeans (Carrière, 2017). The transportation of goods and the development of many settlements could be attributed to the hard work of the Métis (Redbird, 1980, as cited in Peressini, 2000).

Prior to the 1800s, the British government was largely unaware of the existence of the Métis (Hayter, 2017). In 1810, the Royal Society reported the successes of the Métis to the British Crown, which set the stage for the primary policy of the British to remove the Métis as a threat to settlement (Carrière, 2017).



By the mid-19th century, British authorities had developed a policy of Métis collective non-recognition. In addition to the perceived threat that the Métis posed to colonial expansion, the Métis also posed a potential threat to colonial aspirations for civilization. To acknowledge the Métis as a distinct group could have been likened to acknowledging the failures of colonial policy to assimilate and “civilize” First Nation peoples, which would be inconsistent with colonial objectives of progress (Chartrand, 2017).

In 1884, in the face of increasing settlement in the west following Canada’s purchase of Rupert’s Land, and in defense of Métis ancestral rights, the leader of the National Commission of Métis (Louis Riel) organized a petition to the Government of Canada. The petition requested (Ouellet and Hanson, 2009):

- Title to the lands already occupied by Métis families;
- Provincial status for Saskatchewan, Alberta and Red River; and,
- Better treatment of all Indigenous peoples.

An unsatisfactory response from the government led to the Northwest Rebellion or Riel Rebellion of 1885, leading to hundreds of deaths and defeat by federal troops. For their roles, Riel and other Métis and First Nations leaders were arrested, and Riel was subsequently hung as a message to the Métis who challenged Canada’s western expansion goals (MNO, 2023a). Following the rebellion, the first Prime Minister of Canada, Sir John A. McDonald, in effect denied the existence of the Métis as a distinct group when he stated that they must consider themselves either Indian or white (Sealey, 1980, as cited in Peressini, 2000). In response to the public backlash from these events, many Métis in Ontario were disinclined to self-identify and covertly continued to practice their culture and lifeways (MNO, 2023a).

Today, the Historic Métis Nation refers to itself and is referred to by others as the Métis Nation. According to the Métis Nation of Ontario Registry Policy (June 2023 Version) (2023c), “Métis means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation” (p. 2). To apply for citizenship within the Métis Nation of Ontario, individuals must meet and follow the requirements of the Métis Nation of Ontario Registry Policy which includes key measures related to self-identification, proving historic Métis Nation history, community acceptance, and provides provisions for appeals and the Harvesters Registry (MNO, 2023c).





2.2.3 Early Legislation and Policy

As the British need for the military allyship of Indigenous peoples waned, an emerging perspective from the British reflected a belief that British society and culture were superior. As a result, the Indian Department of the colonies of Upper and Lower Canada was tasked with a plan of “civilization”, and Indian agents began encouraging Indigenous peoples to abandon their traditional lifeways and beliefs and adopt more agricultural and settled ways of life. Legislation was also introduced in support of the “civilization” program, starting with the *Crown Lands Protection Act* of 1839. The Act made the British government the guardian of all Crown lands, including Indian Reserve lands; this statute was the first to classify Indian lands as Crown lands to be protected by the Crown (CIRNAC, 2017).

As noted by Parrott (2022), the 1850 *Act for the better protection of the Lands and Property of the Indians in Lower Canada* was one of the first pieces of legislation that included a set of requirements, based on blood, for a person to be considered a legal Indian — a precursor to the concept of “status.” These requirements essentially said that people were considered Indian if they were of “Indian blood” and were members of a “Body or Tribe of Indians.” Descendants of such people were Indian, as were non-Indians who “intermarried with such Indians,” people whose parents (one or both) would have been considered Indians, and “all persons adopted in infancy by any such Indians” (Parrott, 2022). Thus, early definitions of “Indian” were inclusive of Métis people.

Enfranchisement refers to the process that resulted in a person becoming of “citizen” of the country and no longer being considered an “Indian” under legislation, thus losing all benefits associated with that status. Enfranchisement was not abolished until the Indian Act was amended in 1985 through Bill C-31.



The British government introduced the *Gradual Civilization Act* in 1857, which offered 50 acres of land and monetary incentives to literate and debt-free Indians provided they abandoned their traditional way of life and adopted a civilized life as a “citizen”. The Act had as its premise “that by eventually removing all legal distinctions between Indians and non-Indians through the process of enfranchisement, it would be possible in time to absorb Indian people fully into colonial society” (RCAP, 1996b, p. 249). This was followed by the *Management of Indian Lands and Property Act (Indian Land Act)* in 1860, which transferred exclusive authority for Indians, lands reserved for Indians, and Indian affairs from the Crown to the colonies, and then the new Dominion of Canada under the 1867 *Constitution Act (British North America Act)*.

Assimilation became the fundamental principle of federal policy through the *Gradual Enfranchisement Act* in 1869, which aimed to remove any special distinction or rights of First Nations people to assimilate them into settler society. This marked the beginning of federal government efforts to legislate and regulate First Nations’ identity (APPA, 2019). Between 1869 and 1985, an Indian woman marrying a non-Indian man would be enfranchised (AFN, 2020a).



2.2.4 The *Indian Act*

The *Indian Act* was introduced in 1876 to consolidate all previous regulations pertaining to Indians and provide greater authority to the Department of Indian Affairs. The Act enabled the Department to (CIRNAC, 2017):

- Intervene in a wide variety of band issues including governance structure;
- Make sweeping policy decisions, including who was considered to be a “Status Indian”;
- Manage Indian lands (see [Section 2.2.6](#)), resources, and moneys;
- Control access to intoxicants, including alcohol; and,
- Take measures to promote “civilization”, including mandating Indigenous children into government-sanctioned schools (see [Section 2.2.7](#)).

The *Indian Act* was based on the premise that it was the Crown’s responsibility to protect Indian interests and thus the Crown would act as a “guardian” until such time that Indians could fully integrate into society (CIRNAC, 2017).

The Act has largely excluded Métis individuals since its enactment. The 1876 *Indian Act* simplified and further restricted the definition of “Indian” compared to definitions in earlier legislation (see [Section 2.2.3](#)). It excluded Métis who had received “half breed scrip” (individual land grants to Métis on the prairies beginning in the 1870s). It also excluded the children of Indian women who married non-Indian men (including Métis men). These exclusions effectively served to reduce the size of the category of Indian while increasing the size of the non-Indian category, which, in turn, reduced the amount of land necessary for Indians and enabled increasing settlement by Euro-Canadians (Hayter, 2017). Amendments to the Act beginning in 1879 increasingly excluded Métis people, with far reaching exclusions added through amendments up to and including 1951 (Teillet, 2013). While the result has been that Métis people have been largely excluded from the Act, many individuals who self-identify as Métis are today registered as Indians under the *Indian Act*.





According to Hanson (2009a) and CIRNAC (2017), throughout its history, the *Indian Act* has been highly invasive and paternalistic, and increasingly restrictive, imposing ever-greater controls on First Nations peoples. Between 1876 and 1920, individuals were automatically enfranchised and removed from their band lists if they (AFN, 2020a):

- Got a university degree and joined the medical or legal professions;
- Got any university degree and met the “fit” or “civilized” enfranchisement requirements; or,
- Became a priest or minister.

An amendment to the Act in 1880 marked the beginning of gender-based restrictions to First Nations status – women lost their Indian status if they married and non-Indian man (Hanson, 2009a). In the 1880s, a new system of band councils and governance was imposed, with the final authority resting with Indian agents. Outright bans on spiritual and cultural ceremonies were also imposed.

An amendment in 1927 forbid fundraising by First Nations for the purpose of pursuing a land claim without the permission of the Department of Indian Affairs, preventing First Nations from pursuing land claims of any kind (CIRNAC, 2017). It was not until significant amendments in 1951, as Canadian society became more aware of the concept of human rights following World War II, that (Hanson, 2009a):

- It was no longer illegal to practice Indigenous customs and culture;
- First Nations people were allowed to enter pool halls, gamble, appear off-reserve in ceremonial dress, and organize and hire legal counsel; and,
- First Nations women were allowed to vote in band councils.





Gender-based restrictions in the Act were in place until amendments were undertaken in 1985 to align with the equality rights guaranteed by Section 15 of the *Charter of Rights and Freedoms* (Bill C-31). The amendments enabled women who had previously lost their Indian status as a result of marriage to a non-Indian to regain it, as well as their children’s status, and prevented a person’s marriage from affecting their receipt or loss of status. However, the amendments created new forms of discrimination with the introduction of a “second-generation cut-off”. Several cases were brought to court and as a result, Bill C-3 was passed in 2011 to address these issues and enable Indian status to grandchildren of women who regained status in 1985 (AFN, 2020b). Enfranchisement was also not abolished until the 1985 amendments.

2.2.5 Treaties

Canada undertook a series of treaties with First Nations with the aim of extinguishing title to large swaths of Indigenous land to enable settlement and resource development in western and northern Canada (Archives of Ontario, n.d.), and to reduce possible conflicts between First Nations and settlers (CIRNAC, 2017). When the Dominion of Canada was created in 1867, the Province of Ontario was a fraction of the size of the present-day province, and both legislation and the signing of treaties with Indigenous groups served to incrementally increase the landmass of Ontario (CIRNAC, 2021, as cited in Tsuji & Tsuji, 2021).

The Anishinaabeg and Omushkegowuk of the region are signatories to the Robinson-Superior Treaty (1850) and James Bay Treaty Number 9 (1905).

Although the Project is wholly contained in James Bay Treaty 9 boundaries, information on the Robinson-Superior Treaty is included in **Section 2.2.5.1**, as some of the Indigenous communities that are part of the Project Consultation and Engagement Program are signatories to the Robinson-Superior Treaty. While most Indigenous communities and groups in the area of the proposed Project are signatories to James Bay Treaty Number 9, an overview of the Robinson-Superior Treaty is presented first, in line with the chronological order of the treaties.

2.2.5.1 Robinson-Superior Treaty

Anishinaabeg requests for a treaty began in the 1840s when copper and iron deposits were discovered on the south and north shores of Lake Superior and the government started to issue mining leases; by 1846, 64 mineral licenses had been issued on the south shore of the lake, and surveying of the north shore had begun. In response, the Anishinaabeg and Métis seized the Montreal Mining Company site at Mica Bay, Lake Superior in 1849, forcing the government to negotiate treaties (Hele, 2020).

As of May 2023, there is an ongoing Ontario Superior Court trial related to the Robinson-Superior Treaty and the escalator clause for annuities. Communities associated with the treaty are seeking compensation for nearly 150 years of annuities without any increase in payments (Hopkins, 2023).



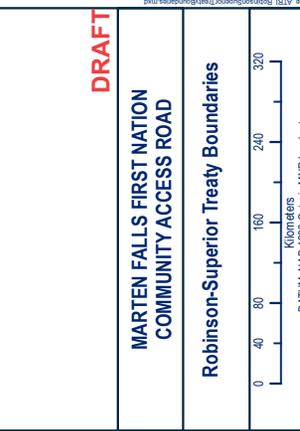
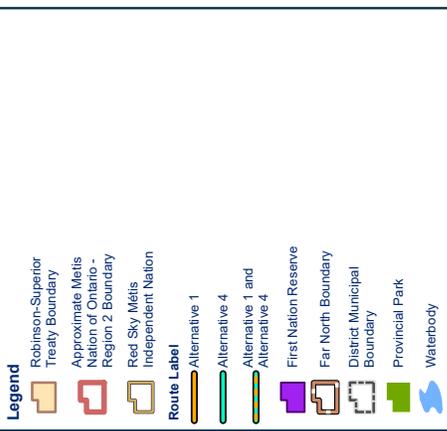
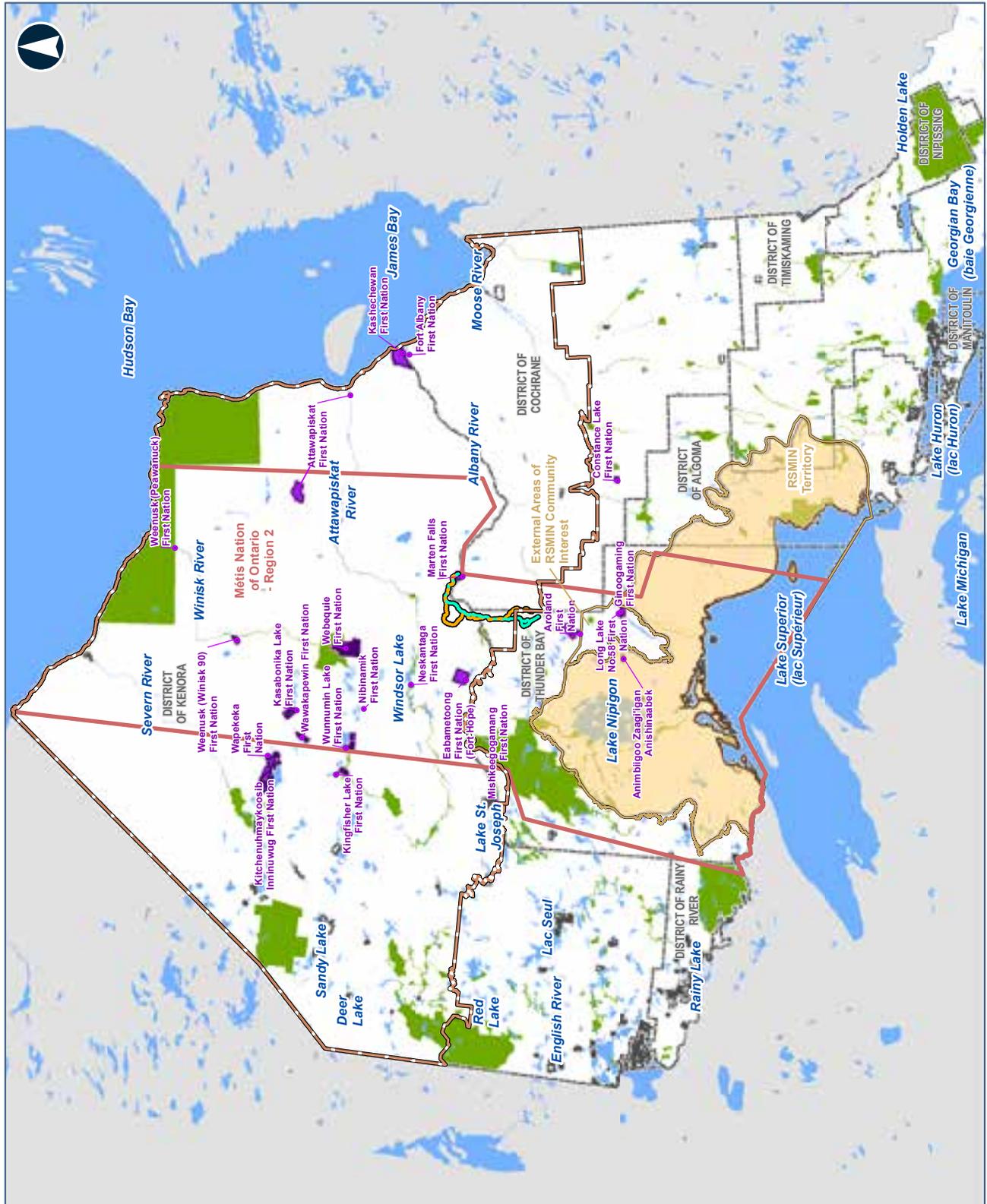


In September 1850, the Anishinaabeg of the Upper Great Lakes signed two separate but interconnected treaties: the Robinson-Superior Treaty, and the Robinson-Huron Treaty. These treaties provided Canada East and Canada West (the future Quebec and Ontario, respectively) with access to the north shores of Lake Huron and Lake Superior for settlement and mineral extraction. In exchange, the Anishinaabeg gained recognition of hunting and fishing rights, a one-time payment of £2000, an annual payment or annuity of £500 and £600 (respectively), and large reserves set aside specifically for First Nations from the surrender of specific lands for each signatory community. The treaties also contained an “escalator clause” for the annuity, which meant that the Crown would increase the annuity as revenues from lands increased (Hele, 2020).

While the recognition of the Métis in the Robinson-Superior Treaty was urged by the Indians (Gale, 1998), they were omitted as the treaty commissioner had no mandate to deal with the Métis (MNO, 2023a). The treaty commissioners informed the Métis that they were not empowered to deal with them as collective, and they could only choose to identify as either Indian or white for the purposes of the treaty (Teillet, 2013). The Hudson’s Bay Company did pay some “half breeds” annuities under the treaty between 1851 and 1875, as recorded in treaty annuity lists for the Lake Superior region (MNO, 2023a). However, all Métis were later excluded from the annuity lists when the Government of Ontario argued an error had been made when some Métis were included as beneficiaries in the treaty (McNab, 1985, cited in Peressini, 2000). As noted by Peressini (2000), this action established a precedent for the exclusion of the Métis from Aboriginal rights in Ontario.

The Robinson-Superior Treaty covers the north shore of Lake Superior from Batchewana Bay to Pigeon River at the western end of the lake, and the lands to the north up to the Hudson Bay watershed (**Figure 2-1**). Indigenous peoples residing in the area covered by the treaty at the time of signing include ancestors of the Animibiigoo Zaagi Igan Anishinaabek First Nation, Long Lake #58 First Nation, and the Red Sky Métis Independent Nation.

The Robinson treaties were the first to lead to the surrender of huge tracts of land with different and disparate Indigenous groups; previous treaties in Upper Canada negotiated for relatively small and compact parcels of land. They also established payments to individual band members instead of yearly lump sums paid to the band, formalized the setting aside of reserve lands for each individual signing group, and acknowledged ongoing rights to hunt and fish throughout traditional territories including a provision that lands could be “taken up” by the Crown for settlement, mining, lumbering, trading, or other purposes (referred to as the Taken Up Clause). These treaties became the model for subsequent treaties (CIRNAC, 2013), including the James Bay Treaty Number 9.



Data Sources:
 MNR 2019; Route Infrastructure - Provided by AECOM 2019
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Figure 2-1

Map Scale: 2023-09-12 15:51:51 PM Local Time: 08:08
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 Contents: This map is provided by the Ministry of the Environment, Conservation and Parks (M.E.C.P.) of Ontario. It is a map of the Robison-Superior Métis Nation of Ontario (RSMIN) and is not a legal document. It is intended for informational purposes only. The map is not to be used for any other purpose without the express written consent of the Ministry of the Environment, Conservation and Parks (M.E.C.P.) of Ontario.



2.2.5.2 James Bay Treaty Number 9

By the late 1800s, many Indigenous peoples, including the Anishinaabeg and Omushkegowuk of the region, were facing significant challenges including:

- Declining animal resources;
- Starvation;
- Illnesses brought by Europeans; and
- Unwelcome poachers and mining prospectors with the newly established railroads.

With problems worsening, some Indigenous peoples of the region began to press Canada to enter a treaty, with an aim of ensuring protection and economic security as settlement and development intensified. While initial requests for a treaty were not supported by Canada, the discovery of minerals in the region, combined with interests in further expansion of the railway network, timber development, and hydro-electric production, led to negotiations of the James Bay Treaty Number 9 (Treaty 9) (Archives of Ontario, n.d.).

Similar to the Robinson-Superior Treaty, Treaty 9 set aside reserve lands for First Nations and granted them annuities and the continued right to hunt and fish on unoccupied Crown lands in exchange for Aboriginal title (CIRNAC, 2017), and the surrender of over 230,000 km² of territory (OCCC, 1986). In addition, the treaty included: schools and teachers to educate First Nations children on reserve; and ceremonial and symbolic items such as medals, flags, and clothing. During negotiations, First Nations were encouraged to settle on reserve lands, take up agriculture, and receive an education (CIRNAC, 2017).

Treaty 9 was unique among the numbered treaties in that there was a requirement for the concurrence of the Province of Ontario given extended boundaries of the province west and north to the Albany River. However, based on oral history and available written records, the Indigenous signatories were not informed of the negotiations between Canada and Ontario with respect to the treaty (Armstrong, 2008, as cited in Tsuji & Tsuji, 2021). The terms of the treaty were finalized in advance by the Dominion of Canada and the Province of Ontario, and presented to Indigenous leaders; government representatives were not permitted to change the terms during the treaty expedition. The Ontario government had a series of demands, including that one of the three commissioners would represent the province, and that no Indigenous reserves in the treaty territory would be located in areas with hydro-electricity development potential greater than 500 horsepower (Archives of Ontario, n.d.).

Treaty 9 was the first major treaty in Ontario in which treaty signing took place in many locations rather than one (Archives of Ontario, n.d.). During the treaty expedition in 1905 and 1906, treaty commissioners travelled to trading posts along the rivers in what is now northern Ontario and met with Cree and Ojibway peoples. While the Indigenous people encountered at the trading posts at the time of the expedition were not necessarily part of a “band”, they were designated as such for administrative convenience. Each trading post was to give advance warning as to when the treaty party would arrive, but as it turned out, many Indigenous people were not present upon their arrival (OCCC, 1986).



The intent of the commissioners was to describe the contents of the treaty, establish reserves and associated boundaries, and obtain the signatures of Indigenous leaders. At each stop, the commissioners requested the community to select representatives who heard the treaty explained to them by interpreters (generally Hudson’s Bay Company employees or clergy), as the document was provided in English only. Most community members received an \$8 gift and the promise of a \$4 annuity in perpetuity. It was noted in the Treaty 9 Commissioners’ official report that the reserves were generally selected by the commissioners after conference with Indigenous people (Tsuji & Tsuji, 2021), but very little was actually described within the report (Morrison, 1986). Commissioners neither provided a full version of the treaty translated into the languages of the local Indigenous peoples, nor did they leave the document or a copy for review (Archives of Ontario, n.d.).

Treaty 9 covers most of present-day Ontario north of the height of land dividing the Great Lakes watershed from the Hudson and James Bay drainage basins (**Figure 2-2**). Signatories to Treaty 9 between 1905 and 1930 included the following:

- Marten Falls Band of Oji-Cree (Marten Falls First Nation);
- Osnaburgh Band of Ojibway (Mishkeegogamang First Nation);
- Fort Hope Band of Oji-Cree (Eabametoong First Nation, Neskantaga First Nation, Nibinamik First Nation, and Webequie First Nation);
- English River Band of Oji-Cree (Constance Lake First Nation);
- Fort Albany Band of Cree (Fort Albany First Nation, Kashechewan First Nation, Aroland First Nation);
- Long Lake Band of Ojibway (Ginoogaming First Nation);
- Big Trout Lake Band of Oji-Cree (Kasabonika Lake First Nation, Kingfisher First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Wapekeka First Nation, Wawakapewin First Nation, and Wunnumin Lake First Nation);
- Winisk Band of Cree (Weenusk First Nation); and,
- Attawapiskat Band of Cree (Attawapiskat First Nation).

Ontario’s northern border was extended from the Albany River to its present day location in 1912, leading Indigenous peoples in the newly acquired areas to petition the government for a treaty. Formal adhesions to Treaty 9 were made in 1929-1930 as a result (Archives of Ontario, n.d.).



Treaty 9 was considered to be one of the least generous of the numbered treaties: the monetary gifts and annuities were much lower than Treaty 8 or Treaty 10, and there was to be no distribution



of ammunition or net twine, no farm implements or cattle, no carpentry tools, and no salaries of clothing for the chiefs and councillors (Ry, Miller, & Touch, 2000, as cited in Long, 2011). In addition, as noted by Long (2010), Treaty 9 historians contend that the treaty was flawed due to the lack of oversight by the people who drafted it, and it may have been the first of the numbered treaties that lacked the oversight of the Colonial Office in Great Britain. The conditions and factors present when the treaty was signed were also problematic (Archives of Ontario, n.d.; OCCC, 1986):

- The treaty commissioners could not speak any of the local Indigenous languages;
- Many Indigenous signatories didn't speak, read or write English so interpreters selected by the commissioners were used;
- Indigenous peoples lacked an understanding of the Canadian legal system and were not provided with lawyers to advise them; and,
- The worldviews, culture, history, and ways of knowing land ownership of Indigenous signatories and the commissioners were very different.

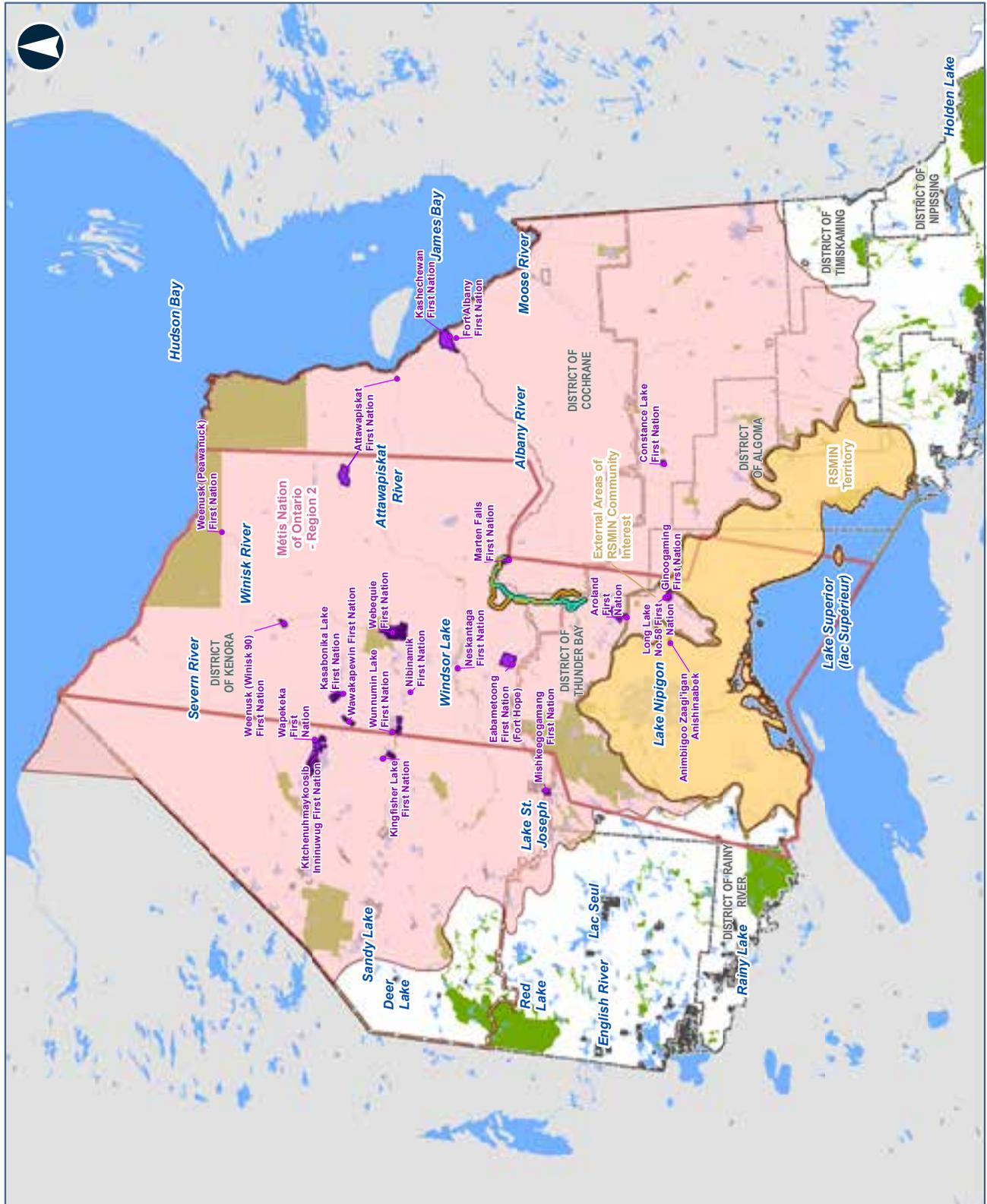


Long (2006) contends that there were two treaties: the official written version, and the one that was orally described to Indigenous peoples. This has been substantiated by Indigenous oral history and the Treaty 9 commissioners' own writings, which indicate that the commissioners told the Elders two key things:

- The treaty would last as long as the sun shines, the grass grows, and the winds blow; and,
- Traditional and cultural activities of Anishinaabe and Mushkegowuk signatory communities would be protected.

The Indigenous signatories understood, through oral promises, that the treaty would help them achieve *Mino-Bimaadiziwin* and *Mino-Pimatisiwin* (Archives of Ontario, n.d.).

Archival records also suggest that the commissioners did not explain the "Taken Up Clause" (see [Section 2.2.5.1](#)) – if they had, it is possible that Indigenous representatives would never have signed the document (Archives of Ontario, n.d.).



- Legend**
- Treaty 9
 - Robinson-Superior Treaty Boundary
 - Approximate Métis Nation of Ontario - Region 2 Boundary
 - Red Sky, Métis Independent Nation
 - Route Label
 - Alternative 1
 - Alternative 4
 - Alternative 1 and Alternative 4
 - First Nation Reserve
 - Far North Boundary
 - District Municipal Boundary
 - Provincial Park
 - Waterbody

DRAFT

**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Treaty 9 Boundaries

Kilometers

Data Sources:
 Provided by MNRF 2019; Route infrastructure - Provided by AECON 2019
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Figure 2-2



2.2.6 Damming and Diversion

Today, not all of the water that would normally flow to Hudson’s Bay remains within the watershed. The damming and diverting of waterways in the area has occurred at various scales over time. Demand for water in the Great Lakes region for shipping and hydropower has led to diversion from the Albany River watershed to the Great Lakes in the form of three key projects: one from the Kengami River; one from Lake St. Joseph; and one from the Ogoki River (Garrick, 2020). The Long Lake Diversion Project included the construction of the Kenogami Lake Dam and the Long Lake Diversion Dam, undertaken in 1937. The Ogoki Diversion Project, in the early 1940s included the construction of the Waboose and Summit Dams to divert water to Lake Superior through Lake Nipigon. The Lake St. Joseph Diversion Project was built to divert water from Lake St. Joseph to Lac Seul in the late 1950s (Garrick 2020; Creger, 2018). In discussion about the potential development of more waterway diversion projects in the 1960s, Marten Falls First Nation Councillor Sam Achneepineskum commented “Our community would have been a lake where it is now... I think that is part of the reason why Nishnawbe Aski Nation came to be, all the chiefs got together and they started to push back on trying to kill the project. It was called Damn the Dams” (Garrick, 2020, p. 15).

2.2.7 The Reserve System

The reserve system concept evolved from the early settlements created by missionaries. As more newcomers were arriving, they began occupying the traditional territories of Indigenous peoples in increasing numbers, and reserves were initially considered a pragmatic solution to land disputes and conflicts between Indigenous peoples and settlers. As treaties began to be reached with Indigenous peoples, provisions were included for the creation of reserves. The reserve system was formalized under the *Indian Act*, which permitted the government to determine the land base of First Nations in the forms of reserves set aside for their exclusive use (Hanson, 2009b).

While Treaty 9 specified that First Nations would choose the location of their reserves, the Ontario Order-in-Council later changed the terms – the commissioners would now decide, and one of the three treaty commissioners would be appointed by the Government of Ontario (Matheson, 1905a, as cited in Tsuji & Tsuji, 2021). The size of the reserves was based on the number of people in the band; however, the population data at the time for these communities could not be considered accurate and many people were not at the trading post during treaty deliberations because of the late start to the treaty expedition (Tsuji & Tsuji, 2021). This led to many reserve locations and sizes being determined based on local settler demand. Even in areas covered by the numbered treaties, reserve size was calculated differentially, ranging between 160 and 640 acres per family of five (Smith, 2009, as cited in Smith, 2016).

As noted by Smith (2016), even as the land base of First Nations was reduced through the reserve system, reserves were still vulnerable to surrounding land uses. Demands for mineral, forest, and agricultural lands; the construction of transportation routes or military sites; and other purposes that arose, often led to the alienation of reserve lands under the jurisdiction of the Canadian Government.



While consent from First Nations was often sought, this consent was regularly acquired under what could be considered questionable circumstances. The sale of reserve lands was consistently presented as being in the long-term interest of the First Nation community, yet railway and corporate executives, and other members of the settler elite (including Indian Affairs Department staff and other public officials), often gained possession of alienated reserve lands (Smith, 2016).

The creation of the reserve system had far-reaching implications for Indigenous peoples, including the Anishinaabeg and the Omushkegowuk. As noted previously, the land base of First Nations was significantly reduced: the reserve system dispossessed the Anishinaabeg of all but one percent of their traditional territory (Pitawanikwat, 2009). Under the reserve system, which provided First Nations with fragments of their ancestral territory, Indigenous residents held the right to occupancy only, which ownership and title remained in the hands of the Crown (Smith, 2016).

As noted by Hanson (2009b), the reserve system was essentially a government-sanctioned displacement of First Nations people, with reserves dividing up not only lands but also peoples and communities that had existed for hundreds, if not thousands, of years. Many families and clans that had hunted, gathered, and celebrated together for generations were abruptly and arbitrarily joined with other families and clans, disrupting long-established social networks and kinship systems that determined who could hunt, fish, and gather in particular areas (Hanson, 2009b).

Amendments to the *Indian Act* led to a requirement for First Nation reserve residents to secure a permit before selling or giving away any goods located or produced on reserves or by reserve residents (Smith, 2016), further restricting the lives of Indigenous peoples. This disruption of traditional networks and the significant changes to Indigenous traditional lifeways contributed to disproportionate levels poverty on many reserves; however, leaving reserves often meant facing discrimination, relinquishing one's First Nations status, and / or losing or jeopardizing connections to family and territory (Hanson, 2009b).





2.2.8 Residential School System

One of the most infamous consequences of the *Indian Act* was the promotion of the residential school system for Indigenous children. This was an extensive school system set up by the Canadian government and administered by churches, with intent to: indoctrinate Indigenous children into Euro-Canadian and Christian ways of living; and assimilate them into mainstream Canadian society (Hanson *et al.*, 2020). Duncan Campbell Scott, Head of Indian Affairs from 1913 to 1932, famously said in 1920 that “the goal of the Indian Residential School is to kill the Indian in the child” (Wilson & Hodgson, 2018).

The system originated from the mission system in the 1600s, when missionaries made plans to establish schools and farming settlements to try to educate, change, and settle Indigenous peoples. However, managing the schools and associated supplies proved challenging for the missionaries to carry out alone (OCCC, 1986). Following confederation, Canada’s first Prime Minister, John A. Macdonald, commissioned a study of industrial schools established for Indigenous children in the United States, and a recommendation to follow their approach to “aggressive civilization” led to the creation and funding of the residential school system (Hanson *et al.*, 2020), although some schools were funded by provincial governments or by the various religious orders (Union of Ontario Indians, 2013). An amendment to the *Indian Act* in 1894 made it mandatory for Indigenous children to attend school (TRC, 2015a). Further amendments to the *Indian Act* in 1920 and 1933 reinforced the requirement for every Indian child between the ages of 7-16 to attend a residential school, and led to the legal guardianship of Indian children attending a school being assumed by their principals upon the often forcible surrender of legal custody by their parents (Union of Ontario Indians, 2013).





The residential school system was primarily located off-reserve (and often far from Indigenous communities), and children generally attended for 10 months of year, although some children lived at the school year round (Union of Ontario Indians, 2013). A primary purpose of the schools was to systematically dissolve all aspects of Indigenous cultures and languages. English, and in some cases French, were the only languages allowed. Indigenous languages and practices were forbidden, with punishments – often severe ones – for children who broke these rules (TRC, 2015a). Students had their long hair cut short as a way to strip away their personal and cultural identities, and they were stripped of their clothing and dressed in uniforms (Hanson *et al.*, 2020). Their days were long and strictly regimented between academic learning, religious prayer, and manual labour and tasks (Union of Ontario Indians, 2013). Boys and girls were kept separate, and as a result, siblings rarely interacted, further weakening family ties (Hanson *et al.*, 2020).

It is estimated that over 150,000 Indigenous children attended one of the almost 140 residential schools established by Canada and the Catholic, United, Anglican, and Presbyterian churches across the country between 1857 and 1996 (CIRNAC, 2017); 16 of these schools operated in Ontario (Auger, 2005). Some Métis children also attended residential schools (APPA, 2019). Children living in the Treaty 9 area attended residential schools at Moose Factory, Chapleau, Pelican Lake, and Fort Albany (Archives of Ontario, n.d.). The St. Anne's Residential School in Fort Albany ran from 1910 to 1963, and was attended by children from the Fort Albany, Weenisk, Attawapiskat, Fort Hope, and Ogoki (Marten Falls First Nation) communities. It is estimated that by 1945, approximately 170 children attended the school, with half of their days spent doing schoolwork and the other half spent on manual labour and domestic tasks (Auger, 2005).

The residential school system struggled with funding, often resulting in poor and unsuitable nutrition, unsanitary conditions, and inadequate medical care. With crowded dormitories, infectious diseases like tuberculosis were rampant, often leading to death. The education received was generally insufficient as many teachers assumed that Indigenous children were unfit for anything more than a basic education which focused on practical skills and religious training.

Messages of the inferiority of Indigenous peoples, their culture, and lifeways were commonplace (TRC, 2015a). Emotional and psychological abuse was commonplace, physical abuse was considered standard punishment, and sexual abuse was common (Hanson *et al.*, 2020). Survivors of the school at St. Anne's in Fort Albany have described serious physical and sexual abuse at the hands of school staff (Roman, 2013), leading to criminal charges of former school staff in the 1990s. The abuses combined with the poor living conditions resulted in an extremely high death toll. In 1907, government medical inspector P.H. Bryce reported that 24 percent of previously healthy Indigenous children across Canada were dying in residential schools, and this figure did not include children who died at home where they were frequently sent when critically ill (Hanson *et al.*, 2020).





2.2.9 The Sixties Scoop

The Sixties Scoop refers to the mass removal of Indigenous children, including Métis children, from their families into the child welfare system, without the consent of families or communities in most cases. As the government began phasing out compulsory residential school education in the 1950s and 1960s, residential schools persisted as a boarding school, primarily for children whose families were deemed unsuitable to care for them. An amendment to the *Indian Act* in 1951 enabled the province to provide services to Indigenous peoples that were not available federally, including child protection (Hanson, 2009c).

Provincial social workers assigned to reserves often assessed child safety and welfare by mainstream cultural standards, without adequate education and training to recognize the problems rooted in generations of trauma related to residential schools. As a result, thousands of Indigenous children were removed from their homes and placed into the child welfare system starting in the 1960s and continuing up to 1990 (TRC, 2015a). By the 1970s, roughly one third of all children in care were Indigenous (Johnston, 1983, as cited in Hanson, 2009c). Many children lived in institutionalized care, or floated between foster homes, where incidences of physical and sexual abuse were not uncommon but often covered up (Fournier & Crey, 1997, as cited in Hanson, 2009c). Similar to the impacts of residential school, the ensuing cultural suppression (denial of their Indigenous identity) and abuse among Indigenous children in the welfare system led to significant impacts on psychological and emotional health (Hanson, 2009c).

2.2.10 The *Constitution Act, 1982* and Aboriginal Rights

Between 1977 and 1981, the federal government entered into discussions with the provinces to reform and take authority of the Constitution from the British government. Aboriginal political organizations were unsuccessful in getting a seat at the negotiations table, and the first proposal for the Constitution put forward in 1981 excluded Aboriginal and Treaty Rights. However, several months of lobbying by First Nations, Inuit, and Métis organizations led to the inclusion of two clauses in Section 35 of the Constitution: recognition of “existing Aboriginal and Treaty Rights”; and, definition of Aboriginal peoples that included all three groups (CIRNAC, 2017). The presence of the word “existing” means that section 35 only applies to Aboriginal and Treaty Rights that were not extinguished when the *Constitution Act, 1982* came into effect. Therefore, if a right was previously extinguished (e.g., through surrender to the Crown), it is not revived by Section 35 (Centre for Constitutional Studies, 2021).





While attempts were made to define existing Aboriginal Rights between 1983 and 1987, they remained undefined because of disagreements between Canada, Indigenous groups, and the provinces. As a result, responsibility to define the extent and scope of Aboriginal Rights, and to direct government policies and programs so that they respect these rights and prevent infringement on them, has fallen to the courts (CIRNAC, 2017).

Several Supreme Court cases have reaffirmed Indigenous rights to harvesting activities. The *R. v. Sparrow* (1990) was a precedent-setting case and the first decision by the Supreme Court to interpret Section 35. In 1984, Ronald Sparrow from the Musqueam Indian Band was arrested for fishing with a net longer than was permitted by his food fishing license. The Supreme Court of Canada ruled that Musqueam's Aboriginal Right to fish had not been extinguished and was an existing right. The court also ruled that the government cannot override or infringe on these rights without justification. This ruling led to what is now known as the "*Sparrow Test*", which sets out a list of criteria that determines whether a right is existing, and if so, how a government may be justified to infringe on it (Salomons & Hanson, 2009).

The *R. v. Van der Peet* (1996) case was pivotal in further defining Aboriginal Rights under Section 35. Dorothy Van der Peet, a member of the Stó:lō Nation, was charged with selling salmon that had been caught under a food-fishing license. The court ruled that fishing constitutes an Aboriginal Right, but the sale of the fish does not. The ruling led to what is now known as the "*Van der Peet Test*" or the "Integral to a Distinctive Culture Test", which establishes ten criteria that must be met for a practice to be affirmed and protected as an Aboriginal Right (Hanson & Salomon, 2009):

1. The perspective of Aboriginal peoples themselves.
2. The precise nature of the claim (what is being claimed as a right).
3. The practice, custom, or tradition must be of central significance to the society in question.
4. The Aboriginal Right must have continuity with the practices, customs and traditions that existed prior to contact.
5. Courts must take challenges with evidence into account (e.g., oral history of Indigenous peoples rather than written records).
6. Claims must be specific and not general.
7. The practice, custom, or tradition must be of independent significance to the group (i.e. central to the group's identity).
8. The practice, custom, or tradition be distinctive (i.e., characteristic part of the culture).
9. European influence is only relevant if the practice, custom, or tradition is integral to the Indigenous society because of that influence.
10. Courts must take into account both the relationship of Aboriginal peoples to the land and their cultures.



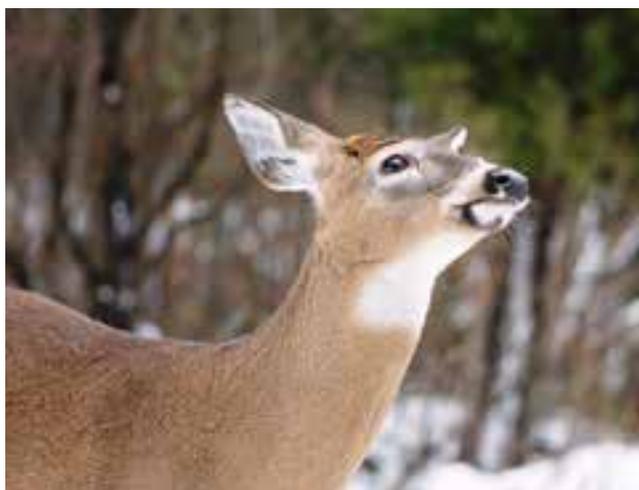


Critics of the *Van der Peet* Test point out that the test situates Aboriginal cultural practices in the past and ignores the dynamic, adaptive nature of culture by treating Aboriginal cultures and traditions as static and unchanging (Hanson & Salomon, 2009).

2.2.10.1 Métis Rights

The rights of Métis communities and individuals were historically excluded or simply ignored by the government, contributing to vulnerabilities and marginalization (Teillet, 2013). Miner (2022) notes that Métis providing for their families and communities were often charged with poaching and illegal fishing throughout the 20th century. The rights of the Métis were not formally recognized until Section 35 of the *Constitution Act, 1982*.

Since the early 2000s, two major Supreme Court of Canada decisions have initiated the long process of defining Métis rights, as well as highlighted the complexities associated with defining Métis identity in



the context of these rights. The first was *R. v. Powley* (2003), which forever transformed Métis harvesting rights. Two Métis hunters, Steve Powley and his son were charged with hunting a moose near Sault Ste. Marie without a license under the Ontario *Game and Fish Act*. They pleaded not guilty and asserted their Aboriginal Right to hunt. After a decade of court proceedings and a series of appeals by the Crown, the Supreme Court confirmed that as Métis people and members of a Métis community, the Powleys' right to hunt in the area was protected by Section 35 (Teillet, 2013). The evidence in the *Powley* case also showed that after the economic migration of Métis from the Great Lakes to the prairies in the early 19th century, a significant Métis population remained in the Great Lakes-Boundary Waters regions of Ontario (Teillet, 2013).



During the *Powley* case, the Supreme Court determined that the appropriate way to define Section 35 Métis rights is to modify the test used to define the Aboriginal Rights of First Nations, as determined *R. v. Van der Peet* (1996). The test to define Métis rights is now called the Powley Test and it includes ten components (Teillet, 2013):

1. The characterization of the right, including reason for harvesting (e.g., for food, for ceremonial purposes, etc.), the location of harvesting and other contextual information.
2. Verification of membership in the contemporary Métis community.
3. Identification of the historic rights-bearing Métis community with a distinctive collective identity that existed prior to when Euro-Canadians effectively established political and legal control in that area.
4. Identification of the contemporary rights-bearing community that is a continuation of the historic community.
5. The historical timeframe for the practice, which must have been undertaken post-contact but before Euro-Canadian political and legal control.
6. Whether the practice was integral to the claimant's distinctive culture.
7. Whether the practice is continue by the Métis community.
8. Whether the right was extinguished by the Crown by constitutional enactments, federal legislation, or by agreement with the Aboriginal people.
9. Whether the right was infringed upon for any reasons.
10. If the right was infringed upon, whether the infringement was justified.





In 2016, following a 17-year court battle, the Supreme Court of Canada ruled in the *Daniels v. Canada* case that Métis and Non-Status Indian are considered “Indians” under Section 91(24) of the *Constitution Act, 1867* (Gaudry, 2009). This interpretation means that the federal government holds the legal responsibility to legislate on issues related to Métis and Non-Status Indians rather than provincial governments. The case ended a long standing situation of legal uncertainty where neither levels of government took responsibility for the Métis and Non-Status Indians (Roy, 2021). The Supreme Court commented that Métis and Non-Status peoples had been essentially in a “jurisdictional wasteland with significant and obvious disadvantaging consequences” (*Daniels v. Canada*, 2016, para. 14). While the ruling does not grant Indian Status, as defined by the *Indian Act*, to Métis and Non-Status peoples, the ruling has resulted in new discussions and negotiations with the federal government over land claims, rights, self-governance, and access to education, health programs, and other government services (Roy, 2021).

Canadian legal definitions of Métis have further complicated the situation with respect to Métis Rights. The *Powley* case established who can legally qualify for Métis Rights and specific criteria to be considered Métis: the individual must self-identify as Métis, have an ancestral connection to a Métis community, and be accepted by that community as a member. However, in the *Daniels* case the Federal Court defined Métis as “a group of native people who maintained a strong affinity for their Indian heritage without possessing Indian status” (cited in Teillet, 2013). As noted by Teillet (2013), this definition separated individuals from Aboriginal collectives and held that there is no need for any ancestral connection to a Métis group and no need for community acceptance, and ultimately eliminated the Métis as a separate Aboriginal people. Regardless, the criteria of the *Powley* decision still define which Métis communities have Aboriginal Rights.

The *Powley* Test has been identified as problematic in that the criteria for being Métis is exclusionary to urban Métis families who may have lived in the city for generations, as well as people who have mixed Aboriginal and non-Aboriginal ancestry yet are not connected to a contemporary Métis society. This has contributed to tensions between different Métis groups (Ouellet & Hanson, 2009), and heated debate among many Métis people in Canada (Gaudry, 2009). As noted by Ouellet and Hanson (2009), it is expected that “the issue of Métis identity will continue to be the topic of much debate and discussion since Métis Rights depend on identifying the people who are entitled to such rights, and then specifying what those rights are” (para. 6).





2.2.11 Legislative Developments

In the period following the signing of Treaty 9, further British and later Canadian Governments laws, regulations, and policies on northern Ontario, contributed to growing intervention and regulation of Indigenous peoples by both the federal and provincial governments. This section reflects on some of the key legislative developments that have governed natural resource and land use, and the associated effects on the rights of Indigenous peoples in the region. It is important to note that this section is not exhaustive nor reflective of all legislation that may have impacted Indigenous peoples in the region.

2.2.11.1 Fish & Game Regulations

At the time of the Robinson treaties (1850), there was very little, if any, competition for fish resources from European fisherman, particularly in Lake Superior and areas to the north. There was also no comprehensive legislation pertaining to fish in place at the time. For varying periods of time, and depending on the location, the government generally did not restrict the full and free privilege to fish provided for by the Robinson treaties. However, changes occurred with the passage of comprehensive fisheries legislation and the drafting of subsequent treaties, including Treaty 9 (Hansen, 1991).

The first passage of comprehensive fisheries legislation came in 1857 with the *Fisheries Act*, under which the Department of Crown Lands became responsible for fisheries in Upper and Lower Canada. The Act did not contain any specific references to Indigenous people. An amendment in 1859 provided for the first time for special fishing

Treaty 9 was negotiated between Canada and Ontario at a time when federal-provincial jurisdiction over fisheries was well established. One of the treaty's provisions full reflected the state of fisheries legislation, in that the right to hunt, trap and fish is subject to regulations that may be made by "the government of the country".





licenses and leases on lands belonging to the Crown, with no specific reference to Indigenous people. Shortly after this, an agreement between the Department of Crown Lands and the Indian Department “for the protection of the interest of native tribes” was reached (as cited in Hansen, 1991, pg. 6). The agreement suggested that Indigenous people were considered subject to the regulations of the Act since they were exempt from paying fees for fishery leases anyways. However, they were exempt in cases of fishing for domestic consumption only, and they were subject to the regulations otherwise (i.e., when fishing commercially or for trade). Thus, fishing rights were being interpreted as domestic consumption fishing rights only (Hansen, 1991).

Amendments to the *Fisheries Act* in 1865 provided a regulation with respect to Indigenous fisheries for the first time. The regulation specifically referred to the allowance of ‘certain Indians’ to fish for their own use as food, reinforcing the interpretation of Indigenous fishing rights as rights related to domestic fishing purposes only. It also added a new component – an open season – which reflected developing conservation principles (Hansen, 1991). After confederation, Canada implemented the first federal *Fisheries Act* in 1868. The Act maintained the provisions of the preceding acts, including the licensing of Indians to fish for their own use. In addition, Indian fishermen were considered to be subject to all regulations (Hansen, 1991).

The government of Ontario was not involved in the legislative aspects of resource management until 1885 with the passage of the *Ontario Fisheries Act*. It contained several provisions from the federal act, and like his federal counterpart, the Ontario Commissioner of Crown Lands was authorized to establish licensing (Hansen, 1991). In 1890, a royal commission on game and fish was appointed to make recommendations with respect to these resources in the province.

The overlapping jurisdictional issues with respect to federal and provincial fisheries legislation were eventually resolved through the courts, where it was ruled that Canada had the authority to enact legislation for inland fisheries and Ontario had proprietary interests in fisheries and the authority to issue licenses for fisheries in the province (Hansen, 1991).





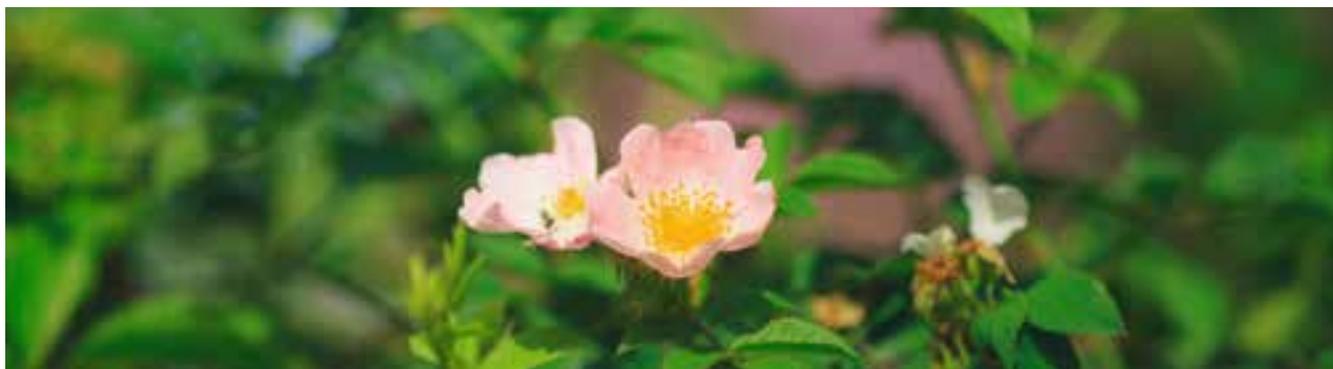
The expansion of the railway network led to new settlement in the region, which in turn led to an increase in the number of sportsman and tourists visiting the region and increased pressures on fish and wildlife. Upon recommendation by the commission, Ontario created the *Game and Fisheries Act* in 1892, replacing the previous fisheries legislation. In turn, the Act intensified enforcement for First Nations in Ontario (Calverley, 2009).

Under the new legislation, a series of law changes were enacted to address declining game populations, including: a new range of closed seasons for some of the most desirable species, such as deer, moose, and elk; new seasons for game birds; and complete hunting bans on certain species. In addition, new license requirements were introduced for non-residents and system of game overseers were established to enforce game laws and penalties (Calverley, 1999). Regardless of these efforts, wildlife populations continue to decline (Bate, 2023).

Initially, the *Game and Fisheries Act* contained a clause exempting treaty Indian hunters from the legislation based on their Treaty Rights. However, the clause referencing Treaty Rights was eventually removed from the Act in 1914 and by 1927, all hunting exemptions for First Nation hunters had been removed from the Act – all “persons” affected by the Act were now defined to include “Indians”. By this time, game laws in Ontario included complete hunting bans on moose and deer, bag limits, quotas, required licensing, and hunting seasons (Bate, 2023). As a result of the hunting regulations, Indigenous hunters’ control over resources, secured through treaty, was restricted, impacting their cultural lifeways.

A jurisdictional challenge arose with the application of the provincial Act to Indigenous peoples with Treaty Rights, which were under federal jurisdiction. Indian Affairs began to take increased interest in securing Indigenous peoples harvesting rights, as Indian Agents increasingly became allies to communities in the north.





As noted by Calverley (1999), after almost three decades of complaints, letters and petitions from the Anishinaabeg, some Indian Agents came to understand Indigenous perspectives on the application of provincial legislation; in part, the Act was taking food out of the mouths of Indigenous people. In terms of game depletion, the agents generally believed the increase in settler hunter and sportsman were the main conservation threat. Indian Affairs generally adopted a more proactive approach in relation to Indigenous hunting and trapping rights for a period. However, Indian Affairs was not completely opposed to regulating Indigenous hunting, and they would not openly challenge the Ontario government over treaty rights (Calverley, 1999).

In response to the *Sparrow* ruling (see [Section 2.2.9](#)), the Ontario Ministry of Natural Resources issued an *Interim Enforcement Policy on Aboriginal Hunting and Fishing* in 1991 that states Aboriginal people harvesting game or fish for personal consumption or social or ceremonial purposes in their treaty areas or traditional lands will generally not be prosecuted. However, this policy was meant to be an interim measure and when the province enacted a new *Fish and Wildlife Conservation Act* in 1997, neither it, nor the detailed regulations under it, make any reference to Treaty or Aboriginal Rights to harvest.

2.2.11.2 The Registered Trapline System

In response to declining populations of fur-bearing species, and complaints from Indigenous trappers about other trappers encroaching into their territories, the government of Ontario issued new game regulations under the *Game and Fisheries Act* of 1946 that included the creation of the Registered Trapline System (Finch, 2020; Sutherland, 2020). While it was first implemented in southern Ontario, by 1948 the regulations applied to the north. Traplines established in the north were based on watersheds rather than the township system used in the south, as directed by the Department of Indian Affairs (Finch, 2020).

In the years following the introduction of the system, Indigenous trapping was impacted by several key factors such as new wildlife laws, changing lifeways, increased wage labour opportunities, increasing government aid, and multiple outbreaks of tularaemia, an infectious disease that affects beaver and muskrat (Finch, 2020). Input from Indigenous communities, including concerns that the established



trapping seasons did not work in the north because of the different climate in the James Bay region, were not reflected in trapping regulations (Sutherland, 2020). In addition, the Registered Trapline System involved licenses, registration, and quotas, all of which was foreign to Indigenous trappers (AMEC, 2004b, as cited in Tsuji *et al.*, 2011).

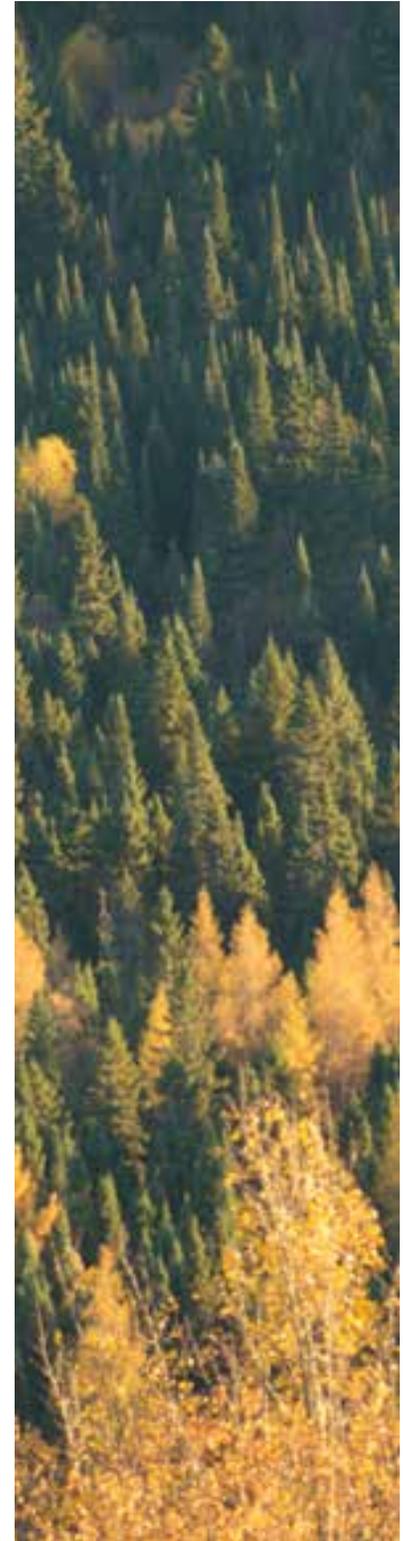
2.2.11.3 Ontario Far North Act

In response to the need to balance development potential with conservation in the north, the provincial government launched the *Far North Planning Initiative* in 2008 (Bowie, 2017). The purpose of the initiative was to direct economic development, support conservation, and address Aboriginal and Treaty Rights through the development of community-based land use plans for the Far North region – an area that represents over forty percent of the province (MNR, 2011, as cited in Bowie, 2017).

The purpose of the 2010 *Far North Act* is to provide community-based land use planning in the Far North region that (*Far North Act*, 2010, s.1):

- Sets out a joint planning process between First Nations and Ontario;
- Supports the environmental, social and economic objectives for land use planning for the peoples of Ontario; and,
- Is done in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights.

The land use planning process established under the Act entails the development of a terms of reference by a First Nations community interested in participating, which must then be approved by the Minister of Natural Resources, who then designates a planning area for the Community Based Land Use Plans (*Far North Act*, 2010, s. 9). The plans are intended to include maps that show historical and contemporary Indigenous use in the area. Communities can designate areas of significant cultural value such as burial sites, waterways and travel routes to be protected, caribou migration routes and areas to be considered open for or closed to mineral exploration. At least one protected area must be identified through the planning process (*Far North Act*, s. 9(9)(c)(d)). However, the plans must be jointly approved by the First Nation and the Ministry,





and once the final plan is approved, all decisions to authorize land use activities must be consistent with the land-use designations in the plan. For First Nations communities in the Far North, community-based land use plans signify inherent jurisdiction over lands and the authority to make decisions on contested land uses (Scott *et al.*, 2018).

The legislation has been contested by First Nations and their regional organizations based on the level of and approach to consultation undertaken by the province, and concerns about how the recommendations provided by First Nations were incorporated. While amendments were made, including the addition of “joint bodies” that could be established with interested First Nations, the province retains ultimate decision-making powers related to amendments, policy documents, and exemption orders related to land use strategies (Gardner *et al.*, 2012).

The Act was recently amended in December 2021, following the recommendations identified in a joint process with Nishnawbe Aski Nation and the Ministry of Northern Development, Mines, Natural Resources and Forestry, and in consultation with First Nations and stakeholders in the region. Amendments were made to “encourage collaboration between Ontario and First Nations on land use planning and foster economic growth in the region while maintaining critical cultural and environmental protections” (Environmental Registry of Ontario, 2021).





2.3 Cumulative Effects to Aboriginal and Treaty Rights and Interests

For roughly seven generations nearly every Indigenous child in Canada was sent to a residential school. They were taken from their families, tribes and communities, and forced to live in those institutions of assimilation. The results while unintended have been devastating. We witness it first in the loss of Indigenous languages and traditional beliefs. We see it more tragically in the loss of parenting skills, and, ironically, in unacceptably poor education results. We see the despair that results in runaway rates of suicide, family violence, substance abuse, high rates of incarceration, street gang influence, child welfare apprehensions, homelessness, poverty, and family breakdowns. Yet while the government achieved such unintended devastation, it failed in its intended result. Indians never assimilated.

– Honourable Justice Murray Sinclair speech to the United Nations, 2010

The long history of colonialism in Canada and associated actions, legislation, and policy has involved both recognition of, and infringement on, the Aboriginal and / or treaty rights of Indigenous peoples in the region and across the country. This history has also been described as constituting cultural genocide (TRC, 2015b). The traditional lifeways, culture, and language of Indigenous peoples, including the Anishinaabeg, Omushkegowuk, and Métis of the region, have been forever transformed, in part because of centuries of displacement from their traditional land bases and use of resources. When combined with ongoing colonial structures and approaches that continue to overlap with the Aboriginal and Treaty Rights and Interests of Indigenous peoples, these changes impact cultural continuity and well-being as the ability of Indigenous peoples to transmit Indigenous knowledge, culture, and lifeways out on the land is increasingly challenged.



Colonial systems of governance and justice that have superseded and / or failed to respect the inherent jurisdiction of Indigenous peoples, and the spirit and intent of the treaties with the Crown, have been imposed on Indigenous peoples in the region for centuries (Anishinabek Nation Legal Department, 2018). Moreover, attention to Indigenous men rather than women and the application of patriarchal assumptions and approaches by European traders, missionaries, and political leaders have exacerbated violations to Indigenous governance by overlooking a segment of the population (i.e., women) that prior to contact, held important roles in leadership.

The impacts go well beyond Aboriginal and / or Treaty Rights and Interests. While Canada has become a member of the world's leading nations, Indigenous peoples, including the Anishinaabeg and Ojibwegowuk, continue to experience disproportionate inequities to the general Canadian population (OCCC, 1986). As noted by Matheson *et al.* (2022), the ongoing implications of various systemic structures experienced by Indigenous peoples has resulted in poor housing conditions, food insecurity, and the absence of potable water on some reserves. Many Indigenous people continue to experience the long term and often debilitating impacts of residential schools, and those that survived were often unprepared to succeed in the market economy or to pursue traditional activities such as hunting and fishing. In many cases, family connections were permanently broken. The overall suicide rate among First Nations communities is about twice that of the total Canadian population (TRC, 2015a). Indigenous peoples face higher rates of infant mortality, a greater burden of disease, and reduced life expectancy (Smylie & Firestone, 2016). In addition, Indigenous peoples are significantly overrepresented in the Canadian criminal justice system (RCAP, 1996, as cited in Government of Canada, 2023). Despite all of these atrocities and outcomes, Indigenous peoples are reclaiming their rights and reconnecting to their cultural roots.





2.4 Reconciliation and Looking to the Future

In more recent decades, there is increased awareness about colonization and its ongoing effects on Indigenous peoples. These efforts began with the establishment of the Royal Commission on Aboriginal Peoples in 1990, whose mandate was to study the evolution of the relationship between Indigenous peoples, the government of Canada, and Canadian society as a whole (Doerr, 2006). The Commission released a five-volume report in 1996 that ultimately noted that a complete restructuring of the relationship between Indigenous peoples and non-Indigenous peoples in Canada is needed (Doerr, 2006); the findings of the Commission’s report have informed this one.

In 2008, the Truth and Reconciliation Commission was established as part of the Indian Residential School Settlement Agreement. The Commission was established to guide Canadians through the difficult facts of the residential school system, and to “lay the foundation for lasting reconciliation across Canada” (Moran, 2015, para. 1). The Commission conducted community hearings across the country to hear from Indigenous peoples directly. A six-volume final report documents the experiences of Indigenous peoples and identifies 94 Calls to Action to advance the process of reconciliation was released in 2015; the findings of the Commission’s report have also informed this one. .

While there has been a recent focus, including efforts and actions on reconciliation with Indigenous peoples, many Indigenous communities, including Marten Falls First Nation, continue to experience day-to-day challenges with access to basic human rights including health services, education, personal and community safety, food security, and more. For Marten Falls First Nation, the development of the Community Access Road is an act of reconciliation – it helps to address access to basic rights while providing an opportunity to support Marten Falls First Nation’s self-determination and their ability to pursue economic prosperity, social and community well-being and cultural continuity.



Attawapiskat First Nation



The information presented in this section of the report is based on the Proponent's current understanding of Attawapiskat First Nation's rights and interests in relation to the study areas for the Aboriginal and / or Treaty Rights and Interests impact assessment.

The information in this section of the report is primarily from secondary sources given that at the time of writing, limited information on Attawapiskat First Nation's rights and interests had been provided to the Proponent. Attawapiskat First Nation was invited to participate in the Project's Indigenous Knowledge Program, and meetings with Attawapiskat First Nation were requested to discuss Attawapiskat knowledge, rights, and interest. However, at the time of preparing this report, Attawapiskat First Nation had not participated in the Indigenous Knowledge Program or responded to meeting requests. In turn, in a letter dated May 11, 2022, Attawapiskat First Nation informed the Proponent that they will also complete their own Impacts to Rights assessment.

It is the objective of the Proponent to share this information with Attawapiskat First Nation early in the Impact Assessment / Environmental Assessment to enable collaboration and discussion. The Proponent welcomes any information Attawapiskat First Nation may choose to share. The overarching goal is to enhance the Project Team's understanding of Attawapiskat First Nation Aboriginal and / or Treaty Rights and Interests in relation to the proposed Project.

Imagining Access – Why the Project?

The Project will offer Marten Falls First Nation the opportunity to grow as a community but also be part of the social and economic fabric of the region and country. The Community Access Road will reduce transportation costs for goods and services, making food, gas, and other supplies cheaper. It will help families be together in the community and increase social interactions with other communities. It will also provide a vital connection to emergency, health, and social services.





3.1 Community Profile

Attawapiskat First Nation is an Omushkegowuk community located within the Hudson Bay Lowlands along the Attawapiskat River, about 5 km inland from the mouth of the river on James Bay and 275 km northwest of Marten Falls First Nation community, in the Far North region of Ontario (**Figure 3-1**). The community became a permanent settlement between the 1930s and the 1960s, when people left their bush camps and started to live on reserve (Witt, 1998).

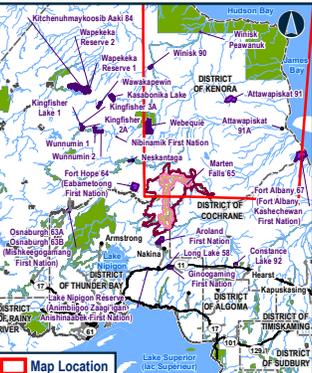
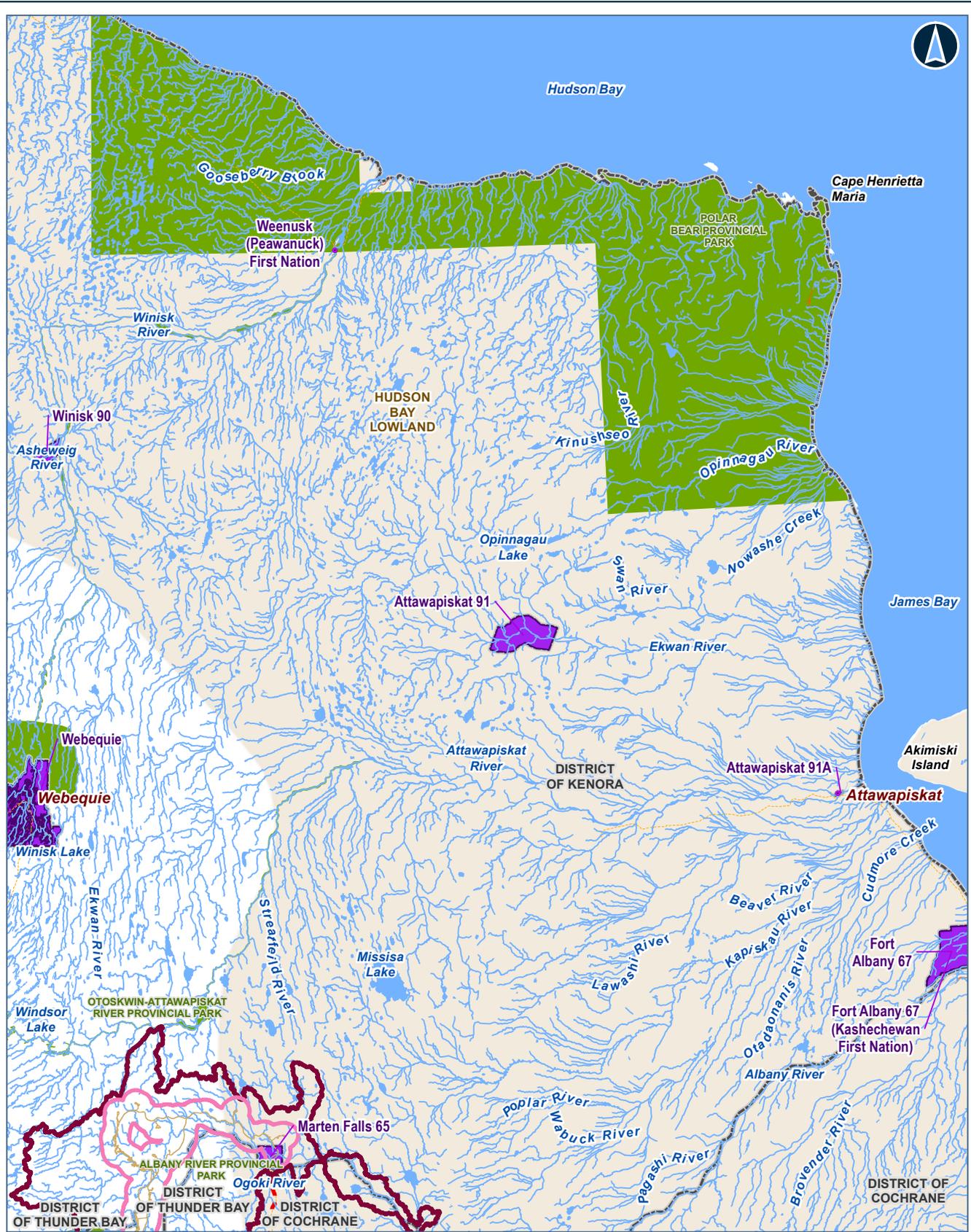
As of July 2023, Attawapiskat First Nation has 3,716 registered members. Of these, 1,992 members (54%) live on reserve in the community, and the remaining 1,724 members live off-reserve elsewhere (Government of Canada, 2023a).

The community depends on air transportation and limited shipping in James Bay for goods and travel in the summer months. In the winter, the community is connected to other First Nation communities and towns on the James Bay coast by winter roads that are constructed each December, including Fort Albany and Kashechewan First Nations, and Moosonee and Moose Factory (Bowie, 2008).

The remote nature of the community means that the cost of living and goods, and air travel outside of the community to access services, can be very high. At the same time, because of the isolated nature of the community, traditional activities and lifeways have remained a very important part of life (Hookimaw-Witt, 1997; Wakenagun, 1999, as cited in Bowie, 2008).

Sections 3.1.1 to 3.1.5 provide information about Attawapiskat First Nation's pre- and post-contact history, reserve lands, language, and governance.





Legend

- First Nation Reserve
- ATRI Local Study Area
- ATRI Regional Study Area
- Project Development Area

General Features

- Local Road
- Winter Road
- Resource / Recreation Road
- Existing Winter Access Road
- Watercourse

- District Municipal Boundary
- Hudson Bay Lowland
- Waterbody
- Provincial Park

Data Source:
Base Data Provided by MNR 2019 and Natural Resource Canada 2022; Route Infrastructure - Provided by AECOM 2019. Contains information licensed under the Open Government Licence Ontario.

**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

General Location of
Attawapiskat First Nation

0 5 10 20 30 40
Kilometres

Datum: NAD 1983 CSRS UTM Zone 16N

Nov, 2023	1:1,500,000 <small>when printed 11°x17'</small>
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Figure 3-1

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3.1.1 Pre-Contact History

Historically, the Attawapiskat people occupied an area that “extended from the Kapiskau River in the south to Hudson Bay (Cape Henrietta Maria) in the north, and from Akimiski Island to Lake Mississa in the west” (Cummins, 1992, p. 58); these areas are shown in **Figure 3-3**. Prior to contact with Europeans, Attawapiskat people largely lived in inland forested regions; however, they started to live closer to the coast once the Hudson’s Bay Company established trading posts there (Honigmann, 1961).

The annual cycle was based on six seasons (see **Section 2.1.1**) and centered on the migratory patterns of waterfowl and caribou. In the spring, people moved from inland areas to the coast to hunt ducks and wait for geese flying north. Caribou used the tundra and adjacent barren ground areas in the summer, bringing families to the area. When the cold arrived, people moved back inland to hunt caribou and moose. People travelled considerable distances inland along the Attawapiskat River in search of moose and other game. Rabbits were also an important food source in the winter months (Honigmann, 1956, as cited in Cummins, 1992).

Attawapiskat people generally travelled together in groups or microbands of two to five families. The microbands were held together by kin bonds and were informally led by a male based on his age and wisdom. The families were linked through marriage ties, as larger groups comprised of 15 or so families. Each larger family group occupied a specific river drainage (Honigmann, 1961).

A more comprehensive overview of the pre-contact context, including seasonal lifeways, culture and worldview, learning and knowledge building, governance and legal principles, and resource management and stewardship, is provided in **Section 2.1**.





3.1.2 Post-Contact History

The Hudson's Bay Company established a trading post in 1893 near the mouth of the Ekwon River (Honigmann, 1961). Before the post was established, community members generally travelled to Fort Albany to trade furs (Flannery & Chambers, 1986). Later, in 1904, Revillon Frères, a competing fur trading company, founded a store at Attawapiskat (Honigmann, 1961).

During the same period, missionaries became a more permanent fixture in the region. A small chapel housing a Roman Catholic mission was built in the location of the present-day Attawapiskat community in 1893. This was followed by a permanent church and residence in 1912 (Cummins, 1992). An Anglican church was constructed in Attawapiskat by 1928 (Honigmann, 1961). The combined influences of the religious missions and the fur companies had profound effects on Attawapiskat people and the resources in the area, including: changes in traditional patterns of land and resource use as a result of declining populations in fur-bearing animals and large game (Cummins, 1992); and profound changes in family life and marriage (Honigmann, 1961).

The settlement of Attawapiskat did not develop much beyond the trading post and the churches until the mid-20th Century (Molohon, 1983). Prior to this, Attawapiskat people still spent most of their time in the bush, coming to the settlement only to trade and resupply, attend church, and meet other community members (Molohon, 1983). Those who settled stayed in tents or wigwams, and later in log cabins insulated with moss (Molohon, 1983).

By the 1940s and 1950s, Attawapiskat people were spending time near the trading post on a more full-time basis because of:

- Flu and tuberculosis outbreaks between 1929 and 1931 (Cummins, 1990);
- The famine conditions on the land and periods of starvation in the 1930s (Cummins, 1992);
- Severe flooding events in 1934 and 1950 (Cummins, 1990);
- A measles epidemic in 1942 (NNS, 2015);
- The promise of government social assistance (family allowances) through settlement in the 1950s (Bowie, 2008); and
- The services and infrastructure that started to emerge, beginning with the opening of the hospital in 1951 and then weekly air service beginning in 1957 (Bowie, 2008).





The hardships faced greatly impacted the health of Attawapiskat people and their ability to live off the land as they had previously (NNS, 2015). In 1955, the first wooden-framed houses were constructed at the settlement with materials from Indian Affairs (Molohon, 1983), and the first streets were built the following year (Cummins, 1992). The trend of increasing settlement among Attawapiskat people continued in the 1970s with the construction of the John R. Nakogee School (Cummins, 1990).

In more recent times, the Attawapiskat First Nation community has faced additional and significant hardships that have affected the health and wellbeing of community members:



Contamination issues: In 1979, a diesel pipeline ruptured beneath the school (that was opened in 1976), spilling nearly 100,000 L of fuel over three decades and contaminating the soil. Community members reported illnesses among students and teachers. After 20 years of environmental investigations, the school was finally closed in 2000 after parents pulled their children out of the school, and torn down in 2009 (Kielburger & Kielburger, 2015). A state of emergency was declared in 2009 due to community concerns of toxicity related to the exposed contamination – community members were reporting illnesses associated with the diesel fumes from the exposed site (German, 2009). A new school was not built and opened until 2014. In addition, the hospital was closed 2014 due to a heating oil spill and associated contamination. Some Elders were moved out of the community until the hospital was re-opened near the end of 2015, following cleanup (CBC News, 2015).



Water crisis: Up until the mid-1990s, the water and sewer system (built in 1976) provided service to the Catholic mission, teachers, and nurses only. Prior to this, community members had no plumbing in their homes. Water and sewer services were upgraded in the 1994 to service the rest of the community, but failures occurred as both the water and sewage plants were inadequate to meet the needs of the community, and because of the poor quality of the source water – a small lake or slough that community members referred to as a “swamp” (Kahn & Thornton, 2001). In 2006, the community declared a state of emergency over the deteriorating quality of drinking water and impacts to health of children and elders on the reserve (The Canadian Press, 2016). Two watering stations were set up in the community to provide drinking water, requiring community members collect drinking water in jugs to bring into their homes. In 2019, another state of emergency was issued after tests showed tap water in homes had potentially harmful levels of byproducts from the chlorination process. The drinking water has also started to register rising levels of the harmful byproducts (Barrera, 2019).





Housing crisis: Chronic underfunding of housing combined with the loss of homes due to sewage backups have led to a severe housing shortage and overcrowding. Sewage backs in homes were first experienced in 2005. A state of emergency was declared in 2009 when 90 community members had to be evacuated from the reserve due to a raw sewage backup that affected eight homes (The Canadian Press, 2009). The use of the community’s sewage pumping station by De Beers was indicated as a reason for the backups, as the pump station was inadequate and overloaded (Michelin, 2011). A state of emergency was declared in 2011 due to a severe housing shortage, and another was issued in 2013 due to flooding and sewage backups that impacted more homes and forced the evacuation of the hospital and the closure of the school (The Canadian Press, 2016). The community lacks land to build needed housing due to the size of the reserve and the “landlocked” nature of it, and the water issues are also a constraint to further housing development (CBC News, 2023). Much of the existing housing stock is very old and plagued with mold issues (Arangio & Bertrand, 2023).



Suicide crisis: The community declared a state of emergency in 2016 after a rash of suicide attempts – 11 suicide attempts in 25 hours. Between September 2015 and April 2016, 101 community members (about 5% of the population) attempted suicide (Austen, 2016). It was reported that a year later, the community was still lacking sufficient mental health resources (Russel, 2017).

The De Beers Victor Diamond Mine was in operation between 2008 and 2019, about 90 km west of the community. Attawapiskat First Nation community members staged a blockade of the winter road to the mine site in 2009 over a lack of community benefits from the mine and a desire to revisit the Impact Benefit Agreement that was signed with the company (Schertow, 2009). The project is now in the decommissioning and remediation phase of closure, and the company’s environmental monitoring obligations are in place until 2039 (White, 2023). In 2023, Attawapiskat First Nation and the De Beers Group entered into a monitoring agreement and a collaborative program to monitor new fish habitat created at the former mine site (De Beers Group, 2023).

A more comprehensive overview of the post-contact context, including the fur trade, early legislation and policy and associated impacts on Indigenous peoples, the numbered treaties established in the region, perspectives on Aboriginal Rights, and legislative developments that have governed natural resource and land use, is provided in [Section 2.2](#).





3.1.3 Reserve Lands

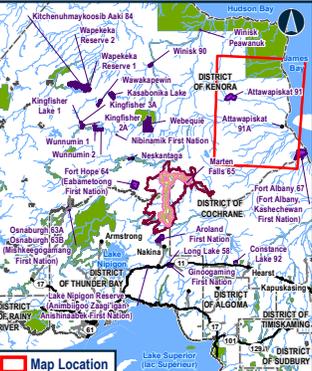
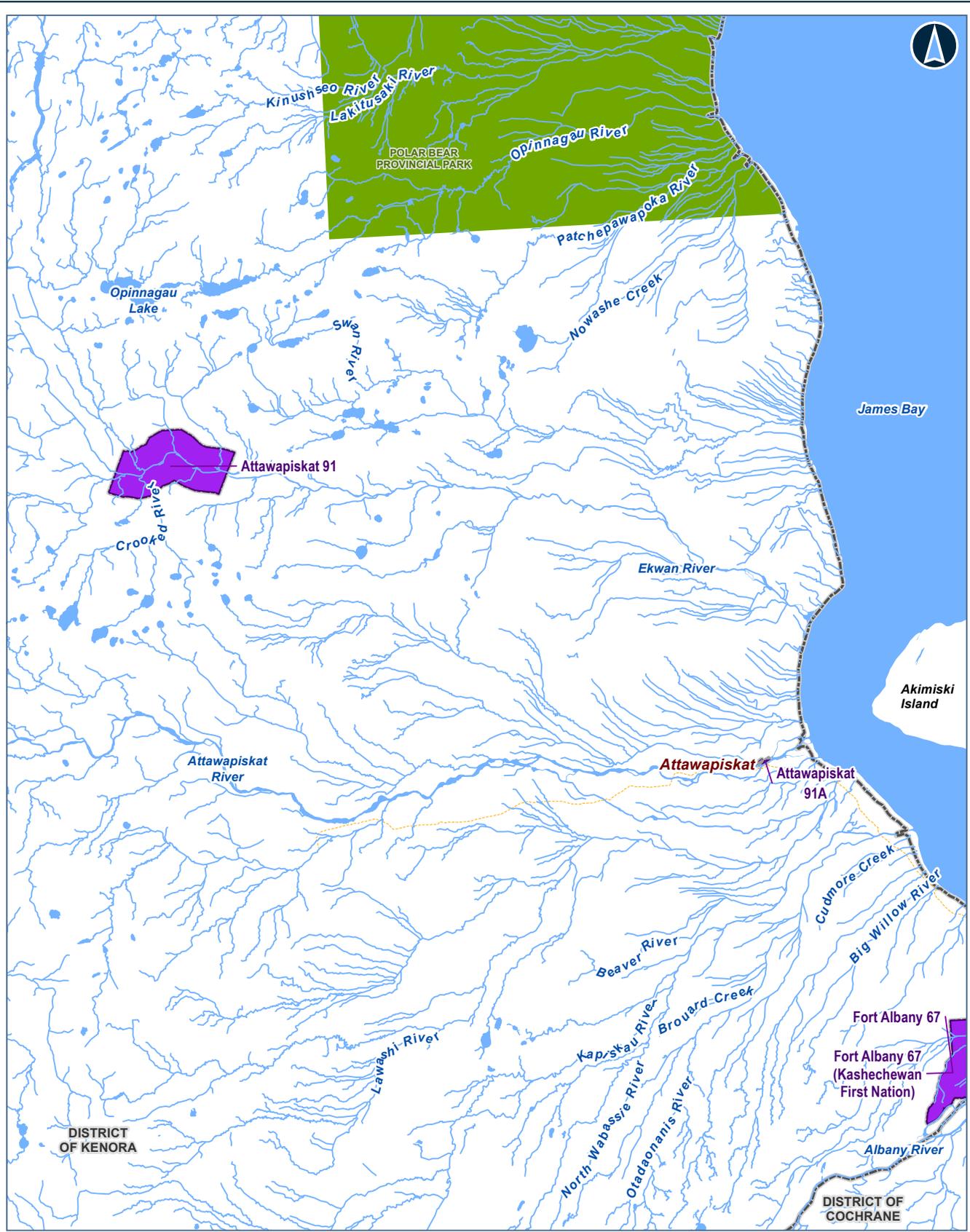
Attawapiskat First Nation has two reserves (Government of Canada, 2023b):

- Attawapiskat Reserve 91 – 27,040.1 ha in size; and
- Attawapiskat Reserve 91A – 235.8 ha in size.

Attawapiskat Reserve 91A is located on the left bank of the Attawapiskat River near the west shore of James Bay. Attawapiskat Reserve 91 is located about 145 km northwest of Attawapiskat Reserve 91A, and 230 km northeast of Marten Falls First Nation, on the Ekwan River (**Figure 3-2**). Both reserves are accessible by air, water, and winter road only.

According to Cummins (1992), Attawapiskat Reserve 91 was established in 1930 and has been “hardly, if ever, used for any prolonged period of time” (p. 55). This is because Attawapiskat people were increasingly spending time on the coast, near the trading post. It was decided by local leaders to establish the Attawapiskat community at the trading post settlement, leading to establishment of Attawapiskat Reserve 91A in 1963 (Cummins, 1992), which today serves as the main community.





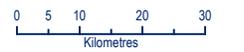
Legend

- First Nation Reserve
- ATRI Local Study Area
- ATRI Regional Study Area
- Project Development Area
- General Features**
- Local Road
- Winter Road
- Watercourse
- District Municipal Boundary
- Waterbody
- Provincial Park

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**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Attawapiskat First Nation
Reserve Lands



Datum: NAD 1983 CSRS UTM Zone 16N

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Figure 3-2

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3.1.4 Language

Attawapiskat First Nation is a Swampy Cree (n-Dialect) speaking community. *Attawapiskat* translates to “people of the parting of the rocks” in Cree (AFNEA, n.d.). While English is commonly used, Cree is the language of everyday conversation (Cummins, 1999).

In 1999, it was reported that 98% of the on-reserve population speaks Cree (Wakenagun, 1999, as cited in Bowie, 2008). According to the 2016 Census (Statistics Canada, 2018):

- Approximately 87% of the population has knowledge of the Cree language;
- Approximately 83% of the population reported Cree as their mother tongue (the first language they learned and still know); and
- Approximately 71% of the population speak Cree at home.

3.1.5 Governance

Attawapiskat First Nation is a signatory to Treaty 9. Attawapiskat First Nation was historically included in Treaty 9 as part of the Albany Indians (Honigmann, 1961). However, the Attawapiskat Band requested to be admitted to Treaty 9 as a separate band (separate from Fort Albany) and the reserves were selected under an adhesion to Treaty 9 in 1929/1930 (Hookimaw-Witt, 1997). See [Section 2.2.5.2](#) for more information on Treaty 9.

Attawapiskat First Nation has a Custom Electoral System with a three-year election cycle. Leadership includes a Chief, a Deputy Chief, and 11 Councillors (Government of Canada, 2023c).

Attawapiskat First Nation is affiliated with the Mushkegowuk Council, and the Nishnawbe Aski Nation also represents them as a signatory of Treaty 9 (Bowie, 2008).



3.2 Understanding of Rights and Interests in Relation to the Project

Section 3.2.1 and **3.2.2** describe the current understanding of Attawapiskat First Nation's Aboriginal and / or Treaty Rights and Interests in relation to the proposed Project. As noted in **Section 3.0**, this understanding was developed based on a comprehensive literature review of publicly available sources of information given that at the time of writing, no information on Attawapiskat First Nation's rights and interests had been provided to the Proponent.

3.2.1 Aboriginal and Treaty Rights Relevant to the Project

It is anticipated that Attawapiskat First Nation asserts its Treaty 9 and Section 35 rights. According to the Mushkegowuk Council's Declaration of Rights and Responsibilities (Mushkegowuk Council, n.d.), the following rights and responsibilities apply to Omushkego communities:

- Responsibility to maintain spiritual values, language, traditions, and culture;
- Right to be self-governing;
- Responsibility to ensure all Omushkego citizens have the opportunity for an appropriate standard of living;
- Responsibility to be guardians of the lands and resources;
- Right to live on the land of Omushkego ancestors;
- The rights to harvest and develop on the land;
- Responsibility to ensure that Omushkego citizens share in the wealth of the land;
- Responsibility to be clear with the federal and provincial governments about Omushkego understanding of the treaties;
- Right to have the spirit and intent of the treaties and agreements that affect Omushkego people to be honoured; and
- Right to full recognition of Omushkego laws.

As a member of the Mushkegowuk Council, it is assumed that these rights and responsibilities may also be declared by Attawapiskat First Nation.



At a minimum, it is assumed that Attawapiskat First Nation Aboriginal and / or Treaty rights related to the proposed Project include the right to hunt, trap, fish, and gather materials that are of importance to Attawapiskat First Nation cultural traditions and lifeways, as well as the right to cultural continuity and wellbeing (ability to practice and transmit cultural traditions). These rights are considered Valued Components, which means that they are important elements of Aboriginal and / or Treaty Rights that have the potential to be affected by the proposed Project. The potential impacts of the proposed Project on these Valued Components / rights will be assessed in the future.

General information on Attawapiskat First Nation's use of lands, waters, and resource for traditional purposes is presented in [Section 3.4](#). Information on the Project Team's understanding of Attawapiskat First Nation's use the lands, waters, and resources for traditional purposes in relation to the proposed Project is presented in [Section 3.5](#).

General perspectives on the cultural continuity and wellbeing of Attawapiskat First Nation are presented in [Section 3.6](#). Information on the Project Team's understanding of what is important for Attawapiskat First Nation cultural continuity and wellbeing is presented in [Section 3.7](#).

3.2.2 Interests Related to the Project

Information on interests presented below, is largely based on four secondary sources of information including:

- DeBeers Canada's *Victor Diamond Project Comprehensive Study Report Plain Language Summary* (AMEC, 2004);
- The 2020 Marten Falls First Nation: *Record of Consultation Report* (AECOM, 2020)
- The *Webequie Supply Road Environmental Assessment Terms of Reference* (SNC, 2020); and
- Attawapiskat First Nation's *Community Based Land Use Plan: Terms of Reference* (NNS, 2015).





It is anticipated that Attawapiskat First Nation's interests in the proposed Project may include:

- The quality of creeks and rivers for fish habitat (AMEC, 2004), including concerns about culverts as fish barriers, changes in stream morphology, removal of beaver dams, increased erosion, increased egg mortality, water temperatures, increased angling pressure, and the introduction of invasive species (SNC, 2020);
- Preserving habitat for caribou, moose, furbearers, and waterfowl (AMEC, 2004);
- Resource access for hunting caribou (AECOM, 2020);
- Access to traplines and availability of fur-bearing animals (NNS, 2015);
- Protection of groundwater and surface water from pollution, erosion, increased runoff rates, sedimentation, and man-made fluctuations in groundwater levels from dewatering, wells, and / or the addition of hard surfaces (SNC, 2020);
- Employment and community-based business opportunities (SNC, 2020);
- Protection of vegetation and wetlands from changes to community diversity and species composition, vegetation loss, and changes to quality and function (SNC, 2020);
- Peatlands for hunting areas and effects on water supply (NNS, 2015); and
- Concerns about more people from outside the community on the lands potentially competing for resources and pressuring wildlife habitats and migration (SNC, 2020).

These interests will inform the overall impacts assessment, including the assessment on Attawapiskat First Nation Aboriginal and / or Treaty Rights and Interests.



3.3 Area of Interest

A preliminary Area of Interest has been identified for Attawapiskat First Nation, as shown in **Figure 3-2**. The Area of Interest was delineated by Attawapiskat First Nation in the Community Based Land Use Plan developed in 2016 under the *Far North Act*, as an Area of Interest for Planning. The Area of Interest coincides with the Attawapiskat First Nation Traditional Territory (Nakogee, 2016), which extends from the Kapiskau River in the south to Hudson Bay in the north, westward along Hudson Bay towards the Winisk River, and from Akimiski Island in the east to Lake Missisa in the west (NNS, 2015). More recently, a map of Mushkegowuk First Nations' homelands was prepared as part of the ongoing Mushkegowuk-led National Marine Conservation Area Project (Mushkegowuk Council, 2023). The homelands of Attawapiskat First Nation shown appear to coincide with the Area of Interest for Planning.

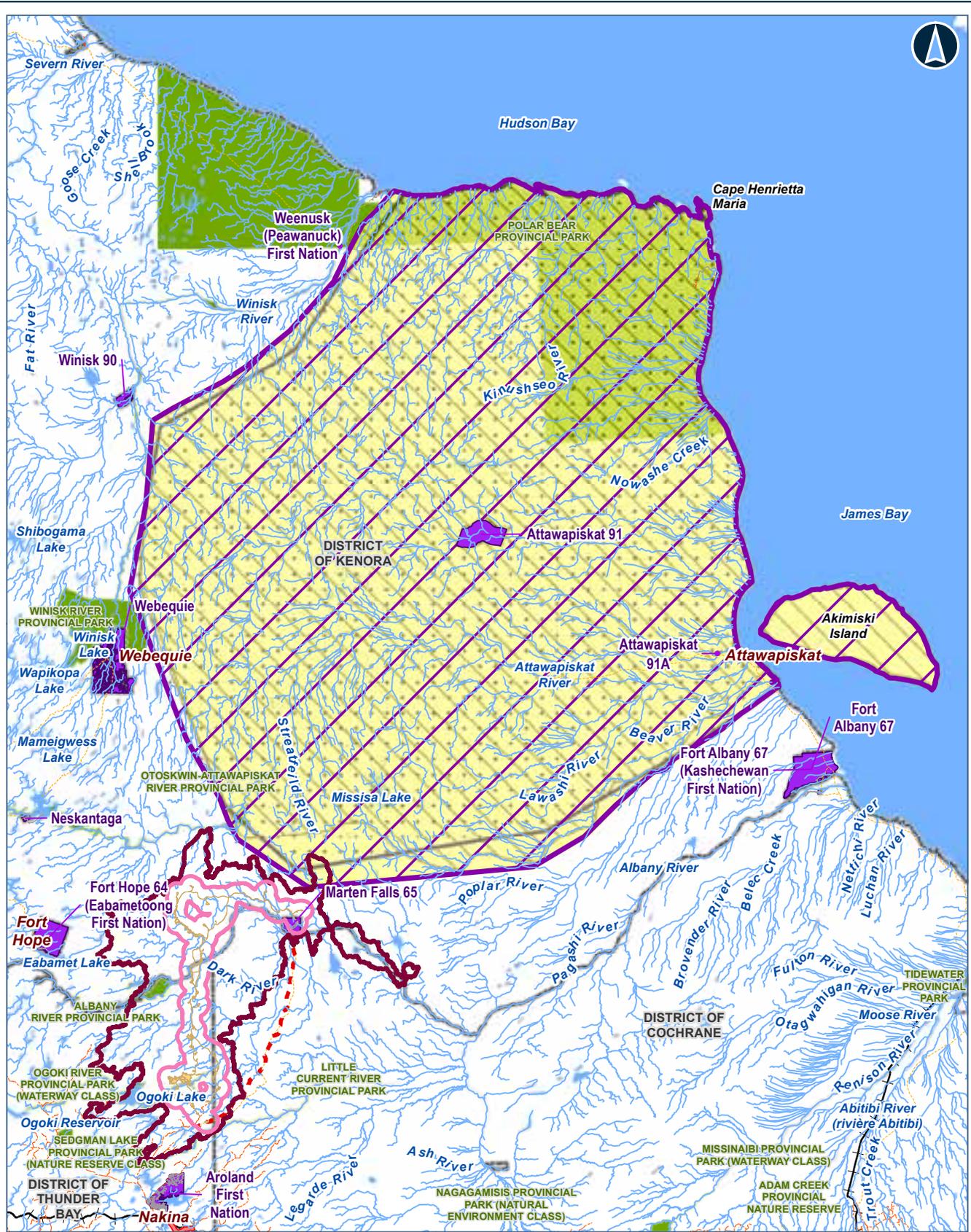
In 2021, Chief David Nakogee of Attawapiskat First Nation submitted an affidavit to the Province of Ontario which included a map of Attawapiskat First Nation's traditional territory (AFN 2021). The map included in the affidavit also appears to coincide with the preliminary Area of Interest for Planning.

The preliminary Area of Interest is intended to identify where Attawapiskat First Nation may hold Aboriginal and / or Treaty Rights and Interests that are relevant to the proposed Project.

The Attawapiskat First Nation preliminary Area of Interest does not overlap with the Project Development Area or the Local Study Area. However, the Attawapiskat First Nation preliminary Area of Interest coincides with a small area in the northeastern portion of the Regional Study Area for the assessment, as shown in **Figure 3-3**.

The Impact Assessment Agency of Canada (2023), notes that an Indigenous community's "long-standing connection to, use of, or occupation of an area is indicative of a community's rights". It is the Proponent's understanding that an Indigenous community can assert an area of interest or traditional territory and that these assertions may consider many factors including, but not limited to, hunting and trapping areas, wildlife migration patterns, travel routes, watersheds, etc. However, these assertions "may not be well understood by all parties, they may raise uncertainty as they lack information, or there may be differing interpretations" (IAAC, 2023). Therefore, it is important to note that for the purposes of identifying a preliminary Area of Interest for the proposed Project, Marten Falls First Nation is strictly presenting information that has provided by an Indigenous community or has been identified in publicly available data sources. By presenting this information, Marten Falls First Nation is neither validating or confirming information regarding the assertion of areas of interest or traditional territories.





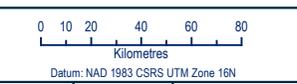
Legend

- Preliminary Area of Interest for the Proposed Project
- First Nation Reserve
- ATRI Local Study Area
- ATRI Regional Study Area
- Project Development Area
- Attawapiskat First Nation Community Lands (Mushkegowuk Council Homelands and Resources, January 2023)
- Attawapiskat First Nation Traditional Territory (Nakogee Affidavit)
- Attawapiskat First Nation Traditional Lands (Community Based Land Use Plan, May 2015)
- Highway
- Local Road
- Winter Road
- Resource / Recreation
- Existing Winter Access Road
- Railway
- Watercourse
- District Municipal Boundary
- Waterbody
- Provincial Park

Data Source:
 Base Data: Provided by MNR 2019; Route Infrastructure - Provided by AECOM 2019; Community Homelands Provided by Mushkegowuk Council Lands and Resources (January 2023); Traditional Territory Provided by Attawapiskat First Nation (AFN) (2021, January 27); Affidavit of David Nakogee, Ontario Superior Court of Justice (Divisional Court), Court File No. 382020; Traditional Area of Interest Provided by Community Based Land Use Plan Neegan Najawewan Stantec LP (May 7, 2015). Contains Information licensed under the Open Government Licence Ontario.

**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Attawapiskat First Nation
Area of Interest



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Figure 3-3

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3.4 Use of Lands, Waters, and Resources for Traditional Purposes

Available information on Attawapiskat First Nation land, water, and resource use is presented in **Sections 3.4.1 to 3.4.5**. The information presented in this upfront section is general to Attawapiskat First Nation. Information on Attawapiskat First Nation land, water, and resource use for traditional purposes in relation to the proposed Project is provided in **Section 3.5**.

The information presented is largely based on three secondary sources of information (although several other supporting sources have been used and referenced throughout):

- John Honigmann's *Anthropological Report on the Attawapiskat Indians* (1961), which describes the lifeways of the Attawapiskat people based on observations and interviews from 1947-1948;
- Bryan Cummins' Doctoral dissertation *Attawapiskat Cree Land Tenure and Use 1901-1989* (1992), which describes past and contemporary land use by Attawapiskat First Nation based on archival research, interviews and mapping, questionnaires, and observations from 1988-1990; and
- The master's thesis of Jacqueline Hookimaw-Witt (1997) from Attawapiskat First Nation, which explored perspectives of Treaty 9 and community lifeways at the time of signing and more recently based on interviews with Attawapiskat elders in 1996.

It is important to note the following about the information available on Attawapiskat First Nation land, water, and resource use for traditional purposes:

- The most recent information available was collected almost 30 years ago, therefore all information could be considered past use;
- There was no information on present-day land, water, and resource use by Attawapiskat First Nation available at the time of writing;





- Information on the role of members within the community (e.g., women, men, elders, youth, people with disabilities) is provided, where possible;
- For the purposes of the future Impact Assessment / Environmental Assessment, it is assumed that the general practices and preferences of Attawapiskat First Nation community members described in this report are still relevant to the community today;
- While the information presented here includes historical information on volumes harvested, information on the present-day preferred quantity and quality of resources is not available; and
- Information on resource thresholds that the community requires to exercise their rights is limited or absent.



Honigmann (1961) reported that among the Attawapiskat people, the seasonal round of hunting, trapping, and fishing was based on six seasons. More recently, Tsuji and Nieboer (1999) explored changes in land use practices among the Mushkegowuk Cree and found that in more recent times, most animal harvesting activity occurs in the spring and fall when waterfowl are abundant; they also reported a shift in resource use to a greater focus on waterfowl. Cummins (1992) also observed a shift to a greater reliance on waterfowl among Attawapiskat community members. Reasons for this shift include (Cummins, 1992; Tsuji & Nieboer, 1999):

- Settlement and greater a concentration of communities along the coast (from more inland areas) in the 1950s and 1960;
- Repeated periods of game and furbearer depletion;
- Community population increases;
- Ease of accessing waterfowl; and
- Participation in the wage economy, requiring shorter harvesting trips more suited to hunting waterfowl compared to moose and caribou, which require much longer hunting trips.



Cummins (1992) noted that the most significant changes to the cultural and natural environment of the Attawapiskat people took place in the first half of the 19th century because of deliberate efforts to “control” Indigenous people in the region. Prior to these changes:

- Attawapiskat people would visit the trading post for only a brief period, usually several weeks, and then return to their winter hunting grounds (Cummins, 1992);
- Families had their own territories over a large region (Hookimaw-Witt, 1997); and
- Most community members at this time were almost totally reliant on bush food all year round (Cummins, 1992).

However, by the beginning of the 1960s, more people viewed the Attawapiskat post area as home for three to four months of the year, with associated changes in land use patterns (Nonas, 1963, as cited in Cummins, 1992). Another change in historical land use patterns is shorter hunting trips because of new technologies, such as snowmobiles which first appeared for sale in Attawapiskat in 1962 (Cummins, 1990). Community members take more shorter-duration trips of a few days compared to the longer-duration trips of the past (Berkes et al., 1995).

Additional information on the cumulative effects that may have already interfered with the ability of Attawapiskat people to use their lands and resources for traditional purposes is provided in [Sections 2.2](#) and [2.3](#).

Despite the many challenges and changes to their traditional ways of life, the Cree culture remains strong among the Attawapiskat people and traditional activities (hunting, trapping, fishing, and gathering) continue to be widely practiced (Cummins, 1992; Hookimaw-Witt, 1997). Many Attawapiskat First Nation members still hunt and fish along the Attawapiskat River and maintain trap lines (NNS, 2015). Hookimaw-Witt (1997) noted that there were several community members that continued to live out on the land, with lifeways similar to their ancestors. Like many other northern Cree communities, these traditional activities are more than subsistence, they are a central part of local culture and identity (NNS, 2015).





3.4.1 Hunting and Trapping

Historically, spring saw the movement of Attawapiskat people from inland areas to the coast for the spring goose and duck hunt and to hunt muskrat. The area around Cape Henrietta Maria (on the northwest coast of James Bay) had caribou in the summer, so families often ventured there. Following the fall goose hunt, people started to move inland for the winter trapping and hunting season (Honigmann, 1961). Winter was peak trapping season, although in first half of the 19th century it was common for trappers to travel to the trading post at Christmas and Easter (Honigmann, 1961). This seasonal cycle was maintained by the majority of the Attawapiskat population until the mid-1900s (Cummins, 1992), with the changes described in **Section 3.1.2**.

Honigmann (1961) described two groups among the Attawapiskat people in the first half of the 19th century:

- The inland group who would take their entire family with them into the bush where game was more available; and
- The coastal group who tended to leave their families at the post during the winter season.

Based on archival records from the early 1900s, hunting areas were noted to include Opinga (Opinnagau) River, Swan River, Kapiskau River, Lawachie (Lawashi) River, Ekwan River, Akimiski Island, and Cape Henrietta Maria (Cummins, 1992); these waterways and areas are identified in Figure 3-3. The inlanders had greater access to moose, caribou, beaver, ptarmigan, and rabbit in the winter months, while the coastal group subsisted on more on dried waterfowl, rabbits, and occasional beaver (Honigmann, 1961). In both groups, women played an important role in harvesting ptarmigan and rabbit. Among the inland group, women would set snare lines around the winter camp and among the coastal group, women would go out in small groups to snare rabbits some distance from the trading post (Honigmann, 1961).





More families became coastal by the mid-19th century and traveled less inland, and most of the population was located north of the trading post (Honigmann, 1961). It was reported that 43% of listed Attawapiskat trappers operated within 60 miles (about 95 km) of the trading post in 1948/1949 (Honigmann, 1961). Community members generally did not travel more than about 125 miles (about 200 km) up the Attawapiskat River (Honigmann, 1961). Community members were also reported to be served by a Hudson's Bay Company outpost near the mouth of the Lake River, about 100 miles (160 km) north of Attawapiskat. Honigmann (1961) suggested the changes (decreases) in the distances travelled relative to previous time periods may have been a result of:

- Resource depletions, leading to smaller winter hunting group sizes; and
- People became increasingly reluctant to travel far up the rivers and streams out of fear of starvation and disease given the prevalence of these challenges in the first half of the 19th century.

Cummins (1992) reported that in 1989, Attawapiskat people continued to hunt for the bulk of their protein (food) and the land was relied on to meet the food needs of the community. In an interview in 1996, Chief Ignace Gull described the tradition of living on the land in September and October, hunting geese and ducks, and using all part of the animals (as cited in Hookimaw-Witt, 1997). Cummins (1992) also reported that there was considerable sharing of hunted food among community members, which helped provide for community members who were unable to hunt for themselves. Traditionally, while fishing and snaring of small game were tasks largely undertaken by women, men and youth participated in these activities and continued to do so in more recent times. Cummins (1992) notes that women might have, at times, been the major provider of food items, especially during periods of starvation when small game replaced moose and beaver in the diet. However, with the introduction of shotguns, snowmobiles, and outboard motors, the role of men as food providers increased (Cummins, 1992).





Waterfowl

Waterfowl were historically an important resource used for food. Men and their kinsmen (sons, brothers, dons-in-law, uncles) would use blinds and charred wooden decoys to lure birds within range, and blinds were usually set to half a mile (almost 1 km) apart (Honigmann, 1961).

Waterfowl continued to be an important resource among Attawapiskat people in 1989 (Cummins, 1992). The goose hunt served as both a means of food and as a way to train young boys in hunting and bush skills (Cummins, 1992). Canada geese and waxies (the local name for blue and snow geese collectively) were hunted in large numbers during the spring and fall (Cummins, 1992). In 1989, the typical hunter in Attawapiskat killed about 150 waterfowl annually, comprised of about 73 geese, 57 waxies, and 20 ducks (Cummins, 1992). Tsuji and Nieboer (1999) note that among the Mushkegowuk Cree, “the religious and cultural significance of the harvesting of the spring Canada goose cannot be overemphasized” (p. 176). Cummins (1992) reported that in 1989, almost all households (92%) in the Attawapiskat community participated in goose hunting. As noted in [Section 3.4](#), when compared to the historical information presented by Honigmann (1961), the importance of goose hunting increased over the years, by 1989 (Cummins, 1992).

Elders interviewed in 1996 indicated that goose hunting was largely done down the Attawapiskat River, on James Bay, and at Akimiski Island, at the mouth of the Lawashi River, and sometimes also up the Attawapiskat River or further north; these waterways and areas are identified in Figure 3-3. Goose meat was smoked and used over the winter months (Hookimaw-Witt, 1997). Cummins (1992) reported that feathers were used to make bedding, pillows, coats, dusters, and handicrafts.





Moose and Caribou

Moose and caribou have historically been important food sources among Attawapiskat First Nation community members (Honigmann, 1961; Cummins, 1992). Based on archival records and available literature, there appears to have been a greater amount of moose and caribou harvesting in more recent times than there was in the first half of the 19th century (Cummins, 1992). This may be due to higher moose and caribou population levels, or access to better technology (better guns, outboard motors, snowmobiles) that enabled more successful hunts (Cummins, 1992). In the past, when moose meat was available, it was prized as both a subsistence and a trading resource (Cummins, 1992).

Interestingly, references to moose hunting in archival records suggests that most hunting occurred in March or April, whereas in more recent times, moose hunting was most common in the fall. This may be because it was easier to hunt moose in the spring in the past, when the snow would support snowshoes but not a moose, and when moose were weak and disoriented after a lengthy winter (Cummins, 1992).

Fieldwork undertaken by Cummins (1992) identified a minimum of 62 active moose hunters during the 1989 hunting season, which doesn't account for about a dozen 'bushmen' who were out of town at the time. These hunters killed an estimated 114 moose in 1989, suggesting an average annual kill of about 1.7 moose per hunter (Cummins, 1992). Moose hunting generally took place in the fall – 85% of Attawapiskat hunters interviewed in 1989 indicated they hunted for moose in September or October (Cummins, 1992). Moose were hunted along major waterways, including the Kapiskau, Lawashi, Attawapiskat, and Ekwan Rivers (Cummins, 1992); these waterways have been identified in Figure 3-3. While guns were the most widely used tool for hunting, snares were used sometimes as well (Cummins, 1992).

Caribou were reported as being hunted at a significant rate by 29 active caribou hunters in the community in 1989. These hunters killed an estimated 132 caribou that year, suggesting an average annual kill of about 4 caribou per hunter (Cummins, 1992). However the accessibility of caribou made



hunting them more expensive and challenging (Cummins, 1992). Caribou were generally hunted after the winter freezeup and into the spring when there was sufficient snow for snowmobiles, with February and March being the preferred months (Cummins, 1992).

Moose and caribou hunts were usually a week or so in duration (Cummins, 1992). They were undertaken in groups of three or more people (usually relatives) given the distances traveled, safety considerations, the likelihood of multiple kills, and the labour of returning the meat to the community (Cummins, 1992). Elders interviewed in 1996 indicated that moose and caribou hunting was largely done in the winter up the Attawapiskat River (including the upper part), up north, and sometimes also south of the Lawashi River. Moose hunting was also done in the fall. Moose and caribou meat was usually shared among community members (Cummins, 1992). Deer were also hunted when encountered. Big game meat was often preserved in fat and smoked (Hookimaw-Witt, 1997). Cummins (1992) reported that caribou and moose hides were used to make mitts, gloves, and moccasins.

Small Game

Based on archival records, a variety of furs were collected at the Attawapiskat trading post. The most common ones were beaver, red and white fox, marten, mink, musquash (muskrat), otter, lynx, and ermine (Cummins, 1992). As noted by Cummins (1992), a government report from 1963 suggests that trapping was still a viable part of the Attawapiskat economy at the time. Snowmobiles and two-way radios introduced in the 1960s provided for a great number of options to trappers, including part time trapping or more regular returns to the community using snowmobiles for those who continued to trap year-round (Cummins, 1992).

In 1989, trapping was not as common as it once was because of declines in fur prices, changes in the availability of species, the high cost of maintaining a trapline, and more sedentary lifestyles in the community for the sake of schooling children and accessing services (Cummins, 1992). The registered trapline system has been noted as the most disruptive factor between 1953 and 1985 (Cummins, 1992). The legal and ideological shifts imposed by the trapline system led to threats, violence, and feuding, and as a result, eventually the formal trapline system was ignored (Cummins, 1992).

Despite the many challenges to trapping, many community members continued to trap in 1989. Cummins (1992) reported that 52 of 174 households interviewed (about 30%) had family members that trapped with the previous two years, and this was likely a conservative number because of the 'bushmen' who are unavailable for





interviewing. Many trappers reported trapping on a part-time basis. In the 1989 / 1990 trapping season, muskrat was most commonly trapped, followed by marten and beaver. Lynx, mink, otter, fox, and wolf were also trapped, although in significantly fewer numbers as their populations have generally declined, and they are much more difficult to catch (Cummins, 1992). Among trappers who had stopped it as a profession, economic reasons (it was too expensive) were cited most often (Cummins, 1992). Many trappers in more recent times reported that they specialized in trapping particular species (Cummins, 1992).

Small game were also hunted by community members. Snowshoe hares were the preferred small game species harvested, followed by ptarmigan and spruce grouse. It was conservatively estimated that 4,061 snowshoe hares were caught in 1989 (Cummins, 1992). While snowshoe hare may have been snared all year round, the preferred months were between freezeup and April, with November and December noted as the best months (Cummins, 1992).

Ptarmigan were harvested by 29% of community members who pursue small game and birds, and they were most often shot but they were occasionally snared (Cummins, 1992). While they were hunted in the winter months (November to March), November and December were the most common months (Cummins, 1992). It was estimated 2,697 ptarmigan were harvested in 1989 (Cummins, 1992). It was estimated that only 117 spruce grouse were harvested in 1989 (Cummins, 1992).

During moose and caribou hunts, it was common for ptarmigan and grouse to be shot or snared, and snowshoe hares to be snared (Cummins, 1992). Hunters set up snare lines when out on a hunt, but most often snare lines were set up within a three mile (up to 5 km) radius of the community (Cummins, 1992). Women and children also ran snare lines (Cummins, 1992).





Other bird species hunted included sharp-tailed grouse, various shorebirds, and to a lesser extent ruffed grouse, cranes, and owls (Cummins, 1992). Some Attawapiskat community members also continued to eat muskrat in 1989 (Cummins, 1992).

Elders interviewed in 1996 indicated that trapping and hunting was done up the Attawapiskat River and up north from the community (Hookimaw-Witt, 1997).

A summary of wildlife of potential importance to Attawapiskat First Nation for hunting and trapping based on the reports by Honigmann (1961), Cummins (1992), and Hookimaw-Witt (1997) is provided in **Table 3-1**. As noted previously, this is a preliminary report and translations will be updated.



Table 3-1: Wildlife of potential importance to Attawapiskat First Nation

Common Name	Oji-Cree Translation	Cree Translation
BIRDS		
Canada goose	<i>nikah</i>	
Snow goose		
Wavy (blue goose)	<i>nikah</i>	
Crane		
Shorebirds		
Ducks	<i>shesheeb</i>	
Brant		
Grouse (sharp-tailed, ruffed, spruce)	<i>ahgusk</i>	
Ptarmigan (willow)		
Hawks		
Owls		



Common Name	Oji-Cree Translation	Cree Translation
BIG GAME AND FURBEARERS		
Moose	<i>mooz</i>	
Caribou	<i>atik</i>	
Deer	<i>wawashkeshi</i>	
Bear (black, polar)	<i>makwa, makoo</i>	
Timber wolf	<i>maiigan, maiikan</i>	
Lynx	<i>mizhih'bizhiw, piizhoo</i>	
Seal		
Beaver	<i>amik</i>	
Fox (red, silver, cross, white, Arctic)	<i>waakosh</i>	
Fisher	<i>ojiig</i>	
Weasel	<i>zikosih</i>	
Ermine		
Mink	<i>shakweshi</i>	
Otter	<i>nigig</i>	
Rabbit (snowshoe hare)	<i>wabooze</i>	
Squirrel (including red)	<i>ajidamo</i>	
Marten (pine)	<i>wabizheshih, wabashtan</i>	
Muskrat	<i>wajaashk</i>	





3.4.2 Fishing

Historically, fishing was typically women's work, especially in the late spring and fall, but it was common for the whole family to support fishing in preparation for the winter (Honigmann, 1961). Whitefish was once the most important fish in the diet, and in trade (Honigmann, 1961). Families were free to put up their fishing nets or baited hooks anywhere (Honigmann, 1961). In the fall, fish were dried in preparation for winter consumption (Honigmann, 1961).

In more recent times, fishing was done for both recreation and food purposes, and fish continued to be an important food source among community members (Cummins, 1992). Almost 65% of households reported doing some fishing in 1989, and 13% reported fishing occasionally or in the recent past (Cummins, 1992). An estimated 53,855 fish were caught in 1989, based on the number of fishers, their seasons, and estimated catches, as well as bushman estimates; however, it was not possible to estimate the ratio of species caught based on the information provided by fishers (Cummins, 1992). Gill nets and baited hooks were reported as the main fishing approaches used in 1989, with rod and reel used to a much lesser extent (Cummins, 1992). There were no rules, formal or informal, regarding the use of fishing sites (Cummins, 1992). Compared to goose, moose, and caribou hunting, fishing was very much done as a family activity, with women and children participating (Cummins, 1992).

Whitefish was just one of several fish harvested for food by Attawapiskat people (Cummins, 1992). Other fish that may have been harvested include jackfish (northern pike), ling, trout, sucker, walleye (yellow pickerel), and sturgeon (Cummins, 1992).

Fishing generally occurred all year round and was less seasonal relative to hunting (Cummins, 1992). Thompson and Hutchison (1987, as cited in Cummins, 1992) reported that most Attawapiskat fishers used the lower reaches of the Attawapiskat River, up to 100 km from the coast, but some had traveled as far west as the confluence of the Attawapiskat and Mississa Rivers, and north along the coast near the Ekwana River; these waterways have been identified in [Figure 3-3](#). Elders interviewed in 1996 indicated that net fishing was done up the Attawapiskat River (Hookimaw-Witt, 1997).

A summary of fisheries of potential importance to Attawapiskat First Nation based on the reports by Honigmann (1961), Cummins (1992), and Hookimaw-Witt (1997) is provided in [Table 3-2](#).





Table 3-2: Fisheries of potential importance to Attawapiskat First Nation

Common Name	Oji-Cree Translation	Cree Translation
Whitefish	<i>atikameg</i>	
Jackfish (northern pike)	<i>ginozhe</i>	
Trout (brook, speckled, lake)		
Walleye (yellow pickerel)	<i>okaas</i>	
Ling	<i>mihzhash</i>	
Sucker (carp)	<i>namebin</i>	
Sturgeon	<i>nameh</i>	



3.4.3 Berry and Plant Gathering

The Mushkegowuk region offers a large variety of berries. Historically, berries were picked in the fall in large quantities, and children played a major role in this harvest (Honigmann, 1961). Berries continued to play an important role in the diet of Attawapiskat people in more recent times, and almost 60% of households in 1989 engaged in berry picking (Cummins, 1992).

Cummins (1992) reported that as many as 15 different species of edible berry grow in the area and were picked by community members. These berries are listed in [Table 3-3](#); however, local terminology was used and the names are Attawapiskat First Nation's own, and there may be repetition among the list (Cummins, 1992). Cranberries were the most commonly picked, with 39% of berry pickers in 1989 reporting that they harvested them, followed by gooseberries, moose berries, strawberries, blueberries, and raspberries (Cummins, 1992). Available data suggests that members who picked berries did so in large amounts; the average household in 1989 picked an average of about 4.5 gallons of berries annually



(Cummins, 1992). There were no rules or protocols regarding where berries may be picked, and for most households in 1989, berry picking was a family affair (Cummins, 1992). However, areas where there berries were known to be bountiful were visited regularly each year (Cummins, 1992).

Information on plants gathered by Attawapiskat people comes from the observations and interviews conducted in 1948-1949 by Honigmann (1961). The following plants were noted:

- Labrador tea (also called muskeg tea) was sometimes gathered when encountered in the bush or around the trading post and mixed with commercial tea for drinking;
- Juniper and willow buds were eaten in early summer;
- Sap was collected from scraping the wood of spruce, poplar, and tamarack trees and eaten as a sweet treat;
- Stone moss was combined with flour, salt, and lard, and then boiled and eaten;
- Spruce gum was occasionally chewed;
- Tamarack roots were dug up and consumed in summer; and
- Rose buds and the tubers of wild onions were also gathered as country foods.

Cummins (1992) reported that 71 households (41% of all households) interviewed in 1989 indicated they were familiar with traditional Cree medicine. Important items noted included tamarack for stomach cramps, cones for painkillers, and bulrushes for absorbents (Cummins, 1992).

Plant and tree materials were also used to make a variety of utility items, including paddles, snowshoes, toboggans, tent poles, hide stretchers, and waterfowl decoys (Cummins, 1992). Tamarack was used for making snowshoes, wood carvings, sleighs, and waterfowl decoys, and also for crafts (Cummins, 1992; Hookimaw-Witt, 1997).





Elders interviewed in 1996 indicated that berry picking was done around the community. They also suggested that much of the knowledge of medicinal plants and roots had been forgotten or lost (Hookimaw-Witt, 1997).

A summary of berries and plants of potential importance to Attawapiskat First Nation based on the reports by Honigmann (1961), Cummins (1992), and Hookimaw-Witt (1997) is provided in **Table 3-3**.

Table 3-3: Berries and plants of potential importance to Attawapiskat First Nation

Common Name	Oji-Cree Translation	Cree Translation
BERRIES		
Low bush cranberry	<i>maashkiigominan</i>	
Strawberry	<i>miskomaang, ode'minan</i>	
Blueberry	<i>miinesan, makomiinasan, minan</i>	
Raspberry	<i>miskomaang, oshkiizhikomin-naan, miskominik</i>	
Gooseberry	<i>oshabomin</i>	
Blackberry		
Moose berry		
Muskeg berry		
Head berry		
Bakeapple berry	<i>machakotominum</i>	
Currants		
Rabbit berry		
Whiskeyjack berry		
Moss berry		
Sugar plum berry		
OTHER PLANTS		
Labrador tea	<i>kakikebak, kakekaybegoon</i>	
Juniper	<i>kakakiwadaang</i>	
Willow	<i>wiisihkobihmagoon, oshiisigobiminsh</i>	
Wild rose	<i>okinii wabigwanin</i>	
Wild onion		



Common Name	Oji-Cree Translation	Cree Translation
Tamarack	<i>maaskigwatik / wakinagan</i>	
Poplar	<i>maan azaadii</i>	
Spruce	<i>shikobaatik, mina'ig</i>	
Stone moss		
Bulrushes		

3.4.4 Travel

Rivers have always served as important travel routes for Attawapiskat people. In the mid-19th century, during the fall, men and / or families would typically leave Attawapiskat and travel upriver by canoe or on foot (with snowshoes if needed) to trap or hunt. These journeys would be typically between 30 to 150 miles (about 50 to 240 km) from the Attawapiskat settlement (Honigmann, 1961). As noted previously (see [Section 3.4.1](#)), watercourses used for travel included the Attawapiskat, Oppinigau, Lawashi, Kapiskau, Swan, and Ekwan Rivers; these are identified in [Figure 3-3](#).

Dog teams were not as prominent in the Attawapiskat community as they were elsewhere, and before the arrival of snowmobiles in the 1960s, most winter travel was on snowshoes (Honigmann, 1961; Cummins, 1992). The first two snowmobiles were sold in the area in 1962, and by 1976, 62 machines were sold in one year (Vezina, 1978, as cited in Cummins, 1992).

3.4.5 Habitation – Village Sites, Camps, and Cabins

Habitation refers to sites and areas where Attawapiskat First Nation community members and / or their ancestors have lived, and may include village sites, camp sites and areas, and cabins. Cummins (1992) reported that a number of community members noted the following habitation types, including:

- Former summer gathering sites;
- A communal loon hunting site;
- Winter gathering sites;
- Old trading posts; and
- Old habitation sites (Lake River).

The specific locations of these sites have not been provided and are unknown at this time.





3.5 Understanding of Lands, Waters, and Resources Use for Traditional Purposes in Relation to the Project

Sections 3.5.1 to 3.5.5 describe the current understanding of Attawapiskat First Nation's land, water, and resource use for traditional purposes in relation to the proposed Project, and specifically within the Project Development Area, Local Study Area, and the Regional Study.

As noted in **Section 3.4**, it is assumed that the practices and preferences of Attawapiskat First Nation community members described in this report are still relevant to the community today.

It is important to note that the purpose of this preliminary existing conditions report, is to develop an understanding of where Attawapiskat First Nation is using the lands, waters, and resources for traditional purposes. This is not an assessment of potential impacts to Aboriginal and /or Treaty Rights. The assessment on potential impacts will be completed in future stages of the Impact Assessment / Environmental Assessment.

The assessment of potential impacts on the use of lands, waters, and resources for traditional purposes will also be informed by the results of other relevant Valued Component assessments (e.g., wildlife, vegetation, fish and fish habitat, etc.). It will also be informed by additional inputs from the Indigenous Knowledge and / or Consultation Programs.

The Proponent recognizes that the proposed Project has the potential to influence the exercise of Aboriginal and / or Treaty Rights outside of the Regional Study Area. This is particularly relevant in the case of wildlife and water valued components given the movement of these important resources. This lens will be applied in the future stages of the Impact Assessment / Environmental Assessment.





3.5.1 Hunting and Trapping

3.5.1.1 Project Development Area

Based on available information on areas used by Attawapiskat First Nation members for hunting and trapping in **Section 3.4.1**, and given that the Area of Interest for Attawapiskat First Nation does not overlap with the preliminary Project Development Area (**Figure 3-3**), it is likely that Attawapiskat First Nation does not exercise these rights within the Project Development Area.

3.5.1.2 Local Study Area

Based on available information on areas used by Attawapiskat First Nation members for hunting and trapping in **Section 3.4.1**, and given that the Area of Interest for Attawapiskat First Nation does not overlap with the Local Study Area (**Figure 3-3**), it is assumed that Attawapiskat First Nation does not exercise these rights within the Local Study Area.

3.5.1.3 Regional Study Area

Based on available information on areas used by Attawapiskat First Nation members for hunting and trapping in **Section 3.4.1**, and given that the Area of Interest for preliminary Attawapiskat First Nation has limited overlap with the Regional Study Area with a small portion in the northeast (**Figure 3-3**), it is assumed that the potential for these rights-based activities to occur within the Regional Study Area is low.





3.5.2 Fishing

3.5.2.1 Project Development Area

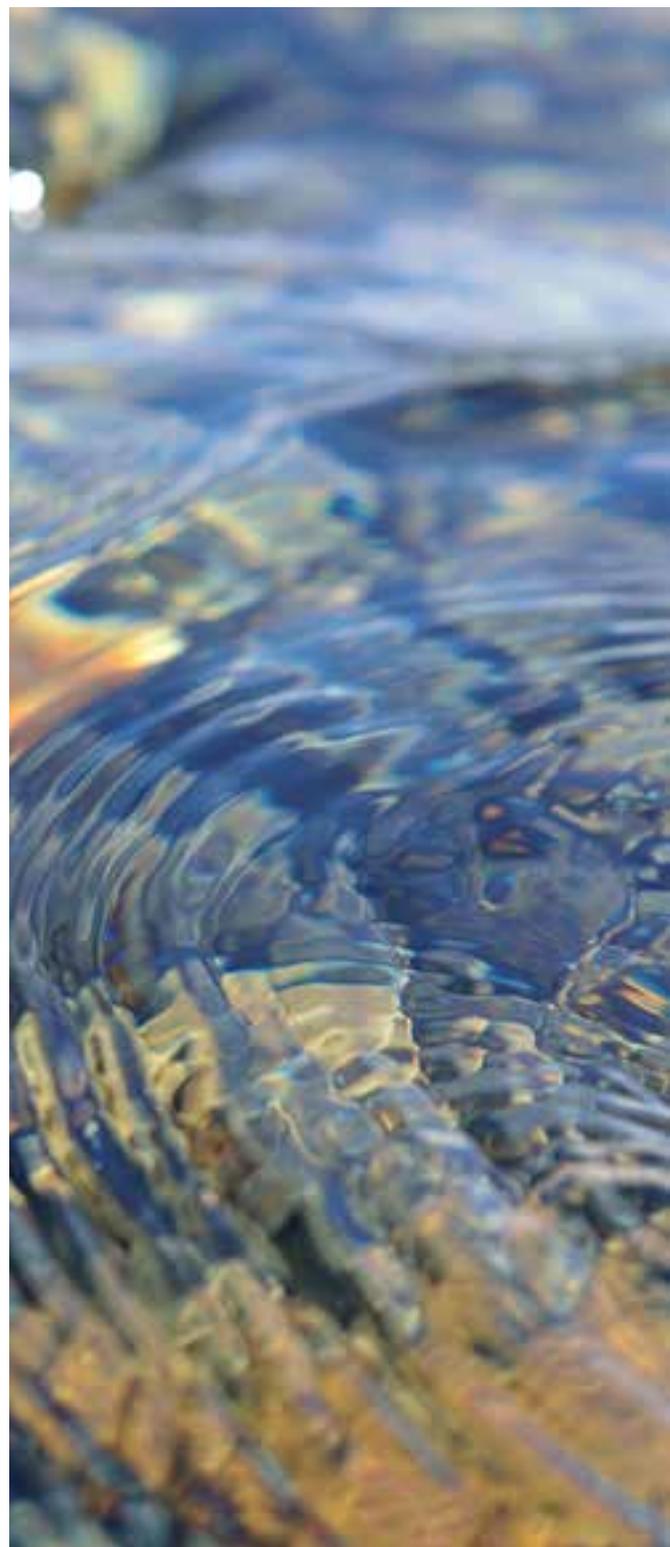
Based on available information on areas used by Attawapiskat First Nation members for fishing in **Section 3.4.2**, and given that the Area of Interest for Attawapiskat First Nation does not overlap with the Project Development Area (**Figure 3-3**), it is assumed that Attawapiskat First Nation does not exercise these rights within the Project Development Area.

3.5.2.2 Local Study Area

Based on available information on areas used by Attawapiskat First Nation members for fishing in **Section 3.4.2**, and given that the Area of Interest for Attawapiskat First Nation does not overlap with the Local Study Area (**Figure 3-3**), it is assumed that Attawapiskat First Nation does not exercise these rights within the Local Study Area.

3.5.2.3 Regional Study Area

Based on available information on areas used by Attawapiskat First Nation members for fishing in **Section 3.4.2**, and given that the Area of Interest for Attawapiskat First Nation has limited overlap with the Regional Study Area with a small portion in the northeast (**Figure 3-3**), it is assumed that the potential for these rights-based activities to occur within the Regional Study Area is low.





3.5.3 Berry and Plant Gathering

3.5.3.1 Project Development Area

Based on available information on areas used by Attawapiskat First Nation members for berry and plant gathering in [Section 3.4.3](#), and given that the Area of Interest for Attawapiskat First Nation does not overlap with the Project Development Area ([Figure 3-3](#)), it is assumed that Attawapiskat First Nation does not exercise these rights within the Project Development Area.

3.5.3.2 Local Study Area

Based on available information on areas used by Attawapiskat First Nation members for berry and plant gathering in [Section 3.4.3](#), and given that the Area of Interest for Attawapiskat First Nation does not overlap with the Local Study Area ([Figure 3-3](#)), it is assumed that Attawapiskat First Nation does not exercise these rights within the Local Study Area.

3.5.3.3 Regional Study Area

Based on available information on areas used by Attawapiskat First Nation members for berry and plant gathering in [Section 3.4.3](#), and given that the Area of Interest for Attawapiskat First Nation has limited overlap with the Regional Study Area with a small portion in the northeast ([Figure 3-3](#)), it is assumed that the potential for these rights-based activities to occur within the Regional Study Area is low.





3.5.4 Travel Routes

3.5.4.1 Project Development Area

Based on available information on travel routes used by Attawapiskat First Nation members for traditional activities in **Section 3.4.4**, and given that the Area of Interest for Attawapiskat First Nation does not overlap with the Project Development Area (**Figure 3-3**), it is assumed that travel routes do not occur within the Project Development Area.

3.5.4.2 Local Study Area

Based on available information on travel routes used by Attawapiskat First Nation members for traditional activities in **Section 3.4.4**, and given that the Area of Interest for Attawapiskat First Nation does not overlap with the Local Study Area (**Figure 3-3**), it is assumed that travel routes do not occur within the Local Study Area.

3.5.4.3 Regional Study Area

Based on available information on travel routes used by Attawapiskat First Nation members for traditional activities in **Section 3.4.4**, and given that the Area of Interest for Attawapiskat First Nation has limited overlap with the Regional Study Area with a small portion in the northeast (**Figure 3-3**), it is assumed that the potential for travel routes to occur within the Regional Study Area is low.





3.5.5 Habitation – Village Sites, Camps, and Cabins

3.5.5.1 Project Development Area

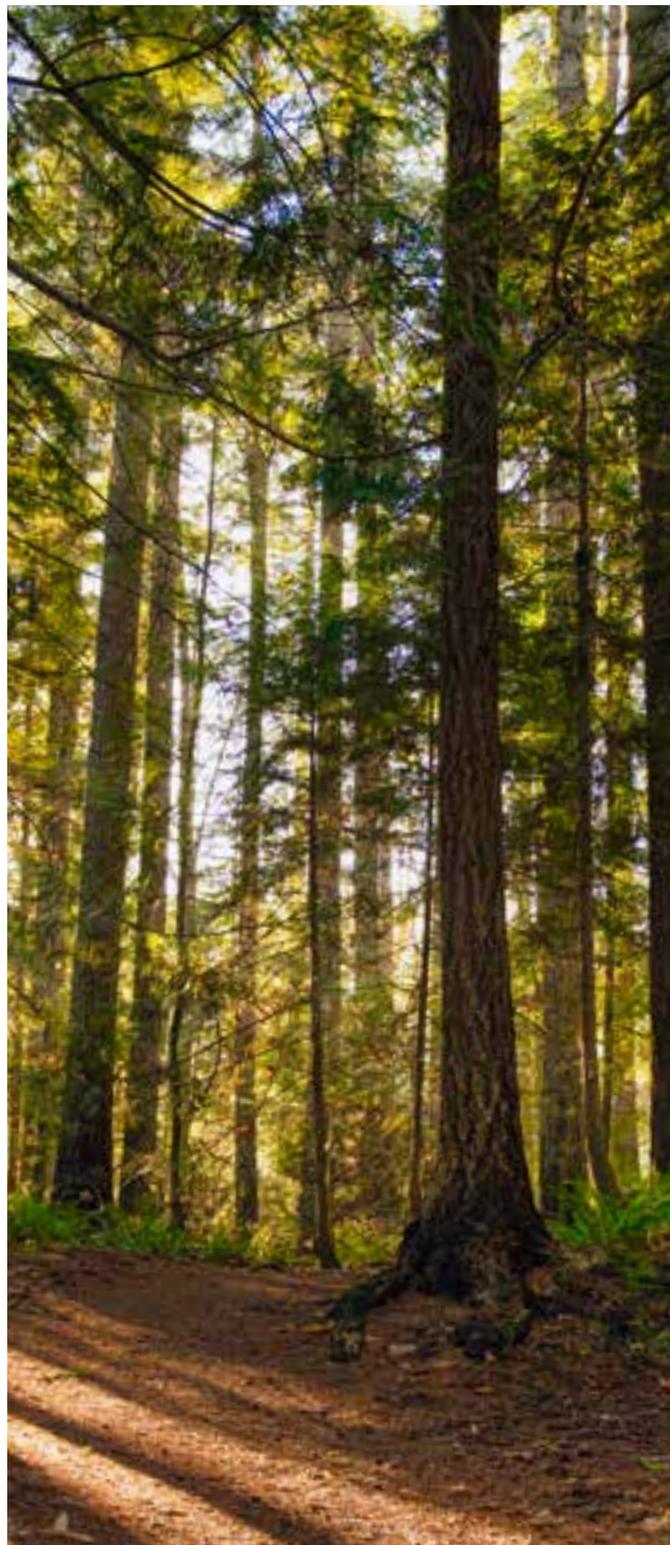
Based on available information on habitation sites and areas used by Attawapiskat First Nation in **Section 3.4.5**, and given that the preliminary Area of Interest for Attawapiskat First Nation does not overlap with the Project Development Area, it is likely these sites do not exist within the Project Development Area.

3.5.5.1 Local Study Area

Based on available information on habitation sites and areas used by Attawapiskat First Nation in **Section 3.4.5**, and given that the preliminary Area of Interest for Attawapiskat First Nation does not overlap with the Local Study Area, it is likely these sites do not exist within the Local Study Area.

3.5.5.2 Regional Study Area

Based on available information on habitation sites and areas used by Attawapiskat First Nation in **Section 3.4.5**, and given that the preliminary Area of Interest for Attawapiskat First Nation slightly overlaps with a northeast portion of the Regional Study Area, there is a potential that these sites may exist in the Regional Study Area.





3.6 Understanding of Perspectives on Cultural Continuity and Wellbeing

Sections 3.6.1 to 3.6.4 the available information on Attawapiskat First Nation and / or Mushkegowuk Cree perspectives on cultural continuity and wellbeing. The information is general to Attawapiskat First Nation and / or the Mushkegowuk Cree. Information on Attawapiskat First Nation and / or Mushkegowuk Cree perspectives on cultural continuity and wellbeing in relation to the proposed Project is provided in **Section 3.7**.

The information presented is largely based on three secondary sources of information (although several other supporting sources have been used and referenced throughout):

- Bryan Cummins' Doctoral dissertation *Attawapiskat Cree Land Tenure and Use 1901-1989* (1992), which describes past and contemporary land use by Attawapiskat First Nation based on archival research, interviews and mapping, questionnaires, and observations from 1988-1990;
- The master's thesis of Jacqueline Hookimaw-Witt (1997) from Attawapiskat First Nation, which explored perspectives of elders and other community members about Attawapiskat people's relations to the land in the past, and what the land meant to their lives; and
- Norbert Witt's Doctoral dissertation *Opening the Healing Path – The Cultural Basics for a Solvent Abusers Treatment Program for the Attawapiskat First Nation* (1998), which provides important perspectives on Attawapiskat culture based on interviews with elders.





It is assumed that cultural continuity and wellbeing is dependent on several factors that are interrelated:

- **The protection of cultural sites and areas of importance:** Loss of or changes to cultural sites and areas of importance to Attawapiskat First Nation have the potential to impact the ability to Attawapiskat people to continue their culture and traditions, and their cultural wellbeing as a result;
- **The ability for continued experiences on the land:** Changes to the ability of Attawapiskat people to continue their experiences on the land, and the many benefits these experiences provide, have the potential to impact cultural continuity and wellbeing;
- **A sufficient level of lands, waters, and resources for traditional use:** The continuation and wellbeing of Attawapiskat First Nation culture requires a sufficient level of and access to preferred lands, water, and resources; and
- **The ability to practice and pass on language and cultural traditions:** Cultural continuity and wellbeing requires that Attawapiskat people not only practice their language and cultural traditions, but that they are able to and pass them on to the next generation.

These important factors set the stage for the structure of this section of the report.





3.6.1 Protection of Cultural Sites and Areas

Cultural sites and areas may include ceremonial sites, gathering sites, teaching sites, sacred and / or spiritual sites and areas, place names, and historical sites. While there are two graveyards in the Attawapiskat community, almost 70% of households interviewed in 1989 indicated that they were aware of burial sites in the bush (Cummins, 1992). One community member indicated he was aware of over 60 burial sites, and another knew of over 100 burial sites. These burial sites serve as a temporal and spiritual link to the land (Cummins, 1992).

Cummins (1992) reported that a number of community members noted places of historical and cultural importance to the community, including:

- Indigenous battle sites (one between the Cree and the Inuit, and one between the Cree and the Iroquois);
- Former summer gathering sites;
- A communal loon hunting site;
- Winter gathering sites;
- Old trading posts;
- Old habitation sites (Lake River);
- Places where shamanism was witnessed; and
- Sites where Sasquatches were seen.

It is understood that the various rivers, streams, and lakes, including the Attawapiskat River, are also important cultural areas for the subsistence and travel values they provide. It is also recognized that Attawapiskat people, as Omushkegowuk, have their own intimate relationships with the water, and women are the keepers of the water (Chiefs of Ontario, 2008).

For the Attawapiskat people, these sites are temporal markers and places of meaning that should be protected as Attawapiskat First Nation seeks to retain its history, and its culture (Cummins, 1992). However, the specific locations of these sites was not provided in the report.





3.6.2 Continued Experiences on the Land

For Attawapiskat people, the land provides life, and is their life. It is their *Pimaatisiwin*, “the good life” (Hookimaw-Witt, 1997). The land, and experiences on it, are also important for cultural and general wellbeing because they provide (Hookimaw-Witt, 1997; Witt, 1998):

- **Peace and freedom:** Elders spoke of the peace, calmness, and freedom experienced when being or living out on the land. The only sounds heard when out on the land were from nature – the birds, the wind, and the trees. In contrast, life on the reserve was referred to as jail given the degree of control and loss of independence.
- **Spirituality and connection:** Elders spoke of the lands, waters, and their resources as being part of Creation, and themselves and their identity. The land is considered sacred and something that must be respected and honoured. The land is also seen as a place to connect with spirits (who are part of the landscape), and to renew your own. As noted by Witt and Hookimaw-Witt (2003), “spirituality is the basis of awareness in land management” (p. 382). Being on the land also provides a connection to ancestors who used the land before.
- **Health:** Elders spoke of the healing aspects of nature and the medicines provided by the lands and waters that made Attawapiskat people strong. Life on the land is seen as healthier than life on the reserve, including for mental health.
- **Values and relations:** Elders spoke of how experiences on the land provide important values to guide life and all relations, including the importance of respect, collective contribution, and sharing for survival. These values are lost when the land is lost.

Experiences on the land have generally been tied to specific places where the cultural tradition has been practiced and learned by several, if not many, generations. Most Attawapiskat hunters interviewed in 1989 indicated that they hunted in the same areas that their fathers did, and it was common for related hunters to establish bird blinds close to each other when hunting goose (Cummins, 1992). This continuity of intergenerational use “concretize[d] kinship links to specific hunting sites” (Cummins, 1992, p. 299).

Experiences on the land have also been important for maintaining and strengthening community and kinship ties. Activities out on the land have provided opportunities for shared experiences that build relationships, and provide culturally and spiritually fulfilling experiences. In 1989, the social





and cultural components of waterfowl hunting was just as important the food it provided (Cummins, 1992). The spring goose hunt was noted to be a celebration of life, a holiday, and a period of feasting and giving thanks (Cummins, 1992). Caribou hunting provided an opportunity to reinforce the extended family kinship links since at least half of Attawapiskat hunters interviewed in 1989 indicated they chose brothers-in-law or cousins as their hunting partners (Cummins, 1992). Sharing of meat in the community also served to sustain and nurture important kinship ties (Cummins, 1992).

3.6.3 Sufficiency of Lands, Waters, and Resources

As noted in [Section 3.1.2](#), periods of declines in important big game and furbearing animal populations in the 1930s contributed to important changes in traditional lifeways and time spent out on the land for traditional pursuits. The following information reviewed demonstrates how the lands, waters, and resources meet the biological, psychological, spiritual, and social needs of Attawapiskat people:

- The lands and waters provide food and nourishment to meet biological needs (Cummins, 1992);
- The psychological needs are entwined with the land because the land is restorative by providing people with time to observe and think (Cummins, 1992);
- The spiritual needs are entwined with the land because spirituality is the basis for the relationship of Attawapiskat people with the land (Hookimaw-Witt, 1997), and because the ancestors are part of the land (Cummins, 1992); and
- The social needs are met through the kinship ties developed and strengthened when out on the land, and the celebrations and ceremonies that bring people together (Cummins, 1992).

The Attawapiskat First Nation community has not shared information on any thresholds that, if exceeded, impair the ability of community members to exercise their rights, including maintaining their culture and cultural wellbeing. However, information on past harvesting patterns and rates, as described in [Section 3.5](#), may provide useful reference points for more recent resource use levels (quantity) among Attawapiskat people.

Attawapiskat people have their own conservation laws that have guided their land use patterns, and these are an important aspect of Attawapiskat First Nation governance. These laws require that the balance of nature, and the circle of life, is respected and honoured by (Hookimaw-Witt, 1997):

- Only taking what is needed;
- Making sure that there are resources available for future generations; and
- Moving around the territory to allow the lands and its resources to regenerate.





Attawapiskat elders have spoken of the responsibility of Attawapiskat people to be custodians or stewards of their lands and to protect their kin, which includes the plants and animals. This is important for the benefit of all of Creation, and for the survival of Attawapiskat people. This responsibility was given to them by the Creator (Hookimaw-Witt, 1997; Witt, 1998).

3.6.4 Ability to Practice and Transmit Cultural Traditions

Attawapiskat culture and identity is intertwined with the language and traditions on the land (Witt, 1998). Passing knowledge of the language and traditions through the generations is an important role of elders and parents in the community (Witt, 1998). Given the important role of storytelling for learning and knowledge building among the Omushkegowuk (see [Section 2.1.4](#)), it is assumed that storytelling and sharing of Attawapiskat oral history is an important part of passing on Attawapiskat language and culture.

Most families, including children, still go out hunting on the land (Hookimaw-Witt, 1997). Even the youngest members of the community are taught “how to handle a gun and respect it” (Chief Ignace Gull, as cited in Hookimaw-Witt, 1997). Boys often receive their first gun at the age of seven or eight and begin to accompany their fathers on goose hunts (Cummins, 1992). Youth are taught to hunt, pluck, and prepare geese and ducks to continue these traditions, and to contribute to the family (Hookimaw-Witt, 1997). Young men do not learn to hunt caribou and moose until their late teens or early 20s because of the strength and skills required for longer and more challenging hunts (Cummins, 1992). As noted by Cummins (1992), efforts to bring youth into the bush to learn traditional skills is reflected in the large number of younger men in the community that hunt and trap.

At the same time, young people’s skills for the language and traditional lifeways have been impacted because of changes in family structure, lifestyle changes, formal schooling, and less time on the land (Hookimaw-Witt, 1997; Witt, 1998). Elders have expressed concerns that the youth are not learning the language and cultural teachings from the land, as Attawapiskat people have always done. The loss of culture and traditional lifeways and relationships has led to weaker family bonds and more isolation within families (Witt, 1998).





Attawapiskat elders have spoken about changes and declines in language, especially among the younger generations, due to the school system and not living as they lived in past (Witt, 1998). Among Attawapiskat people, education is not separated from everyday life, it is the way of life itself (Bowie, 2008). Learning from elders is more difficult now that people do not live on the land as they once did, and Attawapiskat lifeways are not taught in school. Elders have also shared that the youth now speak a form of Cree with too much English in it, and do not know many of the original Cree words that elders still use (Hookimaw-Witt, 1997; Witt, 1998).

Additional information on the cumulative effects that have already interfered with the ability of Attawapiskat people to practice and transmit their culture is provided in [Sections 2.2](#) and [2.3](#).

As noted in [Section 3.6.2](#), experiences on the land and cultural traditions are often tied to specific places where the cultural tradition has been practiced and learned by several, if not many, generations. This means that the learning of language and traditions is generally place-based, and continued access to and use of lands important for teaching of language and traditions is critical for Attawapiskat culture to be passed on to the next generations (Hookimaw-Witt, 1997).





3.7 Understanding of Cultural Continuity and Wellbeing in Relation to the Project Area

Sections 3.7.1 to 3.7.4 describe the current understanding of Attawapiskat First Nation cultural continuity and wellbeing factors in relation to the proposed Project. It is expected that these factors will form the foundation for the assessment on Attawapiskat First Nation's cultural continuity and wellbeing.

It is recognized that Attawapiskat First Nation's cultural continuity and wellbeing is closely related to land, water, and resource use for traditional purposes. As noted in **Section 3.5**, it is assumed that Attawapiskat First Nation's land, water, and resource use for traditional purposes does not occur within the Project Development Area or Local Study Area for the assessment, but may occur within a small northeastern portion of the Regional Study Area.

It is important to note that the purpose of this preliminary existing conditions report, is to develop an understanding of what is important for Attawapiskat First Nation cultural continuity and wellbeing. This is not an assessment of potential impacts to Aboriginal and /or Treaty Rights. The assessment on potential impacts will be completed in future stages of the Impact Assessment / Environmental Assessment.

The assessment of potential impacts on Cultural Continuity and Wellbeing will also be informed by the results of other relevant Valued Component assessments (e.g., visual, noise, air etc.). It will also be informed by additional inputs from the Indigenous Knowledge and /or Consultation Programs.

3.7.1 Protection of Cultural, Spiritual, and Historical Sites and Areas

As noted in **Section 3.5.5**, there is limited to no information available on the specific locations of cultural sites and areas of potential importance to Attawapiskat First Nation in relation to the proposed Project. However, based on available information at the time of writing, it is likely that the potential for these sites to occur within a small portion of the northeast area of the Regional Study Area is low.

It is likely that the protection of waterways is important to Attawapiskat First Nation for the protection of cultural areas, and for cultural continuity and wellbeing. This lens will be applied to the assessment on Attawapiskat First Nation's cultural continuity and wellbeing.

Sections 3.7.1.1 to 3.7.1.3 provide an overview of cultural, spiritual, and / or historical sites and areas in relation to the Project Development Area and the Local and Regional Study Areas.





3.7.1.1 Project Development Area

As noted in [Section 3.6.1](#), there is no available information on the specific locations of spiritual, cultural, and historical sites of importance to Attawapiskat First Nation. However, given that the preliminary Area of Interest for Attawapiskat First Nation does not overlap with the Project Development Area ([Figure 3-3](#)), it is likely that these sites do not occur within the Project Development Area.

3.7.1.2 Local Study Area

As noted in [Section 3.6.1](#), there is no available information on the specific locations of spiritual, cultural, and historical sites of importance to Attawapiskat First Nation. However, given that the preliminary Area of Interest for Attawapiskat First Nation does not overlap with the Local Study Area ([Figure 3-3](#)), it is likely that these sites do not occur within the Local Study Area.

3.7.1.3 Regional Study Area

As noted in [Section 3.6.1](#), there is no available information on the specific locations of spiritual, cultural, and historical sites of importance to Attawapiskat First Nation. However, given that the preliminary Area of Interest for Attawapiskat First Nation slightly overlaps with a northeast portion of the Regional Study Area ([Figure 3-3](#)), there is a potential that these sites may exist in the Regional Study Area.

3.7.2 Continued Experiences on the Land

Based on the information available and presented in [Section 3.6.2](#), it is likely that the following is important to Attawapiskat First Nation for the continued experiences on the land, and for cultural continuity and wellbeing:

- Access to quiet and undisturbed areas of solitude for peaceful and calming experiences on the land;
- Connection to the landscape by being able to access preferred and ancestral sites and locations, including family harvesting sites and areas, for cultural practices;
- Access to important medicines and areas where they can be found; and
- Being able to maintain community and kinship ties and values through community social traditions like the spring goose hunt and cultural traditions like sharing meat.

This lens will be applied to the assessment on Attawapiskat First Nation's cultural continuity and wellbeing.





3.7.3 Sufficiency of Lands, Waters, and Resources

Based on the information available and presented in [Section 3.6.3](#), it is likely that the following is important to Attawapiskat First Nation and for cultural continuity and wellbeing, and for the ability of Attawapiskat people to honour their role as custodians of their lands:

- A sufficient level and quality of lands, waters, and resources, as well as access to these resources; and
- Being able to practice traditional land governance.

This lens will be applied to the assessment on Attawapiskat First Nation's cultural continuity and wellbeing.

3.7.4 Ability to Practice and Transmit Cultural Traditions

Based on the information available and presented in [Section 3.6.4](#), it is likely that the following is important to Attawapiskat First Nation for the continued practice and transmission of cultural traditions:

- Being able to have intergenerational experiences on the land to practice language and traditions;
- Being able to practice cultural traditions in the preferred way (i.e., preferred resources and methods in the preferred times of year); and
- Being able to have continued access to and use of important teaching sites and areas, including place names and sites and areas of importance based on oral history.

This lens will be applied to the assessment on Attawapiskat First Nation's cultural continuity and wellbeing.





Next Steps



The Marten Falls First Nation Project Team invites you to share your feedback and comments on the information contained in this preliminary draft report. We welcome any additional information you would like to share with us. If there are additional sources of information you would like us to include for this report, we welcome you sending us this information. We are available to meet at your earliest convenience to further discuss the information found in this report. To arrange a time to meet and/or to provide comments or share additional information, please contact:

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