Appendix B

Indigenous Communities

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- B1.1.1 Preliminary ATRI Study Areas Memo
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B3. Aroland First Nation

B3.1 Outgoing Community Specific Correspondence
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B3.3 Community Specific Meeting Materials
B3.4 ToR Comments Received / Responses

B4. Attawapiskat First Nation

B4.1 Outgoing Community Specific Correspondence
B4.2 Incoming Community Specific Correspondence
B4.3 ToR Comments Received / Responses

B5. Constance Lake First Nation

B5.1 Outgoing Community Specific Correspondence
B5.2 Incoming Community Specific Correspondence
B5.3 ToR Comments Received / Responses

B6. Eabametoong First Nation

B6.1 Outgoing Community Specific Correspondence
B6.2 Incoming Community Specific Correspondence

B7. Fort Albany First Nation

B7.1 Outgoing Community Specific Correspondence
B7.2 Incoming Community Specific Correspondence
B7.3 Community Specific Meeting Materials
B7.4 ToR Comments Received / Responses

B8. Ginoogaming First Nation

B8.1 Outgoing Community Specific Correspondence
B8.2 Incoming Community Specific Correspondence
B8.3 Community Specific Meeting Materials
B8.4 ToR Comments Received / Responses

B9. Kasabonika Lake First Nation

B9.1 Outgoing Community Specific Correspondence
B9.2 Incoming Community Specific Correspondence
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B10. Kashechewan First Nation

B10.1 Outgoing Community Specific Correspondence

B11. Kingfisher Lake First Nation

B11.1 Outgoing Community Specific Correspondence
B11.2 Incoming Community Specific Correspondence

B12. Kitchenuhmaykoosib Inninuwug First Nation

B12.1 Outgoing Community Specific Correspondence
B12.2 Incoming Community Specific Correspondence
B12.3 ToR Comments Received / Responses

B13. Long Lake #58 First Nation

B13.1 Outgoing Community Specific Correspondence
B13.2 Incoming Community Specific Correspondence
B13.3 Community Specific Meeting Materials
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B14. Marten Falls First Nation (MFFN)

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B14.2 Incoming Community Specific Correspondence
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B14.4 ToR Comments Received / Responses

B15. Mishkeegogamang First Nation

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B16. Neskantaga First Nation

B16.1 Outgoing Community Specific Correspondence
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B17. Nibinamik First Nation

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B18. Wapekeka First Nation

B18.1 Outgoing Community Specific Correspondence

B19. Wawakapewin First Nation

B19.1 Outgoing Community Specific Correspondence

B20. Webequie First Nation

B20.1 Outgoing Community Specific Correspondence
B20.2 Incoming Community Specific Correspondence
B20.3 Community Specific Meeting Materials

B21. Weenusk First Nation

B21.1 Outgoing Community Specific Correspondence

B22. Wunnumin Lake First Nation

B22.1 Outgoing Community Specific Correspondence

B23. Métis Nation of Ontario (MNO), Region 2 (Greenstone Métis Council)

B23.1 Outgoing Community Specific Correspondence
B23.2 Incoming Community Specific Correspondence

B24. Red Sky Métis Independent Nation (RSMIN)

B24.1 Outgoing Community Specific Correspondence
B24.2 Incoming Community Specific Correspondence
B24.3 ToR Comments Received / Responses

B25. Chiefs of Ontario

B25.1 Outgoing Community Specific Correspondence
B25.2 Incoming Community Specific Correspondence

B26. Métis Nation of Ontario (MNO)

B26.1 Outgoing Community Specific Correspondence
B26.2 Incoming Community Specific Correspondence

B27. Nishnawbe-Aski Nation

B27.1 Outgoing Community Specific Correspondence

B28. Union of Ontario Indians

B28.1 Outgoing Community Specific Correspondence
B28.2 Incoming Community Specific Correspondence

B29. Independent First Nations Alliance

B29.1 Outgoing Community Specific Correspondence
B29.2 Incoming Community Specific Correspondence

B30. Matawa First Nations Management

B30.1 Outgoing Community Specific Correspondence
B30.2 Incoming Community Specific Correspondence
B30.3 ToR Comments Received / Responses



B31. Mushkegowuk Council

B31.1 Outgoing Community Specific Correspondence
B31.2 Incoming Community Specific Correspondence
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B32. Nokiiwin First Nations Council

B32.1 Outgoing Community Specific Correspondence
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B33. Shibogama First Nations Council

B33.1 Outgoing Community Specific Correspondence

B1. Distributions to all Indigenous Communities

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B1.1 Preliminary ATRI Study Areas Memo



B1.1.1 Preliminary ATRI Study Areas Memo

Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres (km) northeast of Thunder Bay, Ontario. The MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season Community Access Road (**the Project**). The Project will connect MFFN to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road.

MFFN (the Proponent) has started a Provincial Environmental Assessment and Federal Impact Assessment (**the assessment processes**) to assess the potential effects and benefits related to the proposed Project. An important part of the assessment processes is collecting Indigenous Knowledge (IK), community knowledge and information on Indigenous land and resource use to help us understand baseline (existing) conditions, predict the potential effects of the Project, and determine appropriate impact management and monitoring measures. An IK and Consultation Program has been developed for the Project. These Programs will help us to collect and determine in discussion with your community how IK (e.g., natural environment information) and information on Indigenous land and resource use in the vicinity of the Project area (e.g., harvesting, cultural sites) will become part of the assessment processes and Project planning and design.

Please note that information and correspondence related to the IK program is considered part of the consultation and assessment processes for the all-season community access road to MFFN (the Project) only. The Northern Road Link is a separate project that will undergo a separate assessment.

Purpose of this Memo

We are currently working on defining study areas for the 'Aboriginal and Treaty Rights and Interests' valued component, which tentatively includes:

- Indigenous Current Use of Land and Resources for Traditional Purposes (hunting, trapping, fishing, gathering, cultural and spiritual sites, quantity and quality of resources, etc.); and
- Cultural Continuity – ability to practice and transmit cultural traditions (experience of being on the land, ability to access preferred sites and resources, etc.).

Valued components are important components of the natural and human environment that could be impacted by a proposed project or activity.

Indicators for this valued component will be further described in the Terms of Reference and through the IK Program.

The purpose of this memo is to gather comments and feedback on the proposed study areas for this valued component. Note that these study areas are considered preliminary and we expect that inputs received will inform the final study areas. These study areas will also inform the IK and Indigenous Land and Resource Use Studies that may be completed by some communities in terms of the geographic extents used to collect information from community members during these studies.

It is important to note that different study areas will be used for the effects assessment for other valued components (e.g., wildlife, fish, vegetation, etc.). More information on the study areas used for these valued components and how they informed the study areas for the Aboriginal and Treaty Rights and Interests valued component is provided later in this memo.

IK Program Summary

As per previous communications, there are two key components of the IK Program:

1. Collecting existing IK and Indigenous land and resource use information collected by communities for other purposes (e.g., community-based land use planning) that they choose to share with MFFN; and
2. Completing Project-specific IK and Indigenous Land and Resource Use Studies with interested communities.

Please note that in addition to the IK Program, the Consultation Program serves as an important avenue for collecting concerns, perspectives, community knowledge and other information relevant to the Project from Indigenous communities in the Project area.

What is a Study Area?

Study areas identify the geographic areas within which potential effects of the Project may or are likely to occur. These study areas are used to guide the assessment processes. To capture the range of potential effects, the following study areas are typically used in assessment processes:

- **Project Study Area:** area of direct disturbance (the physical area required for Project construction and operation);

- **Local Study Area:** the area where the potential direct effects of the Project (e.g., direct effects on wildlife, vegetation and surface water associated with noise and vehicle emissions) may occur; and
- **Regional Study Area:** the area where the potential indirect effects of the Project (e.g., effects to Indigenous land and resource use as a result of changes in wildlife and fish and their habitats) may occur.

Study areas are generally defined for each of the valued components that will be assessed (e.g., wildlife, vegetation, fish, water, Indigenous Peoples, etc.). The Project Study Area will be the same for all valued components, and for the MFFN Project is defined as a 100 m wide right-of-way of the road alignments (i.e., Route Alternatives 1, 4 and 4-West) and temporary infrastructure. The proposed Route Alternatives are shown in **Figure 1** (appended). The size of the local and regional study areas may differ across the valued components depending on the geographic extent needed to understand the potential effects of the Project.

Please note that as further information is received about the proposed Project (e.g., technical studies, IK, etc.), it is anticipated that there will be ongoing adjustments to where Project components will be located. This allows MFFN to move the proposed Project away from important and/or sensitive features or areas. It is anticipated changes will occur within the 5 km wide corridors detailed in the Draft Terms of Reference; however, there is the possibility that changes could occur outside of the existing corridors. For example, based on preliminary construction investigations of route Alternative 4, the Engineering Team identified a new routing alternative (currently referred to as Alternative 4-West, see **Figure 1**). This new routing could result in a shorter crossing of the Ogoki River, and would provide access to an aggregate source that could eliminate the need for an additional haul road. As adjustments are made, we will share information so that feedback is based on accurate Project locations.

What Did We Consider When Defining the Preliminary Study Areas for Aboriginal and Treaty Rights and Interests?

The selection of study areas for the Aboriginal and Treaty Rights and Interests valued component must consider the geographical area needed to accurately assess potential effects that may result from the Project. Given that this valued component is closely tied to and dependent on other valued components of the natural environment (including surface water, wildlife, vegetation, fish, and air quality), we need to first have a sense of what the study areas for these natural environment valued components are.

Table 1 below provides a summary of the preliminary study areas that have been defined for some of the key natural environment valued components identified for the Project.

It is important to note that the study areas provided in Table 1 are considered preliminary and are subject to change based on review and inputs from federal and provincial regulators and Indigenous communities.

The Local Study Areas have been defined to include a large enough area to account for the potential direct effects of the Project. For example, the Local Study Areas for fish and surface water are considered large enough to account for potential direct downstream/off-site effects. The Local Study Areas are also considered large enough to allow for potential adjustments to the road alignments to avoid sensitive features.

The Regional Study Areas have been defined to include a large enough area to account for the potential indirect effects of the Project. A Cumulative Effects Assessment study area will be developed as part of the assessment.

Most of the Regional Study Areas for the Project have been defined based on quaternary watersheds, which provide useful assessment boundaries. To help define what these are, we need to first define what watersheds are in general. **Watersheds** are defined as the area where all of the water drains to the same place. They are categorized based on their size from largest to smallest:

Primary watersheds are the largest and made up of various smaller watersheds. The three primary watershed in Ontario are the Great Lakes - St. Lawrence, Southwestern Hudson Bay, and Nelson River watersheds.

Secondary watersheds are generally large river or lake systems. There are 28 secondary watershed in Ontario (e.g., Albany River Watershed).

Tertiary watersheds range in size from 700 – 31,000 km^2. There are about 145 tertiary watersheds in Ontario (e.g., Lower Ogoki and Upper Albany Makokibatan Watersheds).

Quaternary watersheds make up tertiary watersheds. They tend to be from 50 – 200 km^2 in size but can be larger. There are over 1,000 quaternary watersheds in Ontario (e.g., Wabassi River Outlet, Gourlie Creek Outlet).

Table 1. Preliminary Study Areas for Other Key Valued Components for the Project

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Fish and Fish Habitat	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Surface Water	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas). *Surface water refers to all aboveground waters including lakes, rivers, wetlands, etc.*	Includes the quaternary watersheds crossed by the road alignment and temporary infrastructure. The Regional Study Area for Surface Water also encompasses the Regional Study Areas of other Valued Components that either affect surface water or are affected by surface water (e.g., Fish and Fish Habitat).
Vegetation	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.
Wildlife (General)	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas). *General refers to all wildlife other than wolverine, caribou and moose.*	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure. Watersheds provide a natural transition area to help identify long-range, indirect effects the project may have on wildlife surrounding the community access road.
Wildlife (Wolverine)	10 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas) given the large home range for the species.	Includes the tertiary watersheds crossed by the road alignments and temporary infrastructure. Indirect effects to wolverine are more likely to be defined by tertiary watershed boundaries due to their larger home range.

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Ungulates (moose & caribou)	MOOSE: 2.5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas). CARIBOU: 35 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	MOOSE: Coincides with wildlife management unit (WMU) 17 and part of WMU 1D (proposed route in WMU 1D with 16 km buffer). Based on the fact that moose in Ontario are managed at the WMU level. CARIBOU: Coincides with the three caribou ranges in the region (Missisa Range, Nipigon Range, and Pagwachuan Range).
Air Quality	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas), based on provincial recommendations that effects are assessed up to 5 km from an emissions source.	Not applicable since effects not expected beyond the Local Study Area.
Noise	1 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	2.5 km buffer around Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).
Physiography & Groundwater	2.5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Cultural Heritage	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	1 km buffer around the Local Study Area.

Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

Preliminary study areas have been identified based on community input received to date, best practices, and the preliminary study areas identified for the other valued components (refer to **Table 1**). These preliminary study areas are described in **Table 2** below with associated rationale, and shown in **Figure 1** (appended).

The proposed Local Study Area has been defined to include a large enough area to account for the potential direct effects of the Project. It is also considered large enough to allow for flexibility to accommodate potential changes to the road alignment options (i.e., Route Alternatives 1, 4, and 4-West) that may be required based on the results of on-going studies inputs received during the IK and Consultation Programs. The Regional Study Area has been defined to include a large enough area to account for the potential indirect effects of the Project.

As noted previously, these study areas will also inform any IK and Indigenous Land and Resource Use Studies completed for the Project. It is also important to note that while these preliminary study areas are intended to guide data collection in terms of site- or area-specific Indigenous land and resource use in the vicinity of the Project, collecting IK that is more general (e.g., habitat values important for caribou) is also an important part of the program and will become part of the assessment processes (including baseline conditions, effects assessment and identification of impact management measures).

Table 2. Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

Proposed Study Area	Geographic Extent	Rationale
Local Study Area	5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The Local Study Area allows the MFFN Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and/or land and resource use. Matching with the Local Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.
Regional Study Area	Combined area of the quaternary watersheds crossed by each of the road alignments.	The Regional Study Area allows the MFFN Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Matching with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.

Next Steps

Thank you for reviewing the Preliminary Study Areas Memo. We look forward to your comments and feedback on the proposed study areas for the Aboriginal and Treaty Rights and Interests valued component. **We respectfully request any feedback, comments, and/or supporting information or documentation on the preliminary study areas are provided by September 25, 2020.**

Comments, questions, information and feedback can be directed to the IK Program Leads:

- Bob Baxter, MFFN Advisor at [redacted]
- Larissa Mikkelsen, MFFN Advisor at [redacted]

While we recognize that many communities have been affected by COVID-19, we are committed to working with and supporting communities in participating in the Consultation and IK Programs through this time. We want to provide as much time as possible to complete any Project-specific IK and Indigenous Land and Resource Use Studies that may be undertaken as part of the IK Program. We greatly appreciate your timely feedback.

Sincerely,

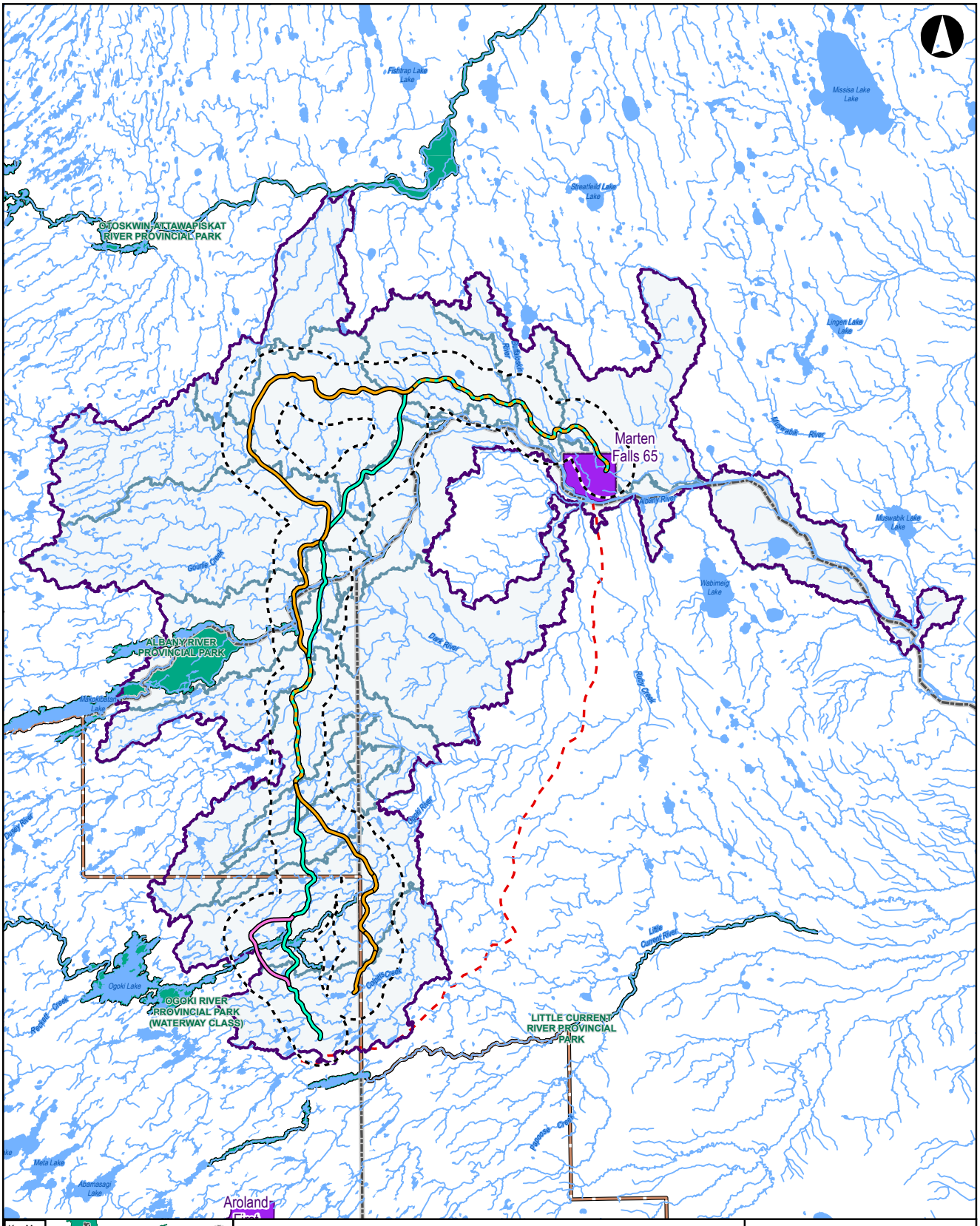
[redacted]

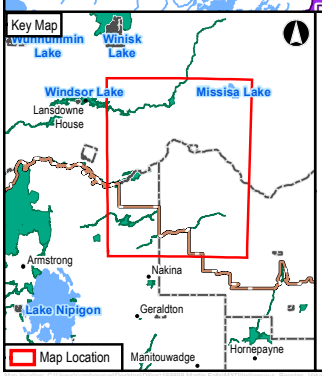
Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team





Legend

Route Label

- Alternative 1
- Alternative 4
- Alternative 4 West
- Alternative 1 and Alternative 4
- Local Study Area
- Regional Study Area

General Features

- Existing Winter Access Roads
- Watercourse
- Waterbody
- Quaternary Watershed
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Provincial Park

Marten Falls First Nation
All Season Community Access Road Project

Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component

0 5 10 20 30
Kilometres
Datum: NAD 1983 UTM Zone 16N

Aug, 2020	1:675,000 * when printed 11"x17"	Data Sources: MNRF, MMAH, NRCAN. Contains Information licensed under the Open Government Licence Ontario.
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DILLON CONSULTING

Figure 1

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

B1.1.2 Revised Preliminary ATRI Study Areas Memo

From: Ross, Kathryn
Sent: Friday, January 22, 2021 8:52 AM
To: [redacted] Bob Baxter; Larissa Mikkelsen; Qasim Saddique
Subject: MFFN Community Access Road - Indigenous Knowledge Program
Attachments: MFFN CAR Project - IK Program Fact Sheet - English Version - Final January 2021.pdf; MFFN CAR Project - IK Program Fact Sheet - OjiCree Version - Final January 2021.pdf; MFFN CAR Project - IK Program Fact Sheet - Ojibway Version - Final January 2021.pdf; MFFN CAR Project - IK Program Fact Sheet - Cree Version - Final January 2021.pdf; MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020_Revised page numbers.pdf; MFCAR - IK Program Standardized Geodatabase Template.pdf; MFFN_CAR_Project_IK_ILRU_Database.zip; MFCAR - Aboriginal and Treaty Rights and Interests Study Areas Update - January 2021.pdf

Good morning Chief [redacted],

We hope this email finds you and your community well. Glinis Buffalo was previously communicating with you and she has since left the team, so we will be introducing a new contact in the next couple of weeks. We would like to share some additional information on the Indigenous Knowledge Program for the Marten Falls First Nation All-Season Community Access Road Project.

Fact Sheet
Please find attached an Indigenous Knowledge (IK) Program Fact Sheet (translated in English, Ojibway, Oji-Cree and Cree). The fact sheets are also available on the Project website at: http://www.martenfallsaccessroad.ca/.

IK Program Guidance Document
We would also like to remind communities that we would be happy to answer any questions or discuss any comments on the *IK Program Guidance Document* that was shared with you in early November 2020. The Guidance Document provides information on the IK Program and includes resource materials to support your community in: sharing existing IK and ILRU information relevant to the Project; and completing a Project-specific IK/ILRU Study. We have re-attached the document here for ease (a revised version where the page numbers have been corrected).

Standardized GIS Geodatabase
The MFFN Project Team has developed a standardized Geographic Information Systems (GIS) geodatabase to support the sharing of IK and Indigenous Land and Resource Use information. The geodatabase includes standardized features and attributes to help streamline and support consistent information and data sharing for the Project environmental assessment processes. We have attached an overview of the geodatabase and the geodatabase file. Please note that this information is written and developed for GIS practitioners and is intended to help support any GIS-specific work you may be undertaking as part of the IK Program.

Aboriginal and Treaty Right and Interests Study Areas Update
The MFFN Project Team shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August 2020. We have since received feedback on the preliminary study areas and updates have been made accordingly. Please find attached an update on the proposed Aboriginal and Treaty Rights and Interests Study Areas.

The MFFN Project Team looks forward to receiving any comments or questions you may have on these materials and/or the IK Program. We would be happy to meet to further discuss any of your questions or comments.

Kind regards,

Kathryn Ross
On behalf of the MFFN Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

Update on the Proposed Aboriginal and Treaty Rights and Interests Study Areas

Marten Falls First Nation (MFFN) shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August, 2020. The purpose of this memo was to gather comments and feedback on the proposed study areas for Aboriginal and Treaty Rights and Interests, which include:

- Indigenous Current Use of Land and Resources for Traditional Purposes (hunting, trapping, fishing, gathering, cultural and spiritual sites, quantity and quality of resources, etc.); and
- Cultural Continuity – ability to practice and transmit cultural traditions (experience of being on the land, ability to access preferred sites and resources, etc.).

These study areas should also inform any Indigenous Knowledge and Indigenous Land and Resource Use Studies that may be completed by some communities in terms of the geographic extents used to collect information from community members during these studies.

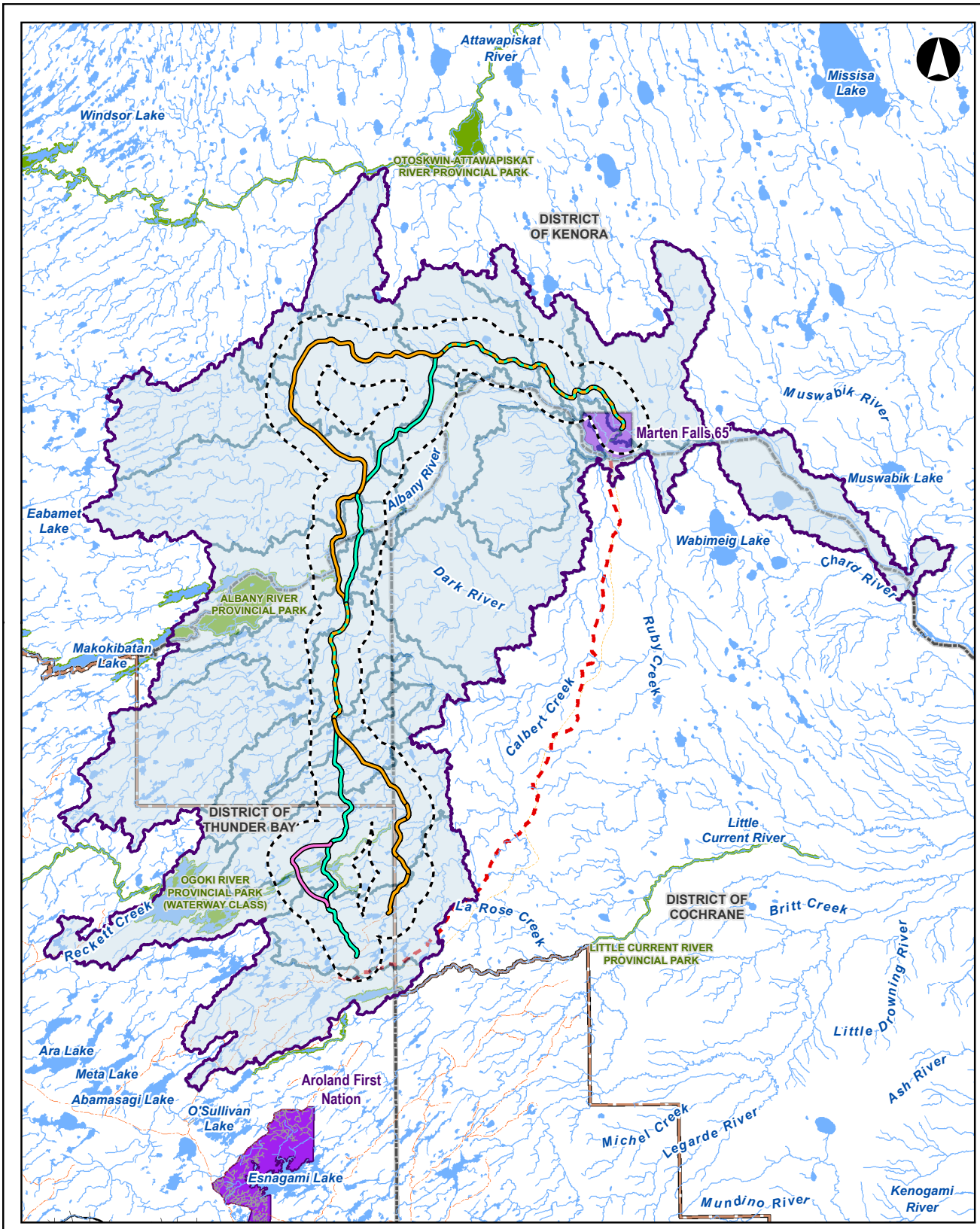
The MFFN Project Team has since received feedback on the preliminary study areas and updates to the study areas have been made accordingly. Specific responses have been provided to those communities who have provided comments in separate correspondence. Table 1 on the following page provides an overview of the revised study areas. The revised study areas are shown in Figure 1. For reference, the preliminary study areas proposed in August 2020 are shown in Figure 2.

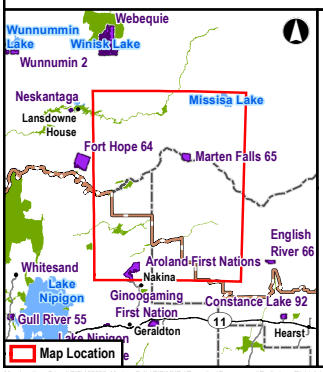
It is important to note that we are early in the environmental assessment processes and while a general location of the potential route alignments is shown in Figure 1, these locations are not considered final. It is expected that the route alignments will be refined (micro-sited) as the assessment processes proceed based on a variety of factors, including IK and information on Indigenous land and resource use shared with the MFFN Project Team, the potential for environmental effects, and stakeholder input.

The MFFN Project Team will share the spatial files for the updated study areas shortly. We would like to thank communities for their comments and feedback on the study areas. Any additional comments, questions and feedback can be directed to the IK Program Leads (Bob Baxter and Larissa Mikkelsen) at info@martenfallsaccessroad.ca.

Table 1. Overview of Updates to the Aboriginal and Treaty Rights and Interests Local and Regional Study Areas and Associated Rationale

Proposed Study Area	Geographic Extent	Rationale	Updates to Study Area	Rational for Update
Local Study Area (LSA)	5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The Local Study Area allows the MFFN Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and/or land and resource use. Matching with the Local Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.	The LSA has not be been updated and remains as a 5 km buffer of the of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The use of a 5 km buffer is considered good practice and sufficient to capture the potential direct effects of the proposed Project. The MFFN Project Team has received comments confirming this perspective.
Regional Study Area (RSA)	Combined area of the quaternary watersheds crossed by each of the road alignments.	The Regional Study Area allows the MFFN Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Matching with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.	The RSA has been updated to include four additional quaternary watersheds that interact with the potential route alignments and the LSA. One of these additional watersheds is located at the southern terminus of Alternative 4 and the RSA now includes a larger portion of Painter Lake Road.	The MFFN Project Team received comments on areas where the RSA is narrower than the LSA area and the need for the RSA to be inclusive of the LSA. The updated RSA is now wholly inclusive of the LSA. The MFFN Project Team received comments on the need the expand the RSA to more appropriately consider potential impacts to Indigenous communities associated with increased traffic flow onto Painter Lake Road. The RSA now includes a larger portion of Painter Lake Road to better capture potential indirect effects on Indigenous communities associated with vehicles accessing the MFFN Community Access Road. No further updates have been made as the extent of the RSA is considered good practice and sufficient to capture the potential downstream effects of the Project. The MFFN Project Team has received comments confirming this perspective.





Legend

- Local Study Area
- Regional Study Area

Route Label

- Alternative 1
- Alternative 4
- Alternative 4 West
- Alternative 1 and Alternative 4

General Features

- Local Road
- Winter Road
- Resource / Recreation Road
- Existing Winter Access Road
- Railway
- Watercourse
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Waterbody
- Quaternary Watershed
- Provincial Park

Data Sources:
Basedata - Provided by MNRF 2019; Route Infrastructure - Provided by AECOM/Dillon 2019
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MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Updated Study Areas for the Aboriginal and Treaty Rights and Interests Discipline (October 2020)

0 5 10 20 30 40
Kilometres
Datum: NAD 1983 UTM Zone 16N

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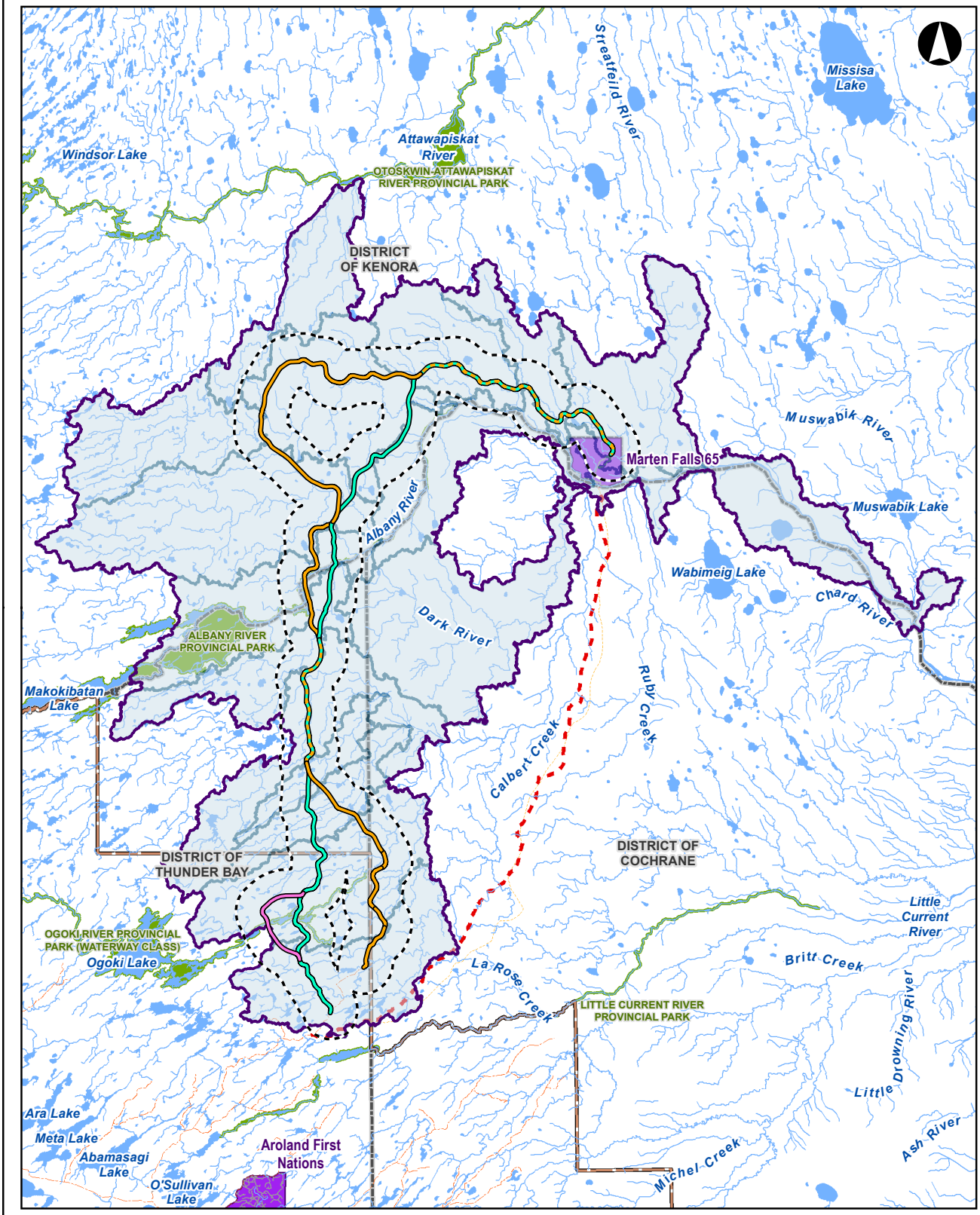
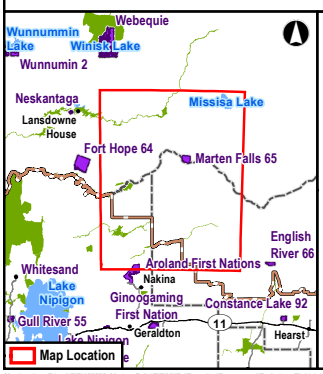
Figure 1





Legend

- Local Study Area
- Regional Study Area

Route Label

- Alternative 1
- Alternative 4
- Alternative 4 West
- Alternative 1 and Alternative 4

General Features

- Local Road
- Winter Road
- Resource / Recreation Road
- Existing Winter Access Road
- Watercourse
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Waterbody
- Quaternary Watershed
- Provincial Park

Data Sources:
Basedata - Provided by MNRF 2019; Route Infrastructure - Provided by AECOM/Dillon 2019
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MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component (August 2020)

0 5 10 20 30 40
Kilometres
Datum: NAD 1983 UTM Zone 16N

Aug, 2020	1:700,000 when printed 11"x17"	P#:188898	Rev:00

Figure 2

B1.2 ATRI Local LSA and Regional Study Areas Geographical Information Systems Shapefiles and KMZ Files



From: info@martenfallsaccessroad.ca <info@martenfallsaccessroad.ca>
Sent: Tuesday, September 22, 2020 2:56 PM
To: [redacted]
Subject: [EXTERNAL] Fwd: Re: IK Study Memo

Dear [redacted]

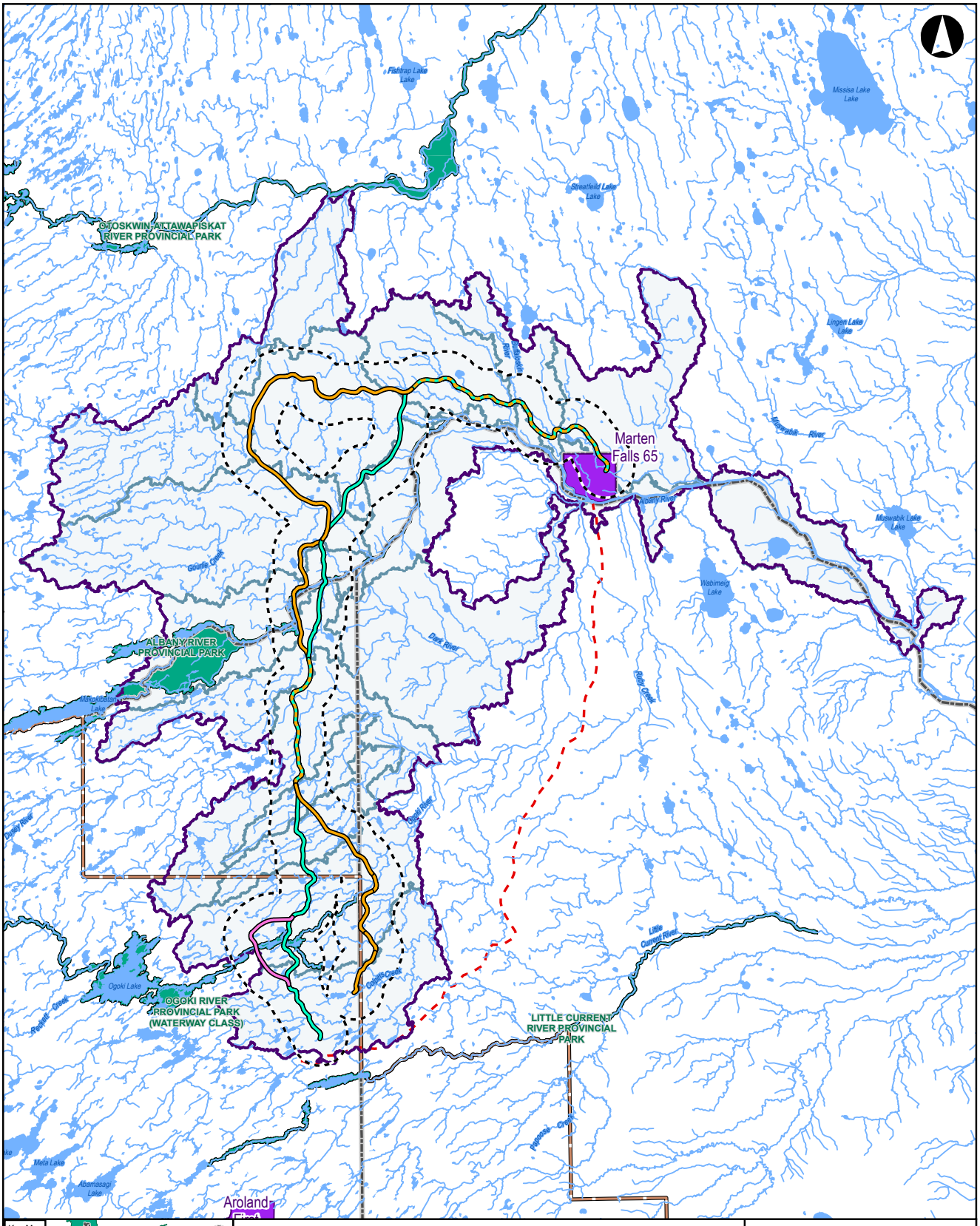
We are writing to follow up on our August 25, 2020 email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We are seeking your review and comments by September 25, 2020.

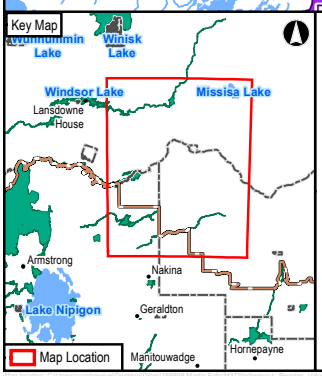
Please find attached the Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo and the Geographical Information Systems (GIS) shapefiles and KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,

The Marten Falls First Nation Project Team





Legend

Route Label

- Alternative 1
- Alternative 4
- Alternative 4 West
- Alternative 1 and Alternative 4
- Local Study Area
- Regional Study Area

General Features

- Existing Winter Access Roads
- Watercourse
- Waterbody
- Quaternary Watershed
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Provincial Park

Marten Falls First Nation
All Season Community Access Road Project

Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component

0 5 10 20 30
Kilometres
Datum: NAD 1983 UTM Zone 16N

Aug, 2020	1:675,000 * when printed 11"x17"	Data Sources: MNRF, MMAH, NRCAN. Contains Information licensed under the Open Government Licence Ontario.
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DILLON CONSULTING

Figure 1

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B1.3 Indigenous Knowledge Guidance Document



MFFN Community Access Road Project

Indigenous Knowledge Program Guidance Document



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martenfallsaccessroad.ca

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1. Introduction

Marten Falls First Nation (MFFN) thanks you for your interest in participating in the Indigenous Knowledge Program (IK Program) for the MFFN Community Access Road Project (the Project). We appreciate the level of trust and the foundation of respect required for the collection and/or sharing of IK with the MFFN Project Team.

The purpose of this Guidance Document is to provide your community with:

- A brief **overview of the proposed Project**;
- An **overview of the IK Program to support discussions** of how Indigenous knowledge (IK) and information on how Indigenous land and resource use can be collected and become part of the Project assessment, planning and design processes; and
- **Information and resources** to support your community in meaningfully participating in the IK Program.

Key terms used in this document (in **blue text**) are defined throughout. These are also provided in the glossary in **Appendix A**.

Please note: in addition to the IK Program, the **Consultation** Program for the Project serves as an additional and important avenue for collecting information, concerns, perspectives, and other information relevant to the Project from Indigenous communities.

The Crown is responsible for the constitutional Duty to Consult for the assessment processes for the Project. MFFN is responsible for carrying out Statutory Consultation processes in fulfilling the Duty. The IK Program and Consultation Program strive to both engage and consult with communities to build relationships and provide inputs into the overall consultation requirements for the Project.

2. Overview of the Project

MFFN is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 km northeast of Thunder Bay. The MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season community access road (the Project) to connect MFFN to Ontario's provincial highway network (i.e., Highway 643) to the south via the existing Painter Lake Road.

As the proponent for the Project, MFFN has started a Provincial Environmental Assessment and Federal Impact Assessment (**the assessment processes**) to assess the potential Project effects and benefits. The assessment processes will inform Project planning and design.

Please note that the assessment processes are for the MFFN all-season community access road Project only. The Northern Road Link is a separate project that will undergo a separate assessment process, with MFFN and Webequie First Nation as a joint-proponent. Consultation and engagement for the Northern Road Link will be addressed through a separate process.

Indigenous Knowledge refers to Indigenous systems of knowledge as well as cultural practices related to the production of knowledge based on traditional belief systems, relationships to the environment, and community practices. It is the accumulated and living knowledge built upon the historic experiences of Peoples living on the land and adapting to social, economic, environmental, spiritual and political change (Chiefs of Ontario, n.d.). It includes knowledge about the natural environment (e.g., locations of caribou seasonal use and calving areas), the relationships between environmental changes and species or ecosystems, and how potential effects to the environment can be avoided or reduced.

Indigenous Land and Resource Use refers to specific areas and resources used for traditional purposes when Indigenous peoples learn and practice their IK (Garvin et al., 2001). This includes the areas and sites used for hunting, trapping, fishing, and gathering and the resources harvested, as well as cultural sites, features and practices. Sometimes referred to as Traditional Land Use.

3. Overview of the IK Program

The IK Program aims to: collect **Indigenous Knowledge** (IK) relevant to the Project and information on **Indigenous land and resource use** and values (including cultural) in the vicinity of the Project area.

The primary objectives of the IK Program are to:

- Identify areas where important Indigenous land uses, resources, and/or values could be impacted by the Project;
- Understand community concerns about the potential negative impacts of the Project; and
- Work to avoid or mitigate potential Project impacts on these land uses, resources and/or values and maximize any potential positive effects.

The IK Program strives to work with **interested Indigenous communities** on how relevant IK and Indigenous land and resource use information will become part of the assessment processes and Project planning and design. We understand there are larger regional issues and those will be documented and incorporated into the assessments, as applicable.

The IK Program involves two key ways for information gathering and sharing:

- **Sharing existing and relevant IK and Indigenous land and resource use information** previously collected by communities (e.g., for community-based land use planning) with the MFFN Project Team; and
- **Completing Project-specific IK and Indigenous land and resource use studies** to collect relevant IK and information on Indigenous land and resource use in the vicinity of the Project.

Please note: This IK Program Guidance Document also helps to meet the information requirements set out in the Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada. In addition, information collected through both the IK and Consultation Programs will provide valuable inputs into the **Aboriginal and Treaty Rights and Interests** valued component, which tentatively includes:

- Indigenous Current Use of Land and Resources for Traditional Purposes (hunting, trapping, fishing, gathering, cultural and spiritual sites, quantity and quality of resources, etc.) – see Section 6.5 for definition of 'current'; and
- Cultural Continuity or the ability to practice and transmit cultural traditions (experience of being on the land, ability to access preferred sites and resources, etc.).

3.1 Sharing Existing Information

Some communities may already have relevant IK and information on Indigenous land and resource use and other values from community-based land use planning processes or other activities. We respectfully request that any existing information you wish to share be provided to the MFFN Project Team as soon as possible so that it can be incorporated into the assessment processes. The earlier we receive information (even in draft form), the sooner we can include it in the assessment and Project planning processes.

Further, if you are aware of areas where values could potentially be impacted within the Local Study Area but are unable to share specific details, it is valuable to share whatever information you can early on so that we can work with you as we continue through the assessment processes.

3.2 Indigenous Knowledge & Indigenous Land and Resource Use Study

For communities that are interested in completing a **Project-specific Indigenous Knowledge and Indigenous land and resource use (IK/ILRU) study**, we understand that some communities may prefer to complete a study on their own or using their own consultants. Other communities may require support with completing a study. We are available to support communities in completing an IK/ILRU study (e.g., preparing materials and maps, digitizing information collected, etc.), if and as needed.



Communities using their own consultants should make an effort to follow the IK Guidance Document to support the collection of information to meet the requirements set out in the Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada.

3.3 Confidentiality

Given the sensitive nature of IK and information on Indigenous land and resource use, the protection and confidentiality of shared information is of great importance to the MFFN Project Team. To honour and respect this important information, an IK Sharing Agreement must be executed between your community and MFFN prior to sharing any information and before beginning a Project-specific IK/ILRU study. The IK Sharing Agreement will be developed with each community. The agreement will outline how confidential/sensitive information will become part of the assessment processes and protected.

3.4 Indigenous Knowledge Program Guiding Principles

Our approach to working with your community on the IK Program is guided by these key principles:



We will **work proactively to build relationships** that are based on trust, transparency, understanding, cooperation, and mutual respect.



The protection and incorporation of IK and Indigenous land and resource use information will be governed by **IK Sharing Agreements.**



Community-specific protocols, traditional channels of authority, and levels of approval within each participating Indigenous community will be followed and respected.



The people of your community are an important source of knowledge of the environment, past and present uses of the land and its resources, and associated cultural practices and values that may be relevant to the Project and our local and regional study areas.



Our aim is to work with you to participate in and complete the IK Program in a manner that **respects your IK collection and sharing protocols** so that IK can be meaningfully integrated into and become part of the assessment processes.



We will strive to **respectfully work with Indigenous Communities** in terms of how IK and information on Indigenous land and resource use within the local and regional study areas will become part of the Project assessment, planning and design processes.

4. Indigenous Knowledge and the Assessment Processes

The information collected through the IK Program (and/or through the Consultation Program for the Project) will be used to:

- Guide and confirm the indicators to be used in the assessment processes for the various **valued components** (e.g., wildlife, vegetation, fish, caribou, moose, Indigenous land and resource use, etc.);
- Support the description of existing environmental conditions (**baseline conditions**) for the various valued components;
- Identify the potential effects of the Project on the various valued components;
- Help identify potential measures to reduce the potential for negative effects (impact management measures) and enhance the potential benefits; and
- Help identify potential monitoring programs.

Valued components
are important components of the natural and human environment that could be impacted by a proposed project or activity.

The MFFN Project Team will work with Indigenous communities to ensure that IK and any information on Indigenous land and resource use and other values that is shared is appropriately integrated into the assessment processes. This will include providing Indigenous communities with the opportunity to:

- Review and discuss draft assessment documents produced by the MFFN Project Team to confirm that we captured and presented your community's information appropriately; and
- Work with the MFFN Project Team on the effects assessment for the Aboriginal and Treaty Rights and Interests and associated components (Indigenous land and resource use, and cultural continuity).

Should your community prefer to do your own effects assessment, we will accept this and work with you to incorporate your effects assessment into the assessment processes.

5. Study Areas for the Assessment

The existing conditions and potential Project effects will be documented for three **study areas** to capture potential local, direct and indirect effects:

- **Project Study Area:** area of direct disturbance (the physical area required for Project construction and operation);
- **Local Study Area:** the area where the potential direct effects of the Project (e.g., direct effects on wildlife, vegetation and surface water associated with noise and vehicle emissions) may occur; and
- **Regional Study Area:** the area where the potential indirect effects of the Project (e.g., effects to Indigenous land and resource use as a result of changes in wildlife and fish and their habitats) may occur.

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

A Study Area Memo was previously provided to your community that contains information on some of the study areas selected for the Project (e.g., wildlife, vegetation, etc.) that are related to Indigenous land and resource use – this memo is provided in **Appendix B**.

5.1. Study Areas for Aboriginal and Treaty Rights and Interests

Study areas have been identified for the Aboriginal and Treaty Rights and Interests valued component – these are shown in **Appendix B** and described in Table 1 on the following page. These study areas should inform any IK and Indigenous Land and Resource Use Studies undertaken in terms of the geographic extents used to collect information during these studies.

Please note: The Regional Study Area was revised in October 2020 to include several additional watersheds (e.g., at the southern terminus of the proposed Project and Painter Lake Road) that the Project may interact with based on comments received from communities to date. Figure 1 in Appendix B has been updated from what was sent to communities in August 2020 to reflect the revised Regional Study Area.

Table 1. Proposed Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component

Study Area	Geographic Extent	Rationale
Local Study Area	5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The Local Study Area allows the Project Team to gather specific information that can be used to help Project design by avoiding or mitigating impacts to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (water, fish, vegetation, wildlife, moose) or considered to influence (air quality, noise) Indigenous culture and/or land and resource use.
Regional Study Area	Combined area of the quaternary watersheds crossed by each of the road alignments.	The Regional Study Area allows the Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes.

A few important notes and considerations:

- These study areas are for the IK Program and Aboriginal and Treaty Rights and Interests valued component and do not represent the study areas for other baseline programs (wildlife, vegetation, etc.) being conducted as part of the assessment processes.
- The proposed road alignments may change slightly from what is shown in Figure 1 based on feedback and information from Indigenous communities and our understanding of the existing environmental conditions.
- While these study areas are intended to guide data collection in terms of IK and Indigenous land and resource use in the vicinity of the Project, collecting community information and perspectives that are more general (e.g., habitat values important for caribou) is also an important part of the Consultation and IK Programs.

6. Guidance Materials for Project-Specific Studies

The following sections provide some important considerations and guidance materials for any IK and Indigenous Land and Resource Use (IK/ILRU) Studies that are undertaken by communities for the Project. These materials are intended to guide and support communities in collecting and sharing relevant IK and information on Indigenous land and resource use and associated values so that it can become part of the assessment processes.

Please note: These materials, including the questions contained in the appendices, were developed based on the information that has been requested by regulators (including through the federal Tailored Impact Statement Guidelines) for inclusion in the assessment processes.

6.1. General Study Approach

While IK/ILRU studies can be customized to suit the needs and values of each community, they generally follow the following steps:



1. Review existing information

Many communities have already started collecting IK and information on Indigenous land and resource use for other projects or their own purposes. There also may be relevant information available in historical documents (e.g., ethnographic reports) to provide historical and cultural context (see **Section 6.3** for some questions to guide review). It is a good idea to start by examining what has already been collected to see what information is relevant to the Study Areas (see **Section 5.1**), and identify where there are important information gaps to guide information collection efforts.



2. Select study participants

It is important to select a range of participants to satisfy federal **Gender-based Analysis Plus (GBA+)** requirements which are meant to identify segments of the population that could be especially affected by the Project (e.g., women, youth, Elders, etc.). Any IK/ILRU studies completed should include a range of participants (e.g., men, women, Elders, Knowledge Holders, middle-aged members, youth, two-spirited) to support the inclusion of different perspectives. While Elders are recognized as the most knowledgeable and can offer information about past uses of lands and resources, they may not be using the land and resources in the same way today, and there may be other people in the community who are using the land and resources in the study areas for traditional purposes (e.g., hunting, trapping, fishing, etc.) and have relevant knowledge. The review of existing information (Step 1) can also help to select participants and fill gaps in age or gender categories.



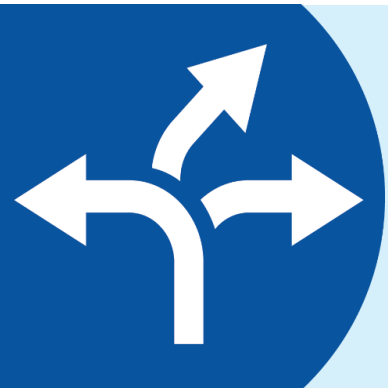
3. Prepare for information collection

It is important to prepare the materials needed for information collection including consent forms for participants (see **Section 6.2**), base maps for the Study Areas to be used for mapping sessions (see **Section 6.4**), defining the time periods that will be used for baseline information collection (see **Section 6.5**), identifying categories to organize information collection (see **Section 6.6**), and a set of questions to guide information collection sessions (see **Section 6.3**, **Section 6.7** and **Section 6.8**). Each community should also consider if a translator is required to support information collection and reporting and make these arrangements before information collection sessions.



4. Collect the information

Information collection is generally done through workshops, focus groups, interviews with participants, or a combination of these depending on what will work best for each community and the participants. All participants should be provided information about the project at the start, prior to asking any questions.



5. Digitize spatial data

Information and spatial data collected should be digitized (put into electronic format) for storage purposes and to support reporting. This will enable the development of maps showing important sites and areas that were identified by participants. This may be done directly during data collection using direct-to-digital data collection methods or through data digitization of information recorded on paper maps once information collection sessions have been completed, depending on what would work best for your participants and community (see **Section 6.9**).



6. Validate the information

It is important to validate (confirm) information collected with the participants who provided it (see **Section 6.10**). This ensures that the information and data was documented accurately and appropriately.

7. Report on the information

The study report should explain how information was collected, and present the information both in text and through mapping (see **Section 6.11**).



6.2. Confidentiality & Participant Informed Consent

In addition to considering confidentiality in terms of the information that is shared with the MFFN Project team (see **Section 3.3**), communities need to also consider how the information collected will be kept confidential internally. Strategies that could be used to keep information confidential include:

- Do not share information and mapping with others unless the person who shared the information have provided written permission;
- Use confidentiality agreements with any third-party researcher(s) supporting your community with the study; and
- The final maps and any reports developed should not contain participants' names (identifiers like participant # should be used instead), and the names associated with participant # should be strictly managed internally (Tobias, 2010).

It is also important that community members participating in the IK Program (and sharing IK and/or information on Indigenous land and resource use) provide consent to sharing the information. In order to do this, they must understand how the information they share may be used. Participant consent forms are generally used to support this. A sample participant consent form that could be used for your community members is provided in **Appendix C**.



6.3. Information on Community Culture and Lifestyle – Past and Present

Providing information on the culture and lifestyle of your community, both in the past and in the present, is valuable for the assessment processes as it provides important background information on the activities that are important to the community and related to Aboriginal and Treaty rights, and how historical and cumulative effects may have already impacted these rights-based activities. This includes information on:

- The history of your community including traditional way of life, governance systems and laws, language, cultural practices and how they were/are taught and handed down, and uses of lands and resources; and
- Current community context, including changes that have taken place over time (e.g., in terms of way of life, governance, language, cultural practices and teaching, land and resource use, etc.) as a result of historical and cumulative effects (e.g., establishment of the trapline system, construction of dams, mineral exploration, forestry, etc.).

A set of questions that should be used to guide information gathering on historical and current community context is provided in **Appendix D**. This information may be collected through research and review of existing documents and/or during information collection sessions with study participants.

It is anticipated that similar questions will also be asked during the Consultation Program for the Project so this type of information can also be collected through this avenue of engagement.

6.4. Preparing Base Maps

The MFFN Project Team will provide interested communities with the digital files (e.g., shapefiles) for the study areas and the potential route alternatives (see Figure 1 in **Appendix B**) to support the preparation of base maps to be used for information collection. These maps are generally printed out and used to record sites and areas during mapping sessions, although some communities may record sites and areas digitally using mapping software and computers (direct to digital methods).

Whichever approach is used, it is important to choose an appropriate **map scale** to allow for spatial data (sites, areas, etc.) to be captured easily and accurately. Maps with too large of a scale (e.g., 1:20,000) may have too much detail (making it hard for participants to find landscape reference points) and require a significant amount of time for data collection. Maps with too small of a scale may not provide enough detail and make it difficult to collect accurate data – one dot on a 1:250,000 scale map can cover 0.25 km on the ground. A 1:50,000 scale map is generally ideal (Tobias, 2000) and multiple maps may be required to cover the Study Areas. However, a mix of map scales may be useful depending on the information being collected and the accuracy required (e.g., specific cultural sites vs. seasonal movement patterns of caribou).

Map scale refers to ratio of the distance on a map to the actual distance of the ground. For example, if a map has a scale of 1:50,000, then 1 cm on the page represents 50,000 cm (50 m) on the ground. Small-scale maps show less detail than large-scale maps.

It is also important to include any place names (including names of lakes, rivers, towns, reserves, etc.) on the base mapping to support participants in orienting themselves on the base maps, which can help make data collection sessions faster and easier. Lastly, if multiple maps will be used, map numbers should be assigned to each and these map numbers should be referenced for any data collected so it is clear which data relates to which maps.

6.5. Temporal Boundaries for Baseline Information on Indigenous Land and Resource Use

There are generally at least two **temporal boundaries** or time periods used to collect baseline information on the **current use** of lands and resources for traditional purposes: past (within living memory up to a recent point in time when conditions may have changed) and present. It is important to provide definitions for any specific time periods used.

Temporal boundaries refer to the time frames used to assess something. Temporal boundaries are often used to guide baseline information collection, as well as assessment processes in terms of project timelines and associated potential impacts. The two temporal boundaries for the impact assessment for the proposed Project are construction and operation/ maintenance.

Current use refers to how the use of lands and resources may be affected throughout the proposed project's lifecycle. This includes uses by Indigenous peoples that are actively being carried out at the time of the assessment. It also includes uses that have ceased due to external factors if they could be expected to resume once conditions change, and uses that are likely to occur in a reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs (CEAA, 2015).

The MFFN Project Team has identified and defined the following time periods to guide baseline information collection on current use for MFFN:

- **Past Use:** Land and resource use after 1947 (when the registered trapline system in Ontario was implemented) up to 2008 (when the landscape and local economy really started to change as a result of mineral discoveries); and
- **Present Use:** Land and resource use from 2008 up to present day and into the reasonably foreseeable future.

We recognize that communities may prefer to select their own temporal boundaries based on their histories and land and resource use patterns.

In addition to the past and present community context (see **Section 6.3**), the use of these two time periods will allow the MFFN Project Team to better understand pre-development baseline conditions and changes that have occurred over time to present day for a more holistic perspective of "baseline" conditions.

6.6. Categories to Organize Information

Categories (e.g., harvesting, cultural, habitation, travel, etc.) are generally identified and used to organize information in IK/ILRU studies. These categories can be used to organize questions to be asked to participants. They are very helpful when digitizing and organizing all the data collected into a geodatabase. They also make reporting easier for the community.

The use of categories also makes the integration of information into the assessment processes easier. The MFFN Project Team has identified a set of general categories and subcategories that should be used to organize IK and information on Indigenous land and resource use for the Project, as shown in Table 2.

Table 2. Categories to organize information collected

General Category	Sub Categories	Examples of what may be included in these categories
Animal Harvest	Large mammals	Bear, moose, caribou, deer
	Furbearers	Bobcat, ermine, fisher, marten, weasel, wolf, rabbit, etc.
	Birds	Ptarmigan, partridge, duck, geese, etc.
	Other	Porcupine, raccoon, duck eggs, etc.
	General trapping area	
Fish Harvest	Fish	Lake trout, whitefish, pike, pickerel, ling, etc.
Plant Harvest	Berries	Blueberries, raspberries, Saskatoon berries, etc.
	Medicinal plants	Sage, peppermint, muskeg tea, sweet grass, etc.
	Food plants	Wild rice, mushrooms, etc.
	Other	Birch, cedar, moss, firewood, etc.
Cultural, Spiritual and Sacred	Cultural sites and areas	Traditional community gathering area, ceremonial site, teaching site, culturally sensitive area, traditional meeting place, shaking tent, sweat lodge, etc.
	Spiritual and Sacred sites and areas	Spiritual sites, birth site, burial site or ground, place where ashes were spread, sacred rock, etc.
	Historical sites	Archaeological site, pictograph, Hudson's Bay Trading post, etc.
	Stories/legends sites	Sites with stories/legends/oral histories
Place Name	Traditional name	Traditional site or areas names, orientation points, etc.

General Category	Sub Categories	Examples of what may be included in these categories
Habitation	Permanent habitation	Cabins, village sites, etc.
	Temporary habitation	Camp sites, teepee sites, etc.
Travel	Water travel	Canoe routes, boat and motor routes, portages, etc.
	Ground travel	Walking paths or trails, winter trails, skidoo/snowmobiling/ ATV trails, etc.
	Historical routes	Historical trails, historical canoe routes, etc.
Points of Interest	Environmental features	Esker, pond, lake, streams, rivers, rapids, waterfalls, etc.
	Other	Cache, stone bridge, gold strike, dangerous area, etc.
Fish & Wildlife Use Areas	Important use areas	Spawning areas, calving areas, denning areas, nesting sites, concentration areas (e.g., moose, caribou), etc.
	Travel and migration routes	Moose travel route, caribou migration route, fish migration route, animal trails, etc.
Shared Area		Areas that may be shared or used with other Indigenous communities for traditional activities (e.g., hunting, trapping, etc.) or other cultural uses.





6.7. Collecting IK and Information on Indigenous Land & Resource Use

The following types of information should be collected and shared to become part of the assessment processes:

- Information about the **existing environment in the vicinity** of the Project, both in the past and present;
- **Indigenous Knowledge that is tied to specific places or areas** (e.g., locations of important moose calving areas);
- Specific sites used for **Indigenous land and resource use** (e.g., hunting, trapping, fishing, etc.) or **other cultural purposes** (e.g., sacred sites, teaching sites, etc.); and
- **Indigenous Knowledge that is not tied to specific places** (e.g., how resources are prepared and used, important relationships between animals and their environments, etc.).

This information may be collected through research and review of existing documents and/or during information collection sessions with study participants.

An IK/ILRU Question Guide that should be used to guide gathering of IK and information on Indigenous land and resource use within the study areas is provided in **Appendix E**. The questions are organized based on the categories listed in Table 2 (**Section 6.6**). Note that there are both general and site-specific questions within several of the categories. The general questions could be used in any workshops or focus groups, while the site-specific questions would be most appropriate for any interviews (although they can be used during a workshop or focus group if interviews will not be completed for the study).

Features mapped during information collection sessions are recorded as:

- Points – used to represent a fixed or specific location (e.g., salt lick location, cabin location, moose kill site, etc.);
- Lines – used to represent a linear landmark or activity (e.g., trails, travel routes, caribou crossing, etc.); and
- Polygons – used to represent an area (e.g., moose winter use areas, caribou calving grounds, trapline area, etc.).



It is important to note that points and lines should be used, where possible, as these provide greater accuracy in the data collected. However, in some cases the use of polygons may be most appropriate. Where polygons are used, it is best practice to avoid very large ones where possible as these can impact the accuracy and credibility of the data.

6.8. Collecting Perspectives on Potential Project-related Impacts

The following types of information should also be collected and shared to become part of the assessment processes:

- Perspectives about how the **natural** and **physical environments** (e.g., wildlife, water, air, etc.) and **human environment** (e.g., Indigenous land and resource use, culture, language, Aboriginal and Treaty Rights, etc.) may be **positively** or **negatively** impacted by the Project; and
- Perspectives on the **cumulative effects** that have already impacted the **community, culture and cultural practices** and how the proposed Project

A set of questions that should be used to guide gathering of information on the potential positive or negative impacts of the proposed Project is provided in **Appendix F**. These questions could be used during any workshops or focus groups, or asked during any interviews, depending on what would work best for your community and participants.

It is anticipated that similar questions on the potential impacts of the Project on the will also be asked during the Consultation Program for the Project so this type of information can also be collected through this avenue of engagement. However, Project-specific IK/ILRU studies provide an important opportunity to provide these community perspectives and concerns, especially in terms of the potential impacts of the proposed Project on Indigenous land and resource use and cultural sites and practices based on information documented through the study.

6.9. Digitizing Data Collected

Communities using direct-to-digital methods of mapping will have the spatial data that is collected (e.g., hunting sites, cabin locations, etc.) digitized (turned into electronic form) at the time of collection. However, for communities that are using paper maps to record spatial data, the data must be digitized and stored once it has been collected. The points, lines and polygons associated with features identified on the base maps must be digitized in a GIS format. In addition, the descriptive information associated with each mapped point, line and polygon feature (e.g., what was hunted here, when it was hunted, who hunted it, etc.) must be captured in a database that is linked to each of features documented.

The MFFN Project Team is available to support communities in digitizing the data collected and developing maps, and we would be happy to discuss this further.

6.10. Data Validation

It is important to validate or confirm that the information collected has been document properly and accurately. Group sessions to review the maps and information in the database with the participants who provided the information are a useful way to do this as confirmation can potentially be made by more than one person. These sessions also allow for more information that may emerge through discussion to be collected and mapped. In addition, information collected from previously completed 'on the land' activities, including participation in field studies for the proposed Project, can also be used to support data validation. Any corrections to the information or data should be made within the database and associated mapped (digitized) features.

*As noted in **Section 4**, the MFFN Project Team will also provide communities with the opportunity to review our interpretations and descriptions based on the data we receive to ensure we have accurately reflected the perspectives of the community.*

6.11. Reporting

Once all information collected through the study has been validated, a final study report must be prepared. The study report should include:

- A description of how the study was conducted (or the methodology), including:
  - The background documents, reports or other sources that were reviewed to support the study;
  - How participants were selected and if and how different genders and age groups were factored into the selection of participants;
  - How the information was collected (e.g., workshops and/or interviews), documented and digitized (including if translators were used to support information collection); and
- The results of the study in terms of:
  - The IK and information on Indigenous land and resource that was documented, including associated mapping; and
  - Information on the concerns and perspectives of participants in terms of the potential impacts of the proposed Project and any associated recommendations.

The database and mapping developed is the most useful tool for report writing as they contains all information in one place. The mapping included in the study report should be **composite maps** that show the combined data collected for each of the categories (e.g., animal harvesting, etc.) rather than maps showing the data collected from each individual participant. For any particularly sensitive sites that may have been documented and for which there are concerns related to confidentiality, it is best practice to apply a buffer (e.g., 500 m or 1 km) and randomize the centre of point data within that buffer for the purposes of reporting.

A report template that should be used to guide final reporting for the study is provided in **Appendix G**. The report template can be customized to suit the needs of the community; however, the general nature of information included in this report template should be included in the final report provided. In addition, and as noted in **Section 6.2**, the report should not contain participants' names for confidentiality purposes – identifiers like participant # should be used instead.

The MFFN Project Team requests that communities share preliminary composite maps and associated spatial data (with limited information included to protect sensitive and confidential information) as soon as they are available and prior to full reporting to support timely information sharing and enable meaningful consideration of Indigenous values in Project planning and the assessment processes. We also ask that a draft or interim report version is shared prior to a final report. This request is reflected in the IK Program schedule (see **Section 7**).

Please note: We will be providing communities with a template database (with limited information requirements to protect sensitive and confidential information) that should be used for information sharing spatial data with the MFFN Project Team. All data shared with the MFFN Project Team will be strictly for the purposes of assessment and Project planning, including avoidance and impact mitigation measures, and will be protected according to the IK Sharing Agreement. If spatial data is not provided (i.e., only report maps are provided), it is important to note that the MFFN Project Team may need to digitize information shared in the report to support Project planning and identification of negative impact avoidance and mitigation measures.

7. Schedule

The proposed schedule for the IK Program and any Project-specific IK/ILRU studies that may be undertaken is shown in Table 3.

Table 3. Schedule for the IK Program

Key Task/Deliverable	Date
Executed IK Sharing Agreements	Fall 2020
Start Project-specific IK/ILRU studies	Fall 2020
Sharing of existing IK-ILRU information that may be relevant and preliminary mapping completed for Project-specific IK/ILRU studies	As soon as possible
Draft IK/ILRU Study Report	March 2021
Final IK/ILRU Study Report	April 2021

8. Next Steps

As noted in **Section 4**, the IK and ILRU information shared with the MFFN Project Team will become an important part of the assessment processes – it will be used to support the selection of valued components and indicators, the description of existing environmental conditions, the characterization of the potential impacts of the proposed Project, the identification of measures to reduce the potential for negative effects (impact management measures) and enhance the potential benefits, and the development of monitoring programs. The MFFN Project Team will work with Indigenous communities to ensure that IK and ILRU information shared is appropriately used in the assessment process through ongoing consultation and engagement activities and the identification of opportunities for collaboration as the assessment processes proceed.

9. References

Canadian Environmental Assessment Agency (CEAA). (2015). Technical Guidance for assessing the Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*. Draft for Public Comment, December, 2015. Retrieved from https://www.canada.ca/content/dam/iaac-acei/documents/policy-guidance/assessing-current-use-lands-resources-traditional-purposes/current_use_final_draft-eng.pdf.

Chiefs of Ontario (n.d.). Traditional Knowledge. Retrieved from http://www.chiefs-of-ontario.org/priorities/environment/traditional-knowledge/.

Tobias, T. (2000). Chief Kerry's Moose, a guidebook to land use and occupancy mapping, research design and data collection. Union of BC Indian Chiefs and Ecotrust Canada: Vancouver, BC.

Appendix A
Glossary



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Appendix A – Glossary

Aboriginal Interests: In the context of environmental assessment, Aboriginal interests are the interests that are specific to each Aboriginal group or First Nation that may be impacted by a proposed project, including but not limited to environmental, cultural, social, and legal interests.

Aboriginal Rights: Aboriginal rights are the customs, practices and traditions that are integral to a First Nation. These rights are recognized and protected under Section 35 of the Constitution Act, 1982. Aboriginal rights vary from group to group depending on the customs, practices, traditions, treaties and agreements that have formed part of their distinctive cultures.

Assessment processes: Refers to the Provincial Environmental Assessment and Federal Impact Assessment processes that are required for the proposed Project. These assessment processes look at the potential positive and negative effects of the Project on valued components. These two assessment processes will be coordinated with the federal and provincial regulators and Indigenous communities, and will be undertaken concurrently (both processes will be completed at the same time).

Baseline conditions: Information about conditions in the environment or a community prior to a project being constructed.

Composite map: A map that combines and shows all data for a particular group of interview guide categories (e.g., hunting, trapping, etc.) for all participants involved in the mapping exercise.

Consultation: A process of communication between parties that seeks to make clear the concerns of the parties about a particular issue and attempts to address or accommodate the concerns so that both parties are satisfied. With respect to Aboriginal rights, a component of the "Sparrow Test" that may be applied by governments to justify infringement of the rights.

Current use: Current use refers to how the use of lands and resources may be affected throughout the life of a project. This includes uses that are actively being carried out at the time of the assessment. It also includes uses that have ceased due to external factors if they could be expected to resume once conditions change, and uses that are likely to occur in a reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs (CEAA, 2015).

Gender-based Analysis Plus (GBA+): Refers to an analytical process used to understand how diverse groups of women, men, and gender diverse people (including vulnerable groups) may experience a project and its potential impacts differently.

Indigenous Knowledge: Refers to Indigenous systems of knowledge as well as cultural practices related to the production of knowledge based on traditional belief systems, relationships to the environment, and community practices. It is the accumulated and living knowledge built upon the historic experiences of Peoples living on the land and adapting to social, economic, environmental, spiritual and political change (Chiefs of Ontario, n.d.). It includes knowledge about the natural environment (e.g., locations of caribou seasonal use and calving areas), the relationships between environmental changes and species or ecosystems, and how potential effects to the environment can be avoided or reduced.

Indigenous land and resource use: Refers to specific areas and resources used for traditional purposes when Indigenous peoples learn and practice their IK (Garvin et al. 2001). This includes the areas and sites used for hunting, trapping, fishing, and gathering and the resources harvested, as well as cultural sites, features and practices. Sometimes referred to as Traditional Land Use.

Interested Indigenous communities: Refers to Indigenous communities that have the potential to be affected by the proposed Project and are interested in participating in the IK program for the Project.

Project-specific Indigenous Knowledge and Indigenous Land and Resource Use (IK/ILRU) Study: Refer to a study that is undertaken to collect information about the traditional use of land and resources (e.g., hunting, trapping, cultural uses, etc.) by an Indigenous community. Study reports include both the information collected in text and the spatial data collected (locations of use) in maps.

Map scale: Refers to ratio of the distance on a map to the actual distance of the ground. For example, if a map has a scale of 1:50,000, then 1 centimetre on the page represents 50,000 centimetres (50 metres) on the ground. Map scales can usually be found on the outer edge of a map, usually near the maps key.

Study areas (or spatial boundaries): Identify the geographic areas within which potential effects of the Project may or are likely to occur. These study areas are used to guide the assessment processes.

Temporal boundaries: Temporal means pertaining to time. Temporal boundaries refer to the time frames used to assess something. Temporal boundaries are often used to guide baseline information collection, as well as assessment processes in terms of project timelines (e.g., construction, operation) and associated potential impacts.

Treaty Rights: Rights that are described in a written agreement (e.g., treaty, land claim or self-government agreement) between a First Nation and the Crown and protected by section 35 of the Constitution Act, 1982.

Valued components: Refers to important components of the natural (wildlife, water, etc.) and human (social, cultural, economic) environment that could be impacted by a proposed project or activity.

Appendix B

Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo



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Appendix B – Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres (km) northeast of Thunder Bay, Ontario. The MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season Community Access Road (**the Project**). The Project will connect MFFN to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road.

MFFN (the Proponent) has started a Provincial Environmental Assessment and Federal Impact Assessment (**the assessment processes**) to assess the potential effects and benefits related to the proposed Project. An important part of the assessment processes is collecting Indigenous Knowledge (IK), community knowledge and information on Indigenous land and resource use to help us understand baseline (existing) conditions, predict the potential effects of the Project, and determine appropriate impact management and monitoring measures. An IK and Consultation Program has been developed for the Project. These Programs will help us to collect and determine in discussion with your community how IK (e.g., natural environment information) and information on Indigenous land and resource use in the vicinity of the Project area (e.g., harvesting, cultural sites) will become part of the assessment processes and Project planning and design.

Please note that information and correspondence related to the IK program is considered part of the consultation and assessment processes for the all-season community access road to MFFN (the Project) only. The Northern Road Link is a separate project that will undergo a separate assessment.

Purpose of this Memo

We are currently working on defining study areas for the 'Aboriginal and Treaty Rights and Interests' valued component, which tentatively includes:

Valued components are important components of the natural and human environment that could be impacted by a proposed project or activity.

- Indigenous Current Use of Land and Resources for Traditional Purposes (hunting, trapping, fishing, gathering, cultural and spiritual sites, quantity and quality of resources, etc.); and
- Cultural Continuity – ability to practice and transmit cultural traditions (experience of being on the land, ability to access preferred sites and resources, etc.).

Indicators for this valued component will be further described in the Terms of Reference and through the IK Program.

The purpose of this memo is to gather comments and feedback on the proposed study areas for this valued component. Note that these study areas are considered preliminary and we expect that inputs received will inform the final study areas. These study areas will also inform the IK and Indigenous Land and Resource Use Studies that may be completed by some communities in terms of the geographic extents used to collect information from community members during these studies.

It is important to note that different study areas will be used for the effects assessment for other valued components (e.g., wildlife, fish, vegetation, etc.). More information on the study areas used for these valued components and how they informed the study areas for the Aboriginal and Treaty Rights and Interests valued component is provided later in this memo.

IK Program Summary

As per previous communications, there are two key components of the IK Program:

1. Collecting existing IK and Indigenous land and resource use information collected by communities for other purposes (e.g., community-based land use planning) that they choose to share with MFFN; and
2. Completing Project-specific IK and Indigenous Land and Resource Use Studies with interested communities.

Please note that in addition to the IK Program, the Consultation Program serves as an important avenue for collecting concerns, perspectives, community knowledge and other information relevant to the Project from Indigenous communities in the Project area.

What is a Study Area?

Study areas identify the geographic areas within which potential effects of the Project may or are likely to occur. These study areas are used to guide the assessment processes. To capture the range of potential effects, the following study areas are typically used in assessment processes:

- **Project Study Area:** area of direct disturbance (the physical area required for Project construction and operation);

- **Local Study Area:** the area where the potential direct effects of the Project (e.g., direct effects on wildlife, vegetation and surface water associated with noise and vehicle emissions) may occur; and
- **Regional Study Area:** the area where the potential indirect effects of the Project (e.g., effects to Indigenous land and resource use as a result of changes in wildlife and fish and their habitats) may occur.

Study areas are generally defined for each of the valued components that will be assessed (e.g., wildlife, vegetation, fish, water, Indigenous Peoples, etc.). The Project Study Area will be the same for all valued components, and for the MFFN Project is defined as a 100 m wide right-of-way of the road alignments (i.e., Route Alternatives 1, 4 and 4-West) and temporary infrastructure. The proposed Route Alternatives are shown in **Figure 1** (appended). The size of the local and regional study areas may differ across the valued components depending on the geographic extent needed to understand the potential effects of the Project.

Please note that as further information is received about the proposed Project (e.g., technical studies, IK, etc.), it is anticipated that there will be ongoing adjustments to where Project components will be located. This allows MFFN to move the proposed Project away from important and/or sensitive features or areas. It is anticipated changes will occur within the 5 km wide corridors detailed in the Draft Terms of Reference; however, there is the possibility that changes could occur outside of the existing corridors. For example, based on preliminary construction investigations of route Alternative 4, the Engineering Team identified a new routing alternative (currently referred to as Alternative 4-West, see **Figure 1**). This new routing could result in a shorter crossing of the Ogoki River, and would provide access to an aggregate source that could eliminate the need for an additional haul road. As adjustments are made, we will share information so that feedback is based on accurate Project locations.

What Did We Consider When Defining the Preliminary Study Areas for Aboriginal and Treaty Rights and Interests?

The selection of study areas for the Aboriginal and Treaty Rights and Interests valued component must consider the geographical area needed to accurately assess potential effects that may result from the Project. Given that this valued component is closely tied to and dependent on other valued components of the natural environment (including surface water, wildlife, vegetation, fish, and air quality), we need to first have a sense of what the study areas for these natural environment valued components are.

Table 1 below provides a summary of the preliminary study areas that have been defined for some of the key natural environment valued components identified for the Project.

It is important to note that the study areas provided in Table 1 are considered preliminary and are subject to change based on review and inputs from federal and provincial regulators and Indigenous communities.

The Local Study Areas have been defined to include a large enough area to account for the potential direct effects of the Project. For example, the Local Study Areas for fish and surface water are considered large enough to account for potential direct downstream/off-site effects. The Local Study Areas are also considered large enough to allow for potential adjustments to the road alignments to avoid sensitive features.

The Regional Study Areas have been defined to include a large enough area to account for the potential indirect effects of the Project. A Cumulative Effects Assessment study area will be developed as part of the assessment.

Most of the Regional Study Areas for the Project have been defined based on quaternary watersheds, which provide useful assessment boundaries. To help define what these are, we need to first define what watersheds are in general. **Watersheds** are defined as the area where all of the water drains to the same place. They are categorized based on their size from largest to smallest:

Primary watersheds are the largest and made up of various smaller watersheds. The three primary watershed in Ontario are the Great Lakes - St. Lawrence, Southwestern Hudson Bay, and Nelson River watersheds.

Secondary watersheds are generally large river or lake systems. There are 28 secondary watershed in Ontario (e.g., Albany River Watershed).

Tertiary watersheds range in size from 700 – 31,000 km^2. There are about 145 tertiary watersheds in Ontario (e.g., Lower Ogoki and Upper Albany Makokibatan Watersheds).

Quaternary watersheds make up tertiary watersheds. They tend to be from 50 – 200 km^2 in size but can be larger. There are over 1,000 quaternary watersheds in Ontario (e.g., Wabassi River Outlet, Gourlie Creek Outlet).

Table 1. Preliminary Study Areas for Other Key Valued Components for the Project

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Fish and Fish Habitat	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Surface Water	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas). *Surface water refers to all aboveground waters including lakes, rivers, wetlands, etc.*	Includes the quaternary watersheds crossed by the road alignment and temporary infrastructure. The Regional Study Area for Surface Water also encompasses the Regional Study Areas of other Valued Components that either affect surface water or are affected by surface water (e.g., Fish and Fish Habitat).
Vegetation	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.
Wildlife (General)	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas). *General refers to all wildlife other than wolverine, caribou and moose.*	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure. Watersheds provide a natural transition area to help identify long-range, indirect effects the project may have on wildlife surrounding the community access road.
Wildlife (Wolverine)	10 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas) given the large home range for the species.	Includes the tertiary watersheds crossed by the road alignments and temporary infrastructure. Indirect effects to wolverine are more likely to be defined by tertiary watershed boundaries due to their larger home range.

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Ungulates (moose & caribou)	MOOSE: 2.5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas). CARIBOU: 35 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	MOOSE: Coincides with wildlife management unit (WMU) 17 and part of WMU 1D (proposed route in WMU 1D with 16 km buffer). Based on the fact that moose in Ontario are managed at the WMU level. CARIBOU: Coincides with the three caribou ranges in the region (Missisa Range, Nipigon Range, and Pagwachuan Range).
Air Quality	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas), based on provincial recommendations that effects are assessed up to 5 km from an emissions source.	Not applicable since effects not expected beyond the Local Study Area.
Noise	1 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	2.5 km buffer around Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).
Physiography & Groundwater	2.5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Cultural Heritage	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	1 km buffer around the Local Study Area.

Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

Preliminary study areas have been identified based on community input received to date, best practices, and the preliminary study areas identified for the other valued components (refer to **Table 1**). These preliminary study areas are described in **Table 2** below with associated rationale, and shown in **Figure 1** (appended).

The proposed Local Study Area has been defined to include a large enough area to account for the potential direct effects of the Project. It is also considered large enough to allow for flexibility to accommodate potential changes to the road alignment options (i.e., Route Alternatives 1, 4, and 4-West) that may be required based on the results of on-going studies inputs received during the IK and Consultation Programs. The Regional Study Area has been defined to include a large enough area to account for the potential indirect effects of the Project.

As noted previously, these study areas will also inform any IK and Indigenous Land and Resource Use Studies completed for the Project. It is also important to note that while these preliminary study areas are intended to guide data collection in terms of site- or area-specific Indigenous land and resource use in the vicinity of the Project, collecting IK that is more general (e.g., habitat values important for caribou) is also an important part of the program and will become part of the assessment processes (including baseline conditions, effects assessment and identification of impact management measures).

Table 2. Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

Proposed Study Area	Geographic Extent	Rationale
Local Study Area	5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The Local Study Area allows the MFFN Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and/or land and resource use. Matching with the Local Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.
Regional Study Area	Combined area of the quaternary watersheds crossed by each of the road alignments.	The Regional Study Area allows the MFFN Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Matching with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.

Next Steps

Thank you for reviewing the Preliminary Study Areas Memo. We look forward to your comments and feedback on the proposed study areas for the Aboriginal and Treaty Rights and Interests valued component. **We respectfully request any feedback, comments, and/or supporting information or documentation on the preliminary study areas are provided by September 25, 2020.**

Comments, questions, information and feedback can be directed to the IK Program Leads:

- Bob Baxter, MFFN Advisor at [redacted]
- Larissa Mikkelsen, MFFN Advisor at [redacted]

While we recognize that many communities have been affected by COVID-19, we are committed to working with and supporting communities in participating in the Consultation and IK Programs through this time. We want to provide as much time as possible to complete any Project-specific IK and Indigenous Land and Resource Use Studies that may be undertaken as part of the IK Program. We greatly appreciate your timely feedback.

Sincerely,

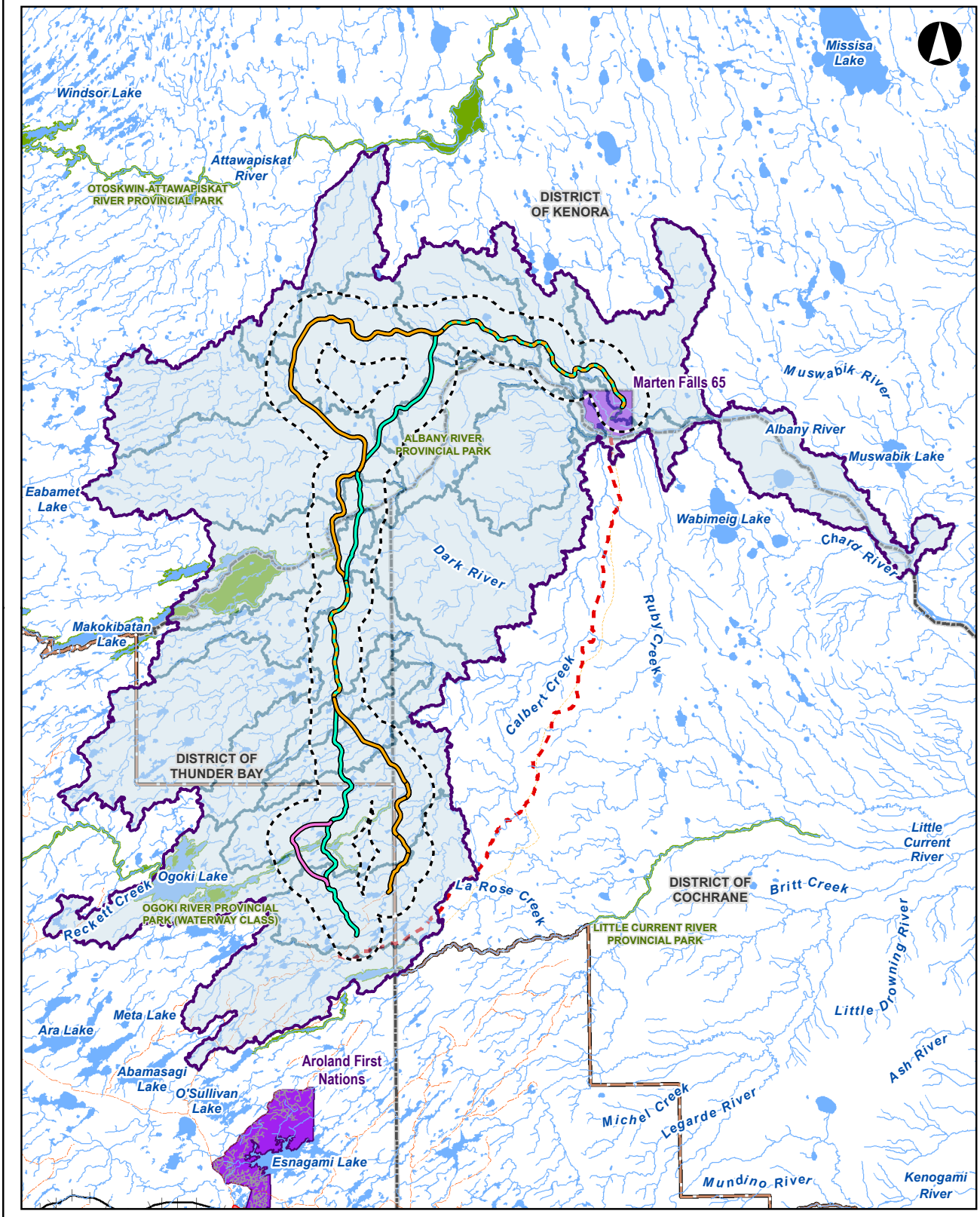
[redacted]

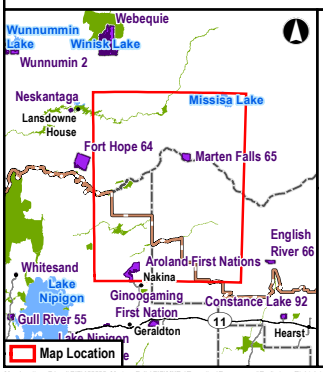
Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team





Legend

- Local Study Area
- Regional Study Area

Route Label

- Alternative 1
- Alternative 4
- Alternative 4 West
- Alternative 1 and Alternative 4

General Features

- Highway
- Local Road
- Winter Road
- Resource / Recreation Road
- Existing Winter Access Road
- Railway
- Watercourse
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Waterbody
- Quaternary Watershed
- Provincial Park

Data Sources:
Basedata - Provided by MNRF 2019; Route Infrastructure - Provided by AECOM/Dillon 2019
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DRAFT

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component

0 5 10 20 30 40
Kilometres
Datum: NAD 1983 UTM Zone 16N

Oct, 2020	1:740,000 * when printed 11"x17"	P#:188898	Rev:00

DILLON CONSULTING

Figure 1 - Revised October 2020

Appendix C

Participant Informed Consent Form

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Appendix C – Participant Informed Consent Form

The following provides an example participant informed consent form that could be used for your Indigenous Knowledge and Indigenous Land and Resource Use Study.

I _____ (name) give permission for _____ (name) to interview me on this day _____ (today's date) for the Indigenous Knowledge and Indigenous Land and Resource Use Study for the Marten Falls First Nation Community Access Road Project.

I understand that the information I provide in this interview is being collected by the Marten Falls First Nation Project Team and their representatives to help them understand:

- The environmental conditions in the area of the project, both in the past and present;
- Indigenous Knowledge that should become part of the project environmental/impact assessment processes;
- Concerns about how the project could negatively impact the natural environment (land, water and animals) and [*INSERT COMMUNITY NAME*] cultural activities and culturally important places, including places that community members use for hunting, trapping, fishing, and gathering; and
- How potential negative impacts could be avoided or reduced.

I understand that the information collected will be used to:

- Establish the baseline (historical and existing) conditions and inform studies of species and lands and how they may be affected by the project;
- Identify sites and areas that are important to [*INSERT COMMUNITY NAME*] and could potentially be negatively impacted by the project;
- Support the assessment of potential project impacts on [*INSERT COMMUNITY NAME*];
- Support the regulatory requirements for the environmental/impact assessment processes in terms of consultation and engagement;
- Inform the project route alignment (where the road will go) so that the project can be designed to avoid or reduce negative impacts wherever possible; and
- Support [*INSERT COMMUNITY NAME*] in building a database of [*INSERT COMMUNITY NAME*] Indigenous Knowledge and land and resource use information that could be used for other community purposes (with my approval to do so first).

By signing below, I understand that:

1) I give my consent to have my words and responses recorded on maps and in notes, and to using audio and video equipment only if I feel comfortable and approve here: ☐ Yes ☐ No
2) I am free to not respond to any of the questions asked and stop the interview at any point without any consequences;
3) I will retain ownership over the information I provide and any recordings made of my participation;
4) I give permission for my words and statements to be used in reports for the environmental/impact assessment processes;
5) [*INSERT COMMUNITY NAME*] may use the information I provide for defending and communicating the rights and interests of community members during regulatory and negotiation processes;
6) I can remain anonymous in that my name will be protected and will not be used in any reports that contain information from this interview;
7) I give consent to have photographs taken of me and that these may be used in study materials (e.g., the report) only if I feel comfortable and approve here: ☐ Yes ☐ No
8) The information collected (e.g., maps, tapes, reports, etc.) will be returned to [*INSERT COMMUNITY NAME*] for storage and archival, and will not be used for any other purposes without my permission or the permission of my descendants.

_____	_____	_____
Participant (Print Name)	Signature	Date
_____	_____	_____
Interviewer (Print Name)	Signature	Date

Appendix D

Guidance for Collecting Information on Community Culture & Lifestyle (Past and Present)



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Appendix D – Guidance for Collecting Information on Community Culture & Lifestyle (Past and Present)

The following questions should be used to guide and support general information gathering on community cultural and lifestyle in both the past and today. Specific questions related to the proposed Project area are contained in Appendices E and F.

1. What is the history of your community and/or what are important dates in the history of your community?

2. How would you describe the traditional way of life of your community and its members before any significant changes (e.g., European settlement, residential school system, etc.) took place in terms of:
    a. How was the land important to the community and culture?
    b. How did community members use the land and its resources each season?
    c. What was an ordinary day like for a women? For a man? For children?
    d. How was your culture (including language) shared and transmitted through the use of lands and resources?
    e. How were land use and land management decisions made? What governance system, clan system, family system, and/or traditional or natural laws were in place and guided land and resource use?

3. How has your community changed over time in terms of:
    a. Importance of the land to your community and culture today?
    b. How community members generally use the lands and resources today? Men? Women? Children?
    c. How is your culture (including language) shared and transmitted through the use of lands and resources today?
    d. What aspects of the traditional governance system (e.g., clan system, family system) and/or laws (e.g., natural laws) are still in place or are being revived in the community?

4. What historical and/or cumulative effects (e.g., dams, residential schools, day schools, reserve system, establishment of the registered trapline system, mineral development, etc.) led or contributed to these changes in the traditional way of life and culture?
    a. When did key changes take place?

The following questions aim to provide an understanding of how much food eaten today is wild versus store bought, and how much this has changed over time compared to the past for a better understanding of true baseline conditions.

5. How much of your food today (%) is from wild animals and plants (including berries) compared to store bought food?
    a. Which ones are most important?
    b. Roughly how much of each animal do you hunt/trap/fish each year today (e.g., how many moose per year)?
6. How much of your food in the past (%) was from wild animals and plants (including berries)?
    c. When was this?
    d. Which ones were most important and in what season?
    e. Roughly how much of animal did you hunt/trap/fish per year? How many plants and berries (in pounds or however you would explain it)?

Appendix E

IK/ILRU Question Guide

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Appendix E – IK/ILRU Question Guide

The following question guide should be used to support the collection of Indigenous Knowledge and information on Indigenous land and resource use relevant to the proposed Project and within the Local and Regional Study Areas. The guide begins with an example script that could be used to introduce the purpose of the interview, followed by a set of questions (general and more site-specific ones) that should be used based on the information we have been asked to provide by provincial and federal regulators.

Introductory Script

My name is [INSERT INTERVIEWER NAME] and my co-researcher is [INSERT CO-RESEARCHER NAME]. We are working on behalf of [NAME OF YOUR COMMUNITY] to gather information on your knowledge of and experience in the area of the proposed Marten Falls First Nation Community Access Project.

The Project involves the development of an all-season road to connect Marten Falls First Nation to Highway 643 to the south using the existing Painter Lake Road. The environmental assessment that is being done will look at the existing natural and human environments in the area of the proposed Project and the potential negative and positive impacts of the Project on these environments, including Indigenous people. The information you provide today will be used by [NAME OF YOUR COMMUNITY] to support the protection of important sites and areas and your culture and values.

The interview will take up to [INSERT HOW MANY HOURS THE INTERVIEW WILL BE]. We will ask you a number of questions about your knowledge, experience and land and resource use in the local and regional study areas being used to assess potential impacts on Indigenous peoples. The questions are based on the type of information we are being asked to provide for the assessment process by federal and provincial regulators. The study areas are shown on these maps where we will mark up sites you have used in the past or currently use for hunting, trapping, fishing and gathering. *[Review the maps showing the local and regional study areas so the participant gets an understanding of the areas]*.

You can decline any of the questions we ask if you would prefer not to answer. All information and files from today's session will be stored and managed by [NAME OF YOUR COMMUNITY]. We also have a consent form that explains exactly how the information you provide may be used. We would like to review it with you now. *[Review the participant consent form now and determine if the participant provides consent to be video or audio taped during the session.]*

We will begin with some general questions about your background. Then we will move into more specific questions about your knowledge and experience in the local and regional study areas, both in the past and present. We will end the session with questions about your perspectives on the potential

negative or positive impacts of the proposed Project on your Aboriginal and Treaty rights, and how any negative impacts could be avoided or reduced and any positive impacts could be enhanced. If there is anything that we don't ask you about but you think should be included in final study report, please let us know.

Once we have completed all interviews for this study, we will be taking the information collected and show it on maps like this so that the road can be designed to avoid sites and areas that should be protected. You will be provided with a copy of the map developed from the information we collect today to confirm we have documented it correctly before it is reported on.

Do you have any questions before we begin? *[Answer any questions the participant may have before beginning].*

Interview Guide

[Mark down the following as you begin the interview]

Today's date:
Time:
Location:
Participant ID #[1]:
Gender (male/female):
Interviewer:
Co-researcher/note taker:
Age Category: Under 18 ☐ Elder ☐ Other ☐

Background Information

1. What is your full name?
2. What year were your born or how old are you?
3. What languages do you speak?
    a. For any language other than English, how often do you speak it? (e.g., some of the time, most of the time, 50% of the time, etc.)

[1] *Either assign a new # to the participant or use the # that has been used for the participant in previous studies or interviews)*

Introductory Questions

The following questions are intended to give use a sense of your experience, or the experience of your family or relations, in the Local and Regional Study Areas for the proposed Project.

1. Have you ever used sites or areas within the Local or Regional Study Areas for hunting, trapping, fishing, gathering, or cultural/spiritual purposes?
    a. If yes, which activities?
    b. If no, why?
2. Have your family or other relations ever used sites of areas within the Local or Regional Study Areas for hunting, trapping, fishing, gathering, or cultural/spiritual purposes?
    a. If yes, which activities?
    b. If no, why?
3. Have you ever done any commercial trapping or fishing in the Local or Regional Study Areas?
    a. If yes, where and when?

Animal Harvesting – Hunting & Trapping

General Questions *(Could be used during workshops or focus groups)*

1. Which animals (wildlife, birds) are culturally or spiritually significant to you or your community and why?
2. Which animals are harvested and how?
3. What time of year (season) do you hunt?
    a. Trap?
4. How important are these animals to your daily life and why?
5. What do you look for or what is important when looking for sites and areas to hunt or trap these animals (e.g., certain trees, landscape features, muskeg, quiet place, etc.)?
6. Who taught you to hunt or trap these animals?
7. Do you teach others to hunt or trap these animals?

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us any places in the Local or Regional Study Area where you have killed or trapped animals?
    a. Which animals/species?
    b. When (year or decade)?
    c. Why did you harvest it (e.g., for food, for ceremony, for medicine, etc.)?
2. Do you continue to use this site for hunting or trapping?
    a. If so, how often?
    b. If not, why not?

3. Are there any key sensitive areas within the Local or Regional Study Area that you use for hunting or trapping that should be protected?

Fish Harvesting

General Questions *(Could be used during workshops or focus groups)*

8. Which fish are culturally or spiritually significant to you or your community and why?
9. Which fish are harvested and how?
10. What time of year (season) do you fish?
11. How important are these fish to your daily life and why?
12. What do you look for or what is important when looking for sites and areas to fish (e.g., water or landscape features, quiet place, etc.)?
13. Who taught you to fish?
14. Do you teach others to fish?

Site-Specific (Mapping) Questions for the Study Areas

4. Can you show us any places in the Local or Regional Study Area where you have harvested fish?
    a. Which fish/species?
    b. When (year or decade)?
    c. Why did you harvest it (e.g., for food, for ceremony, for medicine, etc.)?
5. Do you continue to use this site for fishing?
    a. If so, how often?
    b. If not, why not?
6. Are there any key sensitive areas within the Local or Regional Study Area that you use for fishing that should be protected?

Plant Harvesting

General Questions *(Could be used during workshops or focus groups)*

1. Which plants (berries, trees, moss, medicinal plants, mushrooms, other plant materials) are culturally important or significant to your community and why?
2. Which plants are picked/gathered and how?
3. How important are these plants to your daily life?
4. What do you look for or what is important when looking for sites and areas to pick/gather/collect plants (e.g., certain trees, landscape features, muskeg, quiet place, etc.)?
5. Who taught you to pick/gather these plants?
6. Do you teach others to pick/gather these plants?

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us places in the Local or Regional Study Area where you have picked/gathered plants, including berries, trees, moss, medicinal plants, mushrooms, other plant materials?
    a. Which plants?
    b. What time of year (season) and when (year or decade)?
    c. Why did you pick/gather it (e.g., for food, for ceremony, for medicine, etc.)?
2. Do you continue to use this site/area for plant picking/gathering?
    a. If so, how often?
    b. If not, why not?
3. Are there any key sensitive areas within the Local or Regional Study Area that you use for plant/berry picking that should be protected?

Cultural/Spiritual/Sacred Sites

Site-Specific (Mapping) Questions for the Study Areas

1. Do you know of any cultural sites (including gathering and ceremonial sites, teaching sites, traditional meeting place, sweat lodge, shaking tent sites, etc.) within the Local or Regional Study Area that are important to you or your community?
    a. Who uses this site?
    b. What time of year (season) and when (year or decade)?
    c. Why is this site important?
    d. Who taught you about this site?
    e. Is the site still used today?
        i. If so, how often?
        ii. If not, why not?
2. Do you know of any spiritual or sacred sites (burial places, birthing places, sites where ashes were placed, sacred rock, etc.) within the Local or Regional Study Area that are important to you or your community?
    a. Who uses this site?
    b. What time of year (season) and when (year or decade)?
    c. Why is this site important?
    d. Who taught you about this site?
3. Do you know of any sites or places within the Local or Regional Study Area that have stories, legends or special knowledge associated with them that are important to you or your community?
    a. Why is this site important?
    b. Who taught or told you about this site or place?
    c. How do you or your community members use this site (e.g., share stories, share language, teach others, etc.)?

4. Do you know of any historical sites (e.g., archaeological site, pictograph, etc.) within the Local or Regional Study Area that are important to you or your community?
    a. Why is this site important?

Traditional Names/Place Names

Site-Specific (Mapping) Questions for the Study Areas

1. Do you know of any sites or places within the Local or Regional Study Area that have traditional names or special place names in your traditional language?
    a. Do you use this site?
        i. If yes, how and when?

Habitation

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us any places within the Local or Regional Study Area that you have stayed overnight (e.g., cabin, camp, tent site)?
    a. How many times have you stayed here (once, several times, each year) and when (year or decade)?
    b. Why have you stayed here?
    c. Is this place important to you or your community?
        i. If yes, why?

Travel

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us any trails or routes within the Local or Regional Study Area that you have travelled on foot or by vehicle (quad, snowmobile) to access sites used for hunting, trapping, fishing, picking/gathering, camping, or cultural purposes?
    a. What time of year (season) and when (year or decade)?
    b. When did you first use this route and when did you last use this route?
    c. What did you use this route for (e.g., to access a hunting site, to access a spiritual site)?
2. Can you show us any routes within the Local or Regional Study Area that you have travelled along water (creeks, lakes, rivers) by boat to access sites used for hunting, trapping, fishing, picking/gathering, camping, or cultural purposes?
    a. What time of year (season) and when (year or decade)?
    b. When did you first use this route and when did you last use this route?
    c. What did you use this route for (e.g., to access a hunting site, to access a spiritual site)?

3. Do you know of any old land or water routes within the Local or Regional Study Area that used to be used by community members/your ancestors in the past?

Points of Interest

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us any points of interest (e.g., cache, dangerous area) or environmental features (e.g., esker, pond, lake, rapids, waterfall) that are important to you or your community?
    a. Why is it important?
    b. Who taught you about this site?
    c. Do you or anyone in your community use this site today?
        i. If so, how often?
        ii. If not, why not?
2. Are there any sources of water (e.g., lake, river, creek, spring, artesian well, etc.) within the Local or Regional Study Area that you use for drinking water or for water for cultural or spiritual uses?

Fish & Wildlife Use Areas

Site-Specific (Mapping) Questions for the Study Areas

7. Do you know of any specific locations or areas of good habitat or places that are important for wildlife (e.g., moose, caribou, birds), fish, or plants within the Local or Regional Study Area? These may include fish spawning areas, calving areas, mating areas, mineral licks, seasonal use areas, nesting areas, dens, etc.
8. Do you know of any routes used by wildlife or fish to migrate or move across an area within the Local or Regional Study Area?

Appendix F

Potential Impacts Question Guide



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Appendix F – Potential Impacts Question Guide

The following question guide should be used to support the collection of perspectives on the potential positive or negative impacts of the project based on the information we have been asked to provide by provincial and federal regulators.

Potential Impacts & Cumulative Effects

1. Based on your understanding of the proposed Project, do you have any concerns that the Project may impact the following, and if so how:
    a. Wildlife/animals?
    b. Fish?
    c. Plants?
    d. Cultural or spiritual sites?
    e. The natural environment, including air and water?
2. Do you think the proposed Project may impact (positively or negatively) the following, and if so how:
    a. The availability of lands and resources for Indigenous uses (e.g., hunting, trapping, etc.)?
    b. The quality of resources (animals, plants, fish etc.) available for Indigenous uses (e.g., hunting, trapping, etc.)?
    c. Access to lands and resources for Indigenous uses (e.g., hunting, trapping, etc.)?
    d. Culturally important sites and areas?
    e. Your experience of being on the land?
    f. Your ability to practice, teach and pass on your culture or language?
3. Do you think the proposed Project may have any other impacts on you or your community?
    a. If so, what and how?
4. Do you think the proposed Project may contribute to any cumulative effects that have already impacted you or your community?
    a. If so, what?

Opportunities for Mitigation and/or Enhancement

1. Do you have any suggestions for how any potential negative impacts could be avoided or minimized, and if so how?
2. Do you have any suggestions for how any potential positive impacts on your or your community could be increased or enhanced, and if so how?

Appendix G

Study Report Template



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Appendix G – Study Report Template

The following study report template could be used to support reporting for your IK/ILRU study. The template has been developed based on the information we have been asked to provide by provincial and federal regulators. The MFFN Project Team recognizes that this template may need to be customized to suit the needs of your community.

1. Introduction

This is where you can provide an introduction to your community-specific Indigenous Knowledge and Indigenous Land and Resource Use (IK/ILRU) Study.

1.1 Project Description

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki Rivers, approximately 430 kilometres (km) northeast of Thunder Bay, Ontario. The MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season Community Access Road (the Project). The Project will connect MFFN to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road.

1.2 Regulatory Requirements

The information contained in this report will be governed by the IK Sharing Agreement and will help to inform the Provincial Environmental Assessment as outlined in the Approved Terms of Reference (ToR) and the Federal Impact Assessment as outlined in the Tailored Impact Statement Guidelines (the assessment processes). The assessment processes will assess both the potential Project effects and benefits and will inform Project planning and design.

2. Study Methodology

2.1 Literature Review

There is where you can include a description of a literature review that was completed for the IK/ILRU Study if applicable (include in references list in Section 10).

2.2 Temporal and Spatial Boundaries

This is where you can describe the temporal and spatial boundaries that your community used for your IK/ILRU Study if different than what is presented below. If your community uses different temporal and spatial boundaries, please provide the rationale.

2.2.1 Temporal Boundaries

The following time periods were used to guide baseline information collection:

- **Past Use**: Land and resource use after 1947 (when the registered trapline system in Ontario was implemented) up to 2008 (when the landscape and local economy really started to change as a result of mineral discoveries).
- **Current Use**: Land and resource use from 2008 up to present day and into the reasonably foreseeable future.

2.2.2 Spatial Boundaries

The spatial boundaries for the IK/ILRU study were defined as:

- **Local Study Area:** 5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).
- **Regional Study Area:** Combined area of the quaternary watersheds crossed by each of the Route Alternatives.

2.3 Data Collection Approach

2.3.1 Previously Collected Data

Description of existing data that is relevant to the Project including maps/shapefiles. Please see IK Guidance Document for further information.

2.3.2 Participant Selection

*Please include a description of how participants were selected considering GBA+ requirements and if and how different genders and age groups were factored into the selection of participants. Please see **Section 6.1** of the IK Guidance Document for further information.*

2.3.3 Data Collection

Please include a description of how data was collected (e.g., interviews, workshops, focus groups, etc.). Please see IK Guidance Document for further information.

2.4 Data Validation

Please include a brief description on how data and information was validated. Please see IK Guidance Document for further information.

3. [INSERT FIRST NATION] Lands

This where we are asking you to provide information on your First Nation lands that includes but is not limited to:

- *Traditional Territory including a description and map if applicable*
- *Treaty Lands including information on your First Nation's unique Treaty history*
- *Reserve Lands including a description and map*
- *Specific and Comprehensive Land Claims*

4. Community Culture and Lifestyle - Past and Present

This where we are asking you to provide information that was collected from the questions found in ***Appendix D – Guidance for Collecting Information on Community Culture and Lifestyle (Past and Present).*** *Including but not limited to:*

- *History of your community*
- *Important historical dates within your community*
- *Description of your traditional way of life*
- *Importance of land to the community and culture*
- *Description of seasonal land and resources use*
- *Description of an ordinary day for women, men, Elders, children, others*
- *Important cultural traditions and how they are taught and handed down*
- *Governance systems and traditional laws related to land use and management*
- *Changes over time within your community in terms of cultural practices, traditional governance, etc.*
- *What specific events or changes (e.g., dams, residential schools, day schools, reserve system, establishment of the registered trap line system, etc.) led or contributed to these changes in the traditional way of life and culture?*

- *Important legends or stories that are significant and help explain your community's culture (including ties to the land and resources*
- *Wild vs. Store Bought Foods (% from wild animals and plants compared to store bought food in the past versus present, etc.)*

5. IK/LRU Baseline Information

This where we are asking you to provide information that was collected from the questions found in ***Appendix E – IK/ILRU Question Guide****. The following sub-headings are based on the categories in the IK Guidance Document and on the need to collect both general (non-site specific information) and site specific information and are intended for guidance only. We recognize that you may prefer to organize your information differently.*

5.1 Animal Harvesting – Hunting & Trapping

5.1.1 Non Site-specific Information and Indigenous Knowledge

- *May include information on: animals that are of cultural importance, general habitat needs of certain animals, how harvested animals are prepared and what they are used for (e.g., food, ceremonial purposes, etc.), observations of how animal populations have changed in terms of numbers of areas used, etc.*

5.1.2 Information Specific to the Study Areas

- *Includes locations of Indigenous land and resource use within the Local or Regional Study Areas*
- *Includes locations of important environmental values (e.g., moose winter use areas, fish spawning areas, etc.) within the Local or Regional Study Areas*
- *Includes mapping of documented uses and values with any buffers for sensitive information as appropriate/where required*

5.2 Fish Harvesting (Fish and Fish Habitat)

5.2.1 Non Site-specific Information and Indigenous Knowledge

5.2.2 Information Specific to the Study Areas

5.3 Plant Harvesting (Vegetation)

5.3.1 Non Site-specific Information and Indigenous Knowledge

5.3.2 Information Specific to the Study Areas

5.4 Cultural/Spiritual/Sacred Sites

5.4.1 Non Site-specific Information and Indigenous Knowledge

5.4.2 Information Specific to the Study Areas

5.5 Traditional Names/Place Names

5.5.1 Non Site-specific Information and Indigenous Knowledge

5.5.2 Information Specific to the Study Areas

5.6 Habitation

5.6.1 Non Site-specific Information and Indigenous Knowledge

5.6.2 Information Specific to the Study Areas

5.7 Travel

5.7.1 Non Site-specific Information and Indigenous Knowledge

5.7.2 Information Specific to the Study Areas

5.8 Points Interest

5.8.1 Non Site-specific Information and Indigenous Knowledge

5.8.2 Information Specific to the Study Areas

5.9 Fish and Wildlife Use Area

5.9.1 Non Site-specific Information and Indigenous Knowledge

5.9.2 Information Specific to the Study Areas

6. Potential Project-Related Impacts

*This where we are asking you to provide information that was collected from the questions found in **Appendix F – Potential Impacts Question Guide**. This information can be described quantitatively or qualitatively. Information on impacts and or/ changes, both positive and negative, can include but is not limited to:*

- *Sites and areas (ha) used for traditional activities (hunting, trapping, fishing, gathering)*
- *Availability of lands and resources for traditional activities*
- *Quality of resources for traditional activities*
- *Access to lands and resources for traditional activities*
- *Loss of or change to culturally important sites and areas (e.g., ceremonial sites, sacred areas, place names, teaching sites)*
- *Sufficiency of lands and resources for cultural practices*
- *Experience of being on the land*
- *Changes to cultural traditions*

7. Recommendations

This is where we are asking you to provide any preliminary recommendations or mitigation measures, and/or any other additional comments you would like to provide the MFFN Project Team to consider.

8. Summary of Impacts and Recommendations

This is where you can provide a summary of preliminary potential impacts and recommendations (e.g. mitigation measures) your community would like to highlight or raise with the MFFN Project Team.

Project Component	Potential Impacts to Environmental Resources	Potential Impacts to XX First Nation	Recommendations

9. Closure

This is where you could provide any other closing remarks your community would like to make.

10. References

Please include a list of references used in your IK/ILRU Study.

B1.4 Indigenous Knowledge Factsheet



B1.4.1 Indigenous Knowledge Factsheet - English

Indigenous Knowledge Program Fact Sheet

What is the Indigenous Knowledge (IK) Program?

The Program aims to collect Indigenous Knowledge (IK) relevant to the MFFN Community Access Road Project. This includes information on Indigenous land and resource use and important cultural values in and around the Project area. The information shared with the MFFN Project Team will be used in the assessment processes for the Project. The key objectives of the IK Program are to:

- Identify areas where Indigenous land uses (hunting, trapping, fishing, gathering), important resources (e.g., moose, water, etc.), and/or important values (e.g., sharing of your culture) could be impacted by the proposed Project (the road);
- Understand community views about the potential positive or negative impacts of the Project on land and resource use and important values;
- Work with communities to avoid or mitigate (reduce) the potential negative impacts of the Project; and
- Work with communities to maximize the potential positive impacts.





How will information be collected and shared?

The Program involves two key ways for information gathering and sharing:

- Existing and relevant IK and land and resource use information previously collected by communities (e.g., for community-based land use planning) can be shared; and/or
- A Project-specific Study can be completed to collect relevant IK and information on Indigenous land and resource use in and around the Project area.

The MFFN Project Team has developed an IK Program Guidance Document that contains tools and resources to support communities in collecting and sharing this important information. It has been designed to meet the requirements of the assessment processes. The document was shared with communities in early November 2020.



How will the information we share be protected?

The MFFN Project Team will work with communities to develop IK Sharing Agreements before any sensitive information is shared. The Agreement will outline how confidential or sensitive information will be stored, protected, accessed, and used in the assessment processes.

How will the information be used in the impact assessment process?

The information collected will be used to:

- Support our understanding of existing environmental conditions in and around the Project area;
- Identify the impacts of the Project on lands, resources, and people;
- Guide how impacts on lands, resources, and people will be assessed;
- Help identify ways to avoid or reduce any negative impacts and improve any benefits; and
- Help identify monitoring programs.

Where can we get more information on the IK Program?

Please see the MFFN Community Access Road Project website at http://www.martenfallsaccessroad.ca/ or contact the Project Team directly at **1-800-764-9114** or **info@martenfallsaccessroad.ca**.

B1.4.2 Indigenous Knowledge Factsheet - Ojibway



·Δᵒ⊂Lϙ Lᓯᓇ⊿bᵒ - ᐊᓂᔑᓇV Pϙᵒ⊂L ᐊᓄP·Δᵒ

·∇ժᓄᵒ ᐅᐅ·∇ (IK) ᐊᓂᔑᓇV Pϙᵒ⊂L ᐊᓄP·Δᵒ?

PΔ·ᓇՐbU ՐL·ᐊᒋՐbUPᵒ ᐊᓂᔑᓇV Pϙᵒ⊂L·Δᓇᵒ (IK) Րᔑᐊ<⊂Pᵒ ᐊժP ᐊᓂᔑᓇV ⊂ᔑϙ·Δᓂᵇ ᑲ·ΔΔᓇ⊣ՐbUᓂᵇ ᐅ⊂ᔑϙ·Δᓂ·ᐊ. ⊂PPᓂbU·ᐊᵒ ᑲ·ᐊ·Δᵒ∪Pᵒ ᐊᓂᔑᓇVᵇ bPΛᓇ<ᒋᑐ·ᐊᵇ ᐊPᓂ bϟ bPΛ bPᒋᓇ<ᒋᑐ·ᐊᑊ ᐊPᓂ ∪Ո< ϙᓂᔑΛL⊿bUᵇ ᒥbᓇϙ·Δᵒ. ᐅ⊿·∇ ·Δᵒ⊂Lϙ·Δᓇᵒ ⊂Δᔑᐊ<⊂⊿ᵒ ᐊ⊿P·Δᓂᵇ ᒣᑲ ᐊᓂΛᒥ ᓇᓇbᒋᒋbUᵇ ᐊ⊿P·Δᵒ. ᒥ⊂ᵐ ∇ᑐᒋbUᵇ ᐅᐅ·∇ ᐊ⊿P·Δᵒ:

- ᓇᓇ·⊂<ᒋbU·ᐊᵒ bPΛᓇ<ᒋᑐ·ᐊᑊ ᐊPᓂ (ᓇᓇᵒ⊂·∇ᒋϙ·ᐊᑊ, ·ᐊᓂΔϙ·ᐊᑊ, Pժϙ·ᐊᑊ, L·ᐊᒋᒋϙ·ᐊᑊ), ϙժᓇᵒ bPᐅᵒՈᓇ⊣·ᐊᑊ, bP⊂ᔑᒍᓯϙ·ᐊᑊ, ᓂΛᓂ, bϟ ժ⊂Pᔭᵒ) bϟ bP Pᒋᐊ<ᒋᑐ·ᐊᑊ (ᑭ·ΔᵒᒋbUᵇ P⊂ᓂᔑᓇV·Δᵒ) ᐊᓂᵒ ϘᑐCժᔭᵒ L⊂⊿bUᵇ ᒥbᓇϙ·Δ ᐊ⊿P·Δᵒ;
- ᒋPϙᵒᒋbUPᵒ ⊂ᔑϙ·Δᓂᵇ b⊂·ᐊᑊ bΔᓄᵒ⊂⊣·ᐊᑊ ϘΔᔑLᔑᔪΔժ·ᐊᑊ bϟ ᒥ⊿ᔪΔժ·ᐊᑊ ᐅ⊂Pᒥ·ᐊᵇ bPΛᐅᵒ⊂Ոᓯ·ᐊᑊ;
- ⊂·Δ⊂⊿PL·ᐊᵇ ⊂ᔑϙ·Δᓇᵒ b⊂·ᐊᑊ ᑭᓇb⊿bUᵇ ϘL ᑭᓂᓯb⊿bUᵇ Lᔑᔪᐊ·Δᵒ ᒋᔑᔪᓯ·b ᐊ⊿P·Δᓂᵇ; bϟ
- ⊂·Δ⊂⊿PL·ᐊᵇ ⊂ᔑϙ·Δᓇᵒ b⊂·ᐊᑊ ᒋᐅᵒᒋᔪᵇ ᓂΛ·ᐊ ᒥ⊿ᔪ·Δᵒ.





ᐊᓂᵒ ᐅᐅ·∇ ·Δᵒ⊂Lϙ·Δᵒ ϘᔑL·ᐊᒋՐbUᵇ bϟ <<PՈᓂbUᵇ?

ᓂ·ᑐᵇ ⊂Δᓇ⊿bUᵇ Lϟ ᒋᓇ<⊂ᵇ ·Δᵒ⊂Lϙ L·ᐊᵒᑐᓂϘ·Δᵒ bϟ <<PՈᓂbUᵇ:

- ⊂P<PՈᓂbU·ᐊᵒ bϟPᵒ bϟ ϘP⊲<⊂Pᵒ ᐊᓂᔑᓇV Pϙᵒ⊂L ·Δᵒ⊂Lϙ·Δᓇᵒ bPL·ᐊᒋՐbUP<ᓂᵒ ⊂ᔑϙ·Δᓂᵇ (⊂Λᵐժ bPΔᔑᐊ<⊂P<ᵒ ⊂ᔑϙ·Δᓂᵇ ᐊP ϘΔᓇ<⊂ᵇ ᐅᓇᒋϙ·Δᵒ; ϘL bϟ
- bP PPᓇ·ᐊ<ᒋbUᵇ Ϙᐊ⊿bUᵇ ᓇᓇᑐPϘᒋϙ·Δᵒ ⊂Pᐅᒋ Pᔕ⊿bU ᒥL·ᐊᒋՐbUᵇ Ϙᐊ<⊂ᵇ ᐊᓂᔑᓇV Pϙᵒ⊂L·Δᵒ bϟ bᐅᵒᒋΛLᒋᐅ·ᐊϘ·ᐊᑊ ᐅ⊂Pᒥ·ᐊ Vᓴ bΔ·ᔑ ΛL⊿bUᵇ ᒥbᓇϙ·Δᵒ.

ᐊᑯᑭ ᑕᔑᑫ·ᐃᓂᒃ ᐊᓄᑭ·ᐃᓐ ᑲᑭᐅᓇᑐ·ᐊᒡ ᐊᓂᔑᓇᐯ ᑭᑫᓐᑕᒪ·ᐃ ᑭᑭᓄᐃᑫ ᒪᓯᓇᐃᑲᓂ ᐅᔑᐱᐃᑲᒐ·ᐊᓐ ᐊᐸᒋᑕᑲᓇᓐ ᒋ·ᐃᑐᑭᑫᒪᑲᑭᓐ ᑕᔑᑫ·ᐃᓇᓐ ᒋᒪ·ᐊᒋᑐ·ᐊᒡ ᑲᔪ ᒋᐸᑭᑎᓇᒧ·ᐊᒡ ᑲᑭᒋᓄᑕ·ᑲᑭᓐ ·ᐃᓐᑕᒪᑫ·ᐃᓇᓐ. ᑭᐃᓇᒋᑲᒐ ᒋ·ᐃᑐᑭᑫᒪᑲᒃ ᑲᐃᔑᐊᓐᑕ·ᐁᑕ·ᑲᒃ ᓇᓇᑲᒋᒋᑫ·ᐃᓂᒃ. ᐅᐅ·ᐁ ᒪᓯᓇᐃᑲᓐ ᑭᐊᔭᑭᓄ ᐸᑭᑎᓂᑲᒐᐸᓐ ᑕᔑᑫ·ᐃᓇᓐ ᑲᓐᑲᑎᓄᑭᓯᔅ 2020.



ᐊᓂᓐ ᑫᐃᔑᑲᓇ·ᐁᒋᑲᒐᒃ ·ᐃᓐᑕᒪᑫ·ᐃᓐ ᑲᐸᑭᑎᓇᒪᒃ?

ᐊᑯᑭ ᑕᔑᑫ·ᐃᓂᒃ ᐊᓄᑭ·ᐃᓐ ·ᐃᑕᓄᑭᒥ·ᐁ·ᐊᒃ ᑕᔑᑫ·ᐃᓇᓐ ᒋᐅᓇᒋᑲᒐᒃ ᐊᓂᔑᓇᐯᒃ ᑭᑫᓐᑕᒪ·ᐃᓐ ᑲᑭᐅᓇᒋᑲᒐᑭᓐ ᓇᑯᒥᑎ·ᐃᓇᓐ ᒋ·ᐸ ᐊᓂᐸᑭᑎᓂᑲᒐᑭᓐ. ᐅᐅ·ᐁ ᓇᑯᒥᑎ·ᐃᓐ ᑕ·ᐃᓐᒋᑫᒪᑲᓐ ᐊᓂᓐ ᑲᐊᔭ·ᑲᒥᑲᓇᒋᑲᒐᑭᓐ ᑎᐸᒋᒧ·ᐃᓇᓐ ᑫᔑ ᑲᓇ·ᐁᓐᑕ·ᑲᑭᓐ, ᑫᑐᒋᑲᒐᐠ ᒋᓇᓇᑲᒋᒋᑲᒐᒃ ᑲᔪ ᑫᐃᓇᐸᒋᒋᑲᒐᑭᓐ ᓇᓇᑐᑭᑫᓐᒋᑫ·ᐃᓂᒃ.

ᐊᓂᓐ ᑫᐃᓇᐸᑕᒃ ·ᐃᓐᑕᒪᑫ·ᐃᓐ ᑫᑐᒋᑫᒪᑲᒃ ᐊᓄᑭ·ᐃᓐ ᓇᓇᑐᑭᑫᓐᒋᑫ·ᐃᓂᒃ?

ᐅᓄ·ᐁ ·ᐃᓐᑕᒪᑫ·ᐃᓇᓐ ᑫᒪ·ᐊᒋᒋᑲᒐᑭᓐ ᑕᐱᓇᐸᒋᒋᑲᒐ·ᐊᓐ:

- ᑕ·ᐃᒋᒋᑫᒪᑲᓐ ᑲᐃᔑᓂᓯᑕ·ᐁᑕᒪᒃ ᑲᐃᔑᓇ·ᑲᒃ ᐊᑭ ᒐᑎᐸᐃ ᑲ·ᐃᔑᐱᒪᓄᑲᒐᒃ ᒥᑲᓇᑫ·ᐃᓐ;
- ᑕᓇᓇᑐᑭᑫᓐᒋᑲᒐ·ᐊᓐ ᑫᑐᒋᑫᒪᑲᒃ ᐊᓄᑭ·ᐃᓐ ᐊᑭᑲᒃ, ᐊᑭᒃ ᑲᔭᑭᓐ ᑲᔪ ᐊᓂᔑᓇᐯᒃ;
- ᑕᑭᑭᓇ·ᐊᒋᒋᑫᒪᑲᓐ ᑫᔑᐱᒥ ᓇᓇᓐᑐᑭᑫᒋᑲᒐᒃ ᑫᑐᒋᑫᒪᑲᒃ ᐊᑭᑲᒃ, ᐊᑭᒃ ᑲᔭᑭᓐ ᑲᔪ ᐊᓂᔑᓇᐯᒃ;
- ᑕᓇᓇᓐᑐᑭᑫᒋᑲᒐ ᒋᓇᑲᓂᑲᒐᒃ ᑫᒪ ᒋᓂᓯᓂᑲᒐᒃ ᒪᔑᔫ·ᐃᓐ ᑲᔪ ᒋ·ᐃᑐᑭᑲᒐᑭᓐ ᑫᒥᓄᔫᐃ·ᐁᒪᑲᑭᓐ; ᑲᔪ
- ᑕᐃ·ᑐᑭᑫᒪᑲᓐ ᒋᓇᓇᑲᑕ·ᐊᐸᒋᑫᒪᑲᑭᓐ ᐊᓄᑭ·ᐃᓇᓐ.

ᐊᓐᑎ ᐊ·ᐊᔑᒣ ᑫᑭᐅᓐᒋ ᑭᑫᑕᒪᐸᓐ ᐅᐅ·ᐁ IK ᐊᓄᑭ·ᐃᓐ?

ᐃᓇᐱᓐ ᐊᑯᑭ ᑕᔑᑫ·ᐃᓂᒃ ᒥᑲᓇᑫ·ᐃ ᐊᓄᑭ·ᐃᓐ ᒪᒪᑲᑕᐱᑯᒃ ᐅᐅᒪ http://www.martenfallsaccessroad.ca/ ᑫᒪ ᑲᓄᓂᒃ ᐊᓄᑭ·ᐃᓐ ᑲᐸᒥᓇᒧ·ᐊᒡ ᐅᐅᒪ **1-800-764-9114** ᑫᒪ ᐅᐅᒪ **info@martenfallsaccessroad.ca**.

B1.4.3 Indigenous Knowledge Factsheet - Oji-Cree



ᐃᐧᑕᒪᑫᐃᐧ ᐯᐸᐣ - ᐊᓂᔑᓂᓂᐃᐧ ᑭᑫᑕᒪᐃᐧ ᐊᓄᑭᐃᐧᐣ

ᑫᑯᓇᐣ ᐅᐁᐧ (IK) ᐊᓂᔑᓂᓂᐃᐧ ᑭᑫᑕᒪᐃᐧ ᐊᓄᑭᐃᐧᐣ?

ᐊᓄᑭᐃᐧᐣ ᐃᓇᐧᑌ ᒋᒪᐊᐧᑐᓂᑲᑌᑭᐣ ᐊᓂᔑᓂᓂᐃᐧ ᑭᑫᑕᒪᐃᐧᓇᐣ (IK) ᒋᔑᐊᐸᑕᑭᐣ ᐊᑯᑭ ᐊᓂᔑᓂᓂᐃᐧ ᑕᓇᐱᐃᓂᐠ ᑲᐃᐧᔭᓄᑲᑌᓂᐠ ᒥᑲᓇᓂ ᐅᑕᓇᐱᐃᐧᓂᐊᐧᐠ. ᑕᐊᔑᑎᓂᑲᑌᐊᐧᐣ ᑲᐊᐧᐃᐧᒋᑲᑌᑭᐣ ᐊᓂᔑᓂᓂᐊᐧᐠ ᑲᑭᐱᓇᐸᒋᑐᐊᐧᐨ ᐊᐦᑭᓂ ᒥᓇ ᑲᑭᐱᔑᑲᑭᑕᐸᒋᑐᐊᐧᐨ ᐊᐦᑭᓂ ᐃᒪ ᐊᐧᑲᐦᐃ ᑲᐃᐧᔑᐱᒪᓄᑲᑌᐠ ᒥᑲᓇᑫᐃᐧᐣ. ᐅᓇᐧᓂᐊᐧᐣ ᐃᐧᑕᒪᑫᐃᐧᓇᐣ ᐅᑲᐃᔑᐊᐸᒋᑐᓇᐊᐧ ᐊᓄᑭᐃᐧᓂᐠ ᐊᐱ ᐊᓂᐱᒥ ᓇᓇᑲᒋᒋᑲᑌᐠ ᐊᓄᑭᐃᐧᐣ. ᐊᒥ ᐁᓇᓄᑲᑌᐠ ᐅᐁᐧ ᐊᓄᑭᐃᐧᐣ:





- ᓇᓇᑐᓂᑲᑌᐊᐧᐣ ᑲᑭᐱᔑ ᐊᐸᒋᑐᐊᐧᐨ ᐊᐦᑭᓂ (ᓇᓇᑕᐁᐧᒋᑫᐊᐧᐨ, ᐊᐧᓂᐦᐃᑫᐊᐧᐨ, ᐸᑭᑕᐦᐁᐊᐧᐨ, ᒪᐊᐧᑐᓂᑫᐊᐧᐨ), ᑭᒋᑫᑯᓇᐣ ᑲᑭᐅᑎᓇᒧᐊᐧᐨ, ᑲᑭᑕᔑᒧᓱᑫᐊᐧᐨ, ᓂᐱᓂ, ᒥᓇ ᑯᑕᑭᔭᐣ) ᒥᓇ ᑲᑭᐱᑭᑕᐸᒋᑐᐊᐧᐨ (ᒋᐃᐧᒋᑲᑌᐠ ᑲᐊᓂᔑᓂᓂᐃᐧᔭᐣ) ᐊᓂᐣ ᑫᐃᐸᓂᐦᐃᑯᔭᐣ ᑲᐃᐧᒪᒋᒋᑲᑌᐠ ᒥᑲᓇᑫᐃᐧ ᐊᓄᑭᐃᐧᐣ;
- ᒋᐅᒋ ᓂᓯᑕᐁᐧᒋᑲᑌᓂᐠ ᑕᓇᐱᐧᐃᓂᐠ ᑲᑲᐯᔑᐊᐧᐨ ᑲᐃᓇᑕᒧᐊᐧᐨ ᑫᐃᔑᔭᓂᒥᓴᐦᐃᑯᐊᐧᐨ ᒥᓇ ᒥᓄᓴᐦᐃᑯᐊᐧᐨ ᐅᑕᑭᒥᐊᐧᐠ ᑲᑭᐱᔑᑭᑕᐸᒋᑐᐊᐧᐨ;
- ᑕᐃᐧᑕᓄᑭᒪᐊᐧᐠ ᑕᓇᐱᐃᐧᓇᐣ ᑲᑲᐯᔑᐊᐧᐨ ᒋᓇᑲᓂᑲᑌᐠ ᓇᐣᑕ ᒋᐊᒋᐃᐧᓂᑲᑌᐠ ᐁᑲ ᒋᔭᓂᒥᓴᐦᐃᑯᐊᐧᐨ ᐊᓄᑭᐃᐧᓂ; ᒥᓇ
- ᑕᐃᐧᑕᓄᑭᒪᐊᐧᐠ ᑕᓇᐱᐃᐧᓇᐣ ᑲᑲᐯᔑᐊᐧᐨ ᒋᐅᑎᓂᑲᑌᐠ ᒥᐢᑕᐦᐃ ᒥᓄᓴᐃᐧᐣ.

ᐊᓂᐣ ᐅᐁᐧ ᐃᐧᑕᒪᑫᐃᐧᐣ ᑫᔑᒪᐊᐧᑐᓂᑲᑌᐠ ᒥᓇ ᐸᐸᑭᑎᓂᑲᑌᐠ?

ᐅᐁᐧ ᐊᓄᑭᐃᐧᐣ ᓂᒐᐧᐠ ᒪᔭᑦ ᑐᒋᑲᑌ ᐃᐧᑕᒪᑫᐃᐧᐣ ᒪᐊᑐᓂᑲᑌᐠ ᒥᓇ ᐸᐸᑭᑎᓂᑲᑌᐠ:

- ᑕᑭᐸᑭᑎᓂᑲᑌᐊᐧᐣ ᑲᑕᑲᐧᑭᐣ ᒥᓇ ᑫᑭᐊᐸᑕᑭᐣ ᐊᓂᔑᓂᓂᐃᐧ ᑭᑫᑕᒪᐃᐧ ᐃᐧᑕᒪᑫᐃᐧᓇᐣ ᑲᑭᒪᐊᐧᑐᓂᑲᑌᑲᐧᐸᐣ ᑕᓇᐱᐃᐧᓂᐠ (ᑐᑲᐣ ᑲᑭᐃᔑᐊᐸᑕᑲᐧᐸᐣ ᑕᓇᐱᐃᐧᓂᐠ ᐊᐦᑭ ᑫᐃᓇᐸᑕᐠ ᐅᓇᒋᑫᐃᐧᐣ; ᓇᐣᑕ ᒥᓇ
- ᑲᑭᐅᓇᐸᒋᑲᑌᐠ ᑫᔭᓄᑲᑌᐠ ᓇᓇᑕᐃᐧᑭᑫᒋᑫᐃᐧᐣ ᑕᑭᐅᒋ ᑭᔑᐊᓄᑲᑌ ᒋᒪᐊᐧᑐᓂᑲᑌᐠ ᑫᐊᐸᑕᐠ ᐊᓂᔑᓂᓂᐃᐧ ᑭᑫᑕᒪᐃᐧᐣ ᒥᓇ ᑲᐃᓇᐸᒋᑐᐊᐧᐨ ᐅᑕᑭᒥᐊᐧ ᐃᒪ ᑲᐃᐧᔑᐱᒪᓄᑲᑌᐠ ᒥᑲᓇᑫᐃᐧᐣ.

ᐊᑯᑭ ᑕᓇᐱᐃᓂᓂᑊ ᐊᓄᑭᐃᓐᑐ ᐅᑭᐅᓇᑐᓇᐊᓫ ᐊᓂᔑᓂᓂᐃᓫ ᑭ9ᑕᒪᐃᓫ ᑭᑭᓄᐃ9 ᒪᓱᓇᐤᐃᑲᓂ ᒪᓱᓇᐤᐃᑲᑌᐊᓫᐣ ᐊᐸᒋᒋᑲᓇᐣ ᒋᐃᓫᒋᐱᐃᓇᐣ ᑭᒪᐊᓫᑐᐃᓇᐊᓫᐦ ᑭᐃᓫᒋᑌᑭᐣ ᐊᓫᐸᑭᑭᐃᓫᐣ. ᑭᐱᔑᒋᑌᑌ ᒋᐃᓫᒋᐤᐃᑲᐣ ᑭᐱᓫᐣ ᐸᑭᑎᓇᒪᐊᓫᐦ ᑕᓇᐱᐃᓇᐣ ᑌᖏᑲᑌᐣ ᐃᓫᑕᒪ9ᐃᓇᐣ. ᑭᐱᔑᒋᑌᑌ ᒋᐃᓫᒋᐤᐃᑲᐣ

B1.4.4 Indigenous Knowledge Factsheet - Cree



ᒪᓯᓇᐃᑲᑉ ᑲ ᐃᔑ ᒪᓯᓇᑌᑭ ᑫᑲᓇ ᐃᓂᓂᐊᐠ ᐅᑭᕃᓂᑕᒧᐧᐃᓂᐊᐧᐊ ᐊᑐᕃᑫᐧᐃᑉ

ᑫᑲᑉ ᐅᒪ ᐃᓂᓂᐧᐃ ᑭᕃᑫᓂᑕᒧᐧᐃ ᐊᑐᕃᑫᐧᐃᑉ?

ᐅᒪ ᐊᑐᕃᑫᐧᐃᑉ ᒪᐧᐊᑐᓂᖏᑌᐧᐊ ᐃᓂᓂᐧᐊᐠ ᑲ ᐃᔑ ᑭᕃᑫᓂᑕᑭᐠ ᑫᖏᓇ ᐅᒪ ᐅᑭ ᐊᑐᕃᑫᐧᐃᑉ ᒣᕃᓇᐤ ᑲ ᐧᐃ ᐅᔑᑕᓂᐧᐊᐠ ᑕᐱᐧᑯᒻ ᑭᑭ ᐃᑎᑕᖏᑭ ᑲ ᐃᐧᑌᐠ ᐃᓂᓂᐧᐊᐠ ᐊᓂᑭ ᑲ ᐊᐧᐸᑎᓯᖏᑕᑭᐠ ᒣᕃᓇᓂᐤᓯᐧᐃᓂᐤ ᐅᑕ ᐃᓂᓂᐧᐊᐠ ᑲ ᐃᐧᑌᐠ ᐊᕃᐠ ᐃᑌᕃ ᖴᕃᑫᓂᐧᐊᐠ ᐊᕃᐠ ᑲ ᐅᑎᓂᖏᑌᑭᐠ ᐃᑕᕃᖏᓯᐧᐃᓂᐤ ᑲ ᑭᑌᓂᑕᖏᑭ ᐧᐊᕃᖏ ᐊᐠᑕ ᕃᐃᑫᐧᐃᑉ ᐃᑌᕃ ᑲ ᐅᑎᓂᖏᑌᑭᐠ ᐊᑐᕃᑫᐧᐃᑉ ᐊᑐᕃᑫᓂᐧᐊᐠᐤ ᐊᓂᑭ ᐃᓂᓂᐧᐊᐠ ᐊᖏᐠ ᑲ ᐅᑎᓂᖏᑌᑭᐠ ᐊᕃᐠ ᑲ ᐅᑎᓂᖏᑌᑭᐠ ᐃᑕᕃᖏᓯᐧᐃᓂᐤ ᐊᕃᐠ ᐃᑌᕃ ᑲ ᑭᑌᓂᑕᖏᑭ ᐧᐊᕃᖏ ᐃᑌᕃ ᑲ ᑭᑌᓂᑕᖏᑭ ᐃᑕᕃᖏᓯᐧᐃᓂᐤ ᐊᖏ

ᑕᐣᑌ ᑫ ᑭ ᐅᑎᓂᑲᑌᑭ ᑲ ᑭᒪ·ᐊᑐᓂᑲᑌᑭ ᑭᐢᑫᓂᑕᒥᐃ·ᐁ·ᐃᓇ?

ᐅᒪ ᐊᑐᐢᑫ·ᐃᐣ ᓂ·ᔕᓴᑭᓇ·ᑲ·ᓇ ·ᐃᑕᒪᑫ·ᐃᓇ ᐅᒪ ᑲᐸᑭᑎᓂᑲᑌᐠ:

- ᑲ ᐃᑕ·ᑲᑭ ᑲᑭᒪ·ᐊᑐᓂᑲᑌᑭ ᓇᓇᑕ·ᐃ ᑭᐢᑫᓂᑕᒧ·ᐃᓇ ᐊᐢᑭᐠ ᐃᑌᑫ ᐅᑕᓇᐠ ᑲ ᑭ ᐯᒋ ᒪᓯᓇᐃᑲᑌ·ᑲᐸᐣ ᐃᓂᓂ·ᐊᐠ ᑲ ᑭ ᐃ·ᑌ·ᐊᐢᐸᐣ ᑲ·ᐊ·ᐁᓇᐢᑕ·ᐊᐢᐸᐣ ᐅᑕᐢᑭ·ᐊ·ᐊx
- ᐅᒪ ᐅᒋ ᐊᑐᐢᑫ·ᐃᐣ ᑲ ᑭ ᓇᓇᑕ·ᐃ ᑭᐢᑫᓂᒋᑲᑌᐠ ᑫ ᐃᑭᐠ ᐃᓂᓂ·ᐊᐠ ᒪᑲ ᑲᑭ ᐸᑭᑎᓇᑭᐠ ᑲ ᐃᔑ ᓇᑲᒋᑕᒋᐠ ᐊᐢᑭᓂᐤ ᓇᐢᑕ ᑫ·ᑲᓇ ᑲ ᐅᒋᐱᒪᑎᓯ·ᐊᑫᒋᐠ ᐊᐣᑕ ·ᐊᐢᑲ ᐊᐢᑭᐠ ᑫ ᐃᔑ ᐊᐸᑎᓯᓇᓂ·ᐊᓂᓂᐠx



ᐊ·ᑲᑭ·ᐃᓂᓂ·ᐊᐠ ᑲ·ᐃᒋᐊᐸᑎᓯᒪᒋᐠ ᐅᐅ ᒪᐣᑌ·ᐊ ᑭ ᐅᔑᑕ·ᐊᐠ ᑫ ᑭᐢᑭᓄᑕᐃ·ᐁᒪᑲᓂᓂᐠ ᐅᑕ ᒥᓯ·ᐁ ᒪᓯᓇᑌᓂ·ᐊ ᒪᓯᓇᐃᑲᓂᐠx ᑫ ᐊᐸᒋᑕᒋᐠx ᑫ·ᐃᒋᐃᑯᒋᐠ ᑭᒋ ᑭ·ᐃᒋ·ᑕᒋᐠ ᐃᓂᓂ·ᐊᐢᑭᔭ ᓇᐢᑕ ᐁᒪ·ᐊᑐᓇᑭᐠ ᑫ ᐊᐸᒋᑕᒋᐠ ᓇᓇᑲᐤ

ᑫ·ᑲᓇ ᑲ ᑭ ·ᐃᑕᒪᑲᓂ·ᐊᓂᓂᐠx ᑲ ᑭ ᓄᒋᑕᓂ·ᐊᓂᓂᑭ ᐅᑕᓇᐠx ᒥᓯ·ᐁ ᑫ·ᑲᐣ ᑭᒪᓯᓇᑌᐤ ᑲ ᑭ ᐃᔑ ᓇᑕ·ᐁᓂᒋᑲᑌᐠ ᐁᓄᒋᑕᓂ·ᐊᑭ ᐅᐅ ᑫ·ᑲᓇx ᐅᐅ ᒪᓯᓇᐃᑲᓇ ᑭᐸᐸᑭᑎᓂᑲᑌ·ᐊ ᐃᓂᓂ·ᐊᐢᑭᐠ ᑲᐡᑲᑎᓂᓯᐤ 2020x

ᑕᐣᑌ ᑫ ᑭ ᐅᒋ ᒪᓇᒋᑕᓂ·ᐊᐠ ᑲ ᐃᔑ ᒪᓯᓇᑌᑭ ᐅᐅ?

ᐊ·ᑲᑭ·ᐃᓂᓂ·ᐊᐠ ᑲ ᑭ ᐊᐸᑎᓯᑲᑕᑭᐠ ᓇᐢᑕ ᑲ ᑭ ᐅᔑᑕᒋᐠ ᑲ ᑭᓇᐢᑯᒧᒋᐠ ᑭᒋ ᒪᑎᓇᒪᑐᓇᓂ·ᐊᓂᓂᑭ ᐅᐅ ᑫ·ᑲᓇ ᑲ ᑭ ᒪ·ᐊᑐᓇᑭᐠx ᑭ·ᐃᑕ·ᒪᐠ ᐁᑲ ᐸ·ᑲᐣᑕᐤ ᑭᒋ ᑐᒋᑲᑌᓂᑭ ·ᐁᓴ ᐊᑎᐟ ᑫ·ᑲᓇ ᑲ ᑭ ᐊᓂᒧᒋᑲᑌᑭ ᐁᓇᑕ·ᐁᓂᑕ·ᑲᐠ ·ᑲᔭᐢᐠ ᑭᒋ ᑲᓇ·ᐁᓂᒋᑲᑌᑭ ᑭᐸᔭᑌᓯᓇᐃᑲᑌᐤ ᐁᑲ ·ᑲᐤᑕᐤ ᑭᒋ ᑐᒋᑲᑌᐠx ·ᑲᔭᐢᐠ ᐱᑯ ᑭᒋ ᐊᐸᒋᑕᓂ·ᐊᑭx

ᑕᐣᑌ ᒪᑲ ᑫ ᑭ ᐃᓇᐸᑕᐠ ᐅᒪ ·ᐃᑕᒪᑫ·ᐃᐣ ᑫ ᐃᑭᐠ ᓂᓯᑕᒣᓂᒋᑲᑌᑫ ᑫ ᑐᑕᑯᓇᓂ·ᐊᐠ?

ᐅᐅ ᑲ ᑭ ᒪ·ᐊᑐᓂᑲᑌᑭ ᑫ·ᑲᓇ ᐅᒪ ᑕᐃᓇᐸᒋᑕᓂ·ᐊ·ᓇ:

- ᑭᒋ ᑭ·ᐃᒋᐃᑯᓇᓂ·ᐊᐠ ᑫ ᑭ ᐅᒋ ᓂᓯᑐᒋᑲᑌᑭ ᑫ·ᑲᓇ ᑲ ᐃᑭᑭ ᐊᐢᑭᐠ ᓂᐢᑕ ·ᐊᐢᑲ;
- ᐸᔭᑌ·ᐃᑕᒪᑫ·ᐃᐣ ᑭᒋ ᐃᑕ·ᑲᐠ ᑫ ᐃᑎᐡᑲᑫᒪᑲᐠ ᐊᐢᑭᐠ ᐃᑌᑫ ᓂᐢᑕ ᐃᓂᓂᐠ ᓂᐢᑕ ᑲ ᐅᒋ ᐱᒪᑎᓯ·ᐊᑲᓂ·ᐊᑭ;
- ᑭᐢᑭᓄᑕᐃ·ᐁ·ᐃᐣ ᑭᒋ ᐃᑕ·ᑲᐠ ᑭᒋ ᓂᓯᑕ·ᐃᓂᑲᑌᐠ ᑫ ᐃᑎᐡᑲᑫᒪᑲᐠ ᐊᐢᑭᐠ ᓂᐢᑕ ᐃᓂᓂᐠ ᓂᐢᑕ ᑫ·ᑲᓇ ᑲ ᐅᒋ ᐱᒪᑎᓯ·ᐊᑲᓂ·ᐊᑭ;
- ·ᐃᒋᐃᑐ·ᐃᐣ ᑭᒋ ᐃᑕ·ᑲᐠ ᑭᒋ ᑭ ·ᐊᐸᒋᑲᑌᐠ ᐁᑲ ᑫ ᐃᔑ ᒥᓄᐡᑲᑫᒪᑲᐠ ᑭᒋ ᑭ ᐊᒍ·ᐃᑕᓂ·ᐊᐠ ᓂᓯᑕᒣᓂᑕᒧ·ᐃᐣ ᑭᒋ ᑭᒥᓄᐸᓂᐠ ᑫᒥᓄᑐᑕᑯᓇᓂ·ᐊᐠ;
- ᑭᒋ ·ᐃᒋ·ᑕᓂ·ᐊᐠ ᐁᓇᓇᑲᒋᑕᓂ·ᐊᐠ ᑫ·ᑲᐣ ᐊᑐᐢᑫ·ᐃᓇx

ᑕᐣᑌ ᑫ ᑭ ᐅᑎᓇᒪᐠ ᐅᐅ ·ᐃᑕᒪᑫ·ᐃᓇ ᐃᓂᓂ·ᐃ ᑭᐢᑫᓂᑕᒧ·ᐃ ᐊᑐᐢᑫ·ᐃᓇ?

ᐅᑕ ᐃᔑ ᐃᑕᐱᐠ ᐊ·ᑲᑭ·ᐃ ᒣᐢᑲᓇᐤ ᐊᑐᐢᑫ·ᐃᐣ ᐅᒪ ᐃᑕᓯᓇᑌᐤ http://www.martenfallsaccessroad.ca/ ᓂᐢᑕ ᐱᑯ ᐅᑕ ᐃᔑ ᐊᔭᒥ ᑭᒋ ᐊᔭᒥᐊᐟ ᐊᐸᒋᐊᑲᐣ **1-800-764-9114** ᓂᐢᑕ ᐱᑯ ᐅᑕ **info@martenfallsaccessroad.ca**.

B1.5 Field Study Notices

B1.5.1 Aquatics Field Study Notice

FIELD STUDIES STARTING FOR THE MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

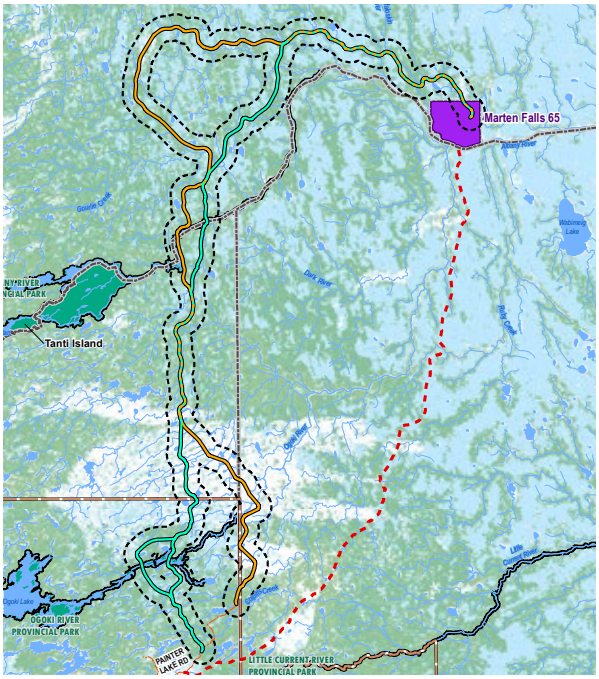
What's Happening?

Aquatic Surveys are starting for the All Season Community Access Road

October 14 - 25, 2020

Details about the Aquatic Field Studies:

- Studies will be focused on major water crossings, and the information collected will be used to understand surface and groundwater conditions and fish habitat.
- Water and sediment samples will be collected.
- Fishing will not be part of these field studies.
- The study areas will be accessed by helicopter between 7am and 7pm each day.
- Field crews will stay in Geraldton each night.
- Work will begin in the north and move south, weather permitting.



Corridors for Aquatic Field Studies

Provincial guidelines for COVID-19 will be followed including social distancing, daily screening questionnaires, Personal Protective Equipment and regular disinfection.



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

James McCutchon
Project Manager
AECOM

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

B1.5.2 Caribou Field Study Notice

MARTEN FALLS FIRST NATION CARIBOU FIELD NOTICE

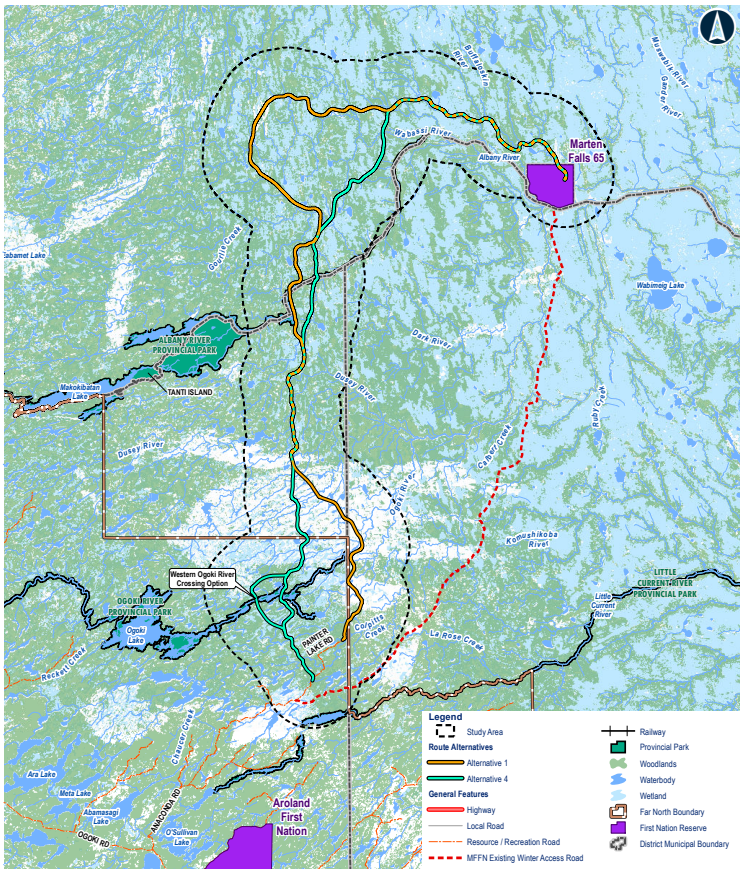
February 2021

WHAT'S HAPPENING?

The field program to study caribou is continuing for the federal Impact Assessment for the All-Season Community Access Road. The comment period for the Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently underway. The ToR will then undergo review by the Minister of the Environment, Conservation and Parks. If approved, this field study will also inform the EA.

WHEN?

Anticipated date is mid-February to mid-March 2021. This date is weather dependant. An email with exact dates will be distributed in advance of the study starting.



DETAILS OF THE PROGRAM

During this program GPS radio collars will be placed on caribou and blood, fecal and hair samples will be taken. Collaring and biological sampling will follow animal care guidelines and conditions in provincial permits.

Activities will be conducted between 7am and 6pm every day and field crews will be staying overnight in Geraldton.

Caribou Collaring:

- Collars will be placed on 30 adult female caribou within the local study area to collect data for three years.
- A low flying helicopter will be used to locate caribou and will only land for collaring activities.
- Collaring will be conducted by experienced wildlife professionals who consider the well-being of animals.
- Provincial guidelines for COVID-19 will be followed including social distancing, daily screening questionnaires, Personal Protective Equipment and regular disinfection.

Contact Information

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

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B1.5.3 Bat Acoustic Monitoring Field Study Notice

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Field Notice



Little Brown Myotis
(Myotis lucifugus)

Bat Acoustic Monitoring Field Program

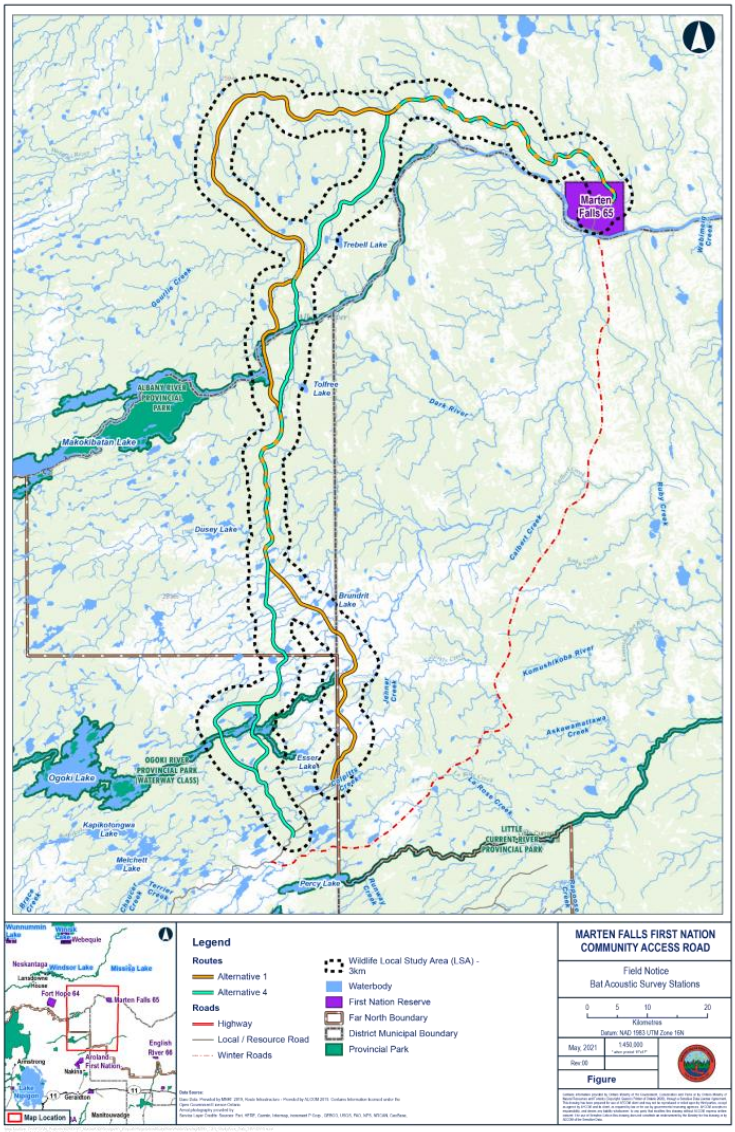
Updated: June 2021

What's Happening?

The field program to study bats is continuing for the federal Impact Assessment for the Marten Falls First Nation All Season Community Access Road. The comment period for the Terms of Reference, a framework to guide the provincial Environmental Assessment, has closed and the Terms of Reference is undergoing a review by the Minister of the Environment, Conservation and Parks. If approved, this field program will also inform the Environmental Assessment.

This program will provide important information to help understand bat species presence, abundance and distribution. Results from the field program and desktop survey will:

- Show which species are in the area, including the three known endangered species—Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*) and Tri-colored Bat (*Perimyotis subflavus*)
- Collect bat activity to help inform site-specific Community Access Road decisions or predict effects on bat habitat
- Locate and confirm potential habitat for bat roosts, hibernation and foraging
- Identify potential migration corridors in the study area
- Identify bat travel and movement patterns



MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD



When?

The program will be conducted at the same time as the Remote Camera Installation, which will run from June 7 to 16, 2021 (you may notice helicopters in the area).

Details of the Program

- Approximately 17 of the same locations surveyed during 2019 in the Local Study Area will be accessed via helicopter and audio recording devices will be set up in trees to record bats
- Recording devices may be installed near open areas (such as wetlands or watercourses) and in areas where we've previously installed audio recording units
- Recording data will be used to identify bat species



Northern Myotis (Myotis septentrionalis)

Photo credits:

- Bat Conservation International
- Wildlife Acoustics

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B1.5.4 Remote Camera Field Study Notice

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Field Notice

Remote Camera Installation

Issued: June 2021

What's Happening?

The Remote Camera Installation Field Program—to document the presence of wildlife in the study area—is continuing for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed All Season Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and a decision. If the ToR is approved, this field program will also inform the provincial EA.

An important part of the EA and IA is understanding potential effects that the proposed Community Access Road may have on different wildlife. To better understand this, MFFN is installing remote, motion sensor wildlife cameras on active game trails and near natural features such as creeks throughout the Local Study Area. These cameras will collect important information on the presence and seasonal patterns of caribou, moose, wolves and other wildlife. This is a continuation of work that started in 2019 when similar cameras were installed. Cameras will be installed within each of the various habitat types (e.g., forest, marsh, swamp) found in the study area.

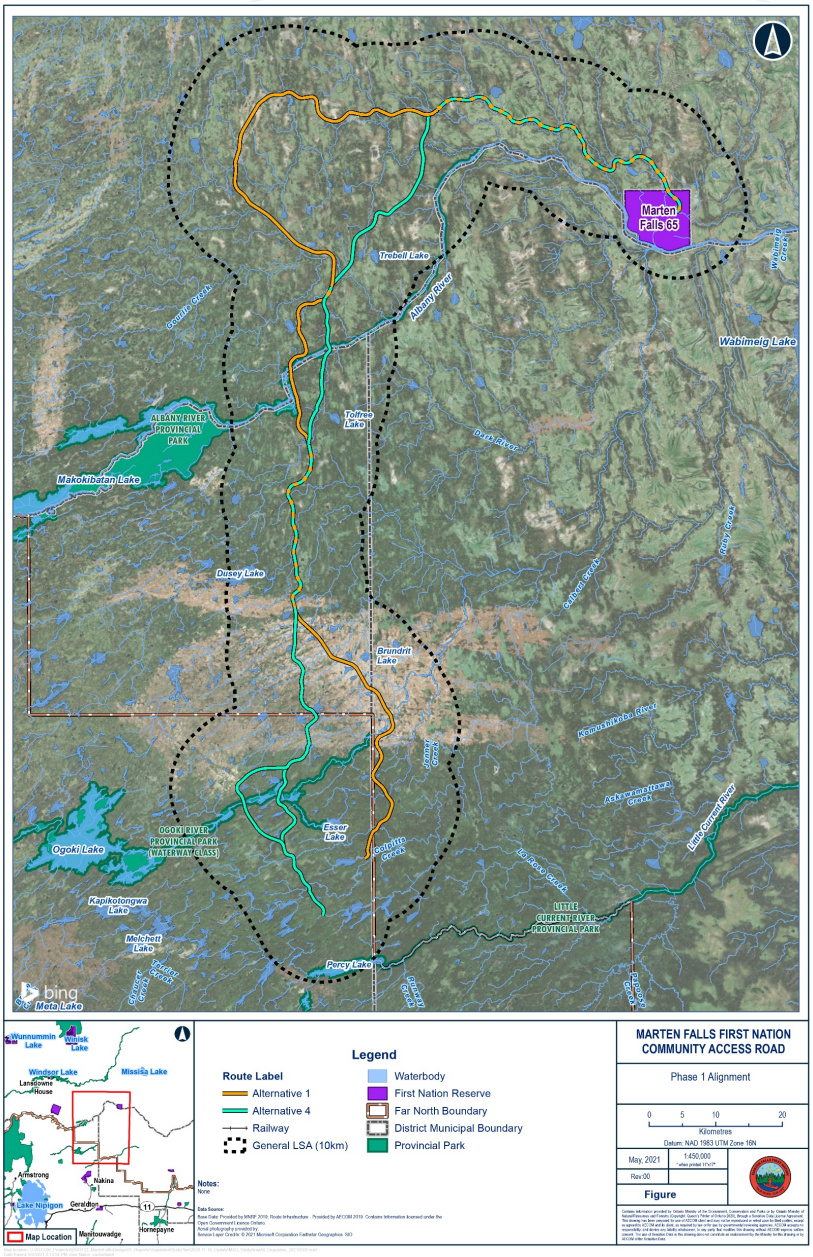
When?

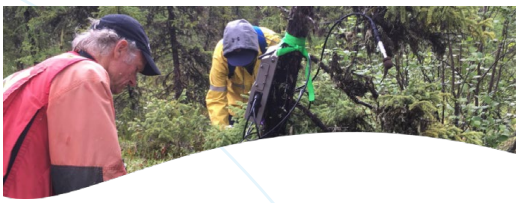
- The Remote Camera program will be conducted at the same time as the Bat Program, which will run from June 7 to 16, 2021 (you may notice helicopters in the area).
- Once cameras are set up, they will stay in place for two years. Maintenance visits will take place every six months to check the cameras. Exact dates will be provided once confirmed.



MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD







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B1.5.5 Surface Water, Fish and Fish Habitat Field Study Notice

MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD

Field Notice

Surface Water, Fish and Fish Habitat Summer Field Program

Issued: August 2021

What's Happening?

The Surface Water, Fish and Fish Habitat Summer Field Program—to document and understand surface water, fish and fish habitat in the study area—is continuing for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and a decision. If the ToR is approved, this field program will also inform the provincial EA.

An important part of the EA and IA is understanding potential effects that the proposed Community Access Road may have surface water quantity and quality, fish habitat and fish communities, and benthic invertebrates (organisms that live at the bottom of lakes, rivers and streams). To better understand this, MFFN will be sampling approximately 50 to 60 water crossings along both of the route alternatives. This field program builds on previous field studies that took place in 2019 and 2020. The field work will give us an understanding of current conditions to help inform our assessment of potential effects of the Community Access Road.

When?

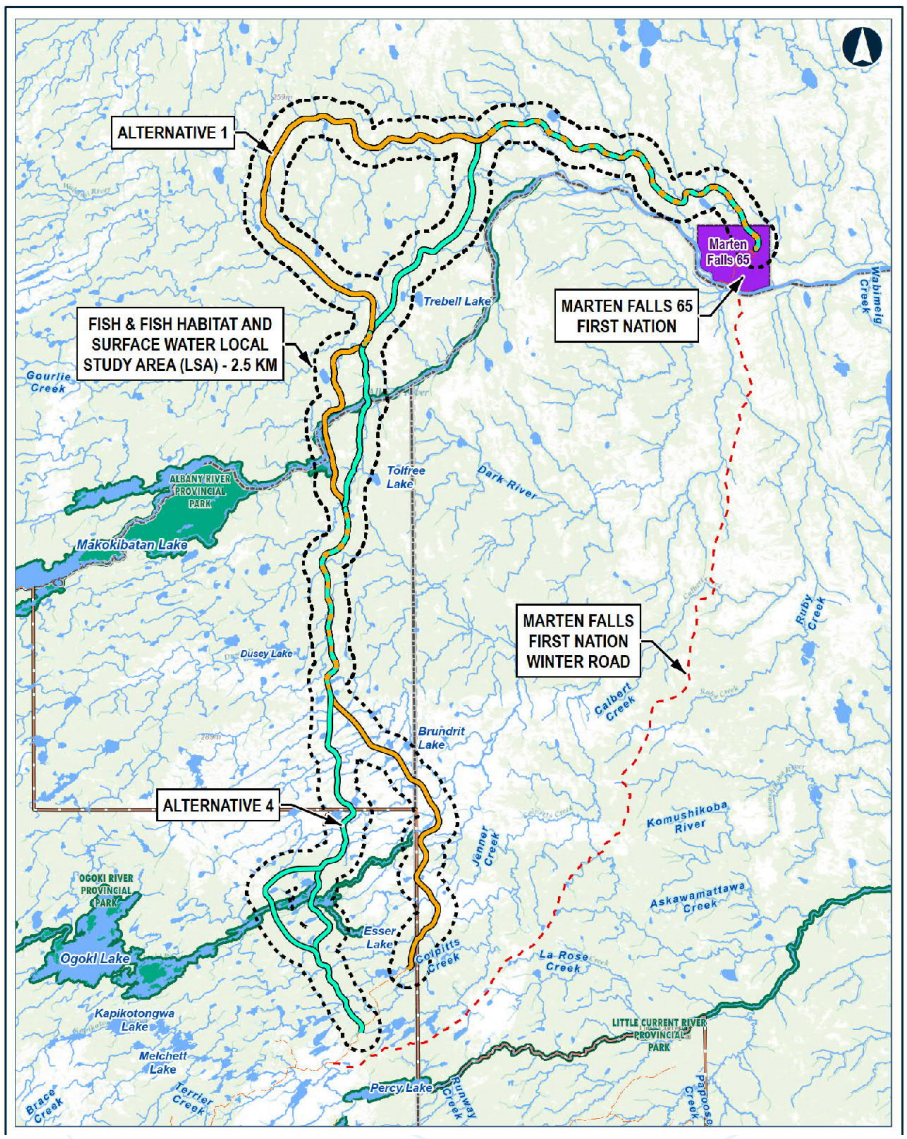
- The Surface Water, Fish and Fish Habitat Field Program will run from September 10th to September 19th, 2021.
- The field crews will be accessing sites across the study area by helicopter, you may see helicopters in the area.



MARTEN FALLS FIRST NATION

ALL SEASON COMMUNITY ACCESS ROAD







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B1.5.6 Vegetation, Bat ARU and Ungulate Mortality Field Study Notice



MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD

Field Notice

Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation

Issued: September 2021

What's Happening?

The Vegetation Field Program is continuing for the federal Impact Assessment (IA) for Marten Falls First Nation (MFFN)'s proposed Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and a decision. If the ToR is approved, this field program will also inform the provincial EA.

An important part of the EA and IA is understanding potential effects that the proposed Community Access Road may have on plants in the area. To better understand this, MFFN will be visually observing and documenting plant communities in select field plots; field staff will either observe the plots on the ground or from the air in helicopters. This is a continuation of field studies that took place in June 2019.

While in the area, field crews will also be picking up the audio recording units (ARUs) that were installed in June 2021 for the Bat Acoustic Monitoring Program. The field crew will also be undertaking mortality investigations associated with two caribou collars that were deployed in the study area in February 2021. The mortality investigation includes determining the cause of death of the animal (e.g., predation, hunter, natural causes) and collecting the collar from the field.

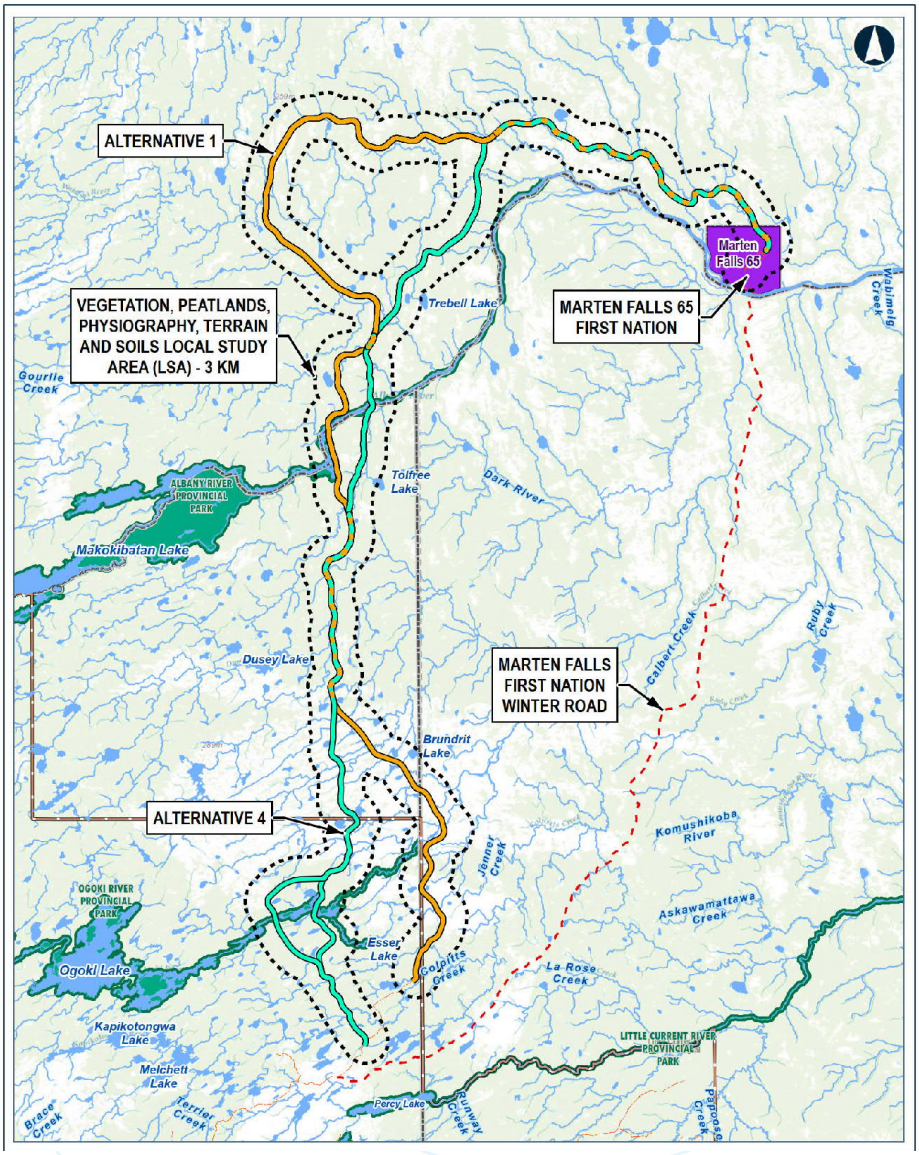
When?

- The Vegetation Field Program will run from September 18 to October 1, 2021.
- Field crews will be around the MFFN community on September 19 and 20 to collect two of the ARU and sample vegetation sites.
- The field crews will be accessing sites across the study area by helicopter, you may notice them in the area. The helicopter will only land in natural clearings or airports.



MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD







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B1.5.7 Remote Camera Check and Caribou Collaring Field Study Notice



MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Field Notice

Remote Camera Check and Caribou Collaring Program

Issued: October 2021

What's Happening?

The Remote Camera Field Program—to document the presence of wildlife in the study area—is continuing for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed All Season Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and a decision. If the ToR is approved, this field program will also inform the provincial EA.

An important part of the EA and IA is understanding potential effects that the proposed Community Access Road may have on different wildlife. To better understand this, in June 2021 remote, motion sensor wildlife cameras were installed on active game trails and near natural features such as creeks throughout the Local Study Area. These cameras have been collecting important information on the presence and seasonal patterns of caribou, moose, wolves and other wildlife. Field crews will be returning to inspect batteries and memory cards in the cameras.

In February 2021, the caribou collaring program began with the placement of 30 collars on caribou in the Local Study Area. Two collars were collected during September 2021 field programs, if there are any mortalities of collared caribou before November, crews will conduct mortality investigations with the Remote Camera Check program. The mortality investigation includes determining the cause of death of the animal (e.g., predation, hunter, natural causes) and collecting the collar from the field.

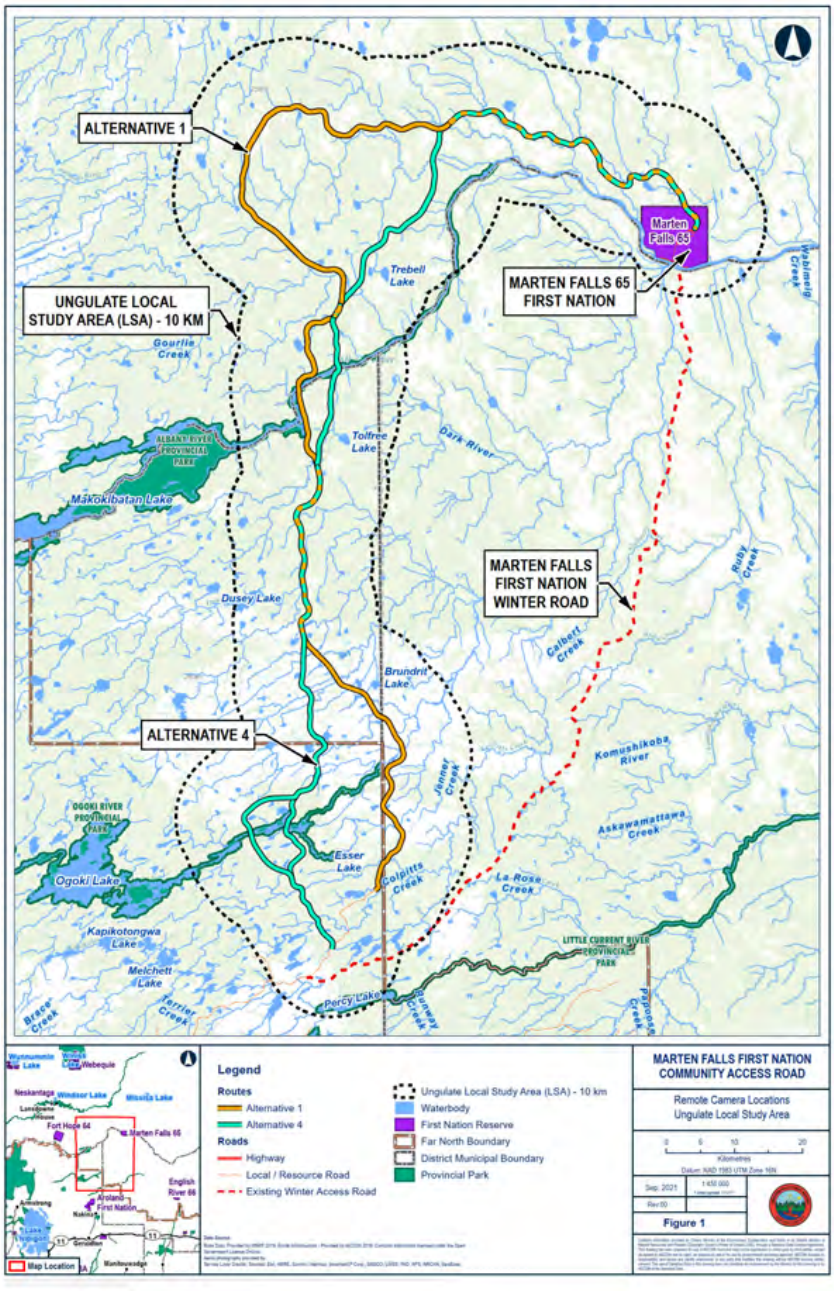


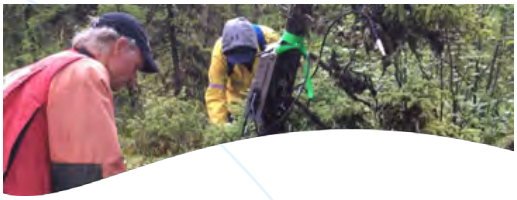
When?

- The Remote Camera Check will run from November 1 to 6, 2021. If there are caribou mortalities before then, crews will also conduct Mortality Investigations during this time. You may notice helicopters in the Local Study Area.

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD







See the next page for a larger sized map.

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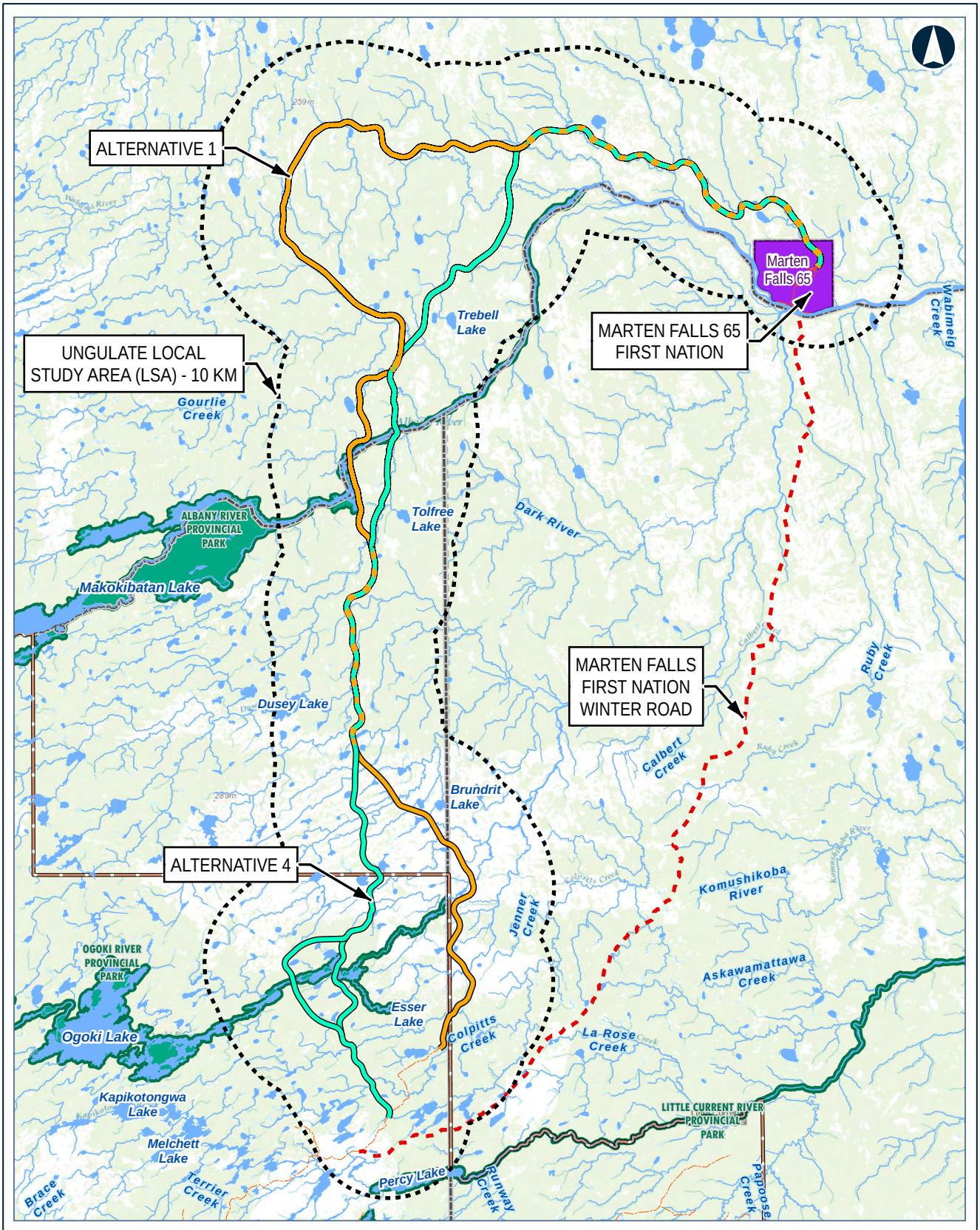

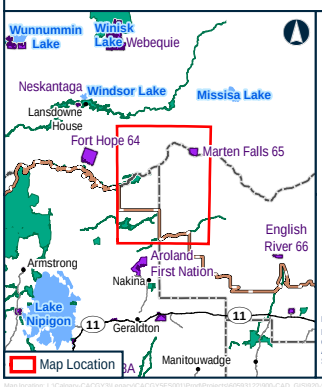

Legend

Routes
- Alternative 1
- Alternative 4

Roads
- Highway
- Local / Resource Road
- Existing Winter Access Road

- Ungulate Local Study Area (LSA) - 10 km
- Waterbody
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Provincial Park

Data Source:
Base Data: Provided by MNRF 2019; Route Infrastructure - Provided by AECOM 2019. Contains information licensed under the Open Government Licence Ontario.
Aerial photography provided by:
Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase,

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Remote Camera Locations
Ungulate Local Study Area

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

Sep, 2021	1:450,000 * when printed 11"x17"
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Figure 1

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Map location: L:\Calgary-CACGY\Projects\CACGYSF5001\Prod\Projects\60593122\800-CAD_GIS\820-929 (GIS-Graphics)\Design\01_Reports\Field Notice Maps\MXD_LSA_StudyArea_RemoteCameraLocations_20210930.mxd
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B1.5.8 Groundwater and Geochemistry Field Study Notice



MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD

Field Notice

Groundwater and Geochemistry Program

Issued: October 2021

What's Happening?

The Groundwater and Geochemistry Program—to document current groundwater conditions in the study area—is continuing for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and a decision. If the ToR is approved, this field program will also inform the provincial EA.

An important part of the EA and IA is understanding potential effects that the proposed Community Access Road may have on groundwater in the area. To better understand this, MFFN is installing monitoring wells along both route alternatives to sample groundwater quantity and quality. The wells will be sampled three times per year for two years. When the wells are no longer required, they will be filled in and sealed. We will also be sampling soil and areas where potential construction material may be sourced to identify minerals or chemicals that could affect water quality if used or disturbed. This is the first time we are specifically looking at groundwater and geochemistry for the Community Access Road.

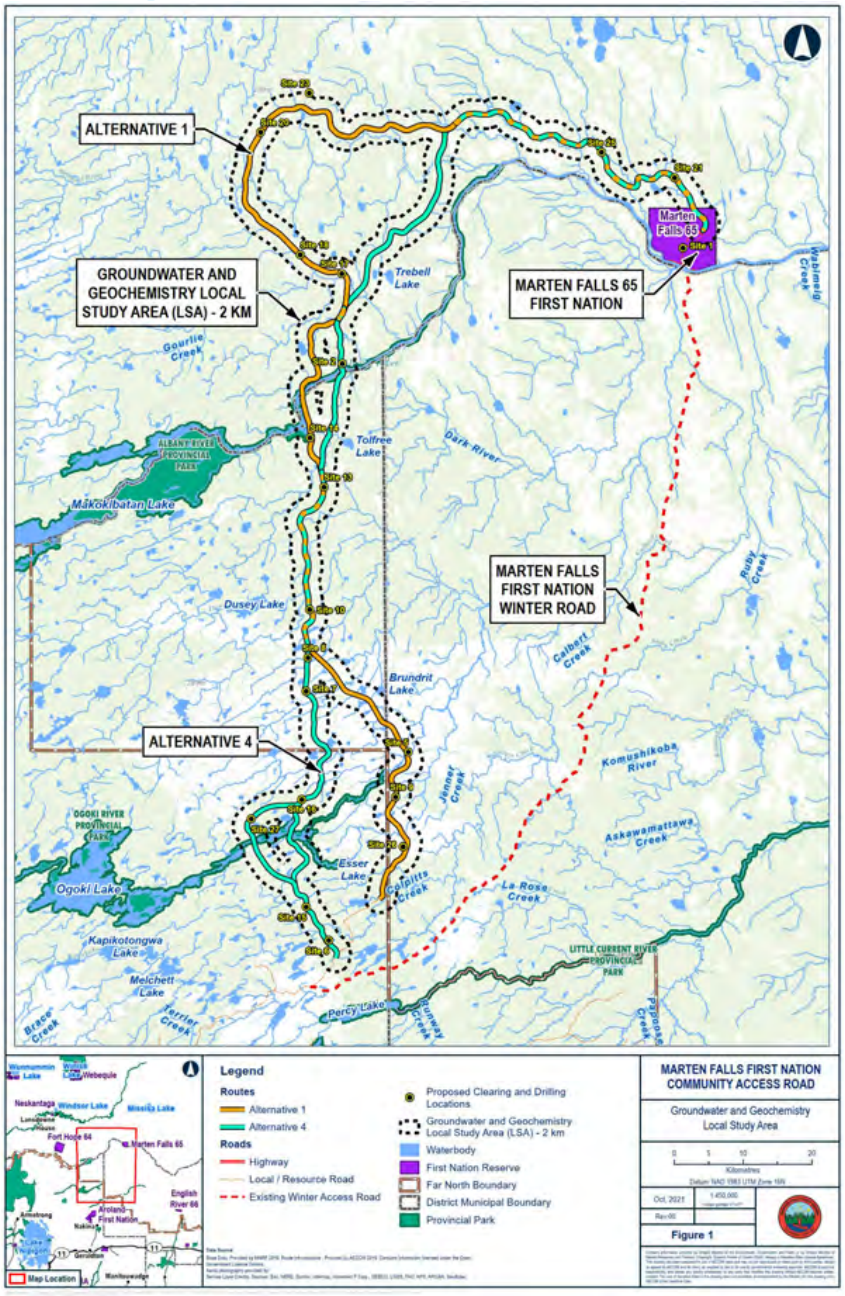
When?

- **The Groundwater and Geochemistry Program is expected to start in the next month, but due to permitting considerations, we don't currently have exact dates. We will send another update once we receive confirmation to start, however, we may not have enough time to provide two weeks' notice.**

- The field crews will identify locations and clear brush and trees for approximately three weeks to allow helicopter and drill rig access. Once tree clearing is complete, the monitoring wells will be installed. Field technicians will then monitor, test and sample each monitoring well. You may notice helicopters in the area.

MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD







See the next page for a larger sized map.

Contact Information

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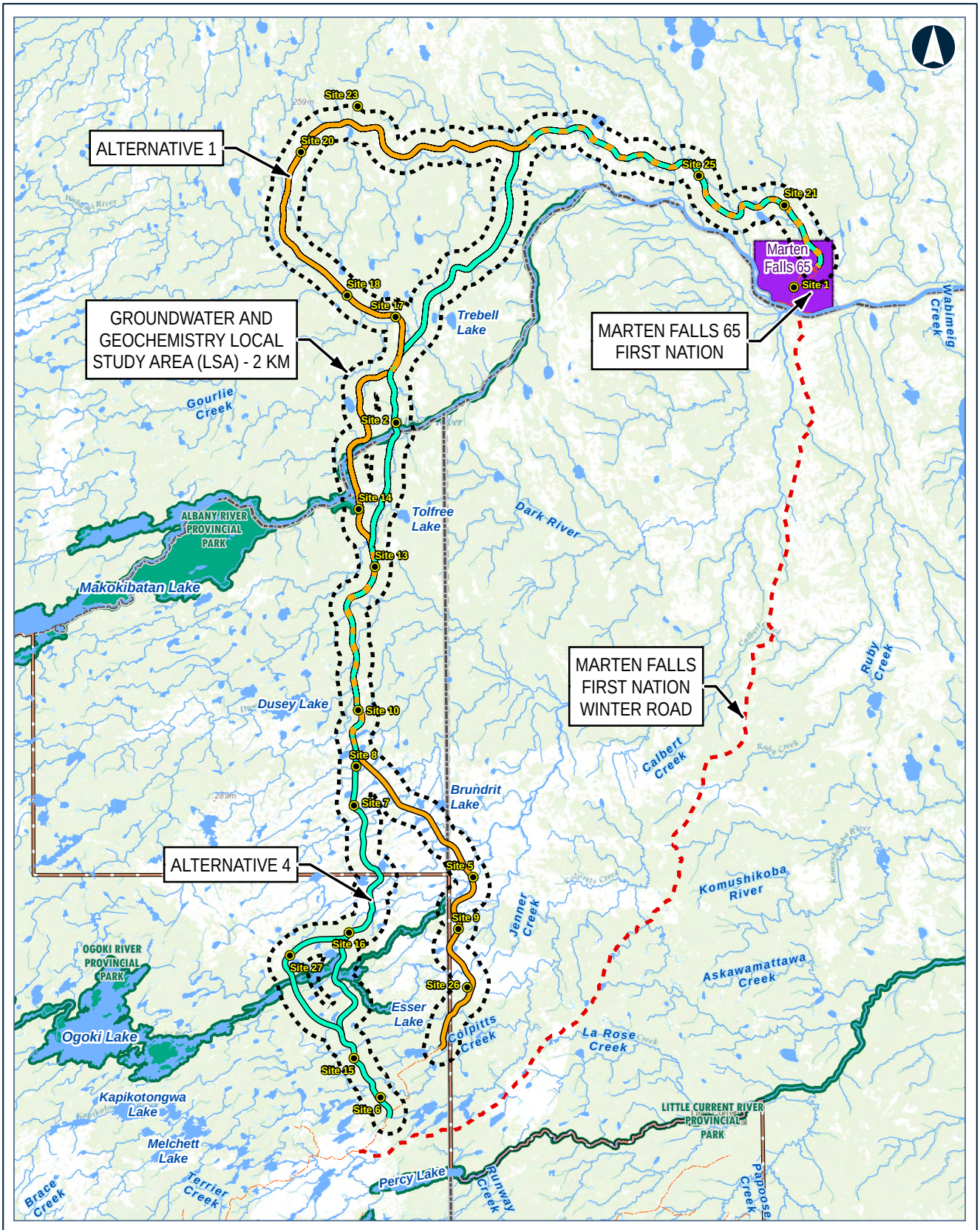

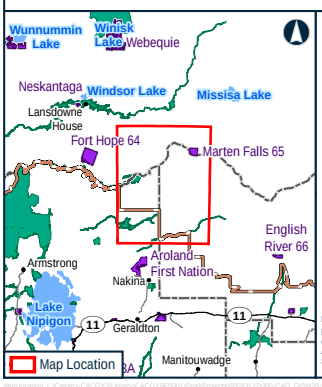

Legend

Routes
- Alternative 1
- Alternative 4

Roads
- Highway
- Local / Resource Road
- Existing Winter Access Road

- Proposed Clearing and Drilling Locations
- Groundwater and Geochemistry Local Study Area (LSA) - 2 km
- Waterbody
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Provincial Park

Data Source:
Base Data: Provided by MNRF 2019; Route Infrastructure - Provided by AECOM 2019. Contains information licensed under the Open Government Licence Ontario.
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MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Groundwater and Geochemistry Local Study Area

0 5 10 20
Kilometres

Datum: NAD 1983 UTM Zone 16N

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Figure 1

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B1.6 Field Study Discussion Guides



B1.6.1 Remote Camera Installation Program Discussion Guide





MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Remote Camera Installation

Discussion Guide

May 2021

Remote Camera Installation

Discussion Guide | May 2021

The Remote Camera Installation Field Program—to document the presence of wildlife in the study area—is continuing for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed All-Season Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and decision. If the ToR is approved, this field program will also inform the provincial EA.

The purpose of this Discussion Guide is to provide an overview of the upcoming Remote Camera Installation Field Program and to receive your feedback on key questions. **Your insights will be helpful when planning the upcoming program.**

A field notice will be distributed once dates are confirmed.





Remote Camera Installation | Discussion Guide | May 2021

What's Happening?

An important part of the EA and IA is understanding potential effects that the proposed Community Access Road may have on different wildlife. To better understand this, MFFN is installing remote, motion sensor wildlife cameras on active game trails throughout the Local Study Area. These cameras will collect important information on the presence and seasonal patterns of caribou, moose, wolves and other wildlife. This is a continuation of work that started in 2019 when similar cameras were installed. Cameras will be installed within each of the various habitat types (e.g., forest, marsh, swamp) found in the study area. We are looking for recommendations on areas within the Local Study Area that we should consider installing cameras (e.g., on game trails or in areas that see an abundance of wildlife.)

The study area includes the areas within 10km of the proposed route options and is shown in a figure below.



Remote Camera Installation | Discussion Guide | May 2021

When?

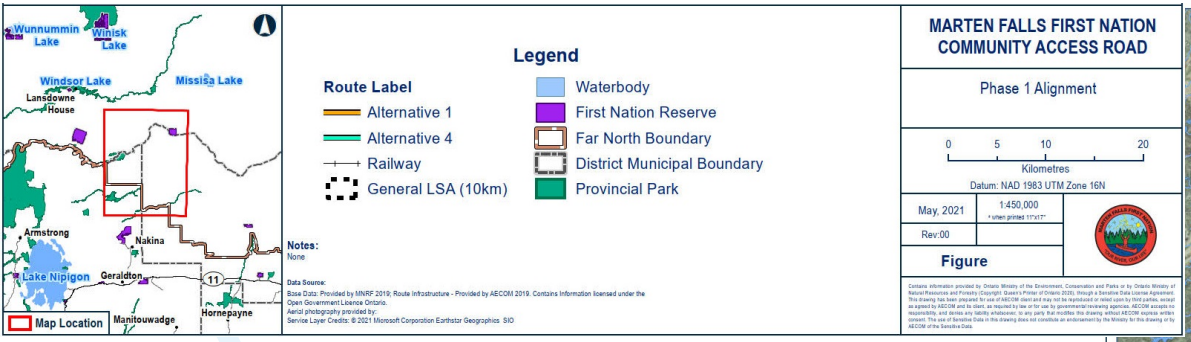
Cameras are expected to be set up in June. Once set up, they will stay in place for two years. Maintenance visits will take place every six months to check the cameras. Exact dates will be provided once confirmed.

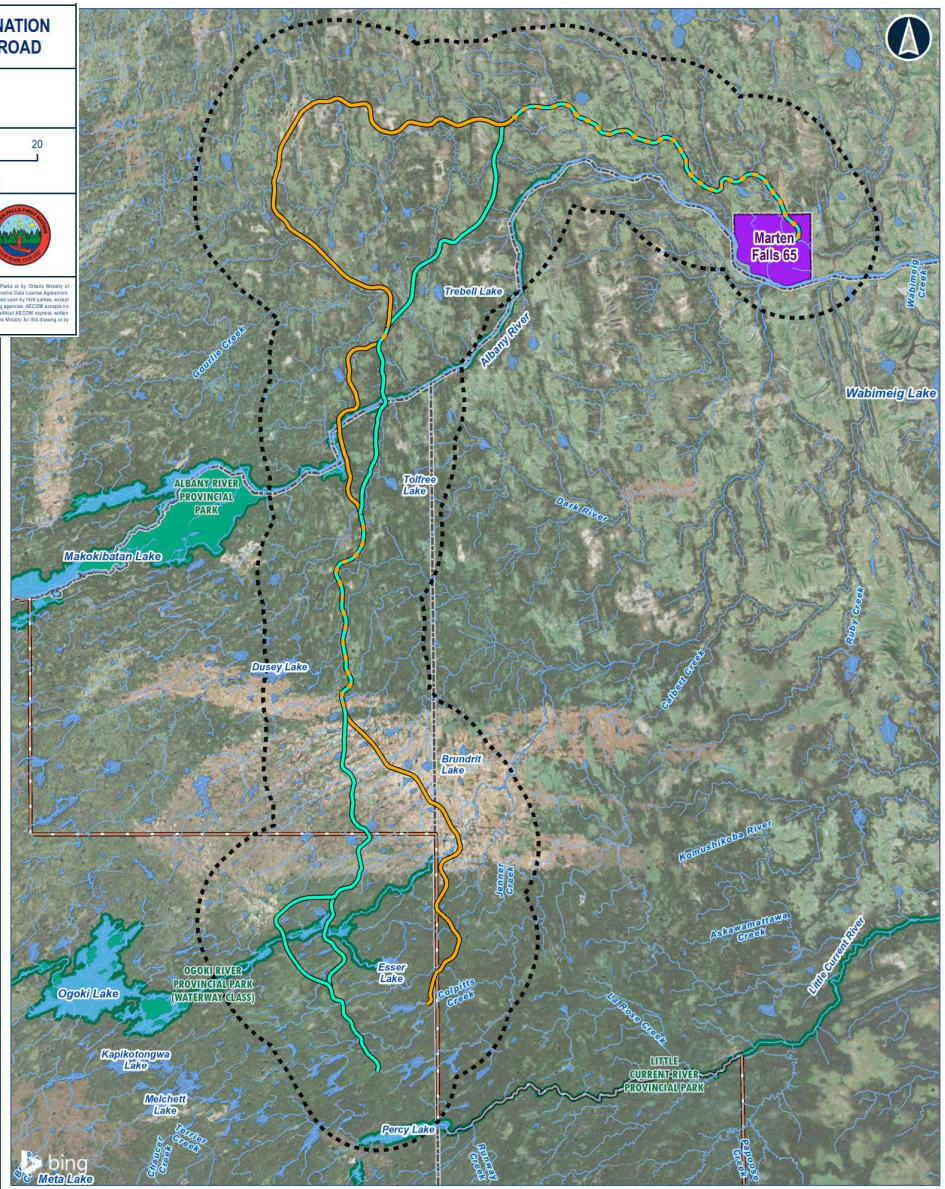
We Need Your Input!

Your input is an important part of shaping this field program and any insights shared will be considered before the program starts in June. If you have any insights on the following questions, we want to hear from you.









Based on your knowledge of wildlife distribution and movement in the region:

- Are there any game trails you think we should avoid setting up cameras on (including timing)? This could be because of concerns about cultural, spiritual and / or sacred sites.
- Are there any game trails or features (e.g., salt licks, travel routes, wolf dens, winter use areas, calving grounds) that would be ideal locations to set-up a camera?
- Are there any areas that should be avoided by the field team and / or their helicopter (including timing)? This could be because of increased activity or the presence of field staff might affect wildlife.

If you have any insights, please contact us by May 28, 2021. You can also fill out an online form at http://www.martenfallsaccessroad.ca/camera-program-guide-2021/.

If you have sensitive and confidential information that you would like to share through the Indigenous Knowledge Program to make sure it is protected, please let us know.

Contact Information

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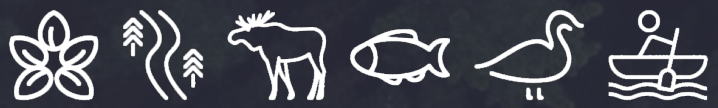
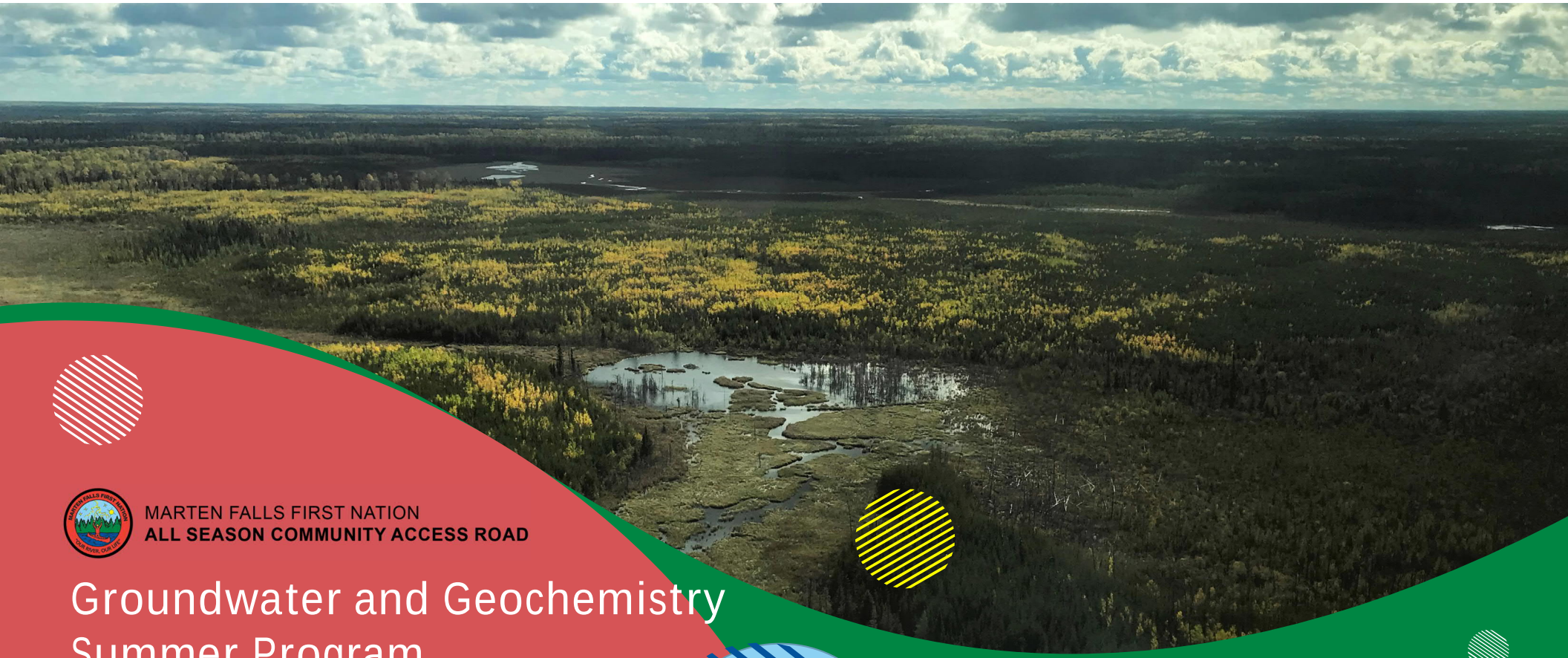


B1.6.2 Groundwater and Geochemistry Discussion Guide





MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Groundwater and Geochemistry Summer Program

Discussion Guide

July 2021

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Impact Assessment

Groundwater and Geochemistry Summer Field Program

Discussion Guide | July 2021



The Groundwater and Geochemistry Summer Field Program will soon begin for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed All-Season Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and decision. If the ToR is approved, this field program will also inform the provincial EA.

The purpose of this Discussion Guide is to provide an overview of the Groundwater and Geochemistry Summer Field Program and to receive your feedback on key questions. **Your insight will help shape the program.**

A field study notice will be distributed once dates are confirmed.



Groundwater and Geochemistry Summer Program
Discussion Guide | July 2021

What's Happening?

An important part of this field program is understanding potential effects the proposed Community Access Road may have on groundwater in the area. The purpose of the Groundwater and Geochemistry Field Program is to understand the current groundwater quantity in the study area—to answer the question how much is there—and to determine the quality of the groundwater—or more specifically to understand its chemical make-up. At the same time, we will also be sampling soil and areas of potential aggregate sources (where construction materials could be found) to identify minerals or chemicals that could affect water quality if disturbed or used during construction.

What is groundwater?
Groundwater is any water that is found below the Earth's surface. Groundwater is held below the ground under rock layers known as aquifers. Groundwater can come in contact with the surface through springs and wells.

What is geochemistry?
Geochemistry is the study of the chemicals held in rocks and minerals.



Groundwater and Geochemistry Summer Program
Discussion Guide | July 2021

What's Happening?

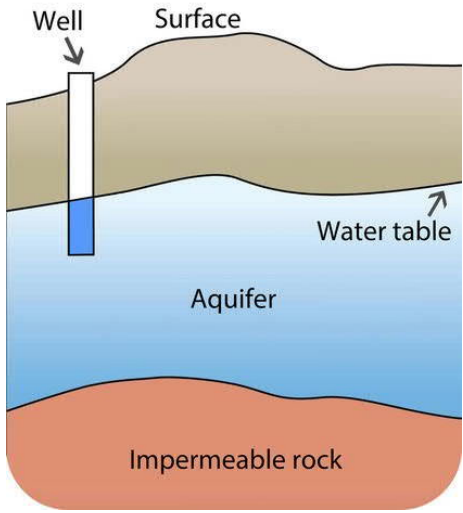
Monitoring wells will be set up in the study area (one kilometre on either side of both route alternatives) and sampled three times per year—in the spring, summer and fall—for two years. When sampling, field technicians will measure groundwater levels and flow rate, complete in-field tests for basic chemistry and collect samples to send for laboratory analysis. The information collected on groundwater levels, quality and seasonable fluctuations will be used to develop an understanding of existing conditions. Field crews will make every effort to avoid sensitive habitats and areas when selecting the location of the groundwater wells. The wells will extend into the ground far enough to reach the groundwater; the depth of each well will vary by location. Above ground, the wells are relatively small in size, about 10 centimetres across and 75 centimetres tall. When the wells are no longer required, they will be decommissioned – this means they will be filled in and sealed.



Groundwater and Geochemistry Summer Program
Discussion Guide | July 2021

What's Happening?

There are three stages for the Groundwater and Geochemistry Summer Field Program that will take place in 2021: 1) Groundwater well drilling and installation (August to October); 2) groundwater well monitoring, testing and sampling (following installation) (October); and 3) a community well survey and sampling in Marten Falls First Nation to identify and assess wells and springs used as drinking water sources (timing to be determined). Dates are estimates and detailed information about the future programs will be shared through field notices at a later date.



Source: https://www.ck12.org/earth-science/groundwater-aquifers/lesson/Groundwater-Aquifers-MS-ES/



Groundwater and Geochemistry Summer Program
Discussion Guide | July 2021

When?

The field program will take place starting in Summer 2021. For approximately the first three weeks of the program, the field crew will identify well locations and clear brush and trees to allow helicopter and drill rig access to those locations. Once tree clearing is complete, the monitoring wells will be installed; this is anticipated to take roughly 30 days to complete. Field technicians will then monitor, test and sample each monitoring well over a period of approximately two to three weeks. At a later date, consultation and engagement activities will focus on identifying current and historical drinking water sources within the regional study area. Water well surveys will occur at the locations where drinking water sources were identified.

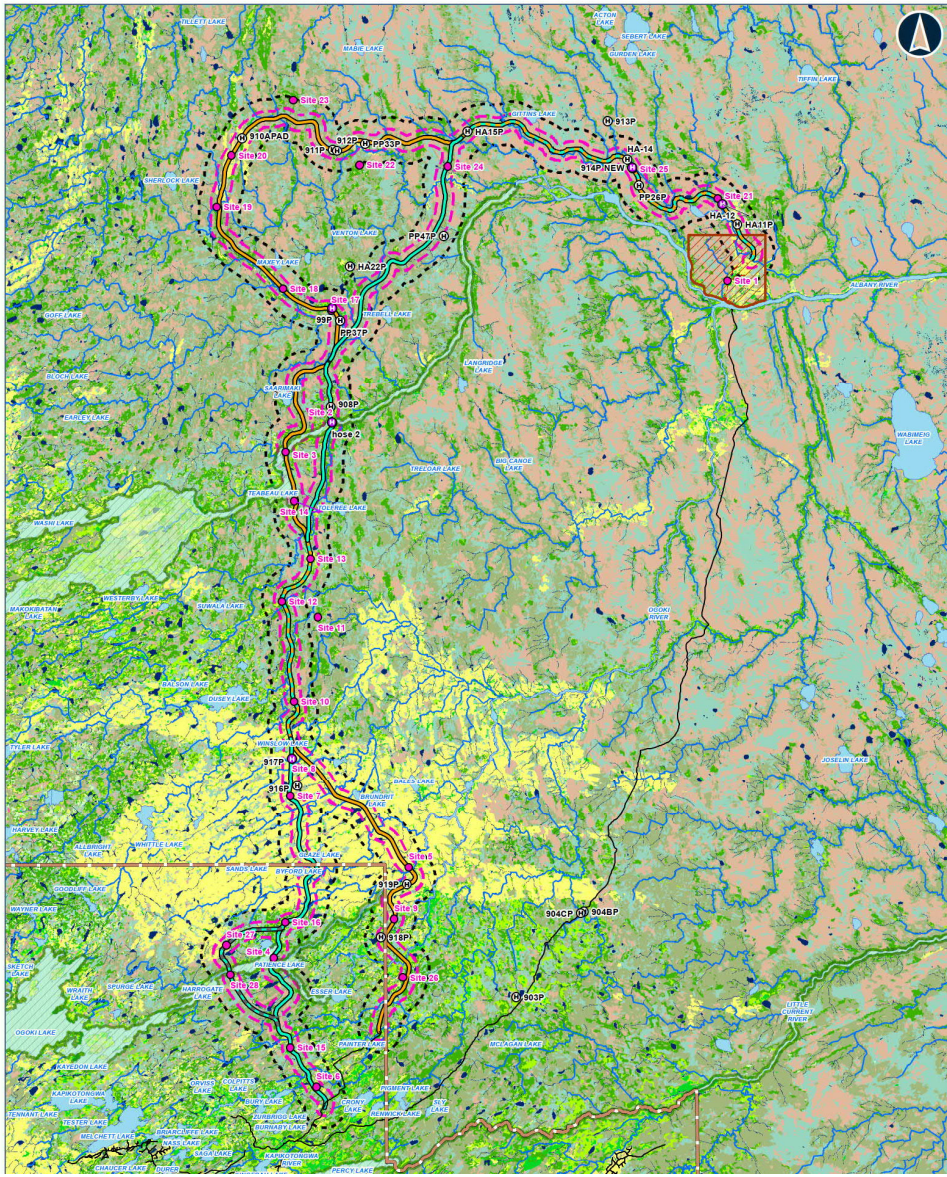


Your input is an important part of shaping this field program and will be considered before the field program begins. If you have any feedback on the following questions, we would like to hear from you:

- Are there any groundwater sources in the area (such as springs or wells) that are used for drinking water or are important for cultural or spiritual practices?
- Are there any locations in the study area that should be avoided for clearing helicopter landing pads and drill pads, and installing monitoring wells (e.g., burial sites, areas of cultural significance, gatherings areas)?
- Are there any specific timing considerations from August to October we should be aware of when installing the monitoring wells?

If you have any input, please contact us by **July 26, 2021.**





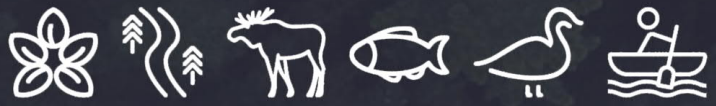
Contact Information

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

James McCutchon
Project Manager
AECOM

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



B1.6.3 Surface Water, Fish and Fish Habitat Discussion Guide





MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Surface Water, Fish and Fish Habitat Summer Field Program

Discussion Guide

July 2021

Surface Water, Fish and Fish Habitat Summer Field Program

Discussion Guide | July 2021



The Surface Water, Fish and Fish Habitat Summer Field Program—to document and understand surface water, fish and fish habitat in the study area—is continuing for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed All-Season Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and decision. If the ToR is approved, this field program will also inform the provincial EA.

The purpose of this Discussion Guide is to provide an overview to this upcoming Field Program and receive your feedback on key questions. **Your insight will help shape the program.**

A field notice will be distributed once dates are confirmed.



Surface Water, Fish and Fish Habitat Summer Field Program
Discussion Guide | July 2021

What's Happening?

This program will help us understand potential effects that the proposed Community Access Road may have on surface water, fish and fish habitat. The program will collect information over multiple years, on surface water (e.g., lakes, rivers, streams) quantity and quality, sediment quality (e.g., sand, silt, clay), fish habitat and fish communities, and benthic invertebrates (organisms that live at the bottom of lakes, rivers and streams). This work will be taking place at approximately 50 to 60 water crossings along both of the route alternatives.

This summer's program builds on previous field studies that took place in 2019 and 2020. Field work done in 2019 and 2020, information gathered through desktop analysis, data collected from other projects in the area, Indigenous Knowledge, and the current field program will each inform our assessment of potential effects the Community Access Road may have.



Surface Water, Fish and Fish Habitat Summer Field Program
Discussion Guide | July 2021

When?

The work will be starting mid-August 2021 and will take approximately 12 days.

In 2022, there will be an additional spring program.

We Need Your Input!

Your input is an important part of shaping this field program and will be considered before the program starts. Your input will also help us to avoid interrupting or impacting any fishing activities that may be taking place in the area by community members. If you have any feedback on the following questions, we want to hear from you.



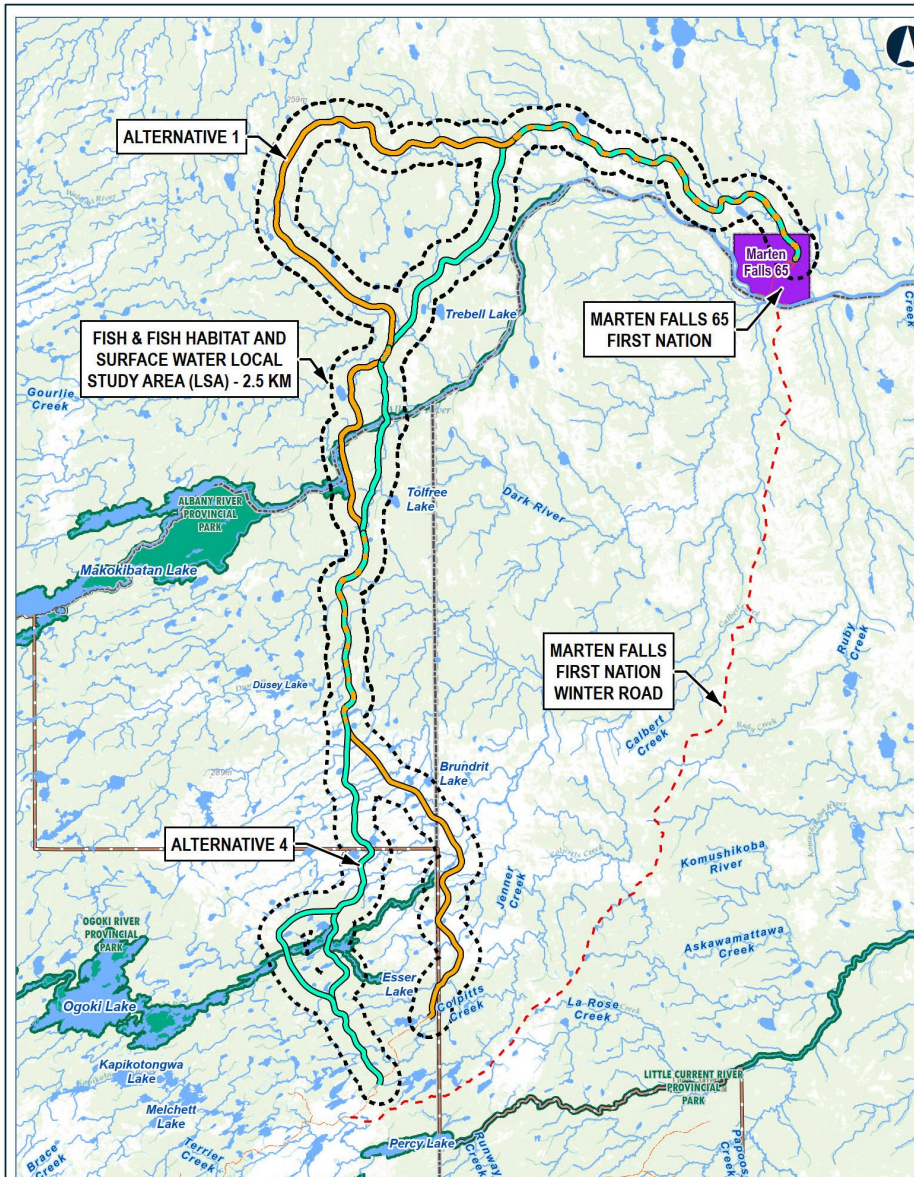


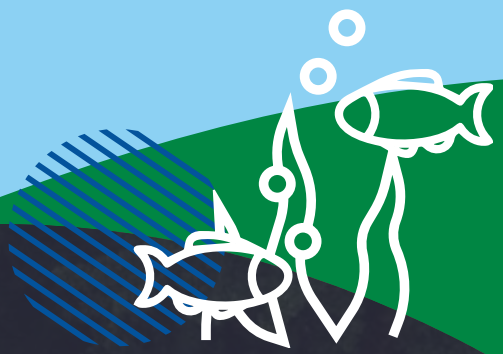
We Need Your Input!

- Are there any important water crossings in the study area that we should sample?
- Are there any important fishing sites in the study area that we should sample?
- Are there any locations in the study area that we should avoid during our sampling (e.g., areas of cultural significance, important fishing locations and gear used)? Information on the gear used for fishing will potentially be used to inform population surveys during out baseline field work should survey sites be located downstream of fishing activities.
- Do you know of any locations where Lake Sturgeon (Nameh), Brook Trout, Northern Pike (Nahwabe), Walleye (Okaas), Lake Whitefish (Atikameg), or Burbot spawn or overwinter?
- Do you know what time of year fish are spawning / reproducing in any rivers in the study area?
- Are there any locations in the study area that are springs, drinking water sources, or areas of water use? This could be for cultural or spiritual practices.

If you have any insights, please contact us by July 31, 2021. You can also fill out an online form at http://www.martenfallsaccessroad.ca/surface-water-fish-and-fish-habitat-summer-field-program-discussion-guide-2021/







If you have sensitive and confidential information that you would like to share through the Indigenous Knowledge Program to make sure it is protected, please let us know.

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

James McCutchon
Project Manager
AECOM

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

B1.6.4 Vegetation, Physiography and Peatlands Discussion Guide





MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Vegetation, Physiography, and Peatlands Field Program

Discussion Guide

July 2021

Vegetation, Physiography, and Peatlands Field Program

Discussion Guide | July 2021

The Vegetation, Physiography and Peatlands Field Program—to document and understand vegetation, physiography, terrain, soils and peatlands in the study area—is continuing for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed All-Season Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and decision. If the ToR is approved, this field program will also inform the provincial EA.

The purpose of this Discussion Guide is to provide an overview of this Field Program and receive your feedback on key questions. **Your insight will help shape the program.**



Vegetation means plant life (trees, shrubs, grasses, mosses) found in an area.

Physiography is the study of the physical features of the land including terrain and soils.

Peatlands (muskeg or mashkiig) are a type of wetland with peat soil and mosses, grasses and shrubs or stunted trees.



Vegetation, Physiography, and Peatlands Field Program
Discussion Guide | July 2021

What's Happening?

The field program will collect information on plants, geologic features, and soil conditions including moisture and nutrient levels. This information is important to better understand the current conditions and relationship between the soil and the ecosystems that depend on it, including plants that grow in the forest (e.g., Jack Pine (Okikatik)) or wetlands (e.g., various willows (Wiisihkobihmagoon)).

This is a continuation of field studies that took place in June 2019.



Vegetation, Physiography, and Peatlands Field Program
Discussion Guide | July 2021

What's Happening?

This field program includes both visual plots and ground plots:

- Visual plots: field staff walking on the ground or looking from the helicopter. There will be between 150 and 180 visual surveys.
- Ground plots: field staff will use a hand auger in the ground for information. This will inform the overall terrain mapping of the Project area and will include information on: how deep the bedrock is, topography (land surface features), slope, drainage and geological processes such as permafrost, seepage and high water tables. There will be between 50 and 60 ground plots.



Vegetation, Physiography, and Peatlands Field Program
Discussion Guide | July 2021

When?

The field program will be approximately 16 days between mid August and end of September 2021. Exact dates will be provided once confirmed. Field crews will be accessing sites across the study area by helicopter during the field program. The helicopter will only land in natural clearings or airports.

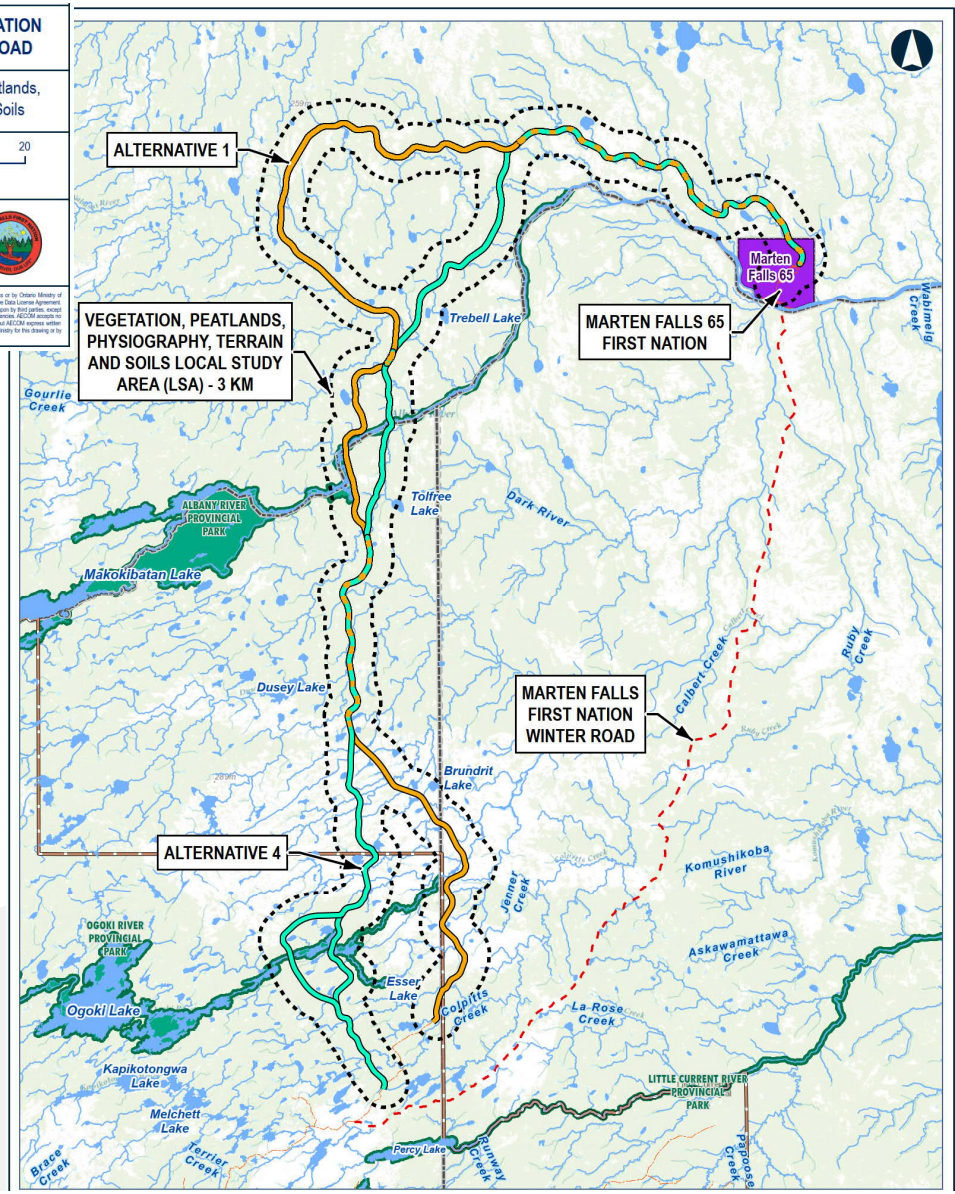
We Need Your Input!

Your input is an important part of shaping this field program and will be considered before the field program starts. If you have any feedback on the following questions, we want to hear from you.









- Are there any plants in the study area that are culturally significant or used for traditional purposes that the field team should look out for in the visual surveys?
- Are there any areas in the study area we should avoid? This could be because the areas are used for gathering traditional use plants or are cultural / spiritual / sacred sites.
- Are there any locations in the study area that are springs, drinking water sources, or areas of water use? This could be for cultural or spiritual practices. This information would be helpful to inform reporting, mapping and / or site selection for terrain and soils field work.
- Are there any areas that should be avoided for mild ground disturbance (hand auger) (e.g., burial sites, areas of cultural significance, gathering areas)?

If you have any insights, please contact us by July 31, 2021. You can also fill out an online form at http://www.martenfallsaccessroad.ca/vegetation-physiography-and-peatlands-field-program-discussion-guide-2021/



If you have sensitive and confidential information that you would like to share through the Indigenous Knowledge Program to make sure it is protected, please let us know.

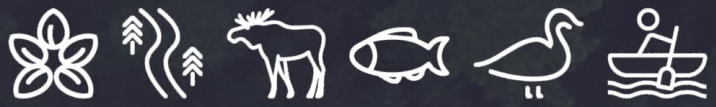
Contact Information

Contact the Project Team at any time with questions or comments

Lawrence Baxter
Senior Community Member Advisor
Marten Falls First Nation

James McCutchon
Project Manager
AECOM

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



B1.6.5 Aerial Waterfowl Discussion Guide





MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Aerial Waterfowl Migration Surveys

Discussion Guide

August 2021

Aerial Waterfowl Migration Surveys

Discussion Guide | August 2021

The Aerial Waterfowl Migration Surveys—to document and understand the seasonal distribution, abundance and density between years for waterfowl, shorebirds and raptors in the study area—is starting for the federal Impact Assessment (IA) for Marten Falls First Nation's proposed All-Season Community Access Road. The Terms of Reference (ToR), a framework to guide the provincial Environmental Assessment (EA), is currently with the Ministry of the Environment, Conservation and Parks for review and decision. If the ToR is approved, this field program will also inform the provincial EA.

The purpose of this Discussion Guide is to provide an overview to this upcoming Field Program and receive your feedback on key questions. **Your insight will help shape the program.**

A field notice will be distributed once dates are confirmed.





Stopover / Staging Areas: places where migrating birds will stop to rest, drink and eat.

Aerial Waterfowl Migration Surveys
Discussion Guide | August 2021

What's Happening?

The Aerial Waterfowl Migration Surveys will collect information on waterfowl, shorebirds and raptors in the study area. Waterfowl and shorebirds include geese (nikah), ducks (shesheeb) and swans (waabihssi). Raptors in the study area will include osprey (saagwadamo) and the boreal owl. The purpose of the surveys is to better understand the seasonal distribution (excluding raptors), abundance and density between years for waterfowl, shorebirds and raptors. Potential stopover / staging areas for migrating waterfowl and shorebirds will be examined by circling areas of suitable open water habitats and counting the number of individual waterfowl and shorebirds. Aerial surveys will target raptors when moving among wetlands and lakes.



Aerial Waterfowl Migration Surveys
Discussion Guide | August 2021

What's Happening?

This survey will continue in 2022 with Spring Aerial Surveys to verify the breeding status of raptor nests (i.e., stick nests), including those identified in Spring 2018 aerial surveys conducted by Zoetica. This information will be used to understand where birds currently stopover in the study area as a first step in predicting how the Community Access Road might affect birds, their migration and their habitats.



Aerial Waterfowl Migration Surveys
Discussion Guide | August 2021

When?

The field program is anticipated to take place in two parts in September. Exact dates will be provided in a field notice once confirmed.

Field crews will be accessing sites across the study area by helicopter during the field program. No equipment will be left in the field or Marten Falls First Nation community for this program.

We Need Your Input!

Your input is an important part of shaping this field program and will be considered before the program starts. If you have any feedback on the following questions, we want to hear from you.

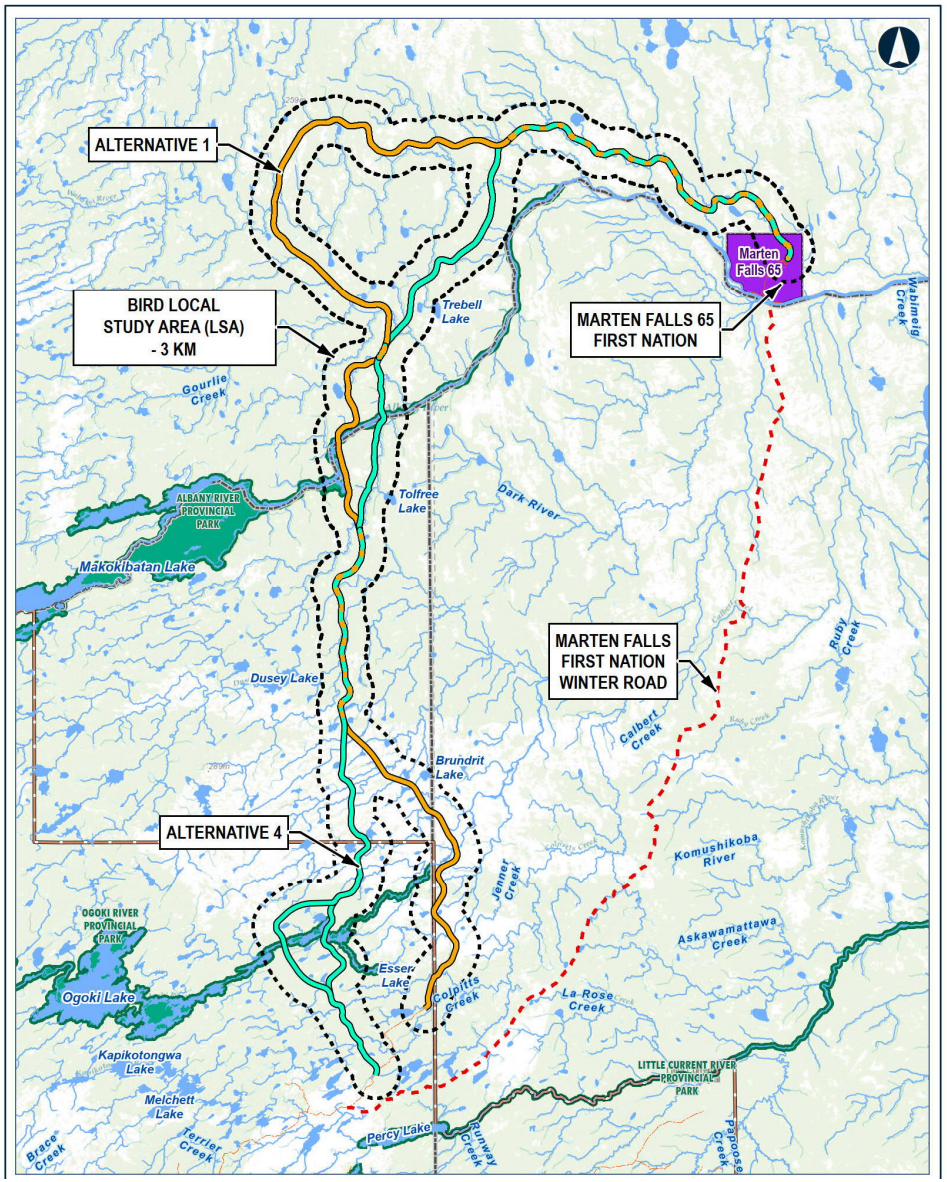




We Need Your Input!

- Are there any areas in the study area that are known waterfowl staging / harvesting locations?
- Are there any areas in the study area we should avoid? This could be because the areas are cultural / spiritual / sacred sites.

If you have any insights, please contact us by September 13, 2021. You can also fill out an online form at http://www.martenfallsaccessroad.ca/waterfowl-discussion-guide-2021/.





If you have sensitive and confidential information that you would like to share through the Indigenous Knowledge Program to make sure it is protected, please let us know.

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

James McCutchon
Project Manager
AECOM

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

B2. Animbiigoo Zaagi'igan Anishinaabek First Nation (AZA)

B2.1 Outgoing Community Specific Correspondence
B2.2 Incoming Community Specific Correspondence

B2.1 Outgoing Community Specific Correspondence

From: Lillyman, Kristin
Sent: September 10, 2020 2:37 PM
To:
Subject: Marten Falls Community Access Road - Key Contacts for ToR

Good afternoon Chief Beardy,

I wanted to confirm the following key contact and mailing address for Wawakapewin First Nation (AZA) as the MFFN Project Team is mailing out the Proposed Terms of Reference (ToR) for the Community Access Road early this fall.

For Wawakapewin First Nation, we have the following address for mailing the hard copy and 2 USB's:

Chief Anne Marie Beardy
P.O. Box 477
Wawakapewin First Nation
Sioux Lookout, ON
P8T 1A8

In addition, we have the following contacts to be included on an email with the website link to the Proposed ToR:

Allyne Gliddon

Please confirm that this information is correct and if there is anything missing.

Kind regards,
Kristin

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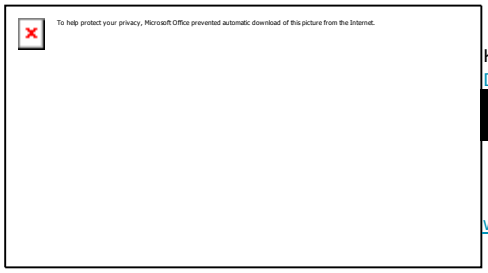

Kristin Lillyman
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

Vacation Alert: September 14-15.

From: info@martenfallsaccessroad.ca
Sent: September 22, 2020 4:35 PM
To:
Cc: ; Kristin Lillyman; Bob Baxter; Larissa Mikkelsen
Subject: Fwd: Re: IK Study Memo
Attachments: Re_ IK Study Memo.eml (3.25 MB); MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-SHP (1).zip; MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-KMZ (1).zip; MFFN CAR - Preliminary Rights and Interests Study Areas Memo - Final (1) (1) (1).pdf

Dear Chief Nelson,

We are writing to follow up on our August 25, 2020 email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We are seeking your review and comments by September 25, 2020.

Please find attached the Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo and the Geographical Information Systems (GIS) shapefiles and KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,

The Marten Falls First Nation Project Team

From: Lillyman, Kristin <[redacted]>
Sent: September 23, 2020 8:53 AM
To: [redacted]
Cc: [redacted]; Bob Baxter; Larissa Mikkelsen; info@martenfallsaccessroad.ca
Subject: Fwd: Re: IK Study Memo
Attachments: MFFN CAR - Preliminary Rights and Interests Study Areas Memo - Final (1) (1) (1) (1).pdf

Dear Chief Nelson,

Yesterday the Marten Falls First Nation Project Team sent an email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo with several file attachments. The files were too large and we received a delivery failure notice.

Due to the file size, I will be sending these documents today individually. The Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo is attached to this email. We are seeking your review and comments on all of these files by September 25, 2020.

Sincerely,
Kristin Lillyman

From: Lillyman, Kristin <[redacted]>
Sent: September 23, 2020 8:56 AM
To: [redacted]
Cc: [redacted]; Bob Baxter; Larissa Mikkelsen; info@martenfallsaccessroad.ca
Subject: Re: Re: IK Study Memo
Attachments: MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-SHP (1).zip

Dear Chief Nelson,

Please find attached the Geographical Information Systems (GIS) shapefiles. I will follow up shortly with the KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

Sincerely,
Kristin Lillyman

From: Lillyman, Kristin <[redacted]>
Sent: September 23, 2020 8:57 AM
To: [redacted]
Cc: [redacted]; Bob Baxter; Larissa Mikkelsen; info@martenfallsaccessroad.ca
Subject: Re: Re: IK Study Memo
Attachments: MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-KMZ (1).zip

Dear Chief Nelson,

Please find attached the KMZ files for your reference.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,
Kristin Lillyman

From: Lillyman, Kristin
Sent: October 30, 2020 10:20 AM
To:
Cc: Stephanie Burnham; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin;

Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: Marten Falls First Nation Community Access Road Environmental Assessm....eml (619 KB)

Dear Chief Nelson,

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
    - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Kristin

Attachment(s)

Notice of Submission ToR October 23, 2020

--

On Fri, Nov 6, 2020 at 10:01 AM Lillyman, Kristin [redacted] wrote:

Hello Chief Nelson,

I just wanted to follow-up again with you and confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Kristin

On Wed, Nov 11, 2020 at 1:30 PM Lillyman, Kristin [redacted] wrote:

Dear Chief Nelson,

I just wanted to follow-up with you and confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Kristin

On Thu, Nov 19, 2020 at 2:58 PM Lillyman, Kristin < > wrote:

Dear Chief Nelson,

I am following-up with you to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm if you have received the Terms of Reference documents.

Sincerely,

Kristin

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Burnham, Stephanie [redacted] Thu, Nov 26, 2020 at 4:31 PM
To: tnelson [redacted]
[redacted] "Lillyman, Kristin" <[redacted]

Dear Chief Nelson,

I am following-up with you to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm if you have received the Terms of Reference documents.

Sincerely,

Stephanie

[redacted]

DILLON CONSULTING

Burnham, Stephanie <[redacted]

Fwd: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Burnham, Stephanie Mon, Dec 7, 2020 at 10:32 AM
To: tnelson[redacted]
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen [redacted], Jennifer Bruin [redacted], "Lillyman, Kristin" [redacted]
Bcc: [redacted] "Beaney, Jessalyn" [redacted]

Dear Chief Nelson,

I am following-up with you to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm if you have received the Terms of Reference documents.

Sincerely,

Stephanie Burnham

MFFN Project Consultant

-

DILLON CONSULTING

Burnham, Stephanie

Marten Falls All-Season Community Access Road ToR Review

1 message

Burnham, Stephanie [redacted] Thu, Dec 10, 2020 at 4:45 PM
To: Chief Teresa Nelson [redacted]
Cc: Joe Donio [redacted] Jennifer Bruin <[redacted], "Lillyman, Kristin" [redacted] Larissa Mikkelsen [redacted] Qasim Saddique [redacted]
Bcc: "Beaney, Jessalyn" <[redacted]>, info@martenfallsaccessroad.ca

Good Afternoon Chief Nelson,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have received email read receipts for Animbigoo Zaagi'igan Anishinaabek but have not yet received a formal confirmation from Animbigoo Zaagi'igan Anishinaabek that you have received the Proposed ToR materials —electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

Keeping in line with upcoming due dates, I would like to send a friendly reminder that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**. If Animbigoo Zaagi'igan Anishinaabek is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Stephanie Burnham
On behalf of the Marten Falls First Nation Community Access Road Project Team

--

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Burnham, Stephanie

Fwd: Marten Falls All-Season Community Access Road ToR Review

1 message

Burnham, Stephanie [redacted] Tue, Dec 15, 2020 at 12:14 PM
To: Chief Teresa Nelson [redacted]
Cc: Joe Donio [redacted] [redacted] Jennifer Bruin [redacted], Qasim Saddique [redacted], Larissa Mikkelsen [redacted]>, "Lillyman, Kristin" [redacted]
Bcc: "Beaney, Jessalyn" <[redacted] info@martenfallsaccessroad.ca

Good Morning Chief Nelson,

I hope this email finds you and your community well and everyone is safely getting ready for the holidays. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have received email read receipts for Animbigoo Zaagi'igan Anishinaabek but have not yet received a formal confirmation from Animbigoo Zaagi'igan Anishinaabek that you have received the Proposed ToR materials — electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

As a friendly reminder, the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**. If Animbigoo Zaagi'igan Anishinaabek is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]a

Please reply directly to this email if you have any ques ons or would like to schedule a mee ng to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Stephanie Burnham
On behalf of the Marten Falls First Na on Community Access Road Project Team

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Burnham, Stephanie [redacted]

On Tue, Feb 9, 2021 at 4:48 PM Burnham, Stephanie [redacted] wrote:

Good morning Chief Teresa Nelson

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see attached letter regarding next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If AZA is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]
Email: [redacted] and [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Stephanie Burnham
On behalf of the MFFN Community Access Road Project Team

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Burnham, Stephanie [redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie <[redacted] Tue, Feb 23, 2021 at 8:47 AM
To: Chief Teresa Nelson [redacted] Joe Donic [redacted]
Cc: Larissa Mikkelsen [redacted] Jennifer Bruin [redacted]

Greetings Chief Nelson,

I just wanted to send an email in the event that the office is still closed to let you know that I left a message on behalf of the Marten Falls First Nation Community Access Road Project Team. I was calling to follow up and confirm that you have received the letter sent on February 9, 2021 about the additional opportunity to comment on the proposed TOR until March 31, 2021. I was also inquiring to see if AZA wishes to submit further comments or wishes to meet with the project team?

If you have any questions or comments please feel free to contact me and I am happy to assist in any way I can.

All the best and I look forward to hearing from you,

Stephanie Burnham
MFFN Project Consultant

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Burnham, Stephanie <[redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted] Thu, Mar 11, 2021 at 1:13 PM
To: Chief Teresa Nelson [redacted] Joe Donio [redacted]
Cc: Larissa Mikkelsen <[redacted] Jennifer Bruin [redacted] info@martenfallsaccessroad.ca, "Beaney, Jessalyn" [redacted]

Good Afternoon Chief Nelson,

I am following up to my call this morning. I left a message with you to confirm that you have received the letter sent on February 9, 2021 about the additional opportunity to comment on the proposed TOR until March 31, 2021. I was also inquiring to see if AZA wishes to submit further comments or wishes to meet with the project team?

If you have any questions or comments please feel free to contact me and I am happy to assist in any way I can.

All the best and I look forward to hearing from you,

Stephanie Burnham
MFFN Project Consultant

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Coppaway, Clayton [redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton [redacted] Fri, Mar 26, 2021 at 4:08 PM
To: [redacted]

Good Afternoon Chief Nelson,

I called earlier this afternoon and left a message for you.

I wanted to follow up with you regarding the Marten Falls First Nation (MFFN) Community Access Road (CAR) Project Environmental Assessment Terms of Reference (ToR) review period. In particular we would be interested to know:

- Whether Animbiigoo-Zaagi'igan Anishinaabek (AZA) First Nation intends to submit comments on the ToR for the MFFN CAR;
- Do you have any questions, concerns, or comments on the MFFN CAR Project; and,
- Is AZA First Nation interested in meeting with the MFFN CAR Project Team?

If AZA First Nation would like to submit comments on the MFFN CAR ToR you can do so directly to:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Sincerely,
Clayton Coppaway
On Behalf of the MFFN CAR Project Team

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Burnham, Stephanie <[redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted] Wed, Mar 31, 2021 at 1:59 PM
To: Kyla Morrisseau [redacted]
Cc: "Coppaway, Clayton" <[redacted] Theresa Nelson <[redacted] Joe Donio [redacted], Qasim Saddique <[redacted], Larissa Mikkelsen [redacted] Bob Baxter [redacted] Lawrence Baxter [redacted] Jackmoonias [redacted] Jennifer Bruin [redacted], "McLeod, Sasha (MECP)" [redacted], "[redacted]
Bcc: info@martenfallsaccessroad.ca, "Beaney, Jessalyn" [redacted]

Good Afternoon Kyla,

Thank you for your email and I am glad to hear that you are back working on the project on behalf of AZA. I hope your surgery went well, considering.

We look forward to receiving any further comments on the Proposed ToR from AZA as you receive them. Please let me know if AZA is interested in a virtual meeting with the MFFN CAR Project Team, I am happy to coordinate this.

We looking forward to hearing from you,

Stephanie Burnham
On behalf of the MFFN CAR Project Team

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Burnham, Stephanie [redacted]

MFFN Community Access Road - Questions for Bat Program

1 message

Burnham, Stephanie [redacted] Fri, May 14, 2021 at 3:14 PM
To: Chief Teresa Nelson [redacted] Joe Donio [redacted] Kyla Morrisseau [redacted]

Good afternoon Kyla,

I am emailing to follow up on the field notice which was sent to AZA on May 12 about the upcoming Bat Acoustic Monitoring Program. I called the Band Office today and left a voicemail on your extension. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is also available on the website.

We have two questions for AZA First Nation community members before the bat program starts:

1. Does AZA have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

Please provide any insights you may have on behalf of the AZA First Nation community by May 28, 2021.

If you have any questions or comments about the program, please get in touch.

Sincerely,

Stephanie Burnham

MFFN Project Consultant

--

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Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Burnham, Stephanie

MFFN CAR: Upcoming Field Programs and Discussion Guides-Follow-Up

1 message

Burnham, Stephanie [redacted] Thu, Jul 22, 2021 at 1:40 PM
To: Chief Teresa Nelso[redacted] Kyla Morrisseau [redacted] Joe Donio [redacted]

Good Afternoon Kyla,

I hope you are doing well and the members of AZA are staying safe. I left a voicemail to follow-up on the information for the upcoming field programs and discussion guides that were sent out. As part of our ongoing efforts to share project related information with communities and to avoid sensitive areas, I have provided a summary of the Discussion Guides below for your convenience.

- Groundwater and Geochemistry Discussion Guide - distributed to communities on Friday, June 25th
  - We will be drilling and installing monitoring wells to assess groundwater quality and quantity.
  - We are looking for input on important groundwater sources in the study area, areas we should avoid for installing wells or clearing landing pads for the helicopters, and timing considerations for conducting field work between August and October
  - Web version of discussion guide and survey
  - PDF copy attached
  - **Updated guide with new map coming soon – distribution date TBD**
- Surface Water, Fish and Fish Habitat Discussion Guide - distributed on Friday, July 19th
  - We will be sampling surface water, fish and fish habitat at a subset of water crossings along both route alternatives to understand current conditions of the study area.
  - We are looking for input on important water crossing and fishing sites in the study area, known spawning or overwintering locations of key fish species, drinking water sources or areas of water use in the study area, and areas we should avoid during our sampling
  - Web version of discussion guide and survey
  - PDF copy attached
- Vegetation, Physiography and Peatlands Discussion Guide - distributed on Friday, July 16th
  - We will be surveying the study area on foot and helicopter to observe vegetation, as well as measuring soil conditions and geologic features.
  - We are looking for input on culturally significant or traditional use plants in the study area, locations of drinking water, and areas that we should avoid during our sampling.
  - Web version of discussion guide and survey
  - PDF copy attached.

For all 3 programs, the **deadline to provide feedback is Saturday, July 31, 2021.** The field programs are anticipated to start in the second half of August, and field notices will be issued once field dates are confirmed.

Please do not hesitate to let me know if there are AZA team members you would like us to communicate this information to directly. If you wish to give me a call or set up a meeting to discuss the Field Programs, please feel free to contact me at [redacted].

I look forward to hearing from you!

Stephanie Burnham
MFFN Project Consultant

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Burnham, Stephanie <[redacted]

MFFN CAR: Field Notices and Check-In

1 message

Burnham, Stephanie <[redacted] Fri, Sep 10, 2021 at 6:06 PM
To: Chief Teresa Nelson <[redacted]>, Kyla Morrisseau [redacted], Joe Donio <[redacted]

Good afternoon Kyla and Chief Nelson,

I hope you and the AZA community members are doing well. I called this afternoon and left a voicemail with Kyla. I apologize for the late correspondence as I was having some technical difficulties. There's been some recent communications about the Community Access Road and I wanted to follow-up to see if you or AZA community members have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for AZA First Nation and re-opening plans you'd like to share

I'm available via email and phone if you'd like to chat.

Take care,

Stephanie Burnham

MFFN CAR Project Consultant

--

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CANADA
Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

B2.2 Incoming Community Specific Correspondence



From: Theresa Nelson [redacted]
Sent: September 23, 2020 9:01 AM
To: Lillyman, Kristin
Cc: Kyla Morrisseau; Joe Donio; Bob Baxter; Larissa Mikkelsen; info@martenfallsaccessroad.ca
Subject: Re: IK Study Memo

Thank you

Sent from my iPhone

> On Sep 23, 2020, at 8:51 AM, Lillyman, Kristin [redacted] wrote:
>
>
> <MFFN CAR - Preliminary Rights and Interests Study Areas Memo - Final (1) (1) (1) (1).pdf>

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Burnham, Stephanie <[redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Kyla Morrisseau [redacted] Mon, Mar 29, 2021 at 4:50 PM
To: "Coppaway, Clayton [redacted]
Cc: Theresa Nelson [redacted], Joe Donio [redacted], Stephanie Burnham [redacted] Qasim Saddique [redacted] B [redacted]

Aaniin Clayton;

I have been away for the last year as I awaited a spinal reconstruct; I was working on this project in regards to AZA and any impacts to cultural heritage or the environment.

Our Chief has been even busier in these changing times trying to make sure our community members stay safe during the pandemic. We did submit comments in the first round. I would like the opportunity to review the project information. I do know our community definitely supports any First Nation being able to have an all season access road and supports Marten Falls community all season access road. I just need to reacquaint myself with the project information. Additionally I will ask our leadership if they would like to set-up a virtual meeting with your project team for an overview of the project.

Chi Miigwetch

Kyla Morrisseau

AZA Consultation Coordinator

[redacted]

Sent from my iPhone

B3. Aroland First Nation

B3.1 Outgoing Community Specific Correspondence
B3.2 Incoming Community Specific Correspondence



B3.1 Outgoing Community Specific Correspondence

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Coppaway, Clayton [redacted]

MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

1 message

Coppaway, Clayton <[redacted]> Tue, Sep 22, 2020 at 2:05 PM
To: [redacted]
Cc: [redacted]

Dear Chief Towedo,

We are writing to follow up on our August 25, 2020 email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We are seeking your review and comments by September 25, 2020.

Please find attached the Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo and the Geographical Information Systems (GIS) shapefiles and KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,
The Marten Falls First Nation Project Team

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]

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3 attachments

MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-KMZ.zip
802K

MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-SHP.zip
594K

MFFN CAR - Preliminary Rights and Interests Study Areas Memo - Final (1).pdf
3242K

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Coppaway, Clayton [redacted]>

Re: MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

1 message

Coppaway, Clayton [redacted]> Tue, Sep 22, 2020 at 3:19 PM
To: Sheldon Atlookan [redacted]>
Cc: [redacted]

Hi Sheldon,

Thank you for following up with me so quickly.

My sincere apologies for the wrong email address for Chief Towedo. Would you be able to provide me with the correct email address for Chief Towedo so I can update our contact information.

Thank you so much,
Clayton

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Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Fwd: Follow up call on shared territory map

1 message

---------- Forwarded message ---------
From: **Qasim Saddique** <[redacted]
Date: Tue, Oct 6, 2020 at 3:51 PM
Subject: Re: Follow up call on shared territory map
To: Andrew Peach <[redacted]
Cc: Lawrence Baxter <[redacted] Bob Baxter [redacted]>, Larissa Mikkelsen <[redacted], Don McKinnon <[redacted]>, Don Richardson <[redacted], Sheldon Atlookan [redacted] Meghan Buckham [redacted], Dorothy Towedo [redacted], Ambrose Achneepineskum <[redacted]>

Hello Andrew,

Thank you for following up with the map of AFN traditional territory.

I will follow up with an update on the MOU in a few days.

Best wishes,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

[redacted]
W: suslop.com

SUSLOP

[redacted]

DILLON CONSULTING

Coppaway, Clayton [redacted]

Fwd: Letter on MOU from MFFN

1 me age

McKinnon, Don [redacted]
To: "Coppaway, Clayton" [redacted]

[redacted]

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Platinum member

[redacted]

[redacted]

Forwarded me age
From: **Qasim Saddique** <[redacted]>
Date: Wed, Oct 14, 2020 at 4:21 PM
Subject: Letter on MOU from MFFN
To Dorothy Towedo [redacted]
Cc: Chief Bruce Achneepineskum <[redacted]

Hello Chief Towedo,

I hope you are well.

On behalf of Chief Achneepineskum and MFFN Council, please find a letter attached here on the MOU.

Best wishes,
Qa im

Qasim Saddique MSc, MBA
Principal Consultant

E: [redacted]
W u lop com

MARTEN FALLS FIRST NATION #65

[redacted]

October 14, 2020

Chief Dorothy Towedo and Council

[redacted]

Dear Chief Towedo and Members of Council:

Re: Draft Marten Falls First Nation MOU with Aroland First Nation

On behalf of Marten Falls First Nation Council, I am writing to seek a face to face meeting with you and your Council. We seek this meeting to get back to first principles about the role and purpose of the draft Memorandum of Understanding (MOU) between our two Nations.

Following much discussion at our Council, we do not wish to continue down the path of legal negotiations over what this MOU must say and do. It seems that we have been in such negotiations since 2018 and we do not see progress.

We do not wish to make the MOU into a legal document for one of us to take the other to court.

What we would like to discuss is the possibility of a future MOU that sets out common principles for how Marten Falls FN will work with Aroland FN to advance the Marten Falls FN environmental assessment of the proposed community access road. While environmental assessment does not require this MOU, we see an MOU as a positive step of working together.

It is also my hope that, if we can reach agreement on this MOU, we can work together in the future for additional MOUs on other matters of common interest. For example, if we can obtain approval for this needed community access road, I would look forward to discussing a future MOU on topics like jobs and benefits for constructing this road.

I look forward to hearing from you.

Sincerely,

[redacted]

Chief Bruce Achneepineskum

Cc:

Marten Falls Council: Councillor Linda Moonias; Councillor Rob Moonias; Councillor Paul Achneepineskum; Councillor Russell Achneepineskum; Councillor Sam Achneepineskum; Councillor Vida Baxter; Councillor Marilyn Wenjack
Qasim Saddique, MFFN Advisor
Lawrence Baxter, MFFN Advisor
Bob Baxter, MFFN Advisor and CBLUP Lead
Jack Moonias, MFFN Environment Manager
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Don McKinnon, Dillon
Don Richardson, Shared Value Solutions
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions
Aroland Council: Councillor Bernard Gagnon; Councillor Sheldon Atlookan; Councillor Louie Mendowegan; Councillor Mark Bell; Councillor Chad Kashkish; Councillor Annamarie Magiskan

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Coppaway, Clayton <[redacted]>

Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton [redacted] > Wed, Oct 28, 2020 at 3:35 PM
To: [redacted]
Cc: Qasim Saddique [redacted] >, Larissa Mikkelsen [redacted], Jennifer Bruin [redacted] >, [redacted]
Bcc: "Beaney, Jessalyn" [redacted], info@martenfallsaccessroad.ca

Dear Chief Towedo,

Thank you so much for taking the time to speak with me today, it was a pleasure.

I appreciate you letting me know that you thought that the community had received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. However, if you find that documents did not arrive, please don't hesitate to contact me. In addition, if we could kindly ask that the hard copy be made available to the community in an accessible location.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,
Clayton Coppaway

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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[redacted]

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Coppaway, Clayton <[redacted]>

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton <[redacted]a> Thu, Nov 5, 2020 at 2:17 PM
To: [redacted], Sheldon Atlookan <[redacted]>, [redacted], [redacted]>
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]>, Jennifer Bruin [redacted]>, [redacted], [redacted], [redacted]
Bcc: "Beaney, Jessalyn" <[redacted]>, info@martenfallsaccessroad.ca

Dear Chief Towedo,

I just want to follow up with you regarding the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. We just want to confirm whether these documents have been delivered to the community yet. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please let me know if they have arrived as soon as you are able.

Sincerely,
Clayton Coppaway

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton [redacted] Thu, Nov 12, 2020 at 3:40 PM
To: [redacted]
Cc: [redacted]
Bcc: info@martenfallsaccessroad.ca, [redacted]

Dear Chief Towedo,

I hope that this email finds you well.

I just want to continue to follow up with you regarding the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. I just want to confirm whether these documents have been delivered to the community yet.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please let me know if the documents have arrived in the community as soon as you can.

Sincerely,
Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton [redacted] Thu, Nov 26, 2020 at 2:36 PM
To: [redacted]

Dear Chief Towedo,

I just want to follow up with you regarding the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

I just want to confirm whether these documents have been delivered to the community yet. Please feel free to respond to this email to let me know either way.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Sincerely,
Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Fwd: Request for GIS shapefiles

1 message

Nokleby, Andrea <[redacted]> Tue, Dec 8, 2020 at 12:17 PM
To: "Coppaway, Clayton" <[redacted]>

FYI - for your reference and tracking.

Thanks,

Andrea

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

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

Please consider the environment before printing this email

---------- Forwarded message ---------
From: **Qasim Saddique** <[redacted]>
Date: Tue, Dec 8, 2020 at 8:15 AM
Subject: Re: Request for GIS shapefiles
To: Andrew Peach <[redacted]>
Cc: Meghan Buckham <[redacted]>, Don Richardson <[redacted]>, Sheldon Atlookan <[redacted]>, Dorothy Towedo <[redacted]>, Lawrence Baxter <[redacted]>, Larissa Mikkelsen <[redacted]>, Don McKinnon <[redacted]>, Bob Baxter <[redacted]>, Nokleby, Andrea <[redacted]>

Hello Andrew,

Please find attached the GIS Shapefiles, KMZ Files and updated map for the revised Study Areas (LSA/RSA).

We hope these will assist with the traditional knowledge study you are planning with Aroland and we look forward to further discussions on it.

Best wishes,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

E: [redacted]
P: [redacted]
W: suslop.com

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFFN CAR - Letter to Aroland Chief and Council

1 message

Coppaway, Clayton [redacted]> Tue, Dec 8, 2020 at 9:51 AM
To: [redacted], Sheldon Atlookan [redacted]>, [redacted], [redacted] <[redacted]>, Lawrence Baxter [redacted]>, Qasim Saddique [redacted]>, Larissa Mikkelsen [redacted]>, Jennifer Bruin <[redacted]>, Don McKinnon <[redacted]>, [redacted]
Bcc: info@martenfallsaccessroad.ca

Dear Chief Towedo and Council Members,

Please see attached letter form the MFFN Project Team in response to your Oct 20, 2020 Letter.

Please do not hesitate to let me know if you have any questions or concerns once you and your Council have had a chance to review and discuss the letter.

I am also available to assist with coordinating meetings and information requests, and answering questions regarding the MFFN CAR Project for you as well.

Respectfully,
Clayton Coppaway
On behalf of the MFFN Project Team

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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L-Aroland-FN-2020-12-08-OG-Response-to-Oct-20-2020-letter-Final-60593122.pdf
458K

December 8, 2020

Chief Dorothy Towedo and Council
Aroland First Nation
[redacted]

RE: Next Steps for Consultation and Engagement on the Marten Falls' Community Access Road

Dear Chief Towedo and Members of Council:

Thank you for your October 20, 2020 letter detailing Aroland First Nation's perspectives regarding the EA process, the MOU process between our Nations, and the First Nation's request to develop a custom consultation process. From your correspondence we understand that it is your community's preference to develop a custom consultation process in lieu of an MOU, we are willing to proceed in that manner.

We understand and respect Aroland First Nation's perspectives and concerns regarding the potential impacts to the community's Aboriginal and Treaty Rights and Interests by the proposed Marten Falls Community Access Road. We acknowledge that portions of the proposed community access road will overlap Aroland First Nation's traditional territory, and that the Project may have potential adverse impacts to the community's Aboriginal and Treaty Rights and Interests that will require mitigation. We are committed to working with and consulting with Aroland First Nation to better understand what these impacts could be and how they can be effectively mitigated or avoided.

We also appreciate Aroland First Nation detailing their perspectives on the responsibilities for proponents. We believe that these responsibilities will be a solid foundation as we work together to develop a custom consultation process for your community. We would be happy to arrange a Nation to Nation meeting (either face-to-face or virtual) to map out our next steps for moving forward. Please let us know at your earliest convenience some preferred dates and times to meet; we think a two-hour

meeting is sufficient and are open to your suggestions. Once we have a date, we will provide a draft agenda for your review and comment.

Thank you again for sharing your perspectives and concerns. We look forward to meeting with you.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Advisor, MFFN

On behalf of the Marten Falls First Nation Community Access Road Project Team

cc: Aroland First Nation Council: Councillor Bernard Gagnon; Councillor Sheldon Atlookan; Councillor Louie Mendowegan; Councillor Mark Bell; Councillor Chad Kashkish; Councillor Annamarie Magiskan
Aroland First Nation Consultants: Don Richardson; Meghan Buckham, Andrew Peach
MFFN Chief and Council: Chief Bruce Achneepineskum; Councillor Linda Moonias; Councillor Rob Moonias; Councillor Paul Achneepineskum; Councillor Russell Achneepineskum; Councillor Sam Achneepineskum; Councillor Vida Baxter; Councillor Marilyn Wenjack.
Larissa Mikkelsen, MFFN Project Team
Jennifer Bruin, MFFN Project Team
Don McKinnon, MFFN Project Team Consultant
Clayton Coppaway, MFFN Project Team Consultant

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Question Re: MFFN ToR Community Comments

1 message

Coppaway, Clayton [redacted]> Wed, Dec 9, 2020 at 4:11 PM
To: Sheldon Atlookan [redacted]>
Cc: Don Richardson [redacted]>, Meghan Buckham <[redacted]>, Andrew Peach <[redacted]>

Sheldon,

Thank you so much for confirming receipt of the ToR documents and for letting us know about your planned submission of comments on the MFFN CAR ToR by December 21, 2020 and your request to MECP for additional time to gather feedback from the Aroland First Nation community.

Please let us know if we can provide any support or additional information for the newsletter submission or other community engagement opportunities as they arise.

Sincerely,
Clayton

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

MFFN CAR - IK Program Update

1 message

Coppaway, Clayton [redacted] > Fri, Jan 22, 2021 at 10:03 AM
To: [redacted]
Cc: Andrew Peach <[redacted]>, Meghan [redacted], Don Richardson [redacted]>, Qasim Saddique [redacted], Larissa Mikkelsen <[redacted], Andrea Nokleby [redacted], Caroline Wrobel [redacted], Sheldon Atlookan <[redacted]>, [redacted]
Bcc: info@martenfallsaccessroad.ca

Good Morning Chief Towedo,

We hope this email finds you and your community well. We would like to share some additional information on the Indigenous Knowledge Program for the Marten Falls First Nation all-season Community Access Road Project.

Fact Sheet

Please find attached an Indigenous Knowledge (IK) Program Fact Sheet (translated in English, Ojibway, Oji-Cree and Cree). The fact sheets are also available on the Project website at: http://www.martenfallsaccessroad.ca/.

IK Program Guidance Document

We would also like to remind communities that we would be happy to answer any questions or discuss any comments on the *IK Program Guidance Document* that was shared with you in early November 2020. The Guidance Document provides information on the IK Program and includes resource materials to support your community in: sharing existing IK and ILRU information relevant to the Project; and completing a Project-specific IK/ILRU Study. We have re-attached the document here for ease (a revised version where the page numbers have been corrected).

Standardized GIS Geodatabase

The MFFN Project Team has developed a standardized Geographic Information Systems (GIS) geodatabase to support the sharing of IK and Indigenous Land and Resource Use information. The geodatabase includes standardized features and attributes to help streamline and support consistent information and data sharing for the Project environmental assessment processes. We have attached an overview of the geodatabase and the geodatabase file. Please note that this information is written and developed for GIS practitioners and is intended to help support any GIS-specific work you may be undertaking as part of the IK Program.

Aboriginal and Treaty Right and Interests Study Areas Update

The MFFN project Team shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August 2020. We have since received feedback on the preliminary study areas and updates have been made accordingly. Please find attached an update on the proposed Aboriginal and Treaty Rights and Interests Study Areas.

The MFFN Project Team looks forward to receiving any comments or questions you may have on these materials and/or the IK Program. We would be happy to meet to further discuss any of your questions or comments.

Kind regards,

Clayton Coppaway
On behalf of the MFFN Project Team

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Coppaway, Clayton <[redacted]>

MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton [redacted] Mon, Feb 8, 2021 at 5:00 PM
To: [redacted]
Cc: Sheldon Atlookan <[redacted]>, Don Richardson [redacted], Andrew Peach <[redacted]>, Meghan Buckham <[redacted]>, [redacted], Qasim Saddique [redacted], Lawrence Baxter [redacted], Bob Baxter [redacted], Larissa Mikkelsen [redacted], Jennifer Bruin [redacted], [redacted], Jackmoonias <[redacted]>, [redacted]
Bcc: info@martenfallsaccessroad.ca

Good Afternoon Chief Towedo,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that Aroland First Nation has taken to provide feedback. Please see attached letter regarding next steps and an additional opportunity to comment on the ToR until March 31, 2021. If Aroland First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Clayton Coppaway,
On behalf of the MFFN Community Access Road Project Team

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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2021-02-05-MFFN Community Access Road Proposed ToR Letter Aroland First Nation.pdf
460K

February 8, 2021

Aroland First Nation
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference and Comment Period Extension

Dear Chief Towedo,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that Aroland First Nation has taken to provide feedback.

Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the ToR until March 31, 2021. The MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with the opportunity to provide new comments in addition to any that have been submitted.

Over the next couple of months, the MECP and MFFN will be following up with Aroland First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit additional comments on the ToR. MFFN will also follow up with Aroland First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The MFFN Project Team is in the process of drafting detailed responses to all comments received before the original comment period deadline of December 21, 2020. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Councillor Sheldon Atlookan, Aroland First Nation
Council, Aroland First Nation
Don Richardson, Aroland First Nation Consultant
Andrew Peach, Aroland First Nation Consultant
Meghan Buckham, Aroland First Nation Consultant
Sasha McLeod, Special Project Officer, MECP
Shannon Gauthier, Project Officer, MECP
Lori Churchill, Director, Indigenous Consultation and Participation Branch, ENDM
Mary Hennessy, Director, Ring of Fire Policy Coordination Branch, ENDM
Caitlin Cafaro, Ontario Regional Director, IAAC
Debra Myles, Senior Advisor – Strategic and Regional Assessment, IAAC
Chief Bruce Achneepineskum, MFFN
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor

Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
James McCutchon, Project Manager, AECOM
Clayton Coppaway, MFFN Project Consultant

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Coppaway, Clayton [redacted]>

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton [redacted]> Mon, Feb 22, 2021 at 3:36 PM
To: Sheldon Atlookan [redacted]>
Cc: Don Richardson <[redacted]>, Andrew Peach <[redacted]>, Meghan Buckham <[redacted]>, [redacted], Qasim Saddique [redacted]>, Lawrence Baxter <[redacted]>, Bob Baxter [redacted]>, Larissa Mikkelsen [redacted]>, Jennifer Bruin [redacted]>, Jackmoonias [redacted]>, [redacted]
Bcc: info@martenfallsaccessroad.ca

Good Afternoon Sheldon,

I hope this email finds you well. I just called your cell and left a voicemail message. I would also be happy to give you a call at a convenient time for you, please just let me know and I will make myself available.

I wanted to follow up with you regarding the ToR review period extension:

- Confirm you are getting our emails and attachments, including the most recent letter regarding the ToR extension (please see email string below and the attached letter from Feb 8, 2021);
- Whether Aroland First Nation intends to submit additional comments on the ToR for the MFFN CAR;
- Whether the community was able to complete the planned community engagement?;
- Is the community interested in meeting with the MFFN Project Team; and
- If there are any additional questions or comments you may have at this time.

Take care and I look forward to hearing from you!

Sincerely,
Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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February 8, 2021

Aroland First Nation
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference and Comment Period Extension

Dear Chief Towedo,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that Aroland First Nation has taken to provide feedback.

Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the ToR until March 31, 2021. The MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with the opportunity to provide new comments in addition to any that have been submitted.

Over the next couple of months, the MECP and MFFN will be following up with Aroland First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit additional comments on the ToR. MFFN will also follow up with Aroland First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The MFFN Project Team is in the process of drafting detailed responses to all comments received before the original comment period deadline of December 21, 2020. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Councillor Sheldon Atlookan, Aroland First Nation
Council, Aroland First Nation
Don Richardson, Aroland First Nation Consultant
Andrew Peach, Aroland First Nation Consultant
Meghan Buckham, Aroland First Nation Consultant
Sasha McLeod, Special Project Officer, MECP
Shannon Gauthier, Project Officer, MECP
Lori Churchill, Director, Indigenous Consultation and Participation Branch, ENDM
Mary Hennessy, Director, Ring of Fire Policy Coordination Branch, ENDM
Caitlin Cafaro, Ontario Regional Director, IAAC
Debra Myles, Senior Advisor – Strategic and Regional Assessment, IAAC
Chief Bruce Achneepineskum, MFFN
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor

Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
James McCutchon, Project Manager, AECOM
Clayton Coppaway, MFFN Project Consultant

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Coppaway, Clayton <[redacted]>

Aroland First Nation Custom Consultation Process

1 message

Coppaway, Clayton [redacted]> Tue, Mar 9, 2021 at 11:22 AM
To: [redacted], Sheldon Atlookan [redacted]>, Andrew Peach [redacted]>
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen [redacted]>, Don McKinnon <[redacted]>
Bcc: info@martenfallsaccessroad.ca

Dear Chief Towedo, Councillor Atlookan, and Mr. Peach,

We hope this email finds you well and that you are staying safe.

The MFFN Project Team would like to initiate the development of a custom consultation process for Aroland First Nation. We propose a 2 hour facilitated meeting to initiate discussion and have provided a draft agenda (attached) for your review and comment. We would propose that this meeting could be arranged during the week of March 22-26, 2021.

Please advise us on who from your consultation team may attend and if there is a preferred time during this week. Also, please let us know if you would like representation from the Ontario Ministry of Environment, Conservation and Parks.

Sincerely,
Clayton Coppaway,
On behalf of the MFFN Project Team

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Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

AGN-Aroland-FN-2021-03-09-OG-Custom-Consultation-Process-Meeting-Draft-Agenda-60593122.pdf
468K

Agenda

Subject: Aroland First Nation Custom Consultation Process Development
Date: TBD
Timing: TBD
Location: Virtual Conference Meeting
Call-in Details: TBD
Facilitator: Don McKinnon, MFFN Project Consultant
Recorder: Clayton Coppaway, MFFN Project Consultant

Attendees:

Aroland First Nation Consultation Team	MFFN Project Team	Ontario (i.e. MECP and/or ENDM reps)
• To be provided by Aroland First Nation	• Qasim Saddique, MFFN Project Team • Bob Baxter, MFFN Community Member Advisor • Lawrence Baxter, MFFN Community Member Advisor • Larissa Mikkelsen, MFFN Community Consultation Coordinator / Advisor • Don McKinnon, MFFN Project Consultant • Clayton Coppaway, MFFN Project Consultant	• TBD, if requested by Aroland First Nation.

Meeting Purpose: The purpose of this initial meeting will be to prepare a foundational framework to guide the development of a custom consultation process for Aroland First Nation as part of the MFFN Community Access Road Project.

Our broad objectives include:

- Discuss and understand the current and desired approach to consultation with Aroland First Nation;
- Define or refine the goals and objectives of the custom consultation process;
- Discuss consultation opportunities and preferred engagement methods;
- Assign roles and responsibilities;

- Define next steps and timelines;

Meeting Objectives:

Agenda Items:

Agenda Item	Topic of Discussion	Est. Timing (min)	Lead
1.	Welcome and Introductions	10	Facilitator
2.	Agenda Review and Confirmation	15	Facilitator
3.	Opening Remarks & Purpose of the Meeting	10	MFFN Project Team & Aroland First Nation Team
4.	Facilitated discussion, using presentation, to prepare a foundational framework to guide the development of a Custom Consultation Process for Aroland First Nation.	55	Facilitator
5.	Actions, Responsibilities and Next Steps	15	Facilitator
6.	Next Meeting	10	Facilitator
7.	Meeting Close	5	Facilitator

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Coppaway, Clayton [redacted]

Re: Aroland First Nation Custom Consultation Process

1 message

Coppaway, Clayton [redacted] Thu, Mar 11, 2021 at 1:50 PM
To: Andrew Peach [redacted]
Cc: [redacted] Sheldon Atlookan [redacted], Qasim Saddique [redacted], Larissa Mikkelsen [redacted], Don McKinnon [redacted], Don Richardson [redacted], Meghan Buckham [redacted]
Bcc: info@martenfallsaccessroad.ca

Hi Andrew,

Thank you so much for keeping us updated on the timeline for Aroland's Council to consider our meeting request to begin discussions of the custom consultation process. We look forward to hearing back from you next week.

Should you or other Aroland First Nation representatives or team members, have any questions or concerns please do not hesitate to contact me (either via email [redacted] or telephone [redacted]).

In addition, we would also like to follow up with Aroland First Nation regarding the Terms of Reference review period which ends March 31, 2021.

Specifically, we would be interested to have a better understanding on:

- Whether Aroland First Nation intends to submit additional comments on the ToR for the MFFN CAR;
- Whether the community was able to complete the planned community engagement, and if/how we can support these efforts?;
- Is the community interested in meeting with the MFFN Project Team; and
- If there are any additional questions or comments you may have at this time.

Take care and have a great day!

Sincerely,
Clayton Coppaway,
On Behalf of the MFFN CAR Project Team

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton <[redacted]a> Fri, Mar 12, 2021 at 10:44 AM
To: Sheldon Atlookan <[redacted]>, Andrew Peach <[redacted]>
Cc: Don Richardson <[redacted]>, Meghan Buckham <[redacted]>, Qasim Saddique <q[redacted]>, Lawrence Baxter <[redacted]>, Bob Baxter <[redacted]>, Larissa Mikkelsen <[redacted]>, Jennifer Bruin <[redacted]>, Jackmoonias <[redacted]>, [redacted]

Hi Sheldon and Andrew,

Further to my email yesterday. I also wanted to pass along updated information for the Ontario Ministry of Environment, Conservation, and Parks (MECP), should Aroland First Nation like to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]

Sincerely,
Clayton Coppaway
On behalf of the MFFN Project Team.

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
ca

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Aroland First Nation Custom Consultation Process

1 message

Coppaway, Clayton [redacted]> Tue, Mar 23, 2021 at 10:00 AM
To: Andrew Peach <[redacted]>, Sheldon Atlookan <[redacted]>
Cc: [redacted] Qasim Saddique [redacted]>, Larissa Mikkelsen <[redacted]>, Don McKinnon <[redacted]>, Don Richardson <[redacted]>, Meghan Buckham <[redacted]>
Bcc: info@martenfallsaccessroad.ca

Hi Andrew and Sheldon,

I just wanted to check in with you to see if you could provide an update on our request to meet to begin discussions of the custom consultation process. Recognizing that our originally proposed meeting time frame was this week, we will need to coordinate some other meeting times together.

We look forward to hearing from you,

Sincerely,
Clayton Coppaway
On behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: Aroland First Nation Custom Consultation Process

1 message

Coppaway, Clayton [redacted]> Thu, Mar 25, 2021 at 9:00 AM
To: Andrew Peach [redacted]>
Cc: Sheldon Atlookan [redacted]>, [redacted]>, Qasim Saddique [redacted]>, Larissa Mikkelsen [redacted]>, Don McKinnon [redacted]>, Don Richardson <[redacted]>, Meghan [redacted]>

Hi Andrew,

Thank you very much for the update and there is no need to apologize. We'll look forward to hearing from you about this soon.

Take care and have a great day,

Sincerely,
Clayton Coppaway

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CANADA
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton <[redacted]> Thu, Mar 25, 2021 at 12:51 PM
To: Sheldon Atlookan [redacted]>, Andrew Peach <[redacted]>
Cc: Don Richardson <[redacted]>, Meghan Buckham <[redacted]>, "McLeod, Sasha (MECP)" <[redacted]>, Qasim [redacted]>, Lawrence Baxter <[redacted]>, Bob Baxter [redacted]>, Larissa Mikkelsen [redacted]>, Jennifer Bruin [redacted]>, Jackmoonias <[redacted], [redacted]m, Don McKinnon [redacted]>
Bcc: info@martenfallsaccessroad.ca

Good Morning Sheldon and Andrew,

Sheldon, I called your cell and left a voicemail message. Please feel free to contact me if you have any questions or would like to discuss this further. I would also be happy to give you a call at a convenient time for you, please just let me know and I will make myself available.

Andrew, thank you for taking the time to connect with me over the phone this morning. I also appreciate you letting me know that Aroland First Nation will be following up formally on the ToR extension and other important MFFN CAR related topics later this week or early next week. Thank you for also letting me know that the community has not been able to complete planned community engagement due the impacts of COVID-19 on the community.

In the meantime we would like to:

- Remind the community that the ToR Comment Review Period is open until March 31, 2021
- Confirm whether Aroland First Nation intends to submit additional comments on the ToR for the MFFN CAR?
- Inquire if the community interested in meeting with the MFFN Project Team; and
- Inquire if there are any additional questions or comments you may have at this time.

Also, should Aroland First Nation like to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please do not hesitate to reach out to me if you have any questions or concerns with this information.

Take care and I look forward to hearing from you!

Clayton Coppaway,
On Behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: Comments received on the Marten Falls Community Access Road proposed Terms of Reference and invitation to begin custom consultation process discussions

1 message

Qasim Saddique [redacted]> Fri, Mar 26, 2021 at 5:20 PM
To: Andrew Peach <[redacted]>, Dorothy Towedo <[redacted]>
Cc: [redacted]

Hello Andrew,

Thank you for sending the letter.

Hello Chief Towedo,

Thank you for the letter—miigwetch!

We look forward to continuing our conversation on the custom consultation process and related aspects.

I hope you have a good weekend.

Best wishes,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

E: [redacted]
P [redacted]
W: suslop.com

SUSLOP

Coppaway, Clayton [redacted]

Aroland First Nation IK Sharing Agreement - 2019 Proposed Amendments

1 message

Coppaway, Clayton <[redacted]> Wed, Mar 31, 2021 at 3:26 PM
To: Sheldon Atlookan [redacted], Andrew Peach <[redacted]>
Cc: Qasim Saddique [redacted] Larissa Mikkelsen [redacted], Andrea [redacted], [redacted]
Bcc: info@martenfallsaccessroad.ca

Hi Councillor Atlookan and Andrew,

Andrew, thank you for taking the time to speak with me this morning about this.

As I indicated, we are following up with you regarding the proposed amendments Aroland First Nation provided in July 2019 on the Indigenous Knowledge (IK) Sharing Agreement. We understand that shortly after this time it was decided that details related to IK Sharing would be included in an MOU between Aroland First Nation and MFFN or negotiated afterward. Since a MOU between the communities is no longer being pursued we wanted to confirm whether the previously proposed IK Sharing Agreement amendments are still valid or if you would like to update them in any way.

We have attached the original proposed amendments that were provided by Aroland First Nation in July 2019 as well as the updated 2021 version of the IK Sharing Agreement template. Please note, for the updated 2021 version we have modified the original IK Sharing Agreement template to capture both the provincial and federal assessments (e.g. Environmental Assessment is now referenced as environmental/impact assessments) and "Preliminary Design" is now termed "Design.

Please let us know as soon as you are able how you'd like to proceed.

Sincerely,
Clayton Coppaway,
On behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

2 attachments

AFN-MFFN_ Confidential Information Sharing Agreement_June 2019_FINAL.docx
25K

Template - Confidential Indigenous Knowledge Sharing Agreement - 2021.docx
18K

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Coppaway, Clayton [redacted]

Re: MFFN Community Access Road: Notices of upcoming fieldwork

1 message

Coppaway, Clayton [redacted] Fri, May 14, 2021 at 1:00 PM
To: Andrew Peach [redacted]
Cc: MFFN Community Access Road Project Team [redacted]

Dear Councilor Atlookan and Andrew,

Thank you for your email regarding the recent field study notices.

We anticipate that a response to your March 26, 2021 ToR comments will be provided by MECP in the coming weeks. Based on the direction provided by Aroland First Nation these comments were treated as formal comments on the ToR and so the responses will be provided to you via MECP.

In the meantime, we do intend to follow up with you next week regarding the development of the custom consultation process and are hopeful that we can meet in the very near future.

Sincerely,
Clayton Coppaway
On behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

From: McLeod, Sasha (MECP) <[redacted]>
Sent: May 14, 2021 4:52 PM
To: Andrew Peach; [redacted]; annamarie majiskon; Bernard Gagnon; Chad Kashkish; lou dogg; Mark Bell; Sheldon Atlookan; Don Richardson; Meghan Buckham
Cc: Qasim Saddique; lawrence baxter; Beaney, Jessalyn; Jennifer Bruin; Heisey, Ariane (ENDM); Moszynski, Dorothy (MECP); Brown, Peter (MECP)
Subject: [EXTERNAL] MFCAR - Proponent Responses to Follow Up ToR Comments - Aroland
Attachments: TAB_2021-05-14_MFFN CAR ToR Comment Responses_ArolandFN_60593122.pdf

Re: Marten Falls Community Access Road – Proponent Responses to Follow Up ToR Comments

Good day Aroland First Nation Chief, Council and representatives,

Thank you for copy of your March 26, 2021 letter to the Marten Falls Project Team regarding the proposed Marten Falls Community Access Road ToR. As part of the ToR process, the ministry is providing you with the attached proponent's responses to your comment letter. These responses together with the proponent's earlier responses to your December 18, 2020 letter (provided by the ministry on March 10, 2021) are provided to your community's comments on the ToR to date. I note that your March 26 letter states AFN requires time to provide feedback on the ToR. At this time, we hope to understand if the responses provided have addressed your comments to date. If you can please provide an update on your review of the responses, I would appreciate hearing from you in the next two or three weeks if possible. I'm also mindful of other priorities facing communities at this time.

We will follow up with you regarding these responses. If you have any questions in the meantime, please do not hesitate to contact me.

Thank you,
Sasha

Sasha McLeod
Special Project Officer, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
[redacted]

If you have any accommodation needs or require communication supports or alternate formats, please let me know.
Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substituts, veuillez me le faire savoir.

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Aroland First Nation IK Sharing Agreement - 2019 Proposed Amendments

1 message

Coppaway, Clayton [redacted] Thu, May 20, 2021 at 1:12 PM
To: Sheldon Atlookan [redacted], Andrew Peach <a[redacted]>,
[redacted]
Cc: [redacted]
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Dear Chief Towedo, Councillor Atlookan, and Andrew,

Thank you for your response to our email regarding the IK Sharing Agreement and the custom consultation process from April 23, 2018.

The MFFN Project Team will review the 2019 amendments and provide you with any proposed revisions in the coming weeks. From the MFFN Project Team perspective, we feel it important that both the IK Sharing Agreement discussions and the discussions regarding the custom consultation process run concurrently. Having an IK Sharing Agreement with Aroland First Nation will help ensure that any IK shared by Aroland First Nation will be protected and used to help inform the MFFN CAR assessments (i.e. federal and provincial assessments). The IK Sharing Agreement will be a legally binding document.

We understand that MECP provided you with our responses to your March 26, 2021 ToR comments on Friday May 14, 2021. Please do not hesitate to reach out if you have any questions, concerns, or additional comments.

In regards to the custom consultation process development with Aroland First Nation, we would very much like the opportunity to meet with you to initiate our discussion regarding the custom consultation process at your earliest convenience. We would be happy to work with you to set up this virtual meeting for the week of May 24-28, 2021, or early the following week. We have attached a short memo which outlines some high-level details regarding our expectations for the development of the custom consultation process with Aroland First Nation. We will also provide you with a draft agenda and other materials once we have an initial meeting date.

Sincerely,
Clayton Coppaway,
On behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
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www.dillon.ca

Vacation Alert - May 21, 2021

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: MFFN Community Access Road: Notices of upcoming fieldwork

1 message

Coppaway, Clayton <[redacted]> Mon, May 31, 2021 at 2:00 PM
To: '[redacted]>, Sheldon Atlookan [redacted]>, Andrew Peach [redacted]>
Cc: [redacted]
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Dear Chief Towedo, Councillor Atlookan, and Andrew,

Thank you for sharing your perspectives, on May 14, 2021, about our recent outreach regarding field studies to support the Environmental Assessment/Impact Assessment (EA/IA) for the Marten Falls Community Access Road (MFFN CAR).

Field studies to support planning for the proposed MFFN CAR have been ongoing for several years, and data collection is expected to continue into 2024; collecting information over multiple seasons and years will help to provide an accurate assessment of the baseline conditions. Leading up to and throughout the EA/IA, Indigenous communities, including Aroland First Nation, will be given an opportunity to provide information, or insights, to strengthen our approach to data collection. Discussion Guides or advance phone calls will be made to Indigenous communities to gather input in advance of formal notifications. In the near future, we also intend to share and provide you with access to online videos that will describe the field studies being conducted and how the collected data and information will be used to help inform the EA/IA.

We acknowledge your perspective that the field study programs should not proceed until a custom consultation process is developed and your assertions that the study areas for some of our field programs may overlap with Aroland First Nation's claimed traditional territory (which you shared with us as a map in October 2020). We are optimistic that a custom consultation process with Aroland First Nation can be developed within two months of an initial meeting to discuss the custom consultation process. However, having a custom consultation process completed with Aroland First Nation before the two spring field studies (i.e., Bat Acoustic Monitoring and Remote Camera Installation) begin in June 2021 will not be feasible or realistic given we have not yet been able to find a mutually-acceptable time to meet to initiate discussions. We will continue to work with Aroland First Nation to schedule a convenient time for this important initial meeting.

Unfortunately, delaying the planned spring field studies would have a significant impact on our multi-year data collection program and the EA/IA schedule. It is our hope that discussions regarding Aroland First Nation's custom consultation process will have progressed in advance of our summer field study programs (currently expected to begin August 2021.) Regarding the spring bat surveys and camera monitoring field programs, it is important to note that these are considered non-invasive and are not expected to have any lasting impact on the environment. We hope this information helps alleviate any concerns you might have regarding these field studies.

Regarding your concerns about capacity funding: we continue to discuss this with the provincial and federal governments and agencies, and feel that an initial meeting with Aroland First Nation to discuss the development of the custom consultation process will provide important context and background to better understand, if or what, additional capacity funding might be required by Aroland First Nation as part of the developed custom consultation process.

As per our May 20, 2021 correspondence, we hope to arrange a meeting to discuss the development of a custom consultation process as soon as you are able. We look forward to hearing from you regarding suggested times to meet.

If you have further questions about our field study programs, or you would like to provide information or insights about the Bat Acoustic Monitoring and/ or Remote Camera Installation field study programs, please do not hesitate to reach out.

Any information or insights you can share would be very much appreciated.

Sincerely,
Clayton Coppaway,
On behalf of the MFFN CAR Project Team





Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

Coppaway, Clayton [redacted]>

Re: Aroland-Marten Falls meeting

1 message

Coppaway, Clayton [redacted]> Fri, Jun 18, 2021 at 9:05 AM
To: Andrew Peach [redacted]>
Cc: [redacted]

Hi Andrew,

Excellent, please send the zoom info and I will distribute it to the MFFN CAR Project Team.

A tentative proposed Agenda would look something like this:

1. Welcome & Introductions - 10 min
2. Opening Remarks & Purpose of the Meeting - 5 min
3. Custom Consultation Process - 30 min
    - Brief overview and anticipated timelines - MFFN CAR Project Team
    - Aroland First Nations Perspectives
4. Next Steps - 10 min
5. Set the next meeting & Close - 5 min

Given this is our first meeting we would like to make sure to hold enough time to hear from Aroland First Nation on this important issue.

Take care and we will see you all (virtually of course) on Tuesday!

Clayton

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton [redacted]

Aroland First Nation Custom Consultation Process Initial Meeting Follow up

1 message

Coppaway, Clayton [redacted] > Fri, Jun 25, 2021 at 10:53 AM
To: Sheldon Atlookan < [redacted] >, Andrew Peach [redacted] >, Meghan Buckham [redacted] >, Jeremy Shute [redacted] >
Cc: [redacted], Qasim Saddique < [redacted] >, Larissa [redacted], Lawrence Baxter [redacted], Bob Baxter [redacted], Jennifer Bruin [redacted] >, Jessica Metuzals [redacted], Don McKinnon [redacted]
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Dear Councillor Atlookan, Andrew, Meghan, and Jeremy,

Thank you for meeting with us on Tuesday June 22, 2021. While we had hoped to begin our discussion to initiate the development of the custom consultation process, we are appreciative of Aroland First Nation letting us know they would prefer a nation-to-nation meeting with MFFN leadership and that Aroland First Nation would reach out to MFFN [redacted] in the coming weeks.

[redacted]

We have included the draft meeting minutes for your review and approval. Please let me know if you have any questions, comments, or suggested revisions. We kindly request you follow up within the next two weeks (July 13, 2021).

Sincerely,
Clayton Coppaway,
On behalf of the MFFN Project Team

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

MIN-Aroland-First-Nation-2021-06-22-Initial-Meeting-Custom-Consultation-Process.docx
2919K

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Aroland First Nation Custom Consultation Process Initial Meeting Follow up

1 message

Coppaway, Clayton [redacted] Fri, Jul 16, 2021 at 3:48 PM
To: Andrew Peach [redacted], Sheldon Atlookan <[redacted]>, Meghan Buckham [redacted], Jeremy Shute [redacted]
Cc: '[redacted], Qasim Saddique [redacted], Larissa Mikkelsen [redacted], Lawrence Baxter [redacted], Bob Baxter [redacted], Jennifer Bruin [redacted], Jessica Metuzals [redacted], Don McKinnon [redacted]
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Dear Councillor Atlookan, Andrew, Meghan, and Jeremy,

Thank you for sharing your perspectives and expectations with us regarding the meeting on June 22, 2021. We document and keep meeting minutes to track and document action items, concerns and other important issues Indigenous communities share with us. We will keep these meeting minutes on file and will update the meeting minutes to reflect your expectations that the discussions that commenced after you indicated we would not be meeting to discuss the custom consultation process; will be considered without prejudice and confidential. We have attached the updated meeting minutes which shows the addition of the comment from Aroland First Nation representatives and the watermark indicating that these are confidential. These meeting minutes will not be included in the RoC appendix.

We will also ensure that mentions of the confidential discussion and noted action items in our follow email on June 25, 2021 are appropriately redacted in an effort to keep these discussions confidential. We have also included the redacted pdf copy of the follow up email as an attachment for your reference. This redacted pdf copy of the email will be included in the ROC appendix.

However, we want to be clear with you and Aroland First Nation that our record of consultation log will include entries and logs of our correspondence and communications up to and including the June 22, 2021 meeting, and follow up emails and correspondence (June 25 follow up, July 9/21 Aroland response, and this response). This log will include a brief summary of the June 22, 2021 meeting which will say:

"*The MFFN CAR Project Team met with Aroland First Nation representatives to discuss the initiation of the development of a custom consultation process for Aroland First Nation. However, at the onset of the meeting, Aroland First Nation representatives indicated that Aroland First Nation would not be available to discuss the custom consultation process at this time as they would prefer to first have a Nation-to-Nation discussion and will follow up with MFFN Leadership directly to initiate this meeting in the coming weeks.*"

The custom consultation process was requested by Aroland First Nation and we have been working to follow up on this important request since October 2020. Further, the role of the RoC is to reflect the feedback Indigenous communities provide and our efforts to follow up and address this feedback. We understand that from time to time we may need to hold discussions with Indigenous Communities that will be confidential in nature (e.g. sharing sensitive IK or other information). We only ask that in future you let us know in advance if you feel the discussions should be considered confidential or if there has been a change in the purpose of the meeting.

Sincerely,
Clayton Coppaway,
On behalf of the MFFN Project Team

DILLON CONSULTING

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Platinum member

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[redacted]

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Coppaway, Clayton [redacted]>

MFFN CAR: Groundwater and Geochemistry Field Study Programs

1 message

Metuzals, Jessica [redacted]> Thu, Jul 22, 2021 at 3:57 PM
To: [redacted]
Cc: [redacted]

Dear Chief Towedo,

We are reaching out to let you know about our upcoming Groundwater and Geochemistry Field Study Program. You would have received the notice and discussion guide for this field study on June 25, 2021. Part of this study requires the clearing of sites for safe helicopter landing and to enable the drilling of bore holes to collect groundwater samples.

We would very much like to engage with Aroland First Nation to better understand if these proposed drilling locations overlap with any sensitive use areas known to Aroland First Nation. We have included maps of the proposed drilling locations for your review, consideration and feedback. We can also provide the shapefiles of the proposed drilling locations to Aroland First Nation upon request. Specifically we are wanting to understand if there are any clearing/drilling sites that need to be avoided or mitigated due to sensitive sites.

The drilling program is expected to begin August 2021. To help us prepare for this program we would appreciate any feedback you have on the sites by Saturday July 31, 2021. You can find more information on this program on our website: Groundwater and Geochemistry Summer Program Discussion Guide 2021 and in the attached pdf.

We are available at your convenience, to meet with Aroland First Nation to review the Groundwater and Geochemistry Field study program and the materials we have included in this email.

In addition, for your awareness and input, we also have two additional field studies (below) as part of this summer program at this time. These summer field programs include:

- Groundwater and Geochemistry Field Study - Groundwater and Geochemistry Summer Program Discussion Guide 2021 – (Distributed June 25, 2021)
- Surface water, fish and fish habitat Field Study - Surface Water, Fish and Fish Habitat Discussion Guide – (distributed Friday, July 9, 2021)
- Vegetation, Physiography and Peatlands Field Study - Vegetation, Physiography and Peatlands Discussion Guide – (distributed Friday, July 16, 2021)

Sincerely,
Jessica Metuzals
On behalf of the MFFN Project Team

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CANADA BEST MANAGED COMPANIES
Platinum member

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton [redacted]

Re: MFFN CAR: Groundwater and Geochemistry Field Study Programs

1 message

Metuzals, Jessica [redacted] > Fri, Jul 23, 2021 at 4:45 PM
To: [redacted]
Cc: [redacted]

Dear Chief Towedo,

In addition to the overview figure we provided yesterday, please find attached a package with additional figures that present some of the proposed drilling site locations for the Groundwater and Geochemistry Field Study Program at a smaller scale.

As previously mentioned, we would very much like to engage with Aroland First Nation to better understand if any of the proposed drilling locations overlap with any sensitive use areas known to Aroland First Nation.

We hope that these additional figures support your review and we look forward to your feedback.

Kind regards,

Jessica
On behalf of the MFFN Project Team

Ministry of the Environment, Conservation and Parks

Environmental Assessment Branch

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Ministère de l'Environnement, de la Protection de la nature et des Parcs

Direction des évaluations environnementales

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Téléc. : 416 314-8452

August 30, 2021

Chief Dorothy Towedo
Aroland First Nation
[redacted]

RE: Comments Received on Final Terms of Reference for the Marten Falls Community Access Road Project Environmental Assessment

Dear Chief Towedo:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10 and April 14, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR.

Marten Falls referred ten of your comments in the March 10, 2021 set of responses to Ontario because Marten Falls considered the comments to be outside of the scope for the proponent to respond to (for example, comments made about the environmental assessment process). This also gives Ontario an opportunity to provide a response from our perspective. The attached table provides Ontario's responses to your comments. For ease of reference, I have also included Marten Falls' responses associated with these comments, which you have already received. The ministry would be happy to re-send any of the previous responses if requested.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by

Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.

- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.

- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [redacted] and Ms. Dorothy

Moszynski, Special Project Officer (A), at [redacted],
[redacted].

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[redacted]

Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

c: Sheldon Atlookan, Aroland First Nation
Aroland First Nation Executive Secretary
Aroland First Nation Lands and Resources
Andrew Peach, Shared Value Solutions, supporting Aroland First Nation
Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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Coppaway, Clayton [redacted]

MFFN CAR Ground Water Studies

1 me age

Coppaway, Clayton [redacted] Tue, Sep 7, 2021 at 3:35 PM
To: Dorothy Towedo [redacted]
Cc Sheldon Atlookan [redacted], Meghan Buckham [redacted],
Jeremy Shute [redacted] Andrew Peach [redacted],
Chief Bruce Achneepineskum [redacted], Qasim Saddique [redacted], Larissa
Mikkelsen [redacted], Lawrence Baxter [redacted] Bob Baxter [redacted]
Jennifer Bruin [redacted] Don McKinnon [redacted] Andrea [redacted]
[redacted]
Bcc: MFFN Community Access Road Project Team [redacted]

Dear Chief Towedo,

Thank you for your letter correspondence dated July 30, 2021 regarding your thoughts on the MFFN CAR Project. We have attached a response letter from the MFFN CAR Project Team for your review

In addition, MFFN Chief Bruce Achneepineskum and MFFN Council would like the opportunity to meet Nation-to-Nation with you and Council at your earliest convenience to discuss your concerns and find ways to work together as Nations To this end, Chief Achneepineskum would like the opportunity to meet with you in person, as well as any other Aroland First Nation Council members who are able to join, in Thunder Bay, ON, on Monday Sept 13, 2021.

Please let us know if you are interested in meeting with Chief Achneepineskum in Thunder Bay on Sept 13, 2021 as soon as you can and we will coordinate the necessary details for this important Nation-to-Nation discussion.

Sincerely,

Clayton Coppaway

On behalf of the MFFN CAR Project Team

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
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[redacted]
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L-Aroland-FN-2021-09-07-OG-GW-Field-Program-Response-60593122.pdf
471K

September 07, 2021

[redacted]

RE: Marten Falls First Nation Community Access Road Project – Field Study Programs

Dear Chief Towedo,

These field study programs are an essential component of the assessment process and will provide critical baseline information. This information will assist us in better predicting and evaluating potential effects of the Project. This, in turn, will guide future mitigation or avoidance options and inform any accommodation or remediation that may be required, especially as they relate to Aboriginal and treaty Rights and interests of Indigenous communities, like Aroland First Nation.

While the MFFN Community Access Road Project relies on outside technical expertise, the Project is a MFFN community Project and, as such, the community bears the responsibility for the Project and the assessment process that is applied to it. As traditional stewards of the land, we must ensure that all development in the area is undertaken properly, that the traditions, concerns and aspirations of our neighboring communities are appropriately addressed both within the assessment context and during the life of our community access road.

Our intention is to work with Aroland First Nation to ensure that our community road is built in a way that will see long-term benefits for both communities and that minimizes or avoids potential effects. To accomplish this, we have and will continue to try and work with Aroland First Nation in a way that is meaningful and respectful. We would very much like another opportunity to discuss Aroland First Nation's request to develop a custom consultation process that will better meet your needs for appropriate engagement and consultation on the MFFN Community Access Road Project.

Information related to Aroland First Nations cultural values is important as it will inform EA decisions and the effects assessment, and there is still much time available for this information to be shared or gathered. We recognize that this information is very important and valuable to the community and in some cases may take time for gather or collect. Over the years we have engaged and consulted with Aroland First Nation, we have sought to find ways to share this information and to support Aroland First Nation efforts to secure funding from federal and provincial sources to fund these efforts. MFFN is not a

typical proponent and so has advocated to federal and provincial agencies on behalf of Indigenous Nations to support the sharing and collection of IK.

We aim to provide information on our field studies in a timely manner while working within appropriate field seasons and permitting timelines. A number of different notifications have been issued for the Project, including a monthly e-blast that provides general timing for upcoming programs and a Notice that provides at least two-week's notice of the exact dates during which the program will be conducted.

Discussion Guides associated with each program are also developed and distributed to provide more information about the field studies and to gather feedback. These comment period deadlines are intended to facilitate informed review, while still allowing time for field crews to incorporate any feedback provided into the field program. Detailed maps depicting our field programs and a description of our proposed sampling are included as a component of the discussion guides. We would also like to emphasize that the information provided in the discussion guides is intended to be a summary of field program activities. The MFFN Project Team remains open to providing more detailed information on the field programs upon receipt of questions or information requests.

It is our hope that through the development of a custom consultation process for Aroland First Nation we will be able to find mutually agreed timelines that are flexible enough to meet the needs of both communities. We look forward to initiating our discussions of the custom consultation process and its future development.

We acknowledge and understand Aroland First Nation's request for appropriate funding. As we mentioned, we continue to advocate with federal and provincial agencies to provide this funding. Recently, on July 21, 2021, we reached out to Councillor Sheldon Atlookan, via telephone, regarding IK funding that is available to Aroland First Nation. In addition, we also intend to launch our in-community consultation coordinator program later this year.

In the meantime, as we have expressed, we would be pleased to meet with Aroland First Nation representatives and your technical experts to more fully explore and understand Aroland First Nation specific expectations regarding our consultation with the community and your anticipated funding requirements. This will allow us to work together to create a consultation process and to map out our potential funding opportunities together. This will help to ensure that Aroland First Nations has sufficient capacity to engage in our EA process in a meaningful way.

The MFFN CAR Project Team would be happy to arrange a 1 to 2 hour meeting to discuss any additional questions or concerns you have regarding our response and to chart a new path toward the development of a custom consultation process. We would suggest Tuesday September 21, 2021 as a potential opportunity for us to come together.

With Respect,

[redacted]

Qasim Saddique
Project Director
[redacted]

Lawrence Baxter
Senior Community Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

Cc:

- Councillor Sheldon Atlookan, Aroland First Nation
- Meghan Buckham, Aroland First Nation Consultant
- Jeremy Shute, Aroland First Nation Consultant
- Andrew Peach, Aroland First Nation Consultant
- Chief Bruce Achneepineskum, MFFN Leadership
- Qasim Saddique, MFFN CAR Project Team
- Larissa Mikkelsen, MFFN CAR Project Team
- Lawrence Baxter, MFFN Community Member Advisor
- Bob Baxter, MFFN Community Member Advisor
- Jennifer Bruin, MFFN CAR Project Team
- Andrea Nokleby, MFFN Project Consultant
- Don McKinnon, MFFN Project Consultant

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFFN CAR Ground Water Studies

1 message

Coppaway, Clayton <[redacted]> Mon, Sep 13, 2021 at 1:41 PM
To: Andrew Peach <[redacted]>, Dorothy Towedo <[redacted]>
Cc: [redacted]

Dear Chief Towedo and Andrew

Thank you for your letter correspondence dated Sept 3, 2021 regarding Aroland First Nations perspectives on our Field Study Program discussion guides and notices, and the MFFN CAR Project EA generally. We provided a letter of response to Aroland First Nation's July 30, 2021 correspondence on September 7, 2021.

We also appreciate Aroland First Nation letting us know you are unable to meet with MFFN Leadership or the MFFN Project Team in September 2021. Please let us know what dates best suit Aroland First Nation in October 2021. We look forward to reengaging in Nation-to-Nation discussions as soon as possible, and will continue to accommodate and work with Aroland First Nation so as to not delay these discussions further. The MFFN CAR Project Team is also happy to meet with you at any time, so please do not hesitate to reach out about your interest and availability to meet with us.

In the meantime, we would like to provide additional links to information and seek any additional feedback and/or questions you may have about the following field study programs:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - Field program is anticipated to take place from September 10 until 19, 2021
- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd
  - Field program is anticipated to take place from September 18 to October 1, 2021.

For further information related to the field study programs and the value components, we encourage you to review the educational videos we are developing and posting to the Community Access Road website. Our Groundwater video is currently available here and we will post new videos as they become available; next up is the Surface Water, Fish and Fish Habitat video which is expected to be online early next week. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

Lastly, we are seeking information from Indigenous communities on their current COVID-19 reopening plans, as well as any COVID-19 guidance or protocols for outside visitors to enter the community e.g., vaccination and testing policies or protocols for visitors to the community).

Sincerely,

Clayton Coppaway

On behalf of the MFFN CAR Project Team

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]

B3.2 Incoming Community Specific Correspondence

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

1 message

Sheldon Atlookan [redacted] > Tue, Sep 22, 2020 at 3:10 PM
To: "Coppaway, Clayton" <
Cc: '[redacted]

And our Chief's email is wrong
Thanks

On Tuesday, September 22, 2020, Sheldon Atlookan <[redacted]> wrote:

> Hello Clayton, at this time Aroland will not say or do anything until the MOU is signed
> Thanks

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

1 message

Sheldon Atlookan [redacted]> Mon, Sep 28, 2020 at 3:19 PM
To: "Coppaway, Clayton" [redacted]>

Sorry to mention the MOU is with Marten Falls First Nations
Thanks

DILLON CONSULTING

Coppaway, Clayton [redacted]

Fwd: Follow up call on shared territory map

1 message

[redacted]

---------- Forwarded message ---------
From: **Andrew Peach** <[redacted]>
Date: Mon, Oct 5, 2020 at 4:56 PM
Subject: RE: Follow up call on shared territory map
To: Qasim Saddique [redacted]

Cc: Don Richardson [redacted]

Hello Qasim,

Please find attached the draft map of Aroland's traditional territory. The map was developed through information collected from Aroland land users and trappers. It is meant only for the purpose of conversations with regards to negotiating the MOU shared territory map. Thanks for your patience on us getting this piece together. We're looking forward to proceeding on this piece of the agreement.

Do you have any updates on the latest draft of the MOU?

Warm regards,

Andrew Peach, MSc | **Planning Consultant**

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Coppaway, Clayton [redacted]>

Fwd: Letter from AFN to MFFN

1 message

[redacted]

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES

Platinum member

[redacted]

Begin forwarded message:

From: Andrew Peach <[redacted]>

Subject: Letter from AFN to MFFN
Date: October 20, 2020 at 3:26:26 PM EDT
To: Chief Bruce Achneepineskum <[redacted]
Cc: [redacted]
Bob Baxter <[redacted]>, Jackmoonias
<[redacted]>, Larissa Mikkelsen <[redacted]>,
"[redacted], "Frechette, Jason (ENDM)"
<[redacted]>, "Churchill, Lori (ENDM)" <[redacted]>, Don Richardson
<[redacted]>, Meghan Buckham <[redacted]
annamarie majiskon <[redacted]>, Bernard Gagnon
<[redacted]>, Chad Kashkish
[redacted], lou dogg
<[redacted] Mark Bell <[redacted]>, Sheldon Atlookan
<[redacted]>, "[redacted]>

Hello Chief Achneepineskum and Council,

Please accept the attached letter from Chief Towedo and Aroland Council.

Kind regards,

Andrew Peach, MSc | Planning Consultant

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2 attachments

Suslop Logo Exact Size 2.png
7K

AFN_MFFNLetter_2020.10.20.pdf
165K



[redacted]

October 20, 2020

To: Chief Achneepineskum and Council

Re: Next Steps for Consultation and Engagement on the Marten Falls' Community Access Road

It is a fact of our lives that the Crown has tried to divide and conquer all our First Nations for many generations. The Crown has imposed its own laws, systems and worldviews, and it seems that this division is affecting the relationship between our two First Nations about the MFFN Community Access Road, and further road(s) into the Ring of Fire.

The EA process is a Crown imposed and devised system that has not been altered to accommodate for First Nation interests, laws or protocols. Both our First Nations therefore agreed to pursue a Memorandum of Understanding (MOU) so we could work together on a nation to nation basis, consistent with our indigenous laws and perspectives. We understand that Marten Falls is no longer interested in pursuing a nation to nation agreement in the form of a legally binding MOU between our First Nations, but would prefer to act as a traditional proponent in navigating the Crown's Environmental Assessment process. In this case, we must assert that Aroland has expectations as to how we are consulted by proponents interested in conducting projects that impact our members' ability to exercise our Treaty and Aboriginal rights and interests within our territory.

The proposed Marten Falls Community Access Road overlaps with Aroland's traditional territory, ultimately connecting to the Anaconda and Painter Lake forestry roads which pass directly through our community. The potential adverse impacts to our Treaty and Aboriginal rights and interests will be significant, especially considering our community members' high level of use up to and north of Dusey Lake.

Aroland understands how important all-season road access is to the Marten Falls community and has always offered provisional support for the project. Our support has always been conditional on Marten Falls understanding the significant impacts the proposed project will have on Aroland's Treaty and Aboriginal rights and interests, obtaining Aroland's permission for use of our traditional territory and working in partnership with Aroland to ensure the projects impacts could be avoided, mitigated, and accommodated. Any proposed development or activity within our territory must be explored in consultation with Aroland First Nation's membership, based on our protocols and preferred procedures.

Ontario's Code of Practice: Environmental Assessments sets the expectation that proponents are responsible for working with Indigenous communities to understand how they wish to be consulted. Up to this point we have relied on our joint-MOU negotiations to communicate how we wish to work with Marten Falls on this project, but given that those negotiations have concluded with no agreement in place, we request that Marten Falls work with us to develop a custom consultation process that ensures the proponent adheres, at a minimum, to the following responsibilities:

(a) Act in good faith;

(b) Consult with the intention of fairly and justly addressing all of Aroland's concerns through accommodation measures;
(c) Ensure transparency during the consultation and negotiation process;
(d) Provide Aroland with adequate financial support and time to ensure that Aroland has the capacity to fully engage in the process in an effective and informed manner;
(e) Provide any agreed-upon financial support, including funding for experts/consultants, in a timely manner
(f) Provide all relevant and necessary information regarding its action or decision to Aroland as soon as such information is available, including any such information that can only be provided under a confidentiality agreement with Aroland;
(g) Respect Aroland Rights and Aroland values;
(h) Accommodate Aroland's concerns;
(i) Not proceed with any action or make any decision potentially affecting Aroland Rights, Aroland Values, and/or Aroland Traditional Territory until an accommodation agreement has been entered into with Aroland providing Aroland's consent;
(j) Honour any agreements reached with Aroland.

We believe that establishing a custom consultation process will benefit both parties in clarifying our roles and responsibilities and ensuring a certainty of process in advancing consultation and accommodation in relation to this project. We request that Marten Falls coordinate a meeting for both parties to begin developing this process in order to move forward together.

Respectfully,



Chief Dorothy Towedo
Aroland First Nation

Cc: **Marten Falls Council**: Councilor Linda Moonias; Councilor Paul Achneepineskum; Councilor Russell Achneepineskum; Councilor Sam Achneepineskum; Councilor Vida Baxter; Councilor Marilyn Wenjack; Councilor Rob Moonias
Qasim Saddique, MFFN Advisor
Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario
Don Richardson, Shared Value Solutions
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions
Aroland Council: Councilor Bernard Gagnon; Councilor Sheldon Atlookan; Councilor Louie Mendowegan; Councilor Mark Bell; Councilor Chad Kashkish; Councilor Annamarie Magiskan

From: Ernie Gagnon <[redacted]>
Sent: October 20, 2020 5:30 PM
To: info@martenfallsaccessroad.ca
Subject: Re: Marten Falls First Nation Community Access Road Project - Terms of Reference

Thank you for the information.

[redacted]

--
Ernie Gagnon
[redacted]

Aroland F.N #242
[redacted]

DILLON CONSULTING

Coppaway, Clayton [redacted]

Question Re: MFFN ToR Community Comments

1 message

Sheldon Atlookan [redacted] > Wed, Dec 9, 2020 at 3:09 PM
To: "Coppaway, Clayton" [redacted] >
Cc: Don Richardson [redacted], Meghan Buckham [redacted], Andrew Peach [redacted]

Hi Clayton,

Aroland has received the documents and undertaking a review. We understand that the deadline to submit comments on the MFCAR ToR December 21st. We plan on submitting comments on the MFCAR ToR by December 21st based on our reviews and feedback we have received to date. However, we are requesting some additional time from MECP after December 21st to accommodate our ongoing engagement with Aroland community members.

Typically we host community meetings to seek comments and feedback from the Aroland community. Community meetings are the most effective way for us to engage Aroland members.

With the ongoing Covid-19 pandemic and the continued increase in cases, we have been unable to host community meetings to gather feedback. We are trying other ways of gathering comments from our membership, but these new methods and approaches take time. Without the ability to host a community meeting, it's important for us to provide multiple ways for members to learn about the project and share comments. As an another way of reaching members, we are planning to share information about the ToR in our December newsletter. The newsletter will be distributed in the community and shared on social media in mid December. We have reached out to MECP for an extension to submit any additional community comments that come in as a result of the newsletter until January 21, 2020.

Thanks

SA

Sheldon(Shawg) Atlookan
[redacted]

From: Andrew Peach <[redacted]>
Sent: December 18, 2020 4:28 PM
To: [redacted]
Cc: [redacted]
Subject: Aroland First Nation Comments on MFCAR Terms of Reference
Attachments: AFN_MFCAR_DRAFT_FinalToRComments_2020.12.18.pdf

Hello Sasha and Shannon,

On behalf of Aroland First Nation's Chief Dorothy Towedo and Council please find attached their comments on the Marten Falls Community Access Road Terms of Reference.

Kind regards,

Andrew Peach, MSc | **Planning Consultant**
(He/him – why is this here?)

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From: Ernie Gagnon [redacted] >
Sent: February 3, 2021 9:05 PM
To: MFFN Community Access Road Project Team
Subject: Re: Marten Falls Community Access Road - Field Notice

Thank you for the update.

--
Ernie Gagnon
[redacted]

Aroland F.N #242
[redacted]

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

RE: Aroland First Nation Custom Consultation Process

1 message

Andrew Peach [redacted] Thu, Mar 11, 2021 at 1:04 PM
To: "Coppaway, Clayton" <[redacted]>
Sheldon Atlookan <[redacted]>
Cc: Qasim Saddique [redacted], Larissa Mikkelsen <[redacted]>, Don McKinnon <[redacted], Don Richardson <[redacted], Meghan Buckham <[redacted]>

Hello Clayton,

Thanks for the email. Aroland has received the invitation for a meeting during the week of March 22-26 and will discuss it and review the proposed agenda at their weekly Chief and Council meeting on Tuesday, March 16th. Following that meeting we'll provide a response to the MFFN project Team's request.

Sincerely,

Andrew Peach, MSc | **Planning Consultant**

(He/him – why is this here?)

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Coppaway, Clayton <[redacted]>

RE: Aroland First Nation Custom Consultation Process

1 message

Andrew Peach <[redacted]> Wed, Mar 24, 2021 at 6:17 PM
To: "Coppaway, Clayton" <[redacted], Sheldon Atlookan <[redacted]>
Cc: "[redacted]" <[redacted]>, Qasim Saddique [redacted]>, Larissa Mikkelsen <[redacted]>, Don McKinnon [redacted]>, Don Richardson [redacted], Meghan Buckham [redacted]

Good afternoon Clayton,

Thanks for reaching out about this. We apologize for a delay in responding. Aroland's Chief and Council had to postpone their regular meeting last week and were just able to discuss your proposed meeting yesterday. Following the discussion yesterday they are preparing a response that should be ready by the end of the week or early next.

Thanks for your patience with this,

Andrew Peach, MSc | Planning Consultant

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Coppaway, Clayton <[redacted]>

RE: Comments received on the Marten Falls Community Access Road proposed Terms of Reference and invitation to begin custom consultation process discussions

1 message

Andrew Peach [redacted] > Fri, Mar 26, 2021 at 4:48 PM
To: Qasim Saddique <[redacted]>, Lawrence Baxter [redacted] >
Cc: [redacted]

Hello Qasim and Lawrence,

Please find the attached letter on behalf of Chief Dorothy Towedo.

Have a great weekend,

Andrew Peach, MSc | **Planning Consultant**

(He/him – why is this here?)

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[redacted]

Qasim Saddique
Project Director
MFFN Community Access Road Project Team

Lawrence Baxter
Senior Community Advisor
MFFN Community Access Road Project Team

March 26, 2021

Dear Mr. Saddique and Mr. Baxter,

Re: Comments Received on the Martens Falls Community Access Road Proposed Terms of Reference and Invitation to begin custom consultation process discussions

Aroland First Nation (AFN) writes in response to your letter dated February 8, 2021, regarding AFN's initial comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road (CAR) (the Project).We also write in response to MFFN's request to meet with AFN leadership to initiate development of a custom consultation process.

Impacts to AFN's Aboriginal Rights and Interests and the Requirement for Meaningful Consultation

We are deeply concerned with the potential for AFN's Treaty and Aboriginal rights and interests to be impacted by the Project. The proposed Project falls directly within AFN's Traditional Territory, where AFN has long exercised its Treaty and Aboriginal rights and interests to hunt, trap, and fish, among other activities. The depth of potential impact on AFN's Treaty and Aboriginal rights are expected to be significant, which requires a deep level of consultation. A custom consultation process is a critical component of supporting a deep and meaningful consultation process.

AFN appreciates the MFFN Project Team's offer to arrange a meeting to discuss a custom consultation process and AFN's project team will reach out shortly to schedule a time. While AFN agrees to attend an initial meeting we will require that the MFFN Project Team provide capacity funding for AFN's participation in subsequent meetings to develop and implement the process. We also require that the MFFN Project Team agree to a reasonable timeframe for developing the custom consultation process. AFN proposes to develop a detailed workplan and budget for developing the process that would provide clarity on the amount of capacity funding required as well as a reasonable timeline for the activities.

At present, AFN's capacity funding from the Government of Ontario only covers specific tasks and milestones associated with the environmental assessment process and does not include funds to support ongoing issue resolution or the development and implementation of a custom consultation process. To adequately engage in such activities with the MFFN Project Team, we require additional capacity funding. This funding is critical to ensure we have the technical, regulatory and legal support necessary to participate fully in the consultation process.

AFN Comments and Engagement on the ToR

AFN wishes to confirm its receipt of recent correspondence (e.g., emails and attachments) related to the Proposed ToR and associated comment period extension. As you are aware, our communities are vulnerable and facing unprecedented challenges during the COVID-19 pandemic, putting further strain on our limited capacity as staff and resources are diverted to ensure the health and safety of our people. Despite these limitations, AFN has remained flexible, pivoting from in-person engagement to a newsletter approach where members were asked to send comments to our Community Consultation Coordinator (CCC) Sheldon Atlookan, despite the obvious shortcomings of this approach in effectively connecting with our members. Not long thereafter, AFN was forced into a full community lockdown in response to a potential outbreak of COVID-19. Given these challenges, we have been unable to complete adequate engagement with our members and cannot provide clarity on whether or not AFN will have additional comments.

We are appreciative of the extension that has been granted, but these timelines are still unreasonable given ongoing challenges related to the COVID-19 pandemic. AFN reaffirms our commitment to engaging with MFFN in good faith and providing meaningful feedback on the ToR. To be able to do so, we require additional time and flexibility to engage with our membership. We will continue to seek and share feedback received via the newsletter approach, but require that no decisions are made on the ToR until we are able to hold an in-person community meeting safely.

Closing

In the light of the unprecedented challenges of a global pandemic and a lack of capacity funding to support a deep level of consultation, AFN does not consider the current process to meet the standard for meaningful consultation and accommodation. Sufficiency of both time, depth of process and capacity funding are key components of a meaningful consultation process that must be met to ensure potential impacts on AFN's Treaty and Aboriginal rights and interests are avoided, mitigated and accommodated, as required.

As the Matawa Chiefs Council recently shared in a statement responding to proposed changes to the *Far North Act*, it is a very heavy burden for First Nations to engage in regulatory processes in the best of times, but the COVID-19 pandemic presents serious risks in addition to existing issues related to healthcare, housing, and access to goods and supplies. We trust the MFFN Project Team understands the realities of the present circumstances as well as AFN's commitment to participating meaningfully in this consultation process.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc: Marten Falls Chief and Council

Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Clayton Coppaway, MFFN Project Consultant
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario
Don Richardson, Shared Value Solutions
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions

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Coppaway, Clayton <[redacted]>

RE: Aroland First Nation IK Sharing Agreement - 2019 Proposed Amendments

1 message

Andrew Peach <[redacted]> Fri, Apr 23, 2021 at 4:55 PM
To: "Coppaway, Clayton" [redacted], Sheldon Atlookan <s[redacted]>
Cc: [redacted]

Good afternoon Clayton,

Thanks for sharing the proposed Indigenous Knowledge Sharing Agreement. If the Marten Falls Project Team would like to provide comment on the edits to the draft Aroland provided in June 2019 that would be acceptable. However, Aroland First Nation prefers to initiate discussions on the custom consultation process before providing further comments on this draft agreement. From Aroland First Nation's perspective, any knowledge sharing agreement must be considered as part of the overarching relationship agreement that will govern the consultation process for this project.

Aroland First Nation is looking forward to the Marten Falls Project Team's response to Chief Towedo's March 26th letter.

Andrew Peach, MSc | **Planning Consultant**

(He/him – why is this here?)

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From: Ernie Gagnon <[redacted]>
Sent: May 12, 2021 11:05 PM
To: MFFN Community Access Road Project Team
Subject: Re: MFFN Community Access Road: Bat Field Notice

Received, thank you. Ernie Gagnon

--
Ernie Gagnon
[redacted]

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

RE: MFFN Community Access Road: Notices of upcoming fieldwork

1 message

Andrew Peach <[redacted]> Thu, May 13, 2021 at 5:57 PM
To: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>, "Coppaway, Clayton" <[redacted]>, Qasim Saddique <[redacted]>, Lawrence Baxter <[redacted]>
[redacted]

Hello Clayton and the Marten Falls Community Access Road Project Team,

I have spoken with Sheldon and Chief Towedo about the notice for the bat acoustic monitoring study and the remote camera program and they are aware that AFN has until May 28th to submit questions or comments. AFN understands these email notices and the follow-up telephone calls to be notification and does not consider this engagement or consultation.

At this time, AFN is still waiting for a response from the Marten Falls Project Team to the letter sent by Chief Towedo on March 26, 2021 (See attached). In the letter AFN stated that they intend to participate in the EA and IA process for the Community Access Road but that a custom consultation process must first be developed with the Marten Falls Project Team and adequate capacity funding must be provided. AFN is unable to meaningfully participate without adequate capacity funding and a specific agreement between AFN and the Marten Falls Project Team that commits to a deep level of engagement commensurate with the project's potential impacts on AFN band member's rights. AFN requires that these issues be addressed prior to any studies being undertaken on their traditional lands.

AFN is looking forward to the Marten Falls Project Team's response,

Andrew Peach, MSc | **Planning Consultant**

(He/him – why is this here?)

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AFN_Response to MFFN_MFCAR_2021.03.26.pdf
199K



[redacted]

Qasim Saddique
Project Director
MFFN Community Access Road Project Team

Lawrence Baxter
Senior Community Advisor
MFFN Community Access Road Project Team

March 26, 2021

Dear Mr. Saddique and Mr. Baxter,

Re: Comments Received on the Martens Falls Community Access Road Proposed Terms of Reference and Invitation to begin custom consultation process discussions

Aroland First Nation (AFN) writes in response to your letter dated February 8, 2021, regarding AFN's initial comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road (CAR) (the Project).We also write in response to MFFN's request to meet with AFN leadership to initiate development of a custom consultation process.

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We are deeply concerned with the potential for AFN's Treaty and Aboriginal rights and interests to be impacted by the Project. The proposed Project falls directly within AFN's Traditional Territory, where AFN has long exercised its Treaty and Aboriginal rights and interests to hunt, trap, and fish, among other activities. The depth of potential impact on AFN's Treaty and Aboriginal rights are expected to be significant, which requires a deep level of consultation. A custom consultation process is a critical component of supporting a deep and meaningful consultation process.

AFN appreciates the MFFN Project Team's offer to arrange a meeting to discuss a custom consultation process and AFN's project team will reach out shortly to schedule a time. While AFN agrees to attend an initial meeting we will require that the MFFN Project Team provide capacity funding for AFN's participation in subsequent meetings to develop and implement the process. We also require that the MFFN Project Team agree to a reasonable timeframe for developing the custom consultation process. AFN proposes to develop a detailed workplan and budget for developing the process that would provide clarity on the amount of capacity funding required as well as a reasonable timeline for the activities.

At present, AFN's capacity funding from the Government of Ontario only covers specific tasks and milestones associated with the environmental assessment process and does not include funds to support ongoing issue resolution or the development and implementation of a custom consultation process. To adequately engage in such activities with the MFFN Project Team, we require additional capacity funding. This funding is critical to ensure we have the technical, regulatory and legal support necessary to participate fully in the consultation process.

AFN Comments and Engagement on the ToR

AFN wishes to confirm its receipt of recent correspondence (e.g., emails and attachments) related to the Proposed ToR and associated comment period extension. As you are aware, our communities are vulnerable and facing unprecedented challenges during the COVID-19 pandemic, putting further strain on our limited capacity as staff and resources are diverted to ensure the health and safety of our people. Despite these limitations, AFN has remained flexible, pivoting from in-person engagement to a newsletter approach where members were asked to send comments to our Community Consultation Coordinator (CCC) Sheldon Atlookan, despite the obvious shortcomings of this approach in effectively connecting with our members. Not long thereafter, AFN was forced into a full community lockdown in response to a potential outbreak of COVID-19. Given these challenges, we have been unable to complete adequate engagement with our members and cannot provide clarity on whether or not AFN will have additional comments.

We are appreciative of the extension that has been granted, but these timelines are still unreasonable given ongoing challenges related to the COVID-19 pandemic. AFN reaffirms our commitment to engaging with MFFN in good faith and providing meaningful feedback on the ToR. To be able to do so, we require additional time and flexibility to engage with our membership. We will continue to seek and share feedback received via the newsletter approach, but require that no decisions are made on the ToR until we are able to hold an in-person community meeting safely.

Closing

In the light of the unprecedented challenges of a global pandemic and a lack of capacity funding to support a deep level of consultation, AFN does not consider the current process to meet the standard for meaningful consultation and accommodation. Sufficiency of both time, depth of process and capacity funding are key components of a meaningful consultation process that must be met to ensure potential impacts on AFN's Treaty and Aboriginal rights and interests are avoided, mitigated and accommodated, as required.

As the Matawa Chiefs Council recently shared in a statement responding to proposed changes to the *Far North Act*, it is a very heavy burden for First Nations to engage in regulatory processes in the best of times, but the COVID-19 pandemic presents serious risks in addition to existing issues related to healthcare, housing, and access to goods and supplies. We trust the MFFN Project Team understands the realities of the present circumstances as well as AFN's commitment to participating meaningfully in this consultation process.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc: Marten Falls Chief and Council

Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Clayton Coppaway, MFFN Project Consultant
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario
Don Richardson, Shared Value Solutions
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Aroland-Marten Falls meeting

1 message

Andrew Peach [redacted]> Wed, Jun 16, 2021 at 5:32 PM
To: "Coppaway, Clayton" [redacted]>
Cc: Qasim Saddique [redacted]>, Meghan Buckham <[redacted]>, Jeremy Shute [redacted], annamarie majiskon [redacted], Bernard Gagnon [redacted], Chad Kashkish [redacted]>, [redacted]>, [redacted]>, Mark Bell [redacted]>, Sheldon Atlookan [redacted]>

Good Afternoon Clayton,

I've checked in with Aroland's Chief and Council and they would like to set up the initial meeting to discuss the custom consultation process. Would next Tuesday, June 22nd from 2-3pm work for your team?

I look forward to hearing from you!

Andrew Peach, MSc | Planning Consultant

(He/him – why is this here?)

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[redacted]

[redacted]

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Coppaway, Clayton [redacted]>

RE: Aroland-Marten Falls meeting

1 message

Andrew Peach [redacted]> Thu, Jun 17, 2021 at 12:22 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: Qasim Saddique [redacted]>, Meghan Buckham <[redacted]>, Jeremy Shute [redacted]>, annamarie majiskon [redacted]>, Bernard Gagnon <[redacted]>, Chad Kashkish [redacted]>, [redacted] Mark Bell [redacted], Sheldon Atlookan [redacted]>, Don McKinnon [redacted] "Fisken, Avril" [redacted]>, Larissa Mikkelsen [redacted]>, Jennifer Bruin [redacted]

Hi Clayton,

That' great that the timing works for the Project Team. Chief and Council have been using Zoom for meetings so it would be great if we could use the same system. If you are able to circulate meeting information and attendees emails I can set up a Zoom invite.

As this is the first opportunity for everyone to come together to discuss this Aroland First Nation would prefer that the meeting just be between the two parties, without representation from Ontario. We can revisit this for future meetings.

We're looking forward to the meeting next week,

Andrew Peach, MSc | **Planning Consultant**

(He/him – why is this here?)

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[redacted]

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Coppaway, Clayton [redacted]

RE: Aroland First Nation Custom Consultation Process Initial Meeting Follow up

1 message

Andrew Peach [redacted] Fri, Jul 9, 2021 at 3:28 PM
To: "Coppaway, Clayton" <[redacted]>, Sheldon Atlookan <[redacted]>, Meghan [redacted]
[redacted]>, Jeremy Shute [redacted]>
Cc: [redacted]

Hello Clayton,

Thanks for sending along the meeting minutes for the June 22nd meeting. However, at the outset of the meeting Aroland consultants expressed the expectation that this meeting was to be without prejudice and confidential. This request was accepted by the Marten Falls Project Team. It is our expectation that the details of this meeting are not be included in the Record of Consultation. For this reason we will not be commenting on the specific details of the draft meeting minutes provided and ask that you respond to this email with confirmation that these minutes will not be included in the Record of Consultation.

Kind regards,

Andrew Peach, MSc | **Planning Consultant**

(He/him – why is this here?)

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[redacted]

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Coppaway, Clayton [redacted]>

Fwd: Letter re: Response to Various Study Notices for the Marten Falls Community Access Road Environmental Assessment

1 message

Begin forwarded message:

From: Andrew Peach <[redacted]>
Subject: Letter re: Response to Various Study Notices for the Marten Falls Community Access Road Environmental Assessment
Date: July 30, 2021 at 2:10:13 PM EDT
To: Chief Bruce Achneepineskum[redacted]
Cc: [redacted]

Hello Chief Achneepineskum and Council,

Please find the attached letter from Chief Dorothy Towedo.

Kind regards,

Andrew Peach, MSc | Planning Consultant
(He/him – why is this here?)

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[redacted].com
www.sharedvaluesolutions.com

AROLAND FIRST NATION

[redacted]

July 30, 2021

To: Chief Achneepineskum and Council

Re: Response to Various Study Notices for the Marten Falls Community Access Road Environmental Assessment

Aroland First Nation has for years sought to have a mutual agreement with Marten Falls recognizing each First Nation's right to free, prior and informed consent for developments in each of our territories, and to have an environmental assessment and related process that respects that right to consent.

Marten Falls continues to reject this approach and our efforts toward it, and Marten Falls continues on the path of the Crown's EA regime.

As part of this EA process, Marten Falls has sent us notices for a number of field studies from the Marten Falls Community Access Road Project Team (MFFN Project Team), including:

- groundwater and geochemistry summer program (received June 25, 2021);
- surface water fish and fish habitat study (received July 9, 2021); and,
- vegetation, physiography and peatlands field program (received July 15, 2021).

Aroland's consent must be obtained for any aspects of the EA or the road project that occur in AFN territory, including these and other field studies. We do not consent to the conduct of these field studies in our territory because we have not been consulted or accommodated in any meaningful way whatsoever about the EA including these studies. We continue to be treated in the EA the way the Crown has treated us for far too long.

With each field study notice, the MFFN Project Team has requested information from AFN regarding locations of cultural values, timing considerations and any concerns that AFN may have about the proposed activities. As you well know, this information on our values and concerns is not simply pulled out of thin air. We must conduct internal consultation with Elders and land users and studies on our connections to, uses of and values in the land ("Values"). This requires a detailed and mutually-agreed work plan and funding, and time. None have been offered or provided here.

Adequate Time

AFN requires adequate time to assess and understand the potential impact to our Treaty and Aboriginal Rights and Values. This may include time to host community meetings, engage technical experts, collect and analyze Traditional Knowledge values from Elders and land users, and develop any adequate avoidance, mitigation and other accommodation measures. Currently, the MFFN Project Team has requested responses to their questions within a dictated timeframe of as short as 15 days, which is inadequate for AFN to assess and understand potential impacts and propose accommodation measures. AFN requires that timelines for addressing each study be mutually agreed upon by both parties acting reasonably and flexible enough to address unforeseen challenges.

Sufficient Information

In order to adequately assess and understand the potential impacts of each study, AFN requires sufficient information, which may include details of the study activities on the ground and accurate GIS location information of each proposed site. This level of detail will allow AFN to understand both how and where our Traditional Territory may be affected, and to analyze each location in detail against any mapped Value locations we have (which is not complete). The study notices provided by the MFFN Project Team are insufficient and provide only a general outline of activities and the maps provided suggest activities could occur anywhere within the large study area. AFN requires detailed information for each study, and the ability to request further details from the MFFN Project Team when necessary.

Capacity Funding

To adequately review and understand the potential impacts of each study AFN requires capacity funding to conduct community meetings, meet with the MFFN Project Team, consult technical and legal experts, and cover other reasonable review costs. Under the current funding agreement with the Government of Ontario, AFN does not have funding to participate in consultation and engagement related to each study. In each study notice, the MFFN Project Team requests detailed information from AFN but has not offered capacity funding for our participation. Adequate capacity funding must be secured for AFN and in place prior to the initiation of any mutually agreed upon timelines for engaging on each study.

To be clear, Aroland does NOT at this time consent to the field studies and they are not to occur within Aroland territory until you have our consent. In order for us to consider providing our consent for these activities. Aroland has expectations that must be met by the MFFN Project Team. These include:

- establishing mutually agreed upon timelines for engagement;
- sharing detailed information about study activities and GIS data for each location;
- providing adequate capacity funding to be able to fully assess and understand any potential impacts from activities in our Traditional Territory;
- agreeing to avoidance, mitigation and accommodation measures to address any identified impacts to our Treaty and Aboriginal rights, if required.

Please confirm you will not engage in these studies without our consent and confirm you will work with us as to acquire our consent by providing the above measures.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc: **Marten Falls Council**: Councilor Linda Moonias; Councilor Paul Achneepineskum; Councilor Russell Achneepineskum; Councilor Sam Achneepineskum; Councilor Vida Baxter; Councilor Marilyn Wenjack; Councilor Rob Moonias

Qasim Saddique, MFFN Advisor
Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario
Kate Kempton, OKT Law
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions
Aroland Council: Councilor Bernard Gagnon; Councilor Sheldon Atlookan; Councilor Louie Mendowegan; Councilor Mark Bell; Councilor Chad Kashkish; Councilor Annamarie Magiskan

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Fwd: MFFN Notices of Studies and Discussion Guides

info@martenfallsaccessroad.ca <info@martenfallsaccessroad.ca> Tue, Sep 7, 2021 at 9:08 AM
[redacted]

---------- Forwarded message ---------
From: **Dorothy Towedo** [redacted]
Date: Fri, Sep 3, 2021 at 2:00 PM
Subject: Re: MFFN Notices of Studies and Discussion Guides
To: <info@martenfallsaccessroad.ca>
Cc: Qasim Saddique <[redacted]>, Ambrose Achneepineskum <[redacted]>, Linda Moonias <[redacted]>, Paul Achneepineskum <[redacted]>, Russell Achneepineskum <[redacted]>, Vida Baxter <[redacted]>, marilyn wenjack <[redacted]>, Robert Moonias <[redacted]>, Sam Achneepineskum <[redacted]>, annamarie majiskon <[redacted]>, Bernard Gagnon <[redacted]>, Chad Kashkish <[redacted]>, Dorothy Towedo <[redacted]>, Louie <[redacted]>, Mark Bell <[redacted]>, Sheldon Atlookan <[redacted]>, Bob Baxter <[redacted]>, Jack Moonias <[redacted]>, Larissa Mikkelsen <[redacted]>, <[redacted]>, Frechette, Jason (MNDM) <[redacted]>, Churchill, Lori (MNDM) <[redacted]>, Kate Kempton <[redacted]>, Meghan Buckham <[redacted]>, Andrew Peach <[redacted]>

Hello,

Please find the attached email in response to your emails from August 20th and August 30th.

Kind regards,

Chief Dorothy Towedo

Aroland First Nation

--
Chief Dorothy Towedo
[redacted]

AFN_MFFNLetter_ResponsetoStudyNotice_2021.09.03.pdf
201K

AROLAND FIRST NATION

[redacted]

September 3, 2021

To the Marten Falls First Nation Community Access Road (MFFN CAR) Project Team:

I write in response to your email dated August 20, 2021 regarding MFFN CAR Project Team's plan to conduct Aerial Waterfowl Migration Survey's in Aroland First Nation's territory, and the August 30, 2021 email regarding the Surface Water, Fish, and Fish Habitat Field Notice.

Aroland First Nation's consent must be obtained for any aspects of the Environmental Assessment (EA) or the road project that occur in our territory, including these and other field studies. Aroland First Nation does not consent to the conduct of these field studies in our territory because we have not been consulted or accommodated in any meaningful way whatsoever about the EA, including these studies. Aroland First Nation is still awaiting a response to our July 31, 2021 letter (see Appendix I) regarding our meaningful engagement on activities occurring in our territory and what is required for Aroland First Nation to consider providing consent.

We look forward to hearing from you.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc:
Marten Falls Council: Chief Bruce Achneepineskum, Councilor Linda Moonias; Councilor Paul Achneepineskum; Councilor Russell Achneepineskum; Councilor Sam Achneepineskum; Councilor Vida Baxter; Councilor Marilyn Wenjack; Councilor Rob Moonias
Aroland First Nation Council: Councilor Bernard Gagnon; Councilor Sheldon Atlookan; Councilor LouieMendowegan; Councilor Mark Bell; Councilor Chad Kashkish; Councilor Annamarie Magiskan
Qasim Saddique, MFFN Advisor
Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario

Kate Kempton, OKT Law
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions

APPENDIX I
July 30, 2021 Letter from Aroland First Nation Re: Response to Various Study Notices for the Marten Falls Community Access Road Environmental Assessment



[redacted]

July 30, 2021

To: Chief Achneepineskum and Council

Re: Response to Various Study Notices for the Marten Falls Community Access Road Environmental Assessment

Aroland First Nation has for years sought to have a mutual agreement with Marten Falls recognizing each First Nation's right to free, prior and informed consent for developments in each of our territories, and to have an environmental assessment and related process that respects that right to consent.

Marten Falls continues to reject this approach and our efforts toward it, and Marten Falls continues on the path of the Crown's EA regime.

As part of this EA process, Marten Falls has sent us notices for a number of field studies from the Marten Falls Community Access Road Project Team (MFFN Project Team), including:

- groundwater and geochemistry summer program (received June 25, 2021);
- surface water fish and fish habitat study (received July 9, 2021); and,
- vegetation, physiography and peatlands field program (received July 15, 2021).

Aroland's consent must be obtained for any aspects of the EA or the road project that occur in AFN territory, including these and other field studies. We do not consent to the conduct of these field studies in our territory because we have not been consulted or accommodated in any meaningful way whatsoever about the EA including these studies. We continue to be treated in the EA the way the Crown has treated us for far too long.

With each field study notice, the MFFN Project Team has requested information from AFN regarding locations of cultural values, timing considerations and any concerns that AFN may have about the proposed activities. As you well know, this information on our values and concerns is not simply pulled out of thin air. We must conduct internal consultation with Elders and land users and studies on our connections to, uses of and values in the land ("Values"). This requires a detailed and mutually-agreed work plan and funding, and time. None have been offered or provided here.

Adequate Time

AFN requires adequate time to assess and understand the potential impact to our Treaty and Aboriginal Rights and Values. This may include time to host community meetings, engage technical experts, collect and analyze Traditional Knowledge values from Elders and land users, and develop any adequate avoidance, mitigation and other accommodation measures. Currently, the MFFN Project Team has requested responses to their questions within a dictated timeframe of as short as 15 days, which is inadequate for AFN to assess and understand potential impacts and propose accommodation measures.

AFN requires that timelines for addressing each study be mutually agreed upon by both parties acting reasonably and flexible enough to address unforeseen challenges.

Sufficient Information

In order to adequately assess and understand the potential impacts of each study, AFN requires sufficient information, which may include details of the study activities on the ground and accurate GIS location information of each proposed site. This level of detail will allow AFN to understand both how and where our Traditional Territory may be affected, and to analyze each location in detail against any mapped Value locations we have (which is not complete). The study notices provided by the MFFN Project Team are insufficient and provide only a general outline of activities and the maps provided suggest activities could occur anywhere within the large study area. AFN requires detailed information for each study, and the ability to request further details from the MFFN Project Team when necessary.

Capacity Funding

To adequately review and understand the potential impacts of each study AFN requires capacity funding to conduct community meetings, meet with the MFFN Project Team, consult technical and legal experts, and cover other reasonable review costs. Under the current funding agreement with the Government of Ontario, AFN does not have funding to participate in consultation and engagement related to each study. In each study notice, the MFFN Project Team requests detailed information from AFN but has not offered capacity funding for our participation. Adequate capacity funding must be secured for AFN and in place prior to the initiation of any mutually agreed upon timelines for engaging on each study.

To be clear, Aroland does NOT at this time consent to the field studies and they are not to occur within Aroland territory until you have our consent. In order for us to consider providing our consent for these activities. Aroland has expectations that must be met by the MFFN Project Team. These include:

- establishing mutually agreed upon timelines for engagement;
- sharing detailed information about study activities and GIS data for each location;
- providing adequate capacity funding to be able to fully assess and understand any potential impacts from activities in our Traditional Territory;
- agreeing to avoidance, mitigation and accommodation measures to address any identified impacts to our Treaty and Aboriginal rights, if required.

Please confirm you will not engage in these studies without our consent and confirm you will work with us as to acquire our consent by providing the above measures.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc: **Marten Falls Council**: Councilor Linda Moonias; Councilor Paul Achneepineskum; Councilor Russell Achneepineskum; Councilor Sam Achneepineskum; Councilor Vida Baxter; Councilor Marilyn Wenjack; Councilor Rob Moonias
Qasim Saddique, MFFN Advisor
Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario
Kate Kempton, OKT Law
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions
Aroland Council: Councilor Bernard Gagnon; Councilor Sheldon Atlookan; Councilor Louie Mendowegan; Councilor Mark Bell; Councilor Chad Kashkish; Councilor Annamarie Magiskan

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Coppaway, Clayton <[redacted]>

RE: MFFN CAR Ground Water Studies

1 message

Andrew Peach <[redacted]> Thu, Sep 9, 2021 at 6:16 PM
To: "Coppaway, Clayton" <[redacted]>, Dorothy Towedo <[redacted]>
Cc: [redacted]

Hello Clayton,

Thank you for the response from the MFFN CAR Project Team. We will work with AFN to review the letter and provide a response soon.

Unfortunately, Chief Towedo and AFN's Council will be unable to attend the September 13th, 2021 meeting, but remain open to meeting with MFFN's Council soon to continue the Nation-to-Nation discussion. AFN will also be unable to meet to discuss the custom consultation process on September 21st because they are off for their Culture Week. AFN will consider dates into October for coordinating a meeting with MFFN's Council and hope to include some options in responding to your letter.

Kind regards,

Andrew Peach, MSc | **Planning Consultant**

(He/him – why is this here?)

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[redacted]

From: Ernie Gagnon <[redacted]>
Sent: October 6, 2021 12:26 AM
To: MFFN Community Access Road Project Team
Subject: Re: MFFN Community Access Road: Remote Camera Check and Groundwater & Geochemistry Field Notices

Thank you for the information. ErnieGagnon

[redacted]

> [redacted]

--
Ernie Gagnon
[redacted]

Aroland F.N [redacted]
[redacted]

DILLON CONSULTING

Coppaway, Clayton <[redacted]

Fwd: Aroland First Nation Response to MFCAR and WSR Terms of Reference

1 me age

Begin forwarded message:

From Andrew Peach [redacted]
Subject: Aroland First Nation Response to MFCAR and WSR Terms of Reference
Date: October 7, 2021 at 11:28:42 AM EDT
To: [redacted]
Cc annamarie maji kon [redacted] Sheldon Atlookan [redacted] Qasim Saddique [redacted] "Hennessy, Mary (ENDM)" [redacted] "McLeod, Sasha (MECP)" [redacted] Kate Kempton [redacted], Meghan Buckham [redacted], "Wallace, Craig" [redacted]

Hello Kathleen O'Neill,

Please find attached a letter from Chief Dorothy Towedo of Aroland First Nation.

Kind regards,

Andrew Peach, MSc | Planning Consultant
(He/him – why is this here?)

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AROLAND FIRST NATION

[redacted]

Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

October 7, 2021

Re: Provincial Responses to Marten Falls Community Access Road and Webequie Supply Road Terms of Reference

On behalf of Aroland First Nation (AFN), I write in response to the Province's letters from August 30, 2021, which provided responses to AFN's comments submitted on the final Terms of Reference (ToR) for the Webequie Supply Road (WSR) Project and the Marten Falls Community Access Road (MFCAR) Project Environmental Assessments.

Based on our review, there remain significant unresolved concerns related to the inadequate scope of the Environmental Assessments, grossly deficient engagement processes and thus incomplete and unrealistic assessment of impacts to AFN's Aboriginal and Treaty rights and interests.

Inadequate Scope of the Environmental Assessments

AFN has been saying from the beginning that with all the fragmented and separated processes for the three roads, each one is being assessed far too narrowly without considering the larger picture. Neither the environment nor people including AFN actually live or experience reality in the siloed assessment approach being put forward. What you are doing is establishing a fictional scenario in which it is far more likely that each of the three roads will be approved, and approved with less than adequate understanding of and accommodation for their combined effects and those combined road effects with all others in the Ring of Fire.

Each of the three roads will join together as one, to provide open access to the Ring of Fire so it can be developed more easily. We all see this endgame; the more that Ministry of Environment, Conservation and Parks (MECP) pretends otherwise the worse the bad faith.

This integrated system of roads must be assessed together if anything close to an accurate picture is to emerge. While MECP intends to proceed with individual EAs for each of the three roads, it must ensure that the cumulative effects assessment in each is robust, thorough and essentially has the effect of combining the EAs. Scientists have said for decades that cumulative effects assessments as part of individual project EAs are done badly. Determining that these road EAs are individual assessments that will include cumulative effects aspects, is of little comfort.

We require MECP to assure us in writing that these cumulative effects analyses will be robust and thorough so as to ensure that this is akin to combining the three roads together in one EA. We need MECP to ensure that the scope of cumulative effects assessment includes the three road fragments

together as one combined road network that will enable the expansion of industrial development and its resulting effects in the area.

Aroland First Nation objects to the Terms of Reference for the two roads – MFCAR and WSR – as presented to date; they present a piecemeal approach to what is essentially a single larger project.

With the introduction of the Northern Road Link project, the WSR and MFCAR now represent two components of a major road network that connect the Ring of Fire to Highway 643. Although the defined purpose of each of these roads individually is to enable community access, the reality of the collective road developments will be the introduction of year-round mixed-use traffic from Webequie First Nation, Marten Falls First Nation, as well as industrial traffic that will significantly impact AFN's territory.

While we appreciate that each road link is a proponent-led process, each road *must* be considered in the context of the broader road network to accurately capture and consider the impacts that will be felt by the communities along the route. AFN appreciates that the MECP will coordinate Environmental Assessment activities for the road projects with the Impact Assessment Agency where possible, but we believe that the scope of the Environmental Assessment must include industrial pressures that will be felt by our community as a result of the roads. We do not believe that impacts to our community can be accurately captured by the Environmental Assessment for any single road project until this expansion of scope is realized.

Lack of Meaningful Engagement

To date, AFN has not received the capacity support necessary to meaningfully participate in the Environmental Assessments for the WSR and the MFCAR. Capacity funding provided in October 2020 partially supported our review of the Terms of References for the MFCAR, but there are a variety of other engagement opportunities that have remained unsupported. While we appreciate MECP's encouragement to participate in the consultation process, additional support is required so we can adequately assess and respond to proposals and requests from each proponent, seek technical advice and support, attend meetings, and conduct reviews to identify impact avoidance, mitigation and accommodation measures. Unsupported attempts at engagement will not lead to meaningful and informed consent from our community, and will not adequately inform proponents of their projects' impacts to our rights and interests.

Given the interconnectedness of the roads network that will connect the Ring of Fire to Highway 643 and the scope and depth of impacts that will be felt by AFN, we expect that the Province, Webequie First Nation and Marten Falls First Nation will seek consent from our community for all aspects of the developments that fall within our territory.

Our position is consistent with customary international which already binds Canada and UNDRIP which is being implemented into Canadian law through Bill C-15.

Please confirm that Ontario will seek and require AFN's consent for the three roads, or three fragments of one road, which AFN will not unreasonably withhold if meaningfully and fully consulted and accommodated.

Aroland First Nation also expects that Webequie First Nation, Marten Falls First Nation and the Province of Ontario will consult our Nation on any follow-up permits and approvals for these roads.

As a final note, whatever happens with the roads, Aroland First Nation expects the Province to consult our Nation on changes to the *Environmental Assessment Act* and its regulations and to the *Far North Act* as these will very much impact our rights and interests, or impact the proposed projects that will occur in our territory.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc:

Aroland First Nation Council: Councilor Bernard Gagnon; Councilor Sheldon Atlookan; Councilor Louie Mendowegan; Councilor Mark Bell; Councilor Chad Kashkish; Councilor Annamarie Magiskan
Chief Bruce Achneepineskum
Chief Cornelius Wabasse
Qasim Saddique, MFFN Advisor
Don Parkinson, Consultation Lead
Michael Fox, Regional Consultation Lead
Craig Wallace, SNC Lavalin
Mary Hennessy, Ontario Ministry of Energy, Northern Development and Mines
Kathleen O'Neill, Ministry of Environment, Conservation and Parks
Sasha McLeod, Ministry of the Environment, Conservation and Parks
Jason Frechette, Ministry of Northern Development and Mines,
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines
Kate Kempton, OKT Law
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Fwd: Aroland First Nation Response to Notification of MFCAR Geotechnical Work

1 me age

Begin forwarded message:

From Andrew Peach [redacted]
Subject: Aroland First Nation Response to Notification of MFCAR Geotechnical Work
Date: October 7, 2021 at 11:28:50 AM EDT
To: '[redacted] Sheldon Atlookan <[redacted]>, Chief Bruce Achneepine kum [redacted], Bob Baxter <[redacted] Larissa Mikkelsen <[redacted] Jennifer "Nephin, Amelie (MNRF)" [redacted] Kate Kempton <[redacted]>, Meghan [redacted] "Mauro, Melissa (MNRF)" <[redacted]>

Hello James Bennitt,

Please find the attached letter from Aroland First Nation's Chief Dorothy Towedo in response to your August 18th notification of MFCAR geotechnical work

Kind regards,

Andrew Peach, MSc | **Planning Consultant**
(He/him – why is this here?)

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2 attachment



Su lop Logo E act Size 2 png
7K

AFN_MNRF_HydroGeoResponse_2021.10.07.pdf
133K

AROLAND FIRST NATION



[redacted]

October 7, 2021

Dear James Bennitt,

In your letter of August 18, 2021, you outline a proposed hydrogeological and water monitoring program to be carried out as part of the Marten Falls Community Access Road (MFCAR) Environmental Assessment process. The proposed activities outlined in your letter are invasive and include various drill holes, helicopter fly-ins, forest clearing, impacts on species' habitat, and disruption of wildlife. You also cite at least four statutory regimes that govern this program, the constitutional duty to consult and accommodate, and request comment from Aroland First Nation. The purpose of acquiring these comments is to understand our concerns related to the study's potential to impact our Aboriginal and Treaty Rights, and work to mitigate and accommodate them. That is what the courts require of the Crown when engaged in the constitutional duty to consult and accommodate.

We have repeatedly told the proponent, Marten Falls First Nation, as well as multiple Government of Ontario ministries that Aroland must assess and provide input regarding impacts of the proposed activities on our Aboriginal and Treaty rights before proceeding with any studies in our Traditional Territory. We have also stated that in order for us to understand each study's potential to impact our Aboriginal and Treaty Rights we require adequate timing, information, and capacity funding to be able to conduct a thorough assessment. Without access to each of these components we are unable to understand the impacts this study may have on our Aboriginal and Treaty Rights and to work with you on adequate avoidance, mitigation and accommodation measures. How can you understand our concerns and the impacts to our Aboriginal and Treaty rights if we cannot understand them ourselves?

In order for us to develop a full understanding of the potential impacts of this study we require funding to hire technical advisors to help us understand the technical elements of the proposal and to interview Elders and land users who provide critical insight and context that is necessary to understand potential impacts to our Aboriginal and Treaty Rights. Elders' and land users' participation takes their time away from activities within the community and across our territory, and therefore we adhere to the custom of providing honoraria and covering expenses in acknowledgement of their contributions. This compensation, and the effort required to record, map and transcribe information shared by knowledge holders in the community requires funding and adequate time to complete in a meaningful way.

At this time, we are unable to share with you precisely what, where, when and how these rights and values exist, how our rights and values could be impacted by this program, and how such impacts could be avoided, mitigated or offset. To provide this level of detail and to adequately

understand impacts to our Aboriginal and Treaty rights, more information must be gathered and analysed before it can be provided back to you. If you are going to continue to deny all such funding, we will continue to assert that you cannot possibly meet your constitutional duty and any decisions made in this circumstance are ripe for legal challenge.

If you agree with our request, please contact us as soon as possible and we can work out a reasonable budget and timeline to complete this work.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc:

Marten Falls Council: Chief Bruce Achneepineskum, Councilor Linda Moonias; Councilor Paul Achneepineskum; Councilor Russell Achneepineskum; Councilor Sam Achneepineskum; Councilor Vida Baxter; Councilor Marilyn Wenjack; Councilor Rob Moonias
Aroland First Nation Council: Councilor Bernard Gagnon; Councilor Sheldon Atlookan; Councilor Louie Mendowegan; Councilor Mark Bell; Councilor Chad Kashkish; Councilor Annamarie Magiskan
Qasim Saddique, MFFN Advisor
Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Amelie Nephin, Resource Liaison Specialist, Ministry of Natural Resources and Forestry,
Melissa Mauro, Ministry of Natural Resources and Forestry
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario
Kate Kempton, OKT Law
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Fwd: Aroland First Nation Response to Notification of MFCAR Geotechnical Work

1 message

[redacted]

From: Andrew Peach <[redacted]>
Date: October 22, 2021 at 1:09:58 PM EDT
To: [redacted]
Cc: Chief Bruce Achneepineskum <[redacted]>, annamarie majiskon <[redacted]>, Bernard Gagnon <[redacted]>, Chad Kashkish <[redacted]>, [redacted], lou dogg <[redacted]>, Mark Bell <[redacted]>, Sheldon Atlookan <[redacted]>, Qasim Saddique <[redacted]>, Bob Baxter <[redacted]>, [redacted], Larissa Mikkelsen <[redacted]>, Jennifer Bruin <[redacted]>, "Nephin, Amelie (MNRF)" <[redacted]>, "Frechette, Jason (NDMNRF)" <[redacted]>, [redacted], Kate Kempton <[redacted]>, Meghan Buckham <[redacted]>
Subject: Aroland First Nation Response to Notification of MFCAR Geotechnical Work

Hello James Bennitt,

Please find the attached letter from Aroland First Nation's Chief Dorothy Towedo in response to your October 18th notification of MFCAR geotechnical work.

Kind regards,

Andrew Peach, MSc | **Planning Consultant**

(He/him – why is this here?)

SHARED VALUE SOLUTIONS

[redacted]

AROLAND FIRST NATION

October 22 , 2021

Dear James Bennitt,

Thank you for your response to Aroland First Nation (AFN)'s October 7, 2021 letter. In our letter, AFN shared our concerns regarding our inability to adequately assess the impacts of the proposed Groundwater and Geochemistry program on our Aboriginal and Treaty Rights and to work with you to ensure our concerns about impacts are adequately addressed through accommodation measures, given the inadequate timing, lack of information and absence of capacity funding to conduct a proper assessment. We are disappointed that your response does not meaningfully address our concerns and that the Government of Ontario and the Marten Falls Community Access Road (MFCAR) project team seem intent on moving forward with the program regardless of our ongoing concerns with the lack of proper engagement and consultation.

Your letter purports to demonstrate that the MFCAR project team has provided sufficient opportunities for AFN to understand and comment on the various proposed field studies and programs by you supplying descriptions of the work, maps, work plans, fieldwork notifications, media presentations and other documents. Sending us this information without enabling us to retain the expertise necessary for us to understand it and to assess its applicability, reliability and efficacy, and without enabling us to then consult our members with this expertise, is nothing more than papering over a violation of the duty to consult and accommodate. This does not provide us with the time, enough information or capacity funding to understand potential impacts to our Aboriginal and Treaty Rights and engage in a dialogue and iterative process to address identified concerns.

AFN has responded to the MFCAR project team's field program notifications with letters sent on July 30th, September 9th, and October 7th. In each letter we express our interest in evaluating the potential impacts of each project to our Aboriginal and Treaty Rights, but that we continue to lack the funding to participate. The funding we have been provided through Ontario's Participant Funding Initiative only supports responses to specific milestones in the MFCAR EA process. It does not cover this program at all.

In your October 18, 2021 letter, you also state that the MFCAR project team are able to provide some additional capacity support funding pending approval of agreements that have been shared with AFN. We have not received any draft agreements from the MFCAR project team and capacity funding has only been suggested by the MFCAR project team as a potential aspect of a custom consultation process. AFN and the MFCAR project team have not begun discussions on the details of a custom consultation process or capacity funding due to scheduling conflicts throughout September. These consultation processes and capacity funding arrangements must

be agreed to and in place before engagement and consultations requests are submitted for AFN's review.

AFN is also frustrated with the timelines that have been imposed on us by the MFCAR project team and the Government of Ontario to respond to the proposed studies. Even if AFN is provided adequate capacity funding we would need adequate time for us to study and understand the potential impacts to our Aboriginal and Treaty Rights. These timelines must take into consideration the fact that AFN is forced to govern with crisis management (something that you are aware of) and we face ongoing challenges of COVID-19, community health crises and other issues. This plus the fact that AFN has also entered into our biannual election cycle for Band Council, means that consultation timeframes must be respectful to our situation, one with which MFFN is very familiar. We will not be able to meet until after the new Chief and Council are elected on November 20th.

Whether through a custom consultation process with the MFCAR project team or additional funding from the Government of Ontario, until adequate capacity funding has been provided to AFN, and we have sufficient time to understand potential impacts to our Aboriginal and Treaty Rights and can develop proposals on how to address them, no field programs or studies should be approved to proceed. Your continued failure to adhere to our requests will result in our constitutional rights being violated, and this you should not take lightly.

Respectfully,



Chief Dorothy Towedo
Aroland First Nation

Cc:

Chief Bruce Achneepineskum
Aroland First Nation Council: Councilor Bernard Gagnon; Councilor Sheldon Atlookan; Councilor Louie Mendowegan; Councilor Mark Bell; Councilor Chad Kashkish; Councilor Annamarie Magiskan
Qasim Saddique, MFFN Advisor
Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Amelie Nephin, Resource Liaison Specialist, Ministry of Natural Resources and Forestry,
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario
Kate Kempton, OKT Law
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions

B3.3 Community Specific Meeting Materials



Agenda

Subject: Aroland First Nation Custom Consultation Process Development
Date: TBD
Timing: TBD
Location: Virtual Conference Meeting
Call-in Details: TBD
Facilitator: Don McKinnon, MFFN Project Consultant
Recorder: Clayton Coppaway, MFFN Project Consultant

Attendees:

Aroland First Nation Consultation Team	MFFN Project Team	Ontario (i.e. MECP and/or ENDM reps)
• To be provided by Aroland First Nation	• Qasim Saddique, MFFN Project Team • Bob Baxter, MFFN Community Member Advisor • Lawrence Baxter, MFFN Community Member Advisor • Larissa Mikkelsen, MFFN Community Consultation Coordinator / Advisor • Don McKinnon, MFFN Project Consultant • Clayton Coppaway, MFFN Project Consultant	• TBD, if requested by Aroland First Nation.

Meeting Purpose: The purpose of this initial meeting will be to prepare a foundational framework to guide the development of a custom consultation process for Aroland First Nation as part of the MFFN Community Access Road Project.

Our broad objectives include:

- Discuss and understand the current and desired approach to consultation with Aroland First Nation;
- Define or refine the goals and objectives of the custom consultation process;
- Discuss consultation opportunities and preferred engagement methods;
- Assign roles and responsibilities;

- Define next steps and timelines;

Meeting Objectives:

Agenda Items:

Agenda Item	Topic of Discussion	Est. Timing (min)	Lead
1.	Welcome and Introductions	10	Facilitator
2.	Agenda Review and Confirmation	15	Facilitator
3.	Opening Remarks & Purpose of the Meeting	10	MFFN Project Team & Aroland First Nation Team
4.	Facilitated discussion, using presentation, to prepare a foundational framework to guide the development of a Custom Consultation Process for Aroland First Nation.	55	Facilitator
5.	Actions, Responsibilities and Next Steps	15	Facilitator
6.	Next Meeting	10	Facilitator
7.	Meeting Close	5	Facilitator

Memo

To: **Councillor Sheldon Atlookan, Andrew Peach**
From: **MFFN Project Team**
cc: **Chief Dorothy Towedo, Jeremy Shute, Meghan Buckham, Qasim Saddique, Larissa Mikkelsen, Don McKinnon**
Date: **May 11, 2021**
Subject: **Marten Falls Community Access Road EA - Custom Consultation Process Briefing.**
Our File: **File #60593122**

The purpose of this briefing memo is to provide a high-level overview of our thoughts on the development of custom consultation process (CCP) for Aroland First Nation that would provide support to the Marten Falls Community Access Road EA. The intent of the custom consultation process will be similar to what is defined in the ToR Consultation Plan but developed specifically for consultation with Aroland First Nation. While open to your input and thoughts on this, it is our initial view that this Custom Consultation Plan (CCP) will define:

1) What members of Aroland First Nation are to be involved in the consultation process?
2) When would you like to be involved? For example,
    a. What EA milestones do you want to be involved with and to what extent?
    b. What would be the frequency for meetings in between milestones? For example, every two months for project updates and check-ins.
3) What are the preferred means to engage with your community?
4) How we document the input received from your community?
5) How we resolve issues that may emerge?

Our intent is to develop a consultation process that is flexible and adaptable to our shared needs as the Project assessments progress. Ultimately, we believe that the development of the CCP will help to ensure that Aroland First Nation is meaningfully consulted and that we understand, together, the potential impacts the MFFN CAR may have on Aroland First Nation, its traditional territory, and their Aboriginal and treaty rights. And while related, the CCP is to be distinct from the Indigenous Knowledge sharing agreement that Marten Falls is also seeking to establish with Aroland First Nation.

As well, we acknowledge your request for funding to support your participation in the process to develop the CCP. We can discuss this request at our first meeting.

For the development of the Custom Consultation Process we anticipate a focused two month time window that will include:

- Initiation Meeting & Framework Development;
- CCP Drafting (2 weeks; MFFN Project Team);
- Draft CCP Review Period (2 weeks: Aroland First Nation);
- Updating or revisions to CCP (MFFN Project Team)
- 2nd CCP Draft Review Meeting
- Finalized Version of CCP

Some questions we would like Aroland First Nation to consider in advance of the initial meeting are:

- What are your expectations for frequency of meetings/contact points for the EA milestones? Are their specific parts of the EA/project that you are most interested in?
- How do you see the community consultation coordinator assisting in the consultation process?
- Are there issues and concerns outside the scope of the EA that can be referred to Nation-to-Nation dialogue between Aroland and Marten Falls First Nations?

B3.4 ToR Comments Received / Responses

AROLAND FIRST NATION

[redacted]

Sasha McLeod
Special Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch 135 St. Clair Avenue West, 1st Floor,
Toronto, ON M4V 1P5
416-268-5984
[redacted]

Shannon Gauthier
Project Officer
Ministry of the Environment, Conservation and Parks – Environmental Assessment Branch 135 St. Clair Avenue West, 1st Floor
Toronto, ON, M4V 1P5
416-258-8215
[redacted]

December 18, 2020

RE: Marten Falls Community Access Road Project Final Terms of Reference Comments

On behalf of Aroland First Nation (AFN), I write to submit AFN's comments on the Final Terms of Reference (ToR) for the Marten Falls Community Access Road (MFCAR). AFN has major concerns with changes made to the Final ToR by the MFCAR Project Team. Based on our review, there are specific findings that are especially concerning to AFN. Some of the most troubling findings and concerns we found are:

1. ***Scope of the Environmental Assessment does not capture access to the Ring of Fire***

   Of critical concern to AFN are glaring omissions regarding assessment and consideration of access to the Ring of Fire and portions of the MFNCAR being used as a heavy industrial supply road. Broadening the scope of the Environmental Assessment is even more important now with the announcement of the Northern Road Link which would connect the MFNCAR to the Ring of Fire.

   The impacts of the MFNCAR are drastically deepened as a result the proposed Northern Road Link Project. Instead, the MFNCAR Project Team has removed important contextual information and consideration of access to the Ring of Fire in the Final ToR to intentionally narrow the assessment scope and undermine a thorough assessment process. Given the potential for the MFNCAR to provide industrial supply road access to and from the Ring of Fire, the Project Team must re-consult and seek AFN's consent on alternative route options within our territory.

2. ***Inadequate acknowledgement of AFN's territory and impacts to AFN's rights and interests in the ToR***

   AFN is deeply concerned by the Project Team's decision to remove reference to the Project occurring in AFN's territory. The draft ToR acknowledged that the MFNCAR overlapped with AFN's territory, but in the final ToR, the Project Team removes reference to AFN and other

Matawa First Nation Traditional Territories by stating, "*The Project is located within the traditional territory of First Nations, including MFFN*."

This omission is concerning to AFN as it indicates that the Project Team is not taking the impacts on AFN's rights and interests seriously. The proposed MFNCAR overlaps directly with AFN's Traditional Territory, ultimately connecting to the Anaconda and Painter Lake forestry roads that pass directly through our community. The potential adverse impacts to our Treaty and Aboriginal rights and interests will be significant, especially considering our community members' high level of use along the Anaconda and Painter Lake Roads up to and north of Dusey Lake.

3. <u>Limitations and Inaccuracies in the Record of Consultation (RoC) appended to the ToR</u>

With respect to consultation on the ToR since February 2020, the Project Team has presented a narrative that AFN was provided several opportunities to review and provide feedback on MFFN's responses to AFN's comments on the draft ToR, the RoC and that "no comments were received." Unfortunately, the RoC does not provide the critical context that explains why AFN was not able to engage with the Project Team at that time.

AFN did not receive capacity funding from the province until mid-October. In addition, the COVID-19 pandemic has put undue pressure on our community's capacity as well as opportunities to safely engage our community on the Project. Capacity funding is critical to supporting an adequate and meaningful consultation process and despite communicating our limitations, the MFNCAR Project Team continued to advance the ToR. Although the RoC may appear to portray several instances of engagement, ***but quantity of engagement is not an acceptable metric for consideration for meaningful engagement.***

Further, the RoC does not include correspondence and efforts by AFN to advance Memoradum of Understanding (MoU) discussions with MFFN between July and October 2020. Since our June 26, 2020 meeting with MFFN, AFN has been awaiting edits from MFFN on the MoU only to be told in October that MFFN does not wish to carry on down a path we had been working towards for over two years. MFFN's actions to date do not provide AFN with confidence that the procedural aspects delegated to MFFN will be executed honorably on behalf of the Provincial Crown.

A full record of AFN's comments are captured in Appendix 1 and Appendix 2 of this letter. Appendix 1 provides a summary of comments from AFN's submission on the Draft ToR that have not been adequately addressed in the Final ToR. Appendix 2 summarizes additional comments from AFN upon review of the Final ToR.

In closing, it is still our position that presenting the Project in isolation without considering the cumulative effects of other proposed all-season road and mining projects in the region under-represents the potential impacts of the project. The impacts of the MFNCAR, Webequie Supply Road and Northern Road Link projects will extend far beyond environmental effects. The level of infrastructure and potential development being potentially unlocked regionally will have significant and pervasive impacts on our communities. We will continue to advocate for an integrated review process that considers the full range of regional impacts and our preference is to approach this work in a way that brings all our Matawa First Nation neighbours to the table. We are hopeful that MFFN, Webequie First Nation, and the provincial and federal agencies will collaborate with us on these matters.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc: Council, Aroland First Nation
Lori Churchill, Director, Indigenous Consultation and Partnerships Branch, MENDM
Mary Hennessy, Director, Ring of Fire Policy Coordination Branch, MENDM
Chief Bruce Achneepineskum, Marten Falls First Nation
Sasha McLeod, Special Project Officer, MECP
Shannon Gauthier, Project Officer, MECP
Lawrence Baxter, Senior Community Member Advisor, MFFN
James McCutchon, Project Manager, AECOM
Caitlin Cafaro, Ontario Regional Director, IAAC
Debra Myles, Senior Advisor – Strategic and Regional Assessment, IAAC
Don Richardson, Shared Value Solutions
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions

AROLAND FIRST NATION



[redacted]

Qasim Saddique
Project Director
MFFN Community Access Road Project Team

Lawrence Baxter
Senior Community Advisor
MFFN Community Access Road Project Team

March 26, 2021

Dear Mr. Saddique and Mr. Baxter,

Re: Comments Received on the Martens Falls Community Access Road Proposed Terms of Reference and Invitation to begin custom consultation process discussions

Aroland First Nation (AFN) writes in response to your letter dated February 8, 2021, regarding AFN's initial comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road (CAR) (the Project).We also write in response to MFFN's request to meet with AFN leadership to initiate development of a custom consultation process.

Impacts to AFN's Aboriginal Rights and Interests and the Requirement for Meaningful Consultation

We are deeply concerned with the potential for AFN's Treaty and Aboriginal rights and interests to be impacted by the Project. The proposed Project falls directly within AFN's Traditional Territory, where AFN has long exercised its Treaty and Aboriginal rights and interests to hunt, trap, and fish, among other activities. The depth of potential impact on AFN's Treaty and Aboriginal rights are expected to be significant, which requires a deep level of consultation. A custom consultation process is a critical component of supporting a deep and meaningful consultation process.

AFN appreciates the MFFN Project Team's offer to arrange a meeting to discuss a custom consultation process and AFN's project team will reach out shortly to schedule a time. While AFN agrees to attend an initial meeting we will require that the MFFN Project Team provide capacity funding for AFN's participation in subsequent meetings to develop and implement the process. We also require that the MFFN Project Team agree to a reasonable timeframe for developing the custom consultation process. AFN proposes to develop a detailed workplan and budget for developing the process that would provide clarity on the amount of capacity funding required as well as a reasonable timeline for the activities.

At present, AFN's capacity funding from the Government of Ontario only covers specific tasks and milestones associated with the environmental assessment process and does not include funds to support ongoing issue resolution or the development and implementation of a custom consultation process. To adequately engage in such activities with the MFFN Project Team, we require additional capacity funding. This funding is critical to ensure we have the technical, regulatory and legal support necessary to participate fully in the consultation process.

AFN Comments and Engagement on the ToR

AFN wishes to confirm its receipt of recent correspondence (e.g., emails and attachments) related to the Proposed ToR and associated comment period extension. As you are aware, our communities are vulnerable and facing unprecedented challenges during the COVID-19 pandemic, putting further strain on our limited capacity as staff and resources are diverted to ensure the health and safety of our people. Despite these limitations, AFN has remained flexible, pivoting from in-person engagement to a newsletter approach where members were asked to send comments to our Community Consultation Coordinator (CCC) Sheldon Atlookan, despite the obvious shortcomings of this approach in effectively connecting with our members. Not long thereafter, AFN was forced into a full community lockdown in response to a potential outbreak of COVID-19. Given these challenges, we have been unable to complete adequate engagement with our members and cannot provide clarity on whether or not AFN will have additional comments.

We are appreciative of the extension that has been granted, but these timelines are still unreasonable given ongoing challenges related to the COVID-19 pandemic. AFN reaffirms our commitment to engaging with MFFN in good faith and providing meaningful feedback on the ToR. To be able to do so, we require additional time and flexibility to engage with our membership. We will continue to seek and share feedback received via the newsletter approach, but require that no decisions are made on the ToR until we are able to hold an in-person community meeting safely.

Closing

In the light of the unprecedented challenges of a global pandemic and a lack of capacity funding to support a deep level of consultation, AFN does not consider the current process to meet the standard for meaningful consultation and accommodation. Sufficiency of both time, depth of process and capacity funding are key components of a meaningful consultation process that must be met to ensure potential impacts on AFN's Treaty and Aboriginal rights and interests are avoided, mitigated and accommodated, as required.

As the Matawa Chiefs Council recently shared in a statement responding to proposed changes to the *Far North Act*, it is a very heavy burden for First Nations to engage in regulatory processes in the best of times, but the COVID-19 pandemic presents serious risks in addition to existing issues related to healthcare, housing, and access to goods and supplies. We trust the MFFN Project Team understands the realities of the present circumstances as well as AFN's commitment to participating meaningfully in this consultation process.

Respectfully,

[redacted]

Chief Dorothy Towedo
Aroland First Nation

Cc: Marten Falls Chief and Council

Bob Baxter, MFFN Advisor
Jack Moonias, MFFN Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Clayton Coppaway, MFFN Project Consultant
Jason Frechette, Indigenous Liaison Officer, Ministry of Northern Development and Mines, Government of Ontario
Lori Churchill, Director of the Ring of Fire Secretariat, Ministry of Northern Development and Mines, Government of Ontario
Don Richardson, Shared Value Solutions
Meghan Buckham, Shared Value Solutions
Andrew Peach, Shared Value Solutions

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Aroland First Nation – December 18, 2020			
AroFN-1	Scope of the Environmental Assessment does not capture access to the Ring of Fire Of critical concern to AFN are glaring omissions regarding assessment and consideration of access to the Ring of Fire and portions of the MFNCAR being used as a heavy industrial supply road. Broadening the scope of the Environmental Assessment is even more important now with the announcement of the Northern Road Link which would connect the MFNCAR to the Ring of Fire. The impacts of the MFNCAR are drastically deepened as a result the proposed Northern Road Link Project. Instead, the MFNCAR Project Team has removed important contextual information and consideration of access to the Ring of Fire in the Final ToR to intentionally narrow the assessment scope and undermine a thorough assessment process. Given the potential for the MFNCAR to provide industrial supply road access to and from the Ring of Fire, the Project Team must re-consult and seek AFN's consent on alternative route options within our territory.	Marten Fall First Nation (MFFN) acknowledges that future development opportunities may arise if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the Environmental Assessment (EA) will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. In April 2018, MFFN signed an agreement with the Ministry of Environment, Conservation and Parks (MECP) to prepare an EA pursuant to the Ontario *Environmental Assessment Act*. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Northern Development and Mines) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Issues of consent and concerns related to alternatives for connecting the CAR to the provincial highway network now that the Northern Road Link has been announced are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Section 7.2, pg. 65 Section 7.2.10, pg. 70 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA
AroFN-2	Inadequate acknowledgement of AFN's territory and impacts to AFN's rights and interests in the ToR AFN is deeply concerned by the Project Team's decision to remove reference to the Project occurring in AFN's territory. The draft ToR acknowledged that the MFNCAR overlapped with AFN's territory, but in the final ToR, the Project Team removes reference to AFN and other Matawa First Nation Traditional Territories by stating, "The Project is located within the traditional territory of First Nations, including MFFN." This omission is concerning to AFN as it indicates that the Project Team is not taking the impacts on AFN's rights and interests seriously. The proposed MFNCAR overlaps directly with AFN's Traditional Territory, ultimately connecting to the Anaconda and Painter Lake forestry roads that pass directly through our community. The potential adverse impacts to our Treaty and Aboriginal rights and interests will be significant, especially considering our community members' high level of	The removal of the specific reference to Aroland First Nation's Traditional Territory was made in response to comments received from other Indigenous communities on the Draft ToR with respect to their Traditional Territory in relation to the Project. The intent of this change was to be more inclusive with respect to the Traditional Territories of the various potentially affected Indigenous communities. The Project Team continues to solicit and receive inputs on the Traditional Territories of potentially affected Indigenous communities in relation to the Project through the Consultation and Engagement Program. However, MFFN acknowledges that the Project overlaps with the Traditional Territory of Aroland First Nation, and that the Project has the potential to affect Aroland First Nation. Further, MFFN commits to formally acknowledge that the Project overlaps with the Traditional Territory of Aroland First Nation throughout the EA and in the EA Report.	Section 7.1.4.1, pg. 41 Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
	use along the Anaconda and Painter Lake Roads up to and north of Dusey Lake.		
AroFN-3	Limitations and Inaccuracies in the Record of Consultation (RoC) appended to the ToR With respect to consultation on the ToR since February 2020, the Project Team has presented a narrative that AFN was provided several opportunities to review and provide feedback on MFFN's responses to AFN's comments on the draft ToR, the RoC and that "no comments were received." Unfortunately, the RoC does not provide the critical context that explains why AFN was not able to engage with the Project Team at that time. AFN did not receive capacity funding from the province until mid-October. In addition, the COVID-19 pandemic has put undue pressure on our community's capacity as well as opportunities to safely engage our community on the Project. Capacity funding is critical to supporting an adequate and meaningful consultation process and despite communicating our limitations, the MFNCAR Project Team continued to advance the ToR. Although the RoC may appear to portray several instances of engagement, but quantity of engagement is not an acceptable metric for consideration for meaningful engagement. Further, the RoC does not include correspondence and efforts by AFN to advance Memorandum of Understanding (MoU) discussions with MFFN between July and October 2020. Since our June 26, 2020 meeting with MFFN, AFN has been awaiting edits from MFFN on the MoU only to be told in October that MFFN does not wish to carry on down a path we had been working towards for over two years. MFFN's actions to date do not provide AFN with confidence that the procedural aspects delegated to MFFN will be executed honorably on behalf of the Provincial Crown.	The Project Team has taken the approach that both the quantity and quality of the consultation with Indigenous communities such as Aroland First Nation is of critical importance. The Record of Consultation includes community-specific sections that provide a chronological, summary of MFFN's engagement with each Indigenous community and a synopsis of their comments, issues and interests, and MFFN's responses and follow-up regarding these. The Record of Consultation provided with the ToR includes all communication and engagement with Aroland First Nation up to July 31, 2020. The Project Team acknowledges that ongoing discussions and communications have occurred since that time. These communications are being tracked and this information will be included in the future Record of Consultation and Engagement in the EA. The Project Team acknowledges the challenges relating to funding and the COVID-19 pandemic has had on Aroland First Nation's ability to engage and we will continue to explore ways to adjust and improve our engagement efforts with Aroland First Nation. While it is unfortunate that MFFN and Aroland First Nation were unable to develop a MOU, MFFN is committed to exploring other options to help ensure respectful and meaningful engagement and consultation with Aroland First Nation going forward. MFFN noted this in its December 8, 2020 response letter and has instructed the Project Team to follow up with Aroland First Nation to begin the process to develop a custom consultation process, instead of a MOU for the community.	Appendix C, Section 3.1, pg. 21 to 35
AroFN-4	In closing, it is still our position that presenting the Project in isolation without considering the cumulative effects of other proposed all-season road and mining projects in the region under-represents the potential impacts of the project. The impacts of the MFNCAR, Webequie Supply Road and Northern Road Link projects will extend far beyond environmental effects. The level of infrastructure and potential development being potentially unlocked regionally will have significant and pervasive impacts on our communities. We will continue to advocate for an integrated review process that considers the full range of regional impacts and our preference is to approach this work in a way that brings all our Matawa First Nation neighbours to the table. We are hopeful that MFFN, Webequie First Nation, and the provincial and federal agencies will collaborate with us on these matters.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the other development, including the Northern Road Link and Webequie Supply Road are constructed. MFFN has been actively pursuing a CAR for many years. Currently, the community is only accessible by air and winter road; however, the cost for air travel are increasing and the winter road is only available during a limited 6 to 8 week period, which is also becoming increasingly unreliable with changing climate conditions. In MFFN's December 23, 2020 letter to the MECP submitting comments on the ToR, MFFN shares that the cost and limited availability of goods and supplies "*forces us to live in unacceptable conditions. We have endured this for too long and seen progress across the country as we stand still. The stagnation created is unacceptable and for us, it has created a situation of absolute and relative deprivation. Our people are in a social crisis and we are seeking economic independence so we can provide needed supports and resources to our people. For these reasons Marten Falls First Nation sees a community access road as needed to improve the well being of our members, grow our community and our independence.*" For these reasons, the purpose of the Project remains unchanged and MFFN is conducting an EA for a multi-use road that will provide all-season community access. Detailed responses to Aroland First Nation's comments on the ToR are provided within AroFN-5 to AroFN-54, including MFFN's plans to consider the potential effects of the Project that new access may allow and commitment to undertake a cumulative effects assessment as part of the EA.	Section 5.1, pg. 14 to 15 Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.8, pg. 69 Section 7.2.9, pg. 70 Section 7.2.10, pg. 70
AroFN-5	**Drat ToR Section**: 3.3 Canada- Ontario Agreement on Environmental Assessment Co-operation **AFN's Comment from January 20, 2020 Submission**: AFN prefers that both Canada and Ontario conduct separate impact assessments under respective Environmental Assessment and Impact Assessment legislation. As MFFN notes in the draft ToR, Aboriginal and Treaty Rights are guaranteed under section 35 of the Constitution Act, which includes recognition of existing Aboriginal and Treaty Rights to hunt, trap, fish, gather and manage the lands for all First Nation, Inuit and Metis people of Canada. As part of these rights, the Government of Canada has the Duty to Consult Indigenous communities for this Project. The Government of Ontario has sub-national, and different, relationship with AFN. The Government of Canada's Impact Assessment Act contains specific provisions with respect to section 35 of the Constitution Act for the Impact Assessments it conducts. The Government of Ontario's Environmental Assessment Act does not contain such specific provisions. MFFN should proceed with a federal Impact Assessment and a parallel Ontario Environmental Assessment. Where practical, MFFN should consider opportunities to coordinate EA and IA documentation as noted in comments below **Project Team Response**: MFFN will be proceeding with a federal Impact Assessment and an Ontario Environmental Assessment. However, as outlined in the Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment , dated February 24, 2020 and prepared by the Impact Assessment Agency of Canada (IAAC) with input from the Ontario Ministry of the Environment, Conservation and Parks (MECP) "A coordinated federal and provincial assessment process should result in one body of proponent documentation related to the assessment, which is known as the Impact Statement for the Agency, and as the Environmental Assessment report for MECP…This Cooperation Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the Impact Assessment Act and Ontario's Environmental Assessment Act, as well as the completeness of any information	MFFN understands Aroland First Nations concerns about capacity to be able to participate in each of the federal and provincial EA processes for the various road projects noted in this comment. MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether other road proposals are approved and / or constructed. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the Webequie Supply Road will also be considered for inclusion in the cumulative effects assessment in the EA. EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Section 7.2, pg. 65 Commitment for EA

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	submitted by the proponent." The Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment is available on the Impact Assessment Agency of Canada's website. **AFN Response and Comments on Final ToR**: AFN appreciates the Project Team's clarification and confirmation that the Cooperation Plan between MECP and IAAC will not supersede the legislative obligations prescribed in the IAA. AFN agrees in principle that a coordinated federal and provincial assessment should have a single body of documentation that is inclusive of all requirements under the EAA and IAA. The value and importance of a comprehensive account of impacts based on provincial and federal requirements will support AFN to identify, understand, and assess the project in a holistic way. What is challenging from AFN's perspective is the proposed MFNCAR Project is not the only assessment process occurring in the region for a set of interconnected road projects that represent a single undertaking to connect the Ontario highway system to the Ring of Fire and to two First Nation communities. Currently, AFN is participating, or plans to participate, in the following roads environment and impact assessment processes that have the shared objective of connecting the Ontario highway system to the Ring of Fire: ▪ Provincial EA process for Webequie Supply Road (WSR) (In Progress) • Provincial EA process for MFCAR (In Progress) ▪ Federal IA process for WSR (In Progress) ▪ Federal IA process for MFCAR (In Progress) ▪ Federal Regional Assessment (Forthcoming) ▪ Provincial EA process for Northern Road Link (Forthcoming) ▪ Federal IA process for Northern Road Link (Forthcoming) AFN's participation in the above projects involve: ▪ Engagement and consultation with numerous proponents and provincial and federal staff; ▪ Participation in several projects that are at different stages of the assessment process; ▪ Handling multiple and competing timelines across the various projects; and ▪ Managing engagement fatigue of our staff and community members. All of the above projects are interrelated and in some way support exploration, development and access to the Ring of Fire. Given the interconnectedness of these projects, AFN recommends that the WSR, the Northern Road Link, and the portion of the MFCAR that connects the WSR and Northern Road Link be considered in a single assessment. This approach is reasonable from an administrative and operational perspective but is also mindful and supportive of community engagement needs. The AFN community does not view the WSR, MFCAR and Northern Road Link as separate projects. Rather, the AFN community sees the proposed development of a single road that starts in AFN's territory and the Ontario provincial road network, and ends at the Webequie Airport via McFaulds Lake. With the AFN community perspective in mind, it is critical that AFN is engaged, and the project is assessed through this holistic and cultural lens that considers the full suite of road project impacts in the region.		
AroFN-6	**Drat ToR Section**: 3.4.1 Environmental Assessment and Project Management Principles **AFN's Comment from January 20, 2020 Submission**: Project management principles speak to "sound scientific, engineering, and planning practices and processes, and on input obtained through consultation activities" but do not speak to Indigenous science and Indigenous knowledge. According to the Canadian Impact Assessment Agency, in its document Let's talk Indigenous Knowledge: Indigenous Knowledge Policy Framework for Proposed Project Reviews and Regulatory Decisions https://www.canada.ca/en/services/environm ent/conservation/assessments/environmental -reviews/environmental-assessment processes/discussion-paper-developmentindigenous- knowledge-policyframework.html#toc1: "Indigenous knowledge has made, and continues to make, valuable contributions to environmental, regulatory, and other processes across the country. Indigenous knowledge has also been the focus of growing international discourse. In recognition of the unique perspectives and value of Indigenous knowledge, governments across the world have integrated Indigenous knowledge into decision-making. Indigenous knowledge has also been addressed by a number of international agencies, including the United Nations in the United Nations Declaration **Project Team Response**: The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited. However, the Project Team acknowledges that Indigenous Knowledge is a critical component of the EA process and therefore does not preclude Indigenous knowledge as an information source for the EA. Section 8.4 of the ToR highlights the importance of Indigenous knowledge and how MFFN plans to integrate it into the EA. Section 8.4 has been placed directly following Section 3.4.1 (as Section 3.4.2) to highlight the importance of Indigenous Knowledge in the EA process. A**FN Response and Comments on Final ToR**: AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. For the purposes of this review, the MECP Code of	MFFN agrees that Indigenous Knowledge is a critical component of the EA process and therefore does not preclude Indigenous knowledge as an information source for the EA that can meaningfully influence the process. The value and contributions of Indigenous Knowledge will be included as part of MFFN's Project Management Principles for the Project.	Commitment for EA

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	Practice represents the minimum requirements for an EA. At a Nation-to-Nation level with our Matawa neighbours, we must be leaders in raising the bar and ensuring that our Indigenous Knowledge and values meaningfully contribute and influence the assessment process. For too long, our Indigenous Knowledge has been ignored and marginalized in the assessment process and there is an opportunity with this Project to demonstrate how Indigenous Knowledge and teachings can meaningfully influence the process. To achieve this objective, Indigenous Knowledge must be at the foundation of the assessment process. AFN maintains that the value and contributions of Indigenous Knowledge must be reflected in the project management principles.		
AroFN-7	**Drat ToR Section**: 3.4.1 Environmental Assessment and Project Management Principles **AFN's Comment from January 20, 2020 Submission**: The project management principles include: "Minimize potential harm and enhance benefits to the environment by recommending impact management measures and opportunities to enhance societal benefits." However, the project management principles do not reference the federal Impact Assessment principle to assess how the project may contribute to the social and economic wellbeing AFN submits that MFFN should align this principle with the federal Impact Assessment principle: "Minimize potential harm, enhance benefits to the environment, and enhance social and economic wellbeing by recommending impact management measures and opportunities to enhance societal benefits with respect to both positive impacts and negative impacts." **Project Team Response**: The Project will meet the requirements of both the Ontario Environmental Assessment Act and the federal Impact Assessment Act. However, the ToR is prepared to meet provincial requirements and therefore may not reflect all federal requirements. Section 7.1.2 of the ToR includes the full definition of environment as included in the Environmental Assessment Act. The Ontario Environmental Assessment Act defines the environment to mean in part "the social, economic and cultural conditions that influence the life of humans or a community," which addresses concerns regarding the Project's assessment of its contribution to social and economic wellbeing. Further, the preliminary potential effects listed in Table 7-4 in Section 7.2 of the ToR includes effects on social (includes well-being) and the economy. **AFN Response and Comments on Final ToR**: AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. Given that the Project Team has tightly scoped the ToR to Ontario's EA requirements, AFN requests that the Project Team commit in writing to address the following principle in the IA: "Minimize potential harm, enhance benefits to the environment, and enhance social and economic wellbeing by recommending impact management measures and opportunities to enhance societal benefits with respect to both positive impacts and negative impacts." In addition, AFN recommends that the commitment to assess social and economic well-being be further strengthened in Table 7-6 by: ▪ adding "changes to economic well-being" to the potential effects under economy ▪ adding social and cultural dimensions of well-being to the potential effect "changes to community well-being"	MFFN agrees that it is important to protect the environment and enhance benefits of the Project. The EA will recommend impact management measures to minimize potential harm, enhance benefits to the environment, and enhance social and economic well-being with respect to both positive and negative effects. Table 7-6 is a high-level summary of potential effects of the Project. MFFN acknowledges Aroland First Nation's comments regarding "economic well-being" and the request to add social and cultural dimensions to effects on community well-being. The assessment of economic activity will consider the change in overall economic well-being and changes in community well-being will consider changes in socio-economic structures and changes in community cohesion. The assessment of these changes will incorporate other socio-economic criteria and indicators to provide a holistic assessment of potential effects on community well-being, which will be inclusive of social and cultural dimensions of well-being. The assessment will examine and make recommendations on how societal benefits of the Project can be enhanced.	Section 7.1, pg. 27 Section 7.2, pg. 63 and 65 Section 8, pg. 72 Commitment for EA
AroFN-8	**Drat ToR Section**: 3.4.1 Environmental Assessment and Project Management Principles **AFN's Comment from January 20, 2020 Submission**: The project management principles make no mention of monitoring, follow-up and compliance aspects of the EA. AFN submits that MFFN should include an additional principle: "MFFN will work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up, and compliance." **Project Team Response**: The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited. However, MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up and compliance, and foresees this as part of the consultation undertaken for the EA. Section 9.2 of the Draft ToR outlines the Projects' environmental monitoring commitments, which includes the follow-up and compliance aspects of the EA, and Table 4-2 on the Consultation Plan includes consultation activities aimed at receiving input on the impact management measures and monitoring measures. The ToR also identifies MFFN's plan that Indigenous knowledge will help determine appropriate impact management measures and monitoring methods (Section 8.4). Table 4-2 of the Consultation Plan will be updated to clarify input will be sought on impact management and monitoring. **AFN Response and Comments on Final ToR**: Please see AFN's comments to 3.4.1 related to Indigenous Knowledge. From AFN's perspective the same approach is critical for Indigenous approaches to monitoring, follow-up, and compliance. The importance and value of Indigenous communities as stewards and guardians of their territories should be reflected in the project management principles for the assessment. This is especially important to AFN given that a	MFFN agrees that is important to work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up and compliance. The monitoring, follow-up and compliance will be included as part of MFFN's Project Management Principles for the Project. Recommendations from Indigenous communities to enhance monitoring, follow-up, and compliance will be solicited through the Project Consultation and Engagement Program during the "Identification of Preferred Alternatives" and "Review of Draft EA / Impact Statement (IS)" milestones (EA / IS Consultation and Engagement Plan appended to the ToR).	Appendix B, Section 4.1.7, pg. 23 Commitment for EA

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	significant portion of the MFNCAR overlaps directly with AFN's Traditional Territory. AFN continues to submit that MFFN should include an additional principle: "MFFN will work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up, and compliance."		
AroFN-9	**Drat ToR Section**: 3.4.1 Environmental Assessment and Project Management Principles **AFN's Comment from January 20, 2020 Submission**: The project management principles make no mention of Gender-based analysis plus (GBA+). According to the Canadian Impact Assessment Agency in its document "Gender- Based Analysis Plus in Impact Assessment" https://www.canada.ca/en/impact- assessment- agency/services/policy-guidance/gender-based-analysis-plus-impact- assessment-fact-sheet.html: "Gender-based analysis plus (GBA+) is an analytical framework that asks important questions about how designated projects may affect diverse groups. It considers the potential for disproportionate effects based on sex and gender, as the name suggests, in addition to the potential for disproportionate effects on groups represented by the "+" component of "GBA+", which may include groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability. GBA+ provides a framework and analytical tools to guide an impact assessment of a project, with the intent of identifying those effects that may disproportionately affect any groups identified in respect of a specific project. It informs decision-making by seeking to answer what is known about possible project impacts and transparently outline to the public and decision makers what is not known." AFN submits that MFFN should include an additional principle: MFFN will apply Gender-based analysis plus (GBA+) to the EA to consider the potential for disproportionate effects based on sex and gender, and including groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability. **Project Team Response**: A GBA+ framework will be utilized for the federal Impact Assessment that is also to be completed for the Project to consider gender and other identity factors. The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited. **AFN Response and Comments on Final ToR**: AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. The impacts of the MFCAR, WSR, and Northern Road Link projects will extend far beyond the environmental effects. The level of infrastructure and potential development being potentially unlocked regionally will have a significant impact on our communities. Simply stating that the MECP Code of Practice does not require a GBA+ framework is not a rationale for excluding a GBA+ framework in the ToR. The Code of Practice fully permits and encourages flexibility, especially in response to the input of Indigenous groups. Furthermore, given that the GBA+ framework will be utilized for the federal Impact Assessment, the Ontario Environmental Assessment process and ultimately the Minister's decision-making can efficiently and effectively make use of the GBA+ assessment inputs. Of heightened concern to AFN is the disproportionate effects the MFNCAR, WSR, and Northern Road Link will have on members of our community based on sex and gender. The impacts of the resource development economy on Indigenous Peoples, particularly Indigenous women and girls, has been highlighted in other areas of the country (please see Amnesty International's Report "Out of Site, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada" Report Template (amnesty.ca)). The findings and experiences in other jurisdictions serve as precautionary experiences of what could happen in within AFN's territory. As a result, GBA+ must be a key principle in both the provincial and federal processes. AFN continues to submit that MFFN should include an additional principle: MFFN will apply gender-based analysis plus (GBA+) to the EA to consider the potential for disproportionate effects based on sex and gender, and including groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability.	The Project will meet the requirements of both the Ontario *Environmental Assessment Act* and the federal *Impact Assessment Act*. MFFN plans to undertake a cooperative assessment meeting the legal requirements of both provincial and federal assessment processes. As outlined in the Cooperation Plan for the Marten Falls Community Access Road Project, dated February 24, 2020, the alignment of respective timelines of the two processes does not supersede the legislative processes to be documented in the EA / IS Report. That is, since the Project is also subject to the Federal *Impact Assessment Act*, and as per the Tailored Impact Statement Guidelines (TISG), a Gender Based Analysis Plus (GBA+) framework will be undertaken. This analysis will examine the potential for disproportionate effects of the Project, the results of which will be documented in the EA / IS Report. Vulnerable population groups and subgroups will be identified during the EA based on input received through consultation and engagement. That the ToR does not reference GBA+ does not change this requirement to document the results of the GBA+ analysis in the EA / IS Report. It will be up to the Province to decide whether the results of the GBA+ will be considered in its decision making.	Section 3.1, pg. 5 Section 3.2, pg. 6 Section 3.3., pg. 6
AroFN-10	**Drat ToR Section**: 3.4.1 Environmental Assessment and Project Management Principles **AFN's Comment from January 20, 2020 Submission**: The project management principles make no mention of the precautionary principle is referenced in the Mandate of the federal Impact Assessment Act and will thus apply to this project. AFN submits that MFFN should include the precautionary principle in line with the federal Impact Assessment: "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost- effective measures to prevent environmental degradation, and as such the EA will clearly describe and document all uncertainties and assumptions underpinning an analysis." **Project Team Response**: The Project will meet the requirements of both the Ontario Environmental Assessment Act and the federal Impact Assessment Act. However, the ToR was prepared to meet provincial requirements and therefore may not reflect all federal requirements. The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document	The spirit of the precautionary principle is reflected in the ToR. Specifically, that uncertainty in the assessment will be reduced by making conservative assumptions, planning implementation of impact management and monitoring measures and requiring adaptive management techniques to address potential unforeseen circumstances should they arise (Section 8). The EA will clearly describe and document all uncertainties and assumptions made in the assessment. A precautionary approach will be included as part of MFFN's Project Management Principles for the Project. The Project will meet the requirements of both the Ontario *Environmental Assessment Act* and the federal *Impact Assessment Act*. Therefore, the highest and most rigorous requirements between the two assessment processes will be documented in the coordinated EA / IS Report. That is, MFFN will apply the precautionary principle in line with the federal impact assessment process.	Section 8, pg. 72 Commitment for EA

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	Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited. The spirit of the precautionary principle is reflected in the ToR. Specifically that uncertainty in the assessment will be reduced by making conservative assumptions (Section 8). The EA will clearly describe and document all uncertainties and assumptions made in the assessment. **AFN Response and Comments on Final ToR**: AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. We appreciate the efforts to reduce uncertainty through making conservative assumptions, but the commitment does not go far enough to address the intent of the precautionary principle. With varying federal and provincial requirements being applied to the Project, AFN recommends that the highest and most rigorous requirements between the two assessments be applied and implemented. This action will support effective coordination between the Projects while reducing the burden on AFN to review and consider different assessments of the same project. AFN continues to submit that MFFN should include the precautionary principle in line with the federal Impact Assessment: "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation, and as such the EA will clearly describe and document all uncertainties and assumptions underpinning an analysis."		
AroFN-11	**Drat ToR Section**: 4. Purpose of the Study **AFN's Comment from January 20, 2020 Submission**: The Project is proposed to provide reliable all- season multi-purpose ground access between MFFN and the provincial highway network. However, the proposed Project with a 100 metre (m) wide ROW cleared to a width of 60 m will also create a new corridor right-of-way which can enable future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelines. Potential future parallel linear infrastructure will provide substantial opportunities enhance social and economic well- being (see above comment on principles). AFN submits that the Purpose of the Project be amended: "The Project is proposed to provide reliable all-season multi-purpose ground access between MFFN and the provincial highway network, and establish a corridor right- of-way that will enable future parallel linear infrastructure." **Project Team Response**: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment. **AFN Response and Comments on Final ToR**: AFN's comments on the draft ToR were advanced prior to the announcement of the Northern Road Link project by Webequie First Nation (WFN), MFFN, and the Government of Ontario. With segments of the MFCAR posed to enable access to the Ring of Fire via the Northern Road Link, AFN asserts that the purpose of the project be amended to include this development. We have heard from the Project Team that "the CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs." AFN understands the importance of all-season road connectivity for MFFN, but with the introduction of the Northern Road Link project, the proposed scope of impacts becomes more significant. The MFNCAR becomes a multi-purpose road that could potentially enable heavy industrial use and access related with the Ring of Fire. Both proposed MFCAR routes connect in with the Painter Lake and Anaconda road network that pass directly through AFN and area of high use by members. As a result, AFN recommends that other alternatives for connecting the MFNCAR to the provincial highway network must be considered with deep consultation with AFN. More comments on this matter are captured in the Alternative Methods and Alternative To sections below. With respect to reasonably foreseeable projects, AFN maintains that there should be a dedicated section in the ToR for the cumulative effects assessment. With the project enabling both future parallel liner infrastructure (e.g., telecommunication services, electrical transmission line services, and energy transportation pipelines) and access to the Ring of Fire, more detail and methodology regarding the cumulative effects assessment must be included. Under the new IAA, cumulative effects assessment must include and consider cumulative effects on the rights of Indigenous Peoples. AFN recommends that any cumulative effects assessment include cumulative effects on the rights of Indigenous Peoples as well as the environment.	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged. Regarding the Anaconda / Painter Lake Road network that passes by Aroland First Nation, MFFN would be happy to look at the options and alternatives for upgrades / realignment that Aroland First Nation is considering. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Concerns related to alternatives for connecting the CAR to the provincial highway network now that the Northern Road Link has been announced is outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN is also interested in understanding other activities and opportunities Aroland First Nation may also be considering independent of or in relation to development in the Far North (e.g., Aroland First Nation's community vision of rail siding) so it may be considered in the cumulative effects assessment	Section 7.2, pg. 65 Section 7.2.10, pg. 70 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA

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		where appropriate. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG developed by the Impact Assessment Agency of Canada (the Agency). In accordance with the TISGs, the EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures.	
AroFN-12	**Drat ToR Section**: 4. Purpose of the Study **AFN's Comment from January 20, 2020 Submission**: "AFN has no objections to the Project supporting a multi-purpose road built to meet industrial use specifications, provided that the Project study includes meaningful assessment of opportunities enhance social and economic" well-being (see above comments on potential future parallel linear infrastructure and principles). AFN submits that in order for the Project to support a multi- purpose road built to meet industrial use specifications, it should also explicitly support enable future parallel linear infrastructure and opportunities enhance social and economic well-being made possible by such parallel linear infrastructure. **Project Team Response**: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure paralleling the CAR in the future. Although the road is proposed to be built to meet industrial use specifications with 100 m wide right-of-way, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of industry and linear development in the region. Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the Project; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment, which would consider potential benefits on social and economic well-being. **AFN Response and Comments on Final ToR**: Please see response to Section 4 directly above.	See response to AroFN-11	See response to AroFN-11
AroFN-13	**Drat ToR Section**: 4. Purpose of the Study **AFN's Comment from January 20, 2020 Submission**: "MFFN states that the "EA will confirm the preferred route, identify the potential effects of the Project and recommend impact management measures to avoid, eliminate or minimize potential environmental effects." AFN submits that this statement be amended: "The EA will confirm the preferred route, identify the potential effects of the Project, identify and recommend impact management measures to avoid, eliminate or minimize potential environmental effects, and identify opportunities enhance social and economic well- being." **Project Team Response**: Section 3.4.1 of the Terms of Reference states that the project management principles of the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario will be incorporated throughout the environmental assessment (EA). Enhancing societal benefits to the environment is one of these principles. The environment, as defined by the Ontario Environmental Assessment Act and being used for the Project, includes "the social, economic and cultural conditions that influence the life of humans or a community". The preliminary potential effects listed in Table 7-4 of the ToR includes effects on social well-being and the economy. Section 7.2 of the ToR will be updated to clarify that potential effects on the environment includes both positive and negative effects to show that opportunities to enhance societal benefits, including those related to social well-being and the economy, will be part of the EA. The ToR will also be updated to indicate that opportunities to enhance benefits to the environment will be identified when recommending impact management measures in the EA. **AFN Response and Comments on Final ToR**: See response to Section 3.4.1 above regarding social and economic well-being. Further, given AFN's response to 3.4.1 regarding GBA+, AFN maintains that the proposed language AFN advanced previously regarding GBA+ be reconsidered for this section of the ToR.	See response to comment AroFN-7 and AroFN-9	See response to AroFN-7 and AroFN-9
AroFN-14	**Drat ToR Section**: 5.1 Rationale for the Proposed Undertaking **AFN's Comment from January 20, 2020 Submission**: This section makes no mention of MFFN's deficits with respect to low-cost energy services/energy reliability, and telecommunication services – services that could be enabled through parallel linear infrastructure within a 100 m wide ROW cleared to a width of 60 m. AFN submits that MFFN should adjust the Rationale for the Proposed Undertaking to include recognition of the significant deficits experienced by the MFFN with respect to low-cost energy services/energy reliability, and telecommunication services, while also revising the Purpose of the Project as discussed above. **Project Team Response**: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN	See response to AroFN-11	See response to AroFN-11

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	community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment. **AFN Response and Comments on Final ToR**: Please see AFN's comments regarding Section 4 Purpose of the Study.		
AroFN-15	**Drat ToR Section**: 5.2 Description of the Undertaking **AFN's Comment from January 20, 2020 Submission**: "MFFN states that options for road ownership, maintenance activities and liability are being considered in discussion with the Province. The existing Painter Lake Road that connects to the proposed undertaking, together with a substantial portion of the southern portions of the proposed undertaking, are within AFN's traditional territory. As such, MFFN should also be discussing options for road ownership maintenance activities and liability in discussion with AFN. MFFN should also be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN's traditional territory. As well, MFFN should also" be discussing options, with AFN, for ancillary infrastructure including but not limited to temporary access roads and temporary construction camps within AFN's traditional territory. A FN submits that MFFN should consider options for road ownership, maintenance activities and liability in discussion with AFN, as well as with the Province – and consider tripartite discussions for the same. Similarly, AFN should be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN's traditional territory, and options for ancillary infrastructure including but not limited to temporary access roads, temporary construction camps, and staging areas within AFN's traditional territory. **Project Team Response**: Decisions regarding road ownership, maintenance and liability have not yet been determined. Conversations with the Province are ongoing and updates will be provided as they are available. The Terms of Reference sections 6 and 8 have been updated to clarify that ancillary infrastructure components of the Project, such as aggregate sites will be described and assessed in the EA. As such there will be opportunities to provide input on them at key milestones per Table 4-2 of the Consultation Plan. The design and location of ancillary infrastructure (i.e., temporary infrastructure required for construction) will be informed by consultation with Indigenous communities and Indigenous Knowledge shared. **AFN Response and Comments on Final ToR**: The Project Team's response does not adequately address AFN's comments and recommendation. Since a significant portion of the proposed road is with AFN territory, AFN must be a part of the ongoing discussions related to road ownership, maintenance, and liability. This depth of engagement is commensurate with the deep level of impact this project will have on AFN's rights and interests. Given the scope and depth of impacts anticipated, AFN expects that our consent will be sought for aspects of the project that fall within our territory. This includes consent on the route, design and location of ancillary infrastructure and appropriate avoidance, mitigation, and accommodation measures. More information related to this matter can be found in our comments related to the proposed consultation plan for the EA.	The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR. Since MFFN is the Proponent for the Project, discussions related to road ownership, maintenance, and liability are between MFFN and the province only. Discussions related to road ownership, maintenance, and liability are outside of the scope of is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter. In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario *Environmental Assessment Act*. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN with consult with Aroland First Nation during the EA to understand the community's concerns regarding the Project and the potential impact on their Aboriginal and Treaty Rights in more detail and to share information to allow both parties to better understand potential effects and impact management measures. MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation. Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Section 2, pg. 3 Section 11.1, pg. 102 Appendix B, Section 4.1.7, pg. 22 to 23 Commitment for EA
AroFN-16	**Drat ToR Section**: 5.2 Description of the Undertaking - Project components **AFN's Comment from January 20, 2020 Submission**: Project components should also include options and opportunities for accommodating future parallel linear infrastructure. **Project Team Response**: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment. **AFN Response and Comments on Final ToR**: Please see AFN's comments regarding Section 4 Purpose of the Study.	See response to AroFN-11	See response to AroFN-11
AroFN-17	**Drat ToR Section**: 5.2.2 Project Activities	Approved waste facilities in the vicinity of the Project will be considered and identified during the EA (Section 5.2.2).	Section 5.2.2, pg. 20

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	AFN's Comment from January 20, 2020 Submission: MFFN states that "Domestic waste generated during construction will be collected in appropriate on-site containment and disposed of at approved waste facilities. The closest waste management site to the Project is to the immediate southwest of the intersection of Anaconda and Ogaki Road, approximately 11 km northwest of Aroland First Nation." AFN has significant concerns about negative impacts of additional waste being placed in waste management sites within its traditional territory. MFFN should be aware that the Ministry of Natural Resources is considering closure of landfills it owns and operates in the region, and that the Municipality of Greenstone has initiated an Ontario Environmental Assessment study to review alternative options for municipal solid waste management within the Municipality, the need for which is directly related to the closure of several rural Ministry of Natural Resources-owned landfill sites and the limited remaining lifespan of the existing Geraldton Ward landfill site. MFFN's EA should consider alternative methods for the disposal of domestic waste generated during construction, and engage in waste disposal discussions with AFN and the Municipality of Greenstone. **Project Team Response**: MFFN appreciates the information provided and will engage in waste disposal discussions with AFN and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options. **AFN Response and Comments on Final ToR**: In light of the Project Team's response, AFN still sees a significant risk and uncertainty with how waste disposal is being considered in the EA. AFN continues to recommend that an assessment of alternative methods for the disposal of waste outside of the vicinity of the project be included in the ToR.	MFFN will confirm whether the Ministry of Natural Resources and Forestry (MNRF) Hanover Tower Road Waste Disposal Site is still operational and, if warranted, will seek to identify alternate sites. Section 9.1.1 of the ToR indicates that MFFN will engage with the waste site operator and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options. MFFN will discuss waste facility options with Aroland First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	Section 9.1.1, pg. 77 Commitment for EA
AroFN-18	**Drat ToR Section**: 6.2 Approach to Considering "Alternatives To" **AFN's Comment from January 20, 2020 Submission**: The "Do Nothing" alternative should include discussion of economic and social development related to other linear infrastructure that is economically prohibitive without the existence of a primary ROW. AFN submits that MFFN should include discussion of the absence of other linear infrastructure with regard to the "Do Nothing" alternative. **Project Team Response**: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The Project is not being planned or designed to accommodate for other infrastructure. However, MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment. A**FN Response and Comments on Final ToR**: Please see AFN's comments regarding Section 4 Purpose of the Study, 6.2 and 6.3.1.	See response to AroFN-11, and AroFN-19 to AroFN-21	See response to AroFN-11, and AroFN-19 to AroFN-21
AroFN-19	**Drat ToR Section**: 6.2 Approach to Considering "Alternatives To" **AFN's Comment from January 20, 2020 Submission**: MFFN notes that it "is possible that a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire. Provincial interest is for one road to be built to serve both community access and industrial supply needs (i.e., multi-functional use); therefore, the proposed CAR may be used by private, commercial and industrial interests." AFN has significant concerns about a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN agrees that not proceeding with the Project does not address the problem of unreliable community access to MFFN. AFN does not agree with the statement that the "Do Nothing" alternative eliminates or reduces industrial opportunities and resulting benefits to MFFN and others in the region with respect to access to mining claims north of MFFN and the Ring of Fire. Mineral exploration entities and mining companies are currently accessing claims north of MFFN and the Ring of Fire. Further, AFN would be significantly impacted by a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN submits that any consideration of an undertaking for a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire be subject to an Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking. AFN submits that the Do Nothing alternative should be confined to unreliable community access to MFFN: how not proceeding with the Project does not address the problem of unreliable community access to MFFN." Any discussion of a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire must note for the record AFN's concern that its rights and interests would be significantly, permanently and irreversibly	See response to AroFN-11. To address Aroland First Nation's comment of January 20, 2020 to confine the Do Nothing alternative to unreliable community access, language related to a supply road being constructed from a point along the CAR to the mineral claims north of MFFN and the Ring of Fire was removed from this section in order to provide a more clear and accurate description of the Project purpose and problem this Project is being proposed to address. The intent was not to exclude a thorough assessment of impacts. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not	See response to AroFN-11 Section 7.2, pg. 65 Section 7.2.10, pg. 70 Appendix B, Section 4.1.7, pg. 21 to 24

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	impacted by such a supply road, and that consideration by any party, including MFFN or the Province, of an undertaking for such a supply road be subject to a Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking. **Project Team Response**: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs. On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent. An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. The discussion around "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire" will be removed from Section 6.2. **AFN Response and Comments on Final ToR**: Please see AFN's comments regarding Section 4 Purpose of the Study. In addition, AFN disagrees with the Project Team's response and proposed action to remove reference to "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire." The removal of specific language in the ToR related to a supply road and access to the Ring of Fire via the MFNCAR is intentional to exclude a thorough assessment of impacts. From a regional perspective, the WSR, Northern Road Link, and MFCAR collectively advance both community and Ring of Fire access to the provincial highway system and AFN contends that any road network that is contemplated in the region considers both objectives. The importance of this point is further demonstrated by the announcement of the Northern Road Link. The MFNCAR is now an important piece of a possible road network up to the Ring of Fire. As a result, the appropriate scope and purpose of the undertaking for the Project must be amended to include supply road access to the McFauld's Lake areas to the provincial highway network. AFN sees the distinction between the roads projects as project splitting, which comes with significant risk of inadequately assessing, understanding, and addressing impacts to AFN's rights and interests. These projects should not be assessed or considered separately. The advancement of the Northern Road Link fundamentally changes the impacts the MFNCAR project may have on AFN's rights and interests. As a result, understanding alternatives to and alternatives methods for connecting MFFN to the provincial highway network and the Ring of Fire must be considered by the EA. This is especially important for the consideration of alternatives to connecting into the existing provincial highway network around AFN. AFN has substantial concerns regarding a potential supply road that passes through our community and connects into the Painter Lake and Anaconda road network.	available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN is also interested in understanding other activities and opportunities Aroland First Nation may also be considering independent of or in relation to development in the Far North (e.g., Aroland First Nation's community vision of rail siding) so it may be considered in the cumulative effects assessment where appropriate. Regarding the Anaconda / Painter Lake Road network that passes by Aroland First Nation, MFFN would be happy to look at the options and alternatives for upgrades / realignment that Aroland First Nation is considering. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives . MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Concerns related to alternatives for connecting the CAR to the provincial highway network now that the Northern Road Link has been announced is outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	
AroFN-20	**Drat ToR Section**: 6.3.1 Identification of Alternative Methods **AFN's Comment from January 20, 2020 Submission**: "MFFN references "Feedback received during winter and spring 2019 consultations confirmed that Alternative 2 and Alternative 3 are not considered to be reasonable alternatives for the Project based on the concerns raised by MFFN community members and Chief and Council." Prior to Alternative 2 and Alternative 3 being screened out of the EA as Alternative Methods, MFFN should undertake more extensive consultation with potentially impacted parties, including AFN. MFFN notes in the supporting documentation - Marten Falls First Nation Supporting Document – Draft Alternatives Development Community Access Road, November, 2019 -" that consultation with AFN on "potential routes" consisted of: "A meeting was held with the Aroland First Nation Chief and Council and the community to introduce the Project and ToR process. The community meeting provided an update on the Project, including a look at potential routes and outlining items to be presented in the ToR. Preceding the community meeting was a meeting with Aroland Chief and Council." The Supporting Document makes no mention of any specific input or comments from AFN. This minimal consultation activity is not sufficient to enable AFN to properly assess Alternative Methods for potential routes for the CAR. MFFN should undertake more extensive consultation with AFN on all four route alternatives, including Alternative 2 and Alternative 3, prior to screening them out of the EA as Alternative Methods. This consultation should include AFN Indigenous Knowledge. **Project Team Response**: During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for assessment and evaluation in the EA. The history and development of alternative routes for the Project provided in the Alternative Development Report describes how the alternative routes for the Project evolved through previously completed studies	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Therefore, the EA will be for a multi-use road that will provide all-season community access. Although the Northern Road Link Project was announced during development of the ToR, the CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged. Prior to commencement of the ToR for the CAR, MFFN signed an agreement in April 2018 with the MECP to prepare an EA for a CAR built to meet industrial use specifications to accommodate multi-purpose use by MFFN community and industrial proponents. MFFN met with Aroland First Nation in August 2017 before the agreement with the Province had been signed to inform Aroland First Nation of the plan for the road to be multi-purpose and to discuss the relationship with mining companies. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire, which Ontario had also announced in August 2017 through their intent to support MFFN to undertake technical and environmental studies that could inform planning and development of a north-south access road to the Ring of Fire. Therefore, possible connection to the Ring of Fire has been recognized as a possibility since the onset of the EA process for the Project and is reflected in the ToR. For example, the ToR acknowledges that future development opportunities may arise if the CAR is constructed and that that EA will identify and assess potential effects of the Project as a result of changes due to increased access (Sections 7.2.1, 7.2.8, 7.2.9 and 7.2.10). The EA Report will include consulting on the potential effects of Alternative 1 and Alternative 4, including temporary infrastructure, quarries, borrow areas and aggregate source areas to support the Project, however, further consultation on Alternative 2 and Alternative3 are not planned as they are not considered to be reasonable for the Project. Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community.	Supporting Document – Alternatives Development, Section 2.1.7, pg. 9 Section 6.3, pg. 23 to 24 Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.8, pg. 69 Section 7.2.9, pg. 70 Section 7.2.10, pg. 70 Section 12, pg. 111

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	and the community-led process. A screening of alternative routes was not undertaken as part of the identification of the reasonable range of alternative methods for the EA. MFFN undertook a detailed review of the four routes to identify alternative routes that are considered reasonable for the Project. A reasonable range of alternatives, per the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario must be appropriate to the proponent doing the study. Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community. MFFN Chief and Council passed a Band Council Resolution in July 2019 to only consider Alternative 1 and Alternative 4 in the EA process by supporting feedback received from MFFN community as part of the community-led process to advance decisions on the Project. The meeting with Aroland First Nation occurred in May 2019, prior to the signing of the Band Council Resolution. As noted, the meeting included potential routes and not confirmed alternative routes for the EA. The decision to not consider Alternative 2 and Alternative 3 in the EA process was not based on a screening of alternatives but on the community-led process for planning of the Project. MFFN is unable to accommodate Aroland First Nation's request to undertake more extensive consultation on all four potential routes shared in May 2019 because Alternative 2 and Alternative 3 are not considered to be reasonable for the Project. **AFN Response and Comments on Final ToR**: Further to AFN's comments on 6.2 above, the community consultations with AFN and route assessments were undertaken at a time when the MFCAR only contemplated all season road access to MFFN that may be used for industrial access. The proposed connection of a portion of the MFCAR to the McFauld's Lake substantially alters AFN's position on the Project. With the Northern Road Link now a reasonably foreseeable project that will be assessed through provincial and federal assessment processes, AFN asserts that community consultations and route alternatives must be re-considered given the potential for the route to be used as an industrial supply road. MFFN must undertake more extensive consultation on all four potential routes shared in May 2019 because Alternative 2 and Alternative 3 may be reasonable Alternatives for the Project that now includes a connection to the proposed Northern Road link, the WSR, the Ring of Fire, and each of those road corridors to the Provincial highway system.	Announcement of the Northern Road Link in March 2020 reinforces further for MFFN that Alternative 2 and Alternative 3 are unreasonable alternatives for the Project. The reasons for not pursuing Alternative 2 and Alternative 3 can be further discussed with Aroland First Nation. The ToR also provides flexibility to accommodate changes and / or unforeseen circumstances that may arise throughout the environmental planning process. This includes the alternative methods to be assessed in the EA. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the Webequie Supply Road will also be considered for inclusion in the cumulative effects assessment in the EA.	
AroFN-21	**Drat ToR Section**: 6.3.1 Identification of Alternative Methods **AFN's Comment from January 20, 2020 Submission**: Alternative methods are limited to two route alternatives. Along with including all four route alternatives as alternative methods, the EA should consider additional alternative methods, including: ▪ Alternative methods for enabling the ROW to include future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelines ▪ Alternative methods for accessing crushed rock and granular materials through rock quarries and borrow areas ▪ Alternative methods for connecting the CAR to the Ontario provincial highway network ▪ Alternative methods for the disposal of domestic waste generated during construction **Project Team Response**: Linear Infrastructure: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure paralleling the CAR in the future. However, the Project is not being planned or designed to accommodate for other infrastructure because the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment. Ancillary Infrastructure (i.e., temporary infrastructure required for construction): Sections 6 and 8 of the Terms of Reference (ToR) will be updated to clarify that the alternatives assessment and effects assessment will include temporary infrastructure components of the Project, such as aggregate sites. Temporary infrastructure alternatives will be identified for each of the alternative road alignments (i.e., Alternative 1 and Alternative 4). Provincial Highway Connection: The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province. Waste: Section 5.2.2 states that waste management and disposal for the Project will be in accordance with Ontario's	See response to AroFN-11, and AroFN-17 to AroFN-20 MFFN agrees that minimizing impacts of the Project on Indigenous peoples' rights and interests is also an important priority. Indigenous peoples' rights and interests is identified in the ToR as an environmental component to be assessed for effects in the EA (Section 7.2.1). Section 7.1.2 of the ToR provides the definition of environment being used for the Project which is from the *Environmental Assessment Act*. The Ontario *Environmental Assessment Act* defines the environment to mean in part "the social, economic and cultural conditions that influence the life of humans or a community." MFFN has interpreted this definition on the environment to include Indigenous peoples' rights and interests. Therefore, the statement in MFFN's response to Aroland First Nation's January 20, 2020 comment on Section 6.3.1 of the ToR that the "Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects" was not limited to the natural environment, but was inclusive of all components of the environment including Indigenous peoples' rights and interests. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Thank you for providing information about the work Aroland First Nation is undertaking with the Painter Lake / Anaconda roads.	See response to AroFN-11, and AroFN-17 to AroFN-20 Section 7.2.1, pg. 65 to 66 Commitment for EA

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	Environmental Protection Act, and that domestic wastes generated during construction will be collected and disposed of at approved waste facilities. The ToR will be updated to indicate that approved waste facilities in the vicinity of the Project will be considered and identified during the EA. **AFN Response and Comments on Final ToR**: Please see AFN's comments regarding Section 4, 5.2.2, 6.2 and 6.3.1 above. Further, AFN takes issue with the Project Team's following response: "The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns, then we encourage your community to discuss this with the Province." AFN agrees that environmental effects of the Project must be minimized but asserts that minimizing impacts of the Project on AFN's rights and interests is also an important priority. Although environmental effects of a project or activity may help us understand impacts to Indigenous rights and interests, those categories of impacts are not synonymous with each other. Given the potential for the MFNCAR being used for industrial supply road access to and from the Ring of Fire, the Project Team must re-consult and engage with AFN on the proposed routes. With respect to the ongoing work AFN is undertaking with the Painter Lake/Anaconda roads, the Project Team's interpretation of the purpose of the project is incorrect. The purpose of the study is to explore and understand community perspectives on potential upgrades to the Anaconda and Painter Lake forestry roads, including community support and/or opposition for road upgrades. The study also seeks to understand how an upgrade would impact AFN's ability to exercise its Treaty and Aboriginal rights and interests and the technical and engineering requirements of any potential construction. To be clear, the purpose of the project is not to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the MFNCAR.		
AroFN-22	**Drat ToR Section**: 7.1.1 Study Area **AFN's Comment from January 20, 2020 Submission**: The Study Area does not allow for assessment of alternative methods of connecting the CAR to the Ontario provincial highway network. The draft ToR does not consider the feasibility of connecting the CAR to the provincial highway network at Painter Lake, or the feasibility of other locations and approaches to connecting the CAR to the provincial highway network. AFN submits that the Study Area should be enlarged to enable consideration of alternative methods of connecting the CAR to the Ontario provincial highway network. **Project Team Response**: The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province. **AFN Response and Comments on Final ToR**: Please see response to 6.3.1 directly above.	See response to AroFN-21	See response to AroFN-21
AroFN-23	**Drat ToR Section**: 7.1.2 Environmental Features **AFN's Comment from January 20, 2020 Submission**: Table 7-1 "Environmental Disciplines to be Considered during the Environmental Assessment" does not include gender-based analysis plus (GBA+). AFN submits that Table 7-1 should include gender-based analysis plus (GBA+) **Project Team Response**: A GBA+ framework will be utilized for the federal Impact Assessment that is also to be completed for the Project to consider gender and other identity factors. **AFN Response and Comments on Final ToR**: Please see response to 3.4.1.	See response to AroFN-9	See response to AroFN-9
AroFN-24	**Drat ToR Section**: 7.1.4 Description of the Existing Environment; 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment **AFN's Comment from January 20, 2020 Submission**: MFFN is aware that AFN is seeking an agreement with MFFN that includes sharing Indigenous Knowledge. Once this agreement is executed, the MFFN and AFN will be able to share Indigenous Knowledge while respecting rights and interests. Given AFN's unique location in relation to the Project, including a substantial area of traditional territory that will be overprinted by the Project, and connections to the Anaconda and Painter Lake roads that are wholly within AFN's	MFFN acknowledges and appreciates the efforts both parties have made to develop a MOU between Aroland First Nation and MFFN. With respect to the decision to terminate discussions on the MOU, MFFN would like to reiterate that the intent was to establish a framework of principles for how MFFN will work with Aroland First Nation to advance the EA; it was not intended to be a legally binding agreement that would govern the EA. Further, it was MFFN's intent that the MOU would be developed based on community-to-community discussions rather than a legal exercise undertaken by external parties; this intent has been consistently communicated to Aroland First Nation. It is MFFN's view that additional and / or a more formalized agreement with Aroland First Nation based on matters of common interest could be discussed as the Project and EA proceeds. MFFN is committed to exploring other options to help ensure respectful and meaningful engagement	Section 3.4.2, pg. 9 to 12 Section 7.1.4.3, pg. 43 Appendix B, Section 4.1.7, pg. 21 to 24

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	traditional territory, AFN submits that the assessment and evaluation of effects of alternative methods should not commence until AFN's Indigenous Knowledge is available following execution of an agreement with MFFN that includes sharing Indigenous Knowledge and sufficient time and resources are available for AFN to meaningfully and effectively collect Indigenous Knowledge specific to those alternative methods. The ToR should explicitly acknowledge that AFN's Indigenous Knowledge should be available to inform: ▪ selection of sensitive receptors ▪ selection of valued components (VCs) ▪ selection of criteria and indicators to be used to assess and evaluate net effects ▪ assessment of alternative methods ▪ assessment of the potential effects of the Project, including effects on traditional and cultural uses and the subsequent potential effect on spirituality and health ▪ EA outcomes and accommodations for collaborative Indigenous stewardship that allows for a more inclusive and holistic approach to environmental management and monitoring ▪ appropriate impact management measures, including site-specific measure for sensitive areas, including avoidance where possible so the CAR can be designed, constructed and operated in a manner that meets the needs of AFN land users and harvesters who use and have in- depth knowledge of the land ▪ impact management strategies that include opportunities to support, retain and enhance Indigenous Knowledge during planning, construction, and operation of the CAR ▪ environmental commitments ▪ environmental monitoring ▪ Follow-up programs **Project Team Response**: The Project Team has been in communication with Aroland First Nation regarding the Sharing Agreement. The Project Team looks forward to receiving the next round of edits of the Sharing Agreement from Aroland First Nation. The Project Team will continue to collaborate with Aroland First Nation to finalize the Sharing Agreement and to solicit and utilize Aroland's Indigenous Knowledge as outlined in the terms of the Indigenous Knowledge Sharing agreement. Section 8.4 - Incorporation of Indigenous Knowledge in the EA outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods. **AFN Response and Comments on Final ToR**: AFN seeks clarification from the Project Team regarding the use of the term "Sharing Agreement." Up until October 2020, MFFN and AFN were working towards a Memorandum of Understanding (MoU) when MFFN unilaterally ended those discussions. Based on AFN's review of Appendix B, we interpret the term Sharing Agreement to refer to Indigenous Knowledge Sharing Agreements intended to confirm confidentiality between the Project Team and Indigenous communities. The MoU AFN and MFFN were working on for over two years included Indigenous Knowledge sharing protocols as well as how AFN and MFFN would work together in consultation, including consent, in a binding agreement. The MoU was much more comprehensive than a Sharing Agreement. MFFN terminated these MoU discussions with AFN and, therefore, MFFN's response in this table is not an accurate reflection of progress on these matters. AFN continues to submit that the assessment and evaluation of effects of alternative methods, including alternative road corridors, as noted above, should not commence until AFN's Indigenous Knowledge is available following execution of an agreement with MFFN that includes sharing Indigenous Knowledge and sufficient time and resources are available for AFN to meaningfully and effectively collect Indigenous Knowledge specific to those alternative methods. The ToR should explicitly acknowledge that AFN's Indigenous Knowledge should be available to inform: ▪ selection of sensitive receptors ▪ selection of valued components (VCs) ▪ selection of criteria and indicators to be used to assess and evaluate net effects ▪ assessment of ALL alternative methods, including alternative road corridors ▪ assessment of the potential effects of the Project, including effects on traditional and cultural uses and the subsequent potential effect on spirituality and health ▪ EA outcomes and accommodations for collaborative Indigenous stewardship that allows for a more inclusive and holistic approach to environmental management and monitoring ▪ appropriate impact management measures, including site-specific measure for sensitive areas, including avoidance where possible so the CAR can be designed, constructed and operated in a manner that meets the needs of AFN	and consultation with Aroland First Nation going forward. MFFN noted this in its December 8, 2020 response letter and has instructed the Project Team to follow-up with Aroland First Nation to begin the process to develop a custom consultation process, instead of a MOU for the community. Given sensitivities and confidentiality considerations, an Indigenous Knowledge Sharing Agreement between MFFN and Aroland First Nation will be required prior to the sharing and integration of Aroland First Nation's Indigenous Knowledge and information on Indigenous land and resource use in the EA. MFFN looks forward to working with Aroland First Nation to finalize an Indigenous Knowledge Sharing Agreement that meet the needs of both communities. Section 3.4.2 of the ToR outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation. MFFN has been and will continue to work with Indigenous communities to respectfully collaborate on how Indigenous Knowledge will be used to identify and confirm criteria (valued components) and indicators, sensitive receptors, characterize existing conditions, effects assessment criteria, predict the potential positive and negative effects of the Project, and help to determine appropriate impact management measures and monitoring measures. The Consultation and Engagement Program and Indigenous Knowledge Program for the Project serve to support MFFN in working with Indigenous communities, including Aroland First Nation, to understand community concerns, values, and knowledge (including Indigenous Knowledge), which will be used to inform decision-making throughout the EA. The Project has been designed so that Indigenous Knowledge and information from Indigenous Land and Resource Use Studies are available early in the EA before decisions are made. Figure 4-1 and Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR) identifies the key decision timelines for the EA. MFFN recognizes that collection of Indigenous Knowledge and Indigenous land and resource use information takes time and may occur concurrent to the EA during the early stages of the assessment. While MFFN is planning to proceed according to the schedule and timelines identified in the EA / IS Consultation and Engagement Plan, data shared throughout the process will be considered and used in the EA in accordance with the Indigenous Knowledge Sharing Agreement for the Project. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program.	

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	land users and harvesters who use and have in-depth knowledge of the land ▪ impact management strategies that include opportunities to support, retain, and enhance Indigenous Knowledge during planning, construction, and operation of the CAR ▪ environmental commitments ▪ environmental monitoring ▪ Follow-up programs		
AroFN-25	**Drat ToR Section**: 7.1.4 Description of the Existing Environment **AFN's Comment from January 20, 2020 Submission**: The description of the existing environment does not include an expanded Study Area inclusive of alternative methods of connecting the CAR to the Ontario provincial highway network. AFN submits that the description of the existing environment be enlarged to include an expanded Study Area inclusive of alternative methods of connecting the CAR to the Ontario provincial highway network. **Project Team Response**: The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province. **AFN Response and Comments on Final ToR**: Given AFN's responses to 6.2 and 6.3.1 above, the description of the environment should be amended to accurately reflect the full scope of alternative methods of connecting the MFCAR to the Ring of Fire and the provincial highway network. In addition, AFN was deeply concerned by the Project Team's decision to remove reference to the Project occurring in AFN's territory. In Section 7.1.4.11, Indigenous Knowledge and Land Use, of the draft ToR the Project Team states, "MFFN and other Matawa First Nation communities share traditional lands in the area of the Project and over a vast territory in northern Ontario. The Project falls mostly within the traditional territory of MFFN and shared territory with Aroland First Nation in the southern end of the Project." In the final ToR, the Project Team removes reference to AFN and other Matawa First Nation Traditional Territories by stating, "The Project is located within the traditional territory of First Nations, including MFFN." AFN formally requests that the Project Team provide a rationale as to why references to AFN and other Matawa First Nations territories in the Project Area was explicitly removed from the ToR. This omission is concerning to AFN as it indicates that the Project Team is not taking the impacts on AFN's rights and interests seriously. Traffic to and from the MFNCAR will pass directly by AFN's reserve community, and through a significant portion of AFN's Traditional Territory. As the most impacted community by the MFNCAR and Northern Road Link Projects, an acknowledgement of AFN's territory and shared territory with MFFN is a basic courtesy. The complete removal of the acknowledgement is concerning. AFN formally requests that the Project Team add references related to AFN's territory back into the ToR.	Alternative Methods: See response to AroFN-11 and AroFN-21. Territories: See response to AroFN-2	See response to AroFN-2, AroFN-11 and AroFN-21
AroFN-26	**Drat ToR Section**: 7.1.4 Description of the Existing Environment; 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment **AFN's Comment from January 20, 2020 Submission**: The determination of sensitive receptors should be informed by AFN Indigenous Knowledge. AFN submits that the determination of sensitive receptors should be informed by AFN Indigenous Knowledge. **Project Team Response**: The Project Team looks forward to receiving Aroland First Nation's Indigenous Knowledge to help determine sensitive receptors. **AFN Response and Comments on Final ToR**: Given that AFN's Indigenous Knowledge and Land Use Study (IKLUS) for the MFCAR Project has not been completed, AFN requests that no decisions are made on the sensitive receptors until the IKLUS is finalized.	See response to AroFN-24.	See response to AroFN-24
AroFN-27	**Drat ToR Section**: 7.2.5 Groundwater **AFN's Comment from January 20, 2020 Submission**: Construction activities, and the operation of the CAR, may have impacts on spring water sources that have benefits to Indigenous peoples, and may have spiritual value. AFN submits that the potential effects on groundwater should include impacts on spring water sources that may have benefits to Indigenous peoples and may have spiritual value. **Project Team Response**: The EA will consider potential impacts on spring water sources that may have benefit to Indigenous peoples and may have spiritual value.	Section 7.2.1 of the ToR indicates that the "Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources." Water resources is inclusive of spring water sources (i.e., spring water sources refer to areas of groundwater upwelling) identified by Aroland First Nation as having spiritual value. Aroland First Nation's comments and MFFN's response that the EA will consider potential effects on spring water resources have been documented as part of the ToR, and therefore is committed for inclusion in the EA. MFFN will consult with Aroland First Nation to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further	Section 7.2.1, pg. 65 Commitment for EA

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	AFN Response and Comments on Final ToR: AFN does not see specific reference to the inclusion of impacts on spring water in the groundwater section the final ToR. Since the Project Team has committed to including spring water in the assessment, AFN requests that the ToR be updated to reflect this intent.	information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with all Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	
AroFN-28	**Drat ToR Section**: 7.2.6 Vegetation **AFN's Comment from January 20, 2020 Submission**: Potential effects to vegetation and ecological communities during the operation of CAR may include spread of invasive species due to increased recreational use and vehicle traffic, which can have subsequent effects on wildlife and wildlife habitat. AFN submits that the potential effects on vegetation during operation of the CAR should include the potential spread of invasive species due to recreational use and vehicle traffic during operation. **Project Team Response**: Invasive species are considered in the Draft ToR in Section 7.1.4.6, Section 7.1.4.9, Section 7.2.6, Section 7.2.7, and Section 7.2.8. In the EA, effects from invasive species will be considered for vegetation as well as for other disciplines (e.g., Vegetation and Fish and Fish Habitat). **AFN Response and Comments on Final ToR**: AFN does not see specific reference to the inclusion of potential effects on vegetation due to the spread of invasive species by recreational use and vehicle traffic during operation. AFN maintains that these activities may contribute to the spread of invasive species and, therefore, should be included in the vegetation section of the ToR.	Section 7.2.7 of the ToR indicates that "potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function and changes to species diversity, including SAR and traditional use plants," Spread of invasive species during construction is also identified as a potential pathway (Section 7.2.7), as well as from increased access to the Far North (Section 7.2.8 and Section 7.2.9). While effects of invasive species during operations and maintenance are not specifically noted within the ToR for the Vegetation discipline, the EA will consider the potential effects that may result from the introduction of invasive species through various pathways including recreation and vehicle traffic during operation and maintenance.	Section 7.2.7. pg. 68 Section 7.2.8, pg. 69 Section 7.2.9, pg. 70
AroFN-29	**Drat ToR Section**: 7.2.8 Fish and Fish Habitat **AFN's Comment from January 20, 2020 Submission**: MFFN has not consulted with AFN regarding the location of access road watercourse crossings. In conjunction with assessing alternative methods, MFFN should ensure that AFN is consulted on all watercourse locations for either alterative to make sure culturally sensitive or important locations are not impacted by bridge or culvert construction. **Project Team Response**: The Project is in the early phases of Project planning and detailed design has not commenced. The MFFN Project Team will consult with potentially affected Indigenous communities on watercourse crossings. The MFFN Project Team has initiated an Indigenous Knowledge Program to assist with collecting and utilizing important Indigenous Knowledge in Project planning, routing and design. It is anticipated that information brought forward through the Indigenous Knowledge Program will help to inform the planning and design of watercourse crossings. **AFN Response and Comments on Final ToR**: Given the scope and depth of impacts anticipated, AFN expects that our consent will be sought for aspects of the project that fall within our territory. This includes consent on the route, design, and location of ancillary infrastructure and appropriate avoidance, mitigation, and accommodation measures. Given that AFN's IKLUS for the MFCAR Project has not been completed, AFN requests that no decisions are made on the water crossings until the IKLUS is finalized.	In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario *Environmental Assessment Act*. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a MOU to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation. Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter. The MFFN Project Team will consult with potentially affected Indigenous communities on watercourse crossings. In addition, MFFN provided Indigenous communities, including Aroland First Nation, with the Indigenous Knowledge Program Guidance Document in November 2020 to support communities in collecting and sharing Indigenous Knowledge and information on Indigenous land and resource use and cultural values relevant to the Project (including completing Project-specific studies). An Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities was also shared in January 2021; the Fact Sheet is also available on the Project website. MFFN looks forward to Aroland First Nation's forthcoming Indigenous Knowledge and Land Use Study and input through the Consultation and Engagement Program.	Section 1, pg. 1 Section 3.1, pg. 5 Section 11.1, pg. 102 Appendix B Commitment for EA
AroFN-30	**Drat ToR Section**: 7.2.8 Fish and Fish Habitat **AFN's Comment from January 20, 2020 Submission**: MFFN lists approximately 20 fish species, including the species "targeted by communities inhabiting the region and by local and fly-in charter angling and hunter tourist outfitters." It is not clear this included AFN. MFFN must identify and include species of importance to AFN and ensure they are afforded a level of high significance and prioritized in the assessment. **Project Team Response**: The fish species listed in the Draft ToR include those known or suspected to occur within the Project Area, and was based on information obtained from various sources, including Indigenous Knowledge collected for the purposes of this project. The MFFN Project team respectfully requests information from Aroland First Nation regarding species of importance. Section 3.4.2 - Incorporation of Indigenous Knowledge and Indigenous Land and Resources Use in the EA outlines the	MFFN looks forward to Aroland First Nation's forthcoming Indigenous Knowledge and Land Use Study. Any additional species of importance that are identified by Aroland First Nation as part of their Indigenous Knowledge and Land Use Study will be incorporated.	Commitment for EA

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	approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing baseline conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods. **AFN Response and Comments on Final ToR**: Given that AFN's IKLUS for the MFCAR Project has not been completed, AFN requests that this list be updated with any additional species of importance that are identified through the IKLUS.		
AroFN-31	**Drat ToR Section**: 7.2.8 Fish and Fish Habitat **AFN's Comment from January 20, 2020 Submission**: MFFN indicates that "As a result of the broad scale, the field program will involve both an aerial and ground-based survey approach to characterize existing baseline conditions at waterbody crossings within the study area." The description does not mention which season the field program will occur and whether AFN will be involved in the data collection. MFFN must first complete an early spring rapid-assessment survey to document flow conditions and the potential for seasonal fish habitat in conjunction with assessing alternative methods. In addition, MFFN must follow up in the summer to confirm permanent fish habitat and sample those locations in consultation and assistance by AFN community members. **Project Team Response**: ToR section 9.1.1 includes a commitment to prepare work plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. Indigenous communities will be notified of future field surveys based on the work plans, and any opportunities for participation, in advance of field program commencement. **AFN Response and Comments on Final ToR**: For work in AFN's Traditional Territory, notification of opportunities is an inadequate level of engagement. AFN members must be involved in the planning, development, and implementation of all field programs as stewards and guardians of our territory. AFN recommends that the Project Team commits to work collaboratively with AFN to develop and implement all field programs in AFN's territory.	MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions. Therefore, MFFN confirms that information shared will inform the planning, development and implementation of future field studies as appropriate. In addition, the results of field studies will be shared throughout the EA, and will be documented in the EA Report. MFFN will notify Indigenous communities of opportunities to participate in baseline studies for the Project. However, the COVID-19 pandemic and associated protocols of social distancing have limited the opportunities for field monitor positions. Furthermore, given the location of the Project and logistical constraints to accessibility of the area , limited Indigenous monitor positions are anticipated to be available. A commitment has been made to MFFN community that Indigenous monitor positions for field work in support of the Project would first be filled by MFFN. In circumstances when MFFN is not available to participate in a baseline study, MFFN will contact neighbouring Indigenous communities, including Aroland First Nation, for interest in participating in the program.	Appendix B, Section 4.1.7, pg. 22 Commitment for EA
AroFN-32	**Drat ToR Section**: 7.2.8 Fish and Fish Habitat **AFN's Comment from January 20, 2020 Submission**: MFFN states that "the ground-based field surveys will be used to obtain site-specific field data at a subset of waterbody crossings to verify or augment the results and assumptions from the desktop analysis." This approach introduces the potential for information gaps and missed constraints and opportunities due to fish and fish habitat. After a thorough desktop analysis and Indigenous consultation is complete, MFFN should conduct rapid assessment surveys in the spring to fine-tune the location and number of watercourse crossings containing fish habitat. The MTO Environmental Guide for Fish and Fish Habitat should then be used to document habitat conditions at each crossing confirmed or highly likely to provide fish habitat. Spring and fall sampling should be completed where no recent fisheries information is available. **Project Team Response**: ToR section 9.1.1 includes a commitment to prepare work plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. The EA will identify the field studies conducted in support of this EA. **AFN Response and Comments on Final ToR**: AFN understands that a work planning exercise will occur later, but this response does not address AFN's comments. AFN recommends that the Project Team commits to implement the recommendation as part of the work planning referred to in Section 9.1.1.	MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects on the alternative methods, which may be adjustment throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives results in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. A rapid assessment by helicopter has been completed at each potential water crossing in Fall 2020, during a period of high flows. Photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies. The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites. Since the release of the ToR, and in consultation with relevant agencies, MFFN has increased the coverage of the fish and fish habitat studies. All water crossings will be assessed from the air and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys. All surveys will be done within the appropriate flow conditions and under the requirements of Department of Fisheries and Oceans and MNRF. Timing windows and other relevant impact management measures will be identified in the EA.	Commitment for EA
AroFN-33	**Drat ToR Section**: 7.2.10 Indigenous Knowledge and Land Use **AFN's Comment from January 20, 2020 Submission**: AFN continues to undertake Community Based Land Use Plan (CBLUP) activities and is working to finalize its CBLUP. For the record, AFN continues to undertake CBLUP activities and is working to finalize its CBLUP as initiated under the Far North Act. **Project Team Response**: We appreciate you providing a status of the CBLUP activities currently underway by Aroland First Nation. **AFN Response and Comments on Final ToR**: In Table 7-1 of the final ToR, AFN's community profile contains the following information: "Aroland First Nation is engaged with the Far North Branch of MNRF for a CBLUP but is not actively planning."	The status of community based land use planning documented in Table 7-2 of the ToR was prepared in consultation with the Ministry of Natural Resources and Forestry (MNRF) and reflects the status of planning identified by MNRF at the time of preparing the ToR. The information has been noted so that, moving forward, Project documentation (e.g., the EA Report) will identify the status of land use planning identified by Aroland First Nation.	Commitment for EA

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	AFN requests that the community profile be amended to: AFN continues to undertake CBLUP activities and is working to finalize its CBLUP as initiated under the Far North Act.		
AroFN-34	**Drat ToR Section**: 7.2.11 Socio- Economic and Built Environment; 8.3 Assess and Evaluate Net Effects **AFN's Comment from January 20, 2020 Submission**: AFN expects significant potential impacts from the CAR if the CAR connects to the Ontario provincial highway network at Painter Lake. Traffic to and from the CAR will pass directly by Aroland First Nation's reserve community, and through a significant portion of Aroland's traditional territory. The potential direct changes and impacts that may be experienced by Aroland First Nation are not described in this section of the ToR. The exploration of these potential changes should be part of MFFN's consultation plan with AFN. AFN submits that many of the effects of the Project, if the CAR connects to the Ontario provincial highway network at Painter Lake, driving traffic to and from a road that bisects and runs adjacent to AFN's reserve, will result in direct effects on AFN community members, and AFN rights and interests. This perspective should inform the assessment and evaluation of net effects in the ToR. AFN submits that potential impacts form the CAR, if the CAR connects to the Ontario provincial highway network at Painter Lake, be subject to specific consultation activities with AFN to include, but not be limited to, potential negative and positive effects on AFN: ▪ Traffic ▪ access to AFN's traditional territory ▪ strain on public safety services ▪ changes to population ▪ changes to hunting/harvesting ▪ changes to diet ▪ effects on human health ▪ changes to protected area lands ▪ changes to recreation and commercial land uses ▪ changes to access and use of traditional teaching sites ▪ changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects ▪ changes to the regional economy ▪ changes to the local economy ▪ changes to the cost of living in the community ▪ changes to regional access to education, training, recreation, and health services **Project Team Response**: MFFN looks forward to engaging with AFN and receiving input on potential negative and positive effects of the Project on AFN to inform the assessment and evaluation of net effects in the ToR. As outlined in Table 4-2 of Appendix B, the EA Consultation Plan, MFFN plans to consult with Indigenous communities throughout the EA process to receive targeted input on such items as evaluation criteria and potential effects. MFFN appreciates the input on potential negative and positive effects of the Project and confirms that potential effects listed will be considered in the EA. For clarification, in the list below the Environmental Discipline and criteria included in Appendix A that align with the effect AFN noted has been provided. <u>Social Discipline</u> ▪ traffic: considered under Transportation criteria ▪ strain on public safety services: Community Services and Infrastructure criteria ▪ changes to population: Populations and Demographics criteria ▪ changes to regional access to education, training, recreation, and health services: Community Services and infrastructure criteria <u>Human Health and Community Safety</u> ▪ changes to diet: Diet criteria ▪ effects on human health: all criteria under the Human Health and Community Safety discipline <u>Indigenous Rights and Interests Discipline</u> ▪ access to AFN's traditional territory: Ability to Exercise Aboriginal and Treaty Rights ▪ changes to hunting/harvesting: Ability to Exercise Aboriginal and Treaty Rights ▪ changes to access and use of traditional teaching sites: Availability and Access to Sites and Areas for Cultural Practices	The Project has been designed so that Indigenous Knowledge and information from Indigenous Land and Resource Use Studies are available early in the EA before decisions are made. Figure 4-1 and Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR) identifies the key decision timelines for the EA. MFFN recognizes that collection of Indigenous knowledge and Indigenous land and resource use information takes time and may occur concurrent to the EA during the early stages of the assessment. While MFFN is planning to proceed according to the schedule and timelines identified in the EA / IS Consultation and Engagement Plan, data shared throughout the process will be considered and used in the EA in accordance with the Indigenous Knowledge Sharing Agreement for the Project. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program. In addition, the Consultation and Engagement Program provides and opportunity to share feedback and input on the criteria and indicators. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone.	Section 8.2, pg. 73 Appendix B, Section 4.1.7, pg. 21 to 24

<table>
<tr><th>ID #</th><th>Comment Received</th><th>Response to Comment</th><th>Reference ToR Section and Page #</th></tr>
<tr><td></td><td>Land and Resource Use Discipline
▪ changes to protected area lands: Parks and Protected Areas criteria
▪ changes to industry and resource extraction activities such as mining, aggregate: Extractive Industry criteria
▪ changes to industry and resource extraction activities such as forestry: Forestry Industry criteria
▪ changes to industry and resource extraction activities such as linear infrastructure and energy projects: Energy and Linear Infrastructure criteria Recreation and Tourism Discipline
▪ changes to recreation and commercial land uses: Recreation and Tourism criteria
Economy Discipline
▪ changes to the regional economy: Regional Economy criteria
▪ changes to the local economy: Regional Economy criteria
▪ changes to the cost of living in the community: Regional Economy criteria
AFN Response and Comments on Final ToR: AFN's IKLUS for the MFCAR Project has not been completed and may provide additional criteria and indicators for inclusion. AFN requests that the final list of criteria and indicators in Appendix A are not finalized until the IKLUS is completed.
More information related to AFN's consultation expectations for proponents working in AFN's territory, please see Appendix II.</td><td></td><td></td></tr>
<tr><td>AroFN-35</td><td>Drat ToR Section: 7.2.12 Cultural Heritage Resources
AFN's Comment from January 20, 2020 Submission: AFN expects specific and confidential consultation on cultural heritage resources informed by AFN Indigenous Knowledge. AFN submits that identification of AFN cultural heritage resources be informed by AFN Indigenous Knowledge and specific and confidential consultation activities.
Project Team Response: [BLANK]
AFN Response and Comments on Final ToR: The Project Team did not provide a response to this comment AFN requests that the recommendation be considered, and a response be provided from the Project Team.</td><td>The response to this comment was mistakenly omitted from the table that was attached to the letter dated July 17, 2020 provided to Aroland First Nation, which included responses to Aroland First Nation's January 20, 2020 comments on the Draft ToR. MFFN apologizes for this oversight. The response to this comment was presented in both Appendix B and Appendix E of the Record of Consultation (Appendix C) appended to the ToR. The response is provided below.
An Indigenous Knowledge Program has been initiated for the Project and will consider Aroland First Nation's Indigenous Knowledge in the EA. Information on cultural heritage resources will be kept in confidence as per an Indigenous Sharing Agreement. The Cultural Heritage Resources team will engage and consult with Aroland First Nation to better understand cultural heritage resources within the study area of the Project.</td><td>Section 3.4.2.1, pg. 11
Appendix B of Appendix C, pg. 17
Appendix E of Appendix C, pg. 76</td></tr>
<tr><td>AroFN-36</td><td>Drat ToR Section: 8.2 Proposed Criteria and Indicators
AFN's Comment from January 20, 2020 Submission: Invasive species could provide an indicator of the status of the Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations.
Size in concert with distribution could provide a more fulsome indicator of the status of the Wetland Ecosystems, Upland Ecosystem Designated Areas and Critical landform / Vegetation Associations.
Direct (e.g. vehicle collisions) and indirect (e.g. population isolation) impacts of the project on SAR wildlife should be considered an indicator.
Indigenous Knowledge could provide further information on the indictors for moose and caribou.
Indigenous Knowledge could provide further information on the species of fish to be considered
AFN expects this project will impacts its communities' rights and interests; as such, AFN requires a detailed Indigenous Knowledge Land Use and Occupancy Study, Socio- Economic and Built Environment Impact Assessment, and Cultural Heritage Resource assessments to adequately assess how AFN may be affected and determine mitigation/accommodation measures.
▪ For groundwater indicators, include spring water sources
▪ For vegetation, include presence of invasive species in each category
▪ For vegetation, expand on the "Distribution" indicator to Distribution and Size
▪ For wildlife include, direct and indirect impacts of the project on wildlife SAR
▪ For ungulates, include Indigenous Knowledge
▪ For fish and fish habitat, ensure fish species important to Indigenous communities are included
▪ For Indigenous Knowledge and Land use - Traditional Use of Land and Resources and Aboriginal and Treaty Rights, in addition to what is listed in the Draft ToR, include:
– Number and value of fish spawning
– Number and value of mammal habitat
– Number and value of mammal migration
– Number and value of bird habitat
– Number and value of bird migration stopovers
– Number and value of reptile/amphibian habitat</td><td>The following table identifies how the indicators suggested by Aroland First Nation correspond to the proposed criteria and indicators included from Appendix A of the ToR. In some cases an explanation as to why an indicator suggested by Aroland First Nation has not been included is provided. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone in the EA / IS Consultation and Engagement Plan (Appendix B). The final criteria and indicators for the Project will be confirmed during the EA and will be based on input received through the consultation and engagement program
<table>
<tr><th>Aroland First Nation Indicator / Suggestion</th><th>MFFN Corresponding Indicator in Appendix A of the ToR / Explanation</th></tr>
<tr><td>Invasive species as an indicator of the status of Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations</td><td>Invasive species is captured within the function and composition indicator.</td></tr>
<tr><td>Size in concert with distribution could provide a more fulsome indicator of the status of the Wetland Ecosystems, Upland Ecosystem Designated Areas and Critical landform / Vegetation Associations.</td><td>Size is a component of the availability (spatial abundance, which includes number and area) indicator.</td></tr>
<tr><td>Direct (e.g. vehicle collisions) and indirect (e.g. population isolation) impacts of the project on SAR wildlife should be considered an indicator.</td><td>Section 8.2 of the ToR provides the following definition of indicators: represent the resource, feature or issue related to the criteria that, if changed, may demonstrate an effect on the environment. This will include looking at how the indicator may change as a result of both direct and indirect effects of the Project (Section 7.2). Therefore, direct and indirect are not indicators but are part of the methods to assess potential effects of the Project.</td></tr>
<tr><td>Indigenous Knowledge could provide</td><td>Indigenous Knowledge (provided through the Indigenous</td></tr>
</table></td><td>Section 7.2, pg. 63
Section 7.2.1, pg. 65 to 66
Section 8.2, pg. 73
Appendix A, pg. 1 to 9
Appendix B, Section 4.1.7, pg. 22
See response to AroFN-27.</td></tr>
</table>

ID #	Comment Received	Response to Comment		Reference ToR Section and Page #
	– Number and value of plant habitat – Number and value of mineral licks – Number and value of species at risk – Number and value of spring water sources valued by Indigenous people – Number and value of boat launches – Number and value of commercial harvesting locations – Number and value of historical village/archaeological locations – Number and value of historic trails locations – Number and value of changes noticed to the environment – Number and value of teaching sites valued by Indigenous people for transferring knowledge between generations – Number and value of meeting sites valued by Indigenous people for cultural, recreational and social purposes ▪ For Indigenous Knowledge and Land use – Reserve Land and Land Claims, include information available from First Nation governments ▪ For all Social criteria include information available from First Nation governments ▪ For community well-being, include gender related impacts, including impacts on women and girls ▪ For all Economy criteria include information available from First Nation governments ▪ For all Human Health criteria include information available from First Nation governments ▪ For Human Health – Diet, include a specific country foods study undertaken in collaboration with AFN ▪ For Cultural Heritage landscapes, include data from provincial and federal databases ▪ For archaeological resources: – Include an investigation of historic shorelines – Include an investigation of pictographs and petroglyphs – Include an investigation of all sites identified as indicating archaeological potential as identified in the Standards and Guidelines for Consultant Archaeologists (2011) – Do not use the alternative standards and guidelines for assessing archaeology in Northern Ontario. Because less is known about the archaeology of the north, additional rigor should be undertaken, not less – the regular Standards and Guidelines for Consultant Archaeologists (2011) should be employed for this project. **Project Team Response**: MFFN appreciates AFN's input on the potential indicators to be included in the EA. Many if not most of the suggested indicators have already been included in the list of criteria and indicators, as outlined in Appendix A of the Draft ToR. Please note that Appendix A has been revised to include Indigenous Knowledge as data source for ungulates. Please also note that many of the suggested indicators AFN has provided for Indigenous Knowledge and Land Use are captured in other discipline areas (e.g., wildlife, vegetation). In addition, as noted in Section 8.4 of the Draft ToR, an Indigenous Knowledge Program has been initiated for the Project, which will include Project- specific Indigenous Knowledge Studies (which include Indigenous land and resource use). Information collected and shared with MFFN through this program will be used to inform criteria and indicators, as well as identify specific features and species of value to Indigenous communities including AFN. **AFN Response and Comments on Final ToR**: AFN requests that the Project Team provide more detailed information in the response table and ToR related to which proposed criteria and indicators were adopted, and for those that were not adopted, a rationale from the Project Team as to why the criteria or indicator were not adopted. In addition, AFN put forward recommendations for a Socio-Economic and Built Environment Impact Assessment and Cultural Heritage Resource Assessment. AFN seeks additional information from the Project Team regarding whether these studies will be supported in the EA through the ToR.	further information on the indictors for moose and caribou.	Knowledge Program) is listed as a data source for the Wildlife discipline, including ungulates (moose and caribou).	
		Indigenous Knowledge could provide further information on the species of fish to be considered	Indigenous Knowledge (provided through the Indigenous Knowledge Program) is listed as a data source for the Fish and Fish Habitat discipline.	
		For groundwater indicators, include spring water sources	Spring water sources are captured in the degradation of physical and chemical characteristics indicator. See also response to AroFN-27.	
		For vegetation, include presence of invasive species in each category	Invasive species are captured within the function and composition indicator.	
		For vegetation, expand on the "Distribution" indicator to Distribution and Size	Size is a component of the availability (spatial abundance, which includes number and area) indicator.	
		For wildlife include, direct and indirect impacts of the project on wildlife SAR	Section 8.2 of the ToR provides the following definition of indicators: represent the resource, feature or issue related to the criteria that, if changed, may demonstrate an effect on the environment. This will include looking at how the indicator may change as a result of both direct and indirect effects of the Project (Section 7.2). Therefore, direct and indirect are not indicators but are part of the methods to assess potential effects of the Project.	
		For ungulates, include Indigenous Knowledge	Indigenous Knowledge (provided through the Indigenous Knowledge Program) is listed as a data source for the Wildlife discipline, including ungulates (moose and caribou).	
		For fish and fish habitat, ensure fish species important to Indigenous communities are included	Aroland First Nation is encouraged to share information on the fish species that are important to the community. The Consultation and Engagement, and Indigenous Knowledge programs provide opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020.	
		For Indigenous Knowledge and Land use - Traditional Use of Land and Resources and Aboriginal and Treaty Rights, in addition to what is listed in the Draft ToR, include:		
		▪ Number and value of fish spawning	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including fish spawning areas. This information will inform the survival, reproduction and abundance indicator for the Fish and Fish Habitat discipline. The findings of the Fish and Fish Habitat assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based	

ID #	Comment Received	Response to Comment		Reference ToR Section and Page #
			on information shared through the Indigenous Knowledge program.	
		▪ Number and value of mammal habitat	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including habitat. This information will inform the habitat availability indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of mammal migration	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including migration routes. This information will inform the movement corridor and change in wildlife behaviour indicators for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of bird habitat	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including habitat. This information will inform the habitat availability indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of bird migration stopovers	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value. This information will inform the movement corridor and change in wildlife behaviour indicators for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of	The Indigenous Knowledge Program Guidance Document	

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		reptile/amphibian habitat	that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value. This information will inform the habitat availability indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of plant habitat	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including important plant sites and areas. This information will inform the availability indicator for the Vegetation discipline. The findings of the Vegetation assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of mineral licks	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to fish and wildlife use areas and associated value, including mineral licks. This information will inform the habitat availability indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of species at risk	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to important wildlife species, including species at risk. This information will inform the survival and reproduction indicator for the Wildlife discipline. The findings of the Wildlife assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of spring water sources valued by Indigenous people	The Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Aroland First Nation, in November 2020 includes questions related to important water sources, including springs. This information will inform the degradation of	

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			physical and chemical characteristics indicator for the Groundwater discipline. See also response to AroFN-27. The findings of the Groundwater assessment will, in turn, inform the assessment of the availability of resources for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of boat launches	Number is captured under the access to lands and resources for traditional purposes indicator for the Aboriginal and Treaty Rights and Interests discipline. The presence and potential for effects on boat launches would also be considered under the land and waterway disruption and access indicator for the Recreation and Tourism criterion under the Land and Resource Use discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of commercial harvesting locations	Number is captured under the loss of or change to sites and areas (ha) used for traditional activities indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of historical village/archaeological locations	Number is captured under the burial sites, historical villages, areas of cultural significance and registered sites indicators for the Archaeology and Cultural Heritage disciplines, as well as the loss of or change to culturally important sites and areas indicator for the Aboriginal and Treaty Rights and Interests discipline. Additionally, the criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program. Value will also inform the changes to cultural traditions indicator for the Aboriginal and Treaty Rights and Interests discipline.	
		▪ Number and value of historic trails locations	Number is captured under the loss of or change to culturally important sites and areas indicator for the Aboriginal and Treaty Rights and Interests discipline. Additionally, the criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of changes noticed to the environment	Section 7.1.2 of the ToR provides the definition of environment to mean in part "the social, economic and cultural conditions that influence the life of humans or a community." Appendix A provides criteria and indicators for each component making up the environment (Indigenous peoples' rights and interests, natural [physical and biophysical], social, economic and built, and archaeology and cultural heritage). Together these inform the number and value of changes to the environment. Additionally, the criteria and indicators are both quantitative and qualitative; therefore, value will be	

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			considered based on information shared through the Indigenous Knowledge program.	
		▪ Number and value of teaching sites valued by Indigenous people for transferring knowledge between generations	Number is captured under the loss of or change to culturally important sites and areas indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program. Value will also inform the changes to cultural traditions indicator for the Aboriginal and Treaty Rights and Interests discipline.	
		▪ Number and value of meeting sites valued by Indigenous people for cultural, recreational and social purposes	Number is captured under the loss of or change to culturally important sites and areas indicator for the Aboriginal and Treaty Rights and Interests discipline. The criteria and indicators are both quantitative and qualitative; therefore, value will be considered based on information shared through the Indigenous Knowledge program. Value will also inform the changes to cultural traditions indicator for the Aboriginal and Treaty Rights and Interests discipline.	
		For Indigenous Knowledge and Land use – Reserve Land and Land Claims, include information available from First Nation governments	Existing Indigenous Knowledge and Indigenous land and resource use data that is shared with MFFN, including information on land claims, is included as a data source for the Aboriginal and Treaty Rights and Interests discipline. MFFN recognizes Indigenous communities as governments.	
		For all Social criteria include information available from First Nation governments	Municipal, provincial and Indigenous government websites, plans and reports are included as a data source for the Social discipline.	
		For community well-being, include gender related impacts, including impacts on women and girls	Since the Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase, MFFN will apply GBA+ in accordance with the requirements set out in the TISG developed by the Agency. That the ToR does not reference GBA+ does not change this requirement to document the results of the GBA+ analysis in the EA / IS Report. It will be up to the Province to decide whether the results of the GBA+ will be considered in its decision making.	
		For all Economy criteria include information available from First Nation governments	Municipal, provincial and Indigenous government websites are included as a data source for the Economy discipline. MFFN recognizes Indigenous communities as governments.	
		For all Human Health criteria include information available from First Nation governments	Municipal, provincial and Indigenous government websites, plans and reports are included as a data source for the Human Health and Community Safety discipline. MFFN recognizes Indigenous communities as governments.	
		For Human Health – Diet, include a specific country foods study undertaken in collaboration with AFN	As mentioned in Section 7.2.10 of the ToR, the EA will consider how the Project may alter the ability of Indigenous communities to access country foods. MFFN will contact Aroland First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	

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<tr><th>ID #</th><th>Comment Received</th><th>Response to Comment</th><th>Reference ToR Section and Page #</th></tr>
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<tr><td>For Cultural Heritage landscapes, include data from provincial and federal databases</td><td>Primary and secondary documentary sources are included as a data source for the Archaeology and Cultural Heritage discipline.</td></tr>
<tr><td>For archaeological resources:</td><td></td></tr>
<tr><td>▪ Include an investigation of historic shorelines</td><td>The archaeological assessments will be completed to meet the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Standards and Guidelines for Consultant Archaeologists (2011). Where available, Indigenous Knowledge on trapping and harvest areas (plant, fish and other wildlife), camp and campsites, spiritual / sacred places, travel routes, historical sites and historical villages, burials, and other important areas of interest, such as historic shorelines, will be incorporated into the archaeological assessments.</td></tr>
<tr><td>▪ Include an investigation of pictographs and petroglyphs</td><td>The archaeological assessments will be completed to meet the MHSTCI's Standards and Guidelines for Consultant Archaeologists (2011). Where available, Indigenous Knowledge on trapping and harvest areas (plant, fish and other wildlife), camp and campsites, spiritual / sacred places, travel routes, historical sites and historical villages, burials, and other important areas of interest, such as areas marked by pictographs and petroglyphs, are incorporated into the archaeological assessments.</td></tr>
<tr><td>▪ Include an investigation of all sites identified as indicating archaeological potential as identified in the Standards and Guidelines for Consultant Archaeologists (2011)</td><td>The archaeological assessments will be completed to meet the MHSTCI's Standards and Guidelines for Consultant Archaeologists (2011).</td></tr>
<tr><td>▪ Do not use the alternative standards and guidelines for assessing archaeology in Northern Ontario. Because less is known about the archaeology of the north, additional rigor should be undertaken, not less – the regular Standards and Guidelines for Consultant Archaeologists (2011) should be employed for this project.</td><td>The archaeological assessments will be completed to meet the MHSTCI's Standards and Guidelines for Consultant Archaeologists (2011). Where available, Indigenous Knowledge on trapping and harvest areas (plant, fish and other wildlife), camp and campsites, spiritual / sacred places, travel routes, historical sites and historical villages, burials, and other important areas of interest are incorporated into the archaeological assessments.</td></tr>
</table>
The EA Report will include an assessment of potential effects on the socio-economic and built environment, as well as potential effects on cultural heritage resources. MFFN is available to discuss the scope of these assessments with Aroland First Nation and to understand socio-economic and cultural heritage resources within the area of the Project.
</td><td></td></tr>
<tr><td>AroFN-37</td><td>Drat ToR Section: 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment
AFN's Comment from January 20, 2020 Submission: Section 8.4 should be revised to incorporate the above comments and AFN submissions.
Project Team Response: MFFN has responded to all AFN comments and incorporated edits throughout the document as indicated in the comment responses. Edits were not limited to Section 8.4.
AFN Response and Comments on Final ToR: AFN requests that the Project Team provide more detailed information in the response table and ToR related to which proposed criteria and indicators were adopted and for those that were not adopted a rationale from the Project Team as to why the criteria or indicator were not adopted.</td><td>See response to AroFN-36</td><td>See response to AroFN-36</td></tr>
<tr><td>AroFN-38</td><td>Drat ToR Section: 9.1 Environmental Commitments
AFN's Comment from January 20, 2020 Submission: For the Project to proceed through AFN's traditional territory,</td><td>In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario Environmental Assessment Act. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested</td><td>Appendix B</td></tr>
</table>

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	AFN will need to provide its consent. Section 9.1 should include reference to environmental commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed. **Project Team Response**: MFFN is the proponent for this Project and is directing the EA decision-making process but commits to full engagement and consultation with all interested communities, including Aroland First Nation, to support the environmental, social and economic sustainability of the Project. Where appropriate, questions, comments and concerns received on the Project have been incorporated into the applicable sections of the ToR. All comments received and responses to each are included in the Record of Consultation (Appendix C). Appendix C also identifies where within the ToR each comment has been addressed. Where questions, comments or concerns could not be addressed within the ToR, a commitment for the EA has been made. These commitments are listed in Section 9.1.1 of the ToR. **AFN Response and Comments on Final ToR**: AFN has reviewed Section 9.1.1 and does not see a commitment related to AFN's comments related to consent as well as accommodations developed between MFFN and AFN. AFN requests a rationale as to why the principles of the United Declaration on the Rights of Indigenous Peoples (UNDRIP) and consent are not being promoted in this Project and within the ToR.	Indigenous communities on the Project. Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a MOU to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation. Issues of consent and United Declaration on the Rights of Indigenous Peoples (UNDRIP) are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	
AroFN-39	**Drat ToR Section**: 9.2 Environmental Monitoring **AFN's Comment from January 20, 2020 Submission**: For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent. Section 9.2 should include reference to environmental monitoring commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed. **Project Team Response**: MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to identify environmental monitoring commitments, and foresees this as part of the consultation undertaken for the EA. Section 9.2 of the Draft ToR outlines the Project's environmental monitoring commitments and Table 4-2 of the Consultation Plan includes consultation activities aimed at receiving input on impact management measures and monitoring measures. The ToR also identifies MFFN's plan that Indigenous knowledge will help determine appropriate impact management measures and monitoring methods (Section 8.4). No change is proposed to the ToR as the commitment to identify environmental monitoring commitments with Indigenous communities is captured in the documentation. **AFN Response and Comments on Final ToR**: MFFN's commitment for identifying environmental monitoring commitments with Indigenous communities is captured but matters of consent and accommodation are not. Please see AFN's response to 9.1 for more detail.	See response to AroFN-38. Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	See response to AroFN-38
AroFN-40	**Draft ToR Section**: 10.1 Principles of Consultation **AFN's Comment from January 20, 2020 Submission**: AFN accepts and acknowledges the Guiding Principles for Project-related consultation activities described in Figure 10-1 – Guiding Principles. AFN commends MFFN on the adoption of the Guiding Principles for Project-related consultation activities described in Figure 10-1 – Guiding Principles. Given the significant impacts the Project may have on AFN, AFN encourages MFFN to develop a methodology for recording consultation activities with AFN, documenting comments and inputs with AFN, and verifying together with AFN the application of the Guiding Principles the Nishnawbe Aski Nation's Consultation Policy, and opportunities for input described in section 10.1, to this consultation. AFN further submits that a joint statement of adherence, agreed to by AFN and MFFN, be included in the ToR as a consultation deliverable that will be appended to the EA. **Project Team Response**: The MFFN Project Team will record/document all input received, provide responses where applicable and then circulate the record to Aroland First Nation for review and their confirmation. This commitment is included in Section 11 of the Proposed ToR. **AFN Response and Comments on Final ToR**: Based on our review of Section 11 and Appendix B, we appreciate that the Project Team has committed to providing Indigenous communities with copies of community-specific records for review prior to going on the public record. Further comments related to AFN's interest and approach to develop a custom consultation process with MFFN is described in Appendix II.	MFFN and the Project Team look forward to working with Aroland First Nation to develop a custom consultation process. The Project Team responded to Aroland's Oct 20, 2020 letter and committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation.	Commitment for EA
AroFN-41	**Drat ToR Section**: 10.2.2 Indigenous Communities Engagement **AFN's Comment from January 20, 2020 Submission**: MFFN notes that "The Province of Ontario (MECP and ENDM) and MFFN are entering into an agreement through a Memorandum of Understanding (MOU) to share responsibility of the	Aroland First Nation confirmed on January 29, 2021 that this comment was included unintentionally.	N/A

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	procedural aspects of Ontario's Duty to Consult, in the context of the EA for the Project. This MOU will define the roles and responsibilities of both parties in regard to the engagement of interested Indigenous communities. The roles and responsibilities of Marten Falls agreed to in the MOU will be included in the Proposed ToR, if the MOU is finalized at that time." AFN submits that the ToR should include consultation from both MFFN and the Province of Ontario, with AFN, on the MOU for sharing responsibility of the procedural aspects of Ontario's Duty to Consult from MFFN and the Province of Ontario. **Project Team Response**: The MOU between the Province and Marten Falls has been signed. No consultation on the content of the MOU is being undertaken or required as this is an agreement between the Province and Marten Falls. Aroland First Nation is encouraged to speak to the Province should the community have questions regarding Ontario's duty to consult with First Nations. **AFN Response and Comments on Final ToR**: [BLANK]		
AroFN-42	**Drat ToR Section**: 10.2.2 Indigenous Communities Engagement **AFN's Comment from January 20, 2020 Submission**: The consultation record for the draft ToR does not include a record of comments from First Nations, and does not include traceable information on how those comments impacted the draft ToR. MFFN should provide a detailed record of consultation leading up to the draft ToR, including consultation on alternative methods regarding routes, and provide traceable information on how those comments impacted the draft ToR. **Project Team Response**: The MFFN Project Team will consider how to best document and summarize information received through consultation in a comprehensive and clear way. Input that can be shared publicly will be contained as part of the Record of Consultation for the Proposed ToR. **AFN Response and Comments on Final ToR**: All the information and supporting materials pertaining to a First Nation's consultation is contained in various documents and appendices. The scattering of information across different documents makes it challenging to comprehensively review the consultation record and supporting materials for a single First Nation. As a result, the Provincial Crown, and each First Nation, will be challenged to determine the adequacy with which the procedural aspects of consultation delegated to MFFN have been adequately met. Please revise the supporting documentation to provide coherent consultation records for each First Nation. Further comments and information related to the information contained in the Record of Consultation are outlined in Appendix 2.	The ToR Record of Consultation includes community-specific sections that provide chronological summary of MFFN's engagement with each Indigenous community and a synopsis of their comments, issues, and interests, as well as MFFN's responses and follow-up regarding these. For the preparation of the EA Record of Consultation and Engagement, MFFN will review the manner in which consultation is documented to better facilitate the review of the Record of Consultation by Indigenous Communities. The Project Team is open to discussing this with Aroland First Nation.	Appendix C Commitment for EA
AroFN-43	**Drat ToR Section**: Table 10-3: Consultation with Neighbouring Indigenous Communities **AFN's Comment from January 20, 2020 Submission**: Table 10-3: Consultation with Neighbouring Indigenous Communities MFFN asserts that AFN attendees at the May 23, 2019 with Aroland First Nation Chief and Council and community said that "the community expressed support for the MFFN CAR". For the record, AFN Chief and Council has not expressed formal support for the CAR, and any statements to that effect from specific Aroland community members at the May 23, 2019 engagement are not to be considered official statements from Aroland First Nation or its leadership. Aroland Chief and Council expressed concern that MFFN and the Province of Ontario are having discussions regarding a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire, that AFN is not being included in these discussions, and that AFN must be included in these discussions given the significant impacts on AFN that would follow such a project. Please revise table 10-3 accordingly. **Project Team Response**: Table 10-3 of the ToR and the Supporting Document will be edited to indicate that although some community members expressed support for the Project, no formal support from Chief and Council was expressed. The other concerns mentioned in the comment will be added to the documentation. On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. Consultation specific to the proposed Northern Road Link is outside the scope of what MFFN is responsible for responding to as the proponent for the Community Access Road Project. **AFN Response and Comments on Final ToR**: Appendix C of the final ToR contains the Record of Consultation for the ToR phase of the MFNCAR Project. Neither the Record of Consultation nor the meeting notes from the May 23, 2019 meeting have been amended as requested. AFN's comments provided on the draft ToR need to be reflected in the Final ToR. This information is required for the Minister to make effective decisions on the ToR, and to determine the adequacy with which the procedural aspects of consultation delegated to MFFN have been adequately met.	The corrected information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). As per the Draft ToR comment from Aroland First Nation, Chief and Council has not expressed formal support for the Project, and any statements to that effect from specific Aroland community members from the May 23, 2019 engagement are not to be considered official statements from Aroland First Nation or its leadership. MFFN will prepare documentation that summarizes corrected information for the ToR Record of Consultation. Consultation and engagement on the Project are ongoing. Aroland First Nation will continue to be provided with opportunities to participate in consultation and engagement for the EA.	Commitment for EA
AroFN-44	**Drat ToR Section**: 11. Consultation Plan for the Environmental Assessment **AFN's Comment from January 20, 2020 Submission**: See above comments on consultation with AFN, Indigenous	See response to AroFN-24	See response to AroFN-24

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	Knowledge, CBLUP, and consent. AFN and MFFN have agreed to develop and execute a binding agreement that will include reference to consultation with AFN, Indigenous Knowledge, and consent with respect to the Project. The ToR should acknowledge that consultation with AFN, including Indigenous Knowledge, CBLUP, and approaches to consent will be included in a binding agreement between AFN and MFFN. **Project Team Response**: The Project Team has been in communication with Aroland First Nation regarding the Sharing Agreement. The Project Team looks forward to receiving the next round of edits of the Sharing Agreement from Aroland First Nation. The Project Team will continue to collaborate with Aroland First Nation to finalize the Sharing Agreement and to solicit and utilize Aroland's Indigenous Knowledge as outlined in the terms of the Indigenous Knowledge Sharing agreement. Section 8.4 - Incorporation of Indigenous Knowledge in the EA outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods. **AFN Response and Comments on Final ToR**: Please see AFN's response to 7.1.4 related to the "Sharing Agreement."		
AroFN-45	**Drat ToR Section**: 11.5 Consultation Activities During the EA **AFN's Comment from January 20, 2020 Submission**: AFN supports the milestone-based approach to guiding the timing and focus of consultation and engagement efforts, however, with respect to comments provided above regarding alternative methods, the following milestones will need revision: ▪ Evaluation of routing alternatives; ▪ Identification of preferred alternative. AFN submits that the following milestones: Evaluation of routing alternatives; Identification of preferred alternative be revised as: ▪ Evaluation of alternative methods; ▪ Identification of preferred alternatives. **Project Team Response**: The Terms of Reference will be updated to revise "Evaluation of routing alternatives" to "Evaluation of alternative methods" as requested in the comment. However, the heading for "Identification of preferred alternative" will remain unchanged as the purpose of the environmental assessment (EA) process is to narrow the alternatives to one preferred alternative. The alternatives assessment and effects assessment will include temporary infrastructure components of Alternative 1 and Alternative 4. **AFN Response and Comments on Final ToR**: As outlined in AFN's comments on Section 4, 6.2 and 6.3.1 above, AFN maintains that evaluation of alternative methods must be added to the list of milestones.	The assessment and evaluation of alternative methods is the process of identifying and assessing the potential effects of the Project for each alternative route and then undertaking a comparative analysis of the potential net effects and advantages and disadvantages. The approach to assess and evaluate the alternative methods is provided in Section 8 of the ToR. The steps of this process have been grouped into the consultation milestones in Table 4-2 of the EA / IS Consultation and Engagement Plan so that feedback on targeted input can be obtained in a stepwise manner before advancing to the next stage of the EA process. Therefore, the existing consultation milestones capture the evaluation of alternative methods as follows: ▪ **Notice of Commencement:** focused on confirming Aroland First Nation's level of interest in the Project and how the community would like to be kept informed and consulted / engaged with. This milestone will determine which aspects (areas and topics) of the Project and evaluation of alternative methods Aroland First Nation would like consultation and engagement with their community to focus on. ▪ **Effects Assessment Methods:** will describe the approach to assess and evaluate the alternative methods in greater detail. Consultation on the methods of the effects assessment will define the approach to evaluating the alternative methods before effects are predicted. ▪ **Identification of the Preferred Alternatives:** will share the results of the evaluation of the alternative methods (i.e., which alternative methods are preferred for the CAR, including associated infrastructure, and quarries, borrow areas and aggregate source area). Consultation during this milestone will focus on how the effects assessment methods were followed to predict effects and compare net effects and advantages and disadvantages, and to obtain feed back on the results before submitting a Draft EA Report. ▪ **Review of Draft EA / IS and Review of Final EA / IS:** Each of these milestones are another opportunity to review the results of the evaluation of alternative methods and the methodology used to predict effects and select the preferred alternative route.	Section 8, pg. 72 Appendix B, Section 4.1.7, pg. 21 to 24
AroFN-46	**Final Terms of Reference Section**: Various **Terms of Reference Excerpt**: In the draft ToR the MFNCAR was referred to as a proposed Project. In reviewing the Final ToR, the word proposed has been removed throughout the document in various places. **Comment**: Given that the MFNCAR is still a proposed project, AFN recommends that the final ToR uses the language of the proposed Project.	MFFN agrees that the CAR is a proposed Project since it is in the planning phase pending completion of an EA and applicable approvals. The definition of 'Project' as defined in Section 1 of the ToR states that "*The MFFN community is proposing an all-season Community Access Road (CAR or the Project)*…" To avoid redundancy throughout the ToR, "proposed Project" was replaced with "Project" given the definition in Section 1.	Section 1, pg. 1
AroFN-47	**Final Terms of Reference Section**: Section 3.1 Provincial Environmental Assessment Requirements **Terms of Reference Excerpt**: The final ToR highlights that that in July 2020, "amendments to the EAA included changes to the provincial EA process that may result in requirements for the Project that are different than what is outlined above. MFFN will consult with government agencies throughout the EA process to confirm applicable requirements from the EAA amendment." **Comment**: AFN is proceeding with the understanding that the MFNCAR ToR and EA will proceed under the Ontario Environmental Assessment Act, 1990, prior to amendments made in 2020, given that the EA process commenced prior to the 2020 amendments. AFN has not received any communication from the Provincial Crown that would indicate otherwise, nor has AFN been consulted by the Provincial Crown on the 2020 amendments or associated regulations.	Whether the *Ontario Environmental Assessment Act* 1990 or 2020 amendment applies to the Project is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter. MFFN is not aware of any changes to the *Environmental Assessment Act* that would change how an EA is conducted; the EA is to be completed according to the approved ToR. Although upon commencement of the ToR, MFFN was planning to follow the 1990 Act, MFFN has to consult with government agencies to confirm applicable requirements from the Ontario *Environmental Assessment Act* 2020 amendment.	Section 3.1, pg. 5
AroFN-48	**Final Terms of Reference Section**: Various **Terms of Reference Excerpt**: Throughout the ToR, the Project Team uses the term "approval decisions" in reference to key decision points. **Comment**: Since approval of the project and decisions are to be determined by a statutory decision-maker, AFN	The ToR was submitted to the MECP so that a decision could be made as to whether the Project is granted approval to move to the next stage in the EA process. Therefore, the type of decision being sought from MECP is an 'approval decision' and this terminology is appropriate in the context being used.	Section 3.4, pg. 7 Section 10.2, pg. 80 Section 10.3, pg. 101

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	recommends that the word approval is removed and only the word decisions is used.		Section 11, pg. 102
AroFN-49	**Final Terms of Reference Section**: 3.4.2 Indigenous Knowledge and Resource Use **Terms of Reference Excerpt**: In 3.4.2 the Project Team identified the critical decision-making points throughout the EA where Indigenous Knowledge and Indigenous land and resource use will be considered and incorporated. Informing alternative methods and routes for connection to the provincial highway network is missing from the list. **Comment**: As described in AFN's comments in Appendix I for Section 4, 6.2 and 6.3.1, alternative methods to connecting MFFN to the provincial highway network and the Ring of Fire must be considered in the scope of this assessment. AFN recommends that 3.4.2 be amended to include "Informing Route Assessment and Selection" since Indigenous Knowledge and land and resource use will be valuable in identifying alternative methods and viability of the proposed routes for both community and supply road access.	See response to AroFN-11, AroFN-19 to AroFN-21 with respect to Aroland First Nation comments on Section 4, Section 6.2, and Section 6.3.1. Section 3.4.2 of the ToR identifies the critical decision-making points throughout the EA. With respect to the recommendation for Section 3.4.2, "Informing Route Assessment and Selection" is part of the assessment and evaluation of alternative methods, which is the process of identifying and assessing the potential effects of the Project for each alternative route and then undertaking a comparative analysis of the potential net effects and advantages and disadvantages. The critical decision-making points listed in Section 3.4.2 (i.e., informing criteria and indicators, establishing existing conditions, assessing potential effects, and developing impact management measures) all contribute to the assessment and evaluation of alternative methods routes to the preferred alternatives. In addition, consultation on the preferred alternatives is identified as part of the targeted input for the Identification of Preferred Alternatives milestone. Also see response to AroFN-45. MFFN recognizes and acknowledges the importance of Indigenous Knowledge and information on Indigenous land and resource use for informing the alternative route assessment and selection of the preferred route.	See response to AroFN-11, AroFN-19 to AroFN-21, and AroFN-45 Section 3.4.2, pg. 9 to 10 Appendix B, Section 4.1.7, pg. 23
AroFN-50	**Final Terms of Reference Section**: 3.4.2.1 Indigenous Knowledge Program **Terms of Reference Excerpt**: The approach described to the Indigenous Knowledge Program in the final ToR states: "MFFN respects the importance of Indigenous Knowledge and Indigenous land and resource use information and the following principles will be used to guide the Project-specific Indigenous Knowledge and Indigenous Land and Resource Use studies: ▪ Knowledge Holders will be identified by the MFFN community to participate in the studies; ▪ Consultation and Indigenous Knowledge protocols will be defined prior to commencing studies; ▪ A collaborative approach will be used that follows the customs and culture of each Indigenous community; ▪ Traditional channels of authority and levels of approval within each Indigenous community will be respected; • Indigenous Knowledge and Indigenous land and resource use data collection workshops and interviews will be facilitated at sites within the Traditional Territory of each Indigenous community; ▪ Engagement and communication with Knowledge Holders through workshops and / or interviews will be respectful; ▪ Indigenous communities will own and control their Indigenous Knowledge and information on Indigenous land and resource use; and ▪ MFFN will strive to respectfully collaborate with Indigenous communities on how Indigenous Knowledge and information on Indigenous land and resource use shared will be incorporated into the EA." **Comment**: In the draft ToR, the first bulleted point stated that "Knowledge holders will be identified by the community to participate in the studies." Individual communities must be in control of all aspects of their project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. Knowledge Holders for AFN's studies should not be identified by the MFFN community. As a result, AFN expects that the language will be changed to: ▪ Each Indigenous community will be responsible for all aspects of their respective Indigenous Knowledge and Indigenous Land and Resource Use Studies. ▪ Knowledge Holders will be identified by each Indigenous community for the purposes of their community specific Indigenous Knowledge and Indigenous Land and Resource Use Studies.	It is MFFN's intent that Knowledge Holders will be identified by each Indigenous community for the purposes of their Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Study. The text in Section 3.4.2.1 of the ToR should read 'Knowledge Holders will be identified by each Indigenous community to participate in the studies'. As noted in Section 3.4 of the Indigenous Knowledge Program Guidance Document that was shared with Indigenous communities, including Aroland First Nation, in November 2020, community-specific protocols, traditional channels of authority, and levels of approval within each participating Indigenous community will be followed and respected. This includes community-specific protocols for the selection of participants for Indigenous Knowledge and Indigenous Land and Resource Use Studies. However, as noted in Section 6.1 of the Indigenous Knowledge Program Guidance Document, MFFN would like to reiterate the importance of selecting a range of participants in consideration of Gender-based Analysis Plus. This revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Section 3.4.2.1, pg. 11 Commitment for EA
AroFN-51	**Final Terms of Reference Section**: 5.1 Rationale for the Proposed Undertaking **Terms of Reference Excerpt**: Between the draft and final versions of the ToR, reference to the Ring of Fire has been removed from Section 5.1. **Comment**: From AFN's perspective, reference to and acknowledgement of MFNCAR providing linkage and access to the Ring of Fire, and linkage from the Ring of Fire to the provincial highway system adjacent to AFN's reserve community, is critical to properly scoping the assessment of this Project. AFN continues to see concerted efforts by the Project Team to distance the MFNCAR from contemplated access to the Ring of Fire. However, the proponent for the MFNCAR is also advancing a proponency for an industrial supply road that connects the MFNCAR to the Ring of Fire. The Minister should consider this attempt at project splitting to be counter to the intent of the Environmental Assessment Act. A "project" means one or more enterprises or activities or a proposal, plan, or program in respect of an enterprise or activity. MFNCAR is part of a combination of enterprises or activities that includes the Northern Road Link, MFNCAR and WSR, and MFFN, WFN and Ontario are on the public record with unequivocal statements such as: "Today's signing marks a new partnership between the government, Marten Falls First Nation and Webequie First Nation to advance planning of critical road infrastructure that would provide reliable, all-season road access to potential mine sites and connect First	To address Aroland First Nation's comment of January 20, 2020 to confine the Do Nothing alternative to unreliable community access (see AroFN-19), language related to a supply road being constructed from a point along the CAR to the mineral claims north of MFFN and the Ring of Fire was removed from this section in order to provide a more clear and accurate description of the Project purpose and problem this Project is being proposed to address. The intent was not to exclude a thorough assessment of impacts. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	See response to AroFN-19

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	Nation communities to Ontario's provincial highway network." – Government of Ontario News Release, March 2, 2020 - https://news.ontario.ca/en/release/56039/moving-forward-with-road-access-to-the-ring-of-fire		
AroFN-52	**Final Terms of Reference Section**: 6.3 Approaches to Considering Alternative Methods **Terms of Reference Excerpt**: The final ToR includes more substantial detail regarding previous studies and ongoing processes that contributed to the development of alternative routes. Noront's "SNC-Lavalin Report on Access Options, March 30, 2010" is not included in this list and associated description. **Comment**: AFN submits that Noront's "SNC-Lavalin Report on Access Options, March 30, 2010" is directly relevant to this section. This reference should include the conclusions of the study, including the conclusion of the study that the Nakina to McFauld's Lake route option "is not the lowest cost option or the shortest distance however, this route not only addresses the mandate to provide access for the residence of Marten Falls to the mine site and Nakina but also provides an opportunity for the local community to participate in the project." Further, SNC-Lavalin provided a number 1 ranking to access route Option 3, Nakina to Marten Falls to McFaulds Lake. This report is an important document that contemplates both community access and access to McFaulds Lake via the provincial highway network, which is critical context for the MFCAR Project. This report must be referenced in the Final ToR to assist the Minister in decision-making, and to inform future consideration of the EA and its conclusions.	The *SNC-Lavalin Report on Access Options, March 30, 2010,* includes recommendations for access road options to McFaulds Lake, and not MFFN. This report was written for a different proponent and purpose than those of the CAR Project. While the report may provide some insightful information, the recommendations and conclusions of the SNC-Lavalin Report are not relevant to the current undertaking by the community of Marten Falls First Nation. That is, what is considered a preferred or reasonable alternative for one proponent / project may be different to that of another. The *Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development* that accompanies the ToR submission provides a detailed account of the evolution of the alternative methods for the CAR. During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for the EA. Two of the alternative routes generally followed the winter road (Alternative 2 and Alternative 3; routed west to MFFN like Option 3 of the SNC-Lavalin Report), and the other two were routed north-south before turning east toward MFFN (Alternative 1 and Alternative 4). Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community (Alternative 2 and Alternative 3). The reasons for not pursuing Alternative 2 and Alternative 3 can be further discussed with Aroland First Nation. The ToR also provides flexibility to accommodate changes and / or unforeseen circumstances that may arise throughout the environmental planning process. This includes the alternative methods to be assessed in the EA.	Supporting Document – Alternatives Development Section 12, pg. 111
AroFN-53	**Final Terms of Reference Section**: Table 10-3 Consultation with Neighbouring Communities; Appendix C Record of Consultation; Appendix B Indigenous Communities and Organizations **Terms of Reference Excerpt**: AFN has reviewed Table 10-3 and the Record of Consultation (RoC) in Appendix C. Overall AFN is deeply concerned by the Project Team's interpretation of consultation activities and noticed that key correspondence through end of July and mid-October are not reflected in the RoC. **Comment**: With respect to consultation on the ToR since February 2020, the Project Team has presented a narrative that AFN was provided several opportunities to review and provide feedback on MFFN's responses to AFN's comments on the draft ToR, the RoC and that "no comments were received." Unfortunately, Table 10-3, does not provide the critical context that explains why AFN was not able to engage with the Project Team at that time. AFN did not receive capacity funding from the province until mid-October. In addition, the COVID-19 pandemic has put undue pressure on our community's capacity as well as opportunities to safely engage our community on the Project. Capacity funding is critical to supporting an adequate and meaningful consultation process and despite communicating our limitations, the MFNCAR Project Team continued to advance the ToR. Although the RoC may appear to portray several instances of engagement, quantity of engagement is not an acceptable metric for consideration for meaningful engagement. Further, the RoC does not include correspondence and efforts by AFN to advance our MoU discussions between July and October 2020. Since our June 26, 2020 meeting, AFN has been awaiting edits from MFFN on the MoU only to be told in October that MFFN does not wish to carry on down a path we had been working towards for over two years. MFFN's actions to date do not provide AFN with confidence that the procedural aspects delegated to MFFN will be executed honorably on behalf of the Provincial Crown.	The Record of Consultation provided with the ToR includes all communication and engagement with Aroland First Nation up to July 31, 2020. The Project Team acknowledges that ongoing discussions and communications have occurred since that time. These communications are being tracked and this information will be included in the future EA Record of Consultation and Engagement. Aroland First Nation's comments regarding not receiving capacity funding to participate in the process until October 2020 are noted. Regarding the MOU comments, please see response to comment AroFN-3 and AroFN-24.	See response to AroFN-3 and AroFN-24 Commitment for EA
AroFN-54	**Final Terms of Reference Section**: Appendix B Consultation and Engagement Plan to support EA / IA **Terms of Reference Excerpt**: AFN has reviewed the Consultation and Engagement Plan to support the EA / IA. **Comment**: As outlined in our October 20th letter to MFFN and the Project Team: The proposed Marten Falls Community Access Road overlaps with Aroland's traditional territory, ultimately connecting to the Anaconda and Painter Lake forestry roads which pass directly through our community. The potential adverse impacts to our Treaty and Aboriginal rights and interests will be significant, especially considering our community members' high level of use up to and north of Dusey Lake. Aroland understands how important all-season road access is to the Marten Falls community and has always offered provisional support for the project. Our support has always been conditional on Marten Falls understanding the significant impacts the proposed project will have on Aroland's Treaty and Aboriginal rights and interests, obtaining Aroland's permission for use of our traditional territory and working in partnership with Aroland to ensure the projects impacts could be avoided, mitigated, and accommodated. Any proposed development or activity within our territory must be explored in consultation with Aroland First Nation's membership, based on our protocols and preferred procedures. Ontario's Code of Practice: Environmental Assessments sets the expectation that proponents are responsible for working with Indigenous communities to understand how they wish to be consulted. Up to this point we have relied on our joint-MOU negotiations to communicate how we wish to work with Marten Falls on this project, but given that those negotiations have concluded with no agreement in place, we request that Marten Falls work with us to develop a custom consultation process that ensures the proponent adheres, at a minimum, to the following responsibilities:	The Project Team responded to Aroland's October 20, 2020 letter on December 8, 2020 and committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation.	N/A

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	(a) Act in good faith; (b) Consult with the intention of fairly and justly addressing all of Aroland's concerns through accommodation measures; (c) Ensure transparency during the consultation and negotiation process; (d) Provide Aroland with adequate financial support and time to ensure that Aroland has the capacity to fully engage in the process in an effective and informed manner; (e) Provide any agreed-upon financial support, including funding for experts/consultants, in a timely manner (f) Provide all relevant and necessary information regarding its action or decision to Aroland as soon as such information is available, including any such information that can only be provided under a confidentiality agreement with Aroland; (g) Respect Aroland Rights and Aroland values; (h) Accommodate Aroland's concerns; (i) Not proceed with any action or make any decision potentially affecting Aroland Rights, Aroland Values, and/or Aroland Traditional Territory until an accommodation agreement has been entered into with Aroland providing Aroland's consent; (j) Honour any agreements reached with Aroland. We believe that establishing a custom consultation process will benefit both parties in clarifying our roles and responsibilities and ensuring a certainty of process in advancing consultation and accommodation in relation to this project. We request that Marten Falls coordinate a meeting for both parties to begin developing this process in order to move forward together.		

References

Aroland First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), 2011:

Standards and Guidelines for Consultant Archaeologists. Ministry of Heritage, Sport, Tourism and Culture Industries.

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

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

References

Aroland First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), 2011:

Standards and Guidelines for Consultant Archaeologists. Ministry of Heritage, Sport, Tourism and Culture Industries.

APPENDIX 1 – Summary of comments from Aroland First Nation's submission on the Draft Terms of Reference (ToR) that have not been adequately addressed in the Final ToR

Draft ToR Section	AFN's Comment from January 20, 2020 Submission	Project Team Response	AFN Response and Comments on Final ToR
3.3 Canada- Ontario Agreement on Environmental Assessment Co-operation	AFN prefers that both Canada and Ontario conduct separate impact assessments under respective Environmental Assessment and Impact Assessment legislation. As MFFN notes in the draft ToR, Aboriginal and Treaty Rights are guaranteed under section 35 of the Constitution Act, which includes recognition of existing Aboriginal and Treaty Rights to hunt, trap, fish, gather and manage the lands for all First Nation, Inuit and Metis people of Canada. As part of these rights, the Government of Canada has the Duty to Consult Indigenous communities for this Project. The Government of Ontario has sub-national, and different, relationship with AFN. The Government of Canada's Impact Assessment Act contains specific provisions with respect to section 35 of the Constitution Act for the Impact Assessments it conducts. The Government of Ontario's Environmental Assessment Act does not contain such specific provisions. MFFN should proceed with a federal Impact Assessment and a parallel Ontario Environmental Assessment. Where practical, MFFN should consider opportunities to coordinate EA and IA documentation as noted in comments below	MFFN will be proceeding with a federal Impact Assessment and an Ontario Environmental Assessment. However, as outlined in the *Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment* , dated February 24, 2020 and prepared by the Impact Assessment Agency of Canada (IAAC) with input from the Ontario Ministry of the Environment, Conservation and Parks (MECP) "A coordinated federal and provincial assessment process should result in one body of proponent documentation related to the assessment, which is known as the Impact Statement for the Agency, and as the Environmental Assessment report for MECP…This Cooperation Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the Impact Assessment Act and Ontario's Environmental Assessment Act, as well as the completeness of any information submitted by the proponent." The *Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment* is available on the Impact Assessment Agency of Canada's website.	AFN appreciates the Project Team's clarification and confirmation that the Cooperation Plan between MECP and IAAC will not supersede the legislative obligations prescribed in the IAA. AFN agrees in principle that a coordinated federal and provincial assessment should have a single body of documentation that is inclusive of <u>all requirements</u> under the EAA and IAA. The value and importance of a comprehensive account of impacts based on provincial and federal requirements will support AFN to identify, understand, and assess the project in a holistic way. What is challenging from AFN's perspective is the proposed MFNCAR Project is not the only assessment process occurring in the region for a set of interconnected road projects that represent a single undertaking to connect the Ontario highway system to the Ring of Fire and to two First Nation communities. Currently, AFN is participating, or plans to participate, in the following roads environment and impact assessment processes that have the shared objective of connecting the Ontario highway system to the Ring of Fire: • Provincial EA process for Webequie Supply Road (WSR) (In Progress) • Provincial EA process for MFCAR (In Progress) • Federal IA process for WSR (In Progress) • Federal IA process for MFCAR (In Progress) • Federal Regional Assessment (Forthcoming) • Provincial EA process for Northern Road Link (Forthcoming) • Federal IA process for Northern Road Link (Forthcoming) AFN's participation in the above projects involve: • Engagement and consultation with numerous proponents and provincial and federal staff; • Participation in several projects that are at different stages of the assessment process; • Handling multiple and competing timelines across the various projects; and • Managing engagement fatigue of our staff and community members. All of the above projects are interrelated and in some way support exploration, development and access to the Ring of Fire. Given the interconnectedness of these projects, AFN recommends that the WSR, the Northern Road Link, and the portion of the MFCAR that connects the WSR and Northern Road Link be considered in a single assessment. This approach is reasonable from an administrative and operational perspective but is also mindful and supportive of community engagement needs. The AFN community does not view the WSR, MFCAR and Northern Road Link as separate projects. Rather, the AFN community sees the proposed development of a single road that starts in AFN's territory and the Ontario provincial road network, and ends at the Webequie Airport via McFaulds Lake. With the AFN community perspective in mind, it is critical that AFN is engaged, and the project is assessed

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			through this holistic and cultural lens that considers the full suite of road project impacts in the region.
3.4.1 Environmental Assessment and Project Management Principles	Project management principles speak to "sound scientific, engineering, and planning practices and processes, and on input obtained through consultation activities" but do not speak to Indigenous science and Indigenous knowledge. According to the Canadian Impact Assessment Agency, in its document Let's talk Indigenous Knowledge: Indigenous Knowledge Policy Framework for Proposed Project Reviews and Regulatory Decisions https://www.canada.ca/en/services/environm ent/conservation/assessments/environmental -reviews/environmental-assessment processes/discussion-paper-developmentindigenous-knowledge-policyframework.html#toc1: "Indigenous knowledge has made, and continues to make, valuable contributions to environmental, regulatory, and other processes across the country. Indigenous knowledge has also been the focus of growing international discourse. In recognition of the unique perspectives and value of Indigenous knowledge, governments across the world have integrated Indigenous knowledge into decision-making. Indigenous knowledge has also been addressed by a number of international agencies, including the United Nations in the United Nations Declaration	The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited. However, the Project Team acknowledges that Indigenous Knowledge is a critical component of the EA process and therefore does not preclude Indigenous knowledge as an information source for the EA. Section 8.4 of the ToR highlights the importance of Indigenous knowledge and how MFFN plans to integrate it into the EA. Section 8.4 has been placed directly following Section 3.4.1 (as Section 3.4.2) to highlight the importance of Indigenous Knowledge in the EA process.	AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. For the purposes of this review, the MECP Code of Practice represents the minimum requirements for an EA. At a Nation-to-Nation level with our Matawa neighbours, we must be leaders in raising the bar and ensuring that our Indigenous Knowledge and values meaningfully contribute and influence the assessment process. For too long, our Indigenous Knowledge has been ignored and marginalized in the assessment process and there is an opportunity with this Project to demonstrate how Indigenous Knowledge and teachings can meaningfully influence the process. To achieve this objective, Indigenous Knowledge must be at the foundation of the assessment process. AFN maintains that the value and contributions of Indigenous Knowledge must be reflected in the project management principles.
3.4.1 Environmental Assessment and Project Management Principles	The project management principles include: "Minimize potential harm and enhance benefits to the environment by recommending impact management measures and opportunities to enhance societal benefits." However, the project management principles do not reference the federal Impact Assessment principle to assess how the project may contribute to the social and economic wellbeing AFN submits that MFFN should align this principle with the federal Impact Assessment principle: "Minimize potential harm, enhance benefits to the environment, and enhance social and economic wellbeing by recommending impact management measures and opportunities to enhance societal benefits with respect to both positive impacts and negative impacts."	The Project will meet the requirements of both the Ontario Environmental Assessment Act and the federal Impact Assessment Act. However, the ToR is prepared to meet provincial requirements and therefore may not reflect all federal requirements. Section 7.1.2 of the ToR includes the full definition of environment as included in the Environmental Assessment Act. The Ontario Environmental Assessment Act defines the environment to mean in part "the social, economic and cultural conditions that influence the life of humans or a community," which addresses concerns regarding the Project's assessment of its contribution to social and economic wellbeing. Further, the preliminary potential effects listed in Table 7-4 in Section 7.2 of the ToR includes effects on social (includes well-being) and the economy.	AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. Given that the Project Team has tightly scoped the ToR to Ontario's EA requirements, AFN requests that the Project Team commit in writing to address the following principle in the IA: "Minimize potential harm, enhance benefits to the environment, and enhance social and economic wellbeing by recommending impact management measures and opportunities to enhance societal benefits with respect to both positive impacts and negative impacts." In addition, AFN recommends that the commitment to assess social and economic well-being be further strengthened in Table 7-6 by: • adding "changes to economic well-being" to the potential effects under economy • adding social and cultural dimensions of well-being to the potential effect "changes to community well-being"
3.4.1 Environmental Assessment and Project Management Principles	The project management principles make no mention of monitoring, follow-up and compliance aspects of the EA. AFN submits that MFFN should include an additional principle: "MFFN will work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up, and compliance."	The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited. However, MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up and compliance, and foresees this as part of the consultation undertaken for the EA. Section 9.2 of the Draft ToR outlines the Projects' environmental monitoring commitments, which includes the follow-up and compliance aspects of the EA, and Table 4-2 on the Consultation Plan includes consultation activities aimed at receiving input on the impact management	Please see AFN's comments to 3.4.1 related to Indigenous Knowledge. From AFN's perspective the same approach is critical for Indigenous approaches to monitoring, follow-up, and compliance. The importance and value of Indigenous communities as stewards and guardians of their territories should be reflected in the project management principles for the assessment. This is especially important to AFN given that a significant portion of the MFNCAR overlaps directly with AFN's Traditional Territory. AFN continues to submit that MFFN should include an additional principle: "MFFN will work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up, and compliance."

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		measures and monitoring measures. The ToR also identifies MFFN's plan that Indigenous knowledge will help determine appropriate impact management measures and monitoring methods (Section 8.4). Table 4-2 of the Consultation Plan will be updated to clarify input will be sought on impact management and monitoring.	
3.4.1 Environmental Assessment and Project Management Principles	The project management principles make no mention of Gender-based analysis plus (GBA+). According to the Canadian Impact Assessment Agency in its document "Gender- Based Analysis Plus in Impact Assessment" https://www.canada.ca/en/impact- assessment- agency/services/policy-guidance/gender-based-analysis-plus-impact- assessment-fact-sheet.html: "Gender-based analysis plus (GBA+) is an analytical framework that asks important questions about how designated projects may affect diverse groups. It considers the potential for disproportionate effects based on sex and gender, as the name suggests, in addition to the potential for disproportionate effects on groups represented by the "+" component of "GBA+", which may include groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability. GBA+ provides a framework and analytical tools to guide an impact assessment of a project, with the intent of identifying those effects that may disproportionately affect any groups identified in respect of a specific project. It informs decision-making by seeking to answer what is known about possible project impacts and transparently outline to the public and decision makers what is not known." AFN submits that MFFN should include an additional principle: MFFN will apply Gender-based analysis plus (GBA+) to the EA to consider the potential for disproportionate effects based on sex and gender, and including groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability.	A GBA+ framework will be utilized for the federal Impact Assessment that is also to be completed for the Project to consider gender and other identity factors. The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited.	AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. The impacts of the MFCAR, WSR, and Northern Road Link projects will extend far beyond the environmental effects. The level of infrastructure and potential development being potentially unlocked regionally will have a significant impact on our communities. Simply stating that the MECP Code of Practice does not require a GBA+ framework is not a rationale for excluding a GBA+ framework in the ToR. The Code of Practice fully permits and encourages flexibility, especially in response to the input of Indigenous groups. Furthermore, given that the GBA+ framework will be utilized for the federal Impact Assessment, the Ontario Environmental Assessment process and ultimately the Minister's decision-making can efficiently and effectively make use of the GBA+ assessment inputs. Of heightened concern to AFN is the disproportionate effects the MFNCAR, WSR, and Northern Road Link will have on members of our community based on sex and gender. The impacts of the resource development economy on Indigenous Peoples, particularly Indigenous women and girls, has been highlighted in other areas of the country (please see Amnesty International's Report "Out of Site, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada" Report Template (amnesty.ca)). The findings and experiences in other jurisdictions serve as precautionary experiences of what could happen in within AFN's territory. As a result, GBA+ must be a key principle in both the provincial and federal processes. AFN continues to submit that MFFN should include an additional principle: MFFN will apply gender-based analysis plus (GBA+) to the EA to consider the potential for disproportionate effects based on sex and gender, and including groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability.
3.4.1 Environmental Assessment and Project Management Principles	The project management principles make no mention of the precautionary principle is referenced in the Mandate of the federal Impact Assessment Act and will thus apply to this project. AFN submits that MFFN should include the precautionary principle in line with the federal Impact Assessment: "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost- effective measures to prevent environmental degradation, and as such the EA will clearly describe and document all uncertainties and assumptions underpinning an analysis."	The Project will meet the requirements of both the Ontario Environmental Assessment Act and the federal Impact Assessment Act. However, the ToR was prepared to meet provincial requirements and therefore may not reflect all federal requirements. The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited. The spirit of the precautionary principle is reflected in the ToR. Specifically that uncertainty in the assessment will be reduced by making conservative assumptions (Section 8). The EA will clearly describe and document all uncertainties and assumptions made in the assessment.	AFN understands that there are different legislative and procedural requirements between federal and provincial assessment processes. We appreciate the efforts to reduce uncertainty through making conservative assumptions, but the commitment does not go far enough to address the intent of the precautionary principle. With varying federal and provincial requirements being applied to the Project, AFN recommends that the highest and most rigorous requirements between the two assessments be applied and implemented. This action will support effective coordination between the Projects while reducing the burden on AFN to review and consider different assessments of the same project. AFN continues to submit that MFFN should include the precautionary principle in line with the federal Impact Assessment:

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			"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation, and as such the EA will clearly describe and document all uncertainties and assumptions underpinning an analysis."
4. Purpose of the Study	The Project is proposed to provide reliable all- season multi-purpose ground access between MFFN and the provincial highway network. However, the proposed Project with a 100 metre (m) wide ROW cleared to a width of 60 m will also create a new corridor right-of-way which can enable future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelines. Potential future parallel linear infrastructure will provide substantial opportunities enhance social and economic well- being (see above comment on principles). AFN submits that the Purpose of the Project be amended: "The Project is proposed to provide reliable all-season multi-purpose ground access between MFFN and the provincial highway network, and establish a corridor right- of-way that will enable future parallel linear infrastructure."	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.	AFN's comments on the draft ToR were advanced prior to the announcement of the Northern Road Link project by Webequie First Nation (WFN), MFFN, and the Government of Ontario. With segments of the MFCAR posed to enable access to the Ring of Fire via the Northern Road Link, AFN asserts that the purpose of the project be amended to include this development. We have heard from the Project Team that *"the CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs*." AFN understands the importance of all-season road connectivity for MFFN, but with the introduction of the Northern Road Link project, the proposed scope of impacts becomes more significant. The MFNCAR becomes a multi-purpose road that could potentially enable heavy industrial use and access related with the Ring of Fire. Both proposed MFCAR routes connect in with the Painter Lake and Anaconda road network that pass directly through AFN and area of high use by members. As a result, AFN recommends that other alternatives for connecting the MFNCAR to the provincial highway network must be considered with deep consultation with AFN. More comments on this matter are captured in the Alternative Methods and Alternative To sections below. With respect to reasonably foreseeable projects, AFN maintains that there should be a dedicated section in the ToR for the cumulative effects assessment. With the project enabling both future parallel liner infrastructure (e.g., telecommunication services, electrical transmission line services, and energy transportation pipelines) and access to the Ring of Fire, more detail and methodology regarding the cumulative effects assessment must be included. Under the new IAA, cumulative effects assessment must include and consider cumulative effects on the rights of Indigenous Peoples. AFN recommends that any cumulative effects assessment include cumulative effects on the rights of Indigenous Peoples as well as the environment.
4. Purpose of the Study	"AFN has no objections to the Project supporting a multi-purpose road built to meet industrial use specifications, provided that the Project study includes meaningful assessment of opportunities enhance social and economic" well-being (see above comments on potential future parallel linear infrastructure and principles). AFN submits that in order for the Project to support a multi- purpose road built to meet industrial use specifications, it should also explicitly support enable future parallel linear infrastructure and opportunities enhance social and economic well-being made possible by such parallel linear infrastructure.	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure paralleling the CAR in the future. Although the road is proposed to be built to meet industrial use specifications with 100 m wide right-of-way, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of industry and linear development in the region. Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the Project; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment, which would consider potential benefits on social and economic well-being.	Please see response to Section 4 directly above.

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4. Purpose of the Study	"MFFN states that the "EA will confirm the preferred route, identify the potential effects of the Project and recommend impact management measures to avoid, eliminate or minimize potential environmental effects." AFN submits that this statement be amended: "The EA will confirm the preferred route, identify the potential effects of the Project, identify and recommend impact management measures to avoid, eliminate or minimize potential environmental effects, and identify opportunities enhance social and economic well- being."	Section 3.4.1 of the Terms of Reference states that the project management principles of the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario will be incorporated throughout the environmental assessment (EA). Enhancing societal benefits to the environment is one of these principles. The environment, as defined by the Ontario Environmental Assessment Act and being used for the Project, includes "the social, economic and cultural conditions that influence the life of humans or a community". The preliminary potential effects listed in Table 7-4 of the ToR includes effects on social well-being and the economy. Section 7.2 of the ToR will be updated to clarify that potential effects on the environment includes both positive and negative effects to show that opportunities to enhance societal benefits, including those related to social well-being and the economy, will be part of the EA. The ToR will also be updated to indicate that opportunities to enhance benefits to the environment will be identified when recommending impact management measures in the EA.	See response to Section 3.4.1 above regarding social and economic well-being. Further, given AFN's response to 3.4.1 regarding GBA+, AFN maintains that the proposed language AFN advanced previously regarding GBA+ be reconsidered for this section of the ToR.
5.1 Rationale for the Proposed Undertaking	This section makes no mention of MFFN's deficits with respect to low-cost energy services/energy reliability, and telecommunication services – services that could be enabled through parallel linear infrastructure within a 100 m wide ROW cleared to a width of 60 m. AFN submits that MFFN should adjust the Rationale for the Proposed Undertaking to include recognition of the significant deficits experienced by the MFFN with respect to low-cost energy services/energy reliability, and telecommunication services, while also revising the Purpose of the Project as discussed above.	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.	Please see AFN's comments regarding Section 4 Purpose of the Study.
5.2 Description of the Undertaking	"MFFN states that options for road ownership, maintenance activities and liability are being considered in discussion with the Province. The existing Painter Lake Road that connects to the proposed undertaking, together with a substantial portion of the southern portions of the proposed undertaking, are within AFN's traditional territory. As such, MFFN should also be discussing options for road ownership maintenance activities and liability in discussion with AFN. MFFN should also be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN's traditional territory. As well, MFFN should also" be discussing options, with AFN, for ancillary infrastructure including but not limited to temporary access roads and temporary construction camps within AFN's traditional territory. AFN submits that MFFN should consider options for road ownership, maintenance activities and liability in discussion with AFN, as well as with the Province – and consider tripartite discussions for the same. Similarly, AFN should be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN's traditional territory, and options for ancillary infrastructure including but not limited to temporary access roads, temporary construction camps, and staging areas within AFN's traditional territory.	Decisions regarding road ownership, maintenance and liability have not yet been determined. Conversations with the Province are ongoing and updates will be provided as they are available. The Terms of Reference sections 6 and 8 have been updated to clarify that ancillary infrastructure components of the Project, such as aggregate sites will be described and assessed in the EA. As such there will be opportunities to provide input on them at key milestones per Table 4-2 of the Consultation Plan. The design and location of ancillary infrastructure (i.e., temporary infrastructure required for construction) will be informed by consultation with Indigenous communities and Indigenous Knowledge shared.	The Project Team's response does not adequately address AFN's comments and recommendation. Since a significant portion of the proposed road is with AFN territory, AFN must be a part of the ongoing discussions related to road ownership, maintenance, and liability. This depth of engagement is commensurate with the deep level of impact this project will have on AFN's rights and interests. Given the scope and depth of impacts anticipated, AFN expects that our consent will be sought for aspects of the project that fall within our territory. This includes consent on the route, design and location of ancillary infrastructure and appropriate avoidance, mitigation, and accommodation measures. More information related to this matter can be found in our comments related to the proposed consultation plan for the EA.

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5.2 Description of the Undertaking Project components	Project components should also include options and opportunities for accommodating future parallel linear infrastructure.	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.	Please see AFN's comments regarding Section 4 Purpose of the Study.
5.2.2 Project Activities	MFFN states that "Domestic waste generated during construction will be collected in appropriate on-site containment and disposed of at approved waste facilities. The closest waste management site to the Project is to the immediate southwest of the intersection of Anaconda and Ogaki Road, approximately 11 km northwest of Aroland First Nation." AFN has significant concerns about negative impacts of additional waste being placed in waste management sites within its traditional territory. MFFN should be aware that the Ministry of Natural Resources is considering closure of landfills it owns and operates in the region, and that the Municipality of Greenstone has initiated an Ontario Environmental Assessment study to review alternative options for municipal solid waste management within the Municipality, the need for which is directly related to the closure of several rural Ministry of Natural Resources-owned landfill sites and the limited remaining lifespan of the existing Geraldton Ward landfill site. MFFN's EA should consider alternative methods for the disposal of domestic waste generated during construction, and engage in waste disposal discussions with AFN and the Municipality of Greenstone.	MFFN appreciates the information provided and will engage in waste disposal discussions with AFN and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options.	In light of the Project Team's response, AFN still sees a significant risk and uncertainty with how waste disposal is being considered in the EA. AFN continues to recommend that an assessment of alternative methods for the disposal of waste outside of the vicinity of the project be included in the ToR.
6.2 Approach to Considering "Alternatives To"	The "Do Nothing" alternative should include discussion of economic and social development related to other linear infrastructure that is economically prohibitive without the existence of a primary ROW. AFN submits that MFFN should include discussion of the absence of other linear infrastructure with regard to the "Do Nothing" alternative.	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The Project is not being planned or designed to accommodate for other infrastructure. However, MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.	Please see AFN's comments regarding Section 4 Purpose of the Study, 6.2 and 6.3.1.
6.2 Approach to Considering "Alternatives To"	MFFN notes that it "is possible that a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire. Provincial interest is for one road to be built to serve both community access and industrial supply needs (i.e., multi-functional use); therefore, the proposed CAR may be used by private,"commercial and industrial interests."	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs.	Please see AFN's comments regarding Section 4 Purpose of the Study. In addition, AFN disagrees with the Project Team's response and proposed action to remove reference to "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire." The removal of

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	AFN has significant concerns about a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN agrees that not proceeding with the Project does not address the problem of unreliable community access to MFFN. AFN does not agree with the statement that the "Do Nothing" alternative eliminates or reduces industrial opportunities and resulting benefits to MFFN and others in the region with respect to access to mining claims north of MFFN and the Ring of Fire. Mineral exploration entities and mining companies are currently accessing claims north of MFFN and the Ring of Fire. Further, AFN would be significantly impacted by a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN submits that any consideration of an undertaking for a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire be subject to an Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking. AFN submits that the Do Nothing alternative should be confined to unreliable community access to MFFN: how not proceeding with the Project does not address the problem of unreliable community access to MFFN." Any discussion of a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire must note for the record AFN's concern that its rights and interests would be significantly, permanently and irreversibly impacted by such a supply road, and that consideration by any party, including MFFN or the Province, of an undertaking for such a supply road be subject to a Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking.	On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent. An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. The discussion around "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire" will be removed from Section 6.2.	specific language in the ToR related to a supply road and access to the Ring of Fire via the MFNCAR is intentional to exclude a thorough assessment of impacts. From a regional perspective, the WSR, Northern Road Link, and MFCAR collectively advance both community and Ring of Fire access to the provincial highway system and AFN contends that any road network that is contemplated in the region considers both objectives. The importance of this point is further demonstrated by the announcement of the Northern Road Link. The MFNCAR is now an important piece of a possible road network up to the Ring of Fire. As a result, the appropriate scope and purpose of the undertaking for the Project must be amended to include supply road access to the McFauld's Lake areas to the provincial highway network. AFN sees the distinction between the roads projects as project splitting, which comes with significant risk of inadequately assessing, understanding, and addressing impacts to AFN's rights and interests. These projects should not be assessed or considered separately. The advancement of the Northern Road Link fundamentally changes the impacts the MFNCAR project may have on AFN's rights and interests. As a result, understanding alternatives to and alternatives methods for connecting MFFN to the provincial highway network and the Ring of Fire must be considered by the EA. This is especially important for the consideration of alternatives to connecting into the existing provincial highway network around AFN. AFN has substantial concerns regarding a potential supply road that passes through our community and connects into the Painter Lake and Anaconda road network.
6.3.1 Identification of Alternative Methods	"MFFN references "Feedback received during winter and spring 2019 consultations confirmed that Alternative 2 and Alternative 3 are not considered to be reasonable alternatives for the Project based on the concerns raised by MFFN community members and Chief and Council." Prior to Alternative 2 and Alternative 3 being screened out of the EA as Alternative Methods, MFFN should undertake more extensive consultation with potentially impacted parties, including AFN. MFFN notes in the supporting documentation - Marten Falls First Nation Supporting Document – Draft Alternatives Development Community Access Road, November, 2019 -" that consultation with AFN on "potential routes" consisted of: "A meeting was held with the Aroland First Nation Chief and Council and the community to introduce the Project and ToR process. The community meeting provided an update on the Project, including a look at potential routes and outlining items to be presented in the ToR. Preceding the community meeting was a meeting with Aroland Chief and Council." The Supporting Document makes no mention of any specific input or comments from AFN. This minimal consultation activity is not sufficient to enable AFN to properly assess Alternative Methods for potential routes for the CAR. MFFN	During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for assessment and evaluation in the EA. The history and development of alternative routes for the Project provided in the Alternative Development Report describes how the alternative routes for the Project evolved through previously completed studies and the community-led process. A screening of alternative routes was not undertaken as part of the identification of the reasonable range of alternative methods for the EA. MFFN undertook a detailed review of the four routes to identify alternative routes that are considered reasonable for the Project. A reasonable range of alternatives, per the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario must be appropriate to the proponent doing the study. Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community. MFFN Chief and Council passed a Band Council Resolution in July 2019 to only consider Alternative 1 and Alternative 4 in the EA process by supporting feedback received from MFFN community as part of the community-led process to	Further to AFN's comments on 6.2 above, the community consultations with AFN and route assessments were undertaken at a time when the MFCAR only contemplated all season road access to MFFN that may be used for industrial access. The proposed connection of a portion of the MFCAR to the McFauld's Lake substantially alters AFN's position on the Project. With the Northern Road Link now a reasonably foreseeable project that will be assessed through provincial and federal assessment processes, AFN asserts that community consultations and route alternatives must be re-considered given the potential for the route to be used as an industrial supply road. MFFN must undertake more extensive consultation on all four potential routes shared in May 2019 because Alternative 2 and Alternative 3 may be reasonable Alternatives for the Project that now includes a connection to the proposed Northern Road link, the WSR, the Ring of Fire, and each of those road corridors to the Provincial highway system.

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	should undertake more extensive consultation with AFN on all four route alternatives, including Alternative 2 and Alternative 3, prior to screening them out of the EA as Alternative Methods. This consultation should include AFN Indigenous Knowledge.	advance decisions on the Project. The meeting with Aroland First Nation occurred in May 2019, prior to the signing of the Band Council Resolution. As noted, the meeting included potential routes and not confirmed alternative routes for the EA. The decision to not consider Alternative 2 and Alternative 3 in the EA process was not based on a screening of alternatives but on the community-led process for planning of the Project. MFFN is unable to accommodate Aroland First Nation's request to undertake more extensive consultation on all four potential routes shared in May 2019 because Alternative 2 and Alternative 3 are not considered to be reasonable for the Project.	
6.3.1 Identification of Alternative Methods	Alternative methods are limited to two route alternatives. Along with including all four route alternatives as alternative methods, the EA should consider additional alternative methods, including: • Alternative methods for enabling the ROW to include future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelines • Alternative methods for accessing crushed rock and granular materials through rock quarries and borrow areas • Alternative methods for connecting the CAR to the Ontario provincial highway network • Alternative methods for the disposal of domestic waste generated during construction	Linear Infrastructure: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure paralleling the CAR in the future. However, the Project is not being planned or designed to accommodate for other infrastructure because the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment. Ancillary Infrastructure (i.e., temporary infrastructure required for construction): Sections 6 and 8 of the Terms of Reference (ToR) will be updated to clarify that the alternatives assessment and effects assessment will include temporary infrastructure components of the Project, such as aggregate sites. Temporary infrastructure alternatives will be identified for each of the alternative road alignments (i.e., Alternative 1 and Alternative 4). Provincial Highway Connection: The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province. Waste: Section 5.2.2 states that waste management and disposal for the Project will be in accordance with Ontario's Environmental Protection Act, and that domestic wastes generated during construction will be collected and disposed of at approved waste facilities. The ToR will be updated to indicate that approved waste facilities in the vicinity of the Project will be considered and identified during the EA.	Please see AFN's comments regarding Section 4, 5.2.2, 6.2 and 6.3.1 above. Further, AFN takes issue with the Project Team's following response: "*The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns, then we encourage your community to discuss this with the Province.*" AFN agrees that environmental effects of the Project must be minimized but asserts that minimizing impacts of the Project on AFN's rights and interests is also an important priority. Although environmental effects of a project or activity may help us understand impacts to Indigenous rights and interests, those categories of impacts are not synonymous with each other. Given the potential for the MFNCAR being used for industrial supply road access to and from the Ring of Fire, the Project Team must re-consult and engage with AFN on the proposed routes. With respect to the ongoing work AFN is undertaking with the Painter Lake/Anaconda roads, the Project Team's interpretation of the purpose of the project is incorrect. The purpose of the study is to explore and understand community perspectives on potential upgrades to the Anaconda and Painter Lake ***forestry*** roads, including community support and/or opposition for road upgrades. The study also seeks to understand how an upgrade would impact AFN's ability to exercise its Treaty and Aboriginal rights and interests and the technical and engineering requirements of any potential construction. To be clear, the purpose of the project is not to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the MFNCAR.
7.1.1 Study Area	The Study Area does not allow for assessment of alternative methods of connecting the CAR to the Ontario provincial highway network. The draft ToR does not consider the feasibility of connecting the CAR to the provincial highway network at Painter Lake, or the feasibility of other locations and approaches to connecting the CAR to the provincial highway network.	The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter	Please see response to 6.3.1 directly above.

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	AFN submits that the Study Area should be enlarged to enable consideration of alternative methods of connecting the CAR to the Ontario provincial highway network.	Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province.	
7.1.2 Environmental Features	Table 7-1 "Environmental Disciplines to be Considered during the Environmental Assessment" does not include gender-based analysis plus (GBA+). AFN submits that Table 7-1 should include gender-based analysis plus (GBA+)	A GBA+ framework will be utilized for the federal Impact Assessment that is also to be completed for the Project to consider gender and other identity factors.	Please see response to 3.4.1.
7.1.4 Description of the Existing Environment 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment	MFFN is aware that AFN is seeking an agreement with MFFN that includes sharing Indigenous Knowledge. Once this agreement is executed, the MFFN and AFN will be able to share Indigenous Knowledge while respecting rights and interests. Given AFN's unique location in relation to the Project, including a substantial area of traditional territory that will be overprinted by the Project, and connections to the Anaconda and Painter Lake roads that are wholly within AFN's traditional territory, AFN submits that the assessment and evaluation of effects of alternative methods should not commence until AFN's Indigenous Knowledge is available following execution of an agreement with MFFN that includes sharing Indigenous Knowledge and sufficient time and resources are available for AFN to meaningfully and effectively collect Indigenous Knowledge specific to those alternative methods. The ToR should explicitly acknowledge that AFN's Indigenous Knowledge should be available to inform: • selection of sensitive receptors • selection of valued components (VCs) • selection of criteria and indicators to be used to assess and evaluate net effects • assessment of alternative methods • assessment of the potential effects of the Project, including effects on traditional and cultural uses and the subsequent potential effect on spirituality and health • EA outcomes and accommodations for collaborative Indigenous stewardship that allows for a more inclusive and holistic approach to environmental management and monitoring • appropriate impact management measures, including site-specific measure for sensitive areas, including avoidance where possible so the CAR can be designed, constructed and operated in a manner that meets the needs of AFN land users and harvesters who use and have in- depth knowledge of the land • impact management strategies that include opportunities to support, retain and enhance Indigenous Knowledge during planning, construction, and operation of the CAR • environmental commitments • environmental monitoring • Follow-up programs	The Project Team has been in communication with Aroland First Nation regarding the Sharing Agreement. The Project Team looks forward to receiving the next round of edits of the Sharing Agreement from Aroland First Nation. The Project Team will continue to collaborate with Aroland First Nation to finalize the Sharing Agreement and to solicit and utilize Aroland's Indigenous Knowledge as outlined in the terms of the Indigenous Knowledge Sharing agreement. *Section 8.4 - Incorporation of Indigenous Knowledge in the EA* outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods.	AFN seeks clarification from the Project Team regarding the use use of the term "Sharing Agreement." Up until October 2020, MFFN and AFN were working towards a Memorandum of Understanding (MoU) when MFFN unilaterally ended those discussions. Based on AFN's review of Appendix B, we interpret the term Sharing Agreement to refer to Indigenous Knowledge Sharing Agreements intended to confirm confidentiality between the Project Team and Indigenous communities. The MoU AFN and MFFN were working on for over two years included Indigenous Knowledge sharing protocols as well as how AFN and MFFN would work together in consultation, including consent, in a binding agreement. The MoU was much more comprehensive than a Sharing Agreement. MFFN terminated these MoU discussions with AFN and, therefore, MFFN's response in this table is not an accurate reflection of progress on these matters. AFN continues to submit that the assessment and evaluation of effects of alternative methods, including alternative road corridors, as noted above, should not commence until AFN's Indigenous Knowledge is available following execution of an agreement with MFFN that includes sharing Indigenous Knowledge and sufficient time and resources are available for AFN to meaningfully and effectively collect Indigenous Knowledge specific to those alternative methods. The ToR should explicitly acknowledge that AFN's Indigenous Knowledge should be available to inform: • selection of sensitive receptors • selection of valued components (VCs) • selection of criteria and indicators to be used to assess and evaluate net effects • assessment of ALL alternative methods, including alternative road corridors • assessment of the potential effects of the Project, including effects on traditional and cultural uses and the subsequent potential effect on spirituality and health • EA outcomes and accommodations for collaborative Indigenous stewardship that allows for a more inclusive and holistic approach to environmental management and monitoring • appropriate impact management measures, including site-specific measure for sensitive areas, including avoidance where possible so the CAR can be designed, constructed and operated in a manner that meets the needs of AFN land users and harvesters who use and have in- depth

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			knowledge of the land • impact management strategies that include opportunities to support, retain, and enhance Indigenous Knowledge during planning, construction, and operation of the CAR • environmental commitments • environmental monitoring • Follow-up programs
7.1.4 Description of the Existing Environment	The description of the existing environment does not include an expanded Study Area inclusive of alternative methods of connecting the CAR to the Ontario provincial highway network. AFN submits that the description of the existing environment be enlarged to include an expanded Study Area inclusive of alternative methods of connecting the CAR to the Ontario provincial highway network.	The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province.	Given AFN's responses to 6.2 and 6.3.1 above, the description of the environment should be amended to accurately reflect the full scope of alternative methods of connecting the MFCAR to the Ring of Fire and the provincial highway network. In addition, AFN was deeply concerned by the Project Team's decision to remove reference to the Project occurring in AFN's territory. In Section 7.1.4.11, Indigenous Knowledge and Land Use, of the draft ToR the Project Team states, "*MFFN and other Matawa First Nation communities share traditional lands in the area of the Project and over a vast territory in northern Ontario. The Project falls mostly within the traditional territory of MFFN and shared territory with Aroland First Nation in the southern end of the Project.*" In the final ToR, the Project Team removes reference to AFN and other Matawa First Nation Traditional Territories by stating, "*The Project is located within the traditional territory of First Nations, including MFFN*." AFN formally requests that the Project Team provide a rationale as to why references to AFN and other Matawa First Nations territories in the Project Area was explicitly removed from the ToR. This omission is concerning to AFN as it indicates that the Project Team is not taking the impacts on AFN's rights and interests seriously. Traffic to and from the MFNCAR will pass directly by AFN's reserve community, and through a significant portion of AFN's Traditional Territory. As the most impacted community by the MFNCAR and Northern Road Link Projects, an acknowledgement of AFN's territory and shared territory with MFFN is a basic courtesy. The complete removal of the acknowledgement is concerning. AFN formally requests that the Project Team add references related to AFN's territory back into the ToR.
7.1.4 Description of the Existing Environment 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment	The determination of sensitive receptors should be informed by AFN Indigenous Knowledge. AFN submits that the determination of sensitive receptors should be informed by AFN Indigenous Knowledge.	The Project Team looks forward to receiving Aroland First Nation's Indigenous Knowledge to help determine sensitive receptors.	Given that AFN's Indigenous Knowledge and Land Use Study (IKLUS) for the MFCAR Project has not been completed, AFN requests that no decisions are made on the sensitive receptors until the IKLUS is finalized.
7.2.5 Groundwater	Construction activities, and the operation of the CAR, may have impacts on spring water sources that have benefits to Indigenous peoples, and may have spiritual value.	The EA will consider potential impacts on spring water sources that may have benefit to Indigenous peoples and may have spiritual value.	AFN does not see specific reference to the inclusion of impacts on spring water in the groundwater section the final ToR. Since the Project Team has committed to including spring water in the assessment, AFN requests that the ToR be updated to reflect this intent.

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	AFN submits that the potential effects on groundwater should include impacts on spring water sources that may have benefits to Indigenous peoples and may have spiritual value.		
7.2.6 Vegetation	Potential effects to vegetation and ecological communities during the operation of CAR may include spread of invasive species due to increased recreational use and vehicle traffic, which can have subsequent effects on wildlife and wildlife habitat. AFN submits that the potential effects on vegetation during operation of the CAR should include the potential spread of invasive species due to recreational use and vehicle traffic during operation.	Invasive species are considered in the Draft ToR in Section 7.1.4.6, Section 7.1.4.9, Section 7.2.6, Section 7.2.7, and Section 7.2.8. In the EA, effects from invasive species will be considered for vegetation as well as for other disciplines (e.g., Vegetation and Fish and Fish Habitat).	AFN does not see specific reference to the inclusion of potential effects on vegetation due to the spread of invasive species by recreational use and vehicle traffic during operation. AFN maintains that these activities may contribute to the spread of invasive species and, therefore, should be included in the vegetation section of the ToR.
7.2.8 Fish and Fish Habitat	MFFN has not consulted with AFN regarding the location of access road watercourse crossings. In conjunction with assessing alternative methods, MFFN should ensure that AFN is consulted on all watercourse locations for either alterative to make sure culturally sensitive or important locations are not impacted by bridge or culvert construction.	The Project is in the early phases of Project planning and detailed design has not commenced. The MFFN Project Team will consult with potentially affected Indigenous communities on watercourse crossings. The MFFN Project Team has initiated an Indigenous Knowledge Program to assist with collecting and utilizing important Indigenous Knowledge in Project planning, routing and design. It is anticipated that information brought forward through the Indigenous Knowledge Program will help to inform the planning and design of watercourse crossings.	Given the scope and depth of impacts anticipated, AFN expects that our consent will be sought for aspects of the project that fall within our territory. This includes consent on the route, design, and location of ancillary infrastructure and appropriate avoidance, mitigation, and accommodation measures. Given that AFN's IKLUS for the MFCAR Project has not been completed, AFN requests that no decisions are made on the water crossings until the IKLUS is finalized.
7.2.8 Fish and Fish Habitat	MFFN lists approximately 20 fish species, including the species "targeted by communities inhabiting the region and by local and fly-in charter angling and hunter tourist outfitters." It is not clear this included AFN. MFFN must identify and include species of importance to AFN and ensure they are afforded a level of high significance and prioritized in the assessment.	The fish species listed in the Draft ToR include those known or suspected to occur within the Project Area, and was based on information obtained from various sources, including Indigenous Knowledge collected for the purposes of this project. The MFFN Project team respectfully requests information from Aroland First Nation regarding species of importance. *Section 3.4.2 - Incorporation of Indigenous Knowledge and Indigenous Land and Resources Use in the EA* outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing baseline conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods.	Given that AFN's IKLUS for the MFCAR Project has not been completed, AFN requests that this list be updated with any additional species of importance that are identified through the IKLUS.
7.2.8 Fish and Fish Habitat	MFFN indicates that "As a result of the broad scale, the field program will involve both an aerial and ground-based survey approach to characterize existing baseline conditions at waterbody crossings within the study area." The description does not mention which season the field program will occur and whether AFN will be involved in the data collection. MFFN must first complete an early spring rapid-assessment survey to document flow conditions and the potential for seasonal fish habitat in conjunction with assessing alternative methods. In addition, MFFN must follow up in the summer to confirm permanent fish habitat and sample those locations in consultation and assistance by AFN community members.	ToR section 9.1.1 includes a commitment to prepare work plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. Indigenous communities will be notified of future field surveys based on the work plans, and any opportunities for participation, in advance of field program commencement.	For work in AFN's Traditional Territory, notification of opportunities is an inadequate level of engagement. AFN members must be involved in the planning, development, and implementation of all field programs as stewards and guardians of our territory. AFN recommends that the Project Team commits to work collaboratively with AFN to develop and implement all field programs in AFN's territory.
7.2.8 Fish and Fish Habitat	MFFN states that "the ground-based field surveys will be used to obtain site-specific field data at a subset of waterbody crossings to verify or augment the results and assumptions from the desktop analysis." This approach introduces the potential for information gaps and missed constraints and opportunities due to fish and fish habitat. After a thorough desktop analysis and Indigenous consultation is complete, MFFN should conduct rapid assessment surveys in the spring to fine-tune the location and number of watercourse crossings containing fish habitat. The MTO Environmental Guide for Fish and Fish Habitat should then be used to document	ToR section 9.1.1 includes a commitment to prepare work plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. The EA will identify the field studies conducted in support of this EA.	AFN understands that a work planning exercise will occur later, but this response does not address AFN's comments. AFN recommends that the Project Team commits to implement the recommendation as part of the work planning referred to in Section 9.1.1.

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	habitat conditions at each crossing confirmed or highly likely to provide fish habitat. Spring and fall sampling should be completed where no recent fisheries information is available.		
7.2.10 Indigenous Knowledge and Land Use	AFN continues to undertake Community Based Land Use Plan (CBLUP) activities and is working to finalize its CBLUP. For the record, AFN continues to undertake CBLUP activities and is working to finalize its CBLUP as initiated under the Far North Act.	We appreciate you providing a status of the CBLUP activities currently underway by Aroland First Nation.	In Table 7-1 of the final ToR, AFN's community profile contains the following information: *"Aroland First Nation is engaged with the Far North Branch of MNRF for a CBLUP but is not actively planning."* AFN requests that the community profile be amended to: AFN continues to undertake CBLUP activities and is working to finalize its CBLUP as initiated under the Far North Act.
7.2.11 Socio- Economic and Built Environment 8.3 Assess and Evaluate Net Effects	AFN expects significant potential impacts from the CAR if the CAR connects to the Ontario provincial highway network at Painter Lake. Traffic to and from the CAR will pass directly by Aroland First Nation's reserve community, and through a significant portion of Aroland's traditional territory. The potential direct changes and impacts that may be experienced by Aroland First Nation are not described in this section of the ToR. The exploration of these potential changes should be part of MFFN's consultation plan with AFN. AFN submits that many of the effects of the Project, if the CAR connects to the Ontario provincial highway network at Painter Lake, driving traffic to and from a road that bisects and runs adjacent to AFN's reserve, will result in direct effects on AFN community members, and AFN rights and interests. This perspective should inform the assessment and evaluation of net effects in the ToR. AFN submits that potential impacts form the CAR, if the CAR connects to the Ontario provincial highway network at Painter Lake, be subject to specific consultation activities with AFN to include, but not be limited to, potential negative and positive effects on AFN: • Traffic • access to AFN's traditional territory • strain on public safety services • changes to population • changes to hunting/harvesting • changes to diet • effects on human health • changes to protected area lands • changes to recreation and commercial land uses • changes to access and use of traditional teaching sites • changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects • changes to the regional economy • changes to the local economy • changes to the cost of living in the community • changes to regional access to education, training, recreation, and health services	MFFN looks forward to engaging with AFN and receiving input on potential negative and positive effects of the Project on AFN to inform the assessment and evaluation of net effects in the ToR. As outlined in Table 4-2 of Appendix B, the EA Consultation Plan, MFFN plans to consult with Indigenous communities throughout the EA process to receive targeted input on such items as evaluation criteria and potential effects. MFFN appreciates the input on potential negative and positive effects of the Project and confirms that potential effects listed will be considered in the EA. For clarification, in the list below the Environmental Discipline and criteria included in Appendix A that align with the effect AFN noted has been provided. <u>Social Discipline</u> -traffic: considered under Transportation criteria -strain on public safety services: Community Services and Infrastructure criteria -changes to population:Populations and Demographics criteria -changes to regional access to education, training, recreation, and health services: Community Services and infrastructure criteria <u>Human</u> <u>Health and Community Safety</u> -changes to diet: Diet criteria -effects on human health: all criteria under the Human Health and Community Safety discipline <u>Indigenous Rights andd Interests Discipline</u> -access to AFN's traditional territory: Ability to Exercise Aboriginal and Treaty Rights -changes to hunting/harvesting: Ability to Exercise Aboriginal and Treaty Rights -changes to access and use of traditional teaching sites: Availability and Access to Sites and Areas for Cultural Practices <u>Land and Resource Use Discipline</u> -changes to protected area lands: Parks and Protected Areas criteria -changes to industry and resource extraction activities such as mining, aggregate: Extractive Industry criteria -changes to industry and resource extraction activities such as forestry: Forestry Industry criteria - changes to industry and resource extraction activities such as linear infrastructure	AFN's IKLUS for the MFCAR Project has not been completed and may provide additional criteria and indicators for inclusion. AFN requests that the final list of criteria and indicators in Appendix A are not finalized until the IKLUS is completed. More information related to AFN's consultation expectations for proponents working in AFN's territory, please see Appendix II.

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		and energy projects: Energy and Linear Infrastructure criteria Recreation and Tourism Discipline -changes to recreation and commercial land uses: Recreation and Tourism criteria <u>Economy Discipline</u> -changes to the regional economy: Regional Economy criteria -changes to the local economy: Regional Economy criteria -changes to the cost of living in the community: Regional Economy criteria	
7.2.12 Cultural Heritage Resources	AFN expects specific and confidential consultation on cultural heritage resources informed by AFN Indigenous Knowledge. AFN submits that identification of AFN cultural heritage resources be informed by AFN Indigenous Knowledge and specific and confidential consultation activities.		The Project Team did not provide a response to this comment AFN requests that the recommendation be considered, and a response be provided from the Project Team.
8.2 Proposed Criteria and Indicators	Invasive species could provide an indicator of the status of the Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations. Size in concert with distribution could provide a more fulsome indicator of the status of the Wetland Ecosystems, Upland Ecosystem Designated Areas and Critical landform / Vegetation Associations. Direct (e.g. vehicle collisions) and indirect (e.g. population isolation) impacts of the project on SAR wildlife should be considered an indicator. Indigenous Knowledge could provide further information on the indictors for moose and caribou. Indigenous Knowledge could provide further information on the species of fish to be considered AFN expects this project will impacts its communities' rights and interests; as such, AFN requires a detailed Indigenous Knowledge Land Use and Occupancy Study, Socio- Economic and Built Environment Impact Assessment, and Cultural Heritage Resource assessments to adequately assess how AFN may be affected and determine mitigation/accommodation measures. • For groundwater indicators, include spring water sources • For vegetation, include presence of invasive species in each category For vegetation, expand on the "Distribution" indicator to Distribution and Size • For wildlife include, direct and indirect impacts of the project on wildlife SAR • For ungulates, include Indigenous Knowledge • For fish and fish habitat, ensure fish species important to Indigenous communities are included	MFFN appreciates AFN's input on the potential indicators to be included in the EA. Many if not most of the suggested indicators have already been included in the list of criteria and indicators, as outlined in Appendix A of the Draft ToR. Please note that Appendix A has been revised to include Indigenous Knowledge as data source for ungulates. Please also note that many of the suggested indicators AFN has provided for Indigenous Knowledge and Land Use are captured in other discipline areas (e.g., wildlife, vegetation). In addition, as noted in Section 8.4 of the Draft ToR, an Indigenous Knowledge Program has been initiated for the Project, which will include Project- specific Indigenous Knowledge Studies (which include Indigenous land and resource use). Information collected and shared with MFFN through this program will be used to inform criteria and indicators, as well as identify specific features and species of value to Indigenous communities including AFN.	AFN requests that the Project Team provide more detailed information in the response table and ToR related to which proposed criteria and indicators were adopted, and for those that were not adopted, a rationale from the Project Team as to why the criteria or indicator were not adopted. In addition, AFN put forward recommendations for a Socio-Economic and Built Environment Impact Assessment and Cultural Heritage Resource Assessment. AFN seeks additional information from the Project Team regarding whether these studies will be supported in the EA through the ToR.

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	• For Indigenous Knowledge and Land use - Traditional Use of Land and Resources and Aboriginal and Treaty Rights, in addition to what is listed in the Draft ToR, include:
	  ○ Number and value of fish spawning
	  ○ Number and value of mammal habitat
	  ○ Number and value of mammal migration
	  ○ Number and value of bird habitat
	  ○ Number and value of bird migration stopovers
	  ○ Number and value of reptile/amphibian habitat
	  ○ Number and value of plant habitat
	  ○ Number and value of mineral licks
	  ○ Number and value of species at risk
	  ○ Number and value of spring water sources valued by Indigenous people
	  ○ Number and value of boat launches
	  ○ Number and value of commercial harvesting locations
	  ○ Number and value of historical village/archaeolog ical locations
	  ○ Number and value of historic trails locations
	  ○ Number and value of changes noticed to the environment
	  ○ Number and value of teaching sites valued by Indigenous people for transferring knowledge between generations
	  ○ Number and value of meeting sites valued by Indigenous people for cultural, recreational and social purposes
	• For Indigenous Knowledge and Land use – Reserve Land and Land Claims, include information available from First Nation governments
	• For all Social criteria include information available from First Nation governments
	• For community well-being, include gender related impacts, including impacts on women and girls
	• For all Economy criteria include information available from First Nation governments
	• For all Human Health criteria include information available from First Nation governments
	• For Human Health – Diet, include a specific country foods study undertaken in collaboration with AFN
	• For Cultural Heritage landscapes, include data from provincial and federal databases
	• For archaeological resources:
	  ○ Include an investigation of historic shorelines
	  ○ Include an investigation of pictographs and petroglyphs
	  ○ Include an investigation of all sites identified as indicating archaeological potential as identified in the *Standards and Guidelines for Consultant Archaeologists* (2011)
	  ○ Do not use the alternative standards and guidelines for assessing archaeology in Northern Ontario. Because less is known about the archaeology of the north, additional rigor should be undertaken, not less – the regular *Standards and Guidelines for Consultant Archaeologists* (2011) should be		

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	employed for this project.		
8.4 Incorporation of Indigenous Knowledge in Environmental Assessment	Section 8.4 should be revised to incorporate the above comments and AFN submissions. Section 8.4 should be revised to incorporate the above comments and AFN submissions.	MFFN has responded to all AFN comments and incorporated edits throughout the document as indicated in the comment responses. Edits were not limited to Section 8.4.	AFN requests that the Project Team provide more detailed information in the response table and ToR related to which proposed criteria and indicators were adopted and for those that were not adopted a rationale from the Project Team as to why the criteria or indicator were not adopted.
9.1 Environmental Commitments	For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent. Section 9.1 should include reference to environmental commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed.	MFFN is the proponent for this Project and is directing the EA decision-making process but commits to full engagement and consultation with all interested communities, including Aroland First Nation, to support the environmental, social and economic sustainability of the Project. Where appropriate, questions, comments and concerns received on the Project have been incorporated into the applicable sections of the ToR. All comments received and responses to each are included in the Record of Consultation (Appendix C). Appendix C also identifies where within the ToR each comment has been addressed. Where questions, comments or concerns could not be addressed within the ToR, a commitment for the EA has been made. These commitments are listed in Section 9.1.1 of the ToR.	AFN has reviewed Section 9.1.1 and does not see a commitment related to AFN's comments related to consent as well as accommodations developed between MFFN and AFN. AFN requests a rationale as to why the principles of the United Declaration on the Rights of Indigenous Peoples (UNDRIP) and consent are not being promoted in this Project and within the ToR.
9.2 Environmental Monitoring	For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent. Section 9.2 should include reference to environmental monitoring commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed.	MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to identify environmental monitoring commitments, and foresees this as part of the consultation undertaken for the EA. Section 9.2 of the Draft ToR outlines the Project's environmental monitoring commitments and Table 4-2 of the Consultation Plan includes consultation activities aimed at receiving input on impact management measures and monitoring measures. The ToR also identifies MFFN's plan that Indigenous knowledge will help determine appropriate impact management measures and monitoring methods (Section 8.4). No change is proposed to the ToR as the commitment to identify environmental monitoring commitments with Indigenous communities is captured in the documentation.	MFFN's commitment for identifying environmental monitoring commitments with Indigenous communities is captured but matters of consent and accommodation are not. Please see AFN's response to 9.1 for more detail.
10.1 Principles of Consultation	AFN accepts and acknowledges the Guiding Principles for Project-related consultation activities described in Figure 10-1 – Guiding Principles. AFN commends MFFN on the adoption of the Guiding Principles for Project-related consultation activities described in Figure 10-1 – Guiding Principles. Given the significant impacts the Project may have on AFN, AFN encourages MFFN to develop a methodology for recording consultation activities with AFN, documenting comments and inputs with AFN, and verifying together with AFN the application of the Guiding Principles the Nishnawbe Aski Nation's Consultation Policy, and opportunities for input described in section 10.1, to this consultation. AFN further submits that a joint statement of adherence, agreed to by AFN and MFFN, be included in the ToR as a consultation deliverable that will be appended to the EA.	The MFFN Project Team will record/document all input received, provide responses where applicable and then circulate the record to Aroland First Nation for review and their confirmation. This commitment is included in Section 11 of the Proposed ToR.	Based on our review of Section 11 and Appendix B, we appreciate that the Project Team has committed to providing Indigenous communities with copies of community-specific records for review prior to going on the public record. Further comments related to AFN's interest and approach to develop a custom consultation process with MFFN is described in Appendix II.

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10.2.2 Indigenous Communities Engagement	MFFN notes that "The Province of Ontario (MECP and ENDM) and MFFN are entering into an agreement through a Memorandum of Understanding (MOU) to share responsibility of the procedural aspects of Ontario's Duty to Consult, in the context of the EA for the Project. This MOU will define the roles and responsibilities of both parties in regard to the engagement of interested Indigenous communities. The roles and responsibilities of Marten Falls agreed to in the MOU will be included in the Proposed ToR, if the MOU is finalized at that time." AFN submits that the ToR should include consultation from both MFFN and the Province of Ontario, with AFN, on the MOU for sharing responsibility of the procedural aspects of Ontario's Duty to Consult from MFFN and the Province of Ontario.	The MOU between the Province and Marten Falls has been signed. No consultation on the content of the MOU is being undertaken or required as this is an agreement between the Province and Marten Falls. Aroland First Nation is encouraged to speak to the Province should the community have questions regarding Ontario's duty to consult with First Nations.	
10.2.2 Indigenous Communities Engagement	The consultation record for the draft ToR does not include a record of comments from First Nations, and does not include traceable information on how those comments impacted the draft ToR. MFFN should provide a detailed record of consultation leading up to the draft ToR, including consultation on alternative methods regarding routes, and provide traceable information on how those comments impacted the draft ToR.	The MFFN Project Team will consider how to best document and summarize information received through consultation in a comprehensive and clear way. Input that can be shared publicly will be contained as part of the Record of Consultation for the Proposed ToR.	All the information and supporting materials pertaining to a First Nation's consultation is contained in various documents and appendices. The scattering of information across different documents makes it challenging to comprehensively review the consultation record and supporting materials for a single First Nation. As a result, the Provincial Crown, and each First Nation, will be challenged to determine the adequacy with which the procedural aspects of consultation delegated to MFFN have been adequately met. Please revise the supporting documentation to provide coherent consultation records for each First Nation. Further comments and information related to the information contained in the Record of Consultation are outlined in Appendix 2.
Table 10-3: Consultation with Neighbouring Indigenous Communities	Table 10-3: Consultation with Neighbouring Indigenous Communities MFFN asserts that AFN attendees at the May 23, 2019 with Aroland First Nation Chief and Council and community said that "the community expressed support for the MFFN CAR". For the record, AFN Chief and Council has not expressed formal support for the CAR, and any statements to that effect from specific Aroland community members at the May 23, 2019 engagement are not to be considered official statements from Aroland First Nation or its leadership. Aroland Chief and Council expressed concern that MFFN and the Province of Ontario are having discussions regarding a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire, that AFN is not being included in these discussions, and that AFN must be included in these discussions given the significant impacts on AFN that would follow such a project. Please revise table 10-3 accordingly.	Table 10-3 of the ToR and the Supporting Document will be edited to indicate that although some community members expressed support for the Project, no formal support from Chief and Council was expressed. The other concerns mentioned in the comment will be added to the documentation. On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. Consultation specific to the proposed Northern Road Link is outside the scope of what MFFN is responsible for responding to as the proponent for the Community Access Road Project.	Appendix C of the final ToR contains the Record of Consultation for the ToR phase of the MFNCAR Project. Neither the Record of Consultation nor the meeting notes from the May 23, 2019 meeting have been amended as requested. AFN's comments provided on the draft ToR need to be reflected in the Final ToR. This information is required for the Minister to make effective decisions on the ToR, and to determine the adequacy with which the procedural aspects of consultation delegated to MFFN have been adequately met.
11. Consultation Plan for the Environmental Assessment	See above comments on consultation with AFN, Indigenous Knowledge, CBLUP, and consent. AFN and MFFN have agreed to develop and execute a binding agreement that will include reference to consultation with AFN, Indigenous Knowledge, and consent with respect to the Project. The ToR should acknowledge that consultation with AFN, including Indigenous Knowledge, CBLUP, and approaches to consent will be included in a binding agreement between AFN and MFFN.	The Project Team has been in communication with Aroland First Nation regarding the Sharing Agreement. The Project Team looks forward to receiving the next round of edits of the Sharing Agreement from Aroland First Nation. The Project Team will continue to collaborate with Aroland First Nation to finalize the Sharing Agreement and to solicit and utilize Aroland's Indigenous Knowledge as outlined in the terms of the Indigenous Knowledge Sharing agreement. Section 8.4 - Incorporation of Indigenous Knowledge in the EA outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing environment conditions, identify and predict	Please see AFN's response to 7.1.4 related to the "Sharing Agreement."

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		potential effects, and help determine appropriate impact management measures and monitoring methods.	
11.5 Consultation Activities During the EA	AFN supports the milestone-based approach to guiding the timing and focus of consultation and engagement efforts, however, with respect to comments provided above regarding alternative methods, the following milestones will need revision: • Evaluation of routing alternatives; • Identification of preferred alternative. AFN submits that the following milestones: Evaluation of routing alternatives; Identification of preferred alternative be revised as: • Evaluation of alternative methods; • Identification of preferred alternatives.	The Terms of Reference will be updated to revise "Evaluation of routing alternatives" to "Evaluation of alternative methods" as requested in the comment. However, the heading for "Identification of preferred alternative" will remain unchanged as the purpose of the environmental assessment (EA) process is to narrow the alternatives to one preferred alternative. The alternatives assessment and effects assessment will include temporary infrastructure components of Alternative 1 and Alternative 4.	As outlined in AFN's comments on Section 4, 6.2 and 6.3.1 above, AFN maintains that evaluation of alternative methods must be added to the list of milestones.

APPENDIX 2 – Summary of additional comments from Aroland First Nation's review of the Final ToR

Final Terms of Reference Section	Terms of Reference Excerpt	Comment
Various	In the draft ToR the MFNCAR was referred to as a proposed Project. In reviewing the Final ToR, the word proposed has been removed throughout the document in various places.	Given that the MFNCAR is still a proposed project, AFN recommends that the final ToR uses the language of the proposed Project.
Section 3.1 Provincial Environmental Assessment Requirements	The final ToR highlights that that in July 2020, "*amendments to the EAA included changes to the provincial EA process that may result in requirements for the Project that are different than what is outlined above. MFFN will consult with government agencies throughout the EA process to confirm applicable requirements from the EAA amendment*."	AFN is proceeding with the understanding that the MFNCAR ToR and EA will proceed under the Ontario *Environmental Assessment Act, 1990*, prior to amendments made in 2020, given that the EA process commenced prior to the 2020 amendments. AFN has not received any communication from the Provincial Crown that would indicate otherwise, nor has AFN been consulted by the Provincial Crown on the 2020 amendments or associated regulations.
Various	Throughout the ToR, the Project Team uses the term "approval decisions" in reference to key decision points.	Since approval of the project and decisions are to be determined by a statutory decision-maker, AFN recommends that the word approval is removed and only the word decisions is used.
3.4.2 Indigenous Knowledge and Resource Use	In 3.4.2 the Project Team identified the critical decision-making points throughout the EA where Indigenous Knowledge and Indigenous land and resource use will be considered and incorporated. Informing alternative methods and routes for connection to the provincial highway network is missing from the list.	As described in AFN's comments in Appendix I for Section 4, 6.2 and 6.3.1, alternative methods to connecting MFFN to the provincial highway network and the Ring of Fire must be considered in the scope of this assessment. AFN recommends that 3.4.2 be amended to include "Informing Route Assessment and Selection" since Indigenous Knowledge and land and resource use will be valuable in identifying alternative methods and viability of the proposed routes for both community and supply road access.
3.4.2.1 Indigenous Knowledge Program	The approach described to the Indigenous Knowledge Program in the final ToR states: *"MFFN respects the importance of Indigenous Knowledge and Indigenous land and resource use information and the following principles will be used to guide the Project-specific Indigenous Knowledge and Indigenous Land and Resource Use studies:* • *Knowledge Holders will be identified by the MFFN community to participate in the studies;* • *Consultation and Indigenous Knowledge protocols will be defined prior to commencing studies;* • *A collaborative approach will be used that follows the customs and culture of each Indigenous community;* • *Traditional channels of authority and levels of approval within each Indigenous community will be respected;* • *Indigenous Knowledge and Indigenous land and resource use data collection workshops and interviews will be facilitated at sites within the Traditional Territory of each Indigenous community;* • *Engagement and communication with Knowledge Holders through workshops and / or interviews will be respectful;* • *Indigenous communities will own and control their Indigenous Knowledge and information on Indigenous land and resource use; and*	In the draft ToR, the first bulleted point stated that "Knowledge holders will be identified by the community to participate in the studies." Individual communities must be in control of all aspects of their project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. Knowledge Holders for AFN's studies should not be identified by the MFFN community. As a result, AFN expects that the language will be changed to: • Each Indigenous community will be responsible for all aspects of their respective Indigenous Knowledge and Indigenous Land and Resource Use Studies. • Knowledge Holders will be identified by each Indigenous community for the purposes of their community specific Indigenous Knowledge and Indigenous Land and Resource Use Studies.

Final Terms of Reference Section	Terms of Reference Excerpt	Comment
	• *MFFN will strive to respectfully collaborate with Indigenous communities on how Indigenous Knowledge and information on Indigenous land and resource use shared will be incorporated into the EA."*	
5.1 Rationale for the Proposed Undertaking	Between the draft and final versions of the ToR, reference to the Ring of Fire has been removed from Section 5.1.	From AFN's perspective, reference to and acknowledgement of MFNCAR providing linkage and access to the Ring of Fire, and linkage from the Ring of Fire to the provincial highway system adjacent to AFN's reserve community, is critical to properly scoping the assessment of this Project. AFN continues to see concerted efforts by the Project Team to distance the MFNCAR from contemplated access to the Ring of Fire. However, the proponent for the MFNCAR is also advancing a proponency for an industrial supply road that connects the MFNCAR to the Ring of Fire. The Minister should consider this attempt at project splitting to be counter to the intent of the Environmental Assessment Act. A "project" means ***one or more enterprises or activities*** or a proposal, plan, or program in respect of an enterprise or activity. MFNCAR is part of a combination of enterprises or activities that includes the Northern Road Link, MFNCAR and WSR, and MFFN, WFN and Ontario are on the public record with unequivocal statements such as: "Today's signing marks a new partnership between the government, Marten Falls First Nation and Webequie First Nation to advance planning of critical road infrastructure that would provide reliable, all-season road access to potential mine sites and connect First Nation communities to Ontario's provincial highway network." – Government of Ontario News Release, March 2, 2020 - https://news.ontario.ca/en/release/56039/moving-forward-with-road-access-to-the-ring-of-fire
6.3 Approaches to Considering Alternative Methods	The final ToR includes more substantial detail regarding previous studies and ongoing processes that contributed to the development of alternative routes. Noront's "SNC-Lavalin Report on Access Options, March 30, 2010" is not included in this list and associated description.	AFN submits that Noront's "SNC-Lavalin Report on Access Options, March 30, 2010" is directly relevant to this section. This reference should include the conclusions of the study, including the conclusion of the study that the Nakina to McFauld's Lake route option "is not the lowest cost option or the shortest distance however, this route not only addresses the mandate to provide access for the residence of Marten Falls to the mine site and Nakina but also provides an opportunity for the local community to participate in the project." Further, SNC-Lavalin provided a number 1 ranking to access route Option 3, Nakina to Marten Falls to McFaulds Lake. This report is an important document that contemplates both community access and access to McFaulds Lake via the provincial highway network, which is critical context for the MFCAR Project. This report must be referenced in the Final ToR to assist the Minister in decision-making, and to inform future consideration of the EA and its conclusions.
Table 10-3 Consultation with Neighbouring Communities Appendix C Record of Consultation Appendix B Indigenous Communities and Organizations	AFN has reviewed Table 10-3 and the Record of Consultation (RoC) in Appendix C. Overall AFN is deeply concerned by the Project Team's interpretation of consultation activities and noticed that key correspondence through end of July and mid-October are not reflected in the RoC.	With respect to consultation on the ToR since February 2020, the Project Team has presented a narrative that AFN was provided several opportunities to review and provide feedback on MFFN's responses to AFN's comments on the draft ToR, the RoC and that "no comments were received." Unfortunately, Table 10-3, does not provide the critical context that explains why AFN was not able to engage with the Project Team at that time. AFN did not receive capacity funding from the province until mid-October. In addition, the COVID-19 pandemic has put undue pressure on our community's capacity as well as opportunities to safely engage our community on the Project. Capacity funding is critical to supporting an adequate and meaningful consultation process and despite communicating our limitations, the MFNCAR Project Team continued to advance the ToR. Although the RoC may appear to portray several instances of engagement, ***quantity of engagement is not an acceptable metric for consideration for meaningful engagement***. Further, the RoC does not include correspondence and efforts by AFN to advance our MoU discussions between July and October 2020. Since our June 26, 2020 meeting, AFN has been awaiting edits from MFFN on the MoU only to be told in October that MFFN does not wish to carry on down a path we had been working towards for over two years. MFFN's actions to date do not provide AFN with confidence that the procedural aspects delegated to MFFN will be executed honorably on behalf of the Provincial Crown.
Appendix B Consultation and Engagement Plan to support EA / IA	AFN has reviewed the Consultation and Engagement Plan to support the EA / IA.	As outlined in our October 20th letter to MFFN and the Project Team: *The proposed Marten Falls Community Access Road overlaps with Aroland's traditional territory, ultimately connecting to the Anaconda and Painter Lake forestry roads which pass directly through our community.*

Final Terms of Reference Section	Terms of Reference Excerpt	Comment
		The potential adverse impacts to our Treaty and Aboriginal rights and interests will be significant, especially considering our community members' high level of use up to and north of Dusey Lake. *Aroland understands how important all-season road access is to the Marten Falls community and has always offered provisional support for the project. Our support has always been conditional on Marten Falls understanding the significant impacts the proposed project will have on Aroland's Treaty and Aboriginal rights and interests, obtaining Aroland's permission for use of our traditional territory and working in partnership with Aroland to ensure the projects impacts could be avoided, mitigated, and accommodated. Any proposed development or activity within our territory must be explored in consultation with Aroland First Nation's membership, based on our protocols and preferred procedures.* *Ontario's Code of Practice: Environmental Assessments sets the expectation that proponents are responsible for working with Indigenous communities to understand how they wish to be consulted. Up to this point we have relied on our joint-MOU negotiations to communicate how we wish to work with Marten Falls on this project, but given that those negotiations have concluded with no agreement in place, we request that Marten Falls work with us to develop a custom consultation process that ensures the proponent adheres, at a minimum, to the following responsibilities:* *(a) Act in good faith;* (b) *Consult with the intention of fairly and justly addressing all of Aroland's concerns through accommodation measures;* *(c) Ensure transparency during the consultation and negotiation process;* *(d) Provide Aroland with adequate financial support and time to ensure that Aroland has the capacity to fully engage in the process in an effective and informed manner;* *(e) Provide any agreed-upon financial support, including funding for experts/consultants, in a timely manner* *(f) Provide all relevant and necessary information regarding its action or decision to Aroland as soon as such information is available, including any such information that can only be provided under a confidentiality agreement with Aroland;* *(g) Respect Aroland Rights and Aroland values;* *(h) Accommodate Aroland's concerns;* *(i) Not proceed with any action or make any decision potentially affecting Aroland Rights, Aroland Values, and/or Aroland Traditional Territory until an accommodation agreement has been entered into with Aroland providing Aroland's consent;* *(j) Honour any agreements reached with Aroland.* *We believe that establishing a custom consultation process will benefit both parties in clarifying our roles and responsibilities and ensuring a certainty of process in advancing consultation and accommodation in relation to this project. We request that Marten Falls coordinate a meeting for both parties to begin developing this process in order to move forward together.*

B4. Attawapiskat First Nation

B4.1 Outgoing Community Specific Correspondence
B4.2 Incoming Community specific Correspondence
B4.3 ToR Comments Received / Responses



B4.1 Outgoing Community Specific Correspondence



From: info@martenfallsaccessroad.ca <info@martenfallsaccessroad.ca>
Sent: Friday, August 14, 2020 9:27 AM
To: Charles Hookimaw <[redacted]>
Cc: info@martenfallsaccessroad.ca; David Nakogee <[redacted]>; Deputy Chief <[redacted]; Wayne Turner <[redacted]>; [redacted]; Marie Chookomolin <[redacted]; Buffalo, Glinis <[redacted]>
Subject: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Project Team's Response Table to Attawapiskat First Nation's Comments on the Draft Terms of Reference

Hello Chief Nakogee,

Please find attached a letter in response to your letter dated July 27, 2020. If you could kindly confirm receipt of this letter that would be greatly appreciated.

Kind Regards,

The MFFN Project Team

August 14, 2020

Attawapiskat First Nation
[redacted]

RE: **Marten Falls First Nation Community Access Road Project Team's Response to Attawapiskat First Nation's Comments on the Draft Terms of Reference**

Dear Chief David Nakogee,

Thank you for your letter dated July 27, 2020, regarding Attawapiskat First Nation's (AFN) concerns regarding: traditional knowledge not being incorporated; technical analysis of environmental effects limited to 2.5 km buffer; lack of clarity around wildlife Local Study Areas (LSA) and Regional Study Areas (RSA) specific to caribou; and lack of inclusion of AFN in the decision-making on spatial boundaries of the technical analysis. We sincerely appreciate the time taken to review and comment on the information provided.

The Marten Falls First Nation (MFFN) Project Team is currently drafting a memo to present the proposed draft Local and Regional Study Areas related to Indigenous Peoples Valued Components and the Indigenous Knowledge (IK) Program. The memo will also provide information on other study areas (e.g., Wildlife, Vegetation, Fish and Fish Habitat) that helped to inform the Indigenous Peoples/ Indigenous Knowledge (IK) Program study areas. We anticipate distributing the memo in the next few weeks and we will be seeking comment from Indigenous Communities, including Attawapiskat First Nation, on the proposed Local and Regional Study Areas for Indigenous Peoples/ IK Program. At this time, we would like to highlight the Regional Study Area for most Valued Components (including caribou) has been substantially extended to encompass a much larger area than what has previously been described in the Draft Terms of Reference. Upon your review we would also be happy to host a meeting via teleconference call to further review and discuss the information contained in the memo and your comments.

Additionally, the MFFN Project Team is currently developing a proposed discipline-specific LSA and RSAs considering the information currently available to us. As part of the updated Project Consultation Plan that will be included with the Proposed Terms of Reference, the MFFN Project Team is committed to seeking input from Indigenous communities, including Attawapiskat First Nation on LSA and RSAs. We are in the early stages of technical analysis in support of the Environmental Assessment/ Impacts Statement and no final decisions on spatial boundaries has been made.

If you have any questions, feel free to reach out to Lawrence Baxter, Senior Community Member Advisor, MFFN, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC Chief, David Nakogee, Attawapiskat First Nation

Deputy Chief, Louis Edwards, Attawapiskat First Nation
Wayne Turner, CEO, Attawapiskat First Nation Council, Attawapiskat First Nation
Dorothee Schreiber, Environmental Consultant, Attawapiskat First Nation
Kate Kempton, OKT
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Glinis Buffalo, MFFN Project Consultant

From: Buffalo, Glinis <[redacted]>
Sent: September 15, 2020 12:01 PM
To: Charles Hookimaw <[redacted] David Nakogee <[redacted]>
Subject: Contact Email addresses

Hi Charles,

The proposed ToR will be coming your way very soon (electronic and USB). I wanted to confirm if your email and Chief Nakogee email address have changed? Is [redacted] still remain current?

Glinis

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada
[redacted]

[redacted]
aecom.com

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[redacted]
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From: Buffalo, Glinis
Sent: Monday, September 21, 2020 10:26 AM
To: Charles Hookimaw <[redacted]; David Nakogee <[redacted]>
Cc: Wayne Turner <[redacted]
Subject: RE: Contact Email addresses and Mailing address

Hi Charles,

Thank you for confirming your email and Chief Nakogee last week.

The table below are who is on the master contact list to send the ToR report electronically and to send a hard copy to Chief Nakogee at the address listed.

Please confirm if this has changed.

If you have any changes please let me know.

Glinis

Chief David Nakogee	[redacted]	[redacted]	[redacted]
Wayne Turner	[redacted]		[redacted]
Dorothee Schreiber	[redacted]		[redacted]
Charles Hookimaw	[redacted]	[redacted]	[redacted]

Hi Charles,

The above listed table is who I have on the master contact list to send the ToR report electronically and to send a hard copy to Chief Nakogee at the address listed above. Please confirm mailing address and those listed above for the ToR.

If you have any changes please let me know.

Glinis

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From: Buffalo, Glinis
Sent: Friday, September 25, 2020 8:49 AM
To: Charles Hookimaw <[redacted]> Wayne Turner <[redacted]>; David Nakogee <[redacted]>; Larissa Mikkelsen <[redacted]>; Bob Baxter <[redacted]>
Subject: RE: Re: IK Study Memo

Thank you Charles and we look forward to hearing from Attawapiskat First Nation.

Glinis

-----Original Message-----
From: info@martenfallsaccessroad.ca <info@martenfallsaccessroad.ca>
Sent: Monday, October 19, 2020 2:46 PM
To: [redacted]
Cc: [redacted]
[redacted]
Subject: [EXTERNAL] Letter Response Re: Timelines for MFFN Community Access Road

Good afternoon Chief David Nakogee,

Please see attached letter in response to the September 14, 2020 letter
re: Timelines for the Environmental Assessment for the Marten Falls Community Access Road.

Sincerely,

The MFFN Community Access Road Project Team

October 19, 2020

Attawapiskat First Nation
[redacted]

RE: Timelines for the Environmental Assessment for the Marten Falls Community Access Road

Dear Chief David Nakogee,

Thank you for your letter dated September 14, 2020, regarding the timeline for the Environmental Assessment (EA) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time Attawapiskat First Nation (AFN) has taken to share concerns regarding AFN's capacity and on-going engagement / consultation challenges, and for the review and timely comments on EA / IA documents including Project Descriptions, draft Terms of Reference (ToR) and draft Tailored Impact Statement Guidelines.

The MFFN Project Team recognizes that some Indigenous communities being engaged for the MFFN Community Access Road Project may experience challenges shifting from face-to-face engagement to other alternatives, and understand that AFN is requesting time to allow for safe in-person engagement rather than online and telephone options to assess the Project. Understanding these concerns and in support of similar requests to extend the comment period throughout the Project, MFFN voluntarily offered the ToR to be available for an extended period. The ToR will be available for a 60-day review period instead of the legislatively mandated 30-day comment period. Related to this, to support the EA engagement program, we are looking to hire local Community Consultation Coordinators (CCC) who would assist us with virtual and social distanced in-community engagement and consultation activities. We would be pleased to discuss the potential for a CCC in your community.

We are committed to working with each Indigenous community to understand how they would like to be engaged if traditional formats cannot take place due to COVID-19, and are collaborating with communities to determine a path forward with them. Some Indigenous communities have been able to continue to participate in the Project using online and phone-in methods; at this time particularly for the Indigenous Knowledge Program. We would also like to follow-up with AFN regarding your interest in participating in the Indigenous Knowledge Program. Please let me know if you would like us to schedule a meeting with appropriate representatives of AFN.

If you have any questions, feel free to reach out to either myself, Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

CC Chief David Nakogee, Attawapiskat First Nation
Council, Attawapiskat First Nation
Charles Hookimaw, Director of Lands and Resources, Attawapiskat First Nation
Deputy Chief, Louis Edwards, Attawapiskat First Nation
Wayne Turner, CEO, Attawapiskat First Nation
Dorothee Schreiber, Environmental Consultant, Attawapiskat First Nation
Kate Kempton, OKT
Lawrence Baxter, MFFN Community Member Advisor
Glinis Buffalo, MFFN Project Consultant

From: Buffalo, Glinis

Sent: Friday, October 30, 2020 12:33 PM

To: David Nakogee; Wayne Turner; [redacted]; Charles Hookimaw

Cc: Qasim Saddique; Larissa Mikkelsen

Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Nakogee,

I wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21. 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents?

Notice of Submission were mailed out October 14, 2020
Proposed ToR Packages were mailed October 14, 2020, which included;
Hard Copies of the ToR, USB (electronic copies), and Factsheets
Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Glinis

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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From: Buffalo, Glinis [redacted]
Sent: November 4, 2020 11:25 AM
To: [redacted]
Cc: Qasim Saddique [redacted] Larissa Mikkelsen [redacted]
Subject: RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Hi Charles,

I am following up if Attawapiskat First Nation has received the ToR materials as listed below. Could you please confirm?

If you have any questions, feel free to reach out.

Glinis

From: info@martenfallsaccessroad.ca
Sent: Thursday, December 10, 2020 11:13 AM
To: [redacted]
Cc: [redacted] Buffalo, Glinis; [redacted]
Subject: [EXTERNAL] Re: Extending the Timeline for the Information Gathering Phase of the Marten Falls Community Access Road (MFCAR) Impact Statement
Attachments: LETT_2020-12-10_Attawapiskat First Nation Response_60593122.pdf

Dear Chief Nakogee,

Please see attached letter. If you have any questions or concerns please contact Glinis Buffalo at [redacted].

Sincerely,

The MFFN Project Team

December 10, 2020

[redacted]

Re: Extending the Timeline for the Information Gathering Phase of the Marten Falls Community Access Road (MFCAR) Impact Statement

Dear Chief David Nakogee,

Thank you for your letter dated November 19, 2020 regarding an extension of the timeline for the Marten Falls Community Access Road Impact Assessment process. We appreciate the time Attawapiskat First Nation has taken to respond to our October 19 2020 letter regarding a request to MFFN, the Impact Assessment Agency of Canada (the Agency) and the Ministry of Environment, Conservation and Parks (MECP) (dated September 14 2019) to extend the Environmental Assessment (EA) / Impact Assessment (IA) processes for the Project. We also appreciate your participation to-date and your review and timely feedback on the EA / IA documents already released for comment, including the Initial Project Description and draft Tailored Impact Statement Guidelines for the federal IA process and the Draft Terms of Reference for the provincial EA process.

Marten Falls First Nation (MFFN) is no stranger to the challenges brought on by COVID-19 and we understand the need to focus priorities so as to keep our communities safe. To better understand Attawapiskat First Nation's concerns and participation constraints, we suggest setting up a teleconference or online meeting between MFFN Project Team and Attawapiskat First Nation representatives. During this meeting, we could discuss the Coordinated EA / IA process, including where and when input has been and will be sought, and related timelines. We could also discuss how best to engage Attawapiskat during the Coordinated EA / IA process. Should the Proposed Terms of Reference be approved by the Minister of the Environment, Conservation and Park early 2021, a coordinated EA / IA consultation is expected to begin Spring 2021. We feel a meeting would be of benefit and hope you agree.

If you are interested in meeting, please let us know dates that will work for you. We look forward to the opportunity to explore with Attawapiskat First Nation safe and effective ways we can work together to continue to receive input from your community on the MFFN Community Access Road Project.

Regarding the Proposed Terms of Reference for the provincial EA—currently out for review until December 21, 2020—we encourage you to contact MECP directly to express your desire for an extension to the review period, should you require one:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks – Environmental Assessment Branch
[redacted]
Email: [redacted]

If you have any questions, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We kindly ask that you confirm receipt of this letter.

Sincerely,

[redacted]

Qasim Saddique
Project Director
[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC [redacted]

[redacted]
Sasha McLeod, Ministry of the Environment, Conservation and Parks
Shannon Gauthier, Ministry of the Environment, Conservation and Parks
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Glinis Buffalo, MFFN Project Consultant

From: Buffalo, Glinis
Sent: Thursday, December 10, 2020 2:58 PM
To: [redacted]
Subject: FW: [EXTERNAL] Re: Extending the Timeline for the Information Gathering Phase of the Marten Falls Community Access Road (MFCAR) Impact Statement
Attachments: LETT_2020-12-10_Attawapiskat First Nation Response_60593122.pdf

Hi Charles,

Sincere apologies as you were not copied in this letter. Please see the attached letter.

Glinis

-----Original Message-----
From: info@martenfallsaccessroad.ca [redacted]
Sent: Thursday, December 10, 2020 10:13 AM
To: [redacted]
Cc: [redacted] Buffalo, Glinis [redacted]
Subject: [EXTERNAL] Re: Extending the Timeline for the Information Gathering Phase of the Marten Falls Community Access Road (MFCAR) Impact Statement

Dear Chief Nakogee,

Please see attached letter. If you have any questions or concerns please contact Glinis Buffalo at [redacted]

Sincerely,

The MFFN Project Team

December 10, 2020

[redacted]

Re: Extending the Timeline for the Information Gathering Phase of the Marten Falls Community Access Road (MFCAR) Impact Statement

Dear Chief David Nakogee,

Thank you for your letter dated November 19, 2020 regarding an extension of the timeline for the Marten Falls Community Access Road Impact Assessment process. We appreciate the time Attawapiskat First Nation has taken to respond to our October 19 2020 letter regarding a request to MFFN, the Impact Assessment Agency of Canada (the Agency) and the Ministry of Environment, Conservation and Parks (MECP) (dated September 14 2019) to extend the Environmental Assessment (EA) / Impact Assessment (IA) processes for the Project. We also appreciate your participation to-date and your review and timely feedback on the EA / IA documents already released for comment, including the Initial Project Description and draft Tailored Impact Statement Guidelines for the federal IA process and the Draft Terms of Reference for the provincial EA process.

Marten Falls First Nation (MFFN) is no stranger to the challenges brought on by COVID-19 and we understand the need to focus priorities so as to keep our communities safe. To better understand Attawapiskat First Nation's concerns and participation constraints, we suggest setting up a teleconference or online meeting between MFFN Project Team and Attawapiskat First Nation representatives. During this meeting, we could discuss the Coordinated EA / IA process, including where and when input has been and will be sought, and related timelines. We could also discuss how best to engage Attawapiskat during the Coordinated EA / IA process. Should the Proposed Terms of Reference be approved by the Minister of the Environment, Conservation and Park early 2021, a coordinated EA / IA consultation is expected to begin Spring 2021. We feel a meeting would be of benefit and hope you agree.

If you are interested in meeting, please let us know dates that will work for you. We look forward to the opportunity to explore with Attawapiskat First Nation safe and effective ways we can work together to continue to receive input from your community on the MFFN Community Access Road Project.

Regarding the Proposed Terms of Reference for the provincial EA—currently out for review until December 21, 2020—we encourage you to contact MECP directly to express your desire for an extension to the review period, should you require one:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks – Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

If you have any questions, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We kindly ask that you confirm receipt of this letter.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC [redacted]

[redacted]
Sasha McLeod, Ministry of the Environment, Conservation and Parks
Shannon Gauthier, Ministry of the Environment, Conservation and Parks
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Glinis Buffalo, MFFN Project Consultant

From: Buffalo, Glinis
Sent: Thursday, December 10, 2020 9:52 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Tansi' Chief Nakogee,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Attawapiskat First Nation has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**.

If Attawapiskat First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Glinis
On behalf of the Marten Falls First Nation Community Access Road Project Team

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
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[redacted]

From: Buffalo, Glinis
Sent: Monday, December 14, 2020 2:02 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Tansi' Chief Nakogee,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If Attawapiskat First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Glinis
On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Qasim Saddique [redacted]
Sent: Wednesday, December 16, 2020 3:01 PM
To: [redacted]
Cc: [redacted] Bob Baxter; [redacted] Buffalo, Glinis; [redacted] Lawrence Baxter; McLeod, Sasha (MECP); Gauthier, Shannon (MECP); [redacted]
Subject: [EXTERNAL] Re: Extending the Timeline for the Information Gathering Phase of the Marten Falls Community Access Road (MFCAR) Impact Statement

Dear Charles,
I hope you are well.
Let me begin with an apology for causing any offense to community expectations; that was not our intent.
Both Lawrence and I respond to letters that pose EA related questions that have technical substance. We will ensure that future correspondence to Attawapiskat, that is directly from your Chief, is responded to by our Chief.
I will, however, point out that the team of consultants includes community members from Marten Falls. Lawrence Baxter himself is a former Chief of Marten Falls and continues to be a senior advisor to Chief and Council. We work at the direction of Marten Falls Chief and Council, including their direction to respond to incoming letters. Our response was based on their input and direction. Broader EA level decisions are based on community input and we would be glad to discuss our processes with you, if you would like.
Season's greetings and best wishes,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

[redacted]
W: suslop.com

SUSLOP

From: Buffalo, Glinis <[redacted]>
Sent: Monday, December 21, 2020 4:00 PM
To: Charles Hookimaw <[redacted]>
Subject: Please contact Avril Fisken moving forward

Hi,

My last day with AECOM is this week, please contact Avril and Kathryn moving forward for the MFFN Project.

Take care and stay safe!

Glinis

AECOM
[redacted]
aecom.com

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From: Ross, Kathryn <[redacted]>
Sent: Thursday, February 4, 2021 1:57 PM
To: David Nakogee <[redacted]>
Cc: Murowchuk, Alita <[redacted]>
Subject: New Contact - Marten Falls First Nation Community Access Road

Dear Chief Nakogee,

I hope you and your community are doing well. I know these are very challenging times and I won't take up too much of your time. As you already know, Glinis Buffalo was your community's main contact for coordination on the Marten Falls First Nation Community Access Road. Glinis has moved on from the Project and I would like to introduce you to Alita Murowchuk who will be your new contact. Alita will follow-up with an introduction but if you have any questions in the meantime, don't hesitate to reach out.

Take care,

Kathryn
On behalf of the MFFN Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

>

From: Murowchuk, Alita
Sent: Thursday, February 4, 2021 4:07 PM
To: [redacted]
Cc: [redacted]
Subject: RE: New Contact - Marten Falls First Nation Community Access Road

Tansi and Warm Hellos Chief Nakogee!

My name is Alita Murowchuk Cree Metis Iskwew out of [redacted] Alberta. [redacted] and Indigenous Community Engagement Advisor for Canada with AECOM. Excited and thrilled to be working with the Attawapiskat First Nation on Martin Falls First Nation Community Access Road. Times are tough right now, prayers and blessings to the community, if there's anything you need or ways to support; please reach out. Again, sincerely look forward to getting to know one another better, im more of a face value gal myself… if you'd prefer a virtual introduction, more than happy and open to that.

My contact is listed below, reach out for anything. Truly look forward to working together.

Hiy hiy,

Alita Murowchuk
Indigenous Community Engagement Advisor, Canada
CAN – [redacted] AB
[redacted]

From: Murowchuk, Alita
Sent: Monday, February 8, 2021 2:13 PM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments

Good Afternoon Chief Nakogee

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that Attawapiskat First Nation has taken to provide feedback. Please see attached letter regarding next steps and an additional opportunity to comment on the ToR until March 31, 2021. If Attawapiskat First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Alita Murowchuk
On behalf of the MFFN Community Access Road Project Team
Indigenous Community Engagement Advisor, Canada
CAN – [redacted] AB
[redacted]

From: Murowchuk, Alita
Sent: Wednesday, February 24, 2021 2:52 PM
To:
Cc: [redacted]

Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Tansi and Happy Wednesday Chief Nakogee,

I hope yourself and community are doing well!

Wanted to follow up on Terms of Reference email sent February 8, 2021. I made a call on Monday and reached your receptionist Cindy, she mentioned you were in a conference call and to ring back Tuesday. Tried Tuesday but couldn't get through. Favorably was hoping to have the opportunity to speak over the phone but understandably its busy times. Wanted to ensure that Attawapiskat First Nation has received the Terms of Reference and if any additional comments were made or needed. Also; an additional 50 hard copies of the Terms of Reference, as per request, have been sent! Should be arriving sometime next week. Ive listed the tracking numbers below.

Tracking Numbers:

- 010507400066266
- 0105074000665259
- 0105074000665242
- 0105074000665235
- 0105074000665211
- 010507400066528
- 0105074000665204

Feel free to get in touch with myself by way of email or phone, my contact is listed below. If you'd rather set up a meeting to discuss further, sincerely open to that as well.

Hiy hiy,

Alita Murowchuk
Indigenous Community Engagement Advisor, Canada
CAN – [redacted] AB

From: Murowchuk, Alita
Sent: Thursday, March 4, 2021 12:00 PM
To: [redacted]
Cc: [redacted]
Subject: IK Sharing Agreement
Attachments: Template_ Confidential Information Sharing Agreement_2019 -2020 - Track Changes.docx; Template - Confidential Indigenous Knowledge Sharing Agreement - 2021.docx

Tansi and Happy Thursday Chief Nakogee,

Reaching out with regards to IK Sharing Agreement, we have modified the original IK Sharing Agreement template from November 2020 to capture both the provincial and federal assessments (e.g. Environmental Assessment is now referenced as environmental/impact assessments) and "Preliminary Design" is now termed "Design". Overall I want to ensure that you have received the agreement prior and if any comments were made or further discussion on the agreement is needed. If further discussions are needed, please don't hesitate to reach out, gladly love to set up a meeting to discuss further.

I hope everyone's doing well and the community's safe, always here to support and help in any capacity.

Hiy hiy,

Alita Murowchuk
Indigenous Community Engagement Advisor, Canada
MFFN Project IC Lead
CAN – [redacted] AB
[redacted]

INDIGENOUS KNOWLEDGE
INFORMATION SHARING AGREEMENT
Marten Falls First Nation
Community Access Road
CONFIDENTIAL INFORMATION

dated the ____ day of , 2021

As part of the Marten Falls Community Access Road Project, (the "Project"), Constance Lake First Nation hereby agrees to provide Confidential Information pertaining to traditional land use and current use of lands and resources for traditional purposes. The Confidential Information may include:

1. Indigenous Knowledge/Traditional Knowledge: encompasses traditional spirituality, beliefs, values, practices, knowledge, customs, language, oral history, stories, art forms, laws, land-based activities, land use, innovations, experiences, expressions and everyday life-skills. It includes knowledge held by individuals, groups of individuals, families or the collective as a whole. It is handed down from one generation to another. It is fundamental to the identity of Indigenous Peoples. It is closely linked to the environment and is holistic in nature. It is a cumulative body of knowledge, understandings, observations, experiences, and beliefs about the environment, and about the relationship of living beings with one another and the environment, handed down through generations and rooted in the traditional way of life of Indigenous Peoples.

2. Contemporary knowledge/land use for traditional purposes: recent and current knowledge of land use by community members, including but not limited to areas used for hunting, trapping, fishing, plant gathering, travelling, camping, ceremonies, and sacred locations.

3. Data: physical and digital copies of information including, but not limited to: geospatial data (shapefiles, geodatabases, mapping projects, GPS files, raster images (satellite and aerial), LiDar, any other forms of geospatial data including CSV, Excel, text and KML files); data related to Indigenous Knowledge (audio, video, pictures, interview transcripts, etc.); digital copies of scanned maps, digital copies of interview material (questionnaires, surveys, notes, stories, legends, etc.); and, any other relevant physical or digital copies of documents containing relevant and important information. Geospatial data: includes data that is linked to a location. For example, geospatial data can include GPS points or values drawn on a map. Geospatial data typically is used with a Geographic Information System (GIS).

For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential. Constance Lake First Nation will identify such Confidential Information prior to sharing.

The Confidential Information provided by Constance Lake First Nation is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how Constance Lake First Nation lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the Environmental and Impact Assessments and Preliminary Design). The Confidential Information may be used to better understand how Constance Lake First Nation community members are using the lands and resources and to consider adjustments such as to

routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The MFFN Project Team has commenced with an Indigenous Knowledge (IK) Program for the Project that involves:

- Sharing existing and relevant IK and Indigenous land and resource use information previously collected by communities (e.g., for community- based land use planning) with the Recipients; and
- Completing a Project-specific IK and Indigenous Land and resource Use Study to collect relevant IK and information on Indigenous land and resource use in the vicinity of the Project.

Information shared (i.e., reporting, mapping, spatial data, etc.) through the IK Program will be governed by the provisions of this Agreement.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects, government initiatives or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Data Access: Data will be physically and digitally transferred from Constance Lake First Nation to the recipient and will be accessible to the recipient(s) in any form. Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities, or external researchers without express written consent of Constance Lake First Nation. The Recipients acknowledge and agree that the Confidential Information is the property of Constance Lake First Nation and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of Constance Lake First Nation. Except to the extent required by applicable laws (including professional obligation), the retention period for data storage is up to the discretion of Constance Lake First Nation and can be a fixed term as specified below or unless an extension is requested by the Recipients and approved by Constance Lake First Nation:

Retention Period: January 1, 2021 to December 31, 2024

On termination of this Agreement or on written notice by Constance Lake First Nation, the Recipients shall as directed by Constance Lake First Nation to either: promptly destroy or return to Constance Lake First Nation all Confidential Information and all copies thereof, with the exception of those copies required by applicable laws (including professional obligation), provided only one copy is retained and is stored with Recipient's legal counsel. Each party shall send correspondence to the other confirming the termination of this agreement and that data has been returned in full by the Recipients and received by Constance Lake First Nation.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by Constance Lake First Nation is kept confidential. Data security measures and protocols will be documented and agreed upon by both parties and implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of Constance Lake First Nation:

Chief Richard Allen (Authorized representative)	Date

Agreed to on behalf of the Recipients:

(Authorized representative)	Date

From: Cloutis, Geneva
Sent: Thursday, March 25, 2021 11:33 AM
To: [redacted]
Cc: [redacted] McLeod, Sasha (MECP); [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrencebax; [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference - Comment Period

Good morning Chief Nakogee,

I hope this email finds you well. I called the Attawapiskat Band Office earlier this morning and left a message on your cell phone number just to remind you that the comment period for the Proposed Terms of Reference for the Marten Falls First Nation Community Access Road Project is closing next Wednesday, March 31, 2021.

If Attawapiskat First Nation is planning to submit any additional comments, or if you have any questions about the responses to your previous comments, they should be sent directly to the Ministry of Environment, Conservation and Parks:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

If you have any questions, please don't hesitate to reach out.

Thanks very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

Begin forwarded message:

From: "McLeod, Sasha (MECP)" [redacted]
Subject: Response to Attawapiskat Letter of MECP-ToR comment period Feb 18 2021
Date: April 29, 2021 at 12:13:23 PM EDT
To: [redacted]
Cc: [redacted] "Moszynski, Dorothy (MECP)" [redacted], Qasim Saddique [redacted] "Parkinson, Don" [redacted], "Hennessy, Mary (ENDM)" [redacted] "Churchill, Lori (ENDM)" [redacted] "Mortson, Londa (MNRF)" [redacted] "Ecclestone, Susan (MECP)" [redacted] "[redacted]" [redacted]

Ontario

Ministry of the Environment, Conservation and Parks

Environmental Assessment Branch

[redacted]

Ministère de l'Environnement, de la Protection de la nature et des Parcs

Direction des évaluations environnementales

[redacted]

April 29, 2021

Chief David Nakogee
Attawapiskat First Nation
[redacted]

Re: Environmental Assessment Timelines and Caribou Collaring Programs: Webequie Supply Road and Marten Falls Community Access Road

Dear Chief Nakogee:

Thank you for your letter of February 18, 2021 regarding the timelines for the Webequie Supply Road (WSR) and Marten Falls Community Access Road (MFCAR) environmental assessments (EA) and the field program to study caribou associated with the MFCAR EA.

In your letter you request a meeting with the Ministry of the Environment, Conservation and Parks (ministry) to discuss the EA processes and related consultation, as well as the MFCAR caribou field program being undertaken for the EA. The ministry would be happy to meet with you to discuss concerns raised in your letter.

In order to provide responses to your questions, we would like to invite representatives from other ministries and federal agencies as well as the MFCAR and WSR proponents themselves to the meeting. Alternatively, we would be happy to connect you with the relevant staff if Attawapiskat wishes to reach out directly to these groups.

My office will reach out to you and Mr. Charles Hookimaw, Director of Lands and Resources for Attawapiskat First Nation, to make arrangements for a meeting. I appreciate your participation in the review of these applications.

Sincerely,

[redacted]

Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

c: Charles Hookimaw, Director of Lands and Resources, Attawapiskat First Nation
Qasim Saddique, MFCAR Project Team
Don Parkinson, WSR Project Team
Mary Hennessy, Director, Ring of Fire Policy Coordination, Ministry of Energy, Northern Development and Mines
Lori Churchill, Director, Indigenous Consultation and Partnerships Branch, Ministry of Energy, Northern Development and Mines
Londa Mortson, Regional Resources Manager, Northwest Region, Ministry of Natural Resources and Forestry
Susan Ecclestone, Director, Species at Risk Branch, Ministry of the Environment, Conservation and Parks
Sean Carriere, Director, Ontario Region, Impact Assessment Agency of Canada

From: Cloutis, Geneva
Sent: Thursday, May 13, 2021 2:39 PM
To: [redacted]
Cc: [redacted]
Subject: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Good afternoon Chief Nakogee,

I am emailing to follow up on our brief phone call this morning, which was regarding the Bat Acoustic Monitoring Program. The field notice was sent to Attawapiskat First Nation by email yesterday afternoon, May 12. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Attawapiskat First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021. If you have any questions or comments about the program, please get in touch. If there is someone from Attawapiskat First Nation who would be better suited to answer these questions, please let me know and I can follow up with them directly. If you'd prefer to chat about the program over the phone, please let me know when would be an ideal time to give you a call.

Thank you and take care,

Geneva Cloutis
On behalf of the Marten Falls First Nation All-Season Community Access Road

[redacted]

From: Cloutis, Geneva
Sent: Thursday, September 9, 2021 12:13 PM
To: [redacted]
Cc: [redacted] info@martenfallsaccessroad.ca
Subject: MFFN Community Access Road - Field Program Update

Good afternoon Chief Nakogee and Mr. Hookimaw,

I tried calling the Attawapiskat First Nation Band Office this morning but was unable to get a hold of anyone. I am reaching out to follow up on a couple of pieces of information that we have distributed about the Marten Falls First Nation Community Access Road.

Recently, we have sent out two field notices on upcoming field work and we are reaching out to provide information and seek feedback and/or questions you may have. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - The field program is anticipated to take place from September 10 until 19, 2021

- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd

  The field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

I also wanted to remind you that Attawapiskat First Nation still has an opportunity to comment on the MFFN CAR Terms of Reference (ToR) comment responses provided by MECP (sent by MECP on August 30, 2021) until Monday September 13, 2021.

If you have any questions or would like to set up a call to discuss, please don't hesitate to reach out.

Sincerely,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Community Engagement and Consultation Practitioner, IAP Canada
[redacted]

B4.2 Incoming Community Specific Correspondence



From: Dorothee Schreiber <[redacted]>
Sent: Tuesday, August 25, 2020 7:20 AM
To: info@martenfallsaccessroad.ca
Subject: Re: IK Study Memo

Good morning,

I think you may have forgotten to attach the memo.

Thanks,

Dorothee

From: [redacted]
Date: Monday, September 14, 2020
Subject: Request for EA Extension
To: "Cafaro, Caitlin (IAAC/AEIC)" <[redacted]>, "O'Neill, Kathleen (MECP)" <[redacted]>, [redacted]
Cc: [redacted]

Hi all,

Please find attached letter requesting an extension on the EA's for WSR and MFCAR.

I can confirm, we have one active covid-19 case in the Mushkegowuk Territory. This request is urgent to our community's safety.

Thank you,

Charles Hookimaw
Director of Lands and Resources

Attawapiskat First Nation
[redacted]

[redacted] [redacted]

ATTAWAPISKAT FIRST NATION

[redacted]

September 14, 2020

Chief Cornelius Wabasse
Webequie First Nation

Chief Bruce Achneepineskum
Marten Falls First Nation

Caitlin Cafaro
Crown Consultation Coordinator, Impact Assessment Agency of Canada

Kathleen O'Neill
Director, Environmental Assessment Branch, Ontario MECP

Re: Timelines for the Coordinated EA for the Webequie Supply Road (WSR) and the Marten Falls Community Access Road (MFCAR)

Dear Chief Wabasse, Chief Achneepineskum, Ms. Cafaro, and Ms. O'Neill:

Since the fall of 2019, Attawapiskat First Nation has worked diligently to meet all deadlines for the environmental assessments of the two all-season road projects (WSR and the MFCAR). We have responded in detail to project descriptions, draft terms of reference, and draft tailored impact statement guidelines.

We are now at a stage in the environmental assessments where we need to consult directly with our members to discuss the impacts of these road projects to our rights and interests. This work is currently on hold, as Attawapiskat is still under a state of emergency due to the pandemic.

Our culture and laws require in-person, grassroots engagements. Our members need to have the opportunity to meet in person. This work cannot be substituted by video or phone conferences. We also cannot yet allow group meetings because Attawapiskat is particularly vulnerable to Covid-19, should we have an outbreak in the community.

Attawapiskat First Nation requests that the environmental assessment/impact assessment phases of the Coordinated EA be extended, by the number of months that Attawapiskat is unable to carry out meaningful engagement at the community level. Since March 2020, the pandemic has prevented us from having the types of meetings we need to properly assess how the proposed all-season roads will impact our rights and interests. Therefore, the upcoming phases of the environmental assessments need to be extended for at least six months or until we are able to resume in-person meetings in our community.

Kindly send us a definitive answer to our request within the next 14 days.

[redacted]

[redacted]

ATTAWAPISKAT FIRST NATION

[redacted]

[redacted]

Attawapiskat First Nation

CC: Charles Hookimaw, Director of Lands and Resources, Attawapiskat First Nation
Lawrence Baxter, Senior Community Advisor, Marten Falls First Nation Community Access Road Project Team
Michael Fox, Regional Consultation Lead, Webequie First Nation
Kate Kempton, OKT
Dorothee Schreiber, Environmental Consultant, Attawapiskat First Nation
Council, Attawapiskat First Nation

From: Charles Hookimaw <[redacted]>
Sent: Tuesday, September 15, 2020 10:25 AM
To: Buffalo, Glinis <[redacted]>; David Nakogee <[redacted]>
Subject: [EXTERNAL] RE: Contact Email addresses

Same as always

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From: Charles Hookimaw <[redacted]>
Sent: Wednesday, September 23, 2020 1:04 PM
To: info@martenfallsaccessroad.ca; [redacted]
Subject: [EXTERNAL] RE: Re: IK Study Memo

We have no further comments at this time, but that we will be commenting on the Terms of Reference.

Thx,
CH

From: [redacted]
Sent: Wednesday, November 4, 2020 11:46 AM
To: Buffalo, Glinis; [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen
Subject: [EXTERNAL] RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Confirmed.
CH

From: **Charles Hookimaw** [redacted]
Date: Fri, Nov 20, 2020 at 2:05 PM
Subject: FW: Letter to Chief Bruce Achneepineskum
[redacted]
Cc: [redacted]

To:
Hello Chief Bruce Achneepineskum,

Please find attached letter from Attawapiskat First Nation.

Thank you,

Charles Hookimaw
Director of Lands and Resources

Attawapiskat First Nation
[redacted]

Phone: [redacted] Fax: [redacted]

ATTAWAPISKAT FIRST NATION

[redacted]

November 19, 2020

Chief Bruce Achneepineskum
Marten Falls First Nation

Re: Extending the timeline for the information gathering phase of the Marten Falls Community Access Road (MFCAR) impact assessment

Dear Chief Achneepineskum:

I am writing to follow up on my letter of September 14, 2020, in which Attawapiskat First Nation requested a response from you regarding the extension of the timeline for the Marten Falls Community Access Road (MFCAR) impact assessment process.

Attawapiskat First Nation has since received a reply from the Impact Assessment Agency of Canada stating that the Impact Assessment Act (IAA) has provisions that allow proponents to request more time to provide the Agency with the information or studies needed to conduct the impact assessment.

We therefore respectfully ask you to make a request to the Impact Assessment Agency of Canada under Section 19(2) of the IAA to extend the time limit for the information gathering phase of the impact assessment. As stated in Section 19(2), "On the proponent's request, the Agency may extend the time limit by any period that is necessary for the proponent to provide the Agency with the information or studies."

In the consultation plan drafted by Marten Falls First Nation, you commit to undertake consultation with neighbouring First Nations communities in a way that carefully addresses traditions, Indigenous Knowledge, and land use. The consultation plan also assures us that the impact assessment will follow a "community-led approach, meaning the MFFN community helps to develop solutions and advance decisions about the Community Access Road."

We ask you, respectfully, to put these commitments into practice, and to inform the Impact Assessment Agency of Canada that more time is needed to complete the information gathering phase of the assessment process.

Since the fall of 2019, Attawapiskat First Nation has worked diligently to meet all deadlines for the environmental assessment of the MFCAR. We have responded in detail to project descriptions, draft terms of reference, and draft tailored impact statement guidelines.

We are now at a stage in the environmental assessments where we need to consult directly with our members to discuss the impacts of the MFCAR to our rights and interests. This work is currently on hold, as Attawapiskat is still under a state of emergency due to the pandemic.

Our culture and laws require in-person, grassroots engagements. These are required in order to carry out the consultation and accommodation mandated by Canada's Constitution, UNDRIP and other international laws. We are entitled to equal benefit of these laws under section 15 of Canada's Charter of Rights and Freedoms.

The in-person engagement facilitates our members sharing in an honest way and many are not willing or able to share openly in other ways. We need to have the opportunity to meet in person. This work cannot be substituted by video or phone conferences. We also cannot yet allow group meetings because Attawapiskat is particularly vulnerable to Covid-19, should we have an outbreak in the community.

Since March 2020, the pandemic has prevented us from having the types of meetings we need to properly assess how the proposed all-season roads will impact our rights and interests.

Attawapiskat First Nation needs to be consulted at *each stage* of the Impact Assessment. As you know, the IA is designed so that consultation and input is received at earlier stages since these earlier stages lay the groundwork and frame for everything that happens subsequently. Consultation at the current stages cannot simply be passed on to a later stage in the IA process. Doing so would build the impact assessment on a cracked foundation, meaning that the IA itself will be flawed and lead to flawed results that will put the environment and Attawapiskat at risk: unknown and undefined risks because you will have failed to acquire key inputs when you needed them. This is likely to lead to legal challenges based on your refusal to meet the minimum threshold for consultation and accommodation. There have already been lost opportunities for our land users and Elders to become informed about, and comment on, the Project Description and the Draft Tailored Impact Statement Guidelines. Unless there is a temporary halt to the IA timeline there will be further lost opportunities to comment on, and influence, the direction of the impact assessment study.

Therefore, the upcoming phases of the impact assessment need to be extended for at least six months or until the pandemic isolation is over and we are able to resume in-person meetings in our community.

Kindly send us a definitive answer to our request within the next 14 days.

Sincerely,

[redacted]

Acting Chief Gerald Mattinas
Attawapiskat First Nation

CC: Charles Hookimaw, Director of Lands and Resources, Attawapiskat First Nation
Chief David Nakogee, Attawapiskat First Nation
Deputy Chief, Louis Edwards, Attawapiskat First Nation
Wayne, CEO, Attawapiskat First Nation

From: [redacted]
Sent: Wednesday, December 16, 2020 9:18 AM
To: Buffalo, Glinis; Qasim Saddique
Cc: [redacted] McLeod, Sasha (MECP); Gauthier, Shannon (MECP)
Subject: [EXTERNAL] RE: Re: Extending the Timeline for the Information Gathering Phase of the Marten Falls Community Access Road (MFCAR) Impact Statement

Dear Qasim Saddique,

Our letter of 19 November regarding the Impact Assessment timelines was addressed to Chief Achneepineskum. It was a letter from the Chief of our community to the Chief of Marten Falls First Nation. Our letter was not directed at the consultants managing the Marten Falls CAR assessments. The fact that a response came from your project team rather than from Chief and Council of Marten Falls First Nation is highly insulting and flies in the face of the respect for cultural protocols and governance structures that you claim is part of your consultation approach.

The idea of respect for neighbouring communities is mentioned over and over again in your Proposed Terms of Reference, and you say that "traditional channels of authority and levels of approval within each Indigenous community will be respected." The Proposed Terms of Reference also state that "the MFFN community helps to develop solutions and advance decisions about the CAR."

The fact that the reply to our letter came from a team of consultants leaves us with the strong impression that the CAR proponent is not, in fact, "community-led." There is no evidence that Chief and Council, or the community at large, has any say in how the project team responds to major concerns raised by a neighbouring community. The project team for the CAR seems intent on moving the environmental assessments ahead, without allowing for a timeframe in which meaningful consultation can take place. This is leading us to consider our legal options.

From: Charles Hookimaw [redacted]
Sent: Monday, September 13, 2021 8:30 AM
To: Cloutis, Geneva; David Nakogee
Cc: Wayne Turner; [redacted]; Deputy Chief; info@martenfallsaccessroad.ca; Pauline Tookate
Subject: [EXTERNAL] RE: MFFN Community Access Road - Field Program Update

Thank you for the email. We are reviewing the info sent to us.

CH

From: Cloutis, Geneva [redacted]
Sent: Thursday, September 9, 2021 1:13 PM
To: David Nakogee [redacted] Charles Hookimaw [redacted]
Cc: Wayne Turner [redacted] Deputy Chief [redacted]
Subject: MFFN Community Access Road - Field Program Update

Good afternoon Chief Nakogee and Mr. Hookimaw,

I tried calling the Attawapiskat First Nation Band Office this morning but was unable to get a hold of anyone. I am reaching out to follow up on a couple of pieces of information that we have distributed about the Marten Falls First Nation Community Access Road.

Recently, we have sent out two field notices on upcoming field work and we are reaching out to provide information and seek feedback and/or questions you may have. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - The field program is anticipated to take place from September 10 until 19, 2021

- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd

  The field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

I also wanted to remind you that Attawapiskat First Nation still has an opportunity to comment on the MFFN CAR Terms of Reference (ToR) comment responses provided by MECP (sent by MECP on August 30, 2021) until Monday September 13, 2021.

If you have any questions or would like to set up a call to discuss, please don't hesitate to reach out.

Sincerely,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Community Engagement and Consultation Practitioner, IAP Canada
[redacted]

B4.3 ToR Comments Received / Responses

Phone: [redacted] Fax: [redacted]

ATTAWAPISKAT FIRST NATION

[redacted]

December 11, 2020

Sasha McLeod [redacted]
Shannon Gauthier [redacted]
Ontario Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch

Re: Attawapiskat First Nation Comments on Terms of Reference, Marten Falls Community Access Road (CAR)

Attawapiskat First Nation is providing comments on the Marten Falls Community Access Road (CAR) Terms of Reference (ToR) for the environmental assessment.

It does not signal the consent of Attawapiskat First Nation for any developments within the area commonly known as the "Ring of Fire," including developments related to transport and resource exploitation within that area.

Also note that Attawapiskat reserves the right to submit additional comments and information requests at a later date, at our discretion.

General comments

This environmental assessment must be put on hold until Attawapiskat is able to resume in-person community consultation sessions.

The comments Attawapiskat First Nation provides below were prepared by Attawapiskat's Lands and Resources office, in consultation with environmental advisors. As such, these are technical comments that have not benefited from the crucially important insights that our land users can provide.

We are now at a stage in the environmental assessments where we need to consult directly with our members to discuss the impacts of these road projects to our rights and interests. This work is currently on hold, as Attawapiskat is still under a state of emergency due to the pandemic.

Our culture and laws require in-person, grassroots engagements. These are required in order to carry out the consultation and accommodation mandated by Canada's Constitution, UNDRIP and other international laws. We are entitled to equal benefit of these laws under section 15 of Canada's Charter of Rights and Freedoms.

The in-person engagement facilitates our members sharing in an honest way and many are not willing or able to share openly in other ways. We need to have the opportunity to meet in person. This work cannot be substituted by video or phone conferences. We also cannot yet allow group meetings because Attawapiskat is particularly vulnerable to Covid-19, should we have an outbreak in the community.

Furthermore, at present, it is impossible for us to undertake mapping and documentation of traditional use of the project area, since we cannot meet in person and our environmental consultants are unable to travel to Attawapiskat because of Covid-19 restrictions.

Attawapiskat First Nation requires that the environmental assessment/impact assessment phases of the Coordinated EAs be extended, by the number of months that Attawapiskat is unable to carry out meaningful engagement at the community level. Since March 2020, the pandemic has prevented us from having the types of meetings we need to properly assess how the proposed all-season roads will impact our rights and interests. Therefore, the upcoming phases of the environmental assessments need to be extended for at least six months or until we are able to resume in-person meetings in our community.

This road project will have enormous impacts on the water in our territory. The work plan for the EA, as outlined in the ToR, fails to take into account the region's unique hydrology.

The ToR refers to the hydrology of the region in terms of "wetlands" and "low lying, poorly drained terrain dominated by muskeg and bog" (p. 44) and indicates that "at water body crossing locations … the water body type and coarse-level description of surface water and peatland features will be documented" (p. 47). It appears that the surface water field surveys will be done from an engineering perspective to advance details of the road design. This approach fails to take into account the complex patterns of water flow in the muskeg, where the land acts as a giant, inter-connected sponge.

The ToR states that "the wetlands within the area of the Project are not designated as provincially significant" (p. 46). These peatlands are globally significant as a vast store of atmospheric carbon and as an almost undisturbed wilderness home to many animals including caribou and enormous flocks of migratory birds. Our muskeg lives and breathes and without it we would not survive as Omushkegowuk people.

Ontario's Ministry of Environment, Conservation and Parks must be directly involved in designing and overseeing a water management plan for CAR.

The CAR project will require extensive de-watering. Because of our experience with the de-watering that took place at the Victor Diamond Mine, we are familiar with the hydrological changes, methyl mercury increases, and other environmental consequences that arise when industrial developments de-water peatland environments.

The Albany and Attawapiskat Rivers are heavily used for harvesting by our traditional land users. These watersheds, including the headwaters impacted by the CAR project, sustain us in every way, and are at the core of who we are culturally and spiritually.

Ontario's MECP must therefore be actively involved from the outset in ensuring that the de-watering and flooding resulting from the CAR project is managed in a way that protects the Albany and Attawapiskat watersheds from contamination and minimizes hydrological changes to downstream environments.

The individual EA for the Marten Falls CAR must include reasonably foreseeable projects resulting from the CAR.

The following list of projects must be applicable to <u>all of the Guidelines' considerations and requirements</u>:

- Construction of upgrades to the Anaconda/Painter Lake Forestry Road
- The construction and operation of the Northern Road Link (proposed road linking the northern portion of the Marten Falls Community Access Road to the Ring of Fire area)
- A potential East-West Road
- The Eagle's Nest Mine
- Mining activities associated with the following deposits: Black Thor, BlackBird, Big Daddy, Black Label
- Increased winter road traffic during Operations and Maintenance by future mining proponents and
- Advanced mineral exploration activities in the Ring of Fire area.

The technical analysis in the EA must consider the <u>combined</u> and <u>interactive</u> effects of the road and climate change on regional fish and wildlife.

This ToR's statement on climate change references two protocols for assessing the impacts of climate change (p. 65). One is the Public Infrastructure Engineering Vulnerability Committee protocol, which is focused on the physical impacts of climate change on infrastructure. The other is Ontario's Guide for Considering Climate Change in the Environmental Assessment Process. This guide approaches climate change in terms of greenhouse gas emissions and carbon sinks, and provides no guidance on how EAs should examine the combined effect of climate change and projects.

Attawapiskat First Nation requires that the EA take a regional and ecosystem-based approach that looks at how changes brought by the road will be intensified by ongoing climate change. We need to consider that disruptions to the peatlands amid rapid climate change can create feedback loops that are difficult to accurately predict and mitigate, and that can have consequences for fish and wildlife far outside the immediate project footprint.

There is no plan in the ToR for using any type of scientific or technical analysis to consider the interactive effect of the road and climate change on fish and wildlife. Instead, we are told in the ToR that the Project Team will seek input from First Nations on our observations and perceptions of climate changes and trends. While it is certainly important to include the expertise of our land users, Attawapiskat First Nation requires that this subject be addressed in the technical analysis. Without such an analysis, we cannot fully understand the impact of the proposed road to our rights and interests.

Concerns about cascading effects of the road

The proposed road will open up the potential for resource development and create enormous pressure to build additional roads. If the CAR is built, in time, we will almost certainly see secondary and tertiary roads extending into the headwaters of Attawapiskat territory. The impact of opening our territory to resource extraction industries will be permanent and irreversible.

Attawapiskat First Nation is deeply concerned about the long-term cumulative impacts from the opening of the western portion of our territory to development. The location of the proposed road corridor is located in an ecologically sensitive area – it is near the headwaters of many rivers that drain our territory, and it is also a transition zone between the Hudson-James Bay Lowlands and the Ontario Shield, of particular importance to caribou, wolverine, and other species. Many fish and wildlife populations depend on intact habitats across this large geographic area.

Concerns about Ontario's role as project facilitator and proponent.

Marten Falls First Nation is named as the proponent, yet Ontario's Long-Term Infrastructure Plan clearly states that the province is supporting Marten Falls First Nation to plan and construct an access road connecting the community to the existing provincial highway network at Aroland/Nakina. According to *Building Better Lives: Ontario's Long-Term Infrastructure Plan* (2017), "Ontario will continue to support Marten Falls to undertake further technical and environmental studies that could inform planning and development of a north-south access road tied to the business case for, and development of, chromite mining in the Ring of Fire. Building these roads is a critical step in realizing the economic benefits of one of the largest mineral-development opportunities in Ontario in almost a century" [emphasis added]. The Plan goes on to say that "Ontario is working to support these First Nations as they address all regulatory requirements, so that this unique environment is protected" (p. 93).

The ToR strongly suggests that the road originally contemplated by Marten Falls First Nation was not multi-purpose, and that there was a "change of the road use to multi-purpose" after 2017 (p. 24). The ToR explains that the reason for this change was that "the provincial government would provide funding to plan all-season road access to the Ring of Fire and that as part of this plan they would work with Indigenous communities, including MFFN, to build all-season access roads to communities" (p. 23). This indicates that Ontario's primary rationale for promoting the road is to open the Ring of Fire to mineral development.

Attawapiskat First Nation requires additional paper and digital maps of the study area, and paper copies of the finalized Terms of Reference.

Please send Attawapiskat First Nation two large-scale, paper maps of the project area where activity and alternatives are proposed. Please also send an up-to-date shape file of this map, and a shape file of each of the study areas used by the proponent to examine impacts to wildlife (caribou, fish, etc.).

Please also send Attawapiskat First Nation 50 paper copies of the finalized Terms of Reference, so that we can distribute them to interested community members.

Specific comments

Section 3.1 (p. 5): The ToR states that "Ultimate ownership of the road may also trigger an additional class of project under the MECP Class EA to deregulate park land and modify the boundary of a provincial park for the CAR." Attawapiskat First Nation is concerned that Ontario is contemplating deregulating land that is currently protected from development. It is unacceptable that the evaluation of the decision to remove provincial park land from protected status will be done after the CAR individual EA is completed, and after the choice of route has already been made. Attawapiskat First Nation requests information on how the July 2020 amendments to the Environmental Assessment Act have changed the process for triggering an additional class of project under the MECP Class EA on provincial park boundaries.

Section 3.4 (p. 8): As noted above in our general comments, the review period for this project is too short for Attawapiskat First Nation to be meaningfully consulted on this project. Attawapiskat First Nation requires an explanation for why the comment period for "Indigenous communities" is the same as the

time (seven weeks for comment on the Individual EA and five weeks for comment on the ministry review) allowed for comments from "interested persons," who do not hold constitutionally-protected rights.

Section 3.4.2 (p. 9): The Indigenous knowledge collection outlined in the ToR emphasizes that Indigenous knowledge will be used to supplement the data gathered through Western scientific means "for this remote area of the province" and that our knowledge can be used to fill data gaps. For Attawapiskat First Nation, the land impacted by this project is part of our homeland. It is not a "remote area of the province." Our knowledge on the health, abundance and distribution of species and their habitats, including seasonal variations and historical changes/fluctuations is directly relevant to assessing impacts from the project, including cumulative impacts that affect our rights and interests. This knowledge has relevance in its own right and does not need to be first filtered through Western scientific understandings.

Section 3.4.2 (p. 10): If this EA is striving for a "fulsome assessment of potential impacts on Aboriginal and Treaty rights and interests" as linked to "potential socio-cultural and health effects," then such an analysis must consider that if this road is built, the mining, forestry, and road development that will ensue will transform our way of life forever. An individual project assessment such as the one being undertaken for the road cannot pretend to produce a "fulsome assessment" of impacts to Aboriginal and Treaty rights.

Section 3.4.2.1 (p. 11): The ToR suggests that the proponent will hold data collection workshops and interviews. Attawapiskat First Nation will itself be responsible for gathering land use and resource data, and share this data with the proponent as we see appropriate. Under no circumstances will this data be collected by the proponent.

Section 5.2.1 (p. 15-16): Attawapiskat First Nation is concerned by the extent to which quarries, borrow areas, aggregate source areas, construction yards, staging areas, camps, debris and timber stockpiles, and other "temporary" infrastructure will be developed in relation to this road. The ToR mentions decommissioning and blocking temporary infrastructure to discourage public use but to facilitate access for ongoing road maintenance. Is Attawapiskat First Nation to understand that none of the areas of temporary infrastructure will be restored to their original condition? If so, this adds significantly to the footprint of the project.

Without extensive remediation, areas of "temporary" infrastructure will remain degraded and the result will be permanent scars on the land. The ToR makes no mention of the remediation efforts that will be undertaken and there is no mention of the specific challenges associated with restoring fragile muskeg environments.

Section 5.2.2 (p. 17): Attawapiskat First Nation must be consulted on any provincial and federal permits that will be obtained for this project, including, but not limited to, permits from DFO for work in fish habitats, Environment Canada for impacts to species at risk, and the MECP for the permit to take water.

Section 5.2.2 (p. 19): Attawapiskat First Nation requests information on what substances will be applied to road surfaces during summer months for dust suppression.

Section 7.1.1 (p. 27): Attawapiskat First Nation is concerned about the potential for extensive disturbance to water and wildlife from aggregate mining. Some of the aggregate will be sourced from eskers which are important wildlife habitats, and two major potential aggregate sources are located adjacent to the Ogoki River (Figure 7-3 in the ToR), with implications for downstream areas.

Section 7.1.4.1 (p. 34): In our comments on the draft ToR we raised the concern that Attawapiskat First Nation considers the development of the proposed road to be premature and contrary to the objectives of the Far North Act, given that Marten Falls First Nation, as well as several First Nations with areas of shared use, have not yet completed Community Based Land Use Plans.

You responded that "MFFN recognizes that CBLUPs may be currently underway or not yet started. In the absence of completed plans, MFFN is engaging with neighbouring Indigenous communities and working with these communities to obtain Indigenous knowledge to help inform development of the Project. As such, the Project, where possible, can cooperate in the avoidance of possible future land use conflicts."

This does not allay our concern. Consultation on an individual project does not substitute for the comprehensive planning that needs to be done so that we can designate protected areas, determine thresholds for development, and protect the integrity of our ecosystem.

Section 7.1.4.1 (p. 41): Attawapiskat First Nation is concerned that the proponent is taking a site-specific approach to examining impacts to Indigenous land use. While specific sites are obviously important, impacts to Indigenous land use and practices are closely tied to impacts to wildlife and wildlife habitats, and must therefore be considered at a variety of scales, from the local to the sub-watershed, watershed and ecoregion level.

Section 7.1.4.9 (p. 54-56): In our comments in the draft ToR, we raised the concern that CAR will result in a decline in sturgeon populations that are shared with Marten Falls and other First Nations. Sturgeon gather in spring spawning aggregations in fast flowing water at precisely the locations favoured for road construction across rivers.

The ToR states that the EA will use electrofishing to determine fish presence and relative abundance in the vicinity of water body crossings. Attawapiskat First Nation requests further information on how electrofishing will be used to determine the presence of sturgeon and other fish species. Will this method be used during the spawning period? If so, this is of concern to Attawapiskat First Nation, because electrofishing can injure fish and reduce their fitness. How will the sampling be conducted to prevent harm to the fish being sampled?

Furthermore, we point out that sturgeon is an important cultural and economic resource for the community, and impacts to this migratory species must be considered at the watershed scale.

Section 7.1.4.10 (p. 60): Resource harvesting for neighbouring First Nations, including Attawapiskat First Nation, must be described in the baseline and environmental impact sections of the EA. Hunting, fishing, and trapping is not just a land use; it provides the economic basis for the exercise of our Aboriginal and Treaty rights.

Section 7.2 (p. 65): The potential effects of the project to Indigenous Peoples' Rights and Interests (Table 4-6) should include:

Changes in or loss of stewardship rights

Changes in or loss of the right to decision-making

If the Marten Falls CAR project is approved, a cascade of road, forestry, and mining development will ensue, with irreversible consequences for our region. The consultation planned for this EA excludes neighbouring First Nations from decision-making over the pace and direction of development in Omushkegowuk territory. This is contrary to Article 32 of the UN Declaration on the Rights of

Indigenous Peoples: "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."

Section 7.2.4 and 7.2.4.5 (p. 67): Gravel will be sourced from eskers and other deposits of glacial till that have potentially high chromium levels. The EA must consider how the facilities required to produce aggregate, the rock stockpiles, waste materials, and road construction will impact downstream levels of chromium and other metals. Attawapiskat First Nation has concerns about contamination of headwater streams and rivers by heavy metals including chromium.

Section 7.2.7 (p. 68): Attawapiskat First Nation requires that dustfall from aggregate mining and construction activities be examined as part of the EA's investigation of impacts to air quality. Dustfall may be an important factor in driving caribou avoidance of industrial developments. Attawapiskat First Nation requires that the proponent design a rigorous monitoring plan for the dustfall resulting from rock crushing and construction activities on vegetation, snow, and waterways. We require information on how the proponent will ensure water quality when fine sediments run off into waterways during the road's construction and operation phases. There must also be a plan in place to monitor the impacts of dust to caribou and other wildlife.

Section 7.2.8 (p. 69): Attawapiskat First Nation is concerned that this road project will have widespread consequences for caribou herds. The road location is in an ecologically sensitive area – the transition zone between the boreal shield and the Hudson Bay lowlands, which is of particular importance to caribou, wolverine and other species. The approach taken in this ToR (which is the plan for moving forward with baseline data collection in the EA) focuses on taking inventories of species and examining direct effects of the project on wildlife (such as the effect of vegetation clearing or water-taking on the availability of food and water for wildlife). This approach is deficient because it does not include changes to ranges and migratory routes, changes to predator-prey relationships, changes to food webs, and the intersection of these factors with climate change.

Section 7.2.9 (p. 69): The analysis of potential effects of the project on fish habitat should include expert-based fish sustainability indices developed for lake sturgeon, walleye, brook trout, and lake whitefish. See: Chetkiewicz, C.-L.B., Carlson, M., O'Connor, C.M., Edwards, B., Southee, F.M., and M. Sullivan. 2017. Assessing the Potential Cumulative Impacts of Land Use and Climate Change on Freshwater Fish in Northern Ontario. Wildlife Conservation Society Canada. Toronto, Canada.

Section 7.2.9 (p. 69-70): The analysis of effects on fish must include an analysis of downstream contamination by arsenic, selenium, mercury, and chromium. Attawapiskat First Nation relies on fish stocks downstream of the project area. We must have a full understanding of the projected bio-accumulation of these substances in fish.

Section 7.2.10 (p. 70): The EA needs to consider the long-term, cumulative impacts of building all-season roads on the mixed (subsistence/wage) economies of Indigenous communities in the region. Economic effects to Attawapiskat First Nation are not limited to changes to the labour market.

Section 8.2 (p. 73, Appendix A, p. 8 and Appendix E, p. 60-62): Attawapiskat First Nation is concerned that the proponent has not updated the indicators for impacts to caribou, to the full extent requested by the Ministry of Environment, Conservation and Parks (MECP) in its comments on the draft ToR. The MECP's list (Appendix E, p. 60-62) includes many indicators related to cumulative impacts and indirect effects that the proponent has chosen not to include in its list of indicators for caribou (Appendix A, p. 8).

The proponent states (Appendix E, p. 60) that the proposed ToR has been updated to "include suggested criteria and indicators where appropriate." Attawapiskat First Nation requires that all of the MECP indicators be used. Ontario must ensure that the proponent does not pick and choose indicators so as to influence the analysis of indirect and cumulative effects.

Furthermore, the MECP has indicated (Appendix D, p. 31) that when evaluating alternatives for provincially threatened or endangered species or their habitats, the tolerance of a habitat type to alteration must be taken into account, and both direct (e.g. habitat removal) and indirect (e.g. habitat fragmentation) should be assessed for each alternative. These requirements are not reflected in the Terms of Reference for this project.

Section 9 (p. 77): The ToR indicates that "MFFN will continue to share information on caribou and migration as it relates to the Project as it becomes available on an ongoing basis to neighbouring Indigenous communities and interested persons." Will the proponent request that general habitat mapping for caribou be done by the MECP, as the MECP has offered (Appendix D, p. 18)? Attawapiskat requests that MECP be involved in this mapping, and that MECP maps of anthropogenic and natural disturbances and caribou habitat (refuge habitat, winter habitat, etc.) be shared with Attawapiskat.

Section 9 (p.77): Attawapiskat expects that the proponent will use Ontario's Caribou Screening Tool reports to assess cumulative impacts of the project. The analysis of cumulative impacts to caribou must include the impact of projects that are reasonably forseeable if the Marten Falls CAR is approved: (1) construction of upgrades to the Anaconda/Painter Lake Forestry Road; (2) construction and operation of the Northern Road Link; (3) a potential East-West Road; (4) the Eagle's Nest Mine; (5) mining activities associated with the following deposits: Black Thor, BlackBird, Big Daddy, Black Label; (6) increased winter road traffic during Operations and Maintenance by future mining proponents and (7) advanced mineral exploration activities in the Ring of Fire area.

Section 11 (p. 102): Attawapiskat First Nation requires information on when exactly we will have an opportunity to comment on assessment methods during the EA. Specifically, we request information on how Indigenous communities will be able to comment on assessment methods when the workplan for the EA has been written and while studies are already underway.

As the MECP has commented (Appendix E, p. 17): "While it is appropriate to defer some detailed work planning to the EA phase, the ToR should include commitments for how technical reviewers, and other interested persons, will be consulted during the development of specific evaluation methodologies or technical work plans. It is strongly recommended that those opportunities for review occur prior to the completion of studies. … It is not clear whether MFFN plans to consult on the more detailed methodology and criteria during the EA phase or if the ToR phase is the main opportunity to provide input." Attawapiskat First Nations shares this concern.

The proponent did not respond in a meaningful way to this comment from the MECP in Appendix E, saying only that the criteria and indicators in the ToR have been updated and may continue to be updated. Attawapiskat First Nation requests a detailed response from the proponent to the issue raised by the MECP above.

Section 11 and Appendix B (p. 33): Again, there is no clear connection between the Planned Consultation Activities and the Targeted Input listed in Table 4-2, Appendix B. How and when will Attawapiskat First Nation receive information, and what type of information will Attawapiskat First Nation receive, in order to be able to meaningfully comment on the EA study as it is unfolding?

[redacted]
Attawapiskat First Nation

CC: Charles Hookimaw, Director of Lands and Resources, Attawapiskat First Nation
Deputy Chief, Louis Edwards, Attawapiskat First Nation
Wayne Turner, CEO, Attawapiskat First Nation
Dorothee Schreiber, Environmental Consultant, Attawapiskat First Nation

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Attawapiskat First Nation – December 15, 2020			
AttaFN-1	**This environmental assessment must be put on hold until Attawapiskat is able to resume in-person community consultation sessions.** The comments Attawapiskat First Nation provides below were prepared by Attawapiskat's Lands and Resources office, in consultation with environmental advisors, As such, these are technical comments that have not benefited from the crucially important insights that our land users can provide. We are now at a stage in the environmental assessments where we need to consult directly with our members to discuss the impacts of these road projects to our rights and interests. This work is currently on hold, as Attawapiskat is still under a state of emergency due to the pandemic. Our culture and laws require in-person, grassroots engagements. These are required in order to carry out the consultation and accommodation mandated by Canada's Constitution, UNDRIP and other international laws. We are entitled to equal benefit of these laws under section 15 of Canada' s Charter of Rights and Freedoms. The in-person engagement facilitates our members sharing in an honest way and many are not willing or able to share openly in other ways. We need to have the opportunity to meet in person. This work cannot be substituted by video or phone conferences. We also cannot yet allow group meetings because Attawapiskat is particularly vulnerable to Covid-19, should we have an outbreak in the community. Furthermore, at present, it is impossible for us to undertake mapping and documentation of traditional use of the project area, since we cannot meet in person and our environmental consultants are unable to travel to Attawapiskat because of Covid-19 restrictions. Attawapiskat First Nation requires that the environmental assessment/impact assessment phases of the Coordinated EAs be extended by the number of months that Attawapiskat is unable to carry out meaningful engagement at the community level. Since March 2020, the pandemic has prevented us from having the types of meetings we need to properly assess how the proposed all-season roads will impact our rights and interests. Therefore, the upcoming phases of the environmental assessments need to be extended for at least six months or until we are able to resume in-person meetings in our community.	Marten Falls First Nation (MFFN) received a letter from Attawapiskat First Nation on November 19, 2020 (after the Terms of Reference [ToR] was submitted for review) regarding the inability to gather in-person with land users and consult directly with members and a request to extend the timeline. MFFN responded to this letter on December 10, 2020. As a high-level summary of the response letter, MFFN noted that MFFN appreciates Attawapiskat First Nation's participation to-date and review and feedback on the Environmental Assessment (EA) / Impact Assessment (IA) documents, including the Initial Project Description, draft Tailored Impact Statement Guidelines (TISG) and the Draft ToR. MFFN understands that the review of these documents may not have included community membership review, and it is important to include the broader community moving forward. MFFN suggested scheduling a call to discuss the best approach to engage with Attawapiskat First Nation in light of the current coordinated EA / IA process, input required and timelines. The letter also encouraged Attawapiskat First Nation to contact the Ministry of the Environment, Conservation and Parks (MECP) directly regarding an extension of the EA. It is noted that the provincial EA for the Project has not yet started as its initiation is contingent on receiving ToR approval from MECP. MFFN will also be reaching out to hire a local Community Coordinator who will be the primary contact from Attawapiskat First Nation and act as a liaison to provide coordination between Attawapiskat First Nation and MFFN during the EA, including advising on appropriate ways to engage with Attawapiskat First Nation during COVID-19.	Section 11.6, pg. 108 Commitment for EA
AttaFN-2	**This road project will have enormous impacts on the water in our territory. The work plan for the EA, as outlined in the ToR, fails to take into account the region's unique hydrology.** The ToR refers to the hydrology of the region in terms of " wetlands" and "low lying, poorly drained terrain dominated by muskeg and bog" (p. 44) and indicates that "at water body crossing locations ... the water body type and coarse-level description of surface water and peatland features will be documented " (p. 47). It appears that the surface water field surveys will be done from an engineering perspective to advance details of the road design. This approach fails to take into account the complex patterns of water flow in the muskeg, where the land acts as a giant, inter-connected sponge. The ToR states that "the wetlands within the area of the Project are not designated as provincially significant" (p. 46). These peatlands are globally significant as a vast store of atmospheric carbon and as an almost undisturbed wilderness home to many animals including caribou and enormous flocks of migratory birds. Our muskeg lives and breathes and without it we would not survive as Omushkegowuk people.	MFFN recognizes the importance of these wetland features to Attawapiskat First Nation, as well as for carbon storage and habitat for wildlife. The designation of these wetlands as provincially non-significant reflects that of the Ontario Wetland Evaluation System (https://www.ontario.ca/page/wetlands-evaluation#section-2) and not the practical form / function of undocumented wetlands within the area of the Project. Baseline studies will be completed to assess the form and function of the surface and groundwater features and the EA will assess the potential effects of the Project on the quality and quantity of water. Additional work will be completed to assess the potential effects on peatland features as a result of Project activities. The scope of these surveys is being developed. Consultation on baseline studies is identified as part of the targeted input for the Effects Assessment Methods milestone in the EA / Impact Statement (IS) Consultation and Engagement Plan. The EA will document the methods and results of baseline studies completed in support of the Project. Further, Section 7.2.5 of the ToR describes how the EA will characterize the hydrology of the entire study area (i.e., not only at the baseline sampling points) using both desktop information and field data.	Section 7.2.5. pg. 67
AttaFN-3	**Ontario's Ministry of Environment, Conservation and Parks must be directly involved in designing and overseeing a water management plan for CAR.** The CAR project will require extensive de-watering. Because of our experience with the de-watering that took place at the Victor Diamond Mine, we are familiar with the hydrological changes, methyl mercury increases, and other environmental consequences that arise when industrial developments de-water peatland environments. The Albany and Attawapiskat Rivers are heavily used for harvesting by our traditional land users. These watersheds, including the headwaters impacted by the CAR project, sustain us in every way, and are at the core of who we are culturally and spiritually. Ontario's MECP must therefore be actively involved from the outset in ensuring that the de-watering and flooding resulting from the CAR project is managed in a way that protects the Albany and Attawapiskat watersheds from contamination and minimizes hydrological changes to downstream environments.	MFFN appreciates Attawapiskat First Nation sharing their experience with the Victor Diamond Mine and the potential effects that may occur as a result of dewatering in peatland environments. It is expected that dewatering for the Community Access Road (CAR) will be temporary in nature and only occur during the construction phase of the Project. Currently there are no plans for permanent damming, draining, or diversion of water; however, should these activities be proposed, they will also be assessed for potential effects in the EA. As noted in the ToR (Section 7.2), the EA will identify and assess the potential effects of the Project, including construction activities on surface water (quantity and quality) and groundwater (quantity and quality). The EA will also identify and assess indirect effects of the Project, such as how changes to surface water and groundwater may result in effects to wildlife and the traditional use of land and resources and availability of resources. The EA will also recommend impact management measures to avoid or minimize potential effects of the Project on the environment. The MECP has been and will continue to be involved with various aspects of the Project. Throughout the EA, agencies, including the MECP, will be consulted on the methods and outcomes of the assessment. In addition, permits and / or permissions will need to be obtained from the MECP prior to conducting any dewatering or water-taking activities (Section 13). These may include Environmental Activity Sector Registry permissions and / or a Permit to Take Water. As part of the application process for these permits, MFFN will be required to present impact management measures and monitoring protocols, which will be developed based on the results of the EA as well as through consultation with the	Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 13, pg. 113

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		MECP. As a result, dewatering, and water-taking activities, where required, will be managed in accordance with the EA and applicable environmental regulations and permits obtained from the MECP.	
AttaFN-4	**The individual EA for the Marten Falls CAR must include reasonably foreseeable projects resulting from the CAR.** The following list of projects must be applicable to all of the Guidelines' considerations and requirements: ▪ Construction of upgrades to the Anaconda/Painter Lake Forestry Road ▪ The construction and operation of the Northern Road Link (proposed road linking the northern portion of the Marten Falls Community Access Road to the Ring of Fire area) ▪ A potential East-West Road ▪ The Eagle ' s Nest Mine ▪ Mining activities associated with the following deposits: Black Thor, BlackBird, Big Daddy, Black Label ▪ Increased winter road traffic during Operation s and Maintenance by future mining proponents and ▪ Advanced mineral exploration activities in the Ring of Fire area.	Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. The activities that will be considered in the EA for the cumulative effects assessment include, but not limited to, the list of projects provided by Attawapiskat First Nation.	Section 7.2, pg. 65 Commitment for EA
AttaFN-5	**The technical analysis in the EA must consider the combined and interactive effects of the road and climate change on regional fish and wildlife.** This ToR' s statement on climate change references two protocols for assessing the impacts of climate change (p. 65). One is the Public Infrastructure Engineering Vulnerability Committee protocol, which is focused on the physical impacts of climate change on infrastructure. The other is Ontario' s Guide for Considering Climate Change in the Environmental Assessment Process. This guide approaches climate change in terms of greenhouse gas emissions and carbon sinks, and provides no guidance on how EAs should examine the combined effect of climate change and projects. Attawapiskat First Nation requires that the EA take a regional and ecosystem-based approach that looks at how changes brought by the road will be intensified by ongoing climate change. We need to consider that disruptions to the peatlands amid rapid climate change can create feedback loops that are difficult to accurately predict and mitigate, and that can have consequences for fish and wildlife far outside the immediate project footprint. There is no plan in the ToR for using any type of scientific or technical analysis to consider the interactive effect of the road and climate change on fish and wildlife. Instead, we are told in the ToR that the Project Team will seek input from First Nations on our observations and perceptions of climate changes and trends. While it is certainly important to include the expertise of our land users, Attawapiskat First Nation requires that this subject be addressed in the technical analysis. Without such an analysis, we cannot fully understand the impact of the proposed road to our rights and interests.	The potential effects of the Project on climate change, and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the climate change assessment will also be assessed per the requirements set out in Sections 15.5 and 23.2 of the Tailored Impact Statement Guidelines (TISG) developed by the Impact Assessment Agency of Canada (the Agency). A Climate Change Resilience Assessment will be undertaken to asses the potential effects of climate change, such as climate change effects on temperatures patterns and seasonality, including the onset of freeze / thaw events and changes in freeze / thaw cycles, will be evaluated for their effects on the Project and the Project's surrounding physical environment. The proposed methods for climate change will be consulted on during the EA during the Effects Assessment Methods milestone.	Section 7.2.2, pg. 66 Appendix B, Section 4.1.7, pg. 22 Commitment for EA
AttaFN-6	**Concerns about cascading effects of the road** The proposed road will open up the potential for resource development and create enormous pressure to build additional roads. If the CAR is built, in time, we will almost certainly see secondary and tertiary roads extending into the headwaters of Attawapiskat territory. The impact of opening our territory to resource extraction industries will be permanent and irreversible. Attawapiskat First Nation is deeply concerned about the long-term cumulative impacts from the opening of the western portion of our territory to development. The location of the proposed road corridor is located in an ecologically sensitive area- it is near the headwaters of many rivers that drain our territory, and it is also a transition zone between the Hudson-James Bay Lowlands and the Ontario Shield, of particular importance to caribou , wolverine , and other species. Many fish and wildlife populations depend on intact habitats across this large geographic area.	MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.	Section 7.2, pg. 65 Section 7.2.10, pg. 70
AttaFN-7	**Concerns about Ontario's role as project facilitator and proponent.** Marten Falls First Nation is named as the proponent, yet Ontario's Long-Term Infrastructure Plan clearly states that the province is supporting Marten Falls First Nation to plan and construct an access road connecting the community to the existing provincial highway network at Aroland/Nakina. According to Building Better Lives: Ontario's Long-Term Infrastructure Plan (2017) , "Ontario will continue to support Marten Falls to undertake further technical and environmental studies that could inform planning and development of a north-south access road tied to the business case for, and development of, chromite mining in the Ring of Fire. Building these roads is a critical step in realizing the economic	For decades, interests and concerns of the MFFN community have identified a strong desire for improved all-season community access. The Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development that accompanies the ToR submission provides a detailed account of the evolution of the alternative methods, which occurred over more than ten years. As described in this document, initial efforts were focused on researching and exploring options to connect the community to the existing provincial transportation network year-round for community access only. These early studies were focused on winter road realignment and potential upgrade to an all-season road.	Section 6.3, pg. 22 to 24 Supporting Document – Alternatives Development

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	benefits of one of the largest mineral-development opportunities in Ontario in almost a century" [emphasis added]. The Plan goes on to say that "Ontario is working to support these First Nations as they address all regulatory requirements, so that this unique environment is protected" (p. 93). The ToR strongly suggests that the road originally contemplated by Marten Falls First Nation was not multi- purpose, and that there was a "change of the road use to multi- purpose" after 2017 (p. 24). The ToR explains that the reason for this change was that "the provincial government would provide funding to plan all-season road access to the Ring of Fire and that as part of this plan they would work with Indigenous communities, including MFFN, to build all-season access roads to communities" (p. 23). This indicates that Ontario' s primary rationale for promoting the road is to open the Ring of Fire to mineral development.	In 2017, the Province entered into discussions with MFFN about funding an EA process. The provincial government would provide funding to plan all-season road access to MFFN. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire. The community of MFFN was not initially receptive to changing the intended use of the Project to a multi-purpose road; however, over time the community accepted the change in direction and recognized the potential economic benefits a multi-purpose road could provide while also minimizing infrastructure corridors in the Far North. Ontario's decision to fund the community access road is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	
AttaFN-8	**Attawapiskat First Nation requires additional paper and digital maps of the study area, and paper copies of the finalized Terms of Reference.** Please send Attawapiskat First Nation two large-scale, paper maps of the project area where activity and alternatives are proposed. Please also send an up-to-date shape file of this map, and a shape file of each of the study areas used by the proponent to examine impacts to wildlife (caribou, fish, etc.). Please also send Attawapiskat First Nation 50 paper copies of the finalized Terms of Reference so that we can distribute them to interested community members.	Given that Attawapiskat First Nation continues to be under lockdown, MFFN has limited the number of documents being shipped to five (5) hard copies of the ToR and appendices, 45 USBs with ToR documentation and 50 Project and ToR Fact Sheets (in both English and Cree) in an effort to further limit potential COVID-19 exposure.	
AttaFN-9	Section 3.1 (p. 5): The ToR states that " Ultimate ownership of the road may also trigger an additional class of project under the MECP Class EA to deregulate park land and modify the boundary of a provincial park for the CAR." Attawapiskat First Nation is concerned that Ontario is contemplating deregulating land that is currently protected from development. It is unacceptable that the evaluation of the decision to remove provincial park land from protected status will be done after the CAR individual EA is completed, and after the choice of route has already been made. Attawapiskat First Nation requests information on how the July 2020 amendments to the Environmental Assessment Act have changed the process for triggering an additional class of project under the MECP Class EA on provincial park boundaries.	It is unknown at this time how the July 2020 amendments to the *Environmental Assessment Act* have or could change the process for triggering the additional class of project under the MECP Class EA to deregulate park land and modify the boundary of a provincial park. The process will be better understood once regulations become available, however MFFN understands that the current PPCRA-Class EA will continue to provide coverage for the Project as no replacement policy / procedure has been established to date, as stated in comment MECP-24. MFFN will consult with government agencies throughout the EA process to confirm applicable requirements from the EAA amendment including the MECP Provincial Parks and Conservation Reserves Class EA. Where possible, the EA will be prepared in a manner that meets the requirements of the MECP Provincial Parks and Conservation Reserves Class EA if confirmed to be applicable to the Project based on consultation with the MECP. MFFN acknowledges the importance of provincial parks and have identified in Section 7.2.10 of the ToR that the EA will consider changes to provincial parks and protected area lands that may affect their values as part of the assessment of effects on land and resource use. The EA will also recommend impact management measures to avoid or minimize potential effects, including any potential effects predicted on provincial parks and protected areas.	Section 3.1, pg. 5 Section 7.2.0, pg. 70
AttaFN-10	Section 3.4 (p. 8): As noted above in our general comments, the review period for this project is too short for Attawapiskat First Nation to be meaningfully consulted on this project. Attawapiskat First Nation requires an explanation for why the comment period for " Indigenous communities" is the same as the time (seven weeks for comment on the Individual EA and five weeks for comment on the ministry review) allowed for comments from "interested persons," who do not hold constitutionally-protected rights.	The period of time allotted for interested parties (including the general public, Indigenous communities and government agencies) to review a ToR submitted to the MECP for Minister decision is set by the MECP. The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the review period for interested parties (including the general public, Indigenous communities and government agencies) from the minimum required 30 days to 60 days. An additional opportunity for Attawapiskat First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days. Why the length of the comment period for Indigenous communities is the same as the time allowed for comments from 'interested persons' is outside the scope of what MFFN is responsible for responding to as the proponent of the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	N/A
AttaFN-11	Section 3.4.2 (p. 9): The Indigenous knowledge collection outlined in the ToR emphasizes that Indigenous knowledge will be used to supplement the data gathered through Western scientific means "for this remote area of the province" and that our knowledge can be used to fill data gaps. For Attawapiskat First Nation, the land impacted by this project is part of our homeland. It is not a "remote area of the province." Our knowledge on the health, abundance and distribution of species and their habitats, including seasonal variations and historical changes/fluctuations is directly relevant to assessing impacts from the project, including cumulative impacts that affect our rights and interests. This knowledge has relevance in its own right and does not need to be first filtered through Western scientific understandings.	MFFN acknowledges the importance and value of Indigenous Knowledge in terms of a holistic perspective based on extensive experience of being on the land, observing the natural environment, and respect for the interconnectedness of nature. Further, MFFN acknowledges the direct relevance of Indigenous Knowledge to the characterization of existing conditions and the assessment of potential Project effects. It is not MFFN's intent that Indigenous Knowledge will be first filtered through Western scientific understandings, but rather that these two important bodies of knowledge are complementary and will collectively contribute to a robust characterization of existing conditions and effects assessment. In terms of the reference to the "remote area of the province", the intent here was to highlight the limitation of Western scientific knowledge in this region and the value that Indigenous Knowledge will have in addressing these limitations, reinforcing the complementary nature of these two important bodies of knowledge. MFFN will carry forward this important perspective throughout the EA and in the EA Report.	Section 3.4.2, pg. 9 Commitment for EA
AttaFN-12	Section 3.4.2 (p. 10): If this EA is striving for a "fulsome assessment of potential impacts on Aboriginal and Treaty rights and interests " as linked to "potential socio-cultural and health effects," then such an analysis must consider that if this road is built, the mining, forestry, and road development that will ensue will transform our way of life forever. An individual project assessment such as the one being undertaken for the road cannot pretend to produce a "fulsome assessment " of impacts to Aboriginal and Treaty rights.	MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for	Section 7.2, pg. 65 Section 7.2.10, pg. 70 Commitment for EA

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		cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the Tailored Impact Statement Guidelines (TISG) developed by the Impact Assessment Agency of Canada (the Agency). In accordance with the TISGs, the EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures. The Proponent will strive to respectfully collaborate with Indigenous communities on how Aboriginal and Treaty Rights and Interests may be impacted cumulatively. MFFN will engage with Indigenous communities through the Indigenous Knowledge Program and the Consultation and Engagement Program. Where Indigenous communities do not wish to participate in the cumulative effects assessment, a preliminary draft of the assessment will be provided for review and feedback prior to finalizing the EA Report.	
AttaFN-13	Section 3.4.2.1 (p. 11): The ToR suggests that the proponent will hold data collection workshops and interviews. Attawapiskat First Nation will itself be responsible for gathering land use and resource data, and share this data with the proponent as we see appropriate. Under no circumstances will this data be collected by the proponent.	MFFN acknowledges that Attawapiskat First Nation will be responsible for gathering land use and resource data and will share the data with MFFN as appropriate. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal TISG). This guidance has been provided through the Indigenous Knowledge Program Guidance Document that was shared with Indigenous communities, including Attawapiskat First Nation, in November 2020. As noted in the Indigenous Knowledge Program Guidance Document (specifically Section 6.1), information collection is generally done through workshops, focus groups, interviews, or a combination of these depending on what works best for the community. However, each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program.	N/A
AttaFN-14	Section 5.2.1 (p. 15-16): Attawapiskat First Nation is concerned by the extent to which quarries, borrow areas, aggregate source areas, construction yards, staging areas, camps, debris and timber stockpiles, and other "temporary" infrastructure will be developed in relation to this road. The ToR mentions decommissioning and blocking temporary infrastructure to discourage public use but to facilitate access for ongoing road maintenance. Is Attawapiskat First Nation to understand that none of the areas of temporary infrastructure will be restored to their original condition? If so, this adds significantly to the footprint of the project. Without extensive remediation, areas of "temporary" infrastructure will remain degraded and the result will be permanent scars on the land. The ToR makes no mention of the remediation efforts that will be undertaken and there is no mention of the specific challenges associated with restoring fragile muskeg environments.	Section 5.2.2 of the ToR states: "Once the CAR is constructed, temporary infrastructure used to facilitate construction will be demobilized, decommissioned and restored, or blocked to discourage public use but facilitate access for ongoing road maintenance." Blocking to discourage public use but facilitate access for ongoing road maintenance is a measure that may be in place while temporary infrastructure continues to be in use. When temporary infrastructure is no longer required to support the Project, it will be restored. The EA will recommend impact management measures to avoid or minimize potential effects of the Project on the environment and identify any potential net effects remaining after the application of impact management measures. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, including Attawapiskat First Nation, government agencies and interested persons on impact management measures during the consultation milestones "Effects Assessment Methods," "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will contact Attawapiskat during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Attawapiskat First Nation is encouraged to share recommendations for remediation and restoration within muskeg environments.	Section 5.2.2, pg. 17
AttaFN-15	Section 5.2.2 (p. 17): Attawapiskat First Nation must be consulted on any provincial and federal permits that will be obtained for this project, including, but not limited to, permits from DFO for work in fish habitats, Environment Canada for impacts to species at risk, and the MECP for the permit to take water.	Although the EA / IS Consultation and Engagement Plan (Appendix B of the ToR) is focused on consultation and engagement efforts throughout the EA, MFFN's primary objective is to effectively communicate information about the Project and to consult with or engage those who may be potentially affected by, or have an interest in, the Project or the lands potentially affected by the Project. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities to support the environmental, social, and economic sustainability of the	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8

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		Project. Therefore, outreach and consultation on the Project will continue beyond the EA phase and into post-EA approvals and permits as shown in Figure 1-2 of the EA / IS Consultation and Engagement Plan. Post EA permits and approvals will be based on the results of the EA (i.e., existing conditions, potential effects, impact management measures, monitoring measures). MFFN will consult with Attawapiskat throughout the EA on baseline conditions, potential effects, and impact management and follow-up measures, and input received will be incorporated into the EA where applicable, and subsequently Project permitting. That is, the information in the EA, informed by consultation with Attawapiskat First Nation, will then be used to prepare permit applications that meet commitments made throughout the EA. Any activities that may affect Indigenous land and resource use and / or Aboriginal and Treaty Rights will include consultation that was undertaken with Indigenous communities so that permit applications reflect the outcome of those discussions.	
AttaFN-16	Section 5.2.2 (p. 19): Attawapiskat First Nation requests information on what substances will be applied to road surfaces during summer months for dust suppression.	Section 5.2.2 ToR states that dust suppression may be applied during the construction and operations phases. The information on what dust suppression substances will be applied is unknown at this time as the CAR is early in the planning process. However, road construction and maintenance will follow typical Ministry of Transportation (MTO) standards and requirements. Therefore, the EA will identify potential substances that may be applied for dust suppression.	Section 5.2.2, pg. 17
AttaFN-17	Section 7.1.1 (p. 27): Attawapiskat First Nation is concerned about the potential for extensive disturbance to water and wildlife from aggregate mining. Some of the aggregate will be sourced from eskers which are important wildlife habitats, and two major potential aggregate sources are located adjacent to the Ogoki River (Figure 7-3 in the ToR), with implications for downstream areas.	MFFN acknowledges the potential effects of obtaining aggregate material from local sources on various components of the environment (e.g., water, wildlife, vegetation), and will identify and assess these effects in the EA.	Section 7.2.5, pg. 67 Section 7.2.8, pg. 69
AttaFN-18	Section 7.1.4.1 (p. 34): In our comments on the draft ToR we raised the concern that Attawapiskat First Nation considers the development of the proposed road to be premature and contrary to the objectives of the Far North Act, given that Marten Falls First Nation, as well as several First Nations with areas of shared use, have not yet completed Community Based Land Use Plans. You responded that "MFFN recognizes that CBLUPs may be currently underway or not yet started. In the absence of completed plans, MFFN is engaging with neighbouring Indigenous communities and working with these communities to obtain Indigenous knowledge to help inform development of the Project. As such, the Project, where possible, can cooperate in the avoidance of possible future land use conflicts." This does not allay our concern. Consultation on an individual project does not substitute for the comprehensive planning that needs to be done so that we can designate protected areas, determine thresholds for development, and protect the integrity of our ecosystem.	MFFN understands that Attawapiskat First Nation has initiated the process of independently preparing a land use plan outside of the *Far North Act* process and has released a Draft Terms of Reference for your plan in 2015. A review of Attawapiskat First Nation's and MFFN's area of interest for planning shows an overlap within the northern portion of the MFFN's community based land use planning area. This area of overlap is located north of the Project outside of the area where Project components of the CAR are anticipated to occur. MFFN understand the level of comprehensive planning that goes into community based land use planning and MFFN, with support for MNRF, are working with those Indigenous communities who have areas of planning that overlap. Through this process, MFFN is incorporating information shared by other communities to designate protected areas and determine thresholds for development. Recognizing that Community Based Land Use Plans may be currently underway or not yet started, MFFN will continue to engage with communities through the MFFN Community Based Land Use Plan process currently underway and throughout the Project to avoid possible future land use conflicts and protect valued areas and features. As noted in Section 7.1.4 of the ToR, information shared by the MFFN Community Based Land Use Plan Team will be used to support the planning process for the Project.	Section 7.1.4, pg. 31
AttaFN-19	Section 7.1.4.1 (p. 41): Attawapiskat First Nation is concerned that the proponent is taking a site-specific approach to examining impacts to Indigenous land use. While specific sites are obviously important, impacts to Indigenous land use and practices are closely tied to impacts to wildlife and wildlife habitats, and must therefore be considered at a variety of scales, from the local to the sub-watershed, watershed and ecoregion level.	MFFN acknowledges the importance of a more holistic perspective that goes beyond site-specific effects and considers the interrelated nature of wildlife and their habitats and Indigenous land and resource use. While potential site-specific effects will be included as part of the EA, the availability of lands and resources (including wildlife) for traditional activities is proposed as an indicator relevant to the criterion Indigenous Current Use of Lands and Resources for Traditional Purposed in Appendix A of the ToR. As mentioned in Section 8.2 of the ToR, Appendix A Criteria and Indicators includes both quantitative and qualitative criteria. Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including wildlife and their habitats, fish and their habitats, and vegetation) will also serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities. Further, the effects assessments will be completed at a variety of scales (local and regional study areas) for each discipline. Study areas are in the early stages of development; consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR).	Section 8.2, pg. 73 Appendix A, pg. 1 Appendix B, Section 4.1.7, pg. 22
AttaFN-20	Section 7.1.4.9 (p. 54-56): In our comments in the draft ToR, we raised the concern that CAR will result in a decline in sturgeon populations that are shared with Marten Falls and other First Nations. Sturgeon gather in spring spawning aggregations in fast flowing water at precisely the locations favoured for road construction across rivers. The ToR states that the EA will use electrofishing to determine fish presence and relative abundance in the vicinity of water body crossings. Attawapiskat First Nation requests further information on how electrofishing will be used to determine the presence of sturgeon and other fish species. Will this method be used during the spawning period? If so, this is of concern to Attawapiskat First Nation, because electrofishing can injure fish and reduce their fitness. How will the sampling be conducted to prevent harm to the fish being sampled? Furthermore, we point out that sturgeon is an important cultural and economic resource for the community, and impacts	MFFN acknowledges Attawapiskat First Nation's concern surrounding potential declines in sturgeon populations as result of the Project and that this species is culturally and economically important to your community. Electrofishing, angling and netting are common techniques used by fisheries biologists to count fish species present within a waterway at specific times of the year. Fish and fish habitat field surveys, including electrofishing are designed to avoid spawning windows for all fish species and to follow Department of Fisheries and Oceans in-water work timing restrictions. Prior to undertaking electrofishing surveys, a license to collect fish for scientific purposes must be obtained from the MNRF and as part of this process measures that will be in place to avoid potential effects to fish are outlined for MNRF's review. The EA will identify and assess potential effects to fish and fish habitat (Section 7.2.9). The effects will be considered at the quaternary watershed level for watersheds crossed by the roadway. As per Appendix A of the ToR, sturgeon is a	Section 7.2.9, pg. 69 to 70 Appendix A, pg. 4

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	to this migratory species must be considered at the watershed scale.	criterion for the EA.	
AttaFN-21	Section 7.1 .4.10 (p. 60): Resource harvesting for neighbouring First Nations, including Attawapiskat First Nation, must be described in the baseline and environmental impact sections of the EA. Hunting, fishing, and trapping is not just a land use; it provides the economic basis for the exercise of our Aboriginal and Treaty rights.	MFFN acknowledges the important role of land and water resources and associated hunting, fishing and trapping in the Traditional economy. The economic assessment will include considerations for the potential effects of the Project on Traditional / subsidence economies of Indigenous Communities. These effects will be assessed by evaluating predicted changes on the basis of the 'Economy' criterion (see Appendix A of the ToR). A commitment to assess potential effects of the Project to subsistence economies in the EA is also made in Section 9.1.1 of the ToR.	Section 9.1.1, pg. 77 Appendix A, pg. 6
AttaFN-22	Section 7.2 (p. 65): The potential effects of the project to Indigenous Peoples' Rights and Interests (Table 4-6) should include: ▪ Changes in or loss of stewardship rights ▪ Changes in or loss of the right to decision-making If the Marten Falls CAR project is approved, a cascade of road, forestry, and mining development will ensue, with irreversible consequences for our region. The consultation planned for this EA excludes neighbouring First Nations from decision-making over the pace and direction of development in Omushkegowuk territory. This is contrary to Article 32 of the UN Declaration on the Rights of Indigenous Peoples: "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."	MFFN acknowledges the importance of stewardship rights and right to decision-making to Attawapiskat First Nation. Changes in or loss of stewardship rights and the right to decision-making may be considered under the Changes to Cultural Traditions indicators of the Cultural Continuity criterion. MFFN is open to discussions with Attawapiskat First Nation surrounding their views on stewardship rights and receiving information on any stewardship programs that may exist. In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario *Environmental Assessment Act*. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. A community-specific consultation plan can be developed if of interest to the community. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Attawapiskat First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR.	Appendix A, pg. 1
AttaFN-23	Section 7.2.4 and 7.2.4.5 (p. 67): Gravel will be sourced from eskers and other deposits of glacial till that have potentially high chromium levels. The EA must consider how the facilities required to produce aggregate, the rock stockpiles, waste materials, and road construction will impact downstream levels of chromium and other metals. Attawapiskat First Nation has concerns about contamination of headwater streams and rivers by heavy metals including chromium.	As per Sections 7.2.4, 7.2.5 and 7.2.6 of the ToR, potential effects of aggregate extraction) will be identified in the EA. The Physiography, Geology, Geochemistry, Terrain and Soils program will assess the potential for acid rock drainage and metal leaching as result of the Project. The need for an Acid Rock Drainage / Metal Leaching Management Plan will be determined following the assessment of field data and completion of the baseline report. The EA will assess the potential effects of the Project on surface water, which will include looking at changes in quality (i.e., water chemistry).	Section 7.2.4, pg. 67 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68
AttaFN-24	Section 7.2.7 (p. 68): Attawapiskat First Nation requires that dustfall from aggregate mining and construction activities be examined as part of the EA' s investigation of impacts to air quality. Dustfall may be an important factor in driving caribou avoidance of industrial developments. Attawapiskat First Nation requires that the proponent design a rigorous monitoring plan for the dustfall resulting from rock crushing and construction activities on vegetation, snow, and waterways. We require information on how the proponent will ensure water quality when fine sediments run off into waterways during the road's construction and operation phases. There must also be a plan in place to monitor the impacts of dust to caribou and other wildlife.	The EA will identify and assess potential effects of the Project on the atmospheric environment. Project activities that have the potential to affect local air quality during construction and operations are identified in Section 7.2.2 of the ToR, and includes suspended particulate from the operation of machinery and equipment, and vehicle movement along the CAR. The EA will also assess the effects of temporary infrastructure, including quarries, borrow areas and aggregate source areas. The potential indirect effects of the anticipated dust emissions from these activities on other environmental disciplines, including vegetation, wildlife, caribou and surface water will be identified and assessed in the EA. The ToR also commits to develop plans for environmental monitoring during the EA process (Section 9.2). Environmental monitoring will verify the potential environmental effects predicted in the EA, evaluate the effectiveness of impact management measures, identify the process MFFN will follow if impact management measures are not effective, and determine compliance with applicable environmental legislation, industry standards, permits and commitments made in the ToR, EA and *Environmental Assessment Act* approval. The need for specific monitoring activities will be informed by the results of the effects assessment and input received through consultation and engagement. Monitoring for air quality may be recommended.	Section 7.2.2, pg. 66 Section 9.2, pg. 77 Commitment for EA
AttaFN-25	Section 7.2.8 (p. 69): Attawapiskat First Nation is concerned that this road project will have widespread consequences for caribou herds. The road location is in an ecologically sensitive area - the transition zone between the boreal shield and the Hudson Bay lowlands, which is of particular importance to caribou, wolverine and other species. The approach taken in this ToR (which is the plan for moving forward with baseline data collection in the EA) focuses on taking inventories of species and examining direct effects of the project on wildlife (such as the effect of vegetation clearing or water-taking on the availability of food and water for wildlife). This approach is deficient because it does not include changes to ranges and migratory routes, changes to predator-prey relationships, changes to food webs, and the intersection of these factors with climate change.	Potential effects to habitat availability, distribution, species presence and population state, and predator-prey dynamics for both ungulates (e.g., Caribou) and fur bearers (e.g., Wolverine) will be assessed in the EA (Appendix A) and documented in the EA Report. This includes assessment of changes to ranges, migratory routes, and food sources. The potential effects of the Project on climate change, and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The proposed methods for climate change will be consulted on during the EA during the Effects Assessment Methods milestone.	Appendix A, pg. 3 Appendix B, Section 4.1.7, pg. 22 Commitment for EA

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AttaFN-26	Section 7.2.9 (p. 69): The analysis of potential effects of the project on fish habitat should include expert- based fish sustainability indices developed for lake sturgeon, walleye, brook trout, and lake whitefish. See: Chetkiewicz, C.-L.B., Carlson, M., O'Conn or, C.M., Edwards, B., Southee, F.M., and M. Sullivan. 2017. Assessing the Potential Cumulative Impacts of Land Use and Climate Change on Freshwater Fish in Northern Ontario. Wildlife Conservation Society Canada. Toronto, Canada.	MFFN appreciates Attawapiskat First Nation identifying the additional data source that could be used to inform potential effects of the Project on fish habitat. Although the data source identified in the comment has not been specifically referenced in the ToR or Appendix A of the ToR, it will be reviewed as applicable when identifying and assessing effects of the Project on fish and fish habitat during the EA.	Commitment for EA
AttaFN-27	Section 7.2.9 (p. 69-70): The analysis of effects on fish must include an analysis of downstream contamination by arsenic, selenium, mercury, and chromium. Attawapiskat First Nation relies on fish stocks downstream of the project area. We must have a full understanding of the projected bio-accumulation of these substances in fish.	The EA will identify and assess potential effects of the Project on surface and groundwater, which will include looking at changes in quantity (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly effect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock materials to produce acid-rock-drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management measures and monitoring measures will be identified. At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed. Additionally, the EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, such as fish, potential effects to human health from exposure to COPCs in country foods will be evaluated further as part of the HHRA.	Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9, pg. 69 Commitment for EA
AttaFN-28	Section 7.2.10 (p. 70): The EA needs to consider the long-term, cumulative impacts of building all-season roads on the mixed (subsistence/wage) economies of Indigenous communities in the region. Economic effects to Attawapiskat First Nation are not limited to changes to the labour market.	MFFN acknowledges the important role of the Traditional economy. The economic assessment will include considerations for the potential effects of the Project on Traditional / subsidence economies of Indigenous Communities. These effects will be assessed by evaluating predicted changes on the basis of the 'Economy' criterion (see Appendix A of the ToR). A commitment to assess potential effect to subsistence economies in the EA is also made in Section 9.1.1 of the ToR. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable.	Section 9.1.1, pg. 77 Appendix A, pg. 6
AttaFN-29	Section 8.2 (p. 73, Appendix A, p. 8 and Appendix E, p. 60-62): Attawapiskat First Nation is concerned that the proponent has not updated the indicators for impacts to caribou, to the full extent requested by the Ministry of Environment, Conservation and Parks (MECP) in its comments on the draft ToR. The MECP's list (Appendix E, p. 60-62) includes many indicators related to cumulative impacts and indirect effects that the proponent has chosen not to include in its list of indicators for caribou (Appendix A, p. 8). The proponent states (Appendix E, p. 60) that the proposed ToR has been updated to "include suggested criteria and indicators where appropriate." Attawapiskat First Nation requires that all of the MECP indicators be used. Ontario must ensure that the proponent does not pick and choose indicators so as to influence the analysis of indirect and cumulative effects. Furthermore, the MECP has indicated (Appendix D, p. 3 I) that when evaluating alternatives for provincially threatened or endangered species or their habitats, the tolerance of a habitat type to alteration must be taken into account , and both direct (e.g. habitat removal) and indirect (e.g. habitat fragmentation) should be assessed for each alternative. These requirements are not reflected in the Terms of Reference for this project.	Inputs received to date from Indigenous communities, agencies and interested persons through the Consultation and Engagement Program, including inputs received on the Draft ToR, have been used to inform the selection of criteria and indicators included in Appendix A of the ToR for ungulates (moose and caribou). MFFN is in consultation with the MECP regarding MECP's suggested criteria and indicators for assessing effects to ungulates. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. The final criteria and indicators will be based on input received through the consultation and engagement program, including Attawapiskat First Nation's comments on the ToR and ongoing discussions with the MECP. Per Section 7.2 of the ToR, the EA will identify and assess both direct and indirect effects of the Project. Appendix A of the ToR identifies habitat availability, cumulative range disturbance (including movement corridors) and the consideration of the density of linear and nonlinear disturbances as indicators that will be used to determine potential effects of the Project on ungulates. Assessment of these indicators captures potential effects resulting from habitat removal and fragmentation noted in Attawapiskat First Nation's comment.	Section 7.2, pg. 63 Appendix A, pg. 3 to 4
AttaFN-30	Section 9 (p. 77): The ToR indicates that "MFFN will continue to share information on caribou and migration as it relates to the Project as it becomes available on an ongoing basis to neighbouring Indigenous communities and interested persons." Will the proponent request that general habitat mapping for caribou be done by the MECP, as the MECP has offered (Appendix D, p. 18)? Attawapiskat requests that MECP be involved in this mapping, and that MECP maps of anthropogenic and natural disturbances and caribou habitat (refuge habitat, winter habitat, etc.) be shared with Attawapiskat.	MFFN has requested general habitat mapping from the MECP and will be incorporating information informed by the mapping into the baseline reporting and effects assessment of the EA, as applicable. This information is subject to a sensitive data license between the MECP and MFFN. Attawapiskat First Nation is encouraged to engage with MECP directly regarding this request. We have referred your comment to Ontario so they can respond to you directly on this matter.	Commitment for EA
AttaFN-31	Section 9 (p.77): Attawapiskat expects that the proponent will use Ontario's Caribou Screening Tool reports to assess cumulative impacts of the project. The analysis of cumulative impacts to caribou must include the impact of projects that are reasonably foreseeable if the Marten Falls CAR is approved: (1) construction of upgrades to the Anaconda/Painter	The Ontario Caribou Screening Tool will be used to assess past, present, and future effects (including cumulative impacts) of the Project. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an	Section 7.2, pg. 65 Section 10.2.4, pg. 100 Commitment for EA

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	Lake Forestry Road; (2) construction and operation of the Northern Road Link; (3) a potential East-West Road; (4) the Eagle ' s Nest Mine; (5) mining activities associated with the following deposits: Black Thor, BlackBird, Big Daddy, Black Label; (6) increased winter road traffic during Operations and Maintenance by future mining proponents and (7) advanced mineral exploration activities in the Ring of Fire area.	activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate (Canadian Environmental Assessment Agency 2018b). The list of projects provided by Attawapiskat First Nation in this comment will be considered for inclusion in the assessment of cumulative effects in the EA.	
AttaFN-32	Section 11 (p. 102): Attawapiskat First Nation requires information on when exactly we will have an opportunity to comment on assessment methods during the EA. Specifically, we request information on how Indigenous communities will be able to comment on assessment methods when the workplan for the EA has been written and while studies are already underway. As the MECP has commented (Appendix E, p. 17): " While it is appropriate to defer some detailed work planning to the EA phase , the ToR should include commitments for how technical reviewers, and other interested persons, will be consulted during the development of specific evaluation methodologies or technical work plans. It is strongly recommended that those opportunities for review occur prior to the completion of studies.... It is not clear whether MFFN plans to consult on the more detailed methodology and criteria during the EA phase or if the ToR phase is the main opportunity to provide input." Attawapiskat First Nations shares this concern. The proponent did not respond in a meaningful way to this comment from the MECP in Appendix E, saying only that the criteria and indicators in the ToR have been updated and may continue to be updated. Attawapiskat First Nation requests a detailed response from the proponent to the issue raised by the MECP above.	MFFN will consult with Attawapiskat First Nation on assessment methods to better understand Attawapiskat First Nation's concerns and obtain feedback and input on the proposed methods. Consultation and engagement is planned to be undertaken during the consultation milestone Effects Assessment Methods identified in Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). The timing of consultation and engagement for this milestone is anticipated to be conducted between Summer 2021 to Fall 2021 to obtain feedback on the following components of the assessment methods: ▪ Consultation and engagement approach; ▪ Planned baseline field studies; ▪ Existing conditions and results of baseline field studies completed; ▪ EA / IA process; and ▪ Local and regional study areas, Project phases, criteria and indicators, Project-environment interactions and net effects. The purpose of collecting this information is to gather input and feedback prior to the undertaking the assessment of Project effects. The assessment methods will be updated based on the input received through consultation and engagement, where appropriate. Attawapiskat First Nation will be notified throughout the EA of the specific timing of consultation and engagement for each milestone. This consultation is anticipated to be conducted primarily through: ▪ Notifications; ▪ Engagement of Community Coordinators; ▪ Holding discussions / meetings; ▪ PICs (in-person and / or virtual); ▪ Plain language Project updates; ▪ Key informant interviews; ▪ Website updates; ▪ Newsletter and email updates; and ▪ Social media updates.	Appendix B, Table 4-2, pg. 22
AttaFN-33	Section 11 and Appendix B (p. 33): Again, there is no clear connection between the Planned Consultation Activities and the Targeted Input listed in Table 4-2, Appendix B. How and when will Attawapiskat First Nation receive information, and what type of information will Attawapiskat First Nation receive, in order to be able to meaningfully comment on the EA study as it is unfolding?	Section 11 of the ToR is a condensed version of the EA / IS Consultation and Engagement Plan and mirrors the same information. Attawapiskat First Nation will receive Project statutory notices at key milestones via registered mail and email. The first notice will be the Notice of Commencement for the EA. Information related to upcoming consultation opportunities to receive targeted input outlined in Table 4-2 will be provided directly to Attawapiskat First Nation with advanced notice. The list of activities outlined in Table 4-1 are a broad range of activities that demonstrate 'how' Attawapiskat First Nation may receive information. The anticipated timing column in Table 4-2 shows when Attawapiskat First Nation can expect to receive information and be provided with opportunity to provide targeted input related to each milestone. MFFN will keep Attawapiskat First Nation up to date well in advance of the milestone end dates and to notify of upcoming consultation and engagement opportunities. MFFN will also be reaching out to hire a local Community Coordinator who will be the primary contact for Attawapiskat First Nation and act as a liaison to provide coordination between Attawapiskat First Nation and MFFN during the EA, including advising on appropriate ways to engage with Attawapiskat First Nation.	Section 11, pg. 102-110 Appendix B, Section 4.1.5, Table 4-1, pg. 18-19 Appendix B, Section 4.1.7, Table 4-2, pg. 22-24 Commitment for EA

References

Attawapiskat First Nation Response References

Canadian Environmental Assessment Agency. 2018a:
Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

Canadian Environmental Assessment Agency. 2018b:
Interim Technical Guidance: Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012. http://publications.gc.ca/collections/collection_2018/acee-ceaa/En106-204-2018-eng.pdf

B5. Constance Lake First Nation

B5.1 Outgoing Community Specific Correspondence
B5.2 Incoming Community Specific Correspondence
B5.3 ToR Comments Received / Responses



B5.1 Outgoing Community Specific Correspondence



-----Original Message-----
From: info@martenfallsaccessroad.ca <info@martenfallsaccessroad.ca
Sent: Monday, August 10, 2020 9:47 AM
To: [redacted]
Cc: [redacted]
Subject: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Hello Chief Allen,

Please find attached a response to your letter dated July 22, 2020. If you could kindly confirm receipt of the attached letter that would be greatly appreciated.

Kind Regards,

The MFFN Project Team

August 10, 2020

Chief Richard Allen
Constance Lake First Nation
[redacted]

Re: Marten Falls Community Access Road Project Environmental Assessment & Draft Record of Consultation

Dear Chief Allen,

Thank you for your letter dated July 22, 2020, regarding the Marten Falls First Nation (MFFN) Community Access Road and draft Record of Consultation. We sincerely appreciate the time Constance Lake First Nation (CLFN) has taken to review and comment on the information provided so far, including the Draft Terms of Reference (ToR), high-level comments on the draft community-specific Record of Consultation and for sharing concerns regarding CLFN's capacity and on-going engagement / consultation challenges.

CLFN's concerns re-iterating that a hold be placed on engagement and consultation activities related to the MFFN Community Access Road during CLFN's current State of Emergency are heard. We fully understand your concerns and recognize that it can be difficult to engage on Project-related matters during this time.

Following the release of the ToR to the Province, there will be additional opportunities for CLFN to review and comment on the ToR. The Draft ToR phase was an additional voluntary process that the MFFN Project Team undertook to provide increased opportunity for comments and a view to the Draft ToR.

CLFN will be able to review and comment on the ToR during the 30-day review period once it is submitted to the Minister of the Environment, Conservation and Parks (ENDM). We will be sending you a copy of the ToR when it is released. We hope that the advanced notice and preliminary review of the Draft ToR will help in CLFN's review once the ToR is publicly available. In addition, we will reach out to ENDM and advise them of your comments regarding your community's difficulty in securing provincial funding support for participation in the Project. The MFFN Project Team would like to clarify that the community-led process means that the MFFN community helps to develop solutions and advance decisions about the Community

Access Road. MFFN, as the Proponent or owner of the Project, has formed a MFFN Project Team that includes MFFN members and acts with guidance, direction and input from the MFFN Chief and Council, MFFN Community Member Advisors and MFFN membership.

Please see the responses to the individual Record of Consultation comments that were provided in your July 22, 2020 letter:

CLFN Comment	MFFN Response
Table 2-3: It is difficult to review the final column (Addressed in the ToR / Considered in the Environmental Assessment (EA)) in the absence of the ToR document.	The purpose of the "Addressed in the ToR / Considered in the EA" column in the Record of Consultation summary of issues table is to direct readers to sections of the ToR where comments have been addressed, or to indicate if the comment will be considered in the EA. We understand it is difficult to interpret this column without the ToR, however, the "Response / Action" column provides a detailed response to the issue raised and would align if addressed in the ToR or considered in the EA. The ToR could not be released in parallel with the advanced community-specific Record of Consultation before the public release and submission to the Minister of the Environment, Conservation and Parks.
Table 2-3, Item 14: Regarding the project timeline, it is hoped that the COVID-19 pandemic and current consultation challenges are reflected, respected and appropriately accommodated.	Similar to the response in row 15 of the summary of issues table in the community-specific Record of Consultation, the Impact Assessment Agency of Canada will determine what would be an allowable extension if the Project can go beyond three years.
Table 2-3, Item 21: "The Consultation Plan includes a note on online engagement as a result of the COVID-19 outbreak and pandemic."	The MFFN Project Team recognizes that Indigenous communities identified in the Consultation Plan (that will be appended to the ToR for review) may experience challenges shifting from face-to-face

CLFN Comment	MFFN Response
• Merely shifting consultation efforts to an online format does not respect the established community processes for engagement and consultation on EAs, and the ongoing challenges surrounding inadequate internet speeds, inaccessible technology requirements (most notably with Elders), and the challenges of replacing traditional format engagement events that have been long-established as the standard methods of consultation (including face-to-face meetings, Open House events and community gatherings). Additional time, careful thought and planning will all be required to overcome these challenges, once we are beyond the present crisis.	engagement to other alternatives. We will work with each Indigenous community's preference in how they would like to be engaged if traditional formats cannot take place due to COVID-19. In addition to online options, consideration will be given to in-person consultation tools that respect the need to physically-distance (e.g., small groups or physically separated in-person meetings) as well as low-technology options for telephones that do not require an internet connection. The approach to consultation outlined in the Consultation Plan (appended to the ToR) is designed to be flexible and adaptable to evolving Project and community-specific needs.
Table 2-4: CLFN would appreciate if the date of our declared State of Emergency (March 17, 2020) could be reflected in the Record of Consultation, as an accurate reflection of the shift in circumstances and CLFN's ability to participate in this EA.	The letter dated June 12, 2020, and sent via email on June 19, 2020, was not previously included in the draft community-specific Record of Consultation package as it was received after the package was completed (June 8, 2020). The Record of Consultation has been updated to include the declared State of Emergency (March 17, 2020) as indicated in your letter dated June 12, 2020.
Table 2-4, Communication Date Feb. 14, 2020: Regarding a meeting invitation email having been addressed solely to Kimberly Jorgenson, Four Rivers Group Consultant, please ensure that all communications are directed to the full CLFN team. Communications should be addressed to: • Chief Richard Allen ([redacted])	Thank you for bringing this to the attention of the MFFN Project Team. All communication will be addressed to the contacts provided.

CLFN Comment	MFFN Response
• Monica John-George, Executive Director ([redacted]) • Bertha Sutherland, Lands & Resources Officer ([redacted]) • Wayne Neegan, Community Communications Liaison Officer; [redacted]; recently returned from temporary leave • Kimberly Jorgenson, Environmental Services Coordinator, Four Rivers Inc ([redacted])	
Table 2-4, Communication Date Feb. 19, 2020: Summary needs to be reworded to reflect that Charlene Wagenaar is with Four Rivers Inc. and is part of the CLFN consultant team.	The summary in table 2-4 will be updated to reflect Charlene Wagenaar is with Four Rivers Inc. and part of the CLFN consultant team.
CLFN assumes that the Record of Consultation will be updated prior to inclusion in the Final ToR document, with correspondence letters dated June 12, June 29 and today added.	The Record of Consultation will be updated to July 31, 2020 and will include the June 12, 2020, June 29, 2020 and July 22, 2020 letters.

Thank you—Meegwetch—for your continued interest in the MFFN Community Access Road Project. The MFFN Project Team respects the wishes of CLFN. Although we will continue to send Project information and updates to the community, we will only ask for a confirmation of receipt, when needed, as we understand CLFN will contact us when and if there is capacity to provide updates to the MFFN Project Team.

If you have any questions, feel free to reach out to Lawrence Baxter, Senior Community Member Advisor, MFFN, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC Monica John-George, Executive Director, CLFN
Bertha Sutherland, Lands & Resources Officer, CLFN
Wayne Neegan, Community Communications Liaison Officer, CLFN
Kimberly Jorgenson, Environmental Services Coordinator, Four Rivers Inc
Chief Bruce Achneepineskum, MFFN Chief
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Glinis Buffalo, MFFN Project Consultant
Lori Churchill, Ministry of Energy, Northern Development and Mines
Anjala Puvananathan, Impact Assessment Agency of Canada

From: Larissa Mikkelsen <[redacted]>
Sent: September 14, 2020 12:38 PM
To: Kimberly Jorgenson <[redacted]>; Charlene Wagenaar <[redacted]>
Cc: Andrea Nokleby <[redacted]>; '[redacted]>; Caroline Wrobel <[redacted]>; info@martenfallsaccessroad.ca
Subject: GIS files for local and regional study areas for the Aboriginal and Treaty Rights and Interests VC - Marten Falls Community Access Road Project

Hi Kim and Charlene,

Attached the GIS for the local and regional study areas for the Aboriginal and Treaty Rights and Interests valued component you requested.

Please let us know if we can assist with anything else or if you have any issues with the file formats.

Best wishes,

Larissa Mikkelsen, MSc.GeoI.
LBS Environmental Consulting

From: Buffalo, Glinis [redacted]
Sent: September 15, 2020 12:21 PM
To: Kimberly Jorgenson [redacted]
Subject: Current Email Addresses

Tansi' Chief Allen, Kimberly, Bertha and Monica,

I wanted to confirm if the contact table for CLFN has changed? Reason being, the proposed ToR will be sent your way soon for the MFFN CAR Project.

Glinis

From: Buffalo, Glinis
Sent: Monday, September 21, 2020 10:05 AM
To: Kimberly Jorgenson <[redacted]>
Cc: [redacted]
Subject: RE: Current Email Addresses

Tansi' Kimberly

How are you? You did not miss the distribution date as it will be finalized tomorrow. Is the Table correct to email the ToR document:

Team Member	Title	Expectation
Chief Richard Allen [redacted]	Chief of Constance Lake First Nation	Primary contact for formal communications (e.g. letters). Copy on informal communications (e.g. emails, meeting requests).
Bertha Sutherland [redacted]	Lands & Resources Officer	Primary contact for phone communications and informal communications. Copy on formal communications.
Monica John-George [redacted]	Executive Director	Copy on all communications.
Kimberly Jorgenson [redacted]	Environmental Services Coordinator, Four Rivers Inc.	Copy on all communications.

Can you please confirm the mailing address is correct to send a hardcopy of the ToR document?

[redacted]

If you have any questions, feel free to contact me.

Glinis

From: Buffalo, Glinis
Sent: Monday, September 21, 2020 11:33 AM
To: Kimberly Jorgenson <[redacted]>
Cc: [redacted]
Subject: RE: Current Email Addresses

Ay Hiy Ladies!

I will have our master contact list updated.

Glinis

From: Buffalo, Glinis
Sent: Monday, October 19, 2020 9:22 AM
To: Buffalo, Glinis; Andrea Nokleby; Caroline Wrobel; Don McKinnon; Larissa Mikkelsen; Qasim Saddique; Rick Allen; Bertha Sutherland; Wayne Neegan; Monica John-George; Kimberly Jorgenson; Lawrence Baxter; Bob Baxter
Cc: Fisken, Avril
Subject: Indigenous Knowledge Program and Next Steps
When: Tuesday, October 27, 2020 3:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Tansi' Chief Allen

Thank you for your comments sent in September on the IK Study memo and your request for a follow up meeting. We are more than happy to meet with you and your team. Please see the attached agenda for your review. If you have any questions prior to the meeting, feel free to send my way.

Please click on the link below to join us via Microsoft Teams. Alternatively, you can use the toll free number if that is more convenient.

Looking forward to speaking with you next week.

Regards,
Glinis

Join Microsoft Teams Meeting

[redacted]

Meeting Between Constance Lake First Nation (CLFN) and Marten Falls First Nation (MFFN) Project Team

Date: October 27, 2020
Location: Microsoft Teams
Time: 3:30 pm to 5:00 pm EST

Meeting Purpose: The purpose of this meeting is to reinitiate discussions with CLFN on the MFFN Community Access Road Indigenous Knowledge (IK) Program. It will focus on developing next steps for CLFN's participation in the IK Program.

Meeting Agenda:

Item #	Topic
1	Welcome and Introductions
2	Preliminary Aboriginal and Treaty Rights and Interests Study Areas
3	CLFN and MFFN - IK Sharing Agreement
4	General Discussion on Existing IK
5	Questions and Discussions
6	Next Steps
7	Closing Remarks

From: Buffalo, Glinis
Sent: Monday, October 26, 2020 12:17 PM
To: 'C[redacted]>
Cc: 'Bob Baxter' <[redacted]
Subject: RE: MFCAR IK Study Memo - CLFN Comments

Tansi' Chief Allen,

The Aboriginal and Treaty Rights and Interests Regional Study Area has been revised based on comments received from Indigenous communities, including CLFN. We have attached a draft revised Study Areas figure, the associated shapefiles and KMZ files as well as the agenda for our upcoming Indigenous Knowledge Program Meeting on October 27, 2020**.**

Please find below a detailed description of the general comment and the corresponding revisions to Study Areas.

General Comment	Revisions to Study Areas
There are three distinct areas near the southern portion of the undertaking where the RSA is narrower than the LSA area, i.e. it comes closer than 5 km from the proposed road corridors. In one area the RSA is actually beneath corridor segment 'Alternative 4 West'. The RSA should be inclusive of the LSA, and that the quaternary watersheds crossed by the LSA should be added to the RSA. At no point should the RSA be narrower than the LSA, and certainly not narrower than the actual road corridor.	This has been addressed in the revisions - the RSA has been revised to include all quaternary watersheds that interact with the potential route alignments. In doing so, the revised RSA is wholly inclusive of the LSA.
The LSA and RSA both end within 5 km (or less) of the southern terminus of Alternative 4. Both Study Areas should be expanded further south to ensure that impacts to First Nations rights and values are appropriately considered from the resultant increased traffic flow onto Painter Lake Road. An appropriate Study Area should include at least one additional quaternary watershed south of the current Study Area boundaries.	An additional quaternary watershed at the southern terminus of Alternative 4 has been added to the RSA.

We look forward to our discussion with CLFN tomorrow.

Regards,
Glinis

From: Buffalo, Glinis

Sent: Thursday, October 29, 2020 9:53 AM

To: [redacted]

Cc: [redacted] Kimberly Jorgenson; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin

Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Allen,

Thank you for confirming receipt of the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I have attached the Notice of Submission email sent to vou on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Thank you for confirming the Community received the Proposed ToR documents for:

Notice of Submission were mailed out October 14, 2020
Proposed ToR Packages were mailed October 14, 2020, which included;
Hard Copies of the ToR, USB (electronic copies), and Factsheets
Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Glinis Buffalo

Attachment

Noticed of Submission ToR October 23 Email

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada
[redacted]

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[redacted]
aecom.com

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[redacted]

From: Buffalo, Glinis
Sent: Thursday, December 10, 2020 9:24 AM
To: [redacted] Kimberly Jorgenson
Cc: Andrea Nokleby; Larissa Mikkelsen; Lawrence Baxter; Bob Baxter; Caroline Wrobel
Subject: Draft Meeting Minutes for October 27, 2020 on the IK Program
Attachments: DRAFT_MIN_2020-10-27_CLFN IK Meeting_60593122.docx

Tansi' Chief Allen, Wayne, Bertha and Kimberly

How are you? Attached is the draft Meeting Minutes from the October 27th Teams call we had on the IK Knowledge Program for your review and comment. Please note any action items. Can you please review and send any revisions you may have back by December 23rd, 2020.

Take care and stay safe.

Glinis

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada
[redacted]

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[redacted]
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[redacted]

From: Buffalo, Glinis
Sent: Thursday, December 10, 2020 9:42 AM
To: [redacted] Kimberly Jorgenson; [redacted]
Cc: Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: Marten Falls All-Season Community Access Road ToR Review

Tansi' Chief Allen,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that CLFN has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**.

If CLFN is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Glinis
On behalf of the Marten Falls First Nation Community Access Road Project Team

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada
[redacted]

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[redacted]
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[redacted]

From: Buffalo, Glinis
Sent: Monday, December 14, 2020 2:04 PM
To: [redacted] Kimberly Jorgenson; [redacted]
Cc: Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Tansi' Chief Allen,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If CLFN is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Glinis
On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Buffalo, Glinis
Sent: Wednesday, December 16, 2020 10:00 AM
To: [redacted] Kimberly Jorgenson; [redacted]
Cc: Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Tansi' Chief Allen,

Thank you for confirming CLFN will send comments on the ToR Review by December 21, 2020 via the phone this past Monday. We look forward to them.

Glinis

From: Crier, Sherina
Sent: Monday, February 8, 2021 12:14 PM
To: [redacted]
Cc: [redacted]Kimberly Jorgenson; Ross, Kathryn
Subject: RE: New Contact - Marten Falls First Nation Community Access Road

Tansi and Hello Chief Allen,

I would like to introduce myself, my name is Sherina Crier, and as Kathryn noted, I will be the new contact for Constance Lake First Nation's coordination on the Marten Falls First Nation Community Access Road.

A little bit about myself, I am from [redacted] and I reside in [redacted] AB. I am a Socioeconomic Advisor at AECOM, I also work on another project in Maskwacis, and I have worked very closely with Glinis in the past. I appreciate working with First Nation's communities, and I am very honored to be working with the Constance Lake First Nation. I look forward to learning more about your community and continuing the engagement relationship that Glinis has built with you and your community.

That's it from me for now, and I will keep you up to date on the progress of the project from here onwards. In the meantime, please reach out to me if you have any questions.

I do hope that you and your community stay safe and warm during these trying times of COVID.

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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[redacted]
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[redacted]

Ay hai,
Sherina

From: Crier, Sherina
Sent: Monday, February 22, 2021 1:01 PM
To: [redacted]
Cc: [redacted] info@martenfallsaccessroad.ca; [redacted] Kimberly Jorgenson; [redacted] Cinnamon, Christine; [redacted]
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Dear Chief Rick Allen,

I hope that you are doing well. This is Sherina Crier from AECOM with the Marten Falls Community Access Road Project Team, I am writing this email to confirm that I have called you at 2:50 p.m. and left a voicemail on your personal mobile. I received your contact information from the reception at the Constance Lake First Nation Admin desk.

I called to inquire whether you have received the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road, and whether the community will propose a response to the ToR. The comment period has been extended, and I left my phone number if you would like to call me back to discuss. Please be in touch if you have any questions.

I hope to hear from you soon!

Sincerely,
Sherina Crier
On behalf of the MFFN Community Access Road Project Team

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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[redacted]

From: Crier, Sherina
Sent: Tuesday, February 23, 2021 10:15 AM
To: Kimberly Jorgenson
Cc: [redacted]
Subject: RE: New Contact - Marten Falls First Nation Community Access Road

HI Kimberly,

Thank you for your email. We have received the two documents (meeting minutes and draft IK sharing agreement). From here, I will forward them on to the MFFN Project Team and will get back to you soon, with the final version of the minutes and an update on the IK agreement.

Aside, I have received your previous emails (community engagement below, and the response to ToR), and I will respond separately, so we can both keep track Please bear with me as I am getting myself acquainted with the project. At any time, if you have any questions, please let me know and I will do my best to answer your questions.

Take care,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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[redacted]

From: Crier, Sherina
Sent: Friday, February 26, 2021 11:56 AM
To: Kimberly Jorgenson
Cc: [redacted]
Subject: RE: New Contact - Marten Falls First Nation Community Access Road

Hi Kimberly,

It is very nice hearing from you. I deeply empathize with Constance Lake First Nation at this time. I am aware of the current state of emergency and I am deeply saddened by this. My thoughts are with you and the community, as I understand that it's difficult to continue working especially at such an unfortunate time with the COVID pandemic.

I do appreciate the context that you provided in relation to community engagement discussions before my time, particularly where you referenced: "*…the MFCAR team was going to provide a panel and discuss community questions compiled from previous engagement events.*" We are keen to progress community engagement, as such was suggested by your community's leadership, and we are happy to facilitate your request. I would like to ask if the community would be okay to have Ontario (ENDM and MECP) present at the panel recording?

You have suggested the following: "*CLFN would like to propose providing the MFCAR team with the compiled panel questions, with the goal of the MFCAR team pre-recording their responses which could be appropriately distributed by CLFN to engaged members.*"

I will reach out to the MFFN Project Team and get back to you next week to discuss how best to proceed with your request. I have noted your suggestion to contact Charlene directly. Once we have input from the MFFN Project Team and Senior Community Advisors, I can begin to discuss logistics with Charlene. We very much look forward to continuing our conversations.

Nice to "meet" you. I will be in touch.

Ay hai,
Sherina"

From: Crier, Sherina
Sent: Tuesday, March 2, 2021 1:48 PM
To: [redacted]
Cc: Kimberly Jorgenson; Qasim Saddique; [redacted] Jennifer Bruin; Larissa Mikkelsen; info@martenfallsaccessroad.ca; [redacted] Cinnamon, Christine; [redacted] Moszynski, Dorothy (MECP)
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Dear Chief Allen,

I appreciate you returning my call on Monday 22nd February 2021, after I left you a voicemail about the additional opportunity to provide comments on the MFFN CAR Terms of Reference (ToR) extension. Thank you for your valuable feedback. In our conversation, I noted the following topics you raised regarding the Project:

The Caribou Baseline Study;
The Regional Assessment; and
The designated protection zone where you mentioned that protected areas have the potential to stop a project. You asked how these items will be considered and influence the process, and that you would first need to discuss with your team and then come back to us with a response.

The reason I am seeking confirmation on the topics raised during our conversation is because, during our call, Kimberly Jorgenson of Four Rivers Environmental Consultant Group, sent a message (thread below) confirming CLFN's comments to the ToR still stand, as submitted on December 18, 2021.

My question to you is whether the topics you raised on the phone with me (and listed above) are additional comments from Constance Lake First Nation on the ToR, and if you would like the above topics included as part of the Record of Consultation? If so, I can follow up with you via email to ensure that the record accurately reflects your comments made on and off record.

Or, are these general concerns that you would like to discuss further, and we can follow-up with you in a future meeting?

Looking forward to hearing back from you.

Have a great day,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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[redacted]
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[redacted]

From: Crier, Sherina
Sent: Tuesday, March 23, 2021 2:01 PM
To: Kimberly Jorgenson
Cc: [redacted]
Subject: RE: New Contact - Marten Falls First Nation Community Access Road

Good day Kimberly and Bertha,

Thank you for the updating me on the contact information for the Virtual Engagement Planning. As an update, I met with the MFFN Project Team we are happy accommodate your suggestion for the Virtual Engagement; whereby the questions proposed by the CLFN are recorded and answered by the MFFN Project Team, and then distributed to the CLFN.

We also have a few suggestions and would appreciate your thoughts on them:

1. Some of the questions CLFN has may also be similar questions that other Indigenous communities have. Would you be open to the possibility of us re-purposing responses for public-use if they are general? MFFN will respond directly and respectfully to the concerns raised by CLFN, but it would be nice to share responses more broadly if possible.
2. Kimberly – is there a possibility that the other Indigenous communities you work with might be interested in a similar Virtual Panel Engagement opportunity?

Let me know if you are ready to provide the list of questions from CLFN, and if there are additional formats you would like to consider or translation requirements. Lastly, regarding the IK sharing agreement and meeting minutes from October, they are under review from the PT and will be returned soon.

If it's easier to chat on the phone, I would be happy to arrange a call.

Have a great day!

Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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[redacted]

From: Crier, Sherina
Sent: Tuesday, May 4, 2021 1:54 PM
To: Kimberly Jorgenson; [redacted]
Cc: Qasim Saddique; [redacted]
jennifer bruin; Larissa Mikkelsen; info@martenfallsaccessroad.ca; [redacted] Cinnamon, Christine; [redacted] Moszynski, Dorothy (MECP)
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-05-04_MFFN CAR Responses to CLFN Comments.docx

Hi Kimberly,

Thank you for relaying these concerns on behalf of Constance Lake First Nation. We have split your questions and feedback into the following five topics, the first two of which were expressed in an email from yourself on March 8, 2021 and the last three were raised by Chief Richard Allen on the phone on February 22, 2021.

- Meaningful Engagement
- Climate Change Considerations
- Caribou Baseline Study
- Regional Assessment
- Designated Protected Zone

The attached document provides a combination of previous responses provided on these topics as part of the ToR comment period and additional information, where available. We would like to clarify whether these responses are considered to be sufficient, or whether Constance Lake First Nation is looking for additional clarification or detail on these topics. If there are other questions or feedback related to the topics listed above, please pass these along and we will provide further clarification and information.
Sincerely,

Sherina Crier
On behalf of the Marten Falls First Nation Community Access Road Project Team

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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[redacted]

Meaningful Engagement

The comment regarding meaningful engagement provided in the March 21, 2021 email was submitted previously as a comment on the Proposed ToR. The comment and the response previously provided have been included below for reference. We would like to clarify whether the previous response was sufficient, or whether Constance Lake First Nation is looking for additional clarification or detail.

Proposed ToR Comment CLFN-9	CLFN's internal communication and engagement processes must be respected, with full-community involvement necessary in all decision-making. CLFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members (especially Elders).	MFFN understands that many communities, including Constance Lake First Nation, are experiencing challenges related to the global pandemic, limited resources, consultation fatigue, conflicting priorities and confusing overlap and deadlines between different projects. Section 10 of the ToR is related to consultation activities that have already taken place. These challenges will be top of mind for MFFN when the consultation program for the EA is commenced which is outlined in Section 11 of the ToR (and the corresponding EA / IS Consultation and Engagement Plan). MFFN understands that online engagement is only one piece of the puzzle and can sometimes be limited in reach. MFFN needs to work together with Constance Lake First Nation to determine the best path forward for consultation and engagement with all community members. As noted in the EA / IS Consultation and Engagement Plan, there are more activities offered than online engagement, including teleconferences and potential small in-person meetings that adhere to physically distant protocols (and do not require an internet connection). Flexibility and adaptability are key, and developing a community-specific consultation and engagement plan is offered if Constance Lake First Nation is interested. MFFN will be hiring a local Community Coordinator and it is anticipated that this role will also help in planning and coordinating consultation and engagement efforts that meet the needs of the community.

Climate Change

The first portion of the comment regarding climate change provided in the March 21, 2021 email was submitted previously as a comment on the Proposed ToR. The comment and the response previously provided have been included below for reference. We would like to clarify whether the previous response was sufficient, or whether Constance Lake First Nation is looking for additional clarification or detail. The second portion of the comment on climate change was not previously provided and therefore a new response has been provided below.

Proposed ToR Comment CLFN-20	Since the future decommission of the project is not going to be planned/considered, it is important that the EA discuss how the project construction will accommodate future climate change realities, most notably with greatly fluctuating seasonal temperatures, rainfall events and wildfires. CLFN would also like more information on how carbon sinks (peatlands and forested lands) will be impacted by the development, and how the potential value of future carbon credits in the region might be impacted.	The potential effects of the Project on climate change (ToR Section 7.2.2), and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the climate change assessment will also be assessed per the requirements set out in Sections 15.5 and 23.2 of the Tailored Impact Statement Guidelines developed by the Impact Assessment Agency of Canada. A Climate Change Resilience Assessment will be undertaken to assess the potential effects of climate change, such as climate change effects on temperatures patterns and seasonality, including the onset of freeze / thaw events and changes in freeze / thaw cycles, will be evaluated for their effects on the Project and the Project's surrounding physical environment. The proposed methods for climate change will be consulted on during the EA during the Effects Assessment Methods milestone.
March 8, 2021 email	Further to this comment, CLFN has observed additional changes in the flow of waterways due to increased beaver activity in the area, attributed to reduced trapping activities and the changing climate. The impacts of these changes will not be known for many years into the future and must be considered in the EA	MFFN appreciates Constance Lake First Nation's information on changes to the existing flow of waterways and recognizes concerns about the challenges in predicting further potential changes resulting from changes in activities in the area and the climate. As described in Section 7 of the ToR, the EA will include a description of the environment that may be affected by the Project. In addition, Sections 8 and 9 of the ToR state that the EA will recommend impact management measures and follow-up monitoring programs. MFFN will conduct consultation and engagement on these issues during the EA and welcomes further input from Constance Lake First Nation. The EA / Impact

		Statement (IS) Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones "Effects Assessment Methods," "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Constance Lake First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. In addition, the Indigenous Knowledge Program provides additional opportunities for information on Constance Lake First Nation's traditional knowledge to be shared in greater detail. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Constance Lake First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.

Caribou Baseline Study

The caribou baseline study for the Project is under development and will be included in the EA. The caribou baseline study for the Project includes work previously done in 2018 and future work MFFN plans to conduct through 2021 to 2024; the planned field work includes a number of components which span approximately 3 years. The first field component of this study was completed in February 2021, for which Constance Lake First Nation should have received a notification about. The results of the caribou baseline study will be provided at a later date. A virtual information session is planned for spring / summer 2021 to discuss the ungulate (includes moose and caribou) field study program. An invitation to this online event will be distributed to all neighbouring Indigenous communities, including Constance Lake First Nation.

As described in Section 7 of the ToR, the EA will include a description of the environmental that may be affected by the Project, which will include caribou and caribou habitat, and as stated in Section 8 and 9

of the ToR, the EA will recommend impact management measures and follow-up monitoring programs. MFFN will conduct consultation and engagement on these issues during the EA and welcomes further input from Constance Lake First Nation. The EA / Impact Statement (IS) Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones "Effects Assessment Methods," "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Constance Lake First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. In addition, the Indigenous Knowledge Program provides additional opportunities for information on Constance Lake First Nation's traditional knowledge to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Constance Lake First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.

Regional Assessment

As identified in Section 7.2 of the ToR, the regional assessment of the Ring of Fire region is an assessment independent of the EA for the MFFN CAR, however, should information from the regional assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the cumulative effects assessment for the Project. Based on feedback from the Agency, it is understood that the Regional Assessment of the Ring of Fire does not impact the timing of the impact assessment for the Project. MFFN will maintain contact with the Agency's contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.

In addition, as also identified in Section 7.2 of the ToR, as part of the EA, a cumulative effects assessment will be undertaken. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act,

2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. Therefore, in the context of the cumulative effects assessment for the Project, future development in the Ring of Fire can also be discussed (e.g., identification of other projects to be considered in the cumulative effects assessment, potential effects and impact management measures).

Designated Protection Zone

CLFN-21	Community Priorities Policy/regulation: CLFN would like to understand how different regulations, including those related to Provincial Parks or protected conservation areas, will apply to the proposed project. CLFN would also like to understand how future community regulations exercising Indigenous Rights in our homelands will apply to/be impacted by the project, such as hunting restrictions on valued species.	The ToR provides preliminary information about how different regulations apply to the Project in Sections 3.1, 3.2, 3.3 and 13. This included identification of the Ministry of the Environment, Conservation and Parks *Provincial Parks and Conservation Reserves Act, 2006* / Provincial Parks and Conservation Reserves Class EA. It is MFFN's understanding that the current Provincial Parks and Conservation Reserves Class EA will continue to provide coverage for this Project as no replacement policy / procedure has been established to date as a result of the 2020 amendments to the Ontario *Environmental Assessment Act*. The EA will provide additional information about the regulations applicable to the Project as more information becomes available and permitting / approval requirements are confirmed. MFFN will consult with Constance Lake First Nation during the EA to discuss regulations that may be applicable to the Project.

From: Crier, Sherina
Sent: Thursday, May 6, 2021 11:23 AM
To: Kimberly Jorgenson
Subject: RE: New Contact - Marten Falls First Nation Community Access Road

Tansi Kimberly,

How are you? I'd like to touch base with you for an update to AECOM on coordinating the virtual engagement session. Have you had the opportunity to think about any questions/items of concern to CLFN on the project, that can directly answered by the project team? This can be submitted ahead of time to prepare for the recorded responses. Or have you considered:

1. Some of the questions CLFN has may also be similar questions that other Indigenous communities have. Would you be open to the possibility of us re-purposing responses for public-use if they are general? MFFN will respond directly and respectfully to the concerns raised by CLFN, but it would be nice to share responses more broadly if possible.
2. Kimberly – is there a possibility that the other Indigenous communities you work with might be interested in a similar Virtual Panel Engagement opportunity?
3. Are there any additional formats you would like to consider or translation requirements?

If you have the time, I can set up a call with you to discuss and plan all of the logistics. In terms of the meeting minutes, they are finalized and we are awaiting review of the IK sharing agreement which I will return in one parcel (if that's okay with you).

Hope to hear back soon!

Thank you,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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From: Kimberly Jorgenson [redacted]
Sent: Friday, May 14, 2021 10:08 AM
To: Crier, Sherina
Cc: [redacted]
Subject: [EXTERNAL] RE: CLFN community Access Road - Questions for Bat Program

Hi Sherina,

Thank you for the information on the upcoming bat acoustic survey program.

Due to the ongoing pandemic, Constance Lake First Nation has not yet undertaken focused TK data collection work within the MFCAR local/regional study areas that may overlap with CLFN's homelands. Four Rivers has supported previous bat SAR study work within CLFN's homelands, however this work is not yet published, nor was it located near the MFCAR study areas.

I hope this information is of assistance, as I do not anticipate that further information will be available in relation to this program by May 28th. Thanks,

Kim

Kimberly Jorgenson ᑭᒪᓂᖅ ᔮᖏᓚᐅ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐃᓕᓐ ᐱᔪᐃᒋᕐᐊᐃᓕᓐ ᑲᓇᓇᑦᑕᑌᒃ
Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᓐᵇ ᐊᑭ ᐱᒪᑎᓱᐃᓕᓐ ᐃᒋᐦᐃᐁᐃᓕᓐ ᐊᓗᑭᓇᑲᓇᵇ
Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓐ ᐅᑭᒪᐃᓕᓐ
[redacted]

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From: Crier, Sherina
Sent: Monday, June 21, 2021 12:55 PM
To: Kimberly Jorgenson
Subject: Meeting Minutes - Oct 27, 2020 and Nov 30th, 2020
Attachments: 201027_CLFN IK Meeting_Draft Minutes_201210 Edits .docx; DRAFT_MIN_2020-11-30_CLFN IK Meeting_60593122.docx

Tansi Kimberly,

Happy Indigenous People's day to you and to the Constance Lake First Nation. How are you? I hope that you and community are keeping safe and well during this time.

Again, starting a new thread here for better tracking. I have an update on the Oct 27, 2020 meeting minutes. The Oct meeting minutes have been reviewed and there is an update from the Natural Science team (embedded in the document). Additionally, I came across November 30th, 2020 meeting minutes for your review. Apologies on the new information, this document was missed during the transition when Glinis Buffalo moved on. Please review the meeting minutes and return with any clarifications that Constance Lake may have. Also, please indicate whom you would like me to include as we continue this conversation.

Hope to hear from you soon!

Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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[redacted]

From: Crier, Sherina
Sent: Monday, June 21, 2021 12:26 PM
To: Kimberly Jorgenson
Cc: [redacted]
Subject: CLFN Draft IK agreement
Attachments: 2021-03-29-CLFN_MFCAR_Data sharing agreement_Draft_60593122.docx

Tansi Kimberly,

I thought I would start a new thread so we can better track the information. For the Draft IK agreement, changes have been made to address some of the comments received from Constance Lake. I understand that Glinis was managing this conversation before my transition, from what I know, there were some questions regarding the agreement, in which the MFFN Project Team have reviewed. The track changes are within the document where new terms have been added for clarification, also note there is additional line for signatories.

Please let me know if there are any additional information that is required, or if you have any questions. I would be happy to assist. Additionally, please indicate whom you would like me to include in this thread moving forward.

Ay hai,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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INDIGENOUS KNOWLEDGE
INFORMATION SHARING AGREEMENT
Marten Falls First Nation
Community Access Road
CONFIDENTIAL INFORMATION

dated the ____ day of , 2021

As part of the environmental/impact assessment and design of the Marten Falls First Nation (MFFN) Community Access Road Project, (the "Project"), Constance Lake First Nation hereby agrees to provide Confidential Information pertaining to traditional land use and current use of lands and resources for traditional purposes. The Confidential Information may include:

1. Indigenous Knowledge/Traditional Knowledge: encompasses traditional spirituality, beliefs, values, practices, knowledge, customs, language, oral history, stories, art forms, laws, land-based activities, land use, innovations, experiences, expressions and everyday life-skills. It includes knowledge held by individuals, groups of individuals, families or the collective as a whole. It is handed down from one generation to another. It is fundamental to the identity of Indigenous Peoples. It is closely linked to the environment and is holistic in nature. It is a cumulative body of knowledge, understandings, observations, experiences, and beliefs about the environment, and about the relationship of living beings with one another and the environment, handed down through generations and rooted in the traditional way of life of Indigenous Peoples.

2. Contemporary knowledge/land use for traditional purposes: recent and current knowledge of land use by community members, including but not limited to areas used for hunting, trapping, fishing, plant gathering, travelling, camping, ceremonies, and sacred locations.

3. Data: physical and digital copies of information including, but not limited to: geospatial data (shapefiles, geodatabases, mapping projects, GPS files, raster images (satellite and aerial), LiDar, any other forms of geospatial data including CSV, Excel, text and KML files); data related to Indigenous Knowledge (audio, video, pictures, interview transcripts, etc.); digital copies of scanned maps, digital copies of interview material (questionnaires, surveys, notes, stories, legends, etc.); and, any other relevant physical or digital copies of documents containing relevant and important information. Geospatial data: includes data that is linked to a location. For example, geospatial data can include GPS points or values drawn on a map. Geospatial data typically is used with a Geographic Information System (GIS).

For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential. Constance Lake First Nation will identify such Confidential Information prior to sharing.

The Confidential Information provided by Constance Lake First Nation is provided to the Community Access Road Project Team (also referred to as the MFFN CAR Project Team) and AECOM (the "Recipients"), to better understand how Constance Lake First Nation lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the Environmental and Impact Assessments and Design). The Confidential Information may be used to

better understand how Constance Lake First Nation community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The MFFN CAR Project Team has commenced with an Indigenous Knowledge (IK) Program for the Project that involves:

- Sharing existing and relevant IK and Indigenous land and resource use information previously collected by communities (e.g., for community- based land use planning) with the Recipients; and
- Completing a Project-specific IK and Indigenous Land and resource Use Study to collect relevant IK and information on Indigenous land and resource use in the vicinity of the Project.

Information shared (i.e., reporting, mapping, spatial data, etc.) through the IK Program will be governed by the provisions of this Agreement.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects, government initiatives or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Data Access: Data will be physically and digitally transferred from Constance Lake First Nation to the recipient and will be accessible to the recipient(s) in any form. Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities, or external researchers without express written consent of Constance Lake First Nation. The Recipients acknowledge and agree that the Confidential Information is the property of Constance Lake First Nation and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of Constance Lake First Nation. Except to the extent required by applicable laws (including professional obligation), the retention period for data storage is up to the discretion of Constance Lake First Nation and can be a fixed term as specified below or unless an extension is requested by the Recipients and approved by Constance Lake First Nation:

Retention Period: *January 1, 2021* to *December 31, 2024*

On termination of this Agreement or on written notice by Constance Lake First Nation, the Recipients shall as directed by Constance Lake First Nation to either: promptly destroy or return to Constance Lake First Nation all Confidential Information and all copies thereof, with the exception of those copies required by applicable laws (including professional obligation), provided only one copy is retained and is stored with Recipient's legal counsel. Each party shall send correspondence to the other confirming the termination of this agreement and that data has been returned in full by the Recipients and received by Constance Lake First Nation.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by Constance Lake First Nation is kept confidential. Data security measures and protocols will be documented and agreed upon by both parties and implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of Constance Lake First Nation:

Chief Richard Allen (Authorized representative)	Date

Agreed to on behalf of the Recipients:

(Authorized representative)	Date

From: Crier, Sherina
Sent: Wednesday, June 30, 2021 1:34 PM
To: Kimberly Jorgenson
Cc: [redacted]
Subject: Virtual Engagement Planning
Attachments: May - 6- 2021 EXTERNAL RE New Contact Marten Falls First Nation Community Access Road.pdf

Tansi Kimberly,

Checking in with you to continue the planning for the virtual engagement session. Before, I proceed, I want to express my sympathies with the community at this time due to the ongoing findings of the remains at the residential schools across Canada. My heart is with all of the First Nations Communities as I can understand the resurfacing of deep pain of the impacts on all of the residential school survivors – our Elders, aunts, uncles and relatives across Turtle Island, my maternal grandparents were both residential school survivors, and it brings me back to the stories that they shared. It is disheartening that this information is unfolding and there are no words to express or offer condolences, but I truly wanted to take the time to extend my acknowledgements to the community.

In an effort to continue, I was wondering if you have any opportunity to think about questions/items of concern that CLFN have on the project, that can directly answered by the project team? This can be submitted ahead of time to prepare for the recorded responses. Have you considered:

1. Some of the questions CLFN has may also be similar questions that other Indigenous communities have. Would you be open to the possibility of us re-purposing responses for public-use if they are general? MFFN will respond directly and respectfully to the concerns raised by CLFN, but it would be nice to share responses more broadly if possible.
2. Kimberly – is there a possibility that the other Indigenous communities you work with might be interested in a similar Virtual Panel Engagement opportunity?
3. Are there any additional formats you would like to consider or translation requirements?

If you have the time, I can set up a call with you to discuss and plan all of the logistics. Also, I added Bertha to the email thread to loop her in on the planning, is she still the main contact for planning? The attached thread contains the email chain of the virtual engagement planning. I am trying to separate out the items for better tracking.

Hope to hear back soon!

Thank you,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

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[redacted]

From: Crier, Sherina
Sent: Wednesday, July 21, 2021 8:32 AM
To: Kimberly Jorgenson
Cc: Bertha Sutherland; Edith Moore
Subject: RE: Virtual Engagement Planning

Good day Kimberly,

I appreciate your update and look forward to touching base with you and potentially meeting new folks that are going to be on this file. Totally understand the complications concerning COVID and all of your follow ups to date. If you need any support in your internal community update, please let me know how I can help.

Take care,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

From: Crier, Sherina
Sent: Friday, July 23, 2021 11:03 AM
To: Kimberly Jorgenson
Cc: Rick Allen
Subject: Discussion guides and feedback inquiry from Constance Lake First Nation
Attachments: Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf; MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf

Good day Kimberly,

This is Sherina Crier from AECOM, representing the MFFN CAR Project and your community representative on the Project. I called your admin office today and left a message (11:25 a.m. EST) regarding the distribution of 3 discussion guides that were recently distributed in advance of the upcoming field programs. The discussion guides are a tool in order to inform the community about the details of what the field programs are looking for/measuring. Additionally, an important component to the discussion guide is really to seek input from the Community as it is imperative the understanding the wider proposed project area and for planning. Lastly, the deadline for receipt of feedback is quickly approaching on Saturday July 31, 2021. I have attached to this email the three guides for reference and below I will break down each guide for a clearer understanding.

Groundwater and Geochemistry Discussion Guide - distributed on Friday, June 25th
- We will be drilling and installing monitoring wells to assess groundwater quality and quantity.
- We are looking for input on important groundwater sources in the study area, areas we should avoid for installing wells or clearing landing pads for the helicopters, and timing considerations for conducting field work between August and October
- Updated guide with new map coming soon – distribution date TBD

Surface Water, Fish and Fish Habitat Discussion Guide - distributed on Friday, July 19th
- We will be sampling surface water, fish and fish habitat at a subset of water crossings along both route alternatives to understand current conditions of the study area.
- We are looking for input on important water crossing and fishing sites in the study area, known spawning or overwintering locations of key fish species, drinking water sources or areas of water use in the study area, and areas we should avoid during our sampling

Vegetation, Physiography and Peatlands Discussion Guide - distributed on Friday, July 16th
- We will be surveying the study area on foot and helicopter to observe vegetation, as well as measuring soil conditions and geologic features.
- We are looking for input on culturally significant or traditional use plants in the study area, locations of drinking water, and areas that we should avoid during our sampling.

Please let me know if there are any questions, I'd also be happy to arrange a call to discuss. My number is 403-796-6948

Have a great day!

Ay hai,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
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From: Crier, Sherina
Sent: Thursday, July 29, 2021 8:45 AM
To: Kimberly Jorgenson
Subject: Phonecall on July 23 - Discussion guides

Good morning Kim,

Thank you for returning my call on July 23, I very much enjoyed our chat. I am touching base to sum up a few points from our call. I highlighted where I am requesting for additional information. Please see below:

- Discussion guides received, however, due to the recent election, there are new staff settling into new roles, and thus it's unlikely to receive any responses to the discussion guides by the July 31st deadline
- The new Chief is Ramona Sutherland and no longer Rick Allen. Can you send contact information for any new personnel to contact in regards to this project? You noted to continue to copy Bertha Sutherland and Wayne, did I miss anyone else?
- CLFN visit – you are going into the community and will distribute the discussion guides as a resource for information sharing. I informed you that, if any feedback is received, please continue to submit
- August update – you are doing an internal Project update in community
- Community is open and COVID cases are very low. Possibility for in person engagement in the future

Please let me know if there's anything that I missed, or clarify if what I captured in incorrect. Looking forward to touching base with you again.

Keep well!

Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

From: **Wrobel, Caroline** <[redacted]>
Date: Fri, Aug 6, 2021 at 10:38 AM
Subject: MFFN CAR IK Funding Agreement
To: <[redacted]>
Cc: [redacted]
Andrea Nokleby <[redacted]>

Good Afternoon Everyone,

I hope this email finds you all well. I am sending this email on behalf of Andrea Nokleby, who recently connected with Kim Jorgenson about this opportunity. The MFFN Project Team is pleased to provide $30,000 in funding to support Constance Lake First Nation's participation in the Indigenous Knowledge (IK) Program for the MFFN Community Access Road Project.

Kim and Andrea had a telephone conversation where Andrea indicated that the MFFN Project Team had prepared a Draft IK Funding Agreement. As discussed, please find attached the Draft IK Funding Agreement for review and comment by Constance Lake First Nation. We have also re-attached the map of the Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component and the IK Guidance Document for your reference.

We would be happy to meet to discuss the IK Funding Agreement and the overall IK Program in further detail. We look forward to hearing from you and working with you on this important component of the assessment process.

Thank you and have a great weekend,

Caroline

DILLON CONSULTING

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Platinum member

Caroline Wrobel
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

Upcoming vacation alert: August 30, and September 17-24 (inclusive)

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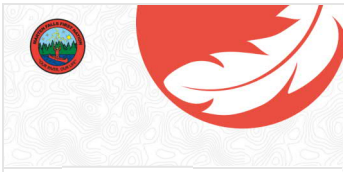
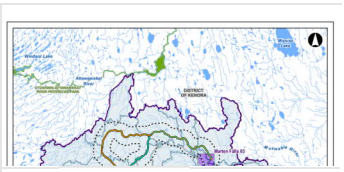
3 Attachments



Template - Indige…



MFFN CAR Proje…



MFCAR_Aborigin…

Indigenous Knowledge Program Funding Agreement (the "Agreement")

THIS AGREEMENT made as of the _____day of _____, _____.

BETWEEN:

CONSTANCE LAKE FIRST NATION
(Hereinafter called the "Constance Lake First Nation"),

OF THE FIRST PART

- AND -

Marten Falls First Nation Project Team
(Hereinafter called the "Project Team")

OF THE SECOND PART

- AND -

Dillon Consulting Limited
(Hereinafter referred to as "Dillon")

OF THE THIRD PART

WHEREAS

WHEREAS Marten Falls First Nation ("MFFN") is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 km northeast of Thunder Bay.

AND WHEREAS the MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season community access road (the "Project") to connect MFFN to Ontario's provincial highway network (i.e., Highway 643) to the south via the existing Painter Lake Road.

AND WHEREAS MFFN is represented by the Project Team to assist MFFN with a Provincial Environmental Assessment and Federal Impact Assessment (the "Assessments") to assess the potential Project effects and benefits.

AND WHEREAS as part of the Assessment the Project Team would like to engage the Constance Lake First Nation for the Indigenous Knowledge Program (the "IK") and to complete a Project-Specific IK Study (the "IK Study")

AND WHEREAS the Constance Lake First Nation has agreed to participate in the IK program and produce an IK Study specific to the Project area and community.

AND WHEREAS, specific to this Agreement, the Project Team has retained Dillon for the sole purpose of the administration of the receipt of the IK Study and payment of the funding for the IK Study to the Constance Lake First Nation as set out in this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that the Project Team, Constance Lake First Nation and Dillon (the "Parties") hereby agree as follows:

ARTICLE I: SCOPE OF SERVICES

1.1 Services by Constance Lake First Nation. The Constance Lake First Nation shall complete and provide to the Project Team, an IK Study Report, covering the geographic area identified in Schedule A, with that degree of care, skill and diligence normally provided in the performance of an IK Study on projects of a similar nature.

1.2 Scope of Services. The Constance Lake First Nation shall complete the IK Study Report in accordance with the provisions as set out in the *MFFN Community Access Road Project - Indigenous Knowledge Program Guidance Document,* dated November 2020, a copy of which is attached as Schedule B.

ARTICLE II: Project Team Responsibilities

2.1 Information. The Project Team shall provide to the Constance Lake First Nation, in a timely manner, relevant information required to complete the IK Study.

ARTICLE III: GINOOGAMING FIRST NATION RESPONSIBILITIES

3.1 Deliverables. The Constance Lake First Nation shall provide the following reports, upon the timelines set out:

- *Preliminary Data (GIS)/Draft Report, by no later than* _____
- *Final IK Study Report and associated mapping/GIS files, by no later than* _____

ARTICLE IV: Compensation

4.1 Compensation. The Project Team agrees to compensate Constance Lake First Nation for the IK Report, in the amount of [redacted] inclusive of all applicable taxes (the "IK Payment").

4.2 Schedule of Payments. Upon execution of this Agreement by all parties, the Project Team shall direct Dillon to pay the Constance Lake First Nation the IK Payment based upon the following schedule:

- *An initial payment of* [redacted] *within 30 days of the execution of this Agreement by all Parties,*
- *A second payment of* [redacted] *within 30 days of receipt, by the Project Team, of the Preliminary Data (GIS)/Draft Report,*
- *A final payment of* [redacted] *within 30 days of receipt, by the Project Team, of the Final IK Study Report and associated mapping/GIS file.*

Notwithstanding article 7.7, the Constance Lake First Nation here by directs Dillon to make the three individual IK Payments, payable to _____ and to deliver the payments to _____, and this shall be Dillon's good and valid authority to do so.

ARTICLE V: CONFIDENTIALITY, USE AND DISCLOSURE

5.1 Confidentiality. The Project Team and the Constance Lake First Nation have previously executed an Indigenous Knowledge Information Sharing Agreement (the "IK Agreement"). The Project Team and the Constance Lake First Nation Parties agree that all matters relating to the confidentiality, use and disclosure of the IK Report shall be governed by the IK Agreement. In the event of any conflict between terms of the IK Agreement and this Agreement, the terms and conditions of the IK Agreement shall govern.

ARTICLE VI: CONFIRMATION

6.1 Confirmation. The Constance Lake First Nation confirms that it will complete the *Final IK Study Report and associated mapping/GIS files* with due care, attention, and diligence.

ARTICLE VII: OTHER

7.1 Governing Law. This Agreement shall be governed by the laws of the Province of Ontario.

7.2 Entire Agreement. This Agreement (a) constitutes the entire agreement and understanding between the Parties with respect to the subject matter hereof and (b) supersedes all prior agreements, understandings, negotiations and discussions by or between the Parties pertaining to the subject matter of this Agreement. There are no warranties, representations or other agreements, whether oral or written, express or implied, collateral or otherwise, by or between the Parties pertaining to the subject matter of this Agreement except as set forth in this Agreement.

7.3 Acknowledge and Confirmation of Project Team and Constance Lake First Nation. The Project Team and the Constance Lake First Nation confirm and agree that Dillon's only obligations under this Agreement is the payment of the IK Payment upon the terms and conditions set out in Article 4.2. The Project Team and Constance Lake First Nation acknowledge and agree that Dillon shall have no other obligations or requirements, of any kind or nature whatsoever, with respect to this Agreement or the IK Study. The Project Team and the Constance Lake First Nation agree and acknowledge that Dillon makes no representations, and shall have no responsibility, as to the completeness of the IK Report nor any obligations or requirements regarding the timeliness of the draft or final IK Report to the Constance Lake First Nation or the Project Team.

7.4 Independent Professional Services Constance Lake First Nation. The Constance Lake First Nation is an independent professional services provider in performing services under this agreement, and accordingly it is further acknowledged that the Constance Lake First Nation is an independent contractor.

7.5 Assignment. Neither party may assign this Agreement without the prior consent in writing of the other party.

7.6 Modification and Waiver. This Agreement may not be modified, amended or supplemented except by written agreement of the Parties. No act or omission by a party, other than a written waiver, shall constitute a waiver of any provision of this Agreement. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, nor shall any such waiver constitute a continuing waiver, unless otherwise specifically agreed in writing by the Parties.

7.7 Notices. All notices, instructions and other communications required or permitted to be given hereunder must be in writing and must be delivered via email, or mailed by first class mail, to the parties and at the addresses set forth, in the event of a notice being sent by first class mail the notice shall be deemed to be received by the addressee on the fifth business day after the mail is postmarked:

- MFFN Project Team insert address, Qasim Saddique, Project Director ([redacted]
- Constance Lake First Nation, insert address and contact person or title
- Dillon, insert address and contact person or title

7.8 Inurement. This Agreement shall be binding upon the Parties, and shall continue in full force and effect in the event any Party is permitted to assign this Agreement or if there is any change in ownership, control or management of any Party.

7.9 Counterparts, Signatures and Retention. This Agreement may be executed in one or more counterparts, each of which is an original, and which, taken together, shall constitute one and the same agreement. The signing of a facsimile copy or portable document format (PDF) copy of this Agreement and any amendments thereto shall have the same effect as the signing of an original. The retention of an electronic version of this Agreement is permitted and the subsequent production of an electronic version of this document shall be treated as if it was the

production of an original signed copy.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement all as of the day and year first above written.

Constance Lake First Nation

Per:		Per:	
	I/We have authority to bind the Constance Lake First Nation.		I/We have authority to bind the Constance Lake First Nation.
Name:		Name:	
Title:		Title:	
Date:		Date:	

Marten Falls First Nation Project Team

Per:		Per:	
	I/We have authority to bind the MFFN Project Team.		I/We have authority to bind the MFFN Project Team.
Name:		Name:	
Title:		Title:	
Date:		Date:	

Dillon Consulting Limited

Per:		Per:	
	I/We have authority to bind Dillon Consulting Limited		I/We have authority to bind the Dillon Consulting Limited.
Name:		Name:	
Title:		Title:	
Date:		Date:	

From: Cloutis, Geneva
Sent: Wednesday, August 18, 2021 2:54 PM
To: [redacted]
Cc: Kimberly Jorgenson; [redacted]
info@martenfallsaccessroad.ca; Crier, Sherina; [redacted] McLeod, Sasha (MECP); [redacted]
Subject: RE: Re: MFCAR - Proponent Responses to Follow Up ToR Comments - Constance Lake

Good afternoon Chief Sutherland,

I would like to start by introducing myself, my name is Geneva Cloutis and I am one of the Indigenous Community Leads for the Marten Falls First Nation Community Access Road Project (MFFN CAR). Sherina Crier (copied on this email) will be the primary direct contact for Constance Lake First Nation for all Project-related concerns and inquiries. Sherina is currently on vacation, but will be back in the office on September 3, 2021 and will reach out when she's back from holidays.

Thanks for the update. I understand that there's catching up to do on the file. If it helps, I can arrange an introductory meeting with the MFFN CAR Project Team, should you have any questions about the Project. Please reach out to myself if you need anything in the next few weeks.

Take care,

Geneva

Geneva Cloutis, MES
Community Engagement and Consultation Practitioner, IAP Canada
Pronouns: she/her
[redacted]

From: Crier, Sherina
Sent: Friday, September 10, 2021 9:52 AM
To: Kimberly Jorgenson
Cc: info@martenfallsaccessroad.ca; Wayne Neegan; Monica John-George; Bertha Sutherland
Subject: MFFN CAR: Field Studies and Check-In

Good Morning Kimberly,

I hope you and the Constance Lake community are doing well. I called this morning and left a voicemail at your office. There's been some recent communications about the Community Access Road and I wanted to follow-up to see if you or CLFN community members have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for CLFN and re-opening plans you'd like to share.

I'm available via email and phone if you'd like to chat.

Take care,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

From: Crier, Sherina
Sent: Friday, October 8, 2021 10:07 AM
To: 'Jennifer Duncan'
Cc: Bertha Sutherland; Wayne N; [redacted] Kimberly Jorgenson
Subject: RE: CLFN Draft IK agreement

Hi Jennifer,

Thank you for your email. I have passed this along to the Project Team for review. I will be in touch with you on the status of the documents and the next steps.

Have a great day!

Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

Maternity leave effective Oct 29, 2021

AECOM
[redacted]
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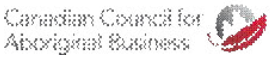

B5.2 Incoming Community Specific Correspondence

From: Monica John-George <[redacted]>
Sent: Tuesday, August 25, 2020 8:17 AM
To: info@martenfallsaccessroad.ca
Cc: Chief CLFN; Chief Richard Allen; Bertha Sutherland; Kimberly Jorgenson; Wayne N; [redacted]
Subject: Re: IK Study Memo

Thank you for the email, however, there was no memo attached. Please send it again.

Monica

From: Kimberly Jorgenson [redacted]
Sent: September 14, 2020 12:46 PM
To: Larissa Mikkelsen; [redacted]
Cc: Andrea Nokleby; [redacted] Caroline Wrobel; info@martenfallsaccessroad.ca
Subject: RE: GIS files for local and regional study areas for the Aboriginal and Treaty Rights and Interests VC - Marten Falls Community Access Road Project

Hi Larissa,

This is excellent, thank you so much!

Kim

Kimberly Jorgenson ᑭᒪᓐᓂ ᔨᖅᑭᓱᓐ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓯᐦᐃᓐ ᐱᔪᐃᑎᕐᐊᓇᓐ ᑲᓇᓇᑎᑐᑦ
Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᐦᐃ ᐊᑭ ᐱᒪᑎᓯᐦᐃᓐ ᐃᑎᐦᐃᐁᐃᓐ ᐊᓄᑭᓇᑲᓇᐟ
Matawa First Nations Management ᒪᑕᐦᐊ ᑕᔑᑭᐃᓇᓐ ᐅᑭᒪᐃᓐ
[redacted]

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From: Kimberly Jorgenson [redacted]
Sent: Tuesday, September 15, 2020 12:17 PM
To: Buffalo, Glinis [redacted]
Subject: [EXTERNAL] RE: Current Email Addresses

Hi Glinis,

We're having a Team call on Thursday to confirm the contact list, hopefully we don't miss the distribution date. We'll be in touch,

Kim

From: Kimberly Jorgenson <[redacted]>
Sent: Monday, September 21, 2020 11:21 AM
To: Buffalo, Glinis <[redacted]>
Cc: [redacted]
Subject: [EXTERNAL] RE: Current Email Addresses

Hi Glinis,

Further to Monica's address confirmation, the updated contact information table is below:

Team Member	Title	Expectation
Chief Richard Allen [redacted]	Chief of Constance Lake First Nation	Primary contact for formal communications (e.g. letters). Copy on informal communications (e.g. emails, meeting requests).
Bertha Sutherland [redacted]	Lands & Resources Officer	Primary contact for phone communications and informal communications. Copy on formal communications.
Wayne Neegan [redacted]	Community Communications Liaison Officer	Copy on all communications.
Monica John-George [redacted]	Executive Director	Copy on all communications.
Kimberly Jorgenson [redacted]	Environmental Services Coordinator, Four Rivers Inc.	Copy on all communications.

Thanks!

Kim

From: Monica John-George <[redacted]>
Sent: September 21, 2020 1:06 PM
To: Buffalo, Glinis <[redacted]>
Cc: Kimberly Jorgenson <[redacted]>
Subject: Re: Current Email Addresses

The mailing address is correct.

Thank you.

From: Kimberly Jorgenson <[redacted]>
Sent: Friday, September 25, 2020 1:15 PM
To: Bob Baxter <[redacted]>; Larissa Mikkelsen <[redacted]>
Cc: Buffalo, Glinis <[redacted]; Chief CLFN <[redacted]>
Subject: [EXTERNAL] MFCAR IK Study Memo - CLFN Comments

Good afternoon Bob & Larissa,

The following comments are provided by Constance Lake First Nation (CLFN) in response to the Preliminary Aboriginal & Treaty Rights & Interests Study Areas Memo received from the Marten Falls Community Access Road (MFCAR) team on August 25, 2020.

Thank you for the information provided in the detailed memo, and the opportunity to provide comment on the proposed boundaries. While CLFN still has limited capacity to review such documents, due to the ongoing pandemic and an absence of confirmed provincial EA participation support funding, we can provide the following technical comments on the memo.

- According to Table 2, the Local Study Area (LSA) follows a predictable 5 km buffer around the proposed road corridors, while the Regional Study Area (RSA) includes only the combined area of quaternary watersheds crossed by the proposed road corridors. There are three distinct areas near the southern portion of the undertaking where the RSA is narrower than the LSA area, i.e. it comes closer than 5 km from the proposed road corridors. In one area the RSA is actually beneath corridor segment 'Alternative 4 West'.
  - It is CLFN's opinion that the RSA should be inclusive of the LSA, and that the quaternary watersheds crossed by the LSA should be added to the RSA. At no point should the RSA be narrower than the LSA, and certainly not narrower than the actual road corridor.
- The LSA and RSA both end within 5 km (or less) of the southern terminus of Alternative 4.
  - It is CLFN's opinion that both Study Areas should be expanded further south to ensure that impacts to First Nations rights and values are appropriately considered from the resultant increased traffic flow onto Painter Lake Road (such direct impacts cannot logically be separated from the area of immediate corridor construction). Since direct impacts from vehicles accessing the MFCAR corridor will be experienced by CLFN members, an appropriate Study Area should include at least one additional quaternary watershed south of the current Study Area boundaries.

While community capacity remains a challenge in these discussions, CLFN is optimistic that funding support will be made available from the province in the coming months. As such, CLFN would like to take this opportunity to re-open dialogue with the MFCAR team to discuss the details of the IK Program and to develop next steps in our participation. A meeting date in the last two weeks of October is proposed to re-acquaint our EA teams and provide mutual updates.

Have a good day,

Kim
(on behalf of CLFN)

Kimberly Jorgenson ᑭᒪᐳᕀᓕ ᒍᕀᑭᓴᓵ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐃᓵ ᐱᒍᐃᒋᕐᕿᐃᓚᓵ ᑲᓚᓚᑲᑎᑐᒃ
Four Rivers Environmental Services Group ᓂᐅ ᓱᐱᓵᒃ ᐊᑭ ᐱᒪᑎᓱᐃᓵ ᐃᒋᐢᐃᐁᐃᓵ ᐊᓄᑭᓚᑲᓚᒃ
Matawa First Nations Management ᒪᑕᐊ ᑕᔑᑭᐃᓚᓵ ᐅᑭᒪᐃᓵ
[redacted]
| fourrivers.group

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From: Kimberly Jorgenson [redacted]
Sent: Monday, November 16, 2020 2:46 PM
To: Buffalo, Glinis [redacted]
Cc: [redacted]
Subject: [EXTERNAL] CLFN - MFCAR Presentation Invitation

Hi Glinis,

In the last community session hosted in Constance Lake First Nation, membership indicated that they would appreciate an presentation directly from the MFCAR team on the project. Topics of most interest to community members include:

> How will the waters be effected by the project? How will water resources be protected for the future?
>
> How will wildlife (fish, moose, fur-bearing animals) be effected by the project?
>
> What are the potential long-term impacts (to the environment and traditional way of life) from the road?

Would it be possible to schedule a community session for CLFN in early December? CLFN can coordinate the internal logistics of a small community session, and can connect through video conference with the Marten Falls team. Thank you for coordinating this request, have a good evening,

Kim

Kimberly Jorgenson ᑭᒪᐳᖏᓂ Jᖏᑭᓴᓴᓄ
Environmental Services Coordinator ᐊᐸ ᐱᒪᑎᓱᐁᓄ ᐱᒍᐁᑎᕐᐃᓇᓄ ᑲᓇᓇᑲᑎᑐᒃ
Four Rivers Environmental Services Group ᓂᐅ ᓱᐱᓄᒃ ᐊᐸ ᐱᒪᑎᓱᐁᓄ ᐃᑎᑦᐃᐁᐅᐁᓄ ᐊᓇᑭᓇᑲᓇᒃ
Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓄ ᐅᑭᒪᐃᓄ
[redacted]

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From: Kimberly Jorgenson [redacted]
Sent: Thursday, February 18, 2021 10:04 AM
To: Crier, Sherina
Cc: [redacted]
Subject: [EXTERNAL] RE: New Contact - Marten Falls First Nation Community Access Road

Hi Sherina,

Thank you for reaching out with revised contact information. As you're aware, Constance Lake First Nation is currently in a state of emergency due to the global pandemic and is challenged to properly engage in consultation efforts surrounding this EA.

Discussions had been ongoing with Glinis in November regarding a proposed community engagement event in December, where the MFCAR team was going to provide a panel and discuss community questions compiled from previous engagement events. These plans were unfortunately cancelled due to the pandemic, and there is not yet a foreseeable timeline for a community event. In lieu of direct engagement, CLFN would like to propose providing the MFCAR team with the compiled panel questions, with the goal of the MFCAR team pre-recording their responses which could be appropriately distributed by CLFN to engaged members. Please contact Charlene Neegan [redacted] directly to discuss engagement options.

Regarding the Oct. 27th meeting between the MFCAR team and CLFN, the draft notes were received on Dec. 10th have not yet been finalized by CLFN. Edits are anticipated to be returned early next week. Thank you for your ongoing understanding and patience, have a good day,

Kim
(on behalf of CLFN)

Kimberly Jorgenson ᑭᒪᐳᖏᓕ ᒍᖏᓀᓴᓄ
Environmental Services Coordinator ᐊᐯ ᐱᒪᑎᓱᐃᓄ ᐱᒧᐃᐢᑎᕐᐃᓇᓄ ᑲᓇᓇᑲᑎᑐᒡ
Four Rivers Environmental Services Group ᓂᐅ ᓱᐱᐟᐠ ᐊᐯ ᐱᒪᑎᓱᐃᓄ ᐃᑎᑦᐃᐁᐃᓄ ᐊᓄᑭᓇᑲᓇᐠ
Matawa First Nations Management ᒪᑕᐠᐊ ᑕᔑᑭᐃᓇᓄ ᐅᑭᒪᐃᓄ
[redacted]

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From: Kimberly Jorgenson [redacted]
Sent: Monday, February 22, 2021 5:01 PM
To: Crier, Sherina
Cc: [redacted]
Subject: [EXTERNAL] RE: New Contact - Marten Falls First Nation Community Access Road
Attachments: 201027_CLFN IK Meeting_Draft Minutes_201210 Edits.docx; 210219_CLFN_MFCAR_Data sharing agreement_Draft_v2.docx

Hi Sherina,

Please find attached the draft minutes from the Oct. 27th meeting between CLFN and the Marten Falls Community Access Road team, with some edits required prior to finalization. Please share a final version of the notes for our files once ready; this file was also sent to Kathryn Ross earlier today.

Further to the IK Program, please find attached a revised draft of the IK Data Sharing Agreement presented by the MFCAR Team. Please return a final draft version to CLFN for consideration; it will then go to legal counsel for advice prior to finalization/signature by CLFN. Thanks, have a good evening,

Kim
(on behalf of CLFN)

INDIGENOUS KNOWLEDGE
INFORMATION SHARING AGREEMENT
Marten Falls First Nation
Community Access Road
CONFIDENTIAL INFORMATION

dated the ____ day of , 2021

As part of the Marten Falls Community Access Road Project, (the "Project"), Constance Lake First Nation hereby agrees to provide Confidential Information pertaining to traditional land use and current use of lands and resources for traditional purposes. The Confidential Information may include:

1. Indigenous Knowledge/Traditional Knowledge: encompasses traditional spirituality, beliefs, values, practices, knowledge, customs, language, oral history, stories, art forms, laws, land-based activities, land use, innovations, experiences, expressions and everyday life-skills. It includes knowledge held by individuals, groups of individuals, families or the collective as a whole. It is handed down from one generation to another. It is fundamental to the identity of Indigenous Peoples. It is closely linked to the environment and is holistic in nature. It is a cumulative body of knowledge, understandings, observations, experiences, and beliefs about the environment, and about the relationship of living beings with one another and the environment, handed down through generations and rooted in the traditional way of life of Indigenous Peoples.

2. Contemporary knowledge/land use for traditional purposes: recent and current knowledge of land use by community members, including but not limited to areas used for hunting, trapping, fishing, plant gathering, travelling, camping, ceremonies, and sacred locations.

3. Data: physical and digital copies of information including, but not limited to: geospatial data (shapefiles, geodatabases, mapping projects, GPS files, raster images (satellite and aerial), LiDar, any other forms of geospatial data including CSV, Excel, text and KML files); data related to Indigenous Knowledge (audio, video, pictures, interview transcripts, etc.); digital copies of scanned maps, digital copies of interview material (questionnaires, surveys, notes, stories, legends, etc.); and, any other relevant physical or digital copies of documents containing relevant and important information. Geospatial data: includes data that is linked to a location. For example, geospatial data can include GPS points or values drawn on a map. Geospatial data typically is used with a Geographic Information System (GIS).

For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential. Constance Lake First Nation will identify such Confidential Information prior to sharing.

The Confidential Information provided by Constance Lake First Nation is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how Constance Lake First Nation lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the Environmental and Impact Assessments and Preliminary Design). The Confidential Information may be used to better understand how Constance Lake First Nation community members are using the lands and resources and to consider adjustments such as to

routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The MFFN Project Team has commenced with an Indigenous Knowledge (IK) Program for the Project that involves:

- Sharing existing and relevant IK and Indigenous land and resource use information previously collected by communities (e.g., for community- based land use planning) with the Recipients; and
- Completing a Project-specific IK and Indigenous Land and resource Use Study to collect relevant IK and information on Indigenous land and resource use in the vicinity of the Project.

Information shared (i.e., reporting, mapping, spatial data, etc.) through the IK Program will be governed by the provisions of this Agreement.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects, government initiatives or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Data Access: Data will be physically and digitally transferred from Constance Lake First Nation to the recipient and will be accessible to the recipient(s) in any form. Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities, or external researchers without express written consent of Constance Lake First Nation. The Recipients acknowledge and agree that the Confidential Information is the property of Constance Lake First Nation and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of Constance Lake First Nation. Except to the extent required by applicable laws (including professional obligation), the retention period for data storage is up to the discretion of Constance Lake First Nation and can be a fixed term as specified below or unless an extension is requested by the Recipients and approved by Constance Lake First Nation:

Retention Period: January 1, 2021 to December 31, 2024

On termination of this Agreement or on written notice by Constance Lake First Nation, the Recipients shall as directed by Constance Lake First Nation to either: promptly destroy or return to Constance Lake First Nation all Confidential Information and all copies thereof, with the exception of those copies required by applicable laws (including professional obligation), provided only one copy is retained and is stored with Recipient's legal counsel. Each party shall send correspondence to the other confirming the termination of this agreement and that data has been returned in full by the Recipients and received by Constance Lake First Nation.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by Constance Lake First Nation is kept confidential. Data security measures and protocols will be documented and agreed upon by both parties and implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of Constance Lake First Nation:

Chief Richard Allen (Authorized representative)	Date

Agreed to on behalf of the Recipients:

(Authorized representative)	Date

From: Kimberly Jorgenson [redacted]
Sent: Monday, February 22, 2021 2:01 PM
To: Crier, Sherina; [redacted]
Cc: Qasim Saddique; [redacted] info@martenfallsaccessroad.ca; [redacted] Cinnamon, Christine; [redacted]
Subject: [EXTERNAL] RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Hi Sherina,

Based on a meeting earlier today with Constance Lake First Nation's (CLFN) technical staff on the EA, the comments submitted to the MOECP on December 18, 2020 on the Proposed Terms of Reference for the Marten Falls Community Access Road still stand. CLFN is dealing with an ongoing state of emergency due to the pandemic, and has not been able to engage in new community engagement since December 2020.

Thanks,

Kim
(on behalf of CLFN)

Kimberly Jorgenson ᑭᒪᐳᕀᓕ ᒍᕀᑭᓴᓵ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐃᓵ ᐱᒧᐃᑎᕐᓂᐃᓵᓵ ᑲᓇᓇᑲᑎᑐᒡ
Four Rives Environmental Services Group ᓂᐅ ᓱᐱᓵᑊ ᐊᑭ ᐱᒪᑎᓱᐃᓵ ᐃᑎᐦᐃᐯᐃᓵ ᐊᓄᑭᓇᑲᓇᑊ
Matawa First Nations Management ᒪᑕᐊ ᑕᔨᑭᐃᓇᓵ ᐅᑭᒪᐃ
[redacted]

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From: Kimberly Jorgenson [redacted]
Sent: Monday, March 8, 2021 1:04 PM
To: Crier, Sherina
Cc: [redacted]
Subject: [EXTERNAL] FW: New Contact - Marten Falls First Nation Community Access Road

Hi Sherina,

I just had a chat with CLFN and was informed that Charlene Neegan is moving on to other opportunities shortly. As such, please coordinate with Bertha and I on future community engagement planning. Regarding your inquiry on panel question responses, the goal of the initial session discussed in December was for CLFN to hear directly from MFFN and the MFCAR team, in a community to community dialogue. As such, CLFN would prefer to not involve the province in the conversation/engagement/outreach opportunity at this time.

We look forward to further discussing options for virtual engagement in the coming months, as well as receiving the final notes from the October meeting and feedback on the draft IK Data Sharing Agreement. Thanks,

Kim

From: Kimberly Jorgenson <[redacted]>
Sent: Monday, March 8, 2021 1:38 PM
To: Crier, Sherina; Rick Allen
Cc: Qasim Saddique; [redacted] jennifer bruin; Larissa Mikkelsen; info@martenfallsaccessroad.ca; Bertha Sutherland; Wayne Neegan; Monica John-George; Charlene Neegan; [redacted] Cinnamon, Christine; [redacted]
Subject: [EXTERNAL] RE: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 201218_Letter_CLFN_MOECP_MFCAR EA ToR_Comments.pdf

Hi Sherina,

In a planning call with Chief Allen earlier today he confirmed that he would like his comments reflected on Marten Falls' Record of Consultation for the project. Constance Lake First Nation does not plan on submitting formal comments to the province beyond the December 18, 2020 submission (attached for reference), but would like to take this opportunity to emphasize the following areas of feedback to the MFCAR team:

- Meaningful engagement: CLFN's internal communication and engagement processes must be respected, with full-community involvement necessary in all decision-making. CLFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members (especially Elders).
- Climate change considerations: Since the future decommission of the project is not going to be planned/considered, it is important that the EA discuss how the project construction will accommodate future climate change realities, most notably with greatly fluctuating seasonal temperatures, rainfall events and wildfires. CLFN would also like more information on how carbon sinks (peatlands and forested lands) will be impacted by the development, and how the potential value of future carbon credits in the region might be impacted.
    - Further to this comment, CLFN has observed additional changes in the flow of waterways due to increased beaver activity in the area, attributed to reduced trapping activities and the changing climate. The impacts of these changes will not be known for many years into the future and must be considered in the EA.

Please compile the above comments with your record of the February discussion with Chief Allen and send them to him directly for approval. Meegwetch,

Kim

Kimberly Jorgenson ᑭᒪᐳᖅᓪᓗᓂ ᔫᖅᑭᓴᓂ
Environmental Services Coordinator ᐊᐯ ᐱᒪᑎᓱᐃᓵ ᐱᒧᐃᑦᕿᐊᓇᓵ ᑲᓇᓇᑲᑎᑐᒃ
Four Rivers Environmental Services Group ᓂᐅ ᓱᐱᓵᒃ ᐊᐯ ᐱᒪᑎᓱᐃᓵ ᐃᑎᖏᐃᐅᐃᓵ ᐊᓄᑭᓇᑲᓇᒃ
Matawa First Nations Management ᒪᑕᐊ ᑕᔨᑭᐃᓇᓵ ᐅᑭᒪᐃᓵ
[redacted]
| fourrivers.group

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CONSTANCE LAKE FIRST NATION
[redacted]

December 18, 2020

Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
Attn: Sasha McLeod and Shannon Gauthier
[redacted]
Via e-mail: [redacted]

Re: Review of Proposed Terms of Reference for the Marten Falls Community Access Road Environmental Assessment

Dear Ms. McLeod and Ms. Gauthier,

I am writing in response to the Notice of Submission of Terms of Reference dated October 23, 2020 regarding the Marten Falls First Nation Community Access Road Project Environmental Assessment (EA).

Constance Lake First Nation (CLFN) continues to experience ongoing challenges regarding participation in this EA, further compounded by the global pandemic and community access/gathering restrictions. CLFN declared a State of Emergency on March 17, 2020 in response to the global pandemic; this declaration is still in-place. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and CLFN was able to commit the resources and thoughtful reflection required on the engagement methods required to meaningfully participate. While provincial funding support has been received for our involvement in this EA, the timelines and pandemic restrictions have not allowed for CLFN to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process.
We understand that our concerns are shared with our neighbouring communities, and we are jointly frustrated that this process is advancing despite the unprecedented circumstances we all find ourselves in. This does not feel like a community-led process.

We respect the need for Marten Falls First Nation to advance on this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; CLFN completed an internal high-level review of the ToR documentation and hosted two small community engagement sessions prior to reinstating a full lockdown on all gatherings earlier this month.

CLFN looks forward to receiving responses from the Ontario Ministry of the Environment, Conservation & Parks and the Marten Falls Community Access Road team regarding these comments and future plans for meaningful and appropriate community engagement and consultation.

Respectfully,

[redacted]

Chief Richard Allen

cc. Chief Bruce Achneepineskum [redacted]
Qasim Saddique [redacted]
Christine Cinnamon [redacted]
Bertha Sutherland [redacted]
Wayne Neegan [redacted]
Charlene Neegan [redacted]
Monica John-George [redacted]
Kimberly Jorgenson [redacted]

December 18, 2020

Constance Lake First Nation Comments: Marten Falls Community Access Road (MFCAR) Environmental Assessment (EA) Terms of Reference (ToR)

The following comments are provided in conjunction with the formal submission letter signed by Constance Lake First Nation (CLFN) Chief Richard Allen.

Restrictive Timelines & Capacity

CLFN does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While CLFN has made all efforts to be engaged and informed on this project (including hosting two small community engagement sessions with the assistance of Four Rivers (our technical services group)), our Lands & Resource department does not have dedicated internal staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Efforts were made to conduct an additional small engagement session with the MFCAR team earlier this month, however this session had to be cancelled due to elevated restrictions on community gatherings. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances and during a declared community State of Emergency.

Indigenous Knowledge Program

CLFN would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the Indigenous Knowledge (IK) Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.

Technical Clarifications

In Table 10-1 and Appendix C Table 1-1, under Tribal Council Affiliation for CLFN, our tribal council's appropriate name is 'Matawa First Nations Management'. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation.

Record of Consultation

No further comments at this time. Note that CLFN's State of Emergency declared on March 17, 2020 (referenced in Appendix C, page 59) is ongoing.

Community Priorities

Through initial community engagement efforts, the following priority areas have been identified by CLFN community members as requiring specific attention as the project EA proceeds. They are listed in no particular order and are not to be considered a full and comprehensive list of CLFN's interests; they are provided to help assist in future focused communication efforts surrounding this EA.

- Environmental protections: Water, traditional land use and wildlife are of primary importance to CLFN. Stringent measures must be in-place throughout the project life to protect the waters, fish, land, animals (notably moose, caribou, bats, and wolverine) and air quality surrounding the project and associated watersheds. A rigorous environmental monitoring program is also necessary throughout the life of the project. CLFN is concerned about the potential long-term impacts of the project to traditional livelihoods.

  "When they make a road, all the water bodies, how will they control the pollution? Because it is the water that helps me get to where I need to be, to collect my fish and hunt my moose. I just want to know if they're going to be okay."

  "We use the animals and fish, that is our livelihood. They have to be careful… we rely on those animals annually."

  "Water is the most important. Water resources are needed for our future generations."

- Cultural & spiritual significance of the lands and waters:

  "Our life, spirituality, traditional medicines, animals, birds, little bugs and insects, all water animals, rivers and lakes and a lot more, we are all connected, we need the land and wildlife to be free of pollution."

  Indigenous Knowledge (IK) data gathering and mapping efforts need to be completed to ensure that conversations surrounding the potential impacts of the project to CLFN's homelands and traditional values are understood and accommodated in this project EA.
  - On page 49/50, the list of herptile species of should be expanded to include the painted turtle (*Chrysemys picta*), since we have observed them near Hearst and have knowledge of incidental occurrences as far north as Nakina.

- Meaningful engagement: CLFN's internal communication and engagement processes must be respected, with full-community involvement necessary in all decision-making. CLFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members (especially Elders).

- Transparency in relationships and discussions: CLFN has been involved in discussions surrounding the future development in the Ring of Fire for over a decade, and many community members are keen to understand the agreements, relationships and motivations behind all involved parties (proponent, provincial government, federal government, neighbouring First Nations and industry) in this project. There is a need for all involved groups to come together and communicate about the project in a holistic manner, so that all concerns and apprehensions might be addressed. Clarification is also required on Aroland First Nation's involvement, since the road crosses their immediate homelands and it is understood that they are undertaking road improvements on the current forestry roads which connect to this project.

- Interest in a regional approach: As affirmed in the Mamow-Wecheekapawetahteewinn (Unity Declaration, 2011), the nine Matawa member First Nations, connected through our language, cultural, social and economic interests, all live and rely upon the lands, water and resources entrusted to us by the Creator. CLFN would like to work together with Marten Falls First Nation and all Matawa member First Nations to collectively discuss this project, the EA and future development in the Ring of Fire. While it is understood that the federal government is advancing plans for a Regional Assessment centered on the Ring of Fire area, CLFN would like the Matawa member First Nations to come together to discuss areas of mutual interest and concern, recognizing the importance of unity.
    - CLFN would also like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. CLFN has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, caribou, wolverine, bats and sturgeon) will help ensure that data collection efforts are holistic and relevant to all communities in the area.

- Transportation: CLFN understands that the project will lead to increased traffic through CLFN's homelands in the future, most notably once a connection is established to the Ring of Fire through the Northern Road Link. CLFN needs to understand potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership. Increased traffic on waterways is also of concern; how will roads/bridges be designed to ensure they are still navigable?

- Improved communications and partnerships with neighbouring First Nations: CLFN views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions and communications with our neighbours.

- Increased hunting: CLFN is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic and tourism in the North. How will increased access by the road impact moose populations?

- Protections for Species at Risk: CLFN is concerned that provincial legislation intended to protect species at risk in Ontario (including caribou and bats) is not being upheld in practice. These concerns are further emphasized through Ontario's recent changes weakening provincial environmental legislation, including changes related to trapping and the Far North Act. CLFN expects to see the highest level of environmental protections and monitoring in-place throughout the life of this project and all projects in northern Ontario.

- Fish populations: CLFN would like to understand how the proposed corridor (and resulting increase in traffic/tourism) could impact fish populations in the area (both during construction and long-term operations). Details on how watersheds are connected surrounding the local study area, and which waterways extend into CLFN's homelands are also required.
    - CLFN would also like to understand the potential long-term impacts of road operations on groundwater (page 68), natural springs, aquifers, and surface water flow restrictions from alterations such as culvert installations (page 67).

- Aggregate resources: CLFN would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited along the proposed corridor route.

- Forestry: CLFN would like to understand how lumber that is cleared during construction will be handled, and what the potential impacts of increased access to the north will have on the forestry industry.

- Eventual connection to the Ring of Fire: Since discussions are advancing on the Northern Road Link project, which will inevitably support future mining developments in the Ring of Fire, CLFN would like to have a better understanding of the potential future cumulative effects of such developments on CLFN's homelands.

- Climate change considerations: Since the future decommission of the project is not going to be planned/considered, it is important that the EA discuss how the project construction will accommodate future climate change realities, most notably with greatly fluctuating seasonal temperatures, rainfall events and wildfires. CLFN would also like more information on how carbon sinks (peatlands and forested lands) will be impacted by the development, and how the potential value of future carbon credits in the region might be impacted.

- Policy/regulation: CLFN would like to understand how different regulations, including those related to Provincial Parks or protected conservation areas, will apply to the proposed project. CLFN would also like to understand how future community regulations exercising Indigenous Rights in our homelands will apply to/be impacted by the project, such as hunting restrictions on valued species.

From: Kimberly Jorgenson [redacted]
Sent: Tuesday, March 30, 2021 2:55 PM
To: Crier, Sherina
Subject: [EXTERNAL] RE: New Contact - Marten Falls First Nation Community Access Road

Hi Sherina,

Just a heads-up that this is on my radar, however everyone's occupied with year-end finances/project reporting at the moment. I hope to get back to you mid-April on this, thanks for your patience!

Kim

From: Kimberly Jorgenson [redacted]
Sent: Friday, May 14, 2021 10:08 AM
To: Crier, Sherina
Cc: [redacted]
Subject: [EXTERNAL] RE: CLFN community Access Road - Questions for Bat Program

Hi Sherina,

Thank you for the information on the upcoming bat acoustic survey program.

Due to the ongoing pandemic, Constance Lake First Nation has not yet undertaken focused TK data collection work within the MFCAR local/regional study areas that may overlap with CLFN's homelands. Four Rivers has supported previous bat SAR study work within CLFN's homelands, however this work is not yet published, nor was it located near the MFCAR study areas.

I hope this information is of assistance, as I do not anticipate that further information will be available in relation to this program by May 28th. Thanks,

Kim

Kimberly Jorgenson ᑭᒪᓂᖅ ᔪᖕᑭᓴᓂ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐃᓂ ᐱᔨᐃᒋᕐᐊᓇᓂ ᑲᓇᓇᑦᑕᒃ
Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᓂᑲ ᐊᑭ ᐱᒪᑎᓱᐃᓂ ᐃᑎᐦᐃᐁᐃᓂ ᐊᓄᑭᓇᑲᓇᑲ
Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓂ ᐅᑭᒪᐃᓂ
[redacted]

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From: Kimberly Jorgenson[redacted]
Sent: Wednesday, June 30, 2021 2:49 PM
To: Crier, Sherina
Subject: [EXTERNAL] RE: Virtual Engagement Planning

Hi Sherina,

My apologies for the delays on these items, Covid and tragedies have been causing multiple delays. FYI, I'm on holidays starting tomorrow, but I have planning meetings scheduled with both Constance Lake and Ginoogaming on my return. I hope to get back to you with some direction my mid-July.

Meegwetch!

Kim

From: Kimberly Jorgenson [redacted]
Sent: Friday, July 16, 2021 10:33 AM
To: Crier, Sherina
Cc: Bertha Sutherland; Edith Moore
Subject: [EXTERNAL] RE: Virtual Engagement Planning

Hi Sherina,

Thank you for following-up and for your ongoing patience.

We had a good meeting this morning and decided that with Covid fatigue and some new staff entering the picture, we're going to host an internal engagement session for CLFN members in early August. We'll get back to you next month on next steps for future engagement, and on the IK program. Thanks!

Kim

Kimberly Jorgenson ᑭᒪᓴᓕ ᔪᖅᑭᓱᓕ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓯᐊᓕ ᐱᔪᐊᑎᖅᐃᓇᓕ ᑲᓇᓚᑎᑐᒃ
Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᓕᒃ ᐊᑭ ᐱᒪᑎᓯᐊᓕ ᐃᑎᑦᐃᐁᐃᓕ ᐊᓄᑭᓇᑲᓇᒃ
Matawa First Nations Management ᒪᑕᐊ ᑕᔨᑭᐃᓇᓕ ᐅᑭᒪᐃᓕ
[redacted]

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From: Jennifer Duncan [redacted]
Sent: Tuesday, October 5, 2021 8:21 AM
To: Crier, Sherina
Cc: Bertha Sutherland; Wayne N; [redacted]; Kimberly Jorgenson
Subject: [EXTERNAL] CLFN Draft IK agreement
Attachments: 2021-03-29-CLFN_MFCAR_Data sharing agreement_Draft_60593122_revised_by_clfn_2021_10-04.docx; Template - Indigenous Knowledge Program Funding Agreement - Constance Lake First Nation_revised_21-10-04.docx

Hello Sherina,

I have been working with Constance Lake and they have reviewed the Draft IK Agreement and have a few changes they would like to see made (see attached documents – changes tracked). Please let us know if you have any questions at all.

Have a good day,

Jennifer Duncan ᒉᓂᐳᕐ ᑕᓐᑲᓐ
Project Manager / Geomatics ᒪᒋᑕᐃᓇᓐ ᐅᑭᒪ / ᐊᑭ ᒪᓯᓂᒃᐃᑫᐃᓐ
Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᓐᒃ ᐊᑭ ᐱᒪᑎᓯᐃᓐ ᐃᒋᒃᐃᐁᐃᓐ ᐊᓄᑭᓇᑲᓇᒃ
Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓐ ᐅᑭᒪᐃᓐ
[redacted]
fourrivers.group

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B5.3 ToR Comments Received / Responses

[redacted]NCE LAKE FIRST NATION
[redacted]
CONSTANCE LAKE, Ontario - [redacted]
Telephone [redacted]
General e-mail: [redacted]
Website: www.clfn.on.ca

December 18, 2020

Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
Attn: Sasha McLeod and Shannon Gauthier
[redacted]
Via e-mail: [redacted]

Re: Review of Proposed Terms of Reference for the Marten Falls Community Access Road Environmental Assessment

Dear Ms. McLeod and Ms. Gauthier,

I am writing in response to the Notice of Submission of Terms of Reference dated October 23, 2020 regarding the Marten Falls First Nation Community Access Road Project Environmental Assessment (EA).

Constance Lake First Nation (CLFN) continues to experience ongoing challenges regarding participation in this EA, further compounded by the global pandemic and community access/gathering restrictions. CLFN declared a State of Emergency on March 17, 2020 in response to the global pandemic; this declaration is still in-place. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and CLFN was able to commit the resources and thoughtful reflection required on the engagement methods required to meaningfully participate. While provincial funding support has been received for our involvement in this EA, the timelines and pandemic restrictions have not allowed for CLFN to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process.
We understand that our concerns are shared with our neighbouring communities, and we are jointly frustrated that this process is advancing despite the unprecedented circumstances we all find ourselves in. This does not feel like a community-led process.

We respect the need for Marten Falls First Nation to advance on this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; CLFN completed an internal high-level review of the ToR documentation and hosted two small community engagement sessions prior to reinstating a full lockdown on all gatherings earlier this month.

CLFN looks forward to receiving responses from the Ontario Ministry of the Environment, Conservation & Parks and the Marten Falls Community Access Road team regarding these comments and future plans for meaningful and appropriate community engagement and consultation.

Respectfully,

[redacted]

Chief Richard Allen

cc. Chief Bruce Achneepineskum ([redacted])
Qasim Saddique ([redacted])
Christine Cinnamon ([redacted])
Bertha Sutherland ([redacted])
Wayne Neegan ([redacted])
Charlene Neegan [redacted]
Monica John-George ([redacted])
Kimberly Jorgenson ([redacted])

December 18, 2020

Constance Lake First Nation Comments: Marten Falls Community Access Road (MFCAR) Environmental Assessment (EA) Terms of Reference (ToR)

The following comments are provided in conjunction with the formal submission letter signed by Constance Lake First Nation (CLFN) Chief Richard Allen.

Restrictive Timelines & Capacity

CLFN does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While CLFN has made all efforts to be engaged and informed on this project (including hosting two small community engagement sessions with the assistance of Four Rivers (our technical services group)), our Lands & Resource department does not have dedicated internal staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Efforts were made to conduct an additional small engagement session with the MFCAR team earlier this month, however this session had to be cancelled due to elevated restrictions on community gatherings. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances and during a declared community State of Emergency.

Indigenous Knowledge Program

CLFN would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the Indigenous Knowledge (IK) Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.

Technical Clarifications

In Table 10-1 and Appendix C Table 1-1, under Tribal Council Affiliation for CLFN, our tribal council's appropriate name is 'Matawa First Nations Management'. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation.

Record of Consultation

No further comments at this time. Note that CLFN's State of Emergency declared on March 17, 2020 (referenced in Appendix C, page 59) is ongoing.

Community Priorities

Through initial community engagement efforts, the following priority areas have been identified by CLFN community members as requiring specific attention as the project EA proceeds. They are listed in no particular order and are not to be considered a full and comprehensive list of CLFN's interests; they are provided to help assist in future focused communication efforts surrounding this EA.

- Environmental protections: Water, traditional land use and wildlife are of primary importance to CLFN. Stringent measures must be in-place throughout the project life to protect the waters, fish, land, animals (notably moose, caribou, bats, and wolverine) and air quality surrounding the project and associated watersheds. A rigorous environmental monitoring program is also necessary throughout the life of the project. CLFN is concerned about the potential long-term impacts of the project to traditional livelihoods.

  "When they make a road, all the water bodies, how will they control the pollution? Because it is the water that helps me get to where I need to be, to collect my fish and hunt my moose. I just want to know if they're going to be okay."

  "We use the animals and fish, that is our livelihood. They have to be careful… we rely on those animals annually."

  "Water is the most important. Water resources are needed for our future generations."

- Cultural & spiritual significance of the lands and waters:

  "Our life, spirituality, traditional medicines, animals, birds, little bugs and insects, all water animals, rivers and lakes and a lot more, we are all connected, we need the land and wildlife to be free of pollution."

  Indigenous Knowledge (IK) data gathering and mapping efforts need to be completed to ensure that conversations surrounding the potential impacts of the project to CLFN's homelands and traditional values are understood and accommodated in this project EA.
  - On page 49/50, the list of herptile species of should be expanded to include the painted turtle (*Chrysemys picta*), since we have observed them near Hearst and have knowledge of incidental occurrences as far north as Nakina.

- Meaningful engagement: CLFN's internal communication and engagement processes must be respected, with full-community involvement necessary in all decision-making. CLFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members (especially Elders).

- Transparency in relationships and discussions: CLFN has been involved in discussions surrounding the future development in the Ring of Fire for over a decade, and many community members are keen to understand the agreements, relationships and motivations behind all involved parties (proponent, provincial government, federal government, neighbouring First Nations and industry) in this project. There is a need for all involved groups to come together and communicate about the project in a holistic manner, so that all concerns and apprehensions might be addressed. Clarification is also required on Aroland First Nation's involvement, since the road crosses their immediate homelands and it is understood that they are undertaking road improvements on the current forestry roads which connect to this project.

- Interest in a regional approach: As affirmed in the Mamow-Wecheekapawetahteewinn (Unity Declaration, 2011), the nine Matawa member First Nations, connected through our language, cultural, social and economic interests, all live and rely upon the lands, water and resources entrusted to us by the Creator. CLFN would like to work together with Marten Falls First Nation and all Matawa member First Nations to collectively discuss this project, the EA and future development in the Ring of Fire. While it is understood that the federal government is advancing plans for a Regional Assessment centered on the Ring of Fire area, CLFN would like the Matawa member First Nations to come together to discuss areas of mutual interest and concern, recognizing the importance of unity.
    - CLFN would also like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. CLFN has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, caribou, wolverine, bats and sturgeon) will help ensure that data collection efforts are holistic and relevant to all communities in the area.

- Transportation: CLFN understands that the project will lead to increased traffic through CLFN's homelands in the future, most notably once a connection is established to the Ring of Fire through the Northern Road Link. CLFN needs to understand potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership. Increased traffic on waterways is also of concern; how will roads/bridges be designed to ensure they are still navigable?

- Improved communications and partnerships with neighbouring First Nations: CLFN views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions and communications with our neighbours.

- Increased hunting: CLFN is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic and tourism in the North. How will increased access by the road impact moose populations?

- Protections for Species at Risk: CLFN is concerned that provincial legislation intended to protect species at risk in Ontario (including caribou and bats) is not being upheld in practice. These concerns are further emphasized through Ontario's recent changes weakening provincial environmental legislation, including changes related to trapping and the Far North Act. CLFN expects to see the highest level of environmental protections and monitoring in-place throughout the life of this project and all projects in northern Ontario.

- Fish populations: CLFN would like to understand how the proposed corridor (and resulting increase in traffic/tourism) could impact fish populations in the area (both during construction and long-term operations). Details on how watersheds are connected surrounding the local study area, and which waterways extend into CLFN's homelands are also required.
    - CLFN would also like to understand the potential long-term impacts of road operations on groundwater (page 68), natural springs, aquifers, and surface water flow restrictions from alterations such as culvert installations (page 67).

- Aggregate resources: CLFN would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited along the proposed corridor route.

- Forestry: CLFN would like to understand how lumber that is cleared during construction will be handled, and what the potential impacts of increased access to the north will have on the forestry industry.

- Eventual connection to the Ring of Fire: Since discussions are advancing on the Northern Road Link project, which will inevitably support future mining developments in the Ring of Fire, CLFN would like to have a better understanding of the potential future cumulative effects of such developments on CLFN's homelands.

- Climate change considerations: Since the future decommission of the project is not going to be planned/considered, it is important that the EA discuss how the project construction will accommodate future climate change realities, most notably with greatly fluctuating seasonal temperatures, rainfall events and wildfires. CLFN would also like more information on how carbon sinks (peatlands and forested lands) will be impacted by the development, and how the potential value of future carbon credits in the region might be impacted.

- Policy/regulation: CLFN would like to understand how different regulations, including those related to Provincial Parks or protected conservation areas, will apply to the proposed project. CLFN would also like to understand how future community regulations exercising Indigenous Rights in our homelands will apply to/be impacted by the project, such as hunting restrictions on valued species.

[redacted]NCE LAKE FIRST NATION
[redacted]
CONSTANCE LAKE, Ontario - [redacted]
Telephone [redacted]
Website: www.clfn.on.ca

June 23, 2021

Ministry of the Environment, Conservation and Parks (MOECP)
Environmental Assessment Branch
Attn: Sasha McLeod
[redacted]
Via e-mail: [redacted]

Re: Review of Comment Responses Received on the Proposed Terms of Reference for the Marten Falls Community Access Road Environmental Assessment

Dear Ms. McLeod,

I am writing in response to your email dated March 10, 2021, regarding the comments received from Constance Lake First Nation (CLFN) on the Final Terms of Reference (ToR) for the Marten Falls Community Access Road (MFCAR) project Environmental Assessment (EA). The MOECP requested CLFN to review the thoroughness of the comment responses provided by the Proponent and to respond if any outstanding concerns remain. Note that the Proponent deferred responses on two comments to the Province of Ontario, however these responses have not yet been received and cannot be commented on at this time. CLFN also submitted additional comments on the ToR (both via phone conversation and written) direct to the Proponent in February/March 2021, to which the MFCAR team provided a response on May 4, 2021.

CLFN continues to experience ongoing challenges regarding participation in this EA, further compounded by the global pandemic and community access/gathering restrictions. Consultation efforts surrounding this project should haven been put on-hold until after the global pandemic has subsided, since participation respectful of our community protocols is still impossible at this time. Putting our community members at risk for engagement on these documents has not been an option, and virtual engagement still presents a challenge surrounding internet speeds and capacity. This is an extremely large project with regional implications, opening up and permanently changing the face of northern Ontario; the EA process should be respectful of that scope. CLFN would appreciate information on how other First Nations across the region are managing to participate; are there measures of community satisfaction in their ability to participate in consultation efforts to date? Are they satisfied that they are being properly consulted and accommodated?

In spite of these challenges, and the challenges experienced by our neighbouring First Nations, participation in this technical process needs to continue in order to ensure that CLFN members have a voice at the table. Ideally, the comment responses provided by the Proponent and Province would have been presented to engaged CLFN community members, reviewed/discussed thoroughly as a group, with further comments gathered and provided back to the MOECP in response. The following comments are provided following a limited internal review of the technical information, in respect of the need for Marten Falls First Nation to advance on this project for the betterment of their people and community.

Comments are provided in correspondence with the numbered table and subtitles provided in the Proponent responses:

- CLFN-1: While CLFN appreciates the efforts provided through extended review timelines, the core capacity challenges presented by the pandemic remain a hindrance to CLFN's full and proper engagement and consultation on this project. This barrier will not be overcome until the pandemic subsides and the current State of Emergency is lifted.
- CLFN-2: Response is adequate.
- CLFN-3: Response is adequate. CLFN would like to further discuss options surrounding the development of a community-specific consultation plan.
- CLFN-4: Response is adequate.
- CLFN-5: Response is adequate.
- CLFN-6: Response is adequate.
- CLFN-7: CLFN would like to acknowledge the efforts of the MFCAR team to engage CLFN in the IK Program, and appreciates their ongoing patience during these unprecedented times.
- CLFN-8: Response is adequate.
- CLFN-9/Meaningful Engagement: Response is adequate.
- CLFN-10: Proponent response is adequate. Ontario response is outstanding and cannot be commented on at this time.
- CLFN-11: CLFN appreciates MFFN's acknowledgement and openness to meet with all Matawa member First Nations on this project and remains open to future invitations to such an event. Further clarity is required surrounding the response to CLFN's request for opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts within the region. CLFN would like further information on capacity building support surrounding monitoring efforts on aligned species of interest, with the goal of contributing to mutually beneficial data collection in priority areas.
- CLFN-12: Response is adequate.
- CLFN-13: Response is adequate.
- CLFN-14: Response is adequate.
- CLFN-15: Proponent response is adequate. Ontario response is outstanding and cannot be commented on at this time.
- CLFN-16: Response is adequate.
- CLFN-17: Response is adequate.
- CLFN-18: Response is adequate.
- CLFN-19: Response is adequate.
- CLFN-20/Climate Change: Response is adequate. It is expected that the additional comments and proponent responses provided in March/May 2021 will be reflected on the official record.
- CLFN-21/Designated Protection Zone: Response is adequate.

- Caribou Baseline Study: CLFN looks forward to the planned virtual information session to be focused on the moose and caribou study programs. To further clarify on the verbal comments provided in February 2021, when forestry activities are planned in the CLFN homelands, the 'caribou mosaic' and 'caribou line' often modify/impact plans. CLFN would like to know how planning for the road development is going to accommodate such restrictions, as well as those outlined in the provincial caribou strategy?
- Regional Assessment: Response is adequate and should be reflected in the official record.

CLFN would like to reiterate that the intent of the community comments document is to identify areas for future elaboration and community discussion. CLFN welcomes direct engagement by the MFCAR team and the MOECP once circumstances allow for appropriate consultation activities to resume.

[redacted]

cc. Chief Bruce Achneepineskum ([redacted])
Qasim Saddique ([redacted])
Sherina Crier ([redacted])
Bertha Sutherland ([redacted])
Wayne Neegan ([redacted])
Monica John-George ([redacted])
Kimberly Jorgenson ([redacted])

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Constance Lake First Nation – December 18, 2020			
CLFN-1	Constance Lake First Nation (CLFN) continues to experience ongoing challenges regarding participation in this EA, further compounded by the global pandemic and community access/gathering restrictions. CLFN declared a State of Emergency on March 17, 2020 in response to the global pandemic; this declaration is still in-place. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and CLFN was able to commit the resources and thoughtful reflection required on the engagement methods required to meaningfully participate. While provincial funding support has been received for our involvement in this EA, the timelines and pandemic restrictions have not allowed for CLFN to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process. We understand that our concerns are shared with our neighbouring communities, and we are jointly frustrated that this process is advancing despite the unprecedented circumstances we all find ourselves in. This does not feel like a community-led process.	Marten Falls First Nation (MFFN) received a letter from Constance Lake First Nation on July 22, 2020 regarding ongoing capacity and engagement / consultation challenges due to the State of Emergency and COVID-19. MFFN responded to this letter on August 10, 2020. As a high-level summary of the response letter, MFFN noted that MFFN appreciates Constance Lake First Nations' participation to-date and review and feedback on the draft Terms of Reference (ToR) and community-specific Record of Consultation. Regarding the Environmental Assessment (EA) being put on hold, we note that the provincial EA has not yet commenced as it requires first provincial approval of the ToR. MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Constance Lake First Nation and act as a liaison to provide coordination between Constance Lake First Nation and MFFN during the EA, including advising on appropriate ways to engage with Constance Lake First Nation during COVID-19. In light of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with extra time to review documentation and provide comments. An additional opportunity for Constance Lake First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.	Commitment for EA
CLFN-2	We respect the need for Marten Falls First Nation to advance on this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; CLFN completed an internal high-level review of the ToR documentation and hosted two small community engagement sessions prior to reinstating a full lockdown on all gatherings earlier this month. CLFN looks forward to receiving responses from the Ontario Ministry of the Environment, Conservation & Parks and the Marten Falls Community Access Road team regarding these comments and future plans for meaningful and appropriate community engagement and consultation.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Constance Lake First Nation, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8
CLFN-3	Restrictive Timelines & Capacity CLFN does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While CLFN has made all efforts to be engaged and informed on this project (including hosting two small community engagement sessions with the assistance of Four Rivers (our technical services group)), our Lands & Resource department does not have dedicated internal staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Efforts were made to conduct an additional small engagement session with the MFCAR team earlier this month, however this session had to be cancelled due to elevated restrictions on community gatherings. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances and during a declared community State of Emergency.	MFFN understands the difficult challenges faced by many communities regarding the global pandemic and inability to gather community members, particularly youth and Elders. As noted in the response to CLFN-1, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Constance Lake First Nation and act as a liaison to provide coordination between Constance Lake First Nation and MFFN during the EA, including advising on appropriate ways to engage with Constance Lake First Nation during COVID-19. It is MFFN's hope that the postponed meeting is rescheduled when Constance Lake First Nation is available to meet, and an appropriate path forward that suits the needs of Constance Lake First Nation for consultation and engagement is determined. A community-specific consultation plan can also be developed if that is of interest.	Commitment for EA
CLFN-4	Indigenous Knowledge Program CLFN would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the Indigenous Knowledge (IK) Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN looks forward to continued consultation with Constance Lake First Nation and your participation in the Indigenous Knowledge Program.	Section 3.4.2.1, pg. 11
CLFN-5	Technical Clarifications In Table 10-1 and Appendix C Table 1-1, under Tribal Council Affiliation for CLFN, our tribal council's appropriate name is 'Matawa First Nations Management'. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation.	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
CLFN-6	Record of Consultation No further comments at this time. Note that CLFN's State of Emergency declared on March 17, 2020 (referenced in Appendix C, page 59) is ongoing.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Appendix C, Section 3.1, pg. 46 to 64
CLFN-7	Community Priorities Environmental protections: Water, traditional land use and wildlife are of primary importance to CLFN. Stringent measures must be in-place throughout the project life to protect the waters, fish, land, animals (notably moose, caribou, bats, and wolverine) and air quality surrounding the project and associated watersheds. A rigorous environmental	MFFN acknowledges Constance Lake First Nation's concerns about the potential effects to waters, fish, land, wildlife and air quality and agrees that it is important to protect them. Traditional use of land and resources (Section 7.2.1), air quality (Section 7.2.2), land (Section 7.2.4), surface water (Section 7.2.5), groundwater (Section 7.2.6), wildlife, including moose and caribou (Section 7.2.8) and fish and fish habitat (Section 7.2.9) are all identified within the ToR for assessment of	Section 7.2.1, pg. 65 Section 7.2.2, pg. 66 Section 7.2.4, pg. 67

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	monitoring program is also necessary throughout the life of the project. CLFN is concerned about the potential long-term impacts of the project to traditional livelihoods. "When they make a road, all the water bodies, how will they control the pollution? Because it is the water that helps me get to where I need to be, to collect my fish and hunt my moose. I just want to know if they're going to be okay." "We use the animals and fish, that is our livelihood. They have to be careful… we rely on those animals annually." "Water is the most important. Water resources are needed for our future generations."	effects during the EA. As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / Impact Statement (IS) Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones "Effects Assessment Methods," "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Constance Lake First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. In addition, the Indigenous Knowledge Program provides additional opportunities for information on Constance Lake First Nation's traditional livelihoods to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Constance Lake First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.8, pg. 69 Section 7.2.9, pg. 69 Section 8, pg. 72 Section 9, pg. 76 Commitment for EA
CLFN-8	Community Priorities Cultural & spiritual significance of the lands and waters: "Our life, spirituality, traditional medicines, animals, birds, little bugs and insects, all water animals, rivers and lakes and a lot more, we are all connected, we need the land and wildlife to be free of pollution." Indigenous Knowledge (IK) data gathering and mapping efforts need to be completed to ensure that conversations surrounding the potential impacts of the project to CLFN's homelands and traditional values are understood and accommodated in this project EA. ▪ On page 49/50, the list of herptile species of should be expanded to include the painted turtle (Chrysemys picta), since we have observed them near Hearst and have knowledge of incidental occurrences as far north as Nakina.	MFFN acknowledges the cultural and spiritual significance of healthy lands and waters to Constance Lake First Nation and the interconnectedness of the natural and human environments. The EA will include an assessment of potential effects of the Project on the social, cultural, economic, built and natural environments, thereby capturing Constance Lake First Nation's interest in effects to the land, water, air, plants and wildlife. The Project's Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to Constance Lake First Nation's inputs on the Draft Indigenous Knowledge Sharing Agreement that has been shared, and to Constance Lake First Nation's participation in the Indigenous Knowledge Program. Further information on the Indigenous Knowledge Program is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Constance Lake First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. Thank you for identifying the presence of Painted Turtle. This information has been noted so that, moving forward, it can be included in Project documentation (e.g., the EA Report).	Section 3.4.2.1, pg. 12 Commitment for EA
CLFN-9	Community Priorities Meaningful engagement: CLFN's internal communication and engagement processes must be respected, with full-community involvement necessary in all decision-making. CLFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members (especially Elders).	MFFN understands that many communities, including Constance Lake First Nation, are experiencing challenges related to the global pandemic, limited resources, consultation fatigue, conflicting priorities and confusing overlap and deadlines between different projects. Section 10 of the ToR is related to consultation activities that have already taken place. These challenges will be top of mind for MFFN when the consultation program for the EA is commenced which is outlined in Section 11 of the ToR (and the corresponding EA / IS Consultation and Engagement Plan). MFFN understands that online engagement is only one piece of the puzzle and can sometimes be limited in reach. MFFN needs to work together with Constance Lake First Nation to determine the best path forward for consultation and engagement with all community members. As noted in the EA / IS Consultation and Engagement Plan, there are more activities offered than online engagement, including teleconferences and potential small in-person meetings that adhere to physically distant protocols (and do not require an internet connection). Flexibility and adaptability are key, and developing a community-specific consultation and engagement plan is offered if Constance Lake First Nation is interested. MFFN will be hiring a local Community Coordinator and it is anticipated that this role will also help in planning and coordinating consultation and engagement efforts that meet the needs of the community.	Section 10, pg. 78 to 101 Section 11.6, pg. 105 to108 Appendix B, Section 4.1.5, pg. 19
CLFN-10	Community Priorities Transparency in relationships and discussions: CLFN has been involved in discussions surrounding the future development in the Ring of Fire for over a decade, and many community members are keen to understand the agreements, relationships and motivations behind all involved parties (proponent, provincial government, federal government, neighbouring First Nations and industry) in this project. There is a need for all involved groups to come together and communicate about the project in a holistic manner, so that all concerns and apprehensions might be addressed. Clarification is also required on Aroland First Nation's involvement, since the road crosses their immediate homelands and it is understood that they are undertaking road improvements on the current forestry roads which connect to this project.	Future development to the Ring of Fire, as well as Aroland First Nation's involvement in road improvements is outside the scope of what MFFN is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is	Section 7.2, pg. 65

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		anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the Community Access Road (CAR) as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the upgrades to Painter Lake Road and Anaconda Road will also be considered for inclusion in the cumulative effects assessment in the EA.	
CLFN-11	Community Priorities Interest in a regional approach: As affirmed in the Mamow-Wecheekapawetahteewinn (Unity Declaration, 2011), the nine Matawa member First Nations, connected through our language, cultural, social and economic interests, all live and rely upon the lands, water and resources entrusted to us by the Creator. CLFN would like to work together with Marten Falls First Nation and all Matawa member First Nations to collectively discuss this project, the EA and future development in the Ring of Fire. While it is understood that the federal government is advancing plans for a Regional Assessment centered on the Ring of Fire area, CLFN would like the Matawa member First Nations to come together to discuss areas of mutual interest and concern, recognizing the importance of unity. ▪ CLFN would also like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. CLFN has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, caribou, wolverine, bats and sturgeon) will help ensure that data collection efforts are holistic and relevant to all communities in the area.	MFFN acknowledges the importance and value of the lands, water and resources that Matawa member First Nation rely upon. MFFN would be happy to meet with Constance Lake First Nation and other Matawa member First Nations to discuss the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. Therefore, in the context of the cumulative effects assessment for the Project, future development in the Ring of Fire can also be discussed (e.g., identification of other projects to be considered in the cumulative effects assessment, potential effects and impact management measures). MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Follow-up monitoring measures will be consulted on during the milestones Effects Assessment Methods, Identification of Preferred Alternatives, and Review of Draft EA / IS. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies, characterize existing conditions, recommend impact management measures and identify opportunities for Indigenous peoples during development of the Project. In addition, the results of field studies will be shared throughout the EA, and will be documented in the EA Report. The MFFN Project Team will share Constance Lake First Nation's comment regarding the desire for complementary data collection and monitoring between communities as part of broader regional initiatives, which are outside the scope of this Project, with MFFN Chief and Council.	Appendix B, Section 4.1.7, pg. 22 to 23
CLFN-12	Community Priorities Transportation: CLFN understands that the project will lead to increased traffic through CLFN's homelands in the future, most notably once a connection is established to the Ring of Fire through the Northern Road Link. CLFN needs to understand potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership. Increased traffic on waterways is also of concern; how will roads/bridges be designed to ensure they are still navigable?	The EA will assess the potential effects of the Project due to traffic related incidents on the CAR during the operations and maintenance phase. The ToR has identified in Appendix A vehicular accidents as a potential indicator of personal safety to be assessed in the EA. The safety features of the Project will be addressed through the design and engineering of the road. Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. Navigability of watercourses is governed by Transport Canada guidelines and is typically considered during site-specific design of watercourse crossings. Where possible, bridges will be designed to avoid effects to waterway navigability. Additional information on water crossing and potential effects to navigability will be provided in the EA.	Section 7.2, pg. 65 Appendix A, pg. 7 Commitment for EA
CLFN-13	Community Priorities Improved communications and partnerships with neighbouring First Nations: CLFN views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions and communications with our neighbours.	A primary objective of the EA process is to effectively communicate information about the Project, and to consult with those who may be potentially affected by or have an interest in it. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with interested persons, including Constance Lake First Nation and Matawa First Nations, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8
CLFN-14	Community Priorities Increased hunting: CLFN is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic and tourism in the North. How will increased access by the road impact moose populations?	Section 7.2.8 of the ToR indicates that potential effects to wildlife (including moose) as a result of the Project will be identified and assessed in the EA. Potential effects to moose due to increased human traffic and tourism will be assessed in the EA by considering how Project activities, such as those listed below, may affect moose population and behaviours: ▪ Noise, lights, and human presence have the potential to change wildlife behaviour through disturbance or attraction of wildlife; ▪ Operation of the CAR may result increased risk of mortality of wildlife species through vehicular collisions; and ▪ The CAR will provide year-round access to the Far North, which may increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight-lines along linear corridors, a change to seasonal migration pathways, higher risk of the introduction of invasive species, parasites and disease, and the accidental release of contaminants to the environment. Additionally, the EA will consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and	Section 7.2.1, pg. 66 Section 7.2.8, pg. 69 Commitment for EA

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		changes to the experience of being on the land. Furthermore, Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities. MFFN will contact Constance Lake First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	
CLFN-15	Community Priorities Protections for Species at Risk: CLFN is concerned that provincial legislation intended to protect species at risk in Ontario (including caribou and bats) is not being upheld in practice. These concerns are further emphasized through Ontario's recent changes weakening provincial environmental legislation, including changes related to trapping and the Far North Act. CLFN expects to see the highest level of environmental protections and monitoring in-place throughout the life of this project and all projects in northern Ontario.	MFFN acknowledges Constance Lake First Nation's concerns about the potential effects to Species at Risk (SAR). Recognizing the importance of SAR, Appendix A of the ToR includes SAR as criteria for the Vegetation, Wildlife, and Fish and Fish Habitat disciplines. As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones "Effects Assessment Methods", "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Constance Lake First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. Changes to provincial legislation is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Appendix A, pg. 2 to 5 Section 8, pg. 72 Section 9, pg. 76 Commitment for EA
CLFN-16	Community Priorities Fish populations: CLFN would like to understand how the proposed corridor (and resulting increase in traffic/tourism) could impact fish populations in the area (both during construction and long-term operations). Details on how watersheds are connected surrounding the local study area, and which waterways extend into CLFN's homelands are also required. ▪ CLFN would also like to understand the potential long-term impacts of road operations on groundwater (page 68), natural springs, aquifers, and surface water flow restrictions from alterations such as culvert installations (page 67).	Section 7.2.1 of the ToR indicates that the "Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources." Water resources is inclusive of springs, aquifers and surface water features. The EA will document existing conditions, including information on watersheds and waterways within the study area for the Project. MFFN acknowledges Constance Lake First Nation's concerns for potential effects of the Project on fish and water resources, and will identify and assess potential effects of the Project on fish and fish habitat (Section 7.2.9), surface water (Section 7.2.5) and groundwater (Section 7.2.6) in the EA. The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly affect fish and fish habitat. The Project activities, outlined in Section 5.2.1 of the ToR, includes culvert installations for assessment of potential effects in the EA. MFFN acknowledges that increased access and increased human traffic / tourism may arise in the future if the CAR is constructed. Section 7.2.9 of the ToR states that "(t)he CAR will provide year-round access to the Far North, which is likely to increase access to waterbodies for recreational use. This has the potential to result in an increase in angling pressure to fish populations, higher risk of the introduction of invasive aquatic species, parasites and disease, and the accidental release of contaminants to waterbodies". The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. The findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.	Section 5.2.1.2, pg. 16 Section 7.2.1, pg. 66 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9, pg. 70
CLFN-17	Community Priorities Aggregate resources: CLFN would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited along the proposed corridor route.	Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).	Section 6.3, pg. 22 Section 5.2.2, pg. 20 Section 7.1.4.4, pg. 44
CLFN-18	Community Priorities Forestry: CLFN would like to understand how lumber that is cleared during construction will be handled, and what the potential impacts of increased access to the north will have on the forestry industry.	Section 5.2.2 of the ToR identifies how timber will be handled during the Project: Usable timber will be segregated and collected for reuse. Timber and materials that would typically be considered unusable may also be stockpiled to restore areas temporarily disturbed during construction. All other unusable timber and material will be collected and burned at designated sites. When on Crown land, forest resources licencing requirements will be adhered to. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.	Section 5.2.2, pg. 20 Section 7.2.10, pg. 70

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CLFN-19	Community Priorities Eventual connection to the Ring of Fire: Since discussions are advancing on the Northern Road Link project, which will inevitably support future mining developments in the Ring of Fire, CLFN would like to have a better understanding of the potential future cumulative effects of such developments on CLFN's homelands.	An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Constance Lake First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.	Section 7.6, pg. 65 Appendix B, Table 4-2, pg. 23 Commitment for EA
CLFN-20	Community Priorities Climate change considerations: Since the future decommission of the project is not going to be planned/considered, it is important that the EA discuss how the project construction will accommodate future climate change realities, most notably with greatly fluctuating seasonal temperatures, rainfall events and wildfires. CLFN would also like more information on how carbon sinks (peatlands and forested lands) will be impacted by the development, and how the potential value of future carbon credits in the region might be impacted.	The potential effects of the Project on climate change (ToR Section 7.2.2), and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the climate change assessment will also be assessed per the requirements set out in Sections 15.5 and 23.2 of the Tailored Impact Statement Guidelines developed by the Impact Assessment Agency of Canada. A Climate Change Resilience Assessment will be undertaken to asses the potential effects of climate change, such as climate change effects on temperatures patterns and seasonality, including the onset of freeze / thaw events and changes in freeze / thaw cycles, will be evaluated for their effects on the Project and the Project's surrounding physical environment. The proposed methods for climate change will be consulted on during the EA during the Effects Assessment Methods milestone.	Section 7.2.2, pg. 66 Appendix B, Section 4.1.7, pg. 22 Commitment for EA
CLFN-21	Community Priorities Policy/regulation: CLFN would like to understand how different regulations, including those related to Provincial Parks or protected conservation areas, will apply to the proposed project. CLFN would also like to understand how future community regulations exercising Indigenous Rights in our homelands will apply to/be impacted by the project, such as hunting restrictions on valued species.	The ToR provides preliminary information about how different regulations apply to the Project in Sections 3.1, 3.2, 3.3 and 13. This included identification of the Ministry of the Environment, Conservation and Parks *Provincial Parks and Conservation Reserves Act, 2006* / Provincial Parks and Conservation Reserves Class EA. It is MFFN's understanding (based on Comment ID MECP-24) that the current Provincial Parks and Conservation Reserves Class EA will continue to provide coverage for this Project as no replacement policy / procedure has been established to date as a result of the 2020 amendments to the Ontario *Environmental Assessment Act*. The EA will provide additional information about the regulations applicable to the Project as more information becomes available and permitting / approval requirements are confirmed. MFFN will consult with Constance Lake First Nation during the EA to discuss regulations that may be applicable to the Project.	Section 3.1, pg. 5 Section 3.2, pg. 6 Section 3.3, pg. 6 Section 13, pg. 112 to 114 Commitment for EA

References

Constance Lake First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

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

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Indigenous Communities			
Constance Lake First Nation – June 23, 2020			
CLFN-22	CLFN continues to experience ongoing challenges regarding participation in this EA, further compounded by the global pandemic and community access/gathering restrictions. Consultation efforts surrounding this project should haven been put on-hold until after the global pandemic has subsided, since participation respectful of our community protocols is still impossible at this time. Putting our community members at risk for engagement on these documents has not been an option, and virtual engagement still presents a challenge surrounding internet speeds and capacity. This is an extremely large project with regional implications, opening up and permanently changing the face of northern Ontario; the EA process should be respectful of that scope. CLFN would appreciate information on how other First Nations across the region are managing to participate; are there measures of community satisfaction in their ability to participate in consultation efforts to date? Are they satisfied that they are being properly consulted and accommodated?	The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. We acknowledge your concerns with continuing the ToR process during the pandemic, but maintain that there will remain opportunities to inform the EA / IA beyond the ToR process and are committed to creating these opportunities. If the number of COVID-19 cases continues its current downward trend, we anticipate the province will reopen in September, and given public health guidelines as well as the policies of your community, we would like to meet at that time to further discuss the Project. Although we have not been able to meet in person during the pandemic, we have appreciated the high level of interaction and comments received from Constance Lake First Nation. Some communities have been able to meet with the Project Team via teleconference and others have indicated an inability to meet and engage adequately until face-to-face meetings can take place.	N/A
CLFN-23	In spite of these challenges, and the challenges experienced by our neighbouring First Nations, participation in this technical process needs to continue in order to ensure that CLFN members have a voice at the table. Ideally, the comment responses provided by the Proponent and Province would have been presented to engaged CLFN community members, reviewed/discussed thoroughly as a group, with further comments gathered and provided back to the MOECP in response. The following comments are provided following a limited internal review of the technical information, in respect of the need for Marten Falls First Nation to advance on this project for the betterment of their people and community.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
CLFN-24	CLFN-1: While CLFN appreciates the efforts provided through extended review timelines, the core capacity challenges presented by the pandemic remain a hindrance to CLFN's full and proper engagement and consultation on this project. This barrier will not be overcome until the pandemic subsides and the current State of Emergency is lifted.	The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. We acknowledge your concerns with continuing the ToR process during the pandemic, but maintain that there will remain opportunities to inform the EA / IA beyond the ToR process and are committed to creating these opportunities. If the number of COVID-19 cases continues its current downward trend, we anticipate the province will reopen in September, and given public health guidelines as well as the policies of your community, we would like to meet at that time to further discuss the Project. Although we have not been able to meet in person during the pandemic, we have appreciated the high level of interaction and comments received from Constance Lake First Nation.	N/A
CLFN-25	CLFN-2: Response is adequate.	N/A	N/A
CLFN-26	CLFN-3: Response is adequate. CLFN would like to further discuss options surrounding the development of a community-specific consultation plan.	Thank you for indicating interest in a consultation plan tailored for Constance Lake First Nation. MFFN will contact Constance Lake First Nation to discuss the development of a custom plan.	Commitment for EA
CLFN-27	CLFN-4: Response is adequate.	N/A	N/A
CLFN-28	CLFN-5: Response is adequate.	N/A	N/A
CLFN-29	CLFN-6: Response is adequate.	N/A	N/A
CLFN-30	CLFN-7: CLFN would like to acknowledge the efforts of the MFCAR team to engage CLFN in the IK Program, and appreciates their ongoing patience during these unprecedented times.	Thank you. MFFN looks forward to continuing our relationship with Constance Lake First Nation throughout the Indigenous Knowledge Program.	N/A
CLFN-31	CLFN-8: Response is adequate.	N/A	N/A
CLFN-32	CLFN-9/Meaningful Engagement: Response is adequate.	N/A	N/A
CLFN-33	CLFN-10: Proponent response is adequate. Ontario response is outstanding and cannot be commented on at this time.	N/A	N/A
CLFN-34	CLFN-11: CLFN appreciates MFFN's acknowledgement and openness to meet with all Matawa member First Nations on this project and remains open to future invitations to such an event. Further clarity is required surrounding the response to CLFN's request for opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts within the region. CLFN would like further information on capacity building support surrounding monitoring efforts	As noted in the previous response, MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Follow-up monitoring measures will be consulted on during the milestones Effects Assessment Methods, Identification of Preferred Alternatives, and Review of Draft EA / IS. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies, characterize existing conditions,	

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
	on aligned species of interest, with the goal of contributing to mutually beneficial data collection in priority areas.	recommend impact management measures and identify opportunities for Indigenous peoples during development of the Project. In addition, the results of field studies will be shared throughout the EA and will be documented in the EA Report. As noted in the previous response, complementary data collection and monitoring between communities are outside the scope of this Project. The MFFN Project Team suggests that Constance Lake First Nation connect with the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry and the federal Impact Assessment Agency of Canada about any future opportunities to support capacity building, data collection and monitoring in the area.	
CLFN-35	CLFN-12: Response is adequate.	N/A	N/A
CLFN-36	CLFN-13: Response is adequate.	N/A	N/A
CLFN-37	CLFN-14: Response is adequate.	N/A	N/A
CLFN-38	CLFN-15: Proponent response is adequate. Ontario response is outstanding and cannot be commented on at this time.	N/A	N/A
CLFN-39	CLFN-16: Response is adequate.	N/A	N/A
CLFN-40	CLFN-17: Response is adequate.	N/A	N/A
CLFN-41	CLFN-18: Response is adequate.	N/A	N/A
CLFN-42	CLFN-19: Response is adequate.	N/A	N/A
CLFN-43	CLFN-20/Climate Change: Response is adequate. It is expected that the additional comments and proponent responses provided in March/May 2021 will be reflected on the official record.	The additional comments made by Constance Lake First Nation and Marten Falls First Nation's responses will be reflected in the comments recorded on the Project.	N/A
CLFN-44	CLFN-21/Designated Protection Zone: Response is adequate.	N/A	N/A
CLFN-45	Caribou Baseline Study: CLFN looks forward to the planned virtual information session to be focused on the moose and caribou study programs. To further clarify on the verbal comments provided in February 2021, when forestry activities are planned in the CLFN homelands, the 'caribou mosaic' and 'caribou line' often modify/impact plans. CLFN would like to know how planning for the road development is going to accommodate such restrictions, as well as those outlined in the provincial caribou strategy?	MFFN understands that Constance Lake First Nation is developing a community-based land use plan. MFFN cannot speak to how the 'Forest Management Guidelines for the Conservation of Woodland Caribou' modify or impact community-based land use plans and how designated protection zones identified within the community-based land use plan are taken into account in forestry activities. However, if MFFN is given access to Constance Lake First Nation's land use plan, it would be considered. Planning for the Project will consider the provincial and federal approach to caribou habitat protection. Habitat categorization / zones for caribou in the study area follows those provided in the General Habitat Description (GHD) for the Forest dwelling Woodland Caribou (*Rangifer tarandus caribou*) (MNRF 2013). The GHD classifies habitat into three categories: • Category 1: features or areas that have the lowest tolerance to alteration before their function or usefulness is compromised; • Category 2: features or areas that have moderate tolerance to alteration before their function or usefulness is compromised; and • Category 3: features or areas with the highest tolerance to alteration before their function or usefulness is compromised. Category 1 areas include winter use, nursery areas and travel corridors and play an important role in both the caribou life cyle and seasonal use requirements. These areas have the lowest tolerance to disturbance. The spatial files for caribou GHD were acquired from the MECP and will be spatially analyzed in relation to the Project route alternatives, the local study area (LSA), and regional study area (RSA), which considers the Nipigon, Missisa, Ozhiski and Pagwachuan ranges,) to gain an understanding of how the Project may affect each category type at varying spatial scales. The three categories of habitat have different construction restrictions (e.g., timing windows), which will be followed by the Project. In addition, radio collars were deployed on 30 adult female caribou in February 2021. The radio collars will will provide three years of baseline data that will be used during the effects assessment and post-construction monitoring phases of the Project to predict and examine changes in habitat selection, movement, and seasonal use as a function of distance to the proposed disturbance(s) from the Project, and with respect to the spatial organization of provincially delineated Category 1, 2, 3 habitat. The data from these collars can also be used by the Province to update the delineation of their GHD, if new data shows a different pattern of habitat use than the 2009-2011 collar data that was used to inform the current delineation of Category 1, 2, 3 habitat.	Commitment for EA

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
CLFN-46	Regional Assessment: Response is adequate and should be reflected in the official record.	The comments made by Constance Lake First Nation and Marten Falls First Nation's responses will be reflected in the comments recorded on the Project.	N/A

References

Constance Lake First Nation Response References

Canadian Environmental Assessment Agency. 2018a:
Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

Ministry of Natural Resources and Forestry (MNRF). 2013:
General habitat description for the Forest-dwelling Woodland Caribou, 2012. https://www.ontario.ca/page/general-habitat-description-forest-dwelling-woodland-caribou

B6. Eabametoong First Nation

B6.1 Outgoing Community Specific Correspondence
B6.2 Incoming Community Specific Correspondence



B6.1 Outgoing Community Specific Correspondence



August 14, 2020

Attawapiskat First Nation
[redacted]

RE: **Marten Falls First Nation Community Access Road Project Team's Response to Attawapiskat First Nation's Comments on the Draft Terms of Reference**

Dear Chief David Nakogee,

Thank you for your letter dated July 27, 2020, regarding Attawapiskat First Nation's (AFN) concerns regarding: traditional knowledge not being incorporated; technical analysis of environmental effects limited to 2.5 km buffer; lack of clarity around wildlife Local Study Areas (LSA) and Regional Study Areas (RSA) specific to caribou; and lack of inclusion of AFN in the decision-making on spatial boundaries of the technical analysis. We sincerely appreciate the time taken to review and comment on the information provided.

The Marten Falls First Nation (MFFN) Project Team is currently drafting a memo to present the proposed draft Local and Regional Study Areas related to Indigenous Peoples Valued Components and the Indigenous Knowledge (IK) Program. The memo will also provide information on other study areas (e.g., Wildlife, Vegetation, Fish and Fish Habitat) that helped to inform the Indigenous Peoples/ Indigenous Knowledge (IK) Program study areas. We anticipate distributing the memo in the next few weeks and we will be seeking comment from Indigenous Communities, including Attawapiskat First Nation, on the proposed Local and Regional Study Areas for Indigenous Peoples/ IK Program. At this time, we would like to highlight the Regional Study Area for most Valued Components (including caribou) has been substantially extended to encompass a much larger area than what has previously been described in the Draft Terms of Reference. Upon your review we would also be happy to host a meeting via teleconference call to further review and discuss the information contained in the memo and your comments.

Additionally, the MFFN Project Team is currently developing a proposed discipline-specific LSA and RSAs considering the information currently available to us. As part of the updated Project Consultation Plan that will be included with the Proposed Terms of Reference, the MFFN Project Team is committed to seeking input from Indigenous communities, including Attawapiskat First Nation on LSA and RSAs. We are in the early stages of technical analysis in support of the Environmental Assessment/ Impacts Statement and no final decisions on spatial boundaries has been made.

If you have any questions, feel free to reach out to Lawrence Baxter, Senior Community Member Advisor, MFFN, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC Chief, David Nakogee, Attawapiskat First Nation

Deputy Chief, Louis Edwards, Attawapiskat First Nation
Wayne Turner, CEO, Attawapiskat First Nation Council, Attawapiskat First Nation
Dorothee Schreiber, Environmental Consultant, Attawapiskat First Nation
Kate Kempton, OKT
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Glinis Buffalo, MFFN Project Consultant

From: Ross, Kathryn
Sent: Monday, September 14, 2020 12:53 PM
To: [redacted]
Subject: MFFN CAR - Terms of Reference

Good afternoon,

The Marten Falls First Nation Community Access Road is getting ready to distribute copies of the Terms of Reference. Can you please confirm that we have the correct mailing address for hard copy and email addresses for digital copies?

Eabametoong First Nation	Chief Harvey Yesno	[redacted]	[redacted]	[redacted]

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

Vacation Alert: September 17 - 22

[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, October 19, 2020 8:33 AM
To: Harvey L. A. Yesno; [redacted]
Cc: [redacted]; Qasim Saddique; info@martenfallsaccessroad.ca
Subject: RE: [EXTERNAL] MFCAR

Chief Harvey Yesno,

Thank you for your email and sharing the difficult circumstances that EFN is currently experiencing. The MFFN Project Team understands the need for additional time to review the IK Study Area Memo and welcomes EFN's comments if you are still planning to submit them. A guidance document to provide further information on the Project-specific IK Studies is currently being drafted and will be shared with you once complete. If comments on the IK Study Area Memo are provided after the draft is developed and distributed, we will still consider them – the conversation is ongoing and we appreciate your feedback and input.

Thank you for sharing preliminary comments in your last email regarding current use as a definition of rights or interests – these comments are currently being considered for the revised IK Study Area Memo and in the current draft of the guidance document.

If you have additional comments to share about the August 2019 presentation, please let us know – we welcome the opportunity to better understand EFN's view on the presentations and how the MFFN Project Team can make adjustments for presentations in the future.

Lastly, we will include both of your email addresses in future communications until [redacted] is fixed.

Sincerely,

Kathryn
On behalf of the MFFN Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Wednesday, October 28, 2020 1:44 PM
To: [redacted]; Harvey L. A. Yesno
Cc: [redacted]; Qasim Saddique; Larissa Mikkelsen
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Yesno,

I called the band office and they provided a phone number to reach out to you ([redacted]) but I wasn't able to leave a voicemail. I wanted to follow-up with you about receiving the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I've attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the following Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

If possible, we also recommend the printed ToR document be placed in an accessible location in the community (like the Band Office). The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let me know if you have received the Terms of Reference, and do not hesitate to reach out if you have any questions or concerns.

Sincerely,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Friday, November 6, 2020 10:30 AM
To: '[redacted]'
Cc: '[redacted]'
Subject: RE: [EXTERNAL] Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Good morning Chief Yesno,

Thank you for your response. Our tracking shows that a notice with pick-up instructions for the hard copy Terms of Reference was left at [redacted]. I was able to connect with the receptionist at the Band Office but she wasn't able to find the notice. She provided another phone number [redacted] and suggested speaking to Doris but I wasn't able to leave a voicemail.

Is there another contact in-community that might be best to speak with so we can make sure Eabametoong First Nation has the hard copy materials to review?

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Friday, November 6, 2020 10:43 AM
To: '[redacted]'
Cc: '[redacted]'
Subject: RE: [EXTERNAL] Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Thank you Chief Yesno. I understand these are difficult times and I appreciate your response.

Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, November 9, 2020 12:05 PM
To: [redacted]
Cc: Peter Siebenmorgen; Bob Baxter; Larissa Mikkelsen; Qasim Saddique
Subject: MFFN Community Access Road Indigenous Knowledge Program
Attachments: MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020.pdf

Good Afternoon Chief Yesno,

We hope this email finds you and your community well.

Thank you for expressing an interest in participating in the IK Program for the Marten Falls First Nation all-season Community Access Road (the Project). An important part of the assessment processes for the Project is collecting Indigenous Knowledge (IK), community knowledge, and information on Indigenous land and resource use (ILRU). This important and valuable information helps us to understand baseline (existing) conditions and the potential effects of the Project, and to determine appropriate impact management and monitoring measures.

To assist communities in meaningfully participating in the IK Program, we have prepared the attached IK Program Guidance Document. The IK Program Guidance Document provides information on the IK Program and includes resource materials to support your community in: sharing any existing IK and ILRU information relevant to the Project and that you wish to share; and completing a Project-specific IK/ILRU Study. The IK Program Guidance Document was also developed to support the information requirements set out in the Tailored Impact Statement Guidelines issued by the Impact Assessment Agency of Canada for the Project.

We would be happy to meet with you to answer any questions you may have on the IK Program, to provide an overview of the IK Program Guidance Document, and/or to discuss timelines and available funding.

Kind regards,

Kathryn
MFFN Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, November 30, 2020 3:53 PM
To: [redacted]
Cc: [redacted] Peter Siebenmorgen; [redacted] Qasim Saddique; Larissa Mikkelsen
Subject: RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Good afternoon Chief Yesno,

I hope this email finds you well. I wanted to touch base about the delivery of the Marten Falls First Nation Community Access Road Terms of Reference (ToR). It looks like a courier notice with pick-up instructions is still in the community and the hard copy of the Terms of Reference hasn't been picked up yet. Please let me know if there are any issues with accessing the hard copy and we will try to find a solution.

A reminder that the ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I've attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP). Please reach out if you have any questions or concerns.

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Wednesday, December 9, 2020 3:05 PM
To: [redacted]
Cc: Peter Siebenmorgen; [redacted] Qasim Saddique; Larissa Mikkelsen; [redacted]
Subject: Marten Falls All-Season Community Access Road ToR Review

Dear Chief Yesno,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Eabametoong First Nation that you have received the Proposed ToR materials—electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**. If Eabametoong First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Kathryn Ross
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, December 14, 2020 2:27 PM
To: [redacted]
Cc: Peter Siebenmorgen; [redacted] Qasim Saddique; Larissa Mikkelsen; Beaney, Jessalyn
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Chief Yesno,

I'm following up on the email sent last week regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Eabametoong First Nation that you have received the Proposed ToR materials—electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**. If Eabametoong First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Kathryn
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]
www.aecom.com

From: Ross, Kathryn [redacted]
Sent: Thursday, February 4, 2021 2:18 PM
To: [redacted]
Cc: Peter Siebenmorgen [redacted] Murowchuk, Alita [redacted]
Subject: New Contact - Marten Falls First Nation Community Access Road

Dear Chief Yesno,

I hope you and your community are doing well. I know these are very challenging times and I won't take up too much of your time. I would like to introduce you to Alita Murowchuk who will be your community's new contact on the Marten Falls First Nation Community Access Road. I am still working on the Project and will be assisting Alita as she transitions into this role. Alita will follow-up with an introduction but if you have any questions in the meantime, don't hesitate to reach out.

Take care,

Kathryn
On behalf of the MFFN Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: Murowchuk, Alita
Sent: Thursday, February 4, 2021 4:22 PM
To: [redacted]
Cc: Peter Siebenmorgen
Subject: RE: New Contact - Marten Falls First Nation Community Access Road

Tansi and Warm Hello's Chief Yesno!

My name is Alita Murowchuk Cree Metis Iskwew out of [redacted] Alberta. [redacted] and Indigenous Community Engagement Advisor for Canada with AECOM. Excited and thrilled to be working with Eabametoong First Nation on Martin Falls First Nation Community Access Road. Times are tough right now, prayers and blessings to the community, if there's anything you need or ways to support; please reach out. Again, sincerely look forward to getting to know one another better, im more of a face value gal myself… if you'd prefer a virtual introduction, more than happy and open to that.

My contact is listed below, reach out for anything. Truly look forward to working together.

Hiy hiy,

Alita Murowchuk
Indigenous Community Engagement Advisor, Canada
CAN – [redacted] AB
[redacted]

From: Murowchuk, Alita
Sent: Wednesday, February 24, 2021 3:00 PM
To: [redacted]
Cc: Peter Siebenmorgen; [redacted]
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Tansi and Happy Wednesday Chief Yesno,

I hope yourself and community are doing well!

Wanted to follow up on Terms of Reference email sent February 8, 2021. I made a call on Monday but couldn't reach anyone or leave a voicemail. Wanted to ensure that Eabametoong First Nation has received the opportunity to submit any additional comments on the Proposed Terms of Reference.

Feel free to get in touch with myself by way of email or phone, my contact is listed below. If you'd rather set up a meeting with myself or project team to discuss further, sincerely open to that as well.

Hiy hiy,

Alita Murowchuk
Indigenous Community Engagement Advisor, Canada
CAN – [redacted] AB
[redacted]

From: Murowchuk, Alita
Sent: Thursday, March 4, 2021 11:59 AM
To: [redacted]
Cc: Peter Siebenmorgen; Bob Baxter; [redacted] Qasim Saddique; Nokleby, Andrea; Caroline Wrobel
Subject: IK Sharing Agreement
Attachments: Template_ Confidential Information Sharing Agreement_2019 -2020 - Track Changes.docx; Template - Confidential Indigenous Knowledge Sharing Agreement - 2021.docx

Tansi and Happy Thursday Chief Yesno,

Reaching out with regards to IK Sharing Agreement, we have modified the original IK Sharing Agreement template from November 2020 to capture both the provincial and federal assessments (e.g. Environmental Assessment is now referenced as environmental/impact assessments) and "Preliminary Design" is now termed "Design". Wanted to check on the status on the agreement and follow-up incase further discussions are needed, please don't hesitate to reach out, gladly love to set up a meeting to discuss further.

I hope everyone's doing well and the community's safe, always here to support and help in any capacity.

Hiy hiy,

Alita Murowchuk
Indigenous Community Engagement Advisor, Canada
MFFN IC Lead
CAN – [redacted] AB
[redacted]

From: Cloutis, Geneva
Sent: Thursday, March 25, 2021 10:50 AM
To: [redacted]
Cc: [redacted] Beaney, Jessalyn; McLeod, Sasha (MECP); [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrencebax; [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference - Comment Period

Good morning Chief Yesno,

I called the Eabametoong First Nation Band Office this morning to remind you that the comment period for the Proposed Terms of Reference for the Marten Falls First Nation Community Access Road Project is closing next Wednesday, March 31, 2021. I wasn't able to leave a message, but I wanted to follow up via email just to remind you that if Eabametoong First Nation is planning to submit any comments, they should be sent by March 31 directly to the Ministry of Environment, Conservation and Parks:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

If you have any questions, please don't hesitate to reach out.

Thanks very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

From: Jackman, Lindsay
Sent: Thursday, May 13, 2021 8:56 AM
To: [redacted]
Subject: Marten Falls First Nation Community Access Road: Upcoming Bat Field Program
Attachments: Marten-Falls-First-Nation-Field-Stuty-Notice-Bat-Acoustic-Monitoring-2021-05-12.pdf

Good Morning Irene,

Thank you for speaking to me this morning regarding the Marten Falls First Nation Community Access Road Project's upcoming Bat Acoustic Monitoring field program. I have attached the Field Notice above.

As discussed, we are looking for insights from Eabametoong First Nations on the following two questions:

- Does your community have information or Local Knowledge on areas where bats migrate during their roosting season?
- Are there areas in the Study Area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

Please provide the attached information to your CEO and provide any information by May 28, 2021.
If you have any questions you can respond directly to this email or I can be reached at [redacted].

Thanks,
Lindsay

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

[redacted]
aecom.com

Imagine it. Delivered.

From: Jackman, Lindsay
Sent: Thursday, May 13, 2021 11:57 AM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road: Bat Acoustic Monitoring program

Good Afternoon Chief Yesno,

I am emailing to follow up on the field notice which was sent to Eabametoong First Nation yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. This morning I called and spoke with Irene Boyce who noted she would follow up with the CEO regarding any insights Eabametoong First Nation may have regarding bats. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Eabametoong First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021.

If you have any questions or comments about the program, please get in touch.

Thanks,
Lindsay Jackman
On behalf of the Marten Falls First Nation All-Season Community Access Road

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

[redacted]
aecom.com

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From: Jackman, Lindsay
Sent: Thursday, July 22, 2021 11:37 AM
To: [redacted]
Subject: MFFN CAR - Field Program Discussion Guides
Attachments: MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf; Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf

Good Morning Peter,

I am following up on phone calls made to the Eabametoong First Nation band office today regarding the Marten Falls First Nation Community Access Road Project Discussion Guides distributed earlier this month. The Discussion Guides provide summaries of the field work taking place and highlighting what we are looking for feedback on. I was unable to reach Chief Solomon so wanted to provide a reminder that we are looking for feedback by July 31, 2021. If Eabametoong First Nation has any questions, please don't hesitate to reach out directly to this email or I can be reached at +[redacted]

Virtual copies of the Discussion guide including surveys to provide direct feedback are found on the Project website here:

- Groundwater and Geochemistry Discussion Guide
- Surface Water, Fish and Fish Habitat Discussion Guide
- Vegetation, Physiography and Peatlands Discussion Guide

Lastly, if Chief Solomon would like to receive correspondences and Project related information directly please forward his email address and we will distribute future materials accordingly.

Thanks,
Lindsay

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

From: **Nokleby, Andrea** [redacted]
Date: Thu, Jul 22, 2021 at 9:19 AM
Subject: MFFN CAR IK Program
To: [redacted]
Cc: Bob Baxter [redacted] Ross, Kathryn [redacted]

Good Afternoon Chief Atlookan and Peter,

Peter, it was really nice speaking with you yesterday. I appreciate you taking the time to talk with me. I have copied Bob Baxter in this email who is helping to lead the IK Program for the project and Kathryn Ross who has been engaging Eabametoong First Nation.

As discussed, please find attached the following:

- Indigenous Knowledge (IK) Guidance Document
- IK Sharing Agreement
- IK Funding Agreement

I understand that the next step is to organize a meeting between the Chiefs and Councils of the two communities. Would you be able to let us know what timing would work and/or some potential dates/times that could work Eabametoong First Nation?

In the meantime, please let me know if you have any questions or comments on the materials.

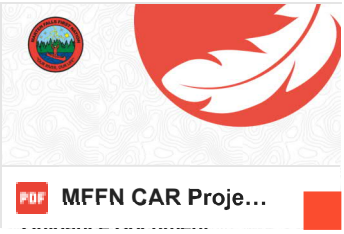
Thanks so much, and we hope your community is doing well. Have a great day,

Andrea

[redacted]

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

3 Attachments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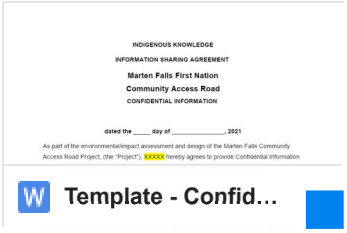

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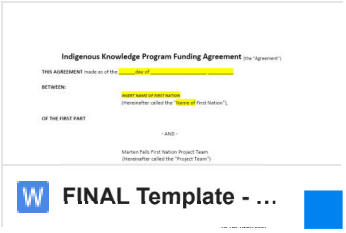

W FINAL Template - …

INDIGENOUS KNOWLEDGE

INFORMATION SHARING AGREEMENT

Marten Falls First Nation

Community Access Road

CONFIDENTIAL INFORMATION

dated the _____ day of _____, 2021

As part of the environmental/impact assessment and design of the Marten Falls Community Access Road Project, (the "Project"), XXXXX hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include Indigenous Knowledge, traditional knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another amongst the people of XXXX. Confidential Information may also include beliefs, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to the people of XXXX. For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by XXXX is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how XXXX lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the environmental/impact assessment and design).

The Confidential Information may be used to better understand how XXXX community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities or external researchers without express written consent of XXXX.

The Recipients acknowledge and agree that the Confidential Information is the property of XXXX and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of XXXX.

On termination of this Agreement or on written notice by XXXX, the Recipients shall as directed by XXXX to either: promptly destroy or return to XXXX all Confidential Information and all copies thereof.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by XXXX is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of XXXX:

_____ _____

(Authorized representative) Date

Agreed to on behalf of the Recipients:

_____ _____

(Authorized representative) Date

Indigenous Knowledge Program Funding Agreement (the "Agreement")

THIS AGREEMENT made as of the _____day of _____, _____.

BETWEEN:

INSERT NAME OF FIRST NATION
(Hereinafter called the "Name of First Nation"),

OF THE FIRST PART

- AND -

Marten Falls First Nation Project Team
(Hereinafter called the "Project Team")

OF THE SECOND PART

- AND -

Dillon Consulting Limited
(Hereinafter referred to as "Dillon")

OF THE THIRD PART

WHEREAS

WHEREAS Marten Falls First Nation ("MFFN") is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 km northeast of Thunder Bay.

AND WHEREAS the MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season community access road (the "Project") to connect MFFN to Ontario's provincial highway network (i.e., Highway 643) to the south via the existing Painter Lake Road.

AND WHEREAS MFFN is represented by the Project Team to assist MFFN with a Provincial Environmental Assessment and Federal Impact Assessment (the "Assessments") to assess the potential Project effects and benefits.

AND WHEREAS as part of the Assessment the Project Team would like to engage FN in the Indigenous Knowledge Program (the "IK") and to complete a Project-Specific IK Study (the "IK Study")

AND WHEREAS the FN has agreed to participate in the IK program and produce an IK Study specific to the Project area and community.

AND WHEREAS, specific to this Agreement, the Project Team has retained Dillon for the sole purpose of the administration of the receipt of the IK Study and payment of the funding for the IK Study to the FN as set out in this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that the Project Team, FN and Dillon (the "Parties") hereby agree as follows:

ARTICLE I: SCOPE OF SERVICES

1.1 Services by the FN. The FN shall complete and provide to the Project Team, an IK Study Report, covering the geographic area identified in Schedule A, with that degree of care, skill and diligence normally provided in the performance of an IK Study on projects of a similar nature.

1.2 Scope of Services. The FN shall complete the IK Study Report in accordance with the provisions as set out in the *MFFN Community Access Road Project - Indigenous Knowledge Program Guidance Document,* dated November 2020, a copy of which is attached as Schedule B.

ARTICLE II: Project Team Responsibilities

2.1 Information. The Project Team shall provide to the FN, in a timely manner, relevant information required to complete the IK Study.

ARTICLE III: FN RESPONSIBILITIES

3.1 Deliverables. The FN shall provide the following reports, upon the timelines set out:

- *Preliminary Data (GIS)/Draft Report, by no later than* _____
- *Final IK Study Report and associated mapping/GIS files, by no later than* _____

ARTICLE IV: Compensation

4.1 Compensation. The Project Team agrees to compensate FN for the IK Report, in the amount of $30,000, inclusive of all applicable taxes (the "IK Payment").

4.2 Schedule of Payments. Upon execution of this Agreement by all parties, the Project Team shall direct Dillon to pay the FN the IK Payment based upon the following schedule:

- *An initial payment of $10,000 within 30 days of the execution of this Agreement by all Parties,*
- *A second payment of $10,000 within 30 days of receipt, by the Project Team, of the Preliminary Data (GIS)/Draft Report,*
- *A final payment of $10,000 within 30 days of receipt, by the Project Team, of the Final IK Study Report and associated mapping/GIS file.*

Notwithstanding article 7.7, the FN here by directs Dillon to make the three individual IK Payments, payable to _____ and to deliver the payments to _____, and this shall be Dillon's good and valid authority to do so.

ARTICLE V: CONFIDENTIALITY, USE AND DISCLOSURE

5.1 Confidentiality. The Project Team and the FN have previously executed an Indigenous Knowledge Information Sharing Agreement (the "IK Agreement"). The Project Team and the FN Parties agree that all matters relating to the confidentiality, use and disclosure of the IK Report shall be governed by the IK Agreement. In the event of any conflict between terms of the IK Agreement and this Agreement, the terms and conditions of the IK Agreement shall govern.

ARTICLE VI: CONFIRMATION

6.1 Confirmation. The FN confirms that it will complete the *Final IK Study Report and associated mapping/GIS files* with due care, attention, and diligence.

ARTICLE VII: OTHER

7.1 Governing Law. This Agreement shall be governed by the laws of the Province of Ontario.

7.2 Entire Agreement. This Agreement (a) constitutes the entire agreement and understanding between the Parties with respect to the subject matter hereof and (b) supersedes all prior agreements, understandings, negotiations and discussions by or between the Parties pertaining to the subject matter of this Agreement. There are no warranties, representations or other agreements, whether oral or written, express or implied, collateral or otherwise, by or between the Parties pertaining to the subject matter of this Agreement except as set forth in this Agreement.

7.3 Acknowledge and Confirmation of Project Team and FN. The Project Team and the FN confirm and agree that Dillon's only obligations under this Agreement is the payment of the IK Payment upon the terms and conditions set out in Article 4.2. The Project Team and FN acknowledge and agree that Dillon shall have no other obligations or requirements, of any kind or nature whatsoever, with respect to this Agreement or the IK Study. The Project Team and the FN agree and acknowledge that Dillon makes no representations, and shall have no responsibility, as to the completeness of the IK Report nor any obligations or requirements regarding the timeliness of the draft or final IK Report to the FN or the Project Team.

7.4 Independent Professional Services FN. The FN is an independent professional services provider in performing services under this agreement, and accordingly it is further acknowledged that the FN is an independent contractor.

7.5 Assignment. Neither party may assign this Agreement without the prior consent in writing of the other party.

7.6 Modification and Waiver. This Agreement may not be modified, amended or supplemented except by written agreement of the Parties. No act or omission by a party, other than a written waiver, shall constitute a waiver of any provision of this Agreement. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, nor shall any such waiver constitute a continuing waiver, unless otherwise specifically agreed in writing by the Parties.

7.7 Notices. All notices, instructions and other communications required or permitted to be given hereunder must be in writing and must be delivered via email, or mailed by first class mail, to the parties and at the addresses set forth, in the event of a notice being sent by first class mail the notice shall be deemed to be received by the addressee on the fifth business day after the mail is postmarked:

- Project Team insert address and contact person or title Qasim Saddique, Project Director ([redacted] (might make sense to make it a single address for the Dillon office responsible for this work)
- FN insert address and contact person or title
- Dillon insert address and contact person or title

7.8 Inurement. This Agreement shall be binding upon the Parties, and shall continue in full force and effect in the event any Party is permitted to assign this Agreement or if there is any change in ownership, control or management of any Party.

7.9 Counterparts, Signatures and Retention. This Agreement may be executed in one or more counterparts, each of which is an original, and which, taken together, shall constitute one and the same agreement. The signing of a facsimile copy or portable document format (PDF) copy of this Agreement and any amendments thereto shall have the same effect as the signing of an original. The retention of an electronic version of this Agreement is permitted and the subsequent production of an electronic version of this document shall be treated as if it was the production of an original signed copy.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement all as of the day and year first above written.

First Nation

Per:		Per:	
	I/We have authority to bind the XX FN.		I/We have authority to bind the XX FN.
Name:		Name:	
Title:		Title:	
Date:		Date:	

Marten Falls First Nation Project Team

Per:		Per:	
	I/We have authority to bind the MFFN Project Team.		I/We have authority to bind the MFFN Project Team.
Name:		Name:	
Title:		Title:	
Date:		Date:	

Dillon Consulting Limited

Per:		Per:	
	I/We have authority to bind Dillon Consulting Limited		I/We have authority to bind the Dillon Consulting Limited.
Name:		Name:	
Title:		Title:	
Date:		Date:	

From: Meyer, James
Sent: September 9, 2021 11:05 AM
To: [redacted]
Subject: MFFN Community Access Road - Eabametoong First Nation Follow up Topics

Good Morning Rochelle,

Thank you for setting me up to speak with Chief and Council, I will make sure to be available when they call back. Below are the topics I would like to discuss or just receive some feedback on:

1. Back in July Peter Siebenmorgen and Chief Atlookan were sent the three documents below, one of the MFFN CAR Project Consultants requested future availability for Chief Atlookan and the MFFN Chief to have a meeting regarding this, was there ever a meeting and is there any interest to do so? If yes, when would be a good time ? If C&C have any further questions or comments regarding this please let me know:
    a. Indigenous Knowledge (IK) Guidance Document
    b. IK Sharing Agreement
    c. IK Funding Agreement

2. On August 30, 2021 we sent out a Field Notice for the Surface Water, and Fish and Fish Habitat study programs happening this month, did C&C have any questions or comments about it?
3. On September 2nd 2021 we sent out a Field Notice for the Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation happening this month till October, did C&C have any questions or comments about it?
4. What is the communities current COVID-19 visitation rules and timelines?
5. Lastly just more of a note, but we posted a Groundwater Study Program video here: http://www.martenfallsaccessroad.ca/groundwater/
    a. There will be new videos coming shortly as well.

If you have any questions regarding the topics please don't hesitate to reach out!

Best,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

From: Meyer, James
Sent: September 20, 2021 12:17 PM
To: Rochelle Slipperjack
Cc: Solomon Atlookan; Louie Sugarhead; [redacted] Fred Meeseetawageesic; [redacted] Peter Siebenmorgen
Subject: RE: [EXTERNAL] MFFN Community Access Road Update

Hi Rochelle,

Thank you for passing along the response from Eabametoong First Nation Chief and Council. We will pass the meeting request on to Chief Bruce Achneepineskum and are available to help coordinate and organize a meeting between MFFN and Eabametoong First Nation to discuss the development of a Project-specific protocol to guide the way we will engage your community going forward. Please let us know at your earliest convenience when you are available to meet.

With respect to the upcoming field programs, they are an essential component of the assessment process and will provide critical baseline information. This information will assist us in better predicting and evaluating potential effects of the Project. This, in turn, will guide future mitigation or avoidance options and inform any accommodation or remediation that may be required, especially as they relate to Aboriginal and Treaty Rights and Interests of Indigenous communities, like Eabametoong First Nation. We aim to provide information on our field studies in a timely manner while working within appropriate field seasons and permitting timelines. A number of different notifications have been issued for the field studies, including a monthly e-blast that provides general timing for upcoming programs, discussion guides with surveys asking for input, and a Notice that provides at least two-weeks' notice of the exact dates during which the program will be conducted.

MFFN understands that many communities, including Eabametoong First Nation, are continuing to experience challenges related to the global pandemic, limited resources and reduced ability to consult and engage with community members. The period of time allotted for interested parties (including Indigenous communities, agencies and interested persons) to review a Terms of Reference submitted to the MECP for Minister decision is set by the MECP. To-date, there's been a total of 126 days provided to review the ToR. Any requests for an extension to the review period timeline should be submitted directly to the MECP for their consideration. Thank you for informing us that the MECP has not yet responded to your request for timeline extension; we will forward your note on to them so they are aware of your on-going concern.

Throughout this process, MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the environmental assessment (EA) process that sets the framework for preparation of the EA. Subject to Minister approval of the ToR, the EA process for the Project is anticipated to start in the coming months. A decision by the MECP on the Project (i.e., approval to be built or not) will not be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Eabametoong First Nation and MFFN, and we welcome the opportunity for a one-on-one discussion.

At the start of the EA phase, we will be reaching out to hire a local Community Coordinator who will be the primary contact from Eabametoong First Nation and act as a liaison to provide coordination between Eabametoong First Nation and MFFN during the EA, including a Project-specific community protocols and advising on appropriate ways to engage with Eabametoong First Nation during COVID-19.

If you have any other questions, please respond to this email.

Sincerely,

James Meyer

On behalf of the MFFN Community Access Road Project Team

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

B6.2 Incoming Community Specific Correspondence



From: **Harvey L. A. Yesno** <[redacted]>
Date: Thu, Sep 24, 2020, 11:09 PM
Subject: MFCAR
To: Kathryn Ross <[redacted]>
Cc: Larissa Mikkelsen <[redacted]>, Qasim Saddique [redacted], MFFN Access Road <info@martenfallsaccessroad.ca>, Peter Siebenmorgen <[redacted]>

Good evening Kathryn,

This email was recently forwarded to me as my primary email address [redacted] has not been working for various reasons. Please use [redacted] to reach me in the meantime.

As you may or may not ~~know, EFN has been und~~er trying times over t~~he spring and summer m~~onths, with 4 covid cas~~es and then our recent evacuati~~on of over 600 of our most vulnerable people due to a large forest fire and smoke, and prolonged repatriation efforts due to Covid-19 protocols. We have only just recently got most of our office staff back in the building from their quarantine period. Given these extremely difficult circumstances, we have simply been unable to meet a 1 month timeline for discussion and comment on this suite of issues we need to reach out to our elders and broader membership, and nearly half of our households have been in quarantine or not in the community during this period you outlined for this consultation. In fact, our School opening has delayed until October 13th which is a grave concern for our children,since they lost four months last school year.

For this set of reasons including the recent upswing and concern of the second wave of Covid, I am requesting a four week extension for EFN comments on your materials.

At first glance, it is important to note that your 'Aboriginal Treaty Rights and Interest Valued Components' are omitting a major set of constitutional-protected rights. 'Indigenous Current Use' of areas, as you have described it, is a very narrow view of Treaty Rights and Interests. EFN supports our neighboring community Marten Falls First Nation as this road is very important to the community. However, we will not have an Ontario approach or process box EFN into accepting merely current use as a definition of rights or interests. Starting the EA with this extremely limited view of rights, and the areas they are exercised within, may lead to an assessment with an in accurate determination of impacts at best. This narrow view would diminish or disqualify FNs elders or advisors role and influence if you would just look at the harvesting records within the last half century. My view under the Treaty is much broader in its modern day application and interpretation.

EFN requires an additional 4 weeks to consider this material.

By the way, last Augusts' presentation to the community left a very bad taste on how this initiative was being handled although we most appreciated Chief Bruce's explanation of the values and engagement of their community, but these were two different presentations.

Thank you for your consideration and understanding.

Yours sincerely,

Chief Harvey Yesno

From: Harvey L. A. Yesno [redacted]
Sent: Monday, October 19, 2020 4:34 PM
To: Ross, Kathryn
Cc: [redacted] Peter Siebenmorgen; Larissa Mikkelsen; Qasim Saddique; MFFN Access Road
Subject: [EXTERNAL] MFCAR

Thanks Kathryn, brief acknowledgement to your email and it seems we will never get through things in life which are unpredictable. Just today we had my sister's great granddaughter's (7 months) funeral service and tomorrow will be another man. Both in Thunder Bay and internment in Eabametoong. We will endeavour to respond to this project as requested. Chief Yesno

From: Harvey L. A. Yesno <[redacted]>
Sent: Wednesday, October 28, 2020 2:38 PM
To: Ross, Kathryn
Cc: Harvey L. A. Yesno; Peter Siebenmorgen; [redacted]; Qasim Saddique; Larissa Mikkelsen
Subject: [EXTERNAL] Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Hi Kathryn,

The number [redacted] is the number for the Eabametoong Inn but I don't have that line in the cubicle or room that I am in right now.

I am actually on the conference call but using my cell phone. I have been trying to get a landline for quite some time.

Any material you may sent should be sitting at the band office but I cannot access it due to my 14 day self isolation or quarantine at this bunk house.

Chief Yesno

From: [redacted]
To: Ross, Kathryn
Cc: [redacted]Peter Siebenmorgen; [redacted]; Qasim Saddique; Larissa Mikkelsen
Subject: [EXTERNAL] Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Date: Friday, November 06, 2020 10:39:03 AM

Hi Kathryn, I am sure we will find them. Doris is back from multiple self isolation periods and our other assistant to council took an extended bereavement leave. Chief

From: Rochelle Slipperjack [redacted]
Sent: September 9, 2021 3:55 PM
To: Meyer, James
Cc: Solomon Atlookan; Louie Sugarhead; [redacted]; Fred Meeseetawageesic; [redacted] Peter Siebenmorgen
Subject: [EXTERNAL] MFFN Community Access Road Update

Good afternoon, James.

EFN Chief and Council had a moment to briefly discuss your request today. They have asked me to write back and suggest that EFN and MFFN leadership meet prior to these studies going forward. EFN has a new leadership in place, and would like to work closely with MFFN Chief and Council to develop a protocol to guide our relationship on this important project, but also other areas of common interest. There hasn't been a time yet when we have been able to get together, but Chief Atlookan will reach out and try to get in touch again with Chief Achneepineskum directly.

As we wrote to the EA regulators at Canada and Ontario back in March and again in April, EFN remains in a series of compounding emergencies that has limited our ability to engage in any meaningful consultation. Ontario has not even responded to this, and Minister Wilkinson suggested EFN request an extension of EA timelines directly to MFFN. We have asked for an extension on project timelines and need to discuss a reasonable pathway forward on your proposed project as well as other critical land and resource issues in our areas of shared interest.

EFN has significant interest in this project, and is eager to meet with the MFFN leadership to discuss a principled and respectful way forward. Thank you for your messages.

B7. Fort Albany First Nation

B7.1 Outgoing Community Specific Correspondence

B7.2 Incoming Community Specific Correspondence

B7.3 Community Specific Meeting Materials

B7.4 ToR Comments Received / Responses

B7.1 Outgoing Community Specific Correspondence



DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFCAR - Response to Fort Albany First Nation July 17, 2020 Letter

1 message

Coppaway, Clayton <[redacted]> Fri, Sep 4, 2020 at 9:40 AM
To: Sarah Beamish [redacted]>
Cc: Robert Nakogee [redacted], Jacqueline Sutherland [redacted], Alistair MacDonald [redacted]>, Steve DeRoy [redacted]>, Qasim Saddique [redacted]>, Larissa Mikkelsen [redacted], Lawrence Baxter [redacted], Jennifer Bruin [redacted], Don McKinnon [redacted], Andrea Nokleby [redacted], [redacted]>, Jessica Metuzals [redacted]

Dear Sarah,

Please see attached letter in response to your July 17, 2020 letter which includes a response table for your review. Please let us know if you have any questions, concerns, or comments regarding the letter and responses.

In addition, we are also working to follow up with you regarding the minutes from the July 29, 2020 conference call and Fort Albany First Nation's proposed amendments to the IK Sharing Agreement as soon as possible.

Have a great day and weekend,
MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

L-Fort-Albany-FN-2020-09-01-Additional-Draft-ToR-Comment-Responses-60593122.pdf
611K

September 1, 2020

Sarah Beamish
Beamish Law
[redacted]

RE: Response to Fort Albany First Nation's July 17, 2020 Letter

Dear Sarah Beamish,

Thank you for the July 17th letter to the MFFN Project Team including the comment table outlining Fort Albany First Nation's (Fort Albany) further comments on Marten Falls First Nation's (MFFN) November 2019 Draft Terms of Reference (ToR) for the Marten Falls Community Access Road.

As previously noted, the comment period for Indigenous communities to comment on the Draft ToR was from December 4, 2019 to January 20, 2020 and was further extended until February 7, 2020. We accepted FAFN's comments on the Draft TOR on January 20, 2020 and provided responses to those comments on June 22, 2020. The MFFN Project Team received your additional comments on the Draft ToR on July 17, 2020 and discussed them with Fort Albany advisors on a conference call on July 29, 2020. We would also like to thank you for Fort Albany's participation and further discussion on the Draft ToR and the Indigenous Knowledge (IK) Sharing Agreement during the conference call with the MFFN Project Team.

Attached to this letter, we have included in table format a response to each comment received from the July 17, 2020 letter for your review. We also note where appropriate, revisions made to the ToR. Furthermore, MFFN Project Team will be sharing an IK Guidance Document and is looking forward to working with you to finalize the IK Sharing Agreement.

Next Steps and Closing

The MFFN Project Team currently anticipates submitting the revised (Proposed) ToR to the Ministry of Environment, Conservation and Parks (MECP) this fall for their review and an approval decision. Once the Proposed ToR is submitted, there will be a 30-day review period for Fort Albany and other Indigenous communities to submit their feedback directly to MECP.

Thank you—Meegwetch—for your continued interest in the MFFN Community Access Road Project. If you have any questions or would like to arrange a time to discuss the information provided, please feel free to reach out to Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca or Lawrence Baxter, Senior Community Advisor, MFFN.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC Robert Nakogee, FAFN Chief
Jacqueline Sutherland, FAFN CEO
Alistair MacDonald, FAFN Technical Advisor
Steve DeRoy, FAFN Technical Advisor
Qasim Saddique, MFFN Project Team
Larissa Mikkelsen, MFFN Project Team
Lawrence Baxter, MFFN Community Member Advisor
Jennifer Bruin, MFFN Project Team
Don McKinnon, MFFN Project Team Consultant
Andrea Nokleby, MFFN Project Team Consultant
Clayton Coppaway, MFFN Project Team Consultant

Fort Albany First Nation Comments Received / Responses on the Draft ToR

AECOM Imagine it. Delivered.

ID #	Commenter	Concern	Response	Proposed ToR Section
649	Fort Albany First Nation	Section 5.2.1.1 Road p. 11 The ToR states that "the number of anticipated vehicles to use the CAR is not known at this time." Please provide a reasonable estimate of anticipated vehicles to use the CAR, broken down into personal vehicles and commercial vehicles, under a number of scenarios (including by season and with and without development of one or more major ore deposits within the Ring of Fire region). Projected vehicle use is required to estimate potential impacts on a number of components, including, but not limited to, air quality, vegetation, wildlife and Indigenous land use. It is a critical consideration in this EA, as operational use of the road and direct, indirect, and induced effects of that operational use, are subject to this assessment.	The assumed number of vehicles that will use the access road will be determined in the EA which will inform the impact assessment work. For the purpose of the road design, it is currently assumed that up to 400 vehicles / day would use the road.	ToR Section 5.2.1
650	Fort Albany First Nation	Section 5.2.2 Project Activities p. 13 The ToR states that "the number of construction fronts that will be utilized to build the CAR will be determined at a later stage of Project design". Please provide a reasonable estimate of the maximum numbers of construction fronts that will be utilized to build the CAR. An estimate of the maximum number of construction fronts is required to estimate the impacts associated with noise and the size of the workforce during the construction period.	The number of construction fronts is not known and would be determined as part of post EA design work. The EA will recognize that one or more construction fronts are possible	ToR Section 5.2.2
651	Fort Albany First Nation	Section 7.1 Description of the Environment The ToR does not indicate how Indigenous knowledge was incorporated into the description of existing environmental conditions. Please indicate how Indigenous knowledge (and from what Nations) was incorporated into the description of existing environmental conditions and/or indicate how Indigenous knowledge will be collected and incorporated into the description of the existing environment in the environmental assessment. Indigenous knowledge provide valuable information about the existing conditions of environmental components that have the potential to be impacted by the project.	The description of baseline conditions in the ToR provides context information, is at a higher level and does not typically include IK. Rather, IK will be collected and included as part of the baseline (existing) conditions description in the EA.	ToR Section 3.4.2
652	Fort Albany First Nation	Section 7.1.4.2 Acoustic Section p.24 7.2.2 Acoustic Environment p. 49 Section 7.1.4.2 of the ToR states the "the Project will undertake a field program to better understand the existing local and regional ambient noise levels" (p.24). However, the ToR does not indicate whether the field program will collect information on the current	The MFFN Project Team will engage with interested Indigenous communities who may be adversely affected by the Project to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. If FAFN has specific interest in understanding how the noise assessment will be completed, the MFFN Project Team is available for further	ToR Section 7.2.3

ID #	Commenter	Concern	Response	Proposed ToR Section
		soundscape in relation to Indigenous values. Section 7.2.2 of the ToR states that "potential noise effects of the alternative routes will be assessed quantitatively a noise protection model" (p. 49). Please indicate hose Indigenous values in relation to the current soundscape will be drawn on to inform the noise field study and effects assessment. Ambient sounds are an indicator of biodiversity and comprise a meaningful aspect of the environment for Indigenous people, informing Indigenous knowledge and land use (Herrera-Montes, 2019; Ritts et al., 2016; Muir 2014, Samuels et al. 2010). Limiting baseline studies and effects assessment to "noise" levels is insufficient to capture effects on Indigenous people resulting from alterations in soundscape.	discussion.	
653	Fort Albany First Nation	Section 7.1.4.4 Surface Water p. 28 The ToR states that "ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis." Please describe how the subset of water body crossings for ground-based field surveys will be determined and how Indigenous nations will be consulted with respect to the selection of such sites. Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.	It is expected that information on waterways and watercourse crossings collected through the IK and Consultation Program will inform baseline studies. The MFFN Project Team is available for discussions with interested communities on specific study approaches.	ToR Section 7.1.4.5
654	Fort Albany First Nation	Section 7.1.4.6 Vegetation p. 29 The ToR states that "a description of soil, plant species, relative abundance of plant species, and presence of invasive and Species at Risk (SAR) will be recorded for each survey plot." The ToR makes no mention of traditional use plants and medicinal plants. Please indicate how traditional use plants and medicinal plants will be surveyed and with the involvement of which Indigenous groups, and what the status and schedule is for completing this work. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.	Information obtained on traditional and medicinal plants identified through the IK Program will inform baseline studies. The MFFN Project Team is available for discussions on specific study approaches.	ToR Section 7.2.7
655	Fort Albany First	Section 7.1.4.8 Fish and Fish Habitat p. 30	The EA will consider the potential for effects on all fish species that	ToR Section

ID #	Commenter	Concern	Response	Proposed ToR Section
	Nation	The ToR states that "over 20 species of fish, primarily of cool and cold-water thermal regimes, are known to inhabit these waters and are part of, or support a commercial, recreational, or Aboriginal fishery and are therefore regulated by the Fisheries Act."	have the potential to be located in the identified study area. This will be clarified in the ToR.	7.2.9
656	Fort Albany First Nation	Section 7.1.4.8 Fish and Fish Habitat p. 31 The ToR states that "the ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings) to verify or augment the results and assumptions from the desktop analysis" Please describe how the subset of water body crossings for ground-based field surveys will be determined and how (and which) Indigenous nations will be consulted with respect to the selection of such sites, including status and timelines for this work. Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.	It is expected that information on fish and fish habitat and specific waterways collected through the IK Program will inform baseline studies. The MFFN Project Team is available to discuss with interested communities the specific approaches to baseline data collection.	ToR Section 7.2.9
657	Fort Albany First Nation	Section 7.1.4.11 Indigenous Knowledge and Land Use This section of the ToR does not provide information about existing historical and cumulative effects on Indigenous knowledge and land use. Please provide information about existing historical and cumulative effects on Indigenous knowledge and land use or indicate how and on what timeline such information will be collected and incorporated into the effects assessment. A description of existing historical and cumulative effects on Indigenous knowledge and land use is required to accurately characterize baseline conditions and change over time to date. As an Indigenous group like Fort Albany First Nation that has seen many changes, MFFN is well aware that the traditional use and rights practice environment in which this CAR is proposed is not a pristine one, but rather one that has been subject to many high magnitude changes over time.	The description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information). Information of this nature will be requested as part of the IK Program.	ToR Section 9.1.1
658	Fort Albany First Nation	Section 7.1.4.12 Socio-Economic and Built Environment p. 39 The ToR states that "The closest populated areas to the Project are the Indigenous communities of MFFN and Aroland First Nation." The ToR does not provide information about other Indigenous nations potentially affected by the project. Please indicate which Indigenous nations are anticipated to be	The MFFN Project Team is interested in maximizing economic benefits to communities in the region. It is not known at this time which communities may have community members involved in Project construction. It is expected that there will be employment opportunities for community members in the Region subject to required skills and experience. The EA will include descriptions of	Section 7.1.4.10

ID #	Commenter	Concern	Response	Proposed ToR Section
		employed by the project and provide a description of current socio-economic and built environment conditions for such Indigenous nations. While some Indigenous nations may not be located close to the project, they may nevertheless be affected through pathways associated with employment as well as a series of other potential social, economic, cultural and health effects. These need to be properly characterized in MFFN filings.	current socio-economic and built environment conditions.	
659	Fort Albany First Nation	Section 7.1.4.12 Socio-Economic and Built Environment – Visual Aesthetics p. 43 The ToR provides limited information about visual aesthetics in the area of the project. Please provide information about any planned field programs to collect visual data at key locations and plans to consult with Indigenous nations in the collection of such data. The visual environment comprises a meaningful component of the environment for Indigenous peoples, informing traditional knowledge and use. The project has the potential to adversely affect the visual landscape.	Field activities will be undertaken to support the visual assessment. Indigenous communities will be consulted on the visual assessment and associate field program. If FAFN has specific interest in understanding how the visual assessment will be completed, the MFFN Project Team is available for further discussion.	Appendix A: Criteria and Indicators for Alternatives Evaluation
660	Fort Albany First Nation	Section 7.2 Potential Environmental Effects p. 47 The ToR does not indicate how the preliminary identification of potential environmental effects was determined, including secondary sources of data that may be drawn on to inform the effects assessment. Please provide identify secondary sources of information about the effects of all-season roads on remote communities and indicate how the review of such information has informed the preliminary identification of potential environmental effects. There are number of predictable effects associated with the development of all-season access roads to remote communities that should inform the effects assessment, including with respect to methods, valued components and findings.	The list of effects is preliminary and comes from the experience of the study team from other similar road projects. The study team has also examined other related EAs and studies to inform the potential for effects. The potential effects list can be expanded upon in the EA.	-
661	Fort Albany First Nation	Section 7.2.6 Vegetation p. 50 The ToR states that "Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function, and changes to species diversity." This section of the ToR does not mention potential impacts on traditional use plants, including medicinal plants. Please indicate anticipated changes on traditional use plants,	Potential for impact on traditional use plants will be noted in the ToR.	ToR Section 7.2.7

ID #	Commenter	Concern	Response	Proposed ToR Section
		including medicinal plants as a result of the project. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.		
662	Fort Albany First Nation	Section 7.2.10 Indigenous Knowledge and Land Use p. 52 The ToR provides a list of potential effects to Indigenous and Treaty Rights. This list relates primarily to tangible impacts and does not capture potential impacts on intangible social and cultural values. Please identify potential effects on the social and cultural dimensions of land use, such as sense of place, spirituality, knowledge transmission, and social norms. Consideration should also be given to effects resulting from increased non-Indigenous access as a result of the project. The Terms of Reference should identify how these valid impact pathways will be investigated. Indigenous land use cannot be reduced to physical activities, access and biophysical proxies (such as environmental conditions). The social and cultural dimensions of Indigenous land use are integral components and need to be adequately assessed.	The ToR will be revised to reference the potential for these other types of effects, and the indicators will be revised to account for cultural considerations and potential effects.	ToR Section 7.2.2, Appendix A: Criteria and Indicators for Alternatives Evaluation
663	Fort Albany First Nation	Section 7.2.11 Socio-Economic and Built Environment p. 53 The ToR provides a list of potential effects on the socio-economic and built environment. This list does not consider effects associated with increased access for illicit activities. Please include increased access for illicit activities (e.g. transportation and sale of illegal drugs) in the list of potential effects. Increased access to remote communities is known to result in health and wellbeing impacts as a result of increased illicit activities.	The ToR will be revised to reference that the EA will examine the potential for increased illicit activities.	ToR Section 7.2.10
664	Fort Albany First Nation	Section 7.2.11 Socio-Economic and Built Environment p. 53 The ToR states that "Improved access to MFFN may also provide benefits in the form of skill development, training and job creation." The ToR does not mention existing barriers of Indigenous nations to take advantage of project benefits. Please identify differential ability to take advantage of project benefits among Indigenous nations, including Fort Albany First Nation, as a condition that may affect the realization of project benefits.	The ToR will be revised to include reference to the consideration of potential barriers to participating in Project benefits as part of the EA.	ToR Section 7.2.10

ID #	Commenter	Concern	Response	Proposed ToR Section
		Indigenous communities may have several barriers affecting their ability to take advantage of project benefits, such as lack of transportation, insufficient skills and training, health and wellness issues, and cultural requirements. The effects assessment should identify measures to address such barriers so as to enhance project benefits.		
665	Fort Albany First Nation	Section 8. Assessment and Evaluation, p. 54 This section of the ToR does not identify the approach to cumulative effects assessment. Please describe the approach that will be used to conduct a cumulative effects assessment. For reference purposes, see the First Nations Major Projects Coalition's Major Project Assessment Standard, Principle 8 (First Nations Major Projects Coalition, 2019) which covers meaningful practice of cumulative effects assessment as identified by over 60 Canadian Indigenous groups. MFFN is requested to identify whether it is committed to conduct any required cumulative effects assessment to this standard. Cumulative effects resulting from multiple past, present and reasonable foreseeable projects and activities are a primary concern for Indigenous communities and require adequate assessment.	The Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada outline in more detail the expected scope of study for the Cumulative Effects Assessment.	-
666	Fort Albany First Nation	Section 8. Assessment and Evaluation, p. 54 This section of the ToR does not include consideration of potential induced effects from the Project. Please include consideration of potential induced effects of the project, such as accelerated mineral exploration and development in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure. Road development is likely to result in induced effects that need to be adequately assessed and mitigated.	The EA will consider the potential for cumulative effects from other potential future projects in the region subject to information availability. As well, effects from changes in access including the potential for increased hunting pressure will also be assessed.	ToR Section 7.2
667	Fort Albany First Nation	Section 10.2 Summary of Consultation Activities on the ToR p. 62 The ToR states that "An overall introduction to the Project and the EA process was provided during initial conversations with interested persons." The ToR does not indicate if or how such conversations informed project design or effects assessment methods. Please indicate how early engagement with Indigenous nations influenced project design (e.g. selection of alternative route alignments) and/or future opportunities for such engagement.	Previous engagement activities on the identification of the alternative routes was largely focused with the MFFN community, as described in the Alternatives Supporting Document to the ToR. Going forward in the EA, the MFFN Project Team will engage with all interested communities in the selection of the route including receiving input on the evaluation criteria to be used.	Supporting Document

ID #	Commenter	Concern	Response	Proposed ToR Section
		Please also identify how MFFN is planning to engage Fort Albany First Nation in consideration of alternative routing options. Meaningful consultation requires that engagement has the potential to result in concrete changes to project design and planning, particularly at an early stage in the planning process.		
668	Fort Albany First Nation	Section 10.2 Summary of Consultation Activities on the ToR p. 63 The ToR states that "a list of issues received through consultation activities during preparation of the ToR will also be included in the Proposed ToR." Please provide a list of all issues received to date, inclusive of issues raised during preparation of the ToR. Please also indicate how such issues have been, or will be, addressed. Adequate issues tracking necessitates documentation of issues when first raised and steps to address such issues, including perceived adequacy of such steps and any further issues that arise.	The issues received since the release of the Draft ToR will be described in the revised (Proposed) ToR that will be made available for all to review.	ToR Section 10.2, Appendix C: Record of Consultation
669	Fort Albany First Nation	Section 10.2.2 Indigenous Communities Engagement p. 64 The ToR states that "Prior to commencing the ToR, MFFN held Project-related discussions with several Indigenous communities between 2017 and 2018. A summary of these activities is provided in Marten Falls First Nation Community Access Road Supporting Document – Draft Alternatives Development (AECOM 2019)." This document is not available. Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review.	The Supporting Document is available through the Project website.	Supporting Document
670	Fort Albany First Nation	Section 10.2.2 Indigenous Communities Engagement p. 65 The ToR states that "The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation (AECOM 2019a) , provides a summary of the attempts to engage with Indigenous communities up to October 24, 2019." The document is not available. Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review.	The Supporting Document is available through the Project website.	Supporting Document
671	Fort Albany First Nation	Section 11.3.1 Identification of Indigenous Communities p. 76	MFFN is open to having discussions with Fort Albany First Nation on how they would like to be engaged throughout the EA. Also see the Consultation Plan, which is appended to the Draft ToR. A	Appendix B: Consultation Plan

ID #	Commenter	Concern	Response	Proposed ToR Section
		The ToR states that "All identified communities will receive all statutory notices related to the EA (e.g., Notice of Commencement of the Environmental Assessment) and comprehensive, plain-language Project updates through email, mail and the Project website. Each will also be provided the full opportunity to review and comment on key EA documents including the Draft and Proposed ToR as well as the Draft and Final Environmental Assessment Report. In addition, Indigenous communities, depending on their level of interest in and the potential for impacts related to development of the CAR, will be encouraged or offered the opportunity to meet in-person to discuss the Project and gather feedback at appropriate milestones throughout the EA." Please indicate how opportunities for more constructive engagement on assessment topics, methods, mitigations, etc. will be provided, in addition to notification, project updates, and review and comment. Project notification and the opportunity to review and comment on project documents provides the bare minimum of consultation. Best practice, aligned with the United Nations Declaration on the Rights of Indigenous People, requires that Indigenous nations have the opportunity to make consent-based decisions about projects that have the potential to affect their rights. This entails constructive engagement in project design and assessment methods.	revised Consultation Plan will be appended to the Proposed ToR.	
672	Fort Albany First Nation	Section 12. Accommodating New Circumstances p. 81 The ToR states that "Minor changes include, but are not limited to, modifications or variations to the consultation plan, proposed study areas and alternatives, refinement of evaluation criteria and need for additional studies." Please provide information about the anticipated scope of changes to proposed study areas and alternatives. Large changes to proposed study areas and alternatives could have significant implications for the EA.	The ToR has been revised to provide further clarity on the scope of possible changes to the alternatives and associated study areas.	ToR Section 6.3.1 and Section 12
673	Fort Albany First Nation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation pp. 1-2 The "availability" indicator for vegetation, wildlife and ungulates is not defined. It is unclear whether this indicator refers to spatial extent or a different consideration. It is also unclear whether this	The ToR has been updated to include a definition of availability.	Appendix A: Criteria and Indicators for Alternatives Evaluation

ID #	Commenter	Concern	Response	Proposed ToR Section
		indicator is intended to capture disturbance and avoidance effects. Please define the indicator "availability". A clear definition of indicators is required to assess their appropriateness.		
674	Fort Albany First Nation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 Wildlife criteria do not include any large mammals. Please indicate how Indigenous nations will be consulted to refine the list of wildlife criteria (and other criteria). The list of criteria presented in Appendix A may not capture all criteria of concern to Indigenous nations.	The MFFN Project Team is open to the inclusion of other large mammal species of concern. This is a draft list that we expect will be refined during the EA. We are open to your suggestions.	ToR Section 8.2
675	Fort Albany First Nation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 The list of wildlife and ungulate indicators does not seem to capture potential impacts on habitat quality, movement corridors or species distribution. Please provide indicators for habitat quality, movement corridors and species distribution for wildlife and ungulates, or describe how these considerations will be captured by other indicators. Habitat quality, movement corridors and species distribution are key indicators for wildlife and ungulate impacts.	The list of indicators will be updated in the revised ToR.	ToR Section 8.2
676	Fort Albany First Nation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 Potential Data Sources for ungulates do not identify Indigenous knowledge or field investigations. Please list Indigenous knowledge and field investigations as Potential Data Sources for ungulates. Indigenous knowledge and field investigations are key potential data sources for ungulates.	The criteria list has been revised to include Indigenous Knowledge and field investigations as data sources.	Appendix A: Criteria and Indicators for Alternatives Evaluation
677	Fort Albany First Nation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 The ToR includes "value of" animal and plant harvesting areas as indicators of Traditional Use of Land and Resources and Aboriginal and Treaty Rights Please provide specific indicators for social, cultural, spiritual, food security, sense of place, cultural transmission components or indicate how these aspects are accounted for in the proposed indicators.	This section in the ToR has been revised to provide measurable indicators for cultural components of the assessment.	Appendix A: Criteria and Indicators for Alternatives Evaluation

ID #	Commenter	Concern	Response	Proposed ToR Section
		"Value" may be too broad to account for social, cultural, spiritual, food security, sense of place, cultural transmission components.		
678	Fort Albany First Nation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4 The ToR includes indicators for Community Well-being, but does not include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities (e.g. transportation and sale of drugs). Please include indicators of Community Well-being that capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities (e.g. transportation and sale of drugs), or indicate how the proposed indicators capture these elements. The project has the potential to result in impacts associated with increased disposable income, increased access to southern communities and increased access to elicit activities.	These potential noted impacts will be considered as part of the EA.	ToR Section 7.2.10
679	Fort Albany First Nation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4 The ToR provides indicators for Regional Economy but does not include indicators to capture Indigenous nations' ability to take advantage of project benefits. Please include an indicator that captures the ability of Indigenous nations to take advantage of project benefits. Indigenous communities may have several barriers to their ability to take advantage of project benefits.	The extent to which communities can take advantage of Project benefits will be considered as part of the EA.	ToR Section 7.2.10
680	Fort Albany First Nation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 5 The ToR provides "Visibility of the Project from sensitive locations" as indicator for Visual Character. Please provide an indicator and methodology that captures changes in visual quality. For a project such as this, the use of Indigenous Visual Quality Objectives, and mock up visual perspectives from different viewpoints before and after project development, through engagement with Indigenous peoples, is standard practice. "Visibility" is an insufficient indicator to capture visual quality.	The visual assessment will include a Visual Sensitivity indicator. This recognizes that certain landscapes are more susceptible to change and more sensitive due to the angle, distance of viewer, as well as the cultural significance to viewers.	Appendix A: Criteria and Indicators for Alternatives Evaluation

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Coppaway, Clayton <[redacted]>

MFCAR - Fort Albany July 29, 2020 Meeting Minutes

1 message

Coppaway, Clayton [redacted]> Fri, Sep 11, 2020 at 3:39 PM
To: Sarah Beamish <[redacted]>, Alistair MacDonald <[redacted]>
Cc: Qasim Saddique <[redacted], Don McKinnon [redacted]>, "Lillyman, Kristin" [redacted]

Hi Sarah,

Please see attached meeting minutes from the July 29, 2020 meeting.

Please let us know if you have any questions or comments regarding them.

Sincerely,

The MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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MIN-Fort-Albany-2020-07-29-FAFN-Minutes-Final-60593122.pdf
537K

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Coppaway, Clayton <[redacted]>

Re: MFFN CAR - News from Fort Albany First Nation

1 message

Coppaway, Clayton [redacted]> Mon, Sep 14, 2020 at 4:26 PM
To: Sarah Beamish [redacted]>

Sarah,

Thank you for letting us know. I will pass this along to the larger MFFN Project Team. I will also make them aware of your request for an update on the timeline for the planned ToR release this fall and that copies of the documents should also be sent to you, Fort Albany Legal Counsel, and the Fire Light Group, Fort Albany Consultants, in addition to the community.

Please keep us informed on your discussions with Chief Nakogee.

Sincerely,
Clayton Coppaway, MFFN Project Consultant

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton [redacted]

MFCAR - Question about ToR Distribution

1 message

Coppaway, Clayton <[redacted]> Thu, Sep 17, 2020 at 10:46 AM
To: Sarah Beamish <[redacted]>, Alistair MacDonald <[redacted]>,
Steve DeRoy <[redacted]>

Hi Sarah, Alistair, and Steve,

I just wanted to confirm how you would like to receive copies of the MFCAR ToR documents once they are released later this fall.

Currently, we will be sending Fort Albany one hard copy of materials and 2 USB and providing a weblink to these documents as well.

Would you also like me to send you:
A) a hard copy, USB, and weblink to each of you (Toronto, Edmonton, Vancouver); or,
B) the USB and weblink; or,
C) only the weblink.

Please let me know your preference and I will note them with the Project Team. In addition, I also brought your concerns regarding having as much notice as possible for the release of the ToR. I will keep you posted as we firm up timelines for its release.

Please let me know about your preference for receiving the document as soon as you can.

Sincerely,
Clayton Coppaway

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
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[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

1 message

Coppaway, Clayton <[redacted]> Tue, Sep 22, 2020 at 1:49 PM
To: Robert Nakogee <[redacted]>, Sarah Beamish [redacted]>, [redacted]
Cc: Larissa Mikkelsen [redacted]>, Bob Baxter <[redacted]>

Dear Chief Nakogee,

We are writing to follow up on our August 25, 2020 email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We are seeking your review and comments by September 25, 2020.

Please find attached the Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo and the Geographical Information Systems (GIS) shapefiles and KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,

The Marten Falls First Nation Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
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[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: MFCAR - Response to Fort Albany First Nation July 17, 2020 Letter

1 message

Coppaway, Clayton <[redacted]> Fri, Sep 25, 2020 at 2:25 PM
To: Sarah Beamish <[redacted]>

Hi Sarah,

Thank you for the update. I also hope to have a response for you and your team regarding Fort Albany's comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas by the middle of next week as well. Also a reminder that we still need to follow up with you and your team on the IK Sharing Agreement and to keep you updated on the proposed ToR submission timelines.

Take care and have a great weekend as well.

Be well and stay safe,
Clayton

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Coppaway, Clayton <[redacted]>

Re: Fort Albany First Nation - letter re ToR comments, ToR submission, and meeting minutes

1 message

Qasim Saddique [redacted] Tue, Oct 6, 2020 at 10:55 AM
To: Sarah Beamish [redacted]
Cc: Lawrence Baxter [redacted], Chief Robert Nakogee [redacted], Jacqueline Sutherland [redacted], Steve DeRoy [redacted], Alistair MacDonald [redacted], Larissa Mikkelsen [redacted], Jennifer Bruin [redacted], "Coppaway, Clayton" [redacted], Don McKinnon [redacted] "Nokleby, Andrea" [redacted], Jessica Metuzals [redacted]

Dear Ms. Beamish,

Thank you for your letter and related documents.

We will review these and follow up with you and FAFN shortly.

Best wishes,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

[redacted]
W: suslop.com

SUSLOP

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFCAR ToR

1 message

Coppaway, Clayton <[redacted]> Tue, Oct 20, 2020 at 10:22 AM
To: Sarah Beamish <[redacted]>

Dear Sarah,

Thank you for your email. I am terribly sorry that these documents were sent to your office and to Alistair's office in error. Especially since you had specifically requested them be sent to your home address. We would be happy to cover the costs associated with couriering these documents to your home addresses from your offices, or we can re-print and resend/courier the documents to your home address. Please let me know which works best for you so I can get these documents to you.

For clarification, the ToR review period has not started yet. You, Fort Albany's Technical Advisors, and the First Nation, are receiving the Notice of submission and the ToR documents in anticipation of the ToR submission to MECP later this week on Oct 23, 2020. You will also all receive the web link to these documents, via email, on Friday. The Proposed ToR review period will then run for 60 days (beginning Oct 23, 2020), rather than the required 30 day review period. I have attached the english version of the Notice of the ToR as you requested.

I just called and left a voicemail for you, please give me a call when you are able at [redacted] to discuss how best to get you and your team the ToR Document hard copies and USB.

Sincerely,
Clayton Coppaway

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: MFCAR ToR

1 message

Coppaway, Clayton [redacted] Wed, Oct 21, 2020 at 9:48 AM
To: Sarah Beamish [redacted], Alistair MacDonald [redacted]
Cc: Don McKinnon [redacted], Andrea Nokleby [redacted], Jessica Metuzals [redacted]>

Hi Sarah and Alistair,

Were you able to receive/courier the documents from your offices? If so, you can forward me an invoice or bill and I'll be sure to get these costs reimbursed. If not, and you would prefer that I resend these documents and USB please let me know as soon as possible so I can get these hard copies to you.

Sincerely,
Clayton Coppaway

Clayton Coppaway
Dillon Consulting Limited
274 Sydney Street Suite 100
Saint John, New Brunswick, E2L 0A8
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Fort Albany First Nation - MFFN CAR Letter

1 message

Coppaway, Clayton <[redacted]> Thu, Oct 22, 2020 at 11:24 AM
To: Sarah Beamish [redacted]>
Cc: Robert Nakogee <[redacted]>, Jacqueline Sutherland <[redacted]>, Alistair [redacted]>, Steve DeRoy <[redacted]>, Lawrence [redacted]>, Qasim Saddique <[redacted]>, Larissa Mikkelsen [redacted]>, Jennifer Bruin [redacted]>, Don McKinnon [redacted]>, Andrea Nokleby <[redacted]>

Hi Sarah,

Please see attached letter from the MFFN Project Team. We will be following up on your additional comments and concerns from your Sept 24, 2020 and Oct 1, 2020 letters and correspondence in the coming weeks.

Please let me know if you have any questions.

Sincerely,
MFFN Project Team

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Saint John, New Brunswick, E2L 0A8
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L-Fort-Albany-2020-10-16-MFFN CAR Letter to Fort Albany First Nation-60593122.pdf
442K

October 16, 2020

Sarah Beamish
Beamish Law
[redacted]

Sent via email

RE: Timelines for the Environmental Assessment for the Marten Falls Community Access Road

Dear Sarah Beamish,

Thank you for your September 24, 2020, and October 1, 2020, letters to the MFFN Project Team detailing Fort Albany First Nations comments regarding the Preliminary Rights and Interest Study Areas memo, the assessment of the additional comments on the Draft Terms of Reference (ToR), and forwarding Fort Albany First Nations January 30, 2020 IAAC concerns. We will be following up with you in the coming weeks regarding the specific questions, concerns, and issues noted in these letters. However, we wanted to follow-up with you regarding the timelines for the EA process.

We sincerely appreciate you continuing to keep us updated on the evolving COVID-19 situation for the community and for keeping the lines of communication open with us during this challenging time. We are sensitive to the challenges of COVID-19 pandemic has had on Fort Albany First Nation. We are committed to working with each Indigenous community to understand how they would like to be engaged, if traditional formats cannot take place due to COVID-19, and are collaborating with communities to determine a path forward with them. We would be happy to have specific discussion with you on this to determine what the best path is for Fort Albany First Nation. Related to this, to support the EA engagement program, we are looking to hire local Community Consultation Coordinators (CCC) who would assist us with virtual and social distanced in-community engagement and consultation activities. We would be pleased to discuss the potential for a CCC in your community.

Moving forward with the Project, the ToR will be submitted to the Minister of the Environment, Conservation and Parks (MECP) this fall. We understand and note your concerns around the inability to fully participate in the consultation process due to COVID-19. Understanding these concerns and in support of similar requests to extend the comment period throughout the Project, MFFN voluntarily offered the ToR to be available for an extended review period. The ToR will be available for a 60-day review period instead of the legislatively mandated 30-day comment period.

The ToR provides more detailed information on the EA process which should provide greater clarity on some questions the community may have on the process, including EA, baseline studies, proposed consultation / engagement activities and timing. We welcome your input and feedback on the ToR and the MFFN Project Team is available to discuss any concerns or feedback. We also want to assure that if the ToR receives approval from the MECP, there will be on-going opportunities throughout the EA to provide input and comments.

If you have any questions, feel free to reach out to myself, Lawrence Baxter, MFFN Senior Community Member Advisor, and Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC Robert Nakogee, FAFN Chief
Jacqueline Sutherland, FAFN CEO
Alistair MacDonald, FAFN Technical Advisor
Steve DeRoy, FAFN Technical Advisor
Lawrence Baxter, MFFN Community Member Advisor
Qasim Saddique, MFFN Project Team
Larissa Mikkelsen, MFFN Project Team

Jennifer Bruin, MFFN Project Team
Don McKinnon, MFFN Project Team Consultant
Andrea Nokleby, MFFN Project Team Consultant
Clayton Coppaway, MFFN Project Team Consultant

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Coppaway, Clayton <[redacted]>

Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton <[redacted]> Tue, Oct 27, 2020 at 3:54 PM
To: Robert Nakogee <[redacted]>
Cc: Sarah Beamish <[redacted]>, Alistair MacDonald <[redacted]>, Steve DeRoy <[redacted]>, [redacted], Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]>, Jennifer Bruin <[redacted]>, Jacqueline Sutherland <[redacted]>
Bcc: "Beaney, Jessalyn" <[redacted]>, info@martenfallsaccessroad.ca

Dear Chief Nakogee,

Thank you so much for taking time out of your busy schedule to speak with me and let me know that you had not seen the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project yet. We have had the documents mailed to you on Oct 14, 2020.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,
Clayton Coppaway

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Platinum member

Clayton Coppaway
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Saint John, New Brunswick, E2L 0A8
[redacted]
www.dillon.ca

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Coppaway, Clayton [redacted]>

Re: Marten Falls Community Access Road – Fort Albany First Nation March 13, 2020 Meeting Follow Action Items

1 message

Coppaway, Clayton [redacted] Wed, Oct 28, 2020 at 2:20 PM
To: Sarah Beamish <[redacted]>, Jacqueline Sutherland [redacted]>

Hi Sarah,

I will get this printed and sent to Jackie as soon as possible.

Clayton

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Platinum member

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Saint John, New Brunswick, E2L 0A8
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www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: MFCAR ToR

1 message

Coppaway, Clayton <[redacted]> Fri, Oct 30, 2020 at 3:32 PM
To: Sarah Beamish [redacted]>

Hi Sarah,

Thank you for this. I have passed this along so you can be reimbursed.

Happy Halloween!

Clayton

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Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]

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Coppaway, Clayton <[redacted]>

Re: Marten Falls Community Access Road – Fort Albany First Nation March 13, 2020 Meeting Follow Action Items

1 message

Coppaway, Clayton [redacted] Mon, Nov 2, 2020 at 11:33 AM
To: Sarah Beamish <[redacted]>, Jacqueline Sutherland [redacted]>
Cc: Robert Nakogee <[redacted]>, Qasim Saddique <[redacted]>, Larissa Mikkelsen [redacted]>

Hi Sarah and Jackie,

I wanted to let you know that I have printed the map and they are on their way to Jackie at Fort Albany today. The posters are approximately 3'x4'. I have enclosed the attached cover letter and the electronic copy of the map for your reference.

Please let me know once you have received the hard copies of the posters.

Sincerely,
Clayton Coppaway

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October 30, 2020

Jackie Sutherland
[redacted]

RE: Marten Falls First Nation Community Access Road Project – Map showing James Bay Communities

Dear Jackie Sutherland,

Enclosed with this letter are two copies of a map that shows the Marten Falls Community Access Road Project (the Project) in relation to the James Bay communities. These maps were requested by Fort Albany representatives to support Fort Albany's community consultation activities regarding the Project.

If you have any questions, feel free to reach out to me at [redacted] or via telephone at [redacted]

Kindly confirm receipt of this letter and posters when received in hard copy.

Sincerely,

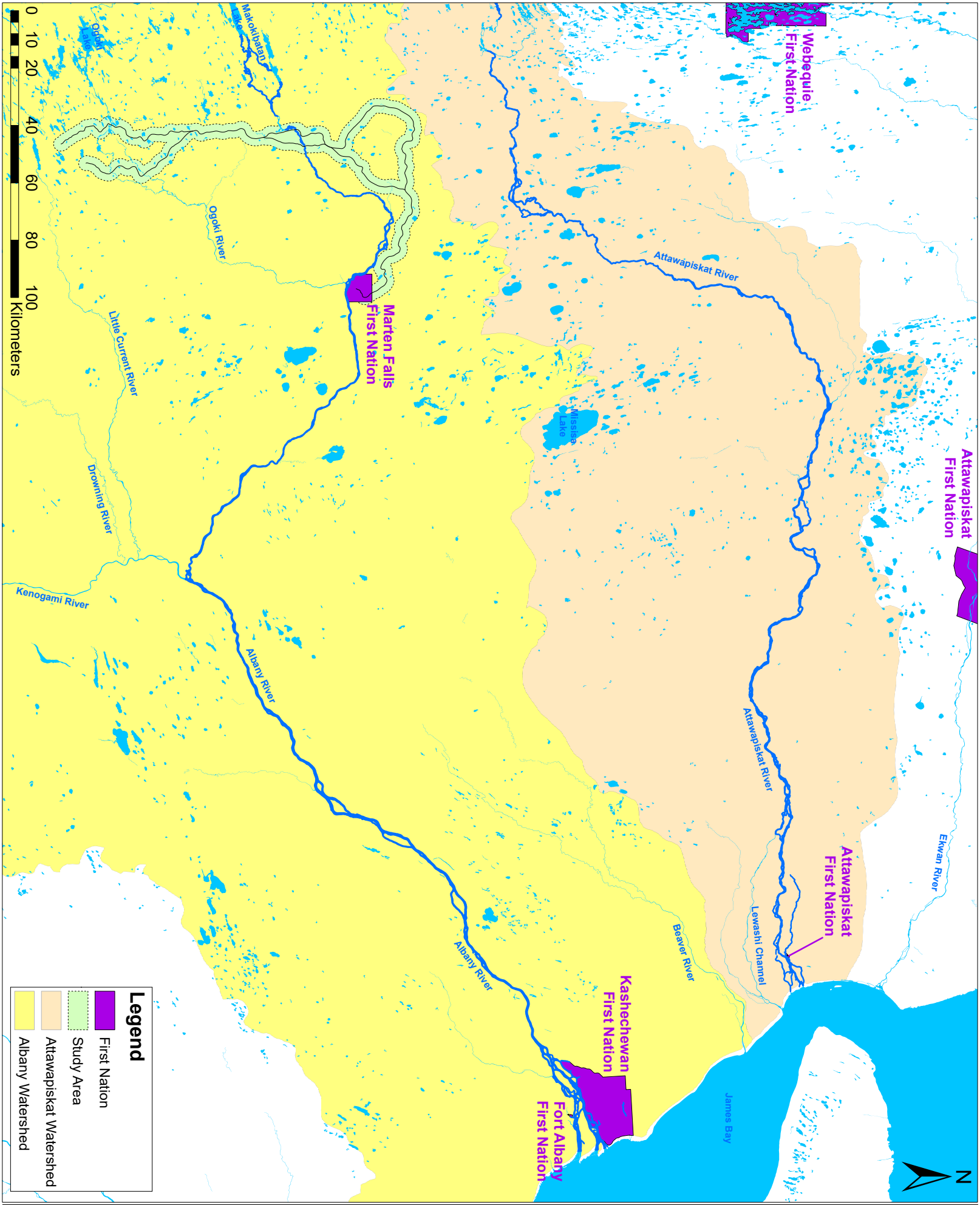
[redacted]y
MFFN Project Consultant

On behalf of the Marten Falls First Nation Community Access Road Project Team

Enclosure: Maps

Cc:

- Chief Robert Nakogee, Fort Albany First Nation – email
- Sarah Beamish, Fort Albany First Nation Legal Counsel – email
- Qasim Saddique, MFFN Project Team – email
- Larissa Mikkelsen, MFFN Project Team – email



MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD
Project No.: 60593122
Date: 2020-02-18

WATERSHED MAP

Approximate Distance From MFFN:
Attawapiskat First Nation: 279 km
Fort Albany First Nation: 299 km
Kashechewan First Nation: 303 km

AECOM

Figure 01

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Coppaway, Clayton [redacted]>

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton <[redacted]> Thu, Nov 5, 2020 at 2:14 PM
To: Robert Nakogee
Cc: Sarah Beamish [redacted]

Dear Chief Nakogee,

I just want to follow up with you to see if the hard copies of the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. We just want to confirm whether these documents have been delivered to the community yet. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please let me know if they have arrived as soon as you are able.

Sincerely,
Clayton Coppaway

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Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Coppaway, Clayton <[redacted]> Thu, Nov 5, 2020 at 8:43 AM
To: Sarah Beamish <[redacted]>
Cc: Alistair MacDonald <[redacted]>, Chief Robert Nakogee <[redacted]>, Steve DeRoy <[redacted]>, Jacqueline Sutherland <[redacted]>, Larissa Mikkelsen <[redacted]>, Qasim Saddique <[redacted]>, "Fisken, Avril" <[redacted]>, Andrea Nokleby <[redacted]>

Hi Sarah,

Yes, we are holding that day to be available. Please keep us posted as details become available or if the timing event shifts.

We are looking forward to connecting with you on Monday. Is there anyone else you'd like me to include in the meeting invitation?

Sincerely,
Clayton

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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[redacted]

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Coppaway, Clayton <[redacted]>

MFFN CAR - IK Program Guidance Document

1 message

Coppaway, Clayton <[redacted]> Fri, Nov 6, 2020 at 2:33 PM
To: Robert Nakogee <[redacted]>
Cc: Sarah Beamish <[redacted]>, Jacqueline Sutherland <[redacted]>, Alistair MacDonald <[redacted]>, Steve DeRoy <[redacted]>, Bob Baxter <[redacted]>, Larissa Mikkelsen <[redacted]>, Qasim Saddique <[redacted]>, [redacted]
Bcc: info@martenfallsaccessroad.ca

Good Afternoon Chief Nakogee,

We hope this email finds you and your community well.

Thank you for expressing an interest in participating in the IK Program for the Marten Falls First Nation all-season Community Access Road (the Project). An important part of the assessment processes for the Project is collecting Indigenous Knowledge (IK), community knowledge, and information on Indigenous land and resource use (ILRU). This important and valuable information helps us to understand baseline (existing) conditions and the potential effects of the Project, and to determine appropriate impact management and monitoring measures.

To assist communities in meaningfully participating in the IK Program, we have prepared the attached IK Program Guidance Document. The IK Program Guidance Document provides information on the IK Program and includes resource materials to support your community in: sharing any existing IK and ILRU information relevant to the Project and that you wish to share; and completing a Project-specific IK/ILRU Study. The IK Program Guidance Document was also developed to support the information requirements set out in the Tailored Impact Statement Guidelines issued by the Impact Assessment Agency of Canada for the Project.

We would be happy to meet with you to answer any questions you may have on the IK Program, to provide an overview of the IK Program Guidance Document, and/or to discuss timelines and available funding.

Kind regards,

MFFN Project Team

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Platinum member

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Dillon Consulting Limited
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MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020.pdf
8549K

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Coppaway, Clayton <[redacted]>

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Coppaway, Clayton [redacted]> Tue, Nov 10, 2020 at 9:30 PM
To: Sarah Beamish [redacted]>

Hi Sarah,

My apologies for emailing you so late. I just had a couple outstanding questions that arose after our meeting.

1. Do you anticipate having simultaneous Cree translation of the presentations?
2. Would Fort Albany First Nation also like the province to attend this event?

Please let me know when you are able.

Be well,
Clayton

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Coppaway, Clayton [redacted]

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton <[redacted]> Thu, Nov 12, 2020 at 3:48 PM
To: Robert Nakogee <[redacted]>, Sarah Beamish <[redacted]>
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]>, Jennifer Bruin <[redacted]>, Jacqueline Sutherland <[redacted]>
Bcc: info@martenfallsaccessroad.ca, "Beaney, Jessalyn" <[redacted]>

Dear Chief Nakogee and Sarah,

I hope this email finds you well. I just want to follow up with you to see if the hard copies of the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project have been delivered to the community yet. This is particularly important given the upcoming Community Event on Nov 19, 2020. It would be good to have those documents available for community members to view, should they be interested.

If they have not arrived, please let me know as soon as possible so I can arrange to have the documents resent.

A reminder that the ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please let me know about this as soon as you are able.

Sincerely,
Clayton Coppaway

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Platinum member

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Coppaway, Clayton [redacted]

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Coppaway, Clayton <[redacted]> Thu, Nov 12, 2020 at 3:32 PM
To: Sarah Beamish [redacted]>
Cc: Qasim Saddique [redacted]

Hi Sarah,

Thank you for these additional instructions. Attached you'll find our proposed presentation, and the general project and ToR fact sheets in english and cree. I have included the general and ToR-specific factsheets, each as one-pdf file. Each will be printed double sided, english on one side, cree on the other.

I will arrange to have 40 copies of each fact-sheet and of the presentation slide deck and have them shipped to the community as per your instructions.

Please include the following MFFN Project Team members (all cc'd here) in the Zoom invitation:

- Qasim Saddique - MFFN Project Director ([redacted])
- Lawrence Baxter - MFFN Community Member Advisor ([redacted])
- Don McKinnon - MFFN Project Consultant ([redacted])
- Avril Fisken - MFFN Project Consultant ([redacted])
- Christine Cinnamon - MFFN Project Consultant ([redacted])
- Myself, Clayton Coppaway - MFFN Project Consultant ([redacted])

Qasim and Lawrence will be leading the presentation with the rest of us supporting them in answering questions.

Please let me know if you or your team have any questions or comments on this approach or our materials.

Sincerely,
Clayton

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Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Coppaway, Clayton [redacted]> Mon, Nov 16, 2020 at 2:13 PM
To: Sarah Beamish <[redacted]>
Cc: Qasim Saddique [redacted]

Hi Sarah and Jackie,

Thanks for these comments and clarifications, they are very helpful. I had copies of the General and ToR Specific fact sheets (with cree translations) and copies of the presentation slides on Friday Nov 13, 2020. Just as an FYI, should we make any changes to the current presentation slides then those handouts won't be needed or applicable.

I will let you know if there are any changes or additions to the presentation slides based on your feedback as soon as possible.

Clayton

Clayton Coppaway
Dillon Consulting Limited
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Coppaway, Clayton [redacted]>

Fwd: Purolator - Your shipment has been picked up / Votre envoi a été ramassé - PIN/NIC:332581895346

1 message

Coppaway, Clayton <[redacted]> Tue, Nov 17, 2020 at 12:27 PM
To: Sarah Beamish <[redacted]>, Jacqueline Sutherland <[redacted]>

Hi Jackie and Sarah,

Please see below for the tracking information for the community engagement materials (for the Nov 19, 2020 event) I sent last Friday. Please note that this shipment does not include the ToR Documents. Those will ship separately shortly, c/o Jackie, and I will follow up with a tracking number for those once I have them.

Please let me know when you have received these materials.

Sincerely,
Clayton

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Coppaway, Clayton <[redacted]>

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Coppaway, Clayton <[redacted]> Thu, Nov 19, 2020 at 9:45 AM
To: Sarah Beamish [redacted]

Dear Chief Nakogee and Sarah,

I have attached the updated presentation for this evening event. I assume you'd like us to share our screen when presenting and also please let me know if you'd like to run a test of this at some point today.

*Also please note for the in-community distribution of printed materials: the printed copies of the presentation we sent to the community will be out of date. I have attached a pdf. copy of the slides.

We also wanted to provide some additional information and responses (*italics*) to your feedback on the presentation and requests for more information (underlined).

Please let me know if you have any questions or comments,

Sincerely,
Clayton

Inclusion of the Image from the Northern Road Link RFP:
Unfortunately at this time we are unable to include this image as part of our presentation. In addition, as the MFFN Community Access Road Project Team, we are unable to speak for the Northern Road Link (NRL) Project. However, you can contact the NRL project email to request this information from the NRL Working Group, although please keep in mind that the NRL Project is not fully operational at this time.

Slide 3 - the Proponent should be prepared to show more detailed views of Alternatives 1 and 4 upon request of the audience, be prepared to discuss whether and how FAFN has been consulted on routing to date, and (in particular) be prepared to show all three contemplated roads to the Ring of Fire and how they connect together (Northern Roadlink, MFFN road and Webequie road)
We are prepared to speak to the reason for the selection of the short list of alternative routes. We note that route evaluation work has not yet commenced. We can speak to the process of how interested communities can participate in the future route selection process. We are unable to speak to the Northern Road Link or the Webequie road routing or how these roads will be connected together at this time as these projects are being led by a different project proponent (a working group consisting of representatives of Webequie FN and MFFN form.

Slide 8 - It is not clear to the person looking at the slide what is on the map; speak to whether this is some sort of regional study area or something else being shown.
This is the updated Preliminary IK Study Areas map. We will note this in our remarks when we present this slide.

Slide 9 - Proponent should be prepared to speak to the geographic scope of studies to date and the role of Indigenous peoples in those studies (and any role for FAFN)
We note that the studies to date have been broadly focused on collecting background information to characterize baseline conditions. These studies are being conducted in the Regional and Local Study Areas defined in the ToR . These studies also include Indigenous Knowledge Program which aims to: collect Indigenous Knowledge relevant to the Project and information on Indigenous land and resource use and values (including cultural) in the vicinity of the Project area.

Slide 11 - Proponent should be prepared to discuss its envisioned role for FAFN in each of these steps
Engagement opportunities at the key milestones of the EA will be offered to all interested Indigenous communities. We would like to hear back from the FAFN community on what they are most interested in and the preferred means to engage with the community. We can adjust the engagement program to meet the needs of the community. We will also be specific about the role of Indigenous communities, like Fort Albany First Nation, in this process as we walk through this slide. We have also added three additional slides to highlight key inputs for each of these milestones (slide 12-14).

Requests to include in the Presentation:
1. Something about the amount of industrial and regular traffic expected, and a description of potential accidents and malfunctions and how they will be assessed in the EA
As noted in the ToR, it is currently assumed that up to 400 vehicles / day would use the road. The assumed number of vehicles that will use the road will be confirmed in the EA along with a description of potential accidents and malfunctions. We have included this in the speaking notes on slide 4.

2. Construction stage information - timeline, number of people working, where borrow sources are coming from, how many water crossings there are (with emphasis on large rivers in the Albany Watershed)
This information will be determined through the EA process, as the preferred route is developed. This information can be communicated to FAFN once it is determined. We will note this should it come up during the presentation or Q&A session.

3. Information on who will own the road, who will be responsible to maintain it, and who makes and enforces the transportation rules for it.
Road ownership is to be confirmed. At this time it is anticipated that MFFN will be responsible for maintaining the road. It is anticipated that the Ontario transportation regulations will be enforced along it. We will note this should it come up during the presentation or Q&A session

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Coppaway, Clayton <[redacted]>

Hard Copy MFFN CAR - Proposed ToR Documents

1 message

Coppaway, Clayton <[redacted]> Thu, Nov 26, 2020 at 1:05 PM
To: Jacqueline Sutherland
[redacted]

Dear Jackie,

I hope this email finds you well. I just wanted to connect with you to see if you had received the Hard Copy Terms of Reference documents. We resent them last week and I just wanted to confirm that you received them.

We shipped them via purolator (same as the posters and community event materials) and the tracking number is [redacted]

Please let me know if you have received them or not.

Sincerely,
Clayton Coppaway

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Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
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Coppaway, Clayton [redacted]>

MFFN CAR ToR Follow up

1 message

Coppaway, Clayton <[redacted]> Wed, Dec 9, 2020 at 5:12 PM
To: Sarah Beamish [redacted]>
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen [redacted]>, Jennifer [redacted]>, Robert Nakogee [redacted]>, Jacqueline Sutherland <[redacted]>, Alistair MacDonald [redacted]>
Bcc: info@martenfallsaccessroad.ca

Hi Sarah,

I hope you are well and staying safe. I just wanted to connect with you to follow up on our telephone call last week regarding the ToR document package and whether you were able to confirm if they have arrived in the community or not?

I also wanted to confirm with you whether Fort Albany First Nation will be submitting comments on the Proposed ToR by December 21, 2020 at 5:00p.m. or if the community will be requesting an extension to the ToR review period from MECP.

I can also provide contact information for MECP, should you require it, to submit comments and/or request an extension to the review period.

Kind Regards,
Clayton

On behalf of the Marten Falls First Nation Community Access Road Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
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Coppaway, Clayton <[redacted]>

Re: MFFN CAR ToR Follow up

1 message

Coppaway, Clayton <[redacted]> Mon, Dec 14, 2020 at 11:32 AM
To: Sarah Beamish <[redacted]>
Cc: Qasim Saddique [redacted], Larissa Mikkelsen [redacted], Jennifer [redacted], Robert Nakogee [redacted], Jacqueline Sutherland [redacted], Alistair MacDonald [redacted], "Beaney, Jessalyn" [redacted], Don McKinnon [redacted]
Bcc: info@martenfallsaccessroad.ca

Hi Sarah,

Thank you so much for your efforts to follow up with Chief Nakogee and Jackie. We really appreciate it.

Also, thank you for confirming Fort Albany's intentions to submit comments by Dec 21, 2020 and for keeping us updated on the community's engagement efforts and plans.

Please do not hesitate to reach out if you have any additional questions or concerns.

Sincerely,
Clayton Coppaway
On behalf of the Marten Falls First Nation Community Access Road Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

MFFN CAR - IK Sharing Agreement

1 message

Coppaway, Clayton [redacted]> Mon, Jan 18, 2021 at 9:18 AM
To: Sarah Beamish [redacted]>, Robert Nakogee [redacted]>
Cc: Jacqueline Sutherland [redacted], Qasim Saddique [redacted], Andrea Nokleby <[redacted]>, Caroline Wrobel [redacted]>, Larissa Mikkelsen [redacted]>
Bcc: info@martenfallsaccessroad.ca

Dear Chief Nakogee and Sarah Beamish,

We hope that this email finds you well and that you are all staying safe. We are pleased to provide you with proposed amendments to the IK Sharing Agreement for your review.

Please let us know if you have any questions, concerns, or additional comments.

Sincerely,

Clayton Coppaway
On behalf of the MFFN Project Team

DILLON CONSULTING

BEST MANAGED COMPANIES
CANADA
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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2020.12.04.compare.docs.Fort Albany FN IK Sharing Agreement.docx
23K

INDIGENOUS KNOWLEDGE

INFORMATION SHARING AGREEMENT

Marten Falls First Nation

Community Access Road

CONFIDENTIAL INFORMATION

dated the _____ day of _____, 2020

As part of the environmental/impact assessment and preliminary design of the Marten Falls Community Access Road Project, (the "Project"), Fort Albany First Nation (FAFN) hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include Indigenous Knowledge, traditional knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another amongst the people of FAFN. Confidential Information may also include beliefs, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to the people of FAFN. For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by FAFN is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how FAFN lands and resources may be affected by the Project. ~~The Confidential Information can only be used for the Project (e.g. informing the Environmental Assessment and Preliminary Design).~~

The Confidential Information may be used to better understand how FAFN community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

FAFN ~~consents to the Recipients' use of~~agrees that it will only provide Confidential Information ~~in principle only, and reserves the right to grant or withhold consent to the use of specific Confidential Information on a case-by-case basis, and retains the authority to decide what Confidential Information is~~to the Recipients that it has identified as appropriate and suitable for use by the Recipients in relation to the Project.

FAFN ~~further reserves the right to set~~shall be fully responsible for setting its own limitations or conditions on ~~how the Recipients obtain or collect the~~what Confidential Information ~~that is the subject of~~it provides pursuant to this Agreement~~.~~

~~The Recipients acknowledge that FAFN may be unable to give consent to the collection and use of all Confidential Information relating to its people and territory through this Agreement, as some Confidential Information may be held by individuals or families who would not consider Chief and Council as having authority to give consent on their behalf.~~

~~The Recipients confirm that Confidential Information~~, including the ~~Indigenous Knowledge, may be~~ use of masked, randomized, ~~and given anonymity (for example, study results shared with the Recipients may randomize and~~ buffer site-specific data to protect specific locations, ~~and use~~or codes instead of names when referencing quotes and qualitative values~~).~~.

The Recipients of the Confidential Information can use this information only for the Project (e.g., informing the environmental/impact assessment and preliminary design) and will not use this Confidential Information for other purposes, such as informing other projects or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities or external researchers without express written consent of FAFN.

The Recipients acknowledge and agree that the Confidential Information is the property of FAFN and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of FAFN.

On termination of this Agreement or on written notice by FAFN, the Recipients shall as directed by FAFN ~~to~~ either: promptly destroy or return to FAFN all Confidential Information and all copies thereof, and refrain from using such information for this Project.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by FAFN is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of FAFN:

(Authorized representative)	Date

Agreed to on behalf of the Recipients:

(Authorized representative)	Date

DILLON CONSULTING

Coppaway, Clayton [redacted]>

MFFN CAR - IK Program Update

1 message

Coppaway, Clayton [redacted] Fri, Jan 22, 2021 at 9:38 AM
To: Robert Nakogee [redacted]
Cc: Andrea Nokleby [redacted], Caroline Wrobel [redacted], Qasim Saddique [redacted], Larissa Mikkelsen [redacted], Alistair [redacted], Jacqueline Sutherland [redacted], Steve DeRoy [redacted]>
Bcc: info@martenfallsaccessroad.ca

Good Morning Chief Nakogee,

We hope this email finds you and your community well. We would like to share some additional information on the Indigenous Knowledge Program for the Marten Falls First Nation all-season Community Access Road Project.

Fact Sheet

Please find attached an Indigenous Knowledge (IK) Program Fact Sheet (translated in English, Ojibway, Oji-Cree and Cree). The fact sheets are also available on the Project website at: http://www.martenfallsaccessroad.ca/.

IK Program Guidance Document

We would also like to remind communities that we would be happy to answer any questions or discuss any comments on the *IK Program Guidance Document* that was shared with you in early November 2020. The Guidance Document provides information on the IK Program and includes resource materials to support your community in: sharing existing IK and ILRU information relevant to the Project; and completing a Project-specific IK/ILRU Study. We have re-attached the document here for ease (a revised version where the page numbers have been corrected).

Standardized GIS Geodatabase

The MFFN Project Team has developed a standardized Geographic Information Systems (GIS) geodatabase to support the sharing of IK and Indigenous Land and Resource Use information. The geodatabase includes standardized features and attributes to help streamline and support consistent information and data sharing for the Project environmental assessment processes. We have attached an overview of the geodatabase and the geodatabase file. Please note that this information is written and developed for GIS practitioners and is intended to help support any GIS-specific work you may be undertaking as part of the IK Program.

Aboriginal and Treaty Right and Interests Study Areas Update

The MFFN project Team shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August 2020. We have since received feedback on the preliminary study areas and updates have been made accordingly. Please find attached an update on the proposed Aboriginal and Treaty Rights and Interests Study Areas.

The MFFN Project Team looks forward to receiving any comments or questions you may have on these materials and/or the IK Program. We would be happy to meet to further discuss any of your questions or comments.

Kind regards,

Clayton Coppaway
On behalf of the MFFN Project Team

Clayton Coppaway
Dillon Consulting Limited
[redacted]
ca

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Coppaway, Clayton <[redacted]>

Re: MFFN CAR - IK Sharing Agreement

1 message

Coppaway, Clayton <[redacted]> Wed, Feb 3, 2021 at 12:37 PM
To: Sarah Beamish <[redacted]>, Robert Nakogee <[redacted]>
Cc: Jacqueline Sutherland [redacted]>, Qasim Saddique [redacted]>, Andrea Nokleby [redacted]>, Caroline Wrobel [redacted]>, Larissa Mikkelsen [redacted]>, Alistair MacDonald <[redacted]>

Hi Chief Nakogee and Sarah,

I hope that this email finds you well and that you are all staying safe.

I just wanted to connect with you about the proposed IK Sharing Agreement amendments we provided, if you had any questions about the the updated information on the IK Study Areas we provide, and to see if you had an update on your own IK Study plans.

Sincerely,
Clayton Coppaway

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFFN CAR - IK Sharing Agreement

1 message

Coppaway, Clayton <[redacted]> Fri, Feb 5, 2021 at 12:53 PM
To: Sarah Beamish <[redacted]>
Cc: Robert Nakogee <[redacted]>, Jacqueline Sutherland <[redacted]>, Qasim Saddique <[redacted]m>, Andrea Nokleby <[redacted]>, Caroline Wrobel <[redacted]>, Larissa Mikkelsen <[redacted]>, Alistair MacDonald <[redacted]>, Steve DeRoy <[redacted]>

Hi Sarah,

Thank you so much for the update and I appreciate you keeping us informed about the status of the community in relation to COVID and the vaccination role out.

We look forward to hearing from you soon.

Sincerely,
Clayton

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton <[redacted]> Mon, Feb 8, 2021 at 4:33 PM
To: Robert Nakogee [redacted]>
Cc: Sarah Beamish <[redacted]>, Jacqueline Sutherland [redacted]>, [redacted]
Alistair MacDonald [redacted]>, Qasim Saddique [redacted], Larissa
Mikkelsen [redacted]>, Lawrence Baxter [redacted], Bob Baxter [redacted],
Jackmoonias [redacted], Jennifer Bruin [redacted], [redacted]

Good Afternoon Chief Nakogee,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that Fort Albany First Nation has taken to provide feedback. Please see attached letter regarding next steps and an additional opportunity to comment on the ToR until March 31, 2021. If Fort Albany First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Clayton Coppaway,
On behalf of the MFFN Community Access Road Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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2021-02-05-MFFN Community Access Road Proposed ToR Letter Fort Albany First Nation.pdf
449K

February 8, 2021
Fort Albany First Nation
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference and Comment Period Extension

Dear Chief Nakogee,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that Fort Albany First Nation has taken to provide feedback.

Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the ToR until March 31, 2021. The MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with the opportunity to provide new comments in addition to any that have been submitted.

Over the next couple of months, the MECP and MFFN will be following up with Fort Albany First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit additional comments on the ToR. MFFN will also follow up with Fort Albany First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The MFFN Project Team is in the process of drafting detailed responses to all comments received before the original comment period deadline of December 21, 2020. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Deputy Chief Charlotte Nakochee, Fort Albany First Nation
Jacqueline Sutherland, CEO, Fort Albany First Nation
Sarah Beamish, Fort Albany First Nation Legal Counsel
Alistair MacDonald, Fort Albany First Nation Consultant
Sasha McLeod, Special Project Officer, MECP
Shannon Gauthier, Project Officer, MECP
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Clayton Coppaway, MFFN Project Consultant

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Coppaway, Clayton <[redacted]>

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton [redacted]> Mon, Feb 22, 2021 at 1:12 PM
To: Sarah Beamish <[redacted]>
Cc: Jacqueline Sutherland [redacted]>, [redacted], Alistair MacDonald [redacted]>, Qasim Saddique <[redacted]>, Larissa Mikkelsen [redacted]>, Lawrence Baxter <[redacted]>, Bob Baxter <[redacted]>, Jackmoonias [redacted]t>, Jennifer Bruin <[redacted]>, [redacted], Robert Nakogee [redacted]>
Bcc: info@martenfallsaccessroad.ca

Hi Sarah,

Thank you so much for taking the time to quickly chat with me this morning. I appreciate you updating me on Fort Albany First Nation's vaccine roll out. As you reminded us, Fort Albany did have plans for some targeted community engagement events in early Dec 2020 but these were cancelled due to COVID lock down restrictions. You mentioned that the community has yet to discuss or decide how they would like to proceed or if they will be submitting additional comments on the ToR and that you'd keep us posted as those discussions take place.

As I summarized during the call, the MFFN Project Team is interested to understand:

- If the community intends to submit additional ToR comments;
- Is the community interested in meeting with the MFFN Project Team; and
- If there are any additional questions or comments you may have.

Please let us know how these discussions and plans work out and if there is anything you need from us.

Sincerely,
Clayton Coppaway,
On behalf of the MFFN CAR Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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February 8, 2021
Fort Albany First Nation
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference and Comment Period Extension

Dear Chief Nakogee,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that Fort Albany First Nation has taken to provide feedback.

Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the ToR until March 31, 2021. The MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with the opportunity to provide new comments in addition to any that have been submitted.

Over the next couple of months, the MECP and MFFN will be following up with Fort Albany First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit additional comments on the ToR. MFFN will also follow up with Fort Albany First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The MFFN Project Team is in the process of drafting detailed responses to all comments received before the original comment period deadline of December 21, 2020. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Deputy Chief Charlotte Nakochee, Fort Albany First Nation
Jacqueline Sutherland, CEO, Fort Albany First Nation
Sarah Beamish, Fort Albany First Nation Legal Counsel
Alistair MacDonald, Fort Albany First Nation Consultant
Sasha McLeod, Special Project Officer, MECP
Shannon Gauthier, Project Officer, MECP
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Clayton Coppaway, MFFN Project Consultant

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Coppaway, Clayton <[redacted]>

Re: FAFN - further comments on TOR

1 message

Coppaway, Clayton <[redacted]> Tue, Mar 2, 2021 at 3:56 PM
To: Sarah Beamish <[redacted]>
Cc: [redacted]

Hi Sarah,

Thank you so much for keeping us in the loop on the plans of the community. Please let me know if we can provide/prepare anything to support the community focus group events or if the community decides to provide additional ToR comments to MECP.

Also, please let us know if you have any questions or concerns with the proposed IK Sharing Agreement amendments we provided as well.

Take care and have a great day!

Sincerely,
Clayton Coppaway
On behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: FAFN - further comments on TOR

1 message

Coppaway, Clayton <[redacted]> Thu, Mar 25, 2021 at 12:10 PM
To: Sarah Beamish [redacted]>, Robert Nakogee <[redacted]>
Cc: Qasim Saddique [redacted], Larissa Mikkelsen [redacted]>, Bob Baxter [redacted]>, Lawrence Baxter [redacted]>, Jackmoonias [redacted]>, Jennifer Bruin [redacted] "McLeod, Sasha (MECP)" [redacted], Jacqueline Sutherland <[redacted]>
Bcc: info@martenfallsaccessroad.ca

Hi Sarah,

Thank you for taking my call this morning. I appreciate you letting me know that the community decided that there wasn't enough time to complete the community focus groups and that you'd be following up with us more formally in the next week or so.

As I mentioned the we would be interested to know:

- Whether Fort Albany First Nation intends to submit additional comments on the ToR for the MFFN CAR;

If Fort Albany First Nation would like to submit additional comments on the MFFN CAR ToR you can do so directly to:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

In addition, we understand that MECP provided Fort Albany First Nation with our responses to the community's ToR comments earlier this month. We would be happy to schedule a meeting to discuss these responses and answer any of your questions or concerns.

- Please let us know if you would be interested in meeting with us, and if so, any preferred dates and times that you and your team are available to meet with us to discuss these responses.

Please do not hesitate to reach out to us if you have any questions or concerns about this information or our requests.

Sincerely,
Clayton Coppaway
On Behalf of the MFFN CAR Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Coppaway, Clayton <[redacted]>

Re: MFFN CAR - IK Sharing Agreement

1 message

Coppaway, Clayton <[redacted]> Tue, May 4, 2021 at 4:03 PM
To: Sarah Beamish [redacted]>
Cc: Robert Nakogee [redacted]
Bcc: info@martenfallsaccessroad.ca

Hi Sarah,

I hope this email finds you well and staying safe. I just wanted to follow up with you regarding the proposed IK Sharing Agreement and if Fort Albany had any additional comments, questions, or other proposed amendments.

Sincerely,
Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

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[redacted]

MFCAR – Proponent Responses to Follow Up ToR Comments - Fort Albany

1 message

McLeod, Sasha (MECP) [redacted] Fri, May 14, 2021 at 4:27 PM
To: Chief Robert Nakogee <[redacted]>, Sarah Beamish [redacted], Deputy Chief Charlotte Nakochee <[redacted]>, Jacqueline Sutherland [redacted], Alistair MacDonald <[redacted]>, Steve DeRoy [redacted], Justin Page <[redacted]>
Cc: [redacted]

Re: Marten Falls Community Access Road – Proponent Responses to Follow Up ToR Comments

Good day Fort Albany First Nation Chief, Council and representatives,

Thank you for copy of your March 31, 2021 letter to the Marten Falls Project Team regarding the proposed Marten Falls Community Access Road ToR. We appreciate Fort Albany's efforts in reviewing the proponent's responses (sent by MECP March 10, 2021) to FAFN's initial comments on the ToR (dated December 15, 2020). As part of the ToR process, the ministry is providing you with the attached proponent's responses to Fort Albany's additional comments dated March 31, 2021. At this time, we hope to understand if the attached responses have addressed your additional comments. If you can please provide an update on your review of the responses, I would appreciate hearing from you in the next two or three weeks if possible. I'm also mindful of other priorities facing communities at this time.

We will follow up with you regarding these responses. If you have any questions in the meantime, please do not hesitate to contact me.

Thank you,

Sasha

Sasha McLeod

Special Project Officer, Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks

[redacted]

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Coppaway, Clayton [redacted]>

Checking in on IK Sharing Agreement and Additional ToR Comment Responses

1 message

Coppaway, Clayton [redacted] Wed, May 26, 2021 at 2:33 PM
To: Sarah Beamish [redacted]>, Robert Nakogee [redacted]>, Jacqueline [redacted]
Cc: [redacted]
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Hi Chief Nakogee and Sarah,

I hope you are both doing well and that you had a great long weekend.

I just wanted to check in with you regarding two items:

1) Fort Albany First Nation's review of the IK Sharing Agreement.
- Regarding the IK Sharing Agreement with Fort Albany First Nation, we wanted to connect with you both to see if you have any additional comments, amendments or questions. You'll recall we did provide our proposed amendments and comments in January 2021. I have also attached them to this email as well.

2) The responses to your additional ToR Comments provided by MECP.
- We understand that our responses to your additional comments to the MFFN CAR ToR were provided on May 14, 2021 by MECP. Please do not hesitate to contact us if you have any questions or concerns, or if you would like to meet with the MFFN Project Team to discuss these responses as well.

Again we hope that you are doing well and we look forward to hearing from you!

Sincerely,
Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

2020.12.04.compare.docs.Fort Albany FN IK Sharing Agreement.docx
23K

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Coppaway, Clayton <[redacted]>

Re: Checking in on IK Sharing Agreement and Additional ToR Comment Responses

1 message

Coppaway, Clayton [redacted]> Thu, May 27, 2021 at 9:57 AM
To: Sarah Beamish [redacted]>
Cc: Robert Nakogee [redacted]

Hi Sarah,

We are so sorry to hear this and our thoughts are with the community. We too had hoped that the vaccination roll out would have been the beginning of the end for COVID in the communities.

We really appreciate you and Fort Albany's Leadership taking the time to keep us informed of the challenges in the community at this time. The losses in the community and the ongoing COVID cases in the community are terrible to hear.

We will await your correspondence and take the lead from the community during this time. Please do not hesitate to reach out to us as the situation in the community continues to evolve.

Sincerely,
Clayton Coppaway
On behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Fort Albany First Nation - comments on the Remote Camera Program & Notices

1 message

Coppaway, Clayton [redacted]> Fri, Jun 4, 2021 at 4:52 PM
To: Robert Nakogee <[redacted]>, Sarah Beamish <[redacted]>
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]a>, Jennifer Bruin <[redacted]>, Steve DeRoy <[redacted]>, Alistair [redacted]>, [redacted] Justin Page <[redacted]>, "McLeod, Sasha (MECP)" [redacted]>, Don McKinnon [redacted]>
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Dear Chief Nakogee and Sarah,

Thank you so much for sharing your perspectives (via your May 28, 2021 letter) on our field programs especially in light of the recent and terrible challenges in the community. We are truly saddened to hear of the deaths and outbreak of COVID in the community and our thoughts are with you and your community during this awful time. We recognize that your attention and effort will be on getting your community through this difficult time and will take the lead from you and your team on how best to engage with the community during this time.

For the remote camera field program, we want to let you know that the objectives are to document the presence, seasonal and annual patterns in distribution and amount of use, by caribou, wolves, moose and other wildlife in the study area. The locations of the remote camera field programs will include river crossings and game trails that intersect the route alternatives. It is important to note that the bat acoustic and remote camera monitoring field programs will have minimal potential impact on the environment.

We are also appreciative that you have let us know when to avoid disruptive activities and we will take these times into consideration when planning future field programs. In addition, our field study teams will follow all appropriate professional standards during the deployment of these cameras.

At this time we also wanted to share with you that the Bat Acoustic Monitoring and the Remote Camera Installation programs (notices attached) are set to begin on June 7 and they will run until June 16, 2021. These programs will take place at the same time and you may notice helicopters in the area. Please see the attached notices for more details and you can also find them on our website. If you have any questions or comments, you can reply to this email or call us at 1-800-764-9114.

Again, our thoughts are with you and the community and we understand that your focus will be on your community during this challenging time.

With Respect,
Clayton Coppaway
On behalf of the MFFN CAR Project Team

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

2 attachments

Coppaway, Clayton <[redacted]>

MFFN Community Access Road Project - 2021 Summer Field Program Discussion Guides

1 message

Coppaway, Clayton <[redacted]> Thu, Jul 22, 2021 at 10:33 AM
To: Sarah Beamish <[redacted]>, Robert Nakogee <[redacted]>, [redacted], Jacqueline Sutherland <[redacted]>, Justin Page <[redacted]>, Alistair MacDonald <[redacted]>, Steve DeRoy <[redacted]>
Cc: Jessica Metuzals <[redacted]>
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Dear Chief Nakogee and Sarah,

It is my sincere hope that the COVID-19 situation for the community has begun to ease and that you and your families have remained safe and healthy.

I wanted to connect with you on a couple items that we were hoping to hear back from you on in the coming weeks.

These include:

- Follow up with Fort Albany regarding our notices and discussion guides for our upcoming summer field programs (detailed below); and,
- The IK Sharing Agreement - if there is any update on your review

Summer Field Studies & Discussion Guides:
For your awareness and input, the MFFN CAR Project has distributed discussion guides to Indigenous communities regarding our summer field studies. These studies are anticipated to begin in August 2021. We have provided links and attached pdf copies of the discussion guides below.

If you would like to provide feedback on these field studies, we kindly request you do so by July 31, 2021. Please let us know if you have any questions or if you will be providing comments on these field studies.
.
These field programs include:

- Groundwater and Geochemistry Field Study - Groundwater and Geochemistry Summer Program Discussion Guide 2021 – (Distributed June 25, 2021)
- Surface water, fish and fish habitat Field Study - Surface Water, Fish and Fish Habitat Discussion Guide – (distributed Friday, July 9, 2021)
- Vegetation, Physiography and Peatlands Field Study - Vegetation, Physiography and Peatlands Discussion Guide – (distributed Friday, July 16, 2021)

If you have any questions, comments, or concerns, please do not hesitate to let us know. We would also be happy to meet with you and your team to reconnect with you on these important items.

Please note, I will be away from the office all next week, but I have cc'd my colleague Jessica Metuzals who can coordinate any details or questions you may have while I am away.

Sincerely,
Clayton Coppaway

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]

Coppaway, Clayton <[redacted]>

MFFN CAR IK Program Follow-up

1 message

Nokleby, Andrea [redacted] > Mon, Jul 26, 2021 at 10:57 AM
To: Sarah Beamish [redacted] >, Chief Leo Metatawabin [redacted] >
Cc: [redacted]

Good Morning Chief Nakogee and Sarah,

Thanks again for taking the time to speak with me last week Sarah, I really appreciate it. As discussed, please find attached the Indigenous Knowledge (IK) Guidance Document (the same document that was distributed in November) and the IK Funding Agreement for Fort Albany First Nation's review. We understand that FAFN will be sending back comments on the IK Sharing Agreement.

If FAFN has any questions on the attached documents or if FAFN would like to discuss the IK Program further please let me know and we'd be happy to set up a time to meet.

Thank you and we hope you both have a great day,

Andrea

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

2 attachments

FINAL Template - Indigenous Knowledge Program Funding Agreement.docx
36K

MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020_Revised page numbers.pdf
8035K

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Coppaway, Clayton [redacted]

Re: MFFN Community Access Road Project - 2021 Summer Field Program Discussion Guides

1 message

Coppaway, Clayton [redacted] > Tue, Aug 3, 2021 at 8:00 AM
To: Sarah Beamish [redacted] >
Cc: Robert Nakogee [redacted] >, Deputy Chief Charlotte Nakochee [redacted] >, Jacqueline Sutherland [redacted], Ju tin Page [redacted], Ali tair MacDonald [redacted] >, Steve DeRoy [redacted] >, Jessica Metuzals [redacted]

Hi Sarah,

Your letter has been received! I did have an excellent vacation, thank you for asking. I hope you had an excellent long weekend as well.

I'll be in touch with re pon e in the coming week

Thank you again,
Clayton

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Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Question for FAFN IKSA

1 message

Clayton Coppaway [redacted] Tue, Aug 24, 2021 at 6:30 PM
To: Sarah Beamish [redacted]
Cc: Qasim Saddique [redacted], Larissa Mikkelsen [redacted]

Hi Sarah,

My August has been going well although it has been a busy one!

I have passed along your question to our IK team and we will get back to you as soon as possible.

Clayton

Sent from my iPhone

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Coppaway, Clayton [redacted]

RE: Question for FAFN IKSA

1 message

Larissa Mikkelsen [redacted] Tue, Aug 24, 2021 at 6:43 PM
To: Sarah Beamish [redacted], Clayton Coppaway [redacted]
Cc: Qasim Saddique [redacted]

Hi Sarah,

Myself, Larissa Mikkelsen of LBS Environmental Consulting Inc. and, Bob Baxter of Marten Falls First Nation, along with Andrea and Caroline from Dillon form an internal IK team. Bob and I may have access as part of discussions about the program.

Qasim will advise if anyone else on our project team should be on the list including Suslop.

Larissa

Coppaway, Clayton [redacted]

Re: Question for FAFN IKSA

1 message

Coppaway, Clayton [redacted] Wed, Aug 25, 2021 at 8:46 AM
To: Sarah Beamish [redacted]
Cc: Larissa Mikkelsen [redacted] Qasim Saddique [redacted], Andrea Nokleby [redacted], "Fisken, Avril" [redacted]

Morning Sarah,

I wanted to share with you our IK Confidentiality and Data Sharing Protocol which we believe aligns with FAFN's perspectives about the broad coverage in the IKSA.

If you have any questions or concerns with our protocol please do not hesitate to let us know.

We also want to let you know that we are treating the July 31, 2021 correspondence from FAFN as confidential IK and will ensure that this treatment aligns with any future IK Sharing Agreement with FAFN. We anticipate getting your response to FAFN's July 23 and 31, 2021 correspondence (letters) in the next week or so.

Sincerely,
Clayton

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Question for FAFN IKSA

1 message

Qasim Saddique[redacted]> Mon, Aug 30, 2021 at 2:21 PM
To: Sarah Beamish [redacted]
Cc: "Coppaway, Clayton" [redacted] Larissa Mikkelsen <[redacted]>, Andrea Nokleby [redacted], "Fisken, Avril" [redacted]

Hi Sarah,

I hope you are well. Thank you for the question.

The agreement currently captures all parties that will have access to the IK data and the document Clayton shared spells out the entire process for accessing IK data. This process does not change for project team members, which include me and Larissa. We limit IK access based on the Confidentiality and Data Sharing Protocol and project team members cannot access the data directly but we will participate in conversations where decisions are made based on the IK data received, hence the agreement is with the PT and AECOM. We feel that is broad enough and I would like to retain that and not make it any broader. That just helps protect data and confidentiality, which is very important to us.

I hope that helps answer the concern.

Best wishes,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

[redacted]
W: suslop.com

SUSLOP

[redacted]

SUSLOP

Begin forwarded message:

From: "McLeod, Sasha (MECP)" <[redacted]>

Subject: Marten Falls Community Access Road - Follow Up to ToR Comments - Fort Albany

Date: August 30, 2021 at 3:18:16 PM EDT

To: Chief Robert Nakogee <[redacted]>, Deputy Chief Charlotte Nakochee <[redacted]>, Jacqueline Sutherland <[redacted]>, Alistair MacDonald <[redacted]>, Justin Page <[redacted]>, Steve DeRoy <[redacted]>, Sarah Beamish <[redacted]>

Cc: "[redacted]" <[redacted]>, Qasim Saddique <[redacted]>, "Churchill, Lori (ENDM)" <[redacted]>, "Hennessy, Mary (ENDM)" <[redacted]>, "O'Neill, Kathleen (MECP)" <[redacted]>

Re: Marten Falls Community Access Road – Follow Up to ToR Comments

Good day Fort Albany First Nation Chief, Council and representatives,

Please find attached a letter from Kathleen O'Neill, Environmental Assessment Branch Director, Ministry of the Environment, Conservation and Parks.

Thank you,

Sasha

Sasha McLeod

Special Project Officer, Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks

[redacted]

If you have any accommodation needs or require communication supports or alternate formats, please let me know.

Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substituts, veuillez me le faire savoir.

11 attachments

2021-08-30 Ontario Follow Up MFCAR ToR - Fort Albany.pdf
189K

2021-08-30 Ontario Response MFCAR ToR - Aroland.pdf
357K

2021-08-30 Ontario Response MFCAR ToR - Attawapiskat.pdf

Ministry of the Environment, Conservation and Parks

Environmental Assessment Branch

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Ministère de l'Environnement, de la Protection de la nature et des Parcs

Direction des évaluations environnementales

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Téléc. : 416 314-8452

August 30, 2021

Chief Robert Nakogee
Fort Albany First Nation
[redacted]

RE: Comments Received on Final Terms of Reference for the Marten Falls Community Access Road Project Environmental Assessment

Dear Chief Nakogee:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, May 14 and June 23, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR. The ministry would be happy to re-send any of the previous responses if requested.

Thank you as well for your July 23, 2021 follow up letter to the ministry that contained Fort Albany's responses to the proponent's responses (sent by the ministry on June 23, 2021) to Fort Albany's earlier comments on the ToR. The ministry is pleased to reply to your July 23, 2021 letter as well as provide you with information about next steps in the ToR process.

Regional Assessment

Regarding your follow up comment about the timing of the MFCAR project and the Regional Assessment (proponent ID #FAFN-54), the Impact Assessment Agency of Canada (IAAC) has advised as follows:

- On February 24, 2020, the Tailored Impact Statement Guidelines (TISG) were issued by IAAC for the MFCAR proposed road project. According to IAAC, this assessment is proceeding in accordance with the legislated time limits.
- If requested by the proponent, time limit extensions in this phase of a project are authorized by the Impact Assessment Act, 2019.
- Alternately, a project design change that would alter potential effects would also generate a potential time limit extension.
- These proponent-driven time limits are managed individually and independently from the Regional Assessment.
- As planning for the Regional Assessment continues, IAAC officials will explore the potential relationships between it and the ongoing project level impact assessment.
- This could include the potential for the Regional Assessment to contribute to the MFCAR and future projects.

The federal TISG for the MFCAR project also includes the following in section 13, "Effects Assessment" methodology, which provides guidance on the use of information from regional assessments to inform the project-level assessment: "If there is an ongoing or completed regional assessment in the proposed project area, the proponent should use the information generated through that process to inform the effects assessment."

Provincially, the individual EA process is proponent-led and the pace at which the EA process progresses is driven by the proponent. Unlike the federal process described above, there are no legislated timelines for the preparation of the ToR or the EA. As a result, proponents determine their own timelines for the preparation and submission of their EAs including the ToR.

Once submitted, Ontario undertakes a review of the ToR, all comments provided, and the record of consultation to ensure that the Duty to Consult has been met. The Notice of Commencement for the ToR for the MFCAR was issued in early 2019 and the ToR was submitted on October 23, 2020 to the Minister of the Environment, Conservation and Parks for review and a decision.

It is understood that the proponent is planning to continue with its EA process, if its ToR is approved by the Minister. It would continue in parallel with the federal Regional Assessment process. IAAC has indicated that as planning and scheduling for the Regional Assessment continues, IAAC staff will continue to explore and consider the potential relationships between it and the on-going assessment for the proposed MFCAR, including the potential for the Regional Assessment to contribute information

and other inputs for the consideration of the proponent's current road assessment where relevant, and future project assessments, as appropriate.

Consultation on the ToR during COVID-19

Ontario recognizes that it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.

- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.

- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Next Steps in the ToR Process

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [redacted] and Ms. Dorothy Moszynski, Special Project Officer (A), at 4[redacted]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[redacted]

Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

c: Deputy Chief Charlotte Nakochee, Fort Albany First Nation
Jaqueline Sutherland, Fort Albany First Nation
Alistair MacDonald, The Firelight Group, supporting Fort Albany First Nation
Justin Page, The Firelight Group, supporting Fort Albany First Nation
Steve DeRoy, The Firelight Group, supporting Fort Albany First Nation
Sarah Beamish, Beamish Law, supporting Fort Albany First Nation
Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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Coppaway, Clayton <[redacted]>

Re: Question for FAFN IKSA

1 message

Qasim Saddique <[redacted]> Tue, Aug 31, 2021 at 3:38 PM
To: Sarah Beamish <[redacted]>
Cc: "[redacted]"

Hi Sarah,

We can have our legal counsel review that version and see if there are any issues with that approach.

Thank you,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

[redacted]
W: suslop.com

SUSLOP

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Coppaway, Clayton <[redacted]>

Re: Question for FAFN IKSA

1 message

Qasim Saddique <[redacted]> Thu, Sep 2, 2021 at 2:45 PM
To: Sarah Beamish <[redacted]>
Cc: "Coppaway, Clayton" <[redacted]>, Larissa Mikkelsen <[redacted]>, Andrea Nokleby <[redacted]>, "Fisken, Avril" <[redacted]>

Hello Sarah,

Thank you for the revised version.

As discussed, I will have our legal counsel review this agreement and we will get back to you shortly.

Best wishes,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

[redacted]
W: suslop.com

SUSLOP

DILLON CONSULTING

Coppaway, Clayton [redacted]

MFFN CAR Field Study Programs - Responses

1 me age

Coppaway, Clayton [redacted] Tue, Sep 7, 2021 at 11:33 AM
To: Sarah Beamish [redacted] Robert Nakogee [redacted]
Cc Deputy Chief Charlotte Nakochee [redacted], Jacqueline Sutherland [redacted] Ju tin Page <[redacted] Alistair MacDonald [redacted] Steve [redacted], Qasim Saddique [redacted], Lawrence Baxter [redacted] Larissa Mikkelsen [redacted] Bob Baxter [redacted], Jennifer Bruin [redacted] "McLeod, Sa ha (MECP)" [redacted]

Dear Chief Nakogee and Ms. Beamish,

Please see attached MFFN CAR Project Team response letter (with attachments included within) in response to your corre pondence from July 23, 2021 and July 31, 2021 regarding the MFFN CAR Field Study Program

Please let us know if you have any questions or additional comments.

Sincerely,
Clayton Coppaway
On behalf of the MFFN CAR Project Team

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CANADA
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

L-Fort-Albany-FN-2021-09-07-Response-to-Field-Program-Questions-60593122.pdf
980K

September 07, 2021

Chief Nakogee
[redacted]

RE: Marten Falls First Nation Community Access Road Project

Dear Chief Nakogee and Sarah Beamish,

Thank you for your letters sent via email on July 23, 2021 and on July 31, 2021 regarding the MFFN Community Access Road (CAR) Field Programs. We recognize that it can be difficult to engage on Project-related matters during this time, and we appreciate Fort Albany First Nation (FAFN) taking the time to provide feedback. We are treating the July 31, 2021 correspondence as confidential Indigenous Knowledge (IK) shared by FAFN and we will ensure that this treatment aligns with any future IK Sharing Agreement with FAFN.

As requested, please find attached a list and schedule of the anticipated field programs (**Attachment A**). We hope that this information supports FAFN's review of and input on the proposed field programs moving forward. In addition, **Attachment B** provides the MFFN Project Team's detailed and technical responses to FAFN's comments and concerns shared on July 23, 2021 and July 31, 2021.

The remainder of this letter focuses on the considerations raised by FAFN related to meaningful engagement and interest in the MFFN CAR Field Programs and Indigenous Knowledge Program.

The MFFN Project Team is committed to continuously improving our engagement and the ways in which we share Project information. We are grateful for your feedback as it helps strengthen our consultation and engagement program and importantly our field programs.

We aim to provide information on our field studies in a timely manner while working within appropriate field seasons and permitting timelines. A number of different notifications have been issued for the Project, including a monthly e-blast that provides general timing for upcoming programs and a Notice that provides at least two-weeks of notice of the exact dates during which the program will be conducted. Discussion Guides associated with each program are also developed and distributed to provide more information about the field studies and to gather feedback. These comment period

deadlines are intended to facilitate informed review, while still allowing time for field crews to incorporate any feedback provided into the field program.

Detailed maps depicting our field programs and a description of our proposed sampling are included as a component of the discussion guides. We would like to emphasize that the information provided in the discussion guides is intended to be a summary of field program activities**.** The MFFN Project Team remains open to providing more detailed information upon receipt of questions or information requests.

The preliminary results of the early field programs are not yet available for review and comment, as these programs are still underway. These results will be available in late 2022 or early 2023 for Indigenous communities to review and provide comments. FAFN will be included in the distribution list for these reports when they become available.

The MFFN CAR Project would help foster community access, economic development and improved quality of life. MFFN is a First Nation with limited financial resources who experiences challenges similar to many other Indigenous communities in Canada. The Province is providing participant funding through Provincial Transfer Funding Agreement, which FAFN has in place.

Regarding the participation of community members in the field surveys. Since the MFFN CAR is a community-led project, located in MFFN's traditional territory and connected to their reserve lands, the Project participation opportunities are focused on MFFN community members. Further, as access to the field survey sites is by helicopter or a fixed wing aircraft, this limits the number of positions available for participation in the field programs. And finally, as the MFFN Project Team is required to engage and consult with a total of 23 Indigenous communities, it is just not possible to allow other community members to participate in these surveys as monitors. As noted above, we have provided mapping of the field survey sites and encourage Communities to provide comments regarding these sites including any potential sensitivities that we should be aware of.

We would like to note that there are several items related to the MFFN CAR Indigenous Knowledge (IK) Program that still need to be finalized in advance of commencing the Project-specific IK studies. We understand that FAFN is in the process of reviewing and providing us a draft IK Sharing Agreement shortly. In addition, on July 26, 2021, MFFN Project Consultant sent FAFN the IK Funding Agreement and resent the IK Guidance Document. We look forward to receiving the revised agreements with FAFN's comments and feedback and advancing our discussions with FAFN related to the IK Program. Again as a note, we are treating the July 31, 2021 correspondence as confidential Indigenous Knowledge (IK) shared by FAFN and we will ensure that this treatment aligns with any future IK Sharing Agreement with FAFN.

In closing, thank you—Meegwetch—for your continued interest in the MFFN Community Access Road Project. If you have any questions or would like to arrange a time to discuss the information provided, please feel free to reach out to Lawrence Baxter, Senior Community Advisor, MFFN or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

Attachments: A) Preliminary Field Program Schedule; B) Comment Response Table

Cc:

- Deputy Chief Charlotte Nakochee, Fort Albany First Nation
- Jacqueline Sutherland, Fort Albany First Nation
- Justin Page, Firelight Group
- Alistair MacDonald, Firelight Group
- Steve DeRoy, Firelight Group
- Qasim Saddique, MFFN Project Team
- Larissa Mikkelsen, MFFN Project Team
- Bob Baxter, MFFN Community Member Advisor
- Lawrence Baxter, MFFN Community Member Advisor
- Jennifer Bruin, MFFN Project Team
- Sasha McLeod, MECP

Attachment A: Preliminary Field Program Schedule

Due to ongoing forest fires in the region, field programs have been postponed. We are currently targeting for programs to begin in September. Please find below the upcoming updated field program schedule. It is important to note that the timing of these programs are subject to change due to a number of variables such as fire and regulatory approvals.

2021

a) Ground Water / Geochemistry: TBD
b) Surface Water, Fish and Fish Habitat: September 10-19
c) Vegetation: September 18 to October 1
d) Physio/Soils: TBD
e) Aerial water fowl : TBD
f) Bat maternity season acoustic surveys: Completed in conjunction with Vegetation program
g) Remote camera wildlife surveys: June to December
h) Caribou collaring and GPS tracking: February to December

**Programs TBD are dependent on helicopter availability*

2022

a) Winter aerial tracking surveys for ungulates and other wildlife: January to – February
b) Winter ground-based tracking surveys for wolverine and other wildlife: January – March
c) Wolverine hair snag surveys: February to – end of May
d) Ongoing remote camera wildlife surveys: January – December
e) Autonomous recording of birds: April to – December
f) Breeding Bird Surveys - April: July – July
g) Caribou GPS tracking: Ongoing
h) Aerial waterfowl surveys: June

2023

a) Wolverine hair snag surveys: February to– end of May
b) Ongoing remote camera wildlife surveys: January to December
c) Caribou GPS tracking: Ongoing

2024

Caribou GPS tracking: January to – mid-year (once batteries have failed)

Attachment B: Comment Response Table

Table 1: MFFN Responses to Fort Albany First Nation's Comments

Item #	FAFN Comment	MFFN CAR Project Team Response
July 23, 2021 Letter sent via Email		
1	FAFN is concerned about an overreliance on data from just two (2) or three (3) years. FAFN requests that MFFN explains how historical information covering several decades will be used to inform baselines and cumulative impact assessments for the EA and IA processes for this project, particularly in light of the combined impacts this project will have with the other planned roads and other Ring of Fire developments.	In addition to the data that will be collected through the proposed field programs, additional information sources will be reviewed to help inform our understanding of the existing environment and how the effects the Project will have on the identified valued components during each of the project phases at the project, local and regional scale. Examples of some of these additional information sources include the review of publicly available mapping, data collected from previous environmental assessments within northwestern Ontario, data obtained from provincial and federal governments through their actively managed databases (i.e., OGS, LIO, NHIC) and scientific articles or reports available from publicly available sources. Further, the environmental assessment will also consider any Indigenous Knowledge provided by local communities willing to engage on the Project.
2	We are concerned that cumulative impact assessments will be artificially limited in the timeline and scope of what they include. Proper assessments of risk, causation, vulnerability, impacts, benefits, and sustainability cannot be done	Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects.

Item #	FAFN Comment	MFFN CAR Project Team Response
	without an historic, broad, and contextual approach to baselines and cumulative impact assessment	This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.
July 31, 2021 Letter sent via Email		
3	Interviewees are concerned that the water in the area will become poisoned with mercury, similarly to what happened at Attawapiskat. One interviewee said that they are concerned about the proposed road's traffic and its potential fuel and oil spills on bridges into the rivers and creeks. Interviewees are concerned that the fuel and oil spills will go undetected and spread into their drinking water and underground springs. The water	A Spill Management Plan will be developed to mitigate and manage accidental leaks or spills. The Spill Management Plan will consider plausible releases of Project-related materials to the environment (land and water) during the construction and operations phases. It will include details on prevention, preparedness and response regardless of how materials, including diesel, is accidently released into the environment. Therefore, measures included in the Spill Management Plan will be inclusive of vehicle accidents and associated spills near / at watercourse crossings that could release diesel or other material into water during frozen, partially frozen and thawed conditions.

Item #	FAFN Comment	MFFN CAR Project Team Response
	in the Albany River is drinkable, and there is great concern that the project will impact the quality of the water.	In addition, compliance and effects monitoring activities to be undertaken during all phases of the Project will be developed during the EA process. The EA will develop and implement impact management measures based on proven and recognized best management practices to avoid or minimize potential environmental effects and will identify a monitoring framework for the preferred alternative that includes monitoring to verify the prediction of the effects assessment, effectiveness of the impact management measures, and a requirement for compliance monitoring of the commitments made in the Terms of Reference and Environmental Assessment.
4	When asked if there were any sensitive areas that should be avoided by people working in the field, one interviewee said to watch out for the cedars because they are very important [B.2]. They also stated that Fort Albany should be notified before field researchers dig into the land because up the river there are lots of traditional gravesites, many of which are unmarked [B.3]. Fort Albany would like the opportunity to mark their gravesites. When asked about the location of the burial sites, they said that they can be anywhere, but that they are concentrated near the rivers where people used to live, however that they could be anywhere because people used to be much more nomadic.	Thank you for your comments, field crews will only be digging at the sites identified in the Groundwater and Geochemistry Field Program map provided in the Discussion Guide. Field crews have been informed of the value of cedars and advised to be careful when working around them. Crews are also informed that many traditional gravesites are unmarked and though they are commonly found near water, they can be found anywhere. In addition, should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act.

Item #	FAFN Comment	MFFN CAR Project Team Response
		Archaeological sites recommended for further archaeological fieldwork or protection remain subject to section 48 (1) of the Ontario Heritage Act and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
5	The Interviewees were skeptical of the abilities of the field study programs to sufficiently protect the environment, when asked about whether timing consideration should be made when installing the monitoring wells [C.4]. One member stated that these programs look good on paper, but that in real life they do not generally go as planned. They hope that the area is left alone.	Field investigations have been developed following guidance from the Ministry of the Environment, Conservation and Parks and Ministry of Northern Development, Mines, Natural Resources and Forestry and will provide data to establish current conditions in the Project study area. The data collected during the field programs will help inform potential effects management measures and the monitoring framework. Please advise if there are any ceremonial or cultural considerations that the MFFN CAR Project team should include in our field work plans, particularly if any type of remains are encountered.
6	The interviewees did not say that there are clearings that should be avoided to land in by helicopter, however they did say that the field study professionals must be aware of their surroundings and if they come across something, to not touch it because it might be someone's offering [B.5].	Thank you for your comment. Field crews have been advised not to disturb their surroundings beyond the requirements of the field program and to not touch offerings.

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFFN CAR Project - Field Study Program Outreach

1 message

Coppaway, Clayton <[redacted]> Thu, Sep 9, 2021 at 2:38 PM
To: Sarah Beamish <[redacted]>, Robert Nakogee <[redacted]>
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]>, Don McKinnon <[redacted]>, "Fisken, Avril" <[redacted]>, Andrea Nokleby <[redacted]>, Deputy Chief Charlotte Nakochee <[redacted]>, Jacqueline Sutherland <[redacted]>, Alistair MacDonald <[redacted]>, Steve DeRoy <[redacted]>, Justin Page <[redacted]>
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Dear Chief Nakogee and Sarah,

I just wanted to connect with you about a few MFFN CAR Project related items. These include: the most recent Field Study Program Notices, highlight our educational videos, Fort Albany First Nation's review of the ToR comment responses, and any information on community reopening or community protocols or restrictions for visitors.

Recently, we have sent out some notices on our field study programs and, in addition, we provided our responses to your July 23 and July 31, 2021 correspondence regarding previous field study programs.

Today, we are reaching out to provide additional links to information and seek any additional feedback and/or questions you may have about the following field study programs. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - Field program is anticipated to take place from September 10 until 19, 2021
- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd
  - Field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website - link and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

We also wanted to remind you that the Fort Albany First Nation still has an opportunity to comment on the MFFN CAR Terms of Reference (ToR) comment responses provided by MECP (sent by MECP on August 30, 2021) until Monday September 13, 2021.

Lastly, we are seeking information from Indigenous communities on their current Covid reopening plans as well as any Covid guidance or protocols for outside visitors to enter the community (i.e. vaccination and testing policies or protocols for visitors to the community).

Sincerely,
Clayton Coppaway
On behalf of the MFFN CAR Project Team

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

B7.2 Incoming Community Specific Correspondence

From: "Sarah Beamish" <[redacted]>
Subject: Re: IK Study Memo
Date: Tue, August 25, 2020 8:23 am
To: info@martenfallsaccessroad.ca
Cc: [redacted]

Hello,

I did not receive any attachment to your message. Can you please re-send?

Please also note that Chris Metatawabin retired from his role as Economic Development Officer with Fort Albany First Nation.

Best,
Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFFN CAR - News from Fort Albany First Nation

1 message

Sarah Beamish <[redacted]> Mon, Sep 14, 2020 at 4:10 PM
To: "Coppaway, Clayton" <[redacted]>

Hi Clayton,

Thank you for the phone call earlier today.

I am following up to let you know that I've just learned that Fort Albany has gone into lockdown, following a confirmed case of COVID in Mushkegowuk territory. They have to take an extremely cautious approach to this once it enters the coastal communities, given the frequent air travel between the communities and the high risk of the virus spreading quickly once it reaches the community.

I'm speaking with Chief Nakogee tomorrow to understand better what this means for EA activities, and I expect that this is going to make any kind of community engagement and consultation quite challenging for at least a couple of weeks.

--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]

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Coppaway, Clayton <[redacted]>

Re: MFCAR - Question about ToR Distribution

1 message

Sarah Beamish <[redacted]> Thu, Sep 17, 2020 at 10:49 AM
To: "Coppaway, Clayton" <[redacted]>
Cc: [redacted]

Hi Clayton,

I'd like to receive all three, please. I'll confirm the address in a separate email.

Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFCAR - Question about ToR Distribution

1 message

Steve DeRoy <[redacted]> Thu, Sep 17, 2020 at 12:56 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: [redacted]

Thanks Clayton. Can you please send 2 USB drives to our Vancouver office address at [redacted]

Miigwetch!
Steve

—

Steve DeRoy, MSc
Director, The Firelight Group

[redacted]

Suite 612 - 100 Park Royal, West Vancouver, BC, V7T 1A2 | **Coast Salish Territories**
xʷməθkʷəy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish) & səl̓ilwətaʔɬ (Tsleil-Waututh)

www.firelight.ca www.indigenousmaps.com

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Coppaway, Clayton <[redacted]>

Re: MFCAR - Question about ToR Distribution

1 message

Alistair Macdonald <[redacted]> Thu, Sep 17, 2020 at 1:01 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: [redacted]

I am happy with USB and weblink, with thanks. The USB should come to me at [redacted].

cheers,

cheers,



Alistair MacDonald, M.A.
Director, The Firelight Group

[redacted]

http://thefirelightgroup.com/

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Coppaway, Clayton <[redacted]>

Re: MFCAR - Fort Albany July 29, 2020 Meeting Minutes

1 message

Sarah Beamish <[redacted]> Thu, Sep 24, 2020 at 2:30 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: Alistair MacDonald <[redacted]>, Qasim Saddique <[redacted]>, Don McKinnon <[redacted]>, "Lillyman, Kristin" <[redacted]>

Hello Clayton,

Thank you for these notes.

I see at the bottom of the document the request that we send comments by tomorrow. This is just to let you know that we'll need a little more time, and will follow up soon.

I will be sending you a letter regarding the IK Study area memo this afternoon.

Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

1 message

Sarah Beamish [redacted] Thu, Sep 24, 2020 at 3:41 PM
To: "Coppaway, Clayton" <[redacted]>, Larissa Mikkelsen [redacted], Bob Baxter [redacted]
Cc: Robert Nakogee <[redacted]>, '[redacted] Steve DeRoy [redacted], Alistair MacDonald [redacted]

Dear Clayton, Larissa, and Bob,

Please find attached a letter setting out Fort Albany First Nation's initial comments and questions regarding the proposed Study Areas for the Aboriginal and Treaty Rights and Interests valued component. As noted, Fort Albany may have further questions and comments once it has been able to hold community engagement sessions.

We will be in touch with the MFCAR team regarding other outstanding matters soon.

Have a good afternoon.

Sarah

2020-09-24-Ltr.MFFN.re.Study.area.pdf
92K

BEAMISH LAW

September 24, 2020

Via email: [redacted]

Marten Falls First Nation Community Access Road Project Team
c/o Marten Falls First Nation
[redacted]

Attn: Clayton Coppaway, MFFN Project Consultant
Bob Baxter, MFFN Advisor
Larissa Mikkelsen, MFFN Advisor

Dear Mr. Coppaway, Mr. Baxter, and Ms. Mikkelsen,

Re: Marten Falls Community Access Road and consultation with Fort Albany First Nation - Comments on Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo

I am writing on behalf of Fort Albany First Nation (FAFN) to respond to the Project Team's letter of August 25, 2020 addressed to Chief Nakogee, seeking comment on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo provided with your correspondence.

It is our understanding that you are only seeking comment on the proposed study areas for the Aboriginal and Treaty Rights and Interest valued component, and not the "Other Key Valued Components" set out in the Memo.

The opportunities for community engagement since August 25 have been very limited, because of the new Chief and Council taking office in late August, and the recent Covid lockdown in the community. Given this, Fort Albany may wish to provide further comments on the study areas at a later date, including during the formal Terms of Reference review period when they intend to have community engagement sessions which may help to clarify whether your proposed study areas are appropriate (particularly the regional study area).

At this point, Fort Albany can provide some general comments.

The **proposed local study area** in your Memo is “5 kilometres from the centreline of the Route Alternatives, along with any other project components and temporary infrastructure." Fort Albany understands that this represents good practice, and has no further comments on it at this time.

The **proposed regional study area** in your Memo is the "combined area of the quaternary watersheds crossed by each of the road alignments." Fort Albany sees this as an appropriate approach to setting the regional study area in principle, because it can address potential downstream effects of the project using quaternary watershed boundaries.

However, Fort Albany would like to stress the importance of considering potential impacts in relation to the entire length of the Albany River system where it flows westward from the project area. Fort Albany would like to understand whether the proposed regional study area is adequate in that respect. It would be helpful if you can clarify if there are parts of the Albany River system (west of the project area) that you propose to exclude, and why you believe this is justified given that the overall health of this river system is critical to many of Fort Albany’s valued components. If there are such areas excluded, this will likely be a key point for further discussion through community engagement sessions.

As a final point, it appears that the regional study area map provided is not consistent with the study area definition proposed. At the southernmost portion of the road alternatives map shown in the Memo, it appears that the Alternative 4 West (the purple line) crosses into the adjacent quaternary watershed (near Ogoki River Provincial Park), which would result in the need to increase the size of the regional study area to make it consistent with your definition and rationale. Fort Albany would appreciate clarification of this as well.

We look forward to receiving further information on the above points.

Yours truly,



Sarah Beamish
SB/sb

Cc: Chief Robert Nakogee, FAFN
Jacqueline Sutherland, CEO, FAFN
Terry Metatawabin, Advisor, FAFN
Steve DeRoy, The Firelight Group
Alistair MacDonald, The Firelight Group

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Coppaway, Clayton <[redacted]>

Re: MFCAR - Response to Fort Albany First Nation July 17, 2020 Letter

1 message

Sarah Beamish <[redacted]> Fri, Sep 25, 2020 at 12:51 PM
To: "Coppaway, Clayton" [redacted]>
Cc: Alistair MacDonald [redacted]>, Qasim Saddique [redacted]>, Larissa Mikkelsen [redacted], Lawrence Baxter [redacted]>, Jennifer Bruin [redacted]>, Don McKinnon <[redacted]>, Andrea Nokleby [redacted]>, [redacted] <[redacted]>, Jessica Metuzals <[redacted]>

Hello Clayton,

This is to let you know that we are anticipating receiving comments from Fort Albany's technical advisors by next Wednesday on both this table and the most recent meeting minutes. I should be able to review those and get back to you shortly thereafter.

Have a good weekend.

Sarah

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Coppaway, Clayton [redacted]>

Fort Albany First Nation - letter re ToR comments, ToR submission, and meeting minutes

1 message

Sarah Beamish <[redacted]> Thu, Oct 1, 2020 at 2:29 PM
To: Qasim Saddique [redacted]>, Lawrence Baxter <[redacted]>
Cc: Chief Robert Nakogee [redacted]>, Jacqueline Sutherland <[redacted], Steve DeRoy [redacted]>, Alistair MacDonald <[redacted]>, Larissa [redacted], Jennifer Bruin [redacted], "Coppaway, Clayton" [redacted], Don McKinnon [redacted], "Nokleby, Andrea" [redacted]>, Jessica Metuzals [redacted]>

Dear Mr. Saddique and Mr. Baxter,

Please find attached a letter sent on behalf of Fort Albany First Nation, regarding further comments on the Terms of Reference, the submission of the Terms of Reference, and the meeting minutes of July 29, 2020.

I have also attached two documents referred to in this letter.

Best wishes,
Sarah

--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]

Thank you for your message. If your email just requires an acknowledgement or a "thank you", please note that I may not reply, as I am trying to reduce my email-related carbon footprint.

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3 attachments

FAFN_MartenFallsToR_IRs_ProponentResponseAdequacy_30Sep2020.docx
47K

2020-01-30-FAFN.to.IAAC.re.Draft.IEPP.and.Guidelines.pdf
861K

2020-10-01-Ltr.MFFN.re.TOR.responses.and.minutes.pdf
99K

BEAMISH LAW

October 1, 2020

Via email: [redacted]

Marten Falls First Nation Community Access Road Project Team
c/o Marten Falls First Nation
[redacted]

Attn: Qasim Saddique and Lawrence Baxter

Dear Mr. Saddique and Mr. Baxter,

Re: Marten Falls Community Access Road and consultation with Fort Albany First Nation - Terms of Reference comments chart and July 29, 2020 meeting minutes

I am writing on behalf of Fort Albany First Nation (FAFN) to respond to the Project Team's letter of September 1, 2020 (sent by email on September 4); to indicate what community engagement may be requested during the formal review period; and to provide comments on the draft meeting minutes of July 29, 2020.

Terms of Reference Comments Chart

In your letter of September 1, 2020, you enclosed a chart setting out Marten Falls First Nation's (MFFN) responses to FAFN's comments on the draft Terms of Reference (ToR). Thank you for your responses.

FAFN's technical advisors have reviewed this chart and prepared an updated chart addressing the adequacy of the responses and the further information needed, which is enclosed with this letter.

MFFN has identified some opportunities for further engagement by FAFN in its responses, but the approach to engagement/consultation seems passive in nature. FAFN expects MFFN to take the lead in contacting them and appropriately engaging them on the community's information needs and role in the effects assessment process for this project with impacts on both Nations' traditional territories. Please note that appropriate engagement cannot be expected during periods when the community is in periods of lockdown or acute focus on COVID-19 response, and that social distancing requirements will also mean that engagement plans may take longer to

coordinate and carry out. Further, FAFN's ability to meaningfully engage will be almost completely reliant on the provision of adequate funds and time to engage in these processes.

In addition, we note that in many instances, MFFN has deferred from revising the ToR and instead has indicated that the issue will be addressed in the EA itself. In other instances, MFFN has indicated that it will change the ToR, but has provided no indication of what language will be integrated into the ToR. FAFN has provided detailed comments on the information required in the ToR for exactly this reason; so that the ToR provides clear and detailed guidance on what the Proponent will bring forward into the EA submission(s). FAFN would appreciate MFFN properly integrating its information requirements into the ToR now, rather than leaving uncertainty in the process during the formal ToR review period or (worse) into the EA submission development period. It is not clear whether changes will actually be made to the ToR as a result of FAFN's requests, as the responses tend to be conversational and it is not clear what additional language will be in the "proposed ToR Section" identified in the final column of your table of September 1.

FAFN enters into this process with the desire to be collaborative with MFFN as a neighbouring Nation with common values and interests, and hopes that the type of responses provided, which in many ways deflect FAFN's reasonable requests or relegate potential actions to a later date, are not reflective of the approach moving forward.

Terms of Reference review period

I note that your letter of September 1 referred to the standard 30-day review period for comment on the submitted ToR. Please note that 30 days may not be sufficient for community engagement and comment.

While FAFN hopes that this period of comment prior to submission will greatly reduce the work necessary during the formal review phase, as the enclosed comments on the ToR indicate, there are some concerns that the ToR are not yet satisfactory. FAFN will raise these concerns with Ontario during the review phase if needed.

Further, Chief Nakogee would like to ensure that the TOR can be considered and discussed by the wider community in a way that has not been possible yet due to the pandemic. The community will likely invite the Project Team to participate remotely in community engagement meetings, to present information and answer questions.

Once FAFN leadership is satisfied that it is safe to organize these meetings, they will need to be advertised and organized, and will need to be held in the community center where there is video conferencing capability. The community center can only support meetings of around 25 people under social distancing conditions, meaning that several meetings may need to be scheduled in order to allow all those interested to participate. The community will also need time after these meetings to consider all feedback and prepare written comments.

This will likely all take place during a time when the community will also be catching up on many matters (including other EA-related consultations) that it has been unable to engage in in recent months.

All of this means that, if the ToR are submitted soon, 30 days will likely not be a realistic period for FAFN to provide feedback. If Ontario does not proactively extend the time for review by a reasonable amount, Fort Albany will seek such an extension.

With this in mind, it would be appreciated if Marten Falls First Nation is willing to either delay the submission of the ToR until a time that FAFN can make suitable arrangements for community engagement, or to specifically request that Ontario offer an extended review timeline of at least 90 days with the option for further extension should the circumstances of the pandemic worsen such that organizing these meetings is not possible.

Meeting minutes of July 29, 2020

We have one requested change to the draft meeting minutes of July 29, 2020.

On page 5 of the draft meeting minutes of July 29, 2020, the text stating "Assumption is that Ontario is intending to push Federal government to lower environmental standards" is not clear.

I believe this should be clarified to state "Concern is that if provincial and federal assessment processes are aligned/streamlined, Ontario may push for the assessments to be done according to lower provincial standards."

Fort Albany First Nation's relevant input into the federal impact assessment process

As you may know, FAFN prepared a letter with comments on the MFCAR for the related federal impact assessment process, which were submitted on January 30, 2020.

I have enclosed those comments with this letter, as many of them will also be relevant for the provincial environmental assessment process. Please consider these comments and what further changes to the ToR may be necessary to reflect them, noting the limitations on these comments as set out in the letter.

Yours truly,



Sarah Beamish
SB/sb

Encls: Updated comment chart from re ToR

Cc: Chief Robert Nakogee, FAFN
Jacqueline Sutherland, CEO, FAFN
Steve DeRoy, The Firelight Group
Alistair MacDonald, The Firelight Group
Larissa Mikkelsen, MFFN Project Team
Jennifer Bruin, MFFN Project Team
Don McKinnon, MFFN Project Team Consultant
Andrea Nokleby, MFFN Project Team Consultant
Clayton Coppaway, MFFN Project Team Consultant
Jessica Metuzals, MFFN Project Team Consultant

First Nation Council

[redacted]

January 30, 2020

VIA EMAIL - [redacted]

Impact Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa, ON K1A 0H3

Re: Webequie First Nation Supply Road Project and Marten Falls First Nation Community Access Road Project - Comments on the Draft Tailored Impact Statement Guidelines and Draft Indigenous Engagement and Partnership Plans

---

Fort Albany First Nation hereby submits comments regarding the Draft Tailored Impact Statement Guidelines (the "Draft Guidelines") and Draft Indigenous Engagement and Partnership Plans (the "Draft Plans") for the Webequie First Nation Supply Road Project (the "Webequie Road") and the Marten Falls First Nation Community Access Road Project (the "Marten Falls Road"). Unless otherwise specified, our comments apply to the Draft Plans and Draft Guidelines for both projects.

These comments are rooted in who we are. We are Peetabeck Inninowuk who have special ties to the mouth of the Albany River where our community is based; we are Omushkegowak whose paquataskamik (our traditional territories with which our families, histories, identities, and culture are bound together) stretches far across the muskeg; and we are a signatory to Treaty Nine of 1905. Since time immemorial we have lived our lives throughout the lowlands stretching along the west coast of James Bay and up along Hudson Bay, and hundreds of kilometers west toward Manitoba, with effective systems of shared land and resource use with others in the region.

Our relationship with our lands and waters has been impacted by generations of colonial interference that has caused immeasurable harm. However, they are the sustaining foundation of who we are as a people, and we are committed to protecting them.

Most of the steps and principles set out in the Draft Guidelines and Plans are necessary and should be implemented, but they are not adequate. In our comments we explain some of what is missing, and some things that are very important from our perspective.

We preface our comments with the following points:

- Due to the time and resource constraints on this short comment period we were only able to organize one community meeting and one meeting with Chief and Council, a few individual conversations with community members, and review of some documents.
- Much of the time during these meetings had to be spent introducing the projects and the impact assessment process.
- Many community members with important knowledge and interests were not present at these meetings.
- The perspectives of women, children, youth, elders, and members living outside the community were underrepresented in these meetings.
- For these reasons, these comments do not reflect our full or final view on these matters and we reserve the right to submit further comments as the process continues.
- Further, in our world and especially when we are talking about the land and water, it often does not make sense to separate things into rigid categories like "health", "economic", "social", "environmental", and "rights".
- For that reason, our comments often do not reflect a list of "valued components" and impacts sorted into these categories, and instead explain things that will have to be reflected across several categories.

In addition to giving these comments, we echo much of the submissions of Friends of the Attawapiskat River, which included the views of some of our community members and others from our close neighbouring communities.

The assessment process and infringements of our rights and laws

We have inherent, Aboriginal, and treaty rights that are reflected in our own law (which includes natural law), in Canadian law including the Constitution, and in international law. Although this reality has been reflected in some aspects of the Draft Guidelines and Plans and this consultation process to date, in other respects it has been disregarded.

While we understand that some of these problems are rooted in the *Impact Assessment Act* and not these particular impact assessment processes, we are compelled to raise them as we do not want our participation in these processes to be taken as an indication that we view them as legally adequate.

Unilateral decision-making

The main end point of these processes are unilateral decisions by the Crown about whether to approve projects that could have significant negative impacts on our territory, people, and rights. While we will be consulted, we have no place at the decision-making table.

We consider this to be a violation of our rights.

Legislated timelines

The legislated timelines for this process do not adequately respect our culture, jurisdiction, governance, laws, or day-to-day realities. We were disturbed when the Agency told us on the due date for these comments that if we submitted them just two days after the 40-day deadline (because our community meetings could not be held until just a few days before the deadline), they may not be taken into consideration, despite us having agreed with the Agency in early January that we may require a bit of extra time.

Even if the Guidelines and Plan require that all the right things be done, it does not matter if there is not enough time to properly do them. Rather than the timelines being set flexibly and collaboratively between "partners", it is implied that we must work within the Crown's timelines regardless of what we need or want to prioritize; what is reasonable within our capacity and resources; how significant or complex the potential impacts may be for us; what standards of legitimacy, accountability, and fairness are expected within our traditional governance and legal orders; whether consultation materials are available in our people's first language; or what else is happening in our community. Where there is flexibility in the legislated timelines, it is exceptional and at the Crown's discretion.

It is difficult for our busy leadership and overstretched staff to meet these kinds of deadlines even if we conduct very little consultation. However, we are accountable to our members, and work alongside our community's own principles and systems of decision-making, land use, and resource stewardship that have been part of our culture for longer than Canada has existed. Processes that reflect this are important for the exercise of our rights.

Reserve-centered assessment

We acknowledge that the Guidelines refer to traditional territories of Indigenous groups. However, given the Crown's initial failure to include Fort Albany First Nation in the list of Indigenous groups that should be consulted regarding the Webequie Road, we are also concerned that the scope and meaning of our rights may have been considered only in relation to the location of our reserve, rather than our traditional territory which clearly stands to be impacted by this project.

Our reserve is a tiny fraction of the territory where we exercise our rights, has no basis in our traditional culture, and has been used to constrain and diminish us in a manner that is inconsistent with our treaty rights. A reserve-focused approach will encourage the inappropriate treatment of Fort Albany as a merely a peripheral and minor stakeholder in the Webequie Road consultation, and is not acceptable.

It is important that the assessment be done with an understanding of our traditional territory, which we can discuss during the next phase of the process.

In the meantime, Fort Albany should be added to the list of Indigenous groups to be consulted in the Webequie Road Plan.

Historic/ongoing injustices, baselines, and cumulative impacts

It is essential that historic and ongoing injustices be recognized and accounted for during the impact assessments, and particularly when understanding baselines and analyzing cumulative effects.

Many serious harms have been imposed on us by Canadians without our consent in the name of 'progress' and 'development'. Some include:

- the **diversions of the Albany river system** to support hydro-electric power projects, which have permanently altered our environment and way of life;
- the **1965 Indian Welfare Agreement**, which displaced us from our homes, corroded our traditional ways of life, and tore apart our families;
- the **Mid Canada Line Radar Site 050**, which leached PCBs, lead, mercury, asbestos, DDT and other chemicals into our lands and waters and has led to abnormally high rates of disabling, chronic, and lethal conditions among our people;
- **Indian Residential Schools and Day Schools**, which caused catastrophic and intergenerational trauma, suffering, and loss for our people;
- **acid rain**, which has harmed our muskeg environment;
- **mining exploration and development**, which has hurt the health of our people and our environment and impeded our uses of the land; and
- **climate change**, which is already causing visible changes to our environment and seasons, and threatens further catastrophic and irreversible harms.

The Crown now also seems intent on accessing and developing the Ring of Fire, no matter what the cost to us, our lands and waters, and our rights.

We are concerned that many of the baselines related to our territory and community will be treated as natural, normal, or neutral, when they actually reflect decades of accumulated harm for which there has been inadequate or no accountability, and from which we are trying to recover. This latter way of understanding things profoundly changes the potential morality and legality of allowing further impacts.

Similarly, we are concerned that cumulative impact assessments will be artificially limited in the timeline and scope of what they include.

Finally, we are concerned that these assessment baselines may be decontextualized, distorted; and used against us in future discussions with other proponents, or if we seek justice for harms done to our people, land, and water.

Proper assessments of risk, causation, vulnerability, impacts, benefits, and sustainability cannot be done without an historic, broad, and contextual approach to baselines and cumulative impact assessment.

With this in mind, we also express support for Recommendation No. 5 of Friends of the Attawapiskat River.[1]

The Ring of Fire

It is clear that these projects are intended to support the development of mining operations in the Ring of Fire. The Ring of Fire is a topic of major interest and concern among our people, as it will have enormous implications for our lives and rights, and will permanently change the muskeg. While it offers many opportunities, there are also pressing questions about the responsibility and sustainability of developing the Ring of Fire given its inevitable contributions to the dangerous impacts of climate change, which are felt disproportionately in the James Bay region.

Despite this, the Crown's engagement with us regarding the Ring of Fire has been totally inadequate.

Lack of clarity regarding the proposed cumulative impacts assessments

We have serious concerns regarding the relationship between these assessments and the Ring of Fire, and the lack of clarity regarding how the Ring of Fire will be considered.

Although in the Draft Guidelines, several projects in Ring of Fire are included in the list of those to be considered in the cumulative impacts assessments, it is not clear what this means or how the Ring of Fire relates to the rest of the assessments. In our discussions with the Agency, it has been emphasized that these assessments are not "about" the Ring of Fire and will not assess the Ring of Fire. Further, the Draft Plans say:

> Indigenous groups also identified objectives about the need to meaningfully discuss, assess, consider, and accommodate potential regional effects due to potential development in the area. While the Agency has identified this objective to be outside the scope of the Project-specific impact assessment process, it will include an assessment of cumulative effects. In addition, the Minister of Environment and Climate Change and

[1] "The Guidelines should not rely only on present-day ecological and watershed health conditions but ensure the projects' cumulative effects assessment takes account of historical changes within the watershed that have been caused by prior human activity and industrial developments."

the Agency received two separate requests to conduct a regional assessment in the Ring of Fire area. The Minister will announce his decision with reasons early in 2020.[2]

We do not know how a cumulative impact assessment can be done without some assessment of the dominant impact contributor. We would like further clarity about where, how, and to what extent the Crown intends to consider the Ring of Fire in the current Guidelines.

We also support and echo Friends of the Attawapiskat River's Recommendation No. 1.[3]

Wholistic and regional impact assessment of the Ring of Fire

We have many questions about the mining operations that will be serviced by these roads, to which there are currently no answers assured by the Guidelines. We share Friends of the Attawapiskat River's view that the Draft Guidelines are too narrow in their framing of the necessary assessments, which are proposed to be done in a piecemeal manner "wherein the effects of the proposed supply and access roads are viewed in isolation of the potential range of adverse effects resulting from the Ring of Fire."

Anything less than a robust, wholistic, regional impact assessment of the entire foreseeable Ring of Fire infrastructure and operations at the outset of its development (not piece-by-piece) is irresponsible and dangerous given what we know about the risks of climate change, the vital role played by the muskeg, its vulnerability to harm, and the scale and cascading effects of the potential impacts. This must be done with a genuine openness to saying no to Ring of Fire-related proposals.

Indigenous peoples' rights, jurisdiction, and title

We are concerned that the Ring of Fire developments (which include these projects) are proceeding without there yet being appropriate processes and frameworks for shared decision-making between the Crown and the Indigenous groups whose rights, title, and jurisdiction may be affected by it.

Further, we are concerned that the current approach of negotiating agreements one-by-one to piecemeal parts of the development is intended to divide and conquer Indigenous groups in the region, and is based on a reserve-centered (not territory- and rights-centered) approach to who should be at the decision-making table.

Impacts on the Muskeg

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[2] Draft Indigenous Engagement and Partnership Plans, page 2.

[3] "Expand the Guidelines' scope so that it applies to other reasonably foreseeable projects resulting from these road projects, including mining activities associated with the Black Thor, BlackBird, Big Daddy, and Black Label deposits, increased winter road traffic during operations by future mining proponents, and advanced mineral exploration. These projects should not only be considered during the proponent's cumulative effects assessment."

The collective name for ourselves and many of our relations across the region, Omushkegowuk (the people of the muskeg), speaks to the central importance of the muskeg to our lives and wellbeing. If the muskeg is impacted, it can have a ripple effect across many aspects of our world.

We are very concerned about impacts to the muskeg of these projects - whether through drying, flooding, diversions, damming, disturbance, pollution, or destruction. We are particularly concerned about the following impacts:

- the peat drying up in some places and flooding in others;
- changes to the muskeg causing native species to decline and/or invasive species to encroach;
- significant release of carbon dioxide or methane, and lowered ability of the muskeg to act as a carbon sink;
- fire hazards from the peat drying out;
- impacts on the underground water systems;
- changes to the stability of the land;
- problems caused by digging down to the clay in the construction zone; and
- the roads acting as dams and blocking the flow of water (this could be a particular concern with the Marten Falls Road).

Water also flows over the whole muskeg. This means that certain impacts (eg. pollution) can be carried throughout the ecosystem and can be difficult to contain.

Permafrost plays an important part in forming and maintaining the muskeg. Rates of permafrost thawing are increasing and we are concerned about any increase in thawing from these projects.

Rivers, which are an essential part of our muskeg environment and our culture and lifestyle, are discussed separately in the next section.

We were pleased to see wetland considerations emphasized in the Guidelines, and emphasize that our involvement must be robust and deep particularly with respect to the steps outlined in sections 8.5 (Riparian and wetland environments) and 14.3 (Changes to riparian, wetland and terrestrial environments).

We note that while the lands near the project sites have similarities with the land closer to our community, there are differences too, including that the project areas are more hilly and have more solid rock. It is important that the differences are accounted for, and we share Friends of the Attawapiskat River's concerns that the current Guidelines do not properly reflect the particular nature, uniqueness, functions, and significance of the muskeg.

We would like Section 2.3 (Project location) of the Guidelines to explicitly include in the regional study area the Hudson Bay Lowlands, including the coast along James Bay and Hudson Bay,

and westward from the James Bay coast to encompass both project sites and a reasonable amount beyond them toward Manitoba. It should also include the James Bay itself, as necessary to assess any impacts that may reach the bay via river or other water systems.

We also echo Recommendation No. 2 of Friends of the Attawapiskat.[4]

Impacts on the Rivers

Much as "Omushkegowuk" reveals our connection to the muskeg, Peetabeck Inninowuk shows our vital connection to the rivers within it. "Peetabeck" refers to our community's location on the Yellow Creek, adjacent to the Albany River. We have an ancient relationship with the river system - most notably the Albany River (Kistachowan Sipi) and its tributaries. The rivers have always been, and remain, central to our way of life.

One of our most serious areas of concern is how these projects may impact the river systems that flow through our territory. We have a decades-long history of being negatively impacted by actions inland that either interfere with the flow of the rivers toward us, or that carry things (eg. garbage, pollutants, rocks, silt) downriver to us.

Rivers as highways

The rivers are our highways by boat when they are flowing, and by foot and vehicle when they are frozen. They are essential access routes to hunting, fishing, and trapping areas, to sites for gathering firewood, plants, and medicines, and to important family, historic, and cultural sites, and to other communities.

Our ability to use the Albany River system for transportation has been badly impacted by interference upstream through damming and diversion. This has significantly lowered water levels. The riverbed has also risen and the mouth of the river has become cluttered with rocks and silt, as a result of these things being carried from upstream.

The low water level has made the Albany River increasingly difficult (or sometimes impossible) to navigate, especially in boats that are heavy with people, equipment, animals, and so on. Community members notice sand bars appearing and the land extending further out into the bay, and damage their boats hitting rocks underwater.

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[4] "The projects are located in global significantly peatlands (ie. mushkeg). As the draft Guidelines' framing of water flow, connectivity and water crossings does not adequately reflect the unique ecological and hydrological cycles of this region, it is necessary to update considerations required within the project description (s 3) and effects to valued components (s 15)."

These problems with travel on the river make it more difficult for people to reach their traplines, hunting grounds, and fishing spots. This then impacts on nutrition, financial security, health, mental wellbeing, and so on.

Rivers as sources of nourishment

The rivers provide us with fish, a source of protein and nutrients in our diet. We are concerned about pollution in the rivers contaminating the fish. We are also concerned that low water levels will impact the fish populations, as the rivers will be hotter in the warm weather, and more difficult to navigate when the water freezes.

The rivers have also been important sources of water for us. While for a long time we could drink from them directly (and some still do), they are increasingly polluted. This concerns us and we want to ensure that these projects do not pollute the rivers further.

Rivers as places of learning and teaching

The rivers are a place where our people learn and teach. Families used to live all along the river at each bend, and now travel up the river to return to family traplines. The older people from our community teach younger people about culture, history, survival, the land, and many other things while on the river.

The river is an important vehicle for language learning. A lot of Cree vocabulary is only used on the river/in the bush because it is tied to those places. We have seen language decline and changes as our community has spent less time on the river/in the bush, and more time in the reserve.

The navigability problems are also preventing these times of teaching. In recent years, the community's Paquataskamik Project (which educates youth about the land and its importance) has been unable to travel upriver due to the low water levels.

Concerns and recommendations related to the rivers

We are extremely concerned about anything that may pollute the river system, or contribute to water levels decreasing further, or the river bed rising from upstream erosion or debris.

We are especially concerned about any damming, draining, or diversion of water. We are very fearful that the water crossings built for the roads may be used to dam rivers, particularly to create hydropower for mining operations.

We are also concerned about mercury in the rivers, including mercury that is stirred up by disruption of the river bed (for example during the construction of water crossings). This contaminates the water and fish, then when we ingest those it poisons us and can be passed

down through generations. With this in mind, we support Friends of the Attawapiskat River's Recommendation No. 10.[5]

There are springs along the river that feed it and give it its purity. These should be considered important sites to protect from negative project impacts.

We are particularly concerned about river impacts in relation to the Marten Falls Road, as much of the project will be constructed and operated directly upstream from us on the Albany River, and will include many river crossings with potential to damage, disrupt, and pollute the rivers.

It will be important to map our river use, to show the locations and scale of potential impacts on us.

It is also important to consider women's particular relationship with the river system, in terms of their own cultural relationship with water, and their role as those who carry and nurse infants who are very vulnerable to pollutants in the water.

We agree with Friends of the Attawapiskat River's Recommendation No. 3.[6]

As our community member and former Chief Ed Metatawabin, said, the ones who own the river are the ones who are most vulnerable to what happens to it - those who are at its mouth. This principle should guide use and decision-making about the river systems.

Species

We have identified many species in our region that could be considered in the impact assessments. They may all be affected by impacts on the muskeg, rivers, and James Bay.

Given the interconnectedness of the muskeg ecosystem, and without understanding more about potential impacts of the projects on it, it is difficult to narrow this list. It may be that with more information and technical advice, it will be possible to narrow this list through discussion with the proponents.

Plants

- Black spruce, white spruce, tamarack, balsam poplar, dwarf birch, red willow, trembling aspen, eriacaceous shrubs, cottongrass, moss, black crowberry, reindeer moss, sphagnum moss, northern Labrador Tea and caribou lichen, bearberry, dogwood, small cranberry, cedar, sage, sweetgrass

[5] "The Guidelines should be updated to require a study of mercury on human health and the environment, which takes into account the proposed project and legacy contamination."
[6] "Greater consideration of breakup and seasonal freeze/thaw patterns in light of climate change should be studied. Effects of climate change with valued components like the physical environment, the environment and human should be included in the Impact Statement."

- Our various uses of these plants should be considered, as well as those which we do not use but which perform an important function in the muskeg environment.
- Some of these plants grow better or worse depending on drainage. This means that changes to the water in the region could have impacts on the plant life.

Terrestrial animals

- Black bears, caribou, deer, moose, beavers, arctic fox, fisher, wolverine, rabbits, and martin
- We note that chronic wasting disease has affected the deer population and is spreading to other animals as well. This should be considered in the impact assessments.
- We support Friends of the Attawapiskat River's Recommendation No. 6[7] regarding caribou.

Birds and bats

- Red bat, Canada Geese, snow geese, swans, gyrfalcons, loons, and peregrine falcons

Marine animals

- Beluga whales, bowhead whales, seals

Freshwater/riparian animals

- Northern pike, lake sturgeon, brook trout, lake whitefish, pickerel, suckers, lake chub, frogs
- There are species of fish that enter the rivers from James Bay, not all of which may be on the list above. These should be identified and considered in the assessment.
- Some fish are being seen with deformities. We believe this is because of contaminants in the water.

Insects

We have noted that the Guidelines do not appear to consider insects, except to note that insects may be attracted to artificial lights.

It is important that impacts on insects be considered. This includes those insects that are important as food sources for animals, as pollinators, and that perform other roles in the muskeg.

They should also be considered as pests, as this is a big problem in the region during the warmer months. For example, will changes to the distribution or flow of water impact the breeding and population of mosquitoes?

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[7] "The Far North caribou range should be included within the Impact Assessment's mapping of baseline conditions and assessment of cumulative effects. As migratory animals, they will be impacted by the roads and the accompanying mining exploration triggered by the development."

Invasive species

We would also like the issue of invasive species to be studied.

It has been our experience that with the winter road operating, invasive species such as rats can enter as stowaways. This would likely increase with all-season roads.

We have also observed other unusual species in the area in recent years: eagles, some pink birds, polar bears, and sharks in the bay. We need to better understand why they are coming here and how the projects might affect this trend.

Economic impacts

Employment

We welcome the consideration of how these projects could create jobs for Indigenous people in the region, should they go ahead. A planned and resourced Indigenous-priority training and hiring policy, including for supervisory, skilled, and management positions, would be one appropriate measure, in recognition that we all too often bear far more of the consequences of development than the rewards.

We have people in our community who are skilled in different trades and many who have experience constructing our winter road, who could work on road construction, and/or train others.

We agree with the points made in the Guidelines about the importance of mitigating the risks that Indigenous employees will encounter racism from their non-Indigenous co-workers and supervisors who come from other communities, and emphasize that this makes it especially important to prioritize training and hiring Indigenous supervisors and managers wherever possible.

Traditional economy

We are glad to see traditional economies acknowledged in the Draft Guidelines. For us, the land and waters are our "grocery store." Hunting, trapping, fishing, gathering, and food preservation make up a significant part of our mixed economy, the financial value of which is often underestimated. These activities have major positive impacts on the health and wellbeing of our people, as they keep us active and provide food that is less expensive, better suited to our bodies, and nutritionally superior to the processed foods available in local stores. Further, these activities are also culturally important for us, as they connect us in a living way to our territories, families, histories, customs, ethics, and language.

It should not be taken for granted that a "cash job" is always a complete or superior replacement for a "bush job", particularly if that job effectively cuts off the possibility of engaging in the traditional economy at all (eg. due to not offering enough time off for travel into the bush). This may have health, cultural, and financial impacts on someone's household or extended family for

which cash cannot fully compensate. It is important to think about how jobs can be designed to support participation in both economies, including through timing and duration of time off.

Due to many pressures and factors, our traditional economy and our ability to engage in it as our ancestors did is changing. However, we are committed to maintaining it as part of a sustainable mixed economy, and all development in the region must happen in a manner that respects our right to do this. As Chris Metatawabin, our Economic Development Officer, says, "we need a muskeg economy, not a Toronto economy."

In addition to concerns related to environmental changes and river access described above, we have concerns about the pressures that increased traffic of hunters and fishers from the south will put on the regional populations on which we rely. This would have to be carefully considered and managed.

We would urge consultation with our community to come to an appropriate understanding of our traditional economy, including through working with us on any necessary mapping and data collection. This understanding should include an appreciation of the roles of people of different genders and ages. Further, it must include awareness of our traditions of family-based (not top-down) land use and management systems, and how these should shape approaches to consultation.

Social and health impacts

The Draft Guidelines include many aspects of social and health impacts that we consider important and relevant, and we will not repeat them here. Many, but not all, of the potential impacts that we are concerned about have also been explained above. We will work with the Crown and proponents to identify exactly with factors should be considered in the baseline studies and impact assessments related to Fort Albany.

At this stage, we want to emphasize some general things related to the relevant parts of the Guidelines.

First, Fort Albany must have a leadership role in determining how our community, people, and territory are studied, described, and assessed from these perspectives. This includes baseline assessments and assessments of "benefits" and "harms", as these may be culturally specific. In particular, we believe that Section 2.5 (Qualifications of Individuals Preparing the Impact Statement) of the Draft Guidelines should include a specification that Indigenous Groups must have an important voice in determining who is qualified to prepare information or studies relating to us.

Second, health includes mental, emotional, spiritual, cultural, physical, social, and infrastructural components, and be understood as a concept that applies to individuals, families, the

community, and the environment. We support Friends of the Attawapiskat River's Recommendation No. 9 regarding a human health risk assessment.[8]

Third, the Draft Guidelines say that impact assessments must consider "the extent to which the designated project contributes to sustainability."[9] We usually see the term sustainability used in relation to economic and environmental factors. It should also be understood to include cultural sustainability for Fort Albany First Nation. Culturally sustainable development means "development that meets the material needs of the present without compromising the ability of future generations to retain their cultural identity, social relationships and values, and to allow for change to be guided in ways that are consistent with existing cultural principles of a people."[10] In our case, it also has to account for the reality and exercise of our legal rights.

Fourth, we support Friends of the Attawapiskat River's comments and Recommendation No. 4 regarding intergenerational impacts.[11] It is essential that intergenerational impacts are considered throughout the impact assessment.

Important locations

There are many important locations throughout our territory, including:

- the Albany River system as a whole
- sacred grounds
- lakes near the community
- numerous burial sites
- numerous locations throughout regional river systems, especially the Albany River system
- family traplines
- cabins/camps
- important hunting, fishing, and harvesting areas

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[8] "We strongly encourage that a Human Health Risk Assessment be made a requirement of the IA. Ensuring the projects are assessed in light of their impacts on community health is vital in building trust and ensuring an open and transparent decision-making process."
[9] Draft Guidelines, page 2.
[10] F. Berkes, P. J. George, R. J. Preston, A. Hughes, J. Turner and B. D. Cummins, "Wildlife Harvesting and Sustainable Regional Native Economy in the Hudson and James Bay Lowland", *Arctic*, Vol. 47, No. 4 (Dec., 1994), pp. 350-360 at p. 358.
[11] "Each of the Guidelines' valued components should require consideration of intergenerational effects and accompanying risks imposed on future generations, in the event the roads be constructed, and future mining exploration and development occur in the Ring of Fire."

- old trading posts
- traditional trails

We will not go into detail about these locations in these submissions. Appropriate ways and places for consultation regarding these locations should be discussed with us.

Draft Indigenous Engagement and Partnership Plan

We broadly agree that the steps, objectives, and principles set out in the Draft Plans are necessary, and repeats our points made near the beginning of these submissions regarding concerns with the procedural limitations, and the lack of real "partnership" in important respects.

Group-specific plan

We request an early opportunity to discuss the option and development of a group-specific Plan for Fort Albany. This discussion should include consideration of coordinated consultation activities with other First Nations where appropriate (eg. conducting joint meetings or studies, sharing data), especially those in Treaty Nine territory.

We also ask that this plan be coordinated with our participation in the provincial environmental assessment process, to make best use of resources, attention, and time.

Given the seasonal limitations of certain key community members' availability (described below), it will be important to plan meeting schedules in advance.

Methods of consultation and engagement

Our members have identified many things that can help ensure adequate and quality consultation:

1. Provide facilitation, interpretation, and important materials in our local Cree dialect (N-dialect).
2. Materials should use infographics and other visuals whenever possible.
3. Relatively convenient times to plan community meetings include:
    a. Mid-May through August
    b. November (as it is winter but the winter road is not yet built);
    c. other winter months (noting however that many community members may be away because of the winter road); and
    d. the 16-18 or 23-25 of the month, as these are the final days before social services payments come in and people will attend meetings if food is provided;
4. Relatively inconvenient times of year to plan community meetings include:

a. spring breakup (late April/early May);

b. moose hunting season (late September until freeze up); and

c. the early weeks of the winter road opening.

5. Meetings will be better attended if there are food, drinks, and door prizes (eg. electronics, camping gear, payments toward hydro bills).

6. Consider using technologies like Facebook Live and videos to engage youth or people outside the community (but keep in mind the internet access and bandwidth limitations and lack of IT expertise in the community).

7. While all-community meetings are sometimes appropriate, there should also be particular meetings tailored for subgroups of the community, including women, children, youth, hunters, environmentalists, Elders, traditionalists, churchgoers, band office employees, etc.

8. Consideration should be given to responsibilities of caregivers (eg. provide childcare when necessary to allow caregivers to participate)

9. There need to be plans for reaching off-reserve members (eg. virtual or in-person meetings in Timmins, Thunder Bay, and Ottawa).

10. There need to be plans for reaching people who can't travel to meetings independently (eg. those in chronic care, those without appropriate transportation).

11. We need materials and methods of presentation and discussion that are appropriate for different generations. For example, youth- and child-friendly versions of key materials should be made.

12. Spend good lengths of time in the community, to ensure there is enough time for people to listen, explain, discuss, and understand. If possible, make time to go out on the land and water to learn that way.

13. Think about how to advertise appropriate meetings so that community members will know about them. Don't just inform Chief and Council. Use Facebook, Wawatay radio, posters in key community centers, and so on.

14. Coordinate and plan well to avoid making people sit through the same information again and again. Where information provided at a meeting is very important, consider scheduling the same meeting at multiple times so different people can attend.

With respect to #5, please recognize that we are a highly "studied" community and that our members' time has value. Making meeting schedules work with the Agency's or proponents' schedules when they are generally bad for community members, especially when the benefits to the community of these projects will likely be minimal, may require showing some recognition of the time, inconvenience, or lost opportunity costs to those who attend. Appropriate budgets for

food, travel, honoraria, and prizes are ways to do this. These things will encourage more and better participation.

While our community is highly studied, we also have important gaps in the information we want. Wherever possible, these consultation processes should allow for co-planned, co-led, high quality and professional information production (eg. mapping, surveys, reports, studies, land use planning exercises, etc.) that meet the requirements of the consultation while also providing a benefit to the community by giving us a resource or tool we can use.

We have many articles, reports, studies, and so on that may be useful for these assessments. We can provide them, while reserving the right to correct or update them.

Consider ways that the assessments can provide opportunities to build capacity, infrastructure, or useful knowledge in the community.

Thank you for this opportunity to give feedback. We look forward to seeing our comments integrated into the final Guidelines and Plan.

Yours truly,



Chief Leo Metatawabin

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
649	Fort Albany First Nation	ToR Section 5.2.1	Section 5.2.1.1 Road p. 11 The ToR states that "the number of anticipated vehicles to use the CAR is not known at this time." Please provide a reasonable estimate of anticipated vehicles to use the CAR, broken down into personal vehicles and commercial vehicles, under a number of scenarios (including by season and with and without development of one or more major ore deposits within the Ring of Fire region). Projected vehicle use is required to estimate potential impacts on a number of components, including, but not limited to, air quality, vegetation, wildlife and Indigenous land use. It is a critical consideration in this EA, as operational use of the road and direct, indirect, and induced effects of that operational use, are subject to this assessment.	The assumed number of vehicles that will use the access road will be determined in the EA which will inform the impact assessment work. For the purpose of the road design, it is currently assumed that up to 400 vehicles / day would use the road.	Partially adequate. The ToR should indicate that the EA will identify the assumed number of vehicles that will use the access road to inform the impact assessment, and a supporting rationale for this number that includes reference to similar roads elsewhere. In addition, the aspects requested by FAFN (commercial versus personal vehicles, seasonal differences, peak traffic times per day) should also be integrated as information requirements in the ToR.
650	Fort Albany First Nation	ToR Section 5.2.2	Section 5.2.2 Project Activities p. 13 The ToR states that "the number of construction fronts that will be utilized to build the CAR will be determined at a later stage of Project design". Please provide a reasonable estimate of the maximum numbers of construction fronts that will be utilized to build the CAR. An estimate of the maximum number of construction fronts is required to estimate the impacts associated with noise and the size of the workforce during the	The number of construction fronts is not known and would be determined as part of post EA design work. The EA will recognize that one or more construction fronts are possible	Inadequate. While the number of construction fronts may not be known at this time and is to be determined at a later stage of project design, the EA must provide a reasonable estimation of the number of construction fronts for the purpose of the effects assessment. As a result, the ToR should call for this information to be provided. Variation in the number of construction fronts is likely to change the estimation of impacts on VCs, including sensory disturbance to wildlife and access to lands and resources for current

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			construction period.		traditional use. Where uncertainty exists, a precautionary approach utilizes a worst-case scenario, which, in this case, would be the maximum number of construction fronts contemplated.
651	Fort Albany First Nation	ToR Section 3.4.2	Section 7.1 Description of the Environment The ToR does not indicate how Indigenous knowledge was incorporated into the description of existing environmental conditions. Please indicate how Indigenous knowledge (and from what Nations) was incorporated into the description of existing environmental conditions and/or indicate how Indigenous knowledge will be collected and incorporated into the description of the existing environment in the environmental assessment. Indigenous knowledge provide valuable information about the existing conditions of environmental components that have the potential to be impacted by the project.	The description of baseline conditions in the ToR provides context information, is at a higher level and does not typically include IK. Rather, IK will be collected and included as part of the baseline (existing) conditions description in the EA.	Partially adequate. While the ToR describes existing conditions at a high level, such contextual information may nevertheless be informed by engagement with Indigenous Nations, including IK. Engagement with Indigenous Nations should occur at the earliest opportunity. Fort Albany First Nation acknowledges the Proponent's commitment to collect and include IK as part of the baseline (existing) conditions description in the EA. The ToR should provide further information on MFFN's plans to collect IK with Fort Albany First Nation and opportunities for Fort Albany First Nation to verify incorporation of its IK into the EA.
652	Fort Albany First Nation	ToR Section 7.2.3	Section 7.1.4.2 Acoustic Section p.24 7.2.2 Acoustic Environment p. 49 Section 7.1.4.2 of the ToR states the "the Project will undertake a field program to better understand the existing local and regional ambient noise levels" (p.24). However, the ToR does not indicate whether the field program will collect information on the current soundscape in relation to Indigenous values.	The MFFN Project Team will engage with interested Indigenous communities who may be adversely affected by the Project to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. If FAFN has specific interest in understanding how the noise assessment will be completed, the MFFN Project Team is available for further discussion.	Partially adequate. Fort Albany First Nation acknowledges the MFFN's commitment to work with affected Indigenous communities to identify receptor locations. Please indicate whether MFFN intends to incorporate additional information and perspectives from affected Indigenous groups regarding the acoustic environment, where provided by Indigenous groups, into the baseline and effects assessment. Fort Albany First Nation

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			Section 7.2.2 of the ToR states that "potential noise effects of the alternative routes will be assessed quantitatively a noise protection model" (p. 49). Please indicate whose Indigenous values in relation to the current soundscape will be drawn on to inform the noise field study and effects assessment. Ambient sounds are an indicator of biodiversity and comprise a meaningful aspect of the environment for Indigenous people, informing Indigenous knowledge and land use (Herrera-Montes, 2019; Ritts et al., 2016; Muir 2014, Samuels et al. 2010). Limiting baseline studies and effects assessment to "noise" levels is insufficient to capture effects on Indigenous people resulting from alterations in soundscape.		leadership and community members may have further questions about the noise assessment that they wish to discuss with the Project Team during engagement sessions.
653	Fort Albany First Nation	ToR Section 7.1.4.5	Section 7.1.4.4 Surface Water p. 28 The ToR states that "ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis." Please describe how the subset of water body crossings for ground-based field surveys will be determined and how Indigenous nations will be consulted with respect to the selection of such sites. Particular waterways may hold unique values and meanings for Indigenous peoples.	It is expected that information on waterways and watercourse crossings collected through the IK and Consultation Program will inform baseline studies. The MFFN Project Team is available for discussions with interested communities on specific study approaches.	Partially adequate. The ToR should indicate that the subset of water body crossings for ground-based field surveys will be informed by the results of the IK Program. FAFN is interested in further engagement from MFFN on its proposed study approaches, locations and the role of FAFN members in relation to waterways and watercourse crossings. Please be prepared to discuss this during community engagement sessions on the ToR, which FAFN intends to organize during the coming weeks and months if safe to

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.		do so.
654	Fort Albany First Nation	ToR Section 7.2.7	Section 7.1.4.6 Vegetation p. 29 The ToR states that "a description of soil, plant species, relative abundance of plant species, and presence of invasive and Species at Risk (SAR) will be recorded for each survey plot." The ToR makes no mention of traditional use plants and medicinal plants. Please indicate how traditional use plants and medicinal plants will be surveyed and with the involvement of which Indigenous groups, and what the status and schedule is for completing this work. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.	Information obtained on traditional and medicinal plants identified through the IK Program will inform baseline studies. The MFFN Project Team is available for discussions on specific study approaches.	Partially adequate. The ToR should indicate that information on traditional use (including medicinal) plants will be described, including how such information will be sought through the IK Program, and what protections will be in place for IK related to the locations and uses of traditional plants will be provided to IK holders.
655	Fort Albany First Nation	ToR Section 7.2.9	Section 7.1.4.8 Fish and Fish Habitat p. 30 The ToR states that "over 20 species of fish, primarily of cool and cold-water thermal regimes, are known to inhabit these waters and are part of, or support a commercial, recreational, or Aboriginal fishery and are therefore regulated by the Fisheries Act." Please remove "and a part of, or support a commercial, recreation, or Aboriginal Fishery" from this sentence. A focus on "commercial, recreational, or	The EA will consider the potential for effects on all fish species that have the potential to be located in the identified study area. This will be clarified in the ToR.	Adequate.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			Aboriginal fishery" is not part of the current *Fisheries Act*. Fort Albany First Nation requires an assessment of all important fish species – to be determined through consultation – not just those subject to a commercial, recreational or Aboriginal fisher.		
656	Fort Albany First Nation	ToR Section 7.2.9	Section 7.1.4.8 Fish and Fish Habitat p. 31 The ToR states that "the ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings) to verify or augment the results and assumptions from the desktop analysis" Please describe how the subset of water body crossings for ground-based field surveys will be determined and how (and which) Indigenous nations will be consulted with respect to the selection of such sites, including status and timelines for this work. Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.	It is expected that information on fish and fish habitat and specific waterways collected through the IK Program will inform baseline studies. The MFFN Project Team is available to discuss with interested communities the specific approaches to baseline data collection.	Partially adequate. The ToR should indicate that the subset of water body crossings for ground-based field surveys will be informed by the results of the IK Program, and this engagement process should be initiated as soon as possible once communities have capacity to facilitate community engagement and can do so safely.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
657	Fort Albany First Nation	ToR Section 9.1.1	Section 7.1.4.11 Indigenous Knowledge and Land Use This section of the ToR does not provide information about existing historical and cumulative effects on Indigenous knowledge and land use. Please provide information about existing historical and cumulative effects on Indigenous knowledge and land use or indicate how and on what timeline such information will be collected and incorporated into the effects assessment. A description of existing historical and cumulative effects on Indigenous knowledge and land use is required to accurately characterize baseline conditions and change over time to date. As an Indigenous group like Fort Albany First Nation that has seen many changes, MFFN is well aware that the traditional use and rights practice environment in which this CAR is proposed is not a pristine one, but rather one that has been subject to many high magnitude changes over time.	The description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information). Information of this nature will be requested as part of the IK Program.	Partially adequate. The ToR should indicate that description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information), and this engagement process should be initiated as soon as possible once communities have capacity to facilitate community engagement and can do so safely.
658	Fort Albany First Nation	Section 7.1.4.10	Section 7.1.4.12 Socio-Economic and Built Environment p. 39 The ToR states that “The closest populated areas to the Project are the Indigenous communities of MFFN and Aroland First Nation.” The ToR does not provide information about other Indigenous nations potentially affected by the project.	The MFFN Project Team is interested in maximizing economic benefits to communities in the region. It is not known at this time which communities may have community members involved in Project construction. It is expected that there will be employment opportunities for community members in the Region subject to required skills and experience. The EA will	Partially adequate. Please indicate if the EA will include descriptions of current socio-economic conditions for Fort Albany First Nation, and disaggregate baseline conditions for each impacted First Nation as well as disaggregate potential beneficial and adverse socio-economic outcomes on a First Nation by First Nation basis.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			Please indicate which Indigenous nations are anticipated to be employed by the project and provide a description of current socio-economic and built environment conditions for such Indigenous nations. While some Indigenous nations may not be located close to the project, they may nevertheless be affected through pathways associated with employment as well as a series of other potential social, economic, cultural and health effects. These need to be properly characterized in MFFN filings.	include descriptions of current socio-economic and built environment conditions.	
659	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives Evaluation	Section 7.1.4.12 Socio-Economic and Built Environment – Visual Aesthetics p. 43 The ToR provides limited information about visual aesthetics in the area of the project. Please provide information about any planned field programs to collect visual data at key locations and plans to consult with Indigenous nations in the collection of such data. The visual environment comprises a meaningful component of the environment for Indigenous peoples, informing traditional knowledge and use. The project has the potential to adversely affect the visual landscape.	Field activities will be undertaken to support the visual assessment. Indigenous communities will be consulted on the visual assessment and associate field program. If FAFN has specific interest in understanding how the visual assessment will be completed, the MFFN Project Team is available for further discussion.	Partially adequate. The ToR should indicate that Indigenous communities will be consulted on the visual assessment and associated field program, and provide an appropriate level of detail on how Indigenous communities will be engaged in the data collection, establishment of visual quality objectives and key receptor locations, and conduct of the assessment itself.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
660	Fort Albany First Nation	-	Section 7.2 Potential Environmental Effects p. 47 The ToR does not indicate how the preliminary identification of potential environmental effects was determined, including secondary sources of data that may be drawn on to inform the effects assessment. Please provide identify secondary sources of information about the effects of all-season roads on remote communities and indicate how the review of such information has informed the preliminary identification of potential environmental effects. There are number of predictable effects associated with the development of all-season access roads to remote communities that should inform the effects assessment, including with respect to methods, valued components and findings.	The list of effects is preliminary and comes from the experience of the study team from other similar road projects. The study team has also examined other related EAs and studies to inform the potential for effects. The potential effects list can be expanded upon in the EA.	Partially adequate. The ToR should require the EA submission indicates all other related EAs and studies that have informed the preliminary list of potential effects, and what level of information about those case studies will be integrated into the EA submission.
661	Fort Albany First Nation	ToR Section 7.2.7	Section 7.2.6 Vegetation p. 50 The ToR states that "Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function, and changes to species diversity." This section of the ToR does not mention potential impacts on traditional use plants, including medicinal plants. Please indicate anticipated changes on traditional use plants, including medicinal	Potential for impact on traditional use plants will be noted in the ToR.	Adequate, contingent upon actual revisions to the ToR.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			plants as a result of the project. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.		
662	Fort Albany First Nation	ToR Section 7.2.2, Appendix A: Criteria and Indicators for Alternatives Evaluation	Section 7.2.10 Indigenous Knowledge and Land Use p. 52 The ToR provides a list of potential effects to Indigenous and Treaty Rights. This list relates primarily to tangible impacts and does not capture potential impacts on intangible social and cultural values. Please identify potential effects on the social and cultural dimensions of land use, such as sense of place, spirituality, knowledge transmission, and social norms. Consideration should also be given to effects resulting from increased non-Indigenous access as a result of the project. The Terms of Reference should identify how these valid impact pathways will be investigated. Indigenous land use cannot be reduced to physical activities, access and biophysical proxies (such as environmental conditions). The social and cultural dimensions of Indigenous land use are integral components and need to be adequately assessed.	The ToR will be revised to reference the potential for these other types of effects, and the indicators will be revised to account for cultural considerations and potential effects.	Adequate, contingent upon actual revisions to the ToR that reflect our original detailed comment.

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663	Fort Albany First Nation	ToR Section 7.2.10	Section 7.2.11 Socio-Economic and Built Environment p. 53 The ToR provides a list of potential effects on the socio-economic and built environment. This list does not consider effects associated with increased access for illicit activities. Please include increased access for illicit activities (e.g. transportation and sale of illegal drugs) in the list of potential effects. Increased access to remote communities is known to result in health and wellbeing impacts as a result of increased illicit activities.	The ToR will be revised to reference that the EA will examine the potential for increased illicit activities.	Adequate, contingent upon actual revisions to the ToR that reflect our original detailed comment.
664	Fort Albany First Nation	ToR Section 7.2.10	Section 7.2.11 Socio-Economic and Built Environment p. 53 The ToR states that "Improved access to MFFN may also provide benefits in the form of skill development, training and job creation." The ToR does not mention existing barriers of Indigenous nations to take advantage of project benefits. Please identify differential ability to take advantage of project benefits among Indigenous nations, including Fort Albany First Nation, as a condition that may affect the realization of project benefits. Indigenous communities may have several barriers affecting their ability to take advantage of project benefits, such as lack of transportation, insufficient skills and training, health and wellness issues, and	The ToR will be revised to include reference to the consideration of potential barriers to participating in Project benefits as part of the EA.	Adequate, contingent upon actual revisions to the ToR that reflect our original detailed comment.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			cultural requirements. The effects assessment should identify measures to address such barriers so as to enhance project benefits.		
665	Fort Albany First Nation	-	Section 8. Assessment and Evaluation, p. 54 This section of the ToR does not identify the approach to cumulative effects assessment. Please describe the approach that will be used to conduct a cumulative effects assessment. For reference purposes, see the First Nations Major Projects Coalition's Major Project Assessment Standard, Principle 8 (First Nations Major Projects Coalition, 2019) which covers meaningful practice of cumulative effects assessment as identified by over 60 Canadian Indigenous groups. MFFN is requested to identify whether it is committed to conduct any required cumulative effects assessment to this standard. Cumulative effects resulting from multiple past, present and reasonable foreseeable projects and activities are a primary concern for Indigenous communities and require adequate assessment.	The Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada outline in more detail the expected scope of study for the Cumulative Effects Assessment.	Partially adequate. The ToR should also outline the scope of study for the Cumulative Effects Assessment. The Ministry of the Environment, Conservation and Parks guidance document *Preparing and reviewing terms of reference for environmental assessments in Ontario* identifies that inclusion of information about cumulative effects in an EA is a best practice and encourages proponents to "Include information about potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible."
666	Fort Albany First Nation	ToR Section 7.2	Section 8. Assessment and Evaluation, p. 54 This section of the ToR does not include consideration of potential induced effects from the Project. Please include consideration of potential induced effects of the project, such as accelerated mineral exploration and	The EA will consider the potential for cumulative effects from other potential future projects in the region subject to information availability. As well, effects from changes in access including the potential for increased hunting pressure will also be assessed.	Partially adequate. The requirement to assess the effects of induced development as part of the cumulative effects assessment should be included in the TOR.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			development in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure. Road development is likely to result in induced effects that need to be adequately assessed and mitigated.		
667	Fort Albany First Nation	Supporting Document	Section 10.2 Summary of Consultation Activities on the ToR p. 62 The ToR states that "An overall introduction to the Project and the EA process was provided during initial conversations with interested persons." The ToR does not indicate if or how such conversations informed project design or effects assessment methods. Please indicate how early engagement with Indigenous nations influenced project design (e.g. selection of alternative route alignments) and/or future opportunities for such engagement. Please also identify how MFFN is planning to engage Fort Albany First Nation in consideration of alternative routing options. Meaningful consultation requires that engagement has the potential to result in concrete changes to project design and planning, particularly at an early stage in the planning process.	Previous engagement activities on the identification of the alternative routes was largely focused with the MFFN community, as described in the Alternatives Supporting Document to the ToR. Going forward in the EA, the MFFN Project Team will engage with all interested communities in the selection of the route including receiving input on the evaluation criteria to be used.	Partially adequate. The ToR should indicate that – and how - the MFFN Project Team will engage with all interested communities in the selection of the route including receiving input on the evaluation criteria to be used.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
668	Fort Albany First Nation	ToR Section 10.2, Appendix C: Record of Consultation	Section 10.2 Summary of Consultation Activities on the ToR p. 63 The ToR states that "a list of issues received through consultation activities during preparation of the ToR will also be included in the Proposed ToR." Please provide a list of all issues received to date, inclusive of issues raised during preparation of the ToR. Please also indicate how such issues have been, or will be, addressed. Adequate issues tracking necessitates documentation of issues when first raised and steps to address such issues, including perceived adequacy of such steps and any further issues that arise.	The issues received since the release of the Draft ToR will be described in the revised (Proposed) ToR that will be made available for all to review.	Partially adequate. For clarity, in addition to a list of issues received during preparation of the ToR, the ToR should provide a list of issues received prior to preparation of the ToR, or note that no issues were received prior to preparation of the ToR.
669	Fort Albany First Nation	Supporting Document	Section 10.2.2 Indigenous Communities Engagement p. 64 The ToR states that "Prior to commencing the ToR, MFFN held Project-related discussions with several Indigenous communities between 2017 and 2018. A summary of these activities is provided in Marten Falls First Nation Community Access Road Supporting Document – Draft Alternatives Development (AECOM 2019)." This document is not available. Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review.	The Supporting Document is available through the Project website.	Adequate.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
670	Fort Albany First Nation	Supporting Document	Section 10.2.2 Indigenous Communities Engagement p. 65 The ToR states that "The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation (AECOM 2019a), provides a summary of the attempts to engage with Indigenous communities up to October 24, 2019." The document is not available. Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review.	The Supporting Document is available through the Project website.	Inadequate. The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation could not be located on the Project website. Please provide FAFN the document directly.
671	Fort Albany First Nation	Appendix B: Consultation Plan	Section 11.3.1 Identification of Indigenous Communities p. 76 The ToR states that "All identified communities will receive all statutory notices related to the EA (e.g., Notice of Commencement of the Environmental Assessment) and comprehensive, plain-language Project updates through email, mail and the Project website. Each will also be provided the full opportunity to review and comment on key EA documents including the Draft and Proposed ToR as well as the Draft and Final Environmental Assessment Report. In addition, Indigenous communities, depending on their level of interest in and	MFFN is open to having discussions with Fort Albany First Nation on how they would like to be engaged throughout the EA. Also see the Consultation Plan, which is appended to the Draft ToR. A revised Consultation Plan will be appended to the Proposed ToR.	Partially adequate. The scope of consultation to date has been limited, as noted above in the response from the MFFN team regarding the proposed supply road routing process. FAFN requests that the MFFN team provide a more detailed proposal, including proposed timing, to kickstart meaningful consultation once FAFN is able to facilitate community engagement and it is safe to do so.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			the potential for impacts related to development of the CAR, will be encouraged or offered the opportunity to meet in-person to discuss the Project and gather feedback at appropriate milestones throughout the EA." Please indicate how opportunities for more constructive engagement on assessment topics, methods, mitigations, etc. will be provided, in addition to notification, project updates, and review and comment. Project notification and the opportunity to review and comment on project documents provides the bare minimum of consultation. Best practice, aligned with the United Nations Declaration on the Rights of Indigenous People, requires that Indigenous nations have the opportunity to make consent-based decisions about projects that have the potential to affect their rights. This entails constructive engagement in project design and assessment methods.		
672	Fort Albany First Nation	ToR Section 6.3.1 and Section 12	Section 12. Accommodating New Circumstances p. 81 The ToR states that "Minor changes include, but are not limited to, modifications or variations to the consultation plan, proposed study areas and alternatives, refinement of evaluation criteria and need for additional studies." Please provide information about the anticipated scope of changes to proposed	The ToR has been revised to provide further clarity on the scope of possible changes to the alternatives and associated study areas.	Partially adequate. Please provide the changes that have been made to the ToR in response to this comment so these changes can be reviewed.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			study areas and alternatives. Large changes to proposed study areas and alternatives could have significant implications for the EA.		
673	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives	Appendix A Draft Criteria & Indicators for Alternatives Evaluation pp. 1-2 The "availability" indicator for vegetation, wildlife and ungulates is not defined. It is unclear whether this indicator refers to spatial extent or a different consideration. It is also unclear whether this indicator is intended to capture disturbance and avoidance effects. Please define the indicator "availability". A clear definition of indicators is required to assess their appropriateness.	The ToR has been updated to include a definition of availability.	Partially adequate. Please provide the definition for availability in response to this comment so that the definition may be reviewed.
674	Fort Albany First Nation	ToR Section 8.2	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 Wildlife criteria do not include any large mammals. Please indicate how Indigenous nations will be consulted to refine the list of wildlife criteria (and other criteria). The list of criteria presented in Appendix A may not capture all criteria of concern to Indigenous nations.	The MFFN Project Team is open to the inclusion of other large mammal species of concern. This is a draft list that we expect will be refined during the EA. We are open to your suggestions.	Adequate. In a small community meeting organized in January 2020 to discuss the federal impact assessment for this project, community members identified the following mammals as important: black bears, caribou, deer, moose, beaver, Arctic fox, fisher, wolverine, rabbits, and martens. Please ensure that the ToR reflects these concerns. Please also note that the "Potential Data Sources" for ungulates should include Indigenous Knowledge.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
675	Fort Albany First Nation	ToR Section 8.2	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 The list of wildlife and ungulate indicators does not seem to capture potential impacts on habitat quality, movement corridors or species distribution. Please provide indicators for habitat quality, movement corridors and species distribution for wildlife and ungulates, or describe how these considerations will be captured by other indicators. Habitat quality, movement corridors and species distribution are key indicators for wildlife and ungulate impacts.	The list of indicators will be updated in the revised ToR.	Partially adequate. Please provide the list of updated indicators in response to this comment so that they may be reviewed.
676	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives Evaluation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 Potential Data Sources for ungulates do not identify Indigenous knowledge or field investigations. Please list Indigenous knowledge and field investigations as Potential Data Sources for ungulates. Indigenous knowledge and field investigations are key potential data sources for ungulates.	The criteria list has been revised to include Indigenous Knowledge and field investigations as data sources.	Adequate, contingent upon actual revisions to the ToR that reflect our original detailed comment.
677	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives Evaluation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 The ToR includes “value of” animal and plant harvesting areas as indicators of Traditional Use of Land and Resources and Aboriginal and Treaty Rights. Please provide specific indicators for social,	This section in the ToR has been revised to provide measurable indicators for cultural components of the assessment.	Partially adequate. Please provide the list of measurable indicators for cultural components in response to this comment so that they can be reviewed.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
			cultural, spiritual, food security, sense of place, cultural transmission components or indicate how these aspects are accounted for in the proposed indicators. "Value" may be too broad to account for social, cultural, spiritual, food security, sense of place, cultural transmission components.		
678	Fort Albany First Nation	ToR Section 7.2.10	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4 The ToR includes indicators for Community Well-being, but does not include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities (e.g. transportation and sale of drugs). Please include indicators of Community Well-being that capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities (e.g. transportation and sale of drugs), or indicate how the proposed indicators capture these elements. The project has the potential to result in impacts associated with increased disposable income, increased access to southern communities and increased access to elicit activities.	These potential noted impacts will be considered as part of the EA.	Partially adequate, contingent upon actual revisions to the ToR that reflect our original detailed comment. The ToR should include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to illicit activities.

ID #	Commenter	Proposed ToR Section	Concern	Response From Marten Falls First Nation	FAFN Statement on Adequacy of Response
679	Fort Albany First Nation	ToR Section 7.2.10	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4 The ToR provides indicators for Regional Economy but does not include indicators to capture Indigenous nations' ability to take advantage of project benefits. Please include an indicator that captures the ability of Indigenous nations to take advantage of project benefits. Indigenous communities may have several barriers to their ability to take advantage of project benefits.	The extent to which communities can take advantage of Project benefits will be considered as part of the EA.	Partially adequate, contingent upon actual revisions to the ToR that reflect our original detailed comment. The ToR should include indicators to capture Indigenous nations' ability to take advantage of project benefits.
680	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 5 The ToR provides "Visibility of the Project from sensitive locations" as indicator for Visual Character. Please provide an indicator and methodology that captures changes in visual quality. For a project such as this, the use of Indigenous Visual Quality Objectives, and mock up visual perspectives from different viewpoints before and after project development, through engagement with Indigenous peoples, is standard practice. "Visibility" is an insufficient indicator to capture visual quality.	The visual assessment will include a Visual Sensitivity indicator. This recognizes that certain landscapes are more susceptible to change and more sensitive due to the angle, distance of viewer, as well as the cultural significance to viewers.	Partially adequate, contingent upon actual revisions to the ToR that reflect our original detailed comment. The ToR should include Visual Sensitivity as an indicator for Visual Quality.

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: Fort Albany First Nation - letter re ToR comments, ToR submission, and meeting minutes

1 message

Sarah Beamish <[redacted]> Tue, Oct 6, 2020 at 11:01 AM
To: Qasim Saddique [redacted]>
Cc: Lawrence Baxter [redacted]>, Chief Robert Nakogee <[redacted]>, Jacqueline Sutherland [redacted]>, Steve DeRoy <[redacted]>, Alistair MacDonald [redacted]>, Larissa Mikkelsen <[redacted]>, Jennifer Bruin [redacted], "Coppaway, Clayton" [redacted], Don McKinnon [redacted], "Nokleby, Andrea" [redacted], Jessica Metuzals [redacted]

Dear Qasim,

As an update to my letter, please be advised that Chief and Council have extended the community lockdown to at least October 24, following further confirmed Covid cases in Moose Cree First Nation (which is the nearest First Nation to the south of Fort Albany along the James Bay coast). Public gatherings are now limited to just five people, with the exception of Chief and Council. Further, the Band Office is operating with reduced capacity, as staff work in staggered shifts to ensure social distancing.

This will, of course, amplify the challenges related to community consultation over the coming weeks.

Thank you for considering this information in addition to what is set out in my recent letter.

Best wishes,
Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFCAR ToR

1 message

Sarah Beamish <[redacted]> Mon, Oct 19, 2020 at 11:23 AM
To: "Coppaway, Clayton" [redacted]

Hello Clayton,

I've been informed by Fort Albany's technical advisor that they received the ToR and notice that the review period has started.

I am disappointed that the ToR was submitted before Fort Albany's recent comments were addressed, and at a time when we had informed your team that engagement would be difficult. We will make this clear as appropriate in any comments submitted to Ontario, and may need to seek an extension of the comment deadline.

I had requested that the ToR be sent to me by weblink and in USB and hard copy to my home address, but have not received any of these. My office building informs me that a package was sent there, which I assume contains the hard copy and USB of the ToR. As I had explained to you on September 17, I did not want it sent there as I am working entirely from home due to a heightened vulnerability to Covid.

I only see the former Draft ToR on the project website, and the latest notice does not list the deadline for review.

Can you please send the ToR and notice to me electronically as soon as possible.

Thank you.

--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]

Thank you for your message. If your email just requires an acknowledgement or a "thank you", please note that I may not reply, as I am trying to reduce my email-related carbon footprint.

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DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFCAR ToR

1 message

Sarah Beamish <[redacted]> Wed, Oct 21, 2020 at 10:10 AM
To: "Coppaway, Clayton" [redacted]>
Cc: Alistair MacDonald <[redacted]>, Don McKinnon <[redacted]>, Andrea Nokleby <[redacted]>, Jessica Metuzals <[redacted]>

Hi Clayton,

Thank you for your message.

I will arrange for the document to be couriered and will let you know the cost.

Best,
Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Marten Falls Community Access Road – Fort Albany First Nation March 13, 2020 Meeting Follow Action Items

1 message

Sarah Beamish <[redacted]> Wed, Oct 28, 2020 at 1:31 PM
To: "Coppaway, Clayton" [redacted]>

Hello Clayton,

Following up from this chart, if it has not already been done (as I know Chris Metatawabin requested this many months ago), could you please courier the hard copy poster of the map to FAFN, to the attention of Jackie Sutherland? Please include a cover letter enclosed explaining that you have sent it to support community consultation activities related to these assessment processes.

The mailing address is:

[redacted]

Thank you.

Sarah

DILLON CONSULTING

Coppaway, Clayton < [redacted]

Re: Letter from Fort Albany First Nation re Record of Consultation, IK Sharing Agreement, and further comments on Terms of Reference

1 message

Sarah Beamish [redacted] > Wed, Oct 28, 2020 at 2:37 PM
To: info@martenfallsaccessroad.ca
Cc: Qasim Saddique [redacted], "Lillyman, Kristin" [redacted], "Coppaway, Clayton" [redacted], Lawrence Baxter [redacted] >, Alistair MacDonald [redacted], Steve DeRoy [redacted]

Hello,

I am writing to follow up and see when we can expect a response to FAFN's comments on the IK Sharing Agreement.

Further, Fort Albany would like to add the following text to the agreement:

> This Agreement shall be governed and construed in accordance with the laws of Canada and the Province of Ontario, and Recipient consents to the exclusive jurisdiction of the provincial courts and federal courts located there for any dispute arising out of this Agreement.
>
> The Recipient acknowledges that disclosure of Confidential Information may lead to irreparable harm. Recipient agrees that in the event of any breach or threatened breach by Recipient, Fort Albany First Nation may obtain, in addition to any other legal remedies which may be available, such equitable relief as may be available and necessary in the circumstances.

Thank you.

Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]

Community engagement with FAFN

1 message

Sarah Beamish [redacted] Wed, Oct 28, 2020 at 6:44 PM
To: "Coppaway, Clayton" [redacted]
Cc: Chief Robert Nakogee [redacted] Alistair MacDonald [redacted]

Hello Clayton,

I hope you are doing well.

Chief Nakogee has indicated that Fort Albany would like to organize the following engagement sessions:

1. 1-2 Zoom meetings for any interested community members to attend to learn about the project and the TOR.
2. Smaller focus group meetings with representatives of key member groups such as elders, youth, men, women, and knowledge keepers.
3. A meeting between Fort Albany leadership and Marten Falls leadership as well as technical advisors.

The community will require the following support and engagement by the MFCAR team:

- Participation at the meeting with Fort Albany leadership and Marten Falls leadership.
- Attendance for part of the large Zoom meetings to provide information and have Q&A (probably 1-2 hours per meeting).
- Potentially attendance for part of the focus groups (30-45 minutes), but this is still to be confirmed.

We will update you about the planned dates and times of these meetings. It would be helpful to receive a few suggested dates when Marten Falls leadership and the project team is available to meet with Fort Albany leadership during the evening. I would suggest early December.

We will also need some plain language materials in English and Cree ("N" dialect) to support the community discussions. Can you please tell us what plain language materials you have available that are appropriate to use at this stage? I note there are a couple of plain language fact sheets on your website available in Cree, but it is not clear which dialect they are in. I also note the plain language guide to the Draft TOR, but it is not clear whether this is now outdated, and it is also not available in Cree.

For anything that requires translation, the community has preferred interpreters and translators who are members of the community, and I can provide you with their contact information shortly. The community's preference is that you work with those people; however please do make other arrangements if necessary to ensure we get materials promptly.

Thank you.

--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]

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DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFCAR ToR

1 message

Sarah Beamish [redacted]> Thu, Oct 29, 2020 at 5:59 PM
To: "Coppaway, Clayton" [redacted]>

Hi Clayton,

Here is the courier invoice.

Best,
Sarah

COURIER

Send It Courier
138 D'Arcy Street
Unit 1
Toronto, Ontario M5T 1K3
Canada

[redacted]

BILL TO
Beamish Law
Sarah Beamish
[redacted]

Invoice Number: 17139
Invoice Date: October 28, 2020
Payment Due: November 27, 2020
Amount Due (CAD): **$0.00**

Product	Quantity	Price	Amount
Overnight Delivery [redacted]	1	$7.50	$7.50

Subtotal:	$7.50
HST 13% (838303378):	$0.98
Total:	$8.48
[redacted]:	$8.48
Amount Due (CAD):	**$0.00**

Notes / Terms
Dear Customer ,

Pay As You Go Clients: Please remit payment by credit card immediately, as we will complete the call upon payment.

COURIER

Send It Courier
138 D'Arcy Street
Unit 1
Toronto, Ontario M5T 1K3
Canada

[redacted]

Notes / Terms

Monthly Billing Clients: Your most recent invoice is attached. Please remit payment within 30 days. A 10% late fee will apply after 30 days. Please make cheques payable to Send It Courier Cooperative Ltd.

Cheques can be mailed to

Send It Courier
138 D'Arcy St
#1
Toronto, Ontario
M5T 1K3

Alternatively, invoices can be paid by credit card through Wave.

As usual, it has been a pleasure working with you.

-Send It Courier Co-Operative Ltd.

[redacted]

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: Marten Falls Community Access Road – Fort Albany First Nation March 13, 2020 Meeting Follow Action Items

1 message

Sarah Beamish [redacted] Mon, Nov 2, 2020 at 1:59 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: Jacqueline Sutherland [redacted], Robert Nakogee [redacted]>, Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]>

Thank you Clayton.

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Confirming date for community meeting with Fort Albany First Nation

1 message

Sarah Beamish [redacted]> Tue, Nov 3, 2020 at 11:45 AM
To: "Coppaway, Clayton" <[redacted]>, Michael Fox <[redacted]>
Cc: Alistair MacDonald [redacted]>, Chief Robert Nakogee [redacted]>, Steve DeRoy [redacted]>, Jacqueline Sutherland <[redacted]>

Hello Clayton and Michael,

I am writing to you to inform you that Fort Albany First Nation would like to hold a general community engagement meeting on the Marten Falls and Webequie Roads on the evening of **November 19** (exact time tbc). The community would like your teams to join by Zoom.

The community is arranging a single meeting for both projects due to logistical challenges with scheduling separate meetings in the time available, concerns about consultation fatigue and community confusion regarding the different assessment processes, and because we expect that members will have questions and concerns that overlap with both proposed projects.

Can you please confirm that your teams could have appropriate representatives available for around 2-3 hours on the evening of the 19th? Once the date is confirmed, we can provide further information regarding what the community will expect from you to support the meeting.

Best,
Sarah

--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]
Pronouns: she/her

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DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Sarah Beamish [redacted] Wed, Nov 4, 2020 at 4:20 PM
To: "Coppaway, Clayton" [redacted]
Cc: Alistair MacDonald [redacted]

Hi Clayton,

Yes I can do that. I am available after 1:30 EST.

Does this mean you can confirm your availability on November 19?

Best,
Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Sarah Beamish <[redacted]> Thu, Nov 5, 2020 at 2:28 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: Alistair MacDonald <[redacted]>, Chief Robert Nakogee <[redacted]>, Steve DeRoy <[redacted]>, Jacqueline Sutherland <[redacted]>, Larissa Mikkelsen <[redacted]>, Qasim Saddique <[redacted]>, "Fisken, Avril" <[redacted]>, Andrea Nokleby <[redacted]>

Hi Clayton,

For now you can just include me, as I will likely pass on the community's requests rather than call on several people's time to attend if that is not necessary. However, if anyone else wants to attend I will let you know.

Thanks,
Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFFN CAR - IK Program Guidance Document

1 message

Sarah Beamish [redacted] Fri, Nov 6, 2020 at 5:03 PM
To: "Coppaway, Clayton" [redacted]
Cc: Robert Nakogee [redacted]

Thank you Clayton.

As noted in this document, an IK Sharing Agreement is required before Fort Albany will consider sharing confidential or Indigenous Knowledge with the proponent. I would appreciate an update soon on Marten Falls' views on the proposed amendments I made to the draft IK Sharing Agreement, so that it can be considered by Chief Nakogee and Council.

Best,
Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Sarah Beamish <[redacted]> Wed, Nov 11, 2020 at 4:05 PM
To: "Coppaway, Clayton" <[redacted]>

Hi Clayton,

We are trying to arrange for an interpreter now. It likely won't be simultaneous so you should plan for some breaks when timing your presentation and keep it short.

There is currently no plan for Ontario to be there but if that changes I can let you know.

I am about to follow up now with the email to you and the Webequie representatives.

Best,
Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Sarah Beamish [redacted] Wed, Nov 11, 2020 at 5:01 PM
To: "Coppaway, Clayton" <[redacted]>, Michael Fox [redacted]
Cc: Alistair MacDonald <[redacted]>

Hello,

I am writing to confirm some details about the November 19 meeting. Please note the time-sensitive action items at the end of the email.

Timing
The meeting is scheduled to go from about 6-9 pm. We will send you a Zoom link.

Meeting plan
The format will be roughly as follows but we'll be flexible:

- Gathering, settling in, and brief community-only opening (6-6:30)
- Proponents join and give short presentations (6:30-7:30)
- Q&A with the proponents (7:30-8:00)
- Proponents leave; community-only discussion & debrief (8:00-9:00)

Although we only anticipate you being there for part of the meeting, it would be best if you have some flexibility to join earlier or stay later if needed.

Use of information from the meeting
Chief Nakogee would like to make it clear that your teams should not treat any oral questions or feedback you get there as 'official' for the purposes of consultation on the TOR. The community's official comments will be prepared after there is a chance to discuss this in camera. Please seek permission from Chief Nakogee (copying me) before putting anything shared there onto the consultation record or in any other public document.

As there is currently no Indigenous Knowledge sharing agreement in place between Fort Albany and the proponents, your teams also do not have consent to make any use of information or knowledge shared there unless it is later shared with you or the province in writing in the official comments on the TOR in a manner that is intended to put that information onto the public record.

Your presentations
You will each have up to 30 minutes to give a high-level presentation about the projects and the TOR. You should allow time to speak slowly and leave breaks for interpretation if needed, so should probably plan for closer to 15-20 minutes each of speaking time in English.

Please keep it focused on the main substance of the project and TORs (eg. the routes under consideration, what will be needed to build the roads, what they will be used for, the potential impacts you are studying that you believe are most relevant to Fort Albany, the study areas, etc.) in a way that will help members to discuss what matters most in terms of key valued components, questions, and concerns that can help further improve the TOR. Do not spend a lot of time talking about the technicalities of the processes.

Chief Nakogee has also requested that you briefly describe where the idea to build these roads came from, why these roads are being proposed now, and what role Ontario plays with respect to these proposals and processes.

Please prepare slides to go with your presentation. They should have visual elements and plain language text.

What we need from you before the meeting
Please do the following:

1. Send me an electronic copy of any up-to-date plain language materials you have about the project and TOR, in both English and N-dialect Cree.

2. If you do not have any plain language materials in N-dialect Cree, please have some translated on a rush basis. Let me know if you need the contact information for the community's preferred translators.
3. Send at least 40 paper copies of each of the plain language documents to the community. You can send them to the attention of Jackie Sutherland at Fort Albany First Nation, [redacted] If it won't be possible to get certain documents translated and sent in time, please send them electronically to Jackie at [redacted] copying me, and note that they need to be printed there.
4. Send at least two colour copies of poster-sized maps of the routes under consideration to the community, by an express method to ensure they arrive before the meeting. These maps should show the location of Fort Albany and the Albany River in relation to the routes under consideration. You can send them to the attention of Jackie Sutherland at Fort Albany First Nation, [redacted]. (Clayton, thank you for already doing this.)
5. Send me a copy of your slides and any supporting presentation notes as soon as possible, so we can give feedback on any changes needed (ideally by Friday and no later than Monday).

Please let me know if you have any questions or anticipate any problems with the above.

Thank you,
Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Sarah Beamish <[redacted]> Fri, Nov 13, 2020 at 7:07 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: [redacted]

Hi Clayton,

I have received copies.

FAFN's CEO, Jackie Sutherland, says they have received the maps but not the TOR documents, as far as she knows. She said mail is slow to arrive right now, and that the fastest way for documents to arrive is as cargo with Thunder Air or Air Creebec. There are no courier services to FAFN.

Have a good weekend,
Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Sarah Beamish [redacted] > Mon, Nov 16, 2020 at 1:57 PM
To: "Coppaway, Clayton" [redacted]
Cc: Qasim Saddique [redacted]

Hi Clayton,

Thank you for these documents. Here are some comments on the slides:

> Slide 3 - the Proponent should be prepared to show more detailed views of Alternatives 1 and 4 upon request of the audience, be prepared to discuss whether and how FAFN has been consulted on routing to date, and (in particular) be prepared to show all three contemplated roads to the Ring of Fire and how they connect together (Northern Roadlink, MFFN road and Webequie road)
>
> Slide 8 - It is not clear to the person looking at the slide what is on the map; speak to whether this is some sort of regional study area or something else being shown.
>
> Slide 9 - Proponent should be prepared to speak to the geographic scope of studies to date and the role of Indigenous peoples in those studies (and any role for FAFN)
>
> Slide 11 - Proponent should be prepared to discuss its envisioned role for FAFN in each of these steps

Can you please include three other things in this PPT:

> 1. Something about the amount of industrial and regular traffic expected, and a description of potential accidents and malfunctions and how they will be assessed in the EA
>
> 2. Construction stage information - timeline, number of people working, where borrow sources are coming from, how many water crossings there are (with emphasis on large rivers in the Albany Watershed)
>
> 3. Information on who will own the road, who will be responsible to maintain it, and who makes and enforces the transportation rules for it.

Here is the Zoom meeting information (please join at 6:30 EST so that we have 30 minutes for any preliminaries before getting started with your presentations):

> Join Zoom Meeting: [redacted]

Thank you.
Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Confirming date for community meeting with Fort Albany First Nation

1 message

Sarah Beamish [redacted] Mon, Nov 16, 2020 at 2:04 PM
To: "Coppaway, Clayton" [redacted] >
Cc: Qasim Saddique [redacted]

Hi Clayton,

Could you please also include the image found at page 7/45 in the RFP document for the Northern Road Link (attached) in your presentation, and also share a copy of that image with Alistair (copied)? It would be useful to include because it shows all three proposed roads and their location in relation to the Ring of Fire and Fort Albany, which community members will be interested in seeing.

Thank you.

Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Purolator - Your shipment has been picked up / Votre envoi a été ramassé - PIN/NIC:[redacted]

1 message

Sarah Beamish <[redacted]> Tue, Nov 17, 2020 at 1:25 PM
To: "Coppaway, Clayton" <[redacted]
Cc: Jacqueline Sutherland [redacted]

Thanks Clayton. Have a good day.

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: Fort Albany First Nation - MFFN CAR Letter

1 message

Sarah Beamish [redacted] Wed, Nov 18, 2020 at 1:46 PM
To: "Coppaway, Clayton" [redacted]

Hi Clayton,

Just belatedly confirming receipt of this letter, as requested.

Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

RE: Confirming date for community meeting with Fort Albany First Nation

1 message

michael.fox@supplyroad.ca [redacted] > Wed, Nov 18, 2020 at 2:49 PM
To: Sarah Beamish [redacted], "Coppaway, Clayton" [redacted] >
Cc: Alistair MacDonald [redacted]

Hello,

1. Send me an electronic copy of any up-to-date plain language materials you have about the project and TOR, in both English and N-dialect Cree.

   . Please see the attached plain language ToR Summary

2. If you do not have any plain language materials in N-dialect Cree, please have some translated on a rush basis. Let me know if you need the contact information for the community's preferred translators.

   We are almost done the Cree translation and will send as soon as possible.

3. Send at least 40 paper copies of each of the plain language documents to the community. You can send them to the attention of Jackie Sutherland at Fort Albany First Nation, [redacted] If it won't be possible to get certain documents translated and sent in time, please send them electronically to Jackie at [redacted] copying me, and note that they need to be printed there.

   See the attached ToR Summary.

4. Send at least two colour copies of poster-sized maps of the routes under consideration to the community, by an express method to ensure they arrive before the meeting. These maps should show the location of Fort Albany and the Albany River in relation to the routes under consideration. You can send them to the attention of Jackie Sutherland at Fort Albany First Nation, [redacted]. (Clayton, thank you for already doing this.

   Will send the map in next email due to size.

5. Send me a copy of your slides and any supporting presentation notes as soon as possible, so we can give feedback on any changes needed (ideally by Friday and no later than Monday).

   Presentation was sent yesterday.

DILLON CONSULTING

Coppaway, Clayton < [redacted]

RE: Confirming date for community meeting with Fort Albany First Nation

1 message

michael.fox@supplyroad.ca <[redacted]> Wed, Nov 18, 2020 at 3:22 PM
To: Sarah Beamish [redacted]
Cc: Alistair MacDonald
[redacted]

Hello again,

Here's the map of the proposed WSR routes.

Michael

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFFN CAR ToR Follow up

1 message

Sarah Beamish [redacted] Sun, Dec 13, 2020 at 5:33 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen [redacted], Jennifer [redacted], Robert Nakogee [redacted], Jacqueline Sutherland [redacted], Alistair MacDonald [redacted]

Hi Clayton,

I can't confirm with certainty that the TOR has arrived, but I believe that it has. FAFN's CEO confirms that they received a package from Dillon Consulting, but she has not been able to open it yet due to the lockdown. Unless and until you hear otherwise, you can assume that it has arrived.

Fort Albany will be submitting comments on the TOR by December 21. However, due to the latest lockdown (following five confirmed COVID cases in Attawapiskat), they had to cancel their intended focus groups with key constituencies in the community, and the comments will only reflect technical review and the very limited community engagement that has been possible to date. I anticipate that Chief Nakogee will note these limitations and repeat the view that these processes should not be proceeding while the pandemic continues to make things so challenging.

Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFFN CAR - IK Sharing Agreement

1 message

Sarah Beamish [redacted]> Wed, Feb 3, 2021 at 12:42 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: Robert Nakogee <[redacted]>, Jacqueline Sutherland [redacted]>, Qasim [redacted]>, Andrea Nokleby <[redacted]>, Caroline Wrobel [redacted]>, Larissa Mikkelsen [redacted]>, Alistair MacDonald <[redacted]>, Steve DeRoy [redacted]>

Hi Clayton,

I will send you any responses from Fort Albany when the necessary discussions have been able to happen. As you may know, Fort Albany had confirmed COVID cases in January and is now preparing for the first round of community vaccinations this month, so leadership has had other priorities in recent weeks.

I hope to be able to follow up this month.

Best,
Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]

FAFN - further comments on TOR

1 message

Sarah Beamish <[redacted]> Fri, Feb 26, 2021 at 4:27 PM
To: "Coppaway, Clayton" <[redacted]>

Hi Clayton,

This is to let you know that I spoke with Chief Nakogee yesterday, and he said he would still like to try to organize a focus group around March 21 or 22, looking at the TOR. If that happens, there may be further comments on the TOR.

Despite the community vaccination program having good participation, they are still on lockdown with gatherings limited to 5 people, due to the case count in the region right now and the fact that not everyone could be vaccinated. The hope is that gatherings can be increased to 10 or 20 people in March, which would allow for a focus group with at least a sampling of the range of voices Chief Nakogee is looking for, but for now we will have to take it day by day. He also noted that it is a challenging time of year to organize things in the community as people are taking advantage of the last weeks of the winter road.

I will send formal correspondence about this in the next few days, and will let you know if that group will go ahead in March or if FAFN will want more time.

Have a good weekend,
Sarah
--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]
www.beamishlaw.com
Pronouns: she/her

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DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Fort Albany First Nation - correspondence re MFCAR TOR

1 message

Sarah Beamish <[redacted]> Wed, Mar 31, 2021 at 4:45 PM
To: info@martenfallsaccessroad.ca, Qasim Saddique <[redacted]>, Lawrence Baxter <[redacted]>, "Coppaway, Clayton" <[redacted]>
Cc: Chief Robert Nakogee <[redacted]>, Deputy Chief Charlotte Nakochee <[redacted]>, Jacqueline Sutherland [redacted], Alistair MacDonald [redacted], Steve [redacted], Justin Page [redacted], "McLeod, Sasha (MECP)" [redacted], "Mangrue, Vedanarine (MECP)" [redacted]

Dear Sirs,

Attached is correspondence sent on behalf of Fort Albany First Nation, providing further comments on the MFCAR TOR.

Please advise if you would like to receive a Word version of the updated comments chart.

Best,
--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]
www.beamishlaw.com
Pronouns: she/her

Thank you for your message. If your email just requires an acknowledgement or a "thank you", please note that I may not reply, as I am trying to reduce my email-related carbon footprint.

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2 attachments

2021-03-31-Ltr.FAFN.to.MFFN.re.TOR.comments.pdf
102K

2021-03-30-FAFN.MFCAR.TOR.Comments.on.Responses.pdf
472K

BEAMISH LAW

March 31, 2021

Via email: info@martenfallsaccessroad.ca

Marten Falls First Nation Community Access Road Project Team
[redacted]

Attn: Qasim Saddique, Project Director, MFFN Community Access Road Project Team
Lawrence Baxter, Senior Community Advisor, Marten Falls First Nation
Clayton Coppaway, MFFN Project Consultant

Dear Sirs,

Re: Fort Albany First Nation's comments on the Marten Falls Community Access Road Terms of Reference

I write on behalf of Fort Albany First Nation (FAFN) regarding the Terms of Reference (TOR) for the Marten Falls Community Access Road (MFCAR).

Community focus group
As I confirmed by telephone with Clayton Coppaway last week, FAFN was unable to hold the community focus group that it had hoped to, due to ongoing lack of time and capacity to organize it.

Further comments on the TOR
FAFN has also reviewed Marten Falls First Nation's (MFFN) responses dated March 10, 2021, which were provided in response to FAFN's earlier comments on the TOR. I have enclosed an updated comments chart setting out FAFN's further responses.

In general, MFFN's responses are adequate, and it appears that FAFN's comments are mostly integrated into the TOR. However, there are seven unresolved comments (FAFN-4, FAFN-6, FAFN-8, FAFN-20, FAFN-26, FAFN-43, and FAFN-44).

Of these, FAFN-26 is of the greatest concern in terms of the sufficiency of the TOR itself. FAFN-26 relates to the inclusion of induced development in the cumulative effects assessment. MFFN has stated that only projects that are known at this time will be included as "reasonably foreseeable" projects. However, the MFCAR will enable future projects that will not be proposed

until the MFCAR is approved and constructed. As set out in the comments chart, MFFN can still project likely future development which can be assessed, albeit at a lower level of detail and certainty.

Further, the issues set out in FAFN-8 remain concerning, in terms of respect for FAFN's Inherent, Aboriginal, and Treaty Rights, and the overall integrity of this process individually and in the broader context of Ring of Fire development.

Further communications
Further correspondence regarding the Indigenous Knowledge Sharing Program and draft agreement will follow shortly.

Justin Page (copied) is now one of the dedicated technical advisors for FAFN with respect to this EA process, working closely with Alistair MacDonald. Please ensure that he is copied on any relevant correspondence going forward.

Yours truly,



Sarah Beamish
SB/sb

Encl: Responses from FAFN to MFFN re comments on TOR (March 30, 2021)

Cc: Chief Robert Nakogee, FAFN
Deputy Chief Charlotte Nakochee, FAFN
Jacqueline Sutherland, CEO, FAFN
Alistair MacDonald, Director, The Firelight Group
Steve DeRoy, Director, The Firelight Group
Justin Page, Senior Regulatory Advisor, The Firelight Group
Sasha McLeod, Special Project Officer, MECP
Vedanarine Mangrue, Assistant Project Officer, MECP

DILLON CONSULTING

[redacted]

MFCAR – Proponent Responses to Follow Up ToR Comments - Fort Albany

1 message

McLeod, Sasha (MECP) [redacted] Fri, May 14, 2021 at 4:27 PM
To: Chief Robert Nakogee <[redacted]>, Sarah Beamish [redacted], Deputy Chief Charlotte Nakochee <[redacted]>, Jacqueline Sutherland [redacted], Alistair MacDonald <[redacted]>, Steve DeRoy [redacted], Justin Page <[redacted]>
Cc: [redacted]

Re: Marten Falls Community Access Road – Proponent Responses to Follow Up ToR Comments

Good day Fort Albany First Nation Chief, Council and representatives,

Thank you for copy of your March 31, 2021 letter to the Marten Falls Project Team regarding the proposed Marten Falls Community Access Road ToR. We appreciate Fort Albany's efforts in reviewing the proponent's responses (sent by MECP March 10, 2021) to FAFN's initial comments on the ToR (dated December 15, 2020). As part of the ToR process, the ministry is providing you with the attached proponent's responses to Fort Albany's additional comments dated March 31, 2021. At this time, we hope to understand if the attached responses have addressed your additional comments. If you can please provide an update on your review of the responses, I would appreciate hearing from you in the next two or three weeks if possible. I'm also mindful of other priorities facing communities at this time.

We will follow up with you regarding these responses. If you have any questions in the meantime, please do not hesitate to contact me.

Thank you,

Sasha

Sasha McLeod

Special Project Officer, Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks

[redacted]

If you have any accommodation needs or require communication supports or alternate formats, please let me know.

Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substituts, veuillez me le faire savoir.

From: Sarah Beamish <[redacted]
Sent: March-31-21 3:46 PM
To: info@martenfallsaccessroad.ca; [redacted], Sasha (MECP) <[redacted]>; Mangrue, Vedanarine (MECP) <[redacted]>
Subject: Fort Albany First Nation - correspondence re MFCAR TOR

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Checking in on IK Sharing Agreement and Additional ToR Comment Responses

1 message

Sarah Beamish <s[redacted]> Wed, May 26, 2021 at 3:52 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: Robert Nakogee [redacted]

Hi Clayton,

Unfortunately FAFN has had a very difficult time lately. They hoped that after the vaccination campaign in March there would be some easing of pressures on leadership, but that was quickly followed by flood watch in April (thankfully no evacuation), and sadly in May they have lost 8 or 9 community members, and now have a COVID outbreak that has reached 21 local cases.

However, I did speak with Chief Nakogee this morning regarding the MFCAR, and we will be sending some correspondence to you on these two items soon. We will likely also send some brief comments regarding the remote camera program. I expect we will send correspondence regarding the remote camera program and the TOR comments by Friday, and on the IK Sharing Agreement by next week.

Best,
Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: MFCAR – Proponent Responses to Follow Up ToR Comments - Fort Albany

1 message

Sarah Beamish [redacted]> Fri, May 28, 2021 at 11:19 AM
To: "McLeod, Sasha (MECP)" <[redacted]
Cc: Chief Robert Nakogee [redacted]

Hello Sasha,

I will be sending a letter to the MFFN team regarding these comments today, on FAFN's behalf. I will copy you on this.

Have a good weekend,
Sarah

From: Sarah Beamish [redacted] >
Sent: May 28, 2021 6:07 PM
To: info@martenfallsaccessroad.ca
Cc: Chief Robert Nakogee; Deputy Chief Charlotte Nakochee; Jacqueline Sutherland; Alistair MacDonald; Steve DeRoy; Justin Page; McLeod, Sasha (MECP)
Subject: Fort Albany First Nation - comments on the Remote Camera Program
Attachments: 2021-05-28-Ltr.FAFN.to.MFFN.re.Remote.Camera.Program.pdf

Good afternoon,

Please see attached a letter from Chief Robert Nakogee of Fort Albany First Nation regarding the Remote Camera Program.

Thank you,
--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]
www.beamishlaw.com
Pronouns: she/her

My working hours may not be your working hours. I don't expect a response outside your own work schedule.

This message is intended only for the persons to whom it is addressed. It should not be read by or delivered to any other person, as it may contain privileged or confidential information. If you have received this message in error, please notify me immediately at [redacted].

First Nation Council

[redacted]

May 28, 2021

Via email: info@martenfallsaccessroad.ca

Marten Falls First Nation Community Access Road Project Team
c/o Marten Falls First Nation
[redacted]

Dear Marten Falls First Nation All-Season Community Access Road Project Team,

Re: Fort Albany First Nation's comments on the Remote Camera Program

I am writing in response to your email dated May 13, 2021 regarding the Remote Camera Installation Discussion Guide.

Due to several deaths and a COVID-19 outbreak in our community in the two weeks since we received the Guide, we have been unable to dedicate time to discussing this or consulting our members who have detailed knowledge of the project area. As today is the deadline for comment, I am providing a few general comments.

First, it is important to understand that all of the land on which the proposed project and study areas are located is sacred ground. Many of our ancestors remain on the landscape from past journeys and wars.

Second, while we have not had an opportunity to identify specific game trails or locations that should be avoided for remote camera installation at this time, we suggest that remote cameras should be installed at river crossings and on caribou trails.

Third, we understand that the program will occur in June. Any disruptive activities during the fall months (particularly September and October) should be avoided.

Finally, we expect that your team will follow appropriate professional standards while undertaking the work.

Thank you for your consideration of these comments.

Yours truly,

[redacted]

Chief Robert Nakogee

Cc: Deputy Chief Charlotte Nakochee, FAFN

Jacqueline Sutherland, CEO, FAFN
Sarah Beamish, Beamish Law
Alistair MacDonald, Director, The Firelight Group
Steve DeRoy, Director, The Firelight Group
Justin Page, Senior Regulatory Advisor, The Firelight Group
Sasha McLeod, Special Project Officer, MECP

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Coppaway, Clayton [redacted]>

MFCAR - Fort Albany First Nation's replies to proponent responses on comments on TOR

1 message

Sarah Beamish <[redacted]> Fri, May 28, 2021 at 11:32 AM
To: info@martenfallsaccessroad.ca
Cc: Chief Robert Nakogee [redacted]

Good morning,

Please find attached a letter and comments chart setting out Fort Albany First Nation's replies to the proponent's responses received by FAFN on May 14, 2021.

Best,
--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]
www.beamishlaw.com
Pronouns: she/her

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2 attachments

2021-05-28-MartenFallsCAR_TOR_FAFN_Comments.pdf
232K

2021-05-28-Ltr.MFFN.re.TOR.Comments.pdf
117K

BEAMISH LAW

May 28, 2021

Via email: info@martenfallsaccessroad.ca

Marten Falls First Nation Community Access Road Project Team
c/o Marten Falls First Nation
[redacted]

Attn: Qasim Saddique, Project Director, MFFN Community Access Road Project Team
Lawrence Baxter, Senior Community Advisor, Marten Falls First Nation
Clayton Coppaway, MFFN Project Consultant

Dear Sirs,

Re: Marten Falls Community Access Road - Fort Albany First Nation's comments on the sufficiency of the Terms of Reference

I am writing on behalf of Fort Albany First Nation (FAFN) to share their responses to the Marten Falls Community Access Road Project Team's further replies to FAFN's earlier comments on the Terms of Reference (TOR). Your replies were sent to FAFN by the Ministry of the Environment, Conservation and Parks on May 14, 2021.

Please see attached a comments chart responding to each of your replies of May 14, 2021.

As noted in previous correspondence, FAFN's comments on the TOR have been limited to those possible to prepare during the pandemic, and do not reflect sufficiently meaningful member engagement.

Yours truly,

[redacted]

Sarah Beamish
SB/sb

Encl: *Responses from FAFN to MFFN re comments on TOR (May 28, 2021)*

Cc: Chief Robert Nakogee, FAFN
Deputy Chief Charlotte Nakochee, FAFN
Jacqueline Sutherland, CEO, FAFN
Alistair MacDonald, Director, The Firelight Group
Steve DeRoy, Director, The Firelight Group
Justin Page, Senior Regulatory Advisor, The Firelight Group
Sasha McLeod, Special Project Officer, MECP

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Coppaway, Clayton [redacted]>

RE: MFCAR – Proponent Responses to Follow Up ToR Comments - Fort Albany

1 message

McLeod, Sasha (MECP) [redacted]> Tue, Jun 1, 2021 at 2:43 PM
To: Sarah Beamish [redacted]>
Cc: Chief Robert Nakogee [redacted]

Thank you Sarah. Your letter was received. I've asked the proponent to review the comments and prepare a response.

Have a nice day.

Sasha

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Coppaway, Clayton <[redacted]>

Re: MFFN Community Access Road Project - 2021 Summer Field Program Discussion Guides

1 message

Sarah Beamish <[redacted]> Thu, Jul 22, 2021 at 11:07 AM
To: "Coppaway, Clayton" <[redacted]>
Cc: [redacted]

Hello Clayton,

I anticipate that either Chief Nakogee or I will be sending some correspondence regarding FAFN's participation in field programs, as well as a significantly revised draft of the IK Sharing Agreement, by early next week. However it may be a little longer depending on the Chief's schedule.

Best,
Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: MFCAR – Proponent Responses to Follow Up ToR Comments - Fort Albany

1 message

Sarah Beamish [redacted]> Fri, Jul 23, 2021 at 5:42 PM
To: "McLeod, Sasha (MECP)" <[redacted]>
Cc: [redacted]

Hello Sasha,

Please find attached a letter in response to the latest reply from Marten Falls First Nation regarding Fort Albany First Nation's comments on the Terms of Reference.

Best,
Sarah

BEAMISH LAW

July 23, 2021

Via email

Ministry of the Environment, Conservation and Parks
[redacted]

Attn: Sasha McLeod, Special Project Officer

Dear Ms. McLeod,

Re: Marten Falls Community Access Road - Fort Albany First Nation's comments on the sufficiency of the Terms of Reference

I am writing on behalf of Fort Albany First Nation (FAFN) to share their responses to the proponent's further reply to FAFN's earlier comments on the Terms of Reference (TOR) for the environmental assessment of the Marten Falls Community Access Road (MFCAR). The proponent's reply was sent to FAFN by the Ministry of the Environment, Conservation and Parks on June 23, 2021.

The proponent has provided one substantive response in its latest reply, which relates to Comment FAFN-54 reiterating FAFN's concerns regarding the lack of adequate opportunity for consultation during the TOR phase, and FAFN's view that the Regional Impact Assessment (RIA) of the Ring of Fire should be conducted before the MFCAR is developed, given that a predominant purpose of the MFCAR is to open the Ring of Fire for development.

The proponent's reply acknowledges but does not adequately address FAFN's comment. With respect to the RIA, this remains an area of concern and disagreement. While the RIA is overseen by Canada, it is within the power of MFFN and Ontario to work together with respect to this EA, and ensure that these processes are sequenced in a responsible way that reflects the significance and irreversibility of developing the Ring of Fire. FAFN recognizes that many MFFN members may want an all-season road even if there were no Ring of Fire, and understands very well the challenges of being a fly-in community. However, this road development is moving ahead at its current pace, in its currently proposed location, and with its current level of government support precisely because it is vital to opening up the Ring of Fire. FAFN cannot ignore that reality and what it means for all First Nations and the environment in the region.

With respect to the TOR, the proponent's reply that there will be other opportunities for engagement and consultation is insufficient and fails to address the fact that the TOR phase is

where the scope and nature of the rest of the work will be defined, and presents an important opportunity to shape the EA that will not be duplicated later in the process.

The Ministry should take notice that FAFN does not consider the consultation activities during the TOR phase to have been sufficient to meet the duty to consult with respect to any decision to approve the TOR, for reasons related to the COVID-19 pandemic which should be clear given previous communications with the proponent and the Ministry.

As noted in previous correspondence, FAFN's comments on the TOR to date have been limited to those possible to prepare during the pandemic, and do not reflect meaningful member engagement.

Yours truly,



Sarah Beamish
SB/sb

Cc: Chief Robert Nakogee, FAFN
Deputy Chief Charlotte Nakochee, FAFN
Jacqueline Sutherland, CEO, FAFN
Alistair MacDonald, Director, The Firelight Group
Steve DeRoy, Director, The Firelight Group
Justin Page, Senior Regulatory Advisor, The Firelight Group
Qasim Saddique, Project Director, MFFN Community Access Road Project Team
Lawrence Baxter, Senior Community Advisor, Marten Falls First Nation
Clayton Coppaway, MFFN Project Consultant

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Fort Albany First Nation and MFCAR field programs

1 message

Sarah Beamish [redacted]> Fri, Jul 23, 2021 at 5:28 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: [redacted]

Good afternoon Clayton,

Please see attached a letter sent on behalf of Fort Albany First Nation, regarding the MFCAR field programs and FAFN's engagement with them. Note in particular the request regarding involvement of an FAFN member on the field program team, which likely requires further discussion quite soon.

I hope to be able to let you know by the middle of next week if FAFN will not be submitting any comments regarding the field programs, as referenced in the letter.

Have a good weekend.

Best,
--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]
www.beamishlaw.com
Pronouns: she/her

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2021-07-23-Ltr.MFFN.re.field.studies.pdf
116K

BEAMISH LAW

July 23, 2021

Via email: info@martenfallsaccessroad.ca

Marten Falls First Nation Community Access Road Project Team
c/o Marten Falls First Nation
[redacted]

Attn: Clayton Coppaway, MFFN Project Consultant

Dear Mr. Coppaway,

Re: Marten Falls Community Access Road - Fort Albany First Nation's participation in field programs

I am writing on behalf of Fort Albany First Nation (FAFN) to respond to the communications sent on behalf of Marten Falls First Nation (MFFN) requesting FAFN's comments regarding various field programs.

The field programs are of significant interest to FAFN, particularly those that relate to understanding baseline conditions and potential impacts that are of deep concern to FAFN's members (for example, the surface water, fish and fish habitat field program). FAFN's relative silence regarding previous studies has reflected lack of capacity, not interest.

Chief Nakogee would like to be able to provide the feedback you have requested. However, FAFN cannot sustainably or meaningfully engage with MFFN's requests to provide feedback on these studies, for the following reasons:

1. Due to the COVID-19 pandemic, **FAFN has not completed an Indigenous Knowledge and Traditional Land Use Study specific to the Project**, nor has it been able to engage meaningfully with members regarding the Project more generally, so it cannot yet readily provide detailed, meaningful feedback on the proposed field programs.

2. Accordingly, the only way to provide feedback is to gather and prepare comments on a case-by-case basis in response to each request. However, **the time frames given for FAFN's responses are insufficient** to review the requests and supporting materials, coordinate and obtain meaningful community input, get any further information and

clarifications from MFFN, and work with advisors to prepare feedback - particularly with the ongoing logistical challenges of the pandemic in recent months.

3. **FAFN does not have funding to participate in the field programs.** The funds provided by the provincial and federal governments for engagement in the EA and IA processes do not include specific funds for involvement in MFFN fieldwork and data collection. Even if some of the available funding could be redirected to this participation, doing so would unfairly reduce FAFN's ability to meaningfully engage in its own required studies and the steps of the respective assessment processes. Therefore, additional funds would need to be provided for FAFN to meaningfully engage in the field programs.

4. **The information provided by MFFN is not detailed enough** to support a meaningful response.

5. **MFFN's series of one-off requests for feedback on proposed field studies on short notice prevents FAFN from planning and providing informed, strategic, cost-effective input** into the project's baseline studies, which would be the more appropriate means of getting proper input from FAFN.

With respect to the Groundwater and Geochemistry Field Study, Surface water, fish and fish habitat Field Study, and Vegetation, Physiography and Peatlands Field Study, because of the importance of this project to FAFN members, Chief Nakogee hopes to provide some very high-level, partial comments by July 31, based on short discussions with 2-4 community members who have relevant knowledge. He is currently confirming if this will be possible. However, FAFN does not consider short discussions with a few members to constitute meaningful engagement or to reflect the depth and breadth of important knowledge that FAFN members hold.

In order to provide meaningful input on MFFN's proposed field programs going forward, FAFN requires the following:

1. A list and schedule of all proposed field and desktop baseline programs to help FAFN prioritize topics, identify any gaps, and prepare community-informed input on specific programs.

2. Results of 2019 and 2020 field work, including plain language summaries.

3. Detailed maps including proposed sampling locations.

4. Description of proposed sampling methods.

5. Commitment to provide adequate funding to support FAFN's engagement in high priority field programs.

6. More time between the receipt of information about field studies and the deadlines for providing feedback.

FAFN would also like to discuss the paid involvement of an FAFN member on the MFFN field team for activities related to high-priority programs (with the proviso that such involvement not be treated as provision of Fort Albany Indigenous Knowledge in subsequent proponent filings). Chief Nakogee requests that MFFN indicate its openness to this possibility, in which case a telephone meeting can be arranged to discuss it further.

Finally, on the issue of baseline studies, FAFN is concerned about an overreliance on data from just two or three years, and would like to reiterate the following points made in correspondence to the Impact Assessment Agency of Canada on January 30, 2020:

> It is essential that historic and ongoing injustices be recognized and accounted for during the impact assessments, and particularly when understanding baselines and analyzing cumulative effects.
>
> Many serious harms have been imposed on us by Canadians without our consent in the name of 'progress' and 'development'. Some include:
>
> - the **diversions of the Albany river system** to support hydro-electric power projects, which have permanently altered our environment and way of life;
> - the **1965 Indian Welfare Agreement**, which displaced us from our homes, corroded our traditional ways of life, and tore apart our families;
> - the **Mid Canada Line Radar Site 050**, which leached PCBs, lead, mercury, asbestos, DDT and other chemicals into our lands and waters and has led to abnormally high rates of disabling, chronic, and lethal conditions among our people;
> - **Indian Residential Schools and Day Schools**, which caused catastrophic and intergenerational trauma, suffering, and loss for our people;
> - **acid rain**, which has harmed our muskeg environment;
> - **mining exploration and development**, which has hurt the health of our people and our environment and impeded our uses of the land; and
> - **climate change**, which is already causing visible changes to our environment and seasons, and threatens further catastrophic and irreversible harms.
>
> [...]
>
> We are concerned that many of the baselines related to our territory and community will be treated as natural, normal, or neutral, when they actually reflect decades of accumulated harm for which there has been inadequate or no accountability, and from which we are trying to recover. This latter way of understanding things profoundly changes the potential morality and legality of allowing further impacts.

> Similarly, we are concerned that cumulative impact assessments will be artificially limited in the timeline and scope of what they include.
>
> [...]
>
> Proper assessments of risk, causation, vulnerability, impacts, benefits, and sustainability cannot be done without an historic, broad, and contextual approach to baselines and cumulative impact assessment.

FAFN requests that MFFN explains how historical information covering several decades will be used to inform baselines and cumulative impact assessments for the EA and IA processes for this project, particularly in light of the combined impacts this project will have with the other planned roads and other Ring of Fire developments.

Thank you.

Yours truly,



Sarah Beamish
SB/sb

Cc: Chief Robert Nakogee, FAFN
Deputy Chief Charlotte Nakochee, FAFN
Jacqueline Sutherland, CEO, FAFN
Alistair MacDonald, Director, The Firelight Group
Steve DeRoy, Director, The Firelight Group
Justin Page, Senior Regulatory Advisor, The Firelight Group
Qasim Saddique, Project Director, MFFN Community Access Road Project Team
Lawrence Baxter, Senior Community Advisor, Marten Falls First Nation
Sasha McLeod, Special Project Officer, MECP

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Coppaway, Clayton [redacted]

Re: Fort Albany First Nation and MFCAR field programs

1 message

Sarah Beamish [redacted]> Tue, Jul 27, 2021 at 5:15 PM
To: "Coppaway, Clayton" [redacted]>
Cc: Qasim Saddique [redacted], Lawrence Baxter [redacted]>

Hello Clayton,

I hope you are doing well.

Fort Albany First Nation has just confirmed that they will likely be able to get some limited comments on the field programs from three community members this week, as indicated in my letter of last Friday. We are just ensuring that everyone's schedules can align as needed to make it happen, as FAFN needs to engage its external technical advisors in preparing and facilitating these discussions.

As these discussions may include the kind of information to be covered through the Indigenous Knowledge Sharing Agreement, and it is unlikely that we'll have the final version of that approved by the deadline for comment, can you please provide confirmation of the following:

1. that, as an interim protection, MFFN and the MFCAR Project Team will treat the information provided in accordance with the most recent draft of the IKSA that was sent to me, until the final IKSA is agreed; and
2. once the final IKSA is agreed, MFFN and the MFCAR Project Team will treat the information provided in accordance with the terms of that agreement?

Thank you.

Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Fort Albany First Nation and MFCAR field programs

1 message

Sarah Beamish [redacted] Tue, Jul 27, 2021 at 5:22 PM
To: Qasim Saddique <[redacted], Lawrence Baxter [redacted]>
Cc: "Coppaway, Clayton" [redacted]>

Hello Qasim and Lawrence,

As I have received a vacation notice for Clayton, I would appreciate it if someone else on the MFCAR team can reply to my email.

Best,
Sarah

(

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: MFFN Community Access Road Project - 2021 Summer Field Program Discussion Guides

1 message

Sarah Beamish [redacted] > Sat, Jul 31, 2021 at 4:27 PM
To: "Coppaway, Clayton" < [redacted] >
Cc: [redacted]

Hello Clayton,

Please see attached a letter regarding Fort Albany's comments on the field programs.

Thank you and I hope you have enjoyed your vacation.

Sarah

BEAMISH LAW

July 23, 2021

Via email: info@martenfallsaccessroad.ca

Marten Falls First Nation Community Access Road Project Team
c/o Marten Falls First Nation
[redacted]

Attn: Clayton Coppaway, MFFN Project Consultant

Dear Mr. Coppaway,

Re: Marten Falls Community Access Road - Fort Albany First Nation's participation in field programs

I am writing on behalf of Fort Albany First Nation (FAFN) to respond to the communications sent on behalf of Marten Falls First Nation (MFFN) requesting FAFN's comments regarding various field programs.

The field programs are of significant interest to FAFN, particularly those that relate to understanding baseline conditions and potential impacts that are of deep concern to FAFN's members (for example, the surface water, fish and fish habitat field program). FAFN's relative silence regarding previous studies has reflected lack of capacity, not interest.

Chief Nakogee would like to be able to provide the feedback you have requested. However, FAFN cannot sustainably or meaningfully engage with MFFN's requests to provide feedback on these studies, for the following reasons:

1. Due to the COVID-19 pandemic, **FAFN has not completed an Indigenous Knowledge and Traditional Land Use Study specific to the Project**, nor has it been able to engage meaningfully with members regarding the Project more generally, so it cannot yet readily provide detailed, meaningful feedback on the proposed field programs.

2. Accordingly, the only way to provide feedback is to gather and prepare comments on a case-by-case basis in response to each request. However, **the time frames given for FAFN's responses are insufficient** to review the requests and supporting materials, coordinate and obtain meaningful community input, get any further information and

clarifications from MFFN, and work with advisors to prepare feedback - particularly with the ongoing logistical challenges of the pandemic in recent months.

3. **FAFN does not have funding to participate in the field programs.** The funds provided by the provincial and federal governments for engagement in the EA and IA processes do not include specific funds for involvement in MFFN fieldwork and data collection. Even if some of the available funding could be redirected to this participation, doing so would unfairly reduce FAFN's ability to meaningfully engage in its own required studies and the steps of the respective assessment processes. Therefore, additional funds would need to be provided for FAFN to meaningfully engage in the field programs.

4. **The information provided by MFFN is not detailed enough** to support a meaningful response.

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6. More time between the receipt of information about field studies and the deadlines for providing feedback.

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Finally, on the issue of baseline studies, FAFN is concerned about an overreliance on data from just two or three years, and would like to reiterate the following points made in correspondence to the Impact Assessment Agency of Canada on January 30, 2020:

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> Many serious harms have been imposed on us by Canadians without our consent in the name of 'progress' and 'development'. Some include:
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> - the **diversions of the Albany river system** to support hydro-electric power projects, which have permanently altered our environment and way of life;
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> - the **Mid Canada Line Radar Site 050**, which leached PCBs, lead, mercury, asbestos, DDT and other chemicals into our lands and waters and has led to abnormally high rates of disabling, chronic, and lethal conditions among our people;
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Thank you.

Yours truly,



Sarah Beamish
SB/sb

Cc: Chief Robert Nakogee, FAFN
Deputy Chief Charlotte Nakochee, FAFN
Jacqueline Sutherland, CEO, FAFN
Alistair MacDonald, Director, The Firelight Group
Steve DeRoy, Director, The Firelight Group
Justin Page, Senior Regulatory Advisor, The Firelight Group
Qasim Saddique, Project Director, MFFN Community Access Road Project Team
Lawrence Baxter, Senior Community Advisor, Marten Falls First Nation
Sasha McLeod, Special Project Officer, MECP

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Question for FAFN IKSA

1 message

Sarah Beamish <[redacted]> Tue, Aug 24, 2021 at 6:01 PM
To: "Coppaway, Clayton" <[redacted]>

Hello Clayton,

I hope your August is going well.

Before FAFN sends you the revised IK Sharing Agreement, can you confirm whether any external person or organizations other than Dillon and AECOM may require access to Confidential Information in the course of assisting MFFN? I would like to ensure that the final version is clearer regarding which organizations will have access to the information and obligations under the IKSA.

Thank you.

--
Sarah Beamish, B.A., M.G.A., J.D.
Beamish Law
[redacted]
www.beamishlaw.com
Pronouns: she/her

My working hours may not be your working hours. I don't expect a response outside your own work schedule.

This message is intended only for the persons to whom it is addressed. It should not be read by or delivered to any other person, as it may contain privileged or confidential information. If you have received this message in error, please notify me immediately at [redacted]

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Question for FAFN IKSA

1 message

Sarah Beamish [redacted] Tue, Aug 24, 2021 at 6:35 PM
To: Clayton Coppaway [redacted]
Cc: Qasim Saddique [redacted] Larissa Mikkelsen [redacted]

Thank you. I have inserted a general "sharing with third party contractors" clause for anything unforeseen or for parties not actually currently involved, so there is no need to be exhaustive in naming everyone who may ever be involved. But if there are others involved with the Project work on a regular basis who will access the Confidential Information, I'd like them named up front.

Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Question for FAFN IKSA

1 message

Sarah Beamish [redacted] Tue, Aug 24, 2021 at 6:36 PM
To: Clayton Coppaway [redacted]
Cc: Qasim Saddique [redacted] Larissa Mikkelsen <[redacted]

Hi again - Looking at your CC list, I suppose the list should include Suslop and LBS Consulting at least. Full legal names for any further entities are appreciated.

Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Question for FAFN IKSA

1 message

Sarah Beamish [redacted] Tue, Aug 24, 2021 at 6:54 PM
To: Larissa Mikkelsen [redacted]
Cc: Clayton Coppaway [redacted], Qasim Saddique [redacted]

Thank you Larissa.

From FAFN's perspective (and I would think also from the Project Team's), it is best if the IKSA is broad in its coverage of who may have access. This is partly also to address the risk of inadvertent access, as it may be difficult for FAFN and its advisors to keep track of who does what on the proponent/Project Team side when it shares information. I can also foresee people being copied on communications that might relate both to Confidential Information and to other matters, both by FAFN and by Project Team members. It seems simplest and cleanest to have everyone agree to certain basic things from the outset.

Sarah

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: Question for FAFN IKSA

1 message

Sarah Beamish [redacted] Mon, Aug 30, 2021 at 12:44 PM
To: "Coppaway, Clayton" [redacted]
Cc: Larissa Mikkelsen [redacted], Qasim Saddique [redacted] Andrea Nokleby [redacted] "Fisken, Avril" [redacted]

Good morning,

Thank you for sharing this Clayton.

Qasim, do you have the information to share regarding the potential recipients of FAFN's IK so I can send the updated IKSA draft?

Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

RE: MFCAR – Proponent Responses to Follow Up ToR Comments - Fort Albany

1 message

McLeod, Sasha (MECP) [redacted] Mon, Aug 30, 2021 at 4:52 PM
To: Sarah Beamish <[redacted]>
Cc: Chief Robert Nakogee [redacted], Deputy Chief Charlotte Nakochee [redacted], Jacqueline Sutherland [redacted], Alistair MacDonald [redacted], Steve DeRoy [redacted], Justin Page [redacted] "Moszynski, Dorothy (MECP)" [redacted], "Brown, Peter (MECP)" [redacted], "Heisey, Ariane (ENDM)" [redacted], "info@martenfallsaccessroad.ca" [redacted] Qasim Saddique [redacted], Lawrence Baxter [redacted], "Coppaway, Clayton" [redacted] "Barss, Sara" [redacted], "[redacted]" [redacted]

Hi Sarah, just to follow up on your email below, Ontario's response to Fort Albany's July 23, 2021 letter was sent to the community today, copying yourself. Please let me know if there are any issues opening it.

Thank you and have a nice evening.

Sasha

Sasha McLeod

Special Project Officer, Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks

[redacted]

[redacted]

If you have any accommodation needs or require communication supports or alternate formats, please let me know.

Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substituts, veuillez me le faire savoir.

Ministry of the Environment, Conservation and Parks

Environmental Assessment Branch

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Ministère de l'Environnement, de la Protection de la nature et des Parcs

Direction des évaluations environnementales

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Téléc. : 416 314-8452

August 30, 2021

Chief Robert Nakogee
Fort Albany First Nation
[redacted]

RE: Comments Received on Final Terms of Reference for the Marten Falls Community Access Road Project Environmental Assessment

Dear Chief Nakogee:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, May 14 and June 23, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR. The ministry would be happy to re-send any of the previous responses if requested.

Thank you as well for your July 23, 2021 follow up letter to the ministry that contained Fort Albany's responses to the proponent's responses (sent by the ministry on June 23, 2021) to Fort Albany's earlier comments on the ToR. The ministry is pleased to reply to your July 23, 2021 letter as well as provide you with information about next steps in the ToR process.

Regional Assessment

Regarding your follow up comment about the timing of the MFCAR project and the Regional Assessment (proponent ID #FAFN-54), the Impact Assessment Agency of Canada (IAAC) has advised as follows:

- On February 24, 2020, the Tailored Impact Statement Guidelines (TISG) were issued by IAAC for the MFCAR proposed road project. According to IAAC, this assessment is proceeding in accordance with the legislated time limits.
- If requested by the proponent, time limit extensions in this phase of a project are authorized by the Impact Assessment Act, 2019.
- Alternately, a project design change that would alter potential effects would also generate a potential time limit extension.
- These proponent-driven time limits are managed individually and independently from the Regional Assessment.
- As planning for the Regional Assessment continues, IAAC officials will explore the potential relationships between it and the ongoing project level impact assessment.
- This could include the potential for the Regional Assessment to contribute to the MFCAR and future projects.

The federal TISG for the MFCAR project also includes the following in section 13, "Effects Assessment" methodology, which provides guidance on the use of information from regional assessments to inform the project-level assessment: "If there is an ongoing or completed regional assessment in the proposed project area, the proponent should use the information generated through that process to inform the effects assessment."

Provincially, the individual EA process is proponent-led and the pace at which the EA process progresses is driven by the proponent. Unlike the federal process described above, there are no legislated timelines for the preparation of the ToR or the EA. As a result, proponents determine their own timelines for the preparation and submission of their EAs including the ToR.

Once submitted, Ontario undertakes a review of the ToR, all comments provided, and the record of consultation to ensure that the Duty to Consult has been met. The Notice of Commencement for the ToR for the MFCAR was issued in early 2019 and the ToR was submitted on October 23, 2020 to the Minister of the Environment, Conservation and Parks for review and a decision.

It is understood that the proponent is planning to continue with its EA process, if its ToR is approved by the Minister. It would continue in parallel with the federal Regional Assessment process. IAAC has indicated that as planning and scheduling for the Regional Assessment continues, IAAC staff will continue to explore and consider the potential relationships between it and the on-going assessment for the proposed MFCAR, including the potential for the Regional Assessment to contribute information

and other inputs for the consideration of the proponent's current road assessment where relevant, and future project assessments, as appropriate.

Consultation on the ToR during COVID-19

Ontario recognizes that it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.

- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.

- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Next Steps in the ToR Process

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at 416-268-5984[redacted]; and Ms. Dorothy Moszynski, Special Project Officer (A), at 437-247-9628, [redacted]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[redacted]

Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

c: Deputy Chief Charlotte Nakochee, Fort Albany First Nation
Jaqueline Sutherland, Fort Albany First Nation
Alistair MacDonald, The Firelight Group, supporting Fort Albany First Nation
Justin Page, The Firelight Group, supporting Fort Albany First Nation
Steve DeRoy, The Firelight Group, supporting Fort Albany First Nation
Sarah Beamish, Beamish Law, supporting Fort Albany First Nation
Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Question for FAFN IKSA

1 message

Sarah Beamish <[redacted]> Tue, Aug 31, 2021 at 1:19 PM
To: Qasim Saddique <[redacted]>
Cc: [redacted]

Hi Qasim,

Thanks for your reply and the phone call a few minutes ago.

To confirm, I discussed with you my concern about the IKSA being with the Project Team, given that the PT is not a legal entity with capacity to enter into contracts so this would not adequately protect FAFN.

I will therefore send a draft based on the signatories being MFFN and AECOM, with language inserted to reflect the larger context of subcontractor relationships that we discussed.

Take care,
Sarah

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Question for FAFN IKSA

1 message

Sarah Beamish <[redacted]> Thu, Sep 2, 2021 at 11:16 AM
To: Qasim Saddique <[redacted]>
Cc: "Coppaway, Clayton" <[redacted]>, Larissa Mikkelsen <[redacted]>, Andrea Nokleby <[redacted]>, "Fisken, Avril" <[redacted]>

Hello Qasim,

Please see attached a new draft IKSA that reflects what we discussed. There are a couple highlighted areas where you will need to insert the necessary information.

While this looks quite different from the previous version we had exchanged, much of it is simply the same or nearly the same content re-ordered or re-formatted for better organization and clarity. Two notable changes are greater clarity about the parties subject to the agreement (and the removal of reference to the Project Team as a party), and a reference to the OCAP principles as being interpretive guides for this agreement. I assume that the Project Team strives to act in the spirit of those in any case, and so hope this is not going to be controversial, but am happy to discuss with your legal counsel if there is any concern.

Please note that Chief Nakogee has not yet approved this draft, as for most efficient use of his time I want to confirm whether anyone on the proponent side will want significant further changes before asking him to review.

I look forward to hearing from you.

Sarah

B7.3 Community Specific Meeting Materials



MARTEN FALLS FIRST NATION

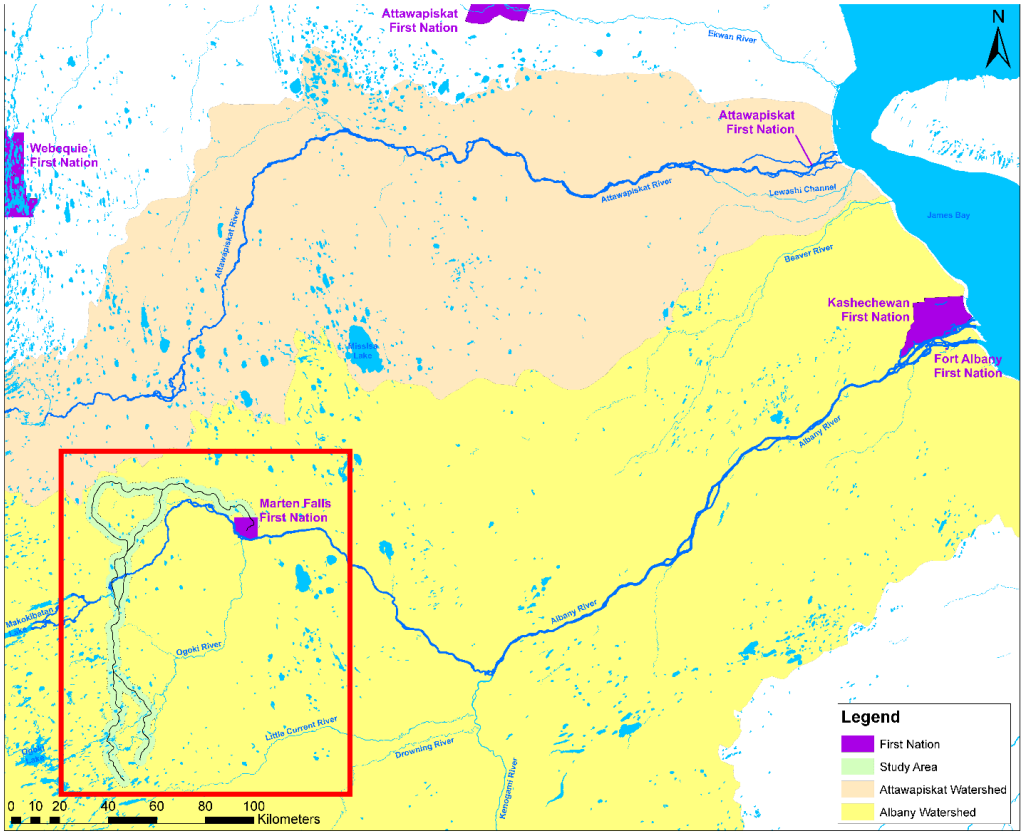
ALL SEASON COMMUNITY ACCESS ROAD



Fort Albany First Nation

November 19, 2020

Project Location in relation to the Fort Albany First Nation



What is the Project?

- Marten Falls First Nation (MFFN) is proposing an **all-season Community Access Road** to provide safe, year round, community access to highway networks
- **The Project is Community-led**;
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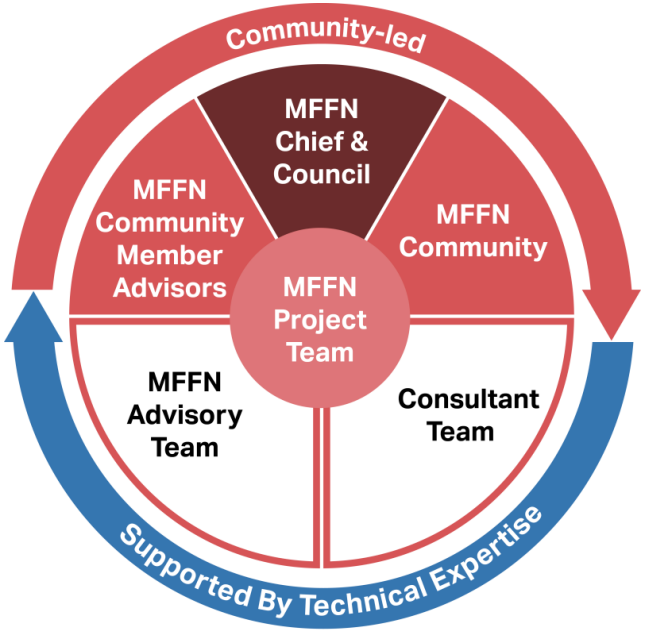
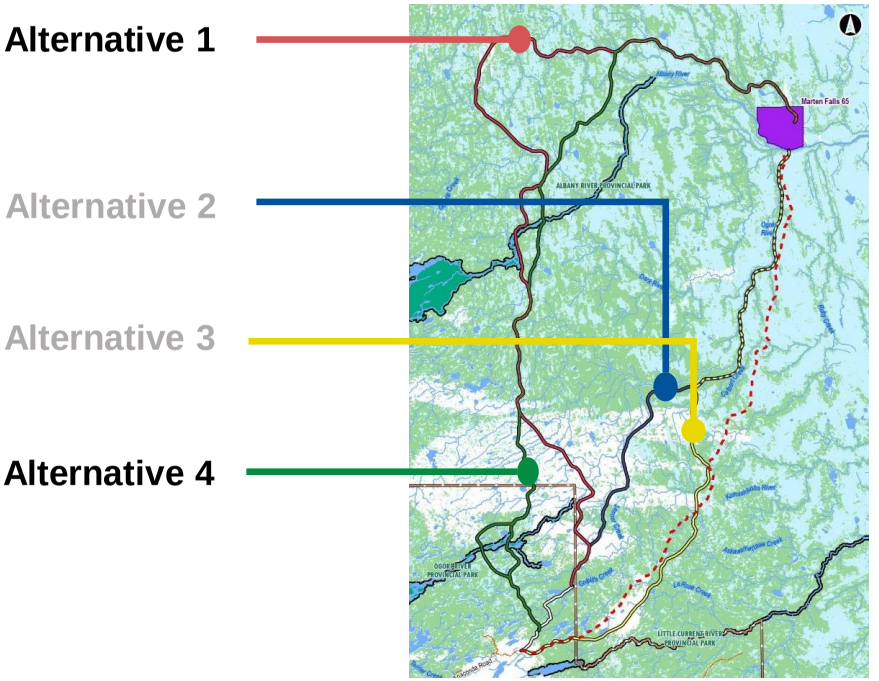
- This Project **does not** include a road to the Ring of Fire; that will be a separate environmental assessment.



Preliminary Routes for the Community Access Road

- Alternative routes for the proposed access roads are identified in the ToR
- Four alternative routes were identified by MFFN using information gathered during previous studies and consultation, and updated this year to include the latest available information
- MFFN has made a community decision to consider only the western routes in the EA **(Alternative 1 and Alternative 4)**



Why is a Community Access Road Needed?

- MFFN has a winter access road, but it isn't reliable and makes transportation of goods and people difficult.
- An all-season access road is needed to improve the well-being of the community and to:

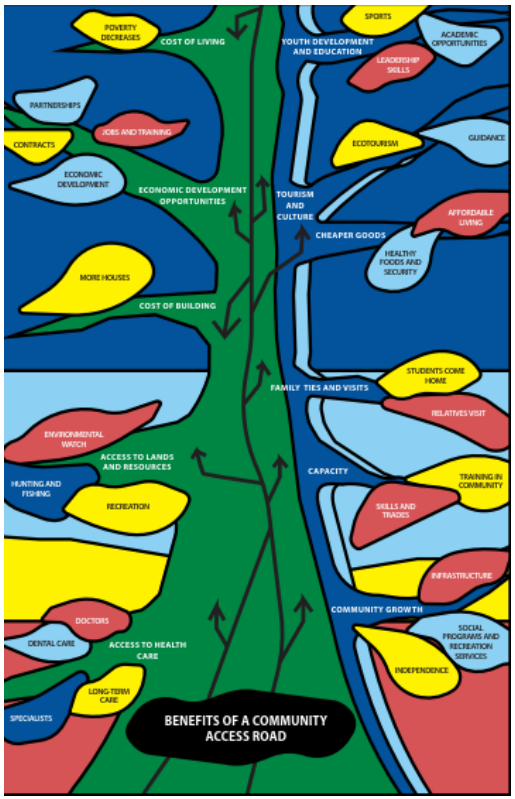
Increase Travel Safety

Reduce Price of Food, Fuel and Supplies

Improve Access to Services

Provide Economic Opportunities

- The all-season access road will be **multi-purpose**, meaning it will provide essential **community access** and **may be used by industry**.
- Multi-purpose use will help minimize infrastructure corridors in the Far North

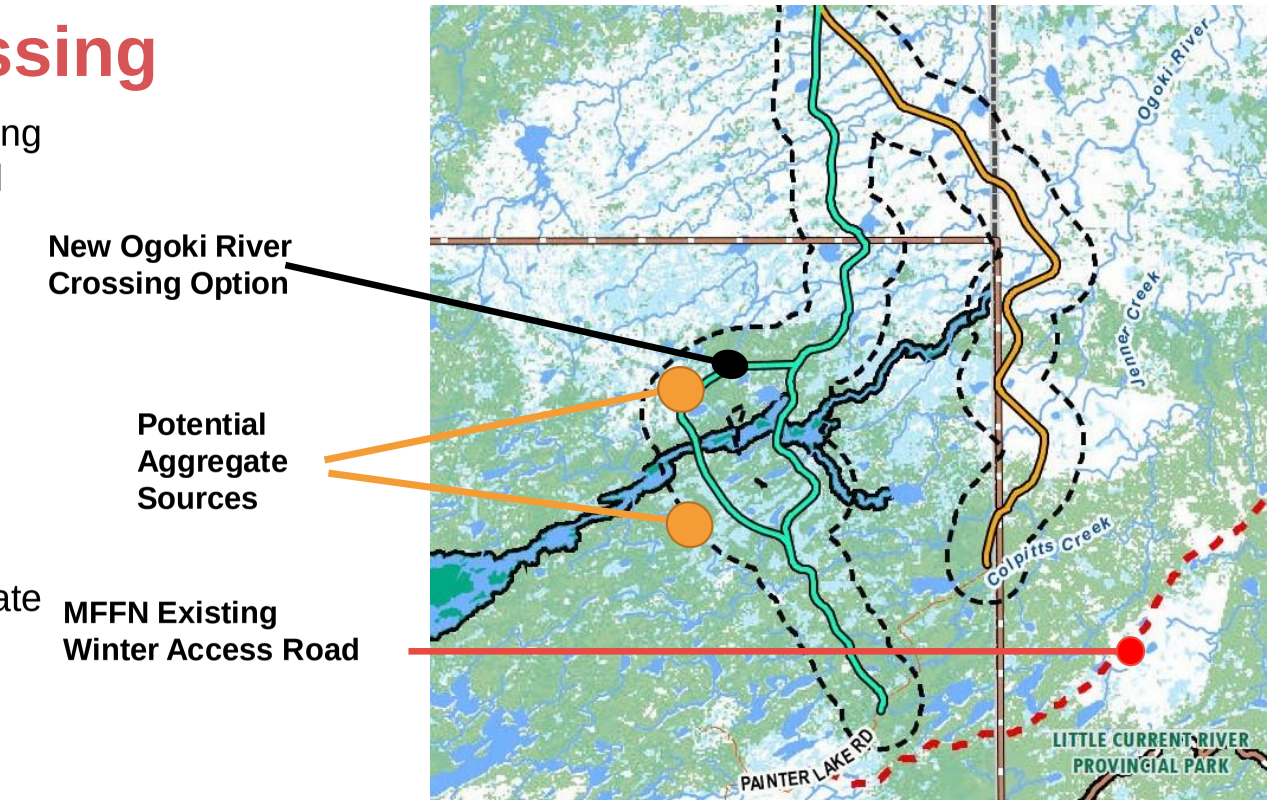


Project Development History

- For decades, MFFN community have identified a strong desire for improved all-season community access
- Project development has evolved through previously completed studies and ongoing processes:
  - 2007 – Explored winter road improvements for a future all-season Community Access Road
  - 2009-2013 - Cliffs Natural Resources began studying the development of a chromite deposit in the Ring of Fire
  - 2016 - Provincial funding to research and explore additional all-season Community Access Road options
  - 2017 - Province entered discussions with MFFN about funding an provincial EA process
  - 2018 - MFFN signed an agreement with the Ministry of Environment, Conservation and Parks (MECP) to voluntarily undertake a provincial EA
  - 2019 - Notice of Commencement the start of the provincial EA process, which began the Terms of Reference (ToR) process

New Ogoki River Crossing

- In August 2020 a new Ogoki River crossing option along **Alternative 4** was identified and added to the ToR
- This crossing was added because it:
  - Has a shorter-span bridge crossing;
  - Is located close to a potentially significant aggregate source; and
  - Eliminates the need for a temporary road to access the potential aggregate source.



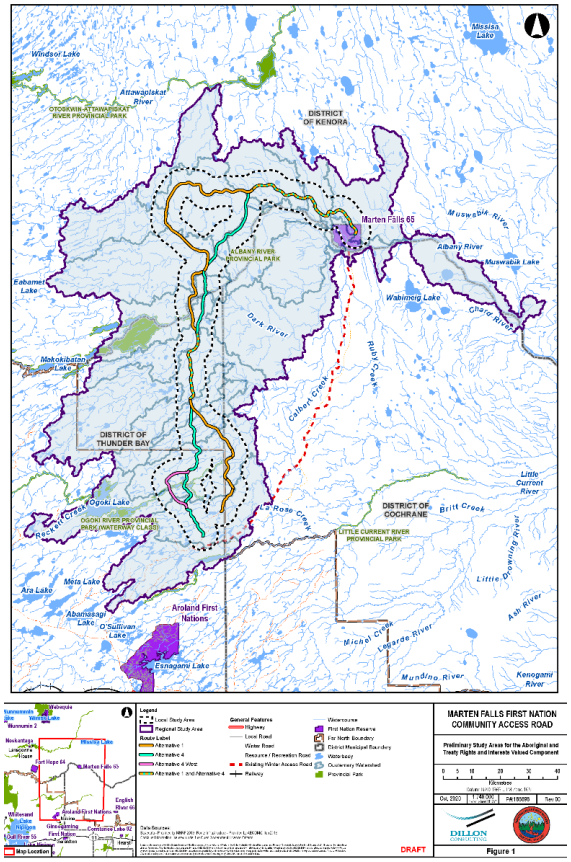
ToR Review Period

- A **Draft ToR** was voluntarily issued for a 63 day review period. Feedback received was addressed and included, as applicable, in the Proposed ToR
- The **Proposed ToR** was submitted to the MECP, and distributed to Indigenous communities on Oct 23, 2020; with a 60 day review period provided (i.e., from Oct 23 to Dec 21, 2020)
- **Comments on the ToR are to be provided directly to MECP**;
- The MECP will consider submitted comments in their decision whether MFFN can proceed with the EA; their decision is expected in early 2021

Consultation is key to decision-making.
You can review the Proposed ToR by visiting our website (www.martenfallsaccessroad.ca/tor/)

Indigenous Knowledge (IK) Program

- An IK Program for the Project has started and will occur in two phases:
    1. Collecting existing IK data to help inform early stages of the EA; and
    2. Completing Project-specific IK studies.
- IK Sharing Agreement with FAFN is in development; this is an important component of the program and will guide the use, collection and protection of Indigenous Knowledge for the Community Access Road.
- Indigenous Knowledge is understood to be highly valuable and as such is treated confidentially.
- Indigenous Knowledge protocols for neighbouring Indigenous communities will be respected.



Baseline Studies – Overview

Field studies for the EA have been conducted since 2018. These studies help MFFN better understand the existing conditions of the environment and potential impacts of the Community Access Road.





Winter and Summer 2018

- Birds
- Land wildlife (moose and caribou)





June to November 2019:
Natural Environment and Engineering

- Geotechnical (soil, aggregate sources)
- Cultural Heritage (archaeology)
- Noise
- Terrestrial (birds, bats, vegetation, and wildlife habitat)

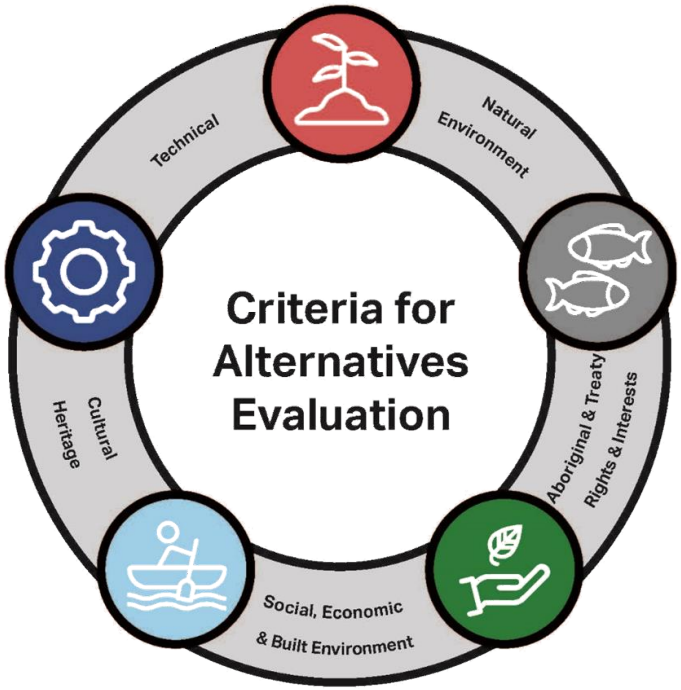




October 2020 into 2021:

- Atmospheric (monitoring)
- Aquatic (fish, water crossings)
- Caribou collaring
- Additional studies may be required

Effects Assessment



Social, Economic, Built and Cultural Environment:

- Housing, infrastructure and transportation;
- Community well-being;
- Population and demographics;
- Regional economy, labour force and employment, and government finances;
- Land and resource used, including recreation, tourism and industry land uses;
  - **Opening of Treaty 9 Territory**
- Safety, health and diet;
- Visual aesthetics; and
- Archaeological, built heritage and cultural sites, resources and landscapes.
  - **Sites along the Albany River**

Aboriginal and Treaty Rights and Interests:

- Indigenous use of land and resources for traditional purposes; and
  - **Impacts to Albany River which affect access to hunting and fishing territories**
- Cultural continuity.
  - **Culture and language connected to the Albany River**

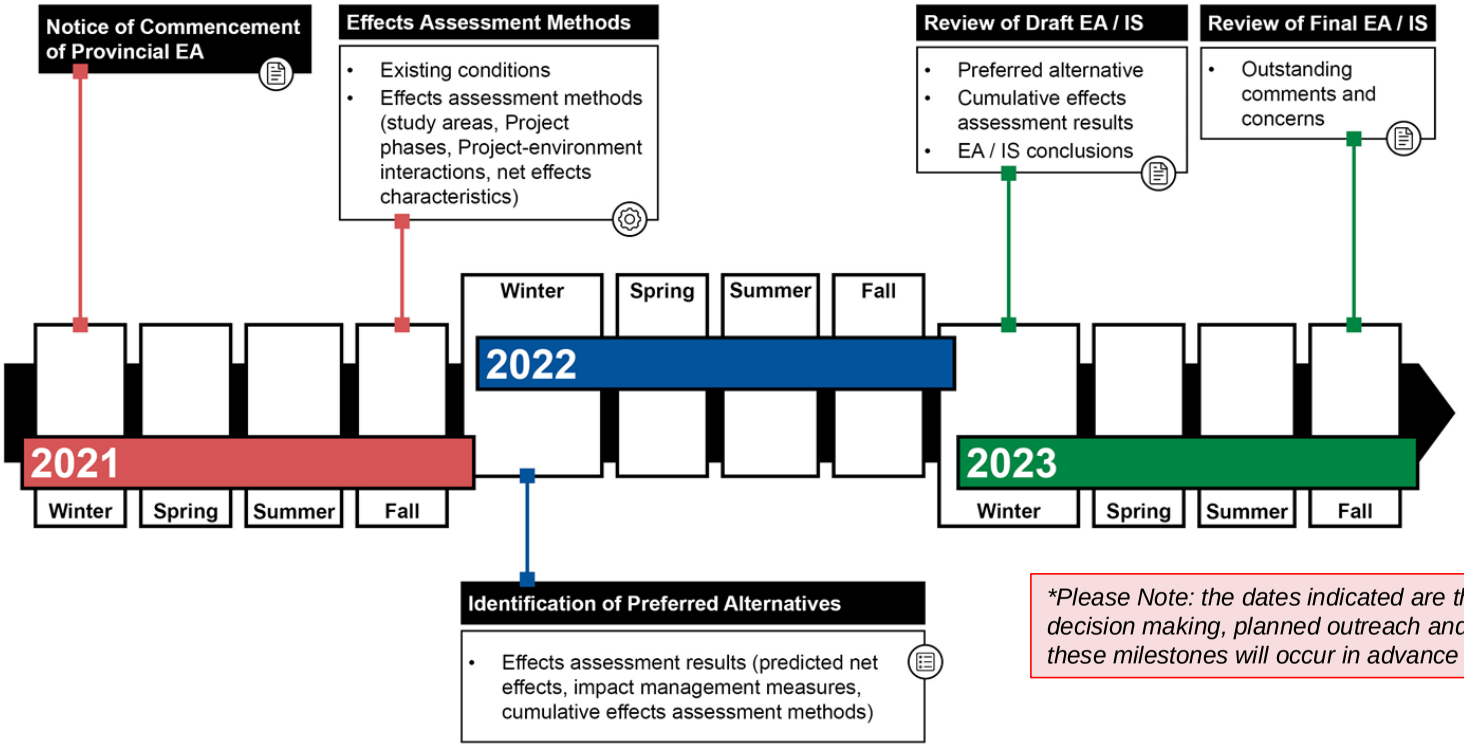
Natural Environment:

- Air, noise and vibrations;
- Physiography, terrain, soils, geochemistry and geology;
- Surface water and groundwater;
  - **Overall health of the Albany River**
- Vegetation, peatlands and wetlands;
  - **Changes to flow regimes**
- Significant ecological features, including traditional use plants; and
- Wildlife and fish, including Species at Risk.
  - **Caribou, Fish**

Technical:

- Route length;
- Borrow availability;
- Construction implementation;
- Capital cost;
- Safety; and
- Maintenance cost.

Future EA/IA Consultation Milestones



**Please Note: the dates indicated are the timelines for the key decision making, planned outreach and engagement on these milestones will occur in advance of these dates.*

Next Steps

- Proposed ToR has been submitted to MECP
  - Comment period from Oct 23 until Dec 21, 2020
  - More information at: www.martenfallsaccessroad.ca/
- IK Sharing Program
  - Working with Fort Albany to confirm their participation



Thank You!

Questions / Comments?

Stay Involved

- Email us at info@martenfallsaccessroad.ca
- Call us at 1-800-764-9114
- Visit our website: www.martenfallsaccessroad.ca



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ALL SEASON COMMUNITY ACCESS ROAD



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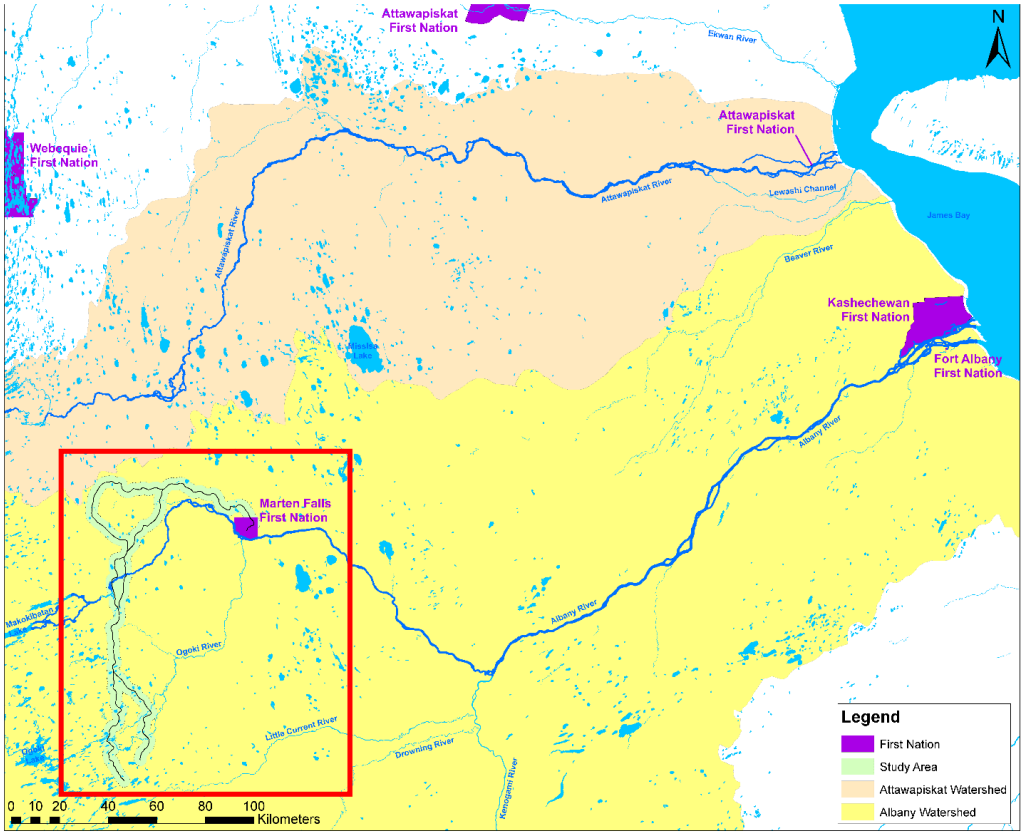

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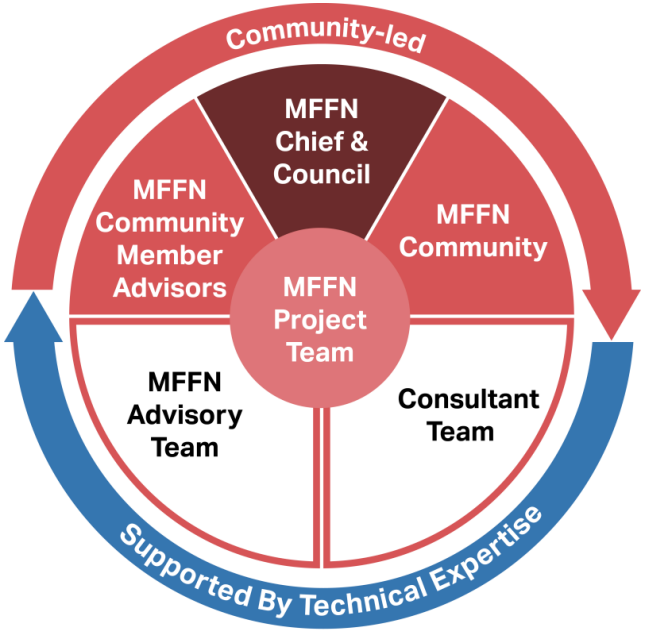

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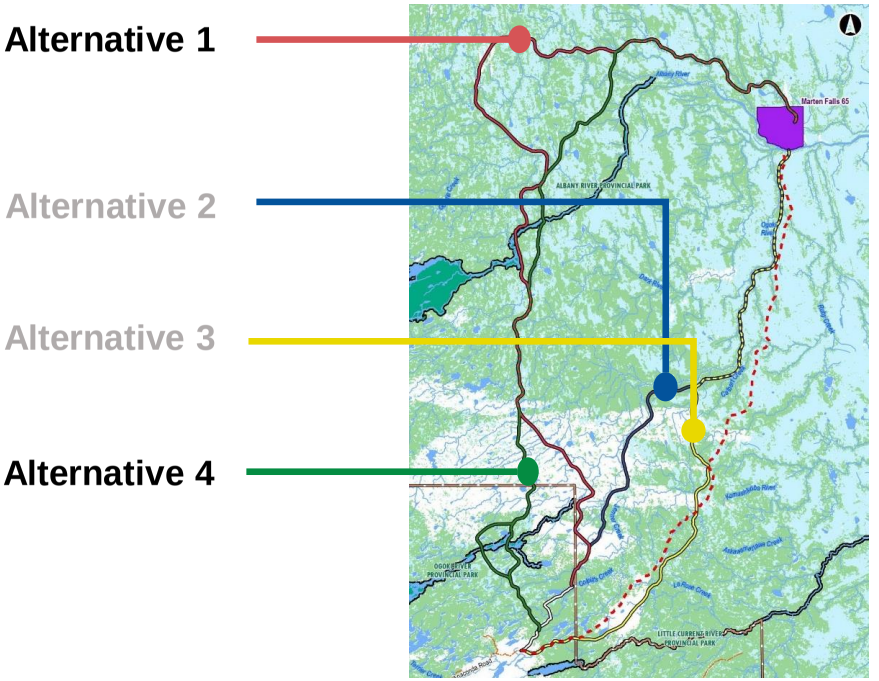

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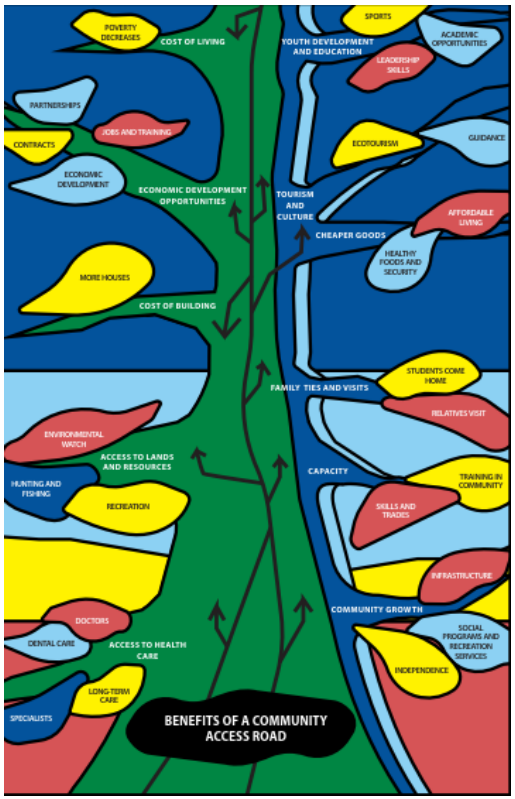

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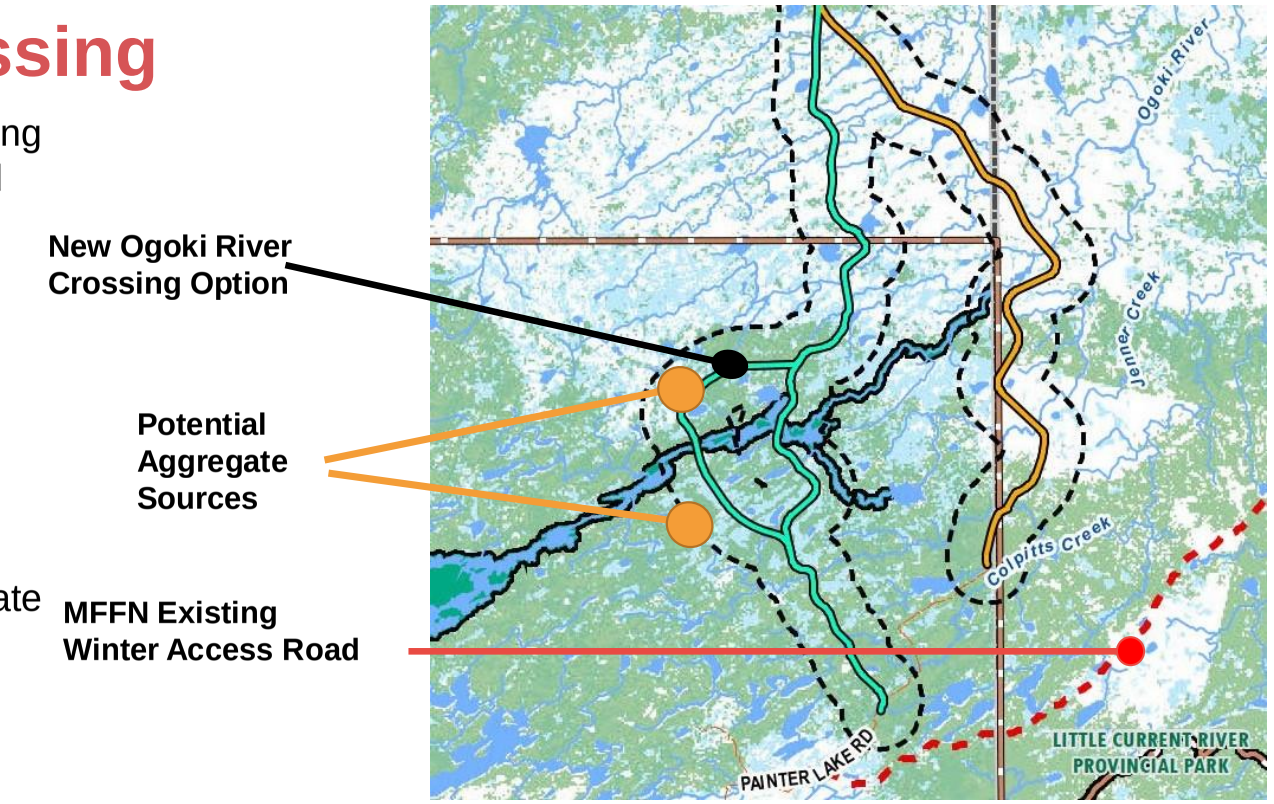
  - Is located close to a potentially significant aggregate source; and
  - Eliminates the need for a temporary road to access the potential aggregate source.



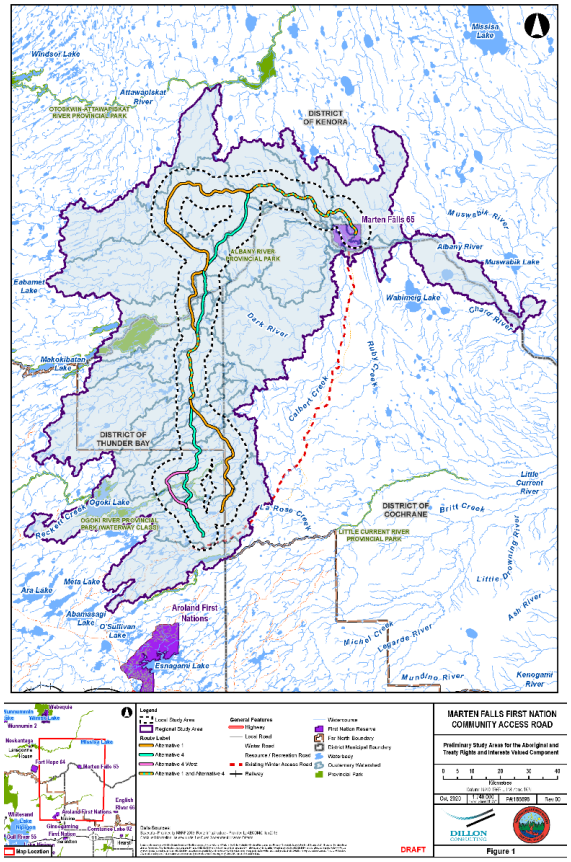
ToR Review Period

- A **Draft ToR** was voluntarily issued for a 63 day review period. Feedback received was addressed and included, as applicable, in the Proposed ToR
- The **Proposed ToR** was submitted to the MECP, and distributed to Indigenous communities on Oct 23, 2020; with a 60 day review period provided (i.e., from Oct 23 to Dec 21, 2020)
- **Comments on the ToR are to be provided directly to MECP**;
- The MECP will consider submitted comments in their decision whether MFFN can proceed with the EA; their decision is expected in early 2021

Consultation is key to decision-making.
You can review the Proposed ToR by visiting our website (www.martenfallsaccessroad.ca/tor/)

Indigenous Knowledge (IK) Program

- An IK Program for the Project has started and will occur in two phases:
    1. Collecting existing IK data to help inform early stages of the EA; and
    2. Completing Project-specific IK studies.
- IK Sharing Agreement with FAFN is in development; this is an important component of the program and will guide the use, collection and protection of Indigenous Knowledge for the Community Access Road.
- Indigenous Knowledge is understood to be highly valuable and as such is treated confidentially.
- Indigenous Knowledge protocols for neighbouring Indigenous communities will be respected.



Baseline Studies – Overview

Field studies for the EA have been conducted since 2018. These studies help MFFN better understand the existing conditions of the environment and potential impacts of the Community Access Road.





Winter and Summer 2018

- Birds
- Land wildlife (moose and caribou)





June to November 2019:
Natural Environment and Engineering

- Geotechnical (soil, aggregate sources)
- Cultural Heritage (archaeology)
- Noise
- Terrestrial (birds, bats, vegetation, and wildlife habitat)

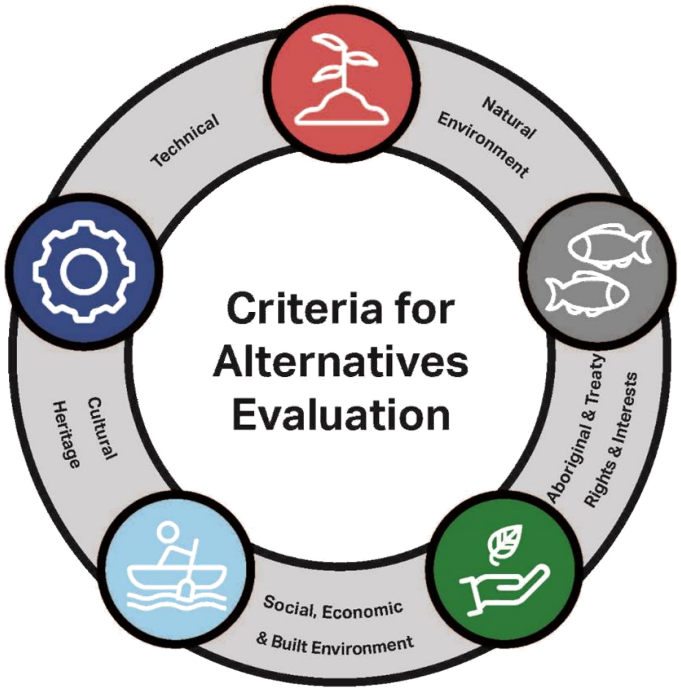




October 2020 into 2021:

- Atmospheric (monitoring)
- Aquatic (fish, water crossings)
- Caribou collaring
- Additional studies may be required

Effects Assessment



Social, Economic, Built and Cultural Environment:

- Housing, infrastructure and transportation;
- Community well-being;
- Population and demographics;
- Regional economy, labour force and employment, and government finances;
- Land and resource used, including recreation, tourism and industry land uses;
  - **Opening of Treaty 9 Territory**
- Safety, health and diet;
- Visual aesthetics; and
- Archaeological, built heritage and cultural sites, resources and landscapes.
  - **Sites along the Albany River**

Aboriginal and Treaty Rights and Interests:

- Indigenous use of land and resources for traditional purposes; and
  - **Impacts to Albany River which affect access to hunting and fishing territories**
- Cultural continuity.
  - **Culture and language connected to the Albany River**

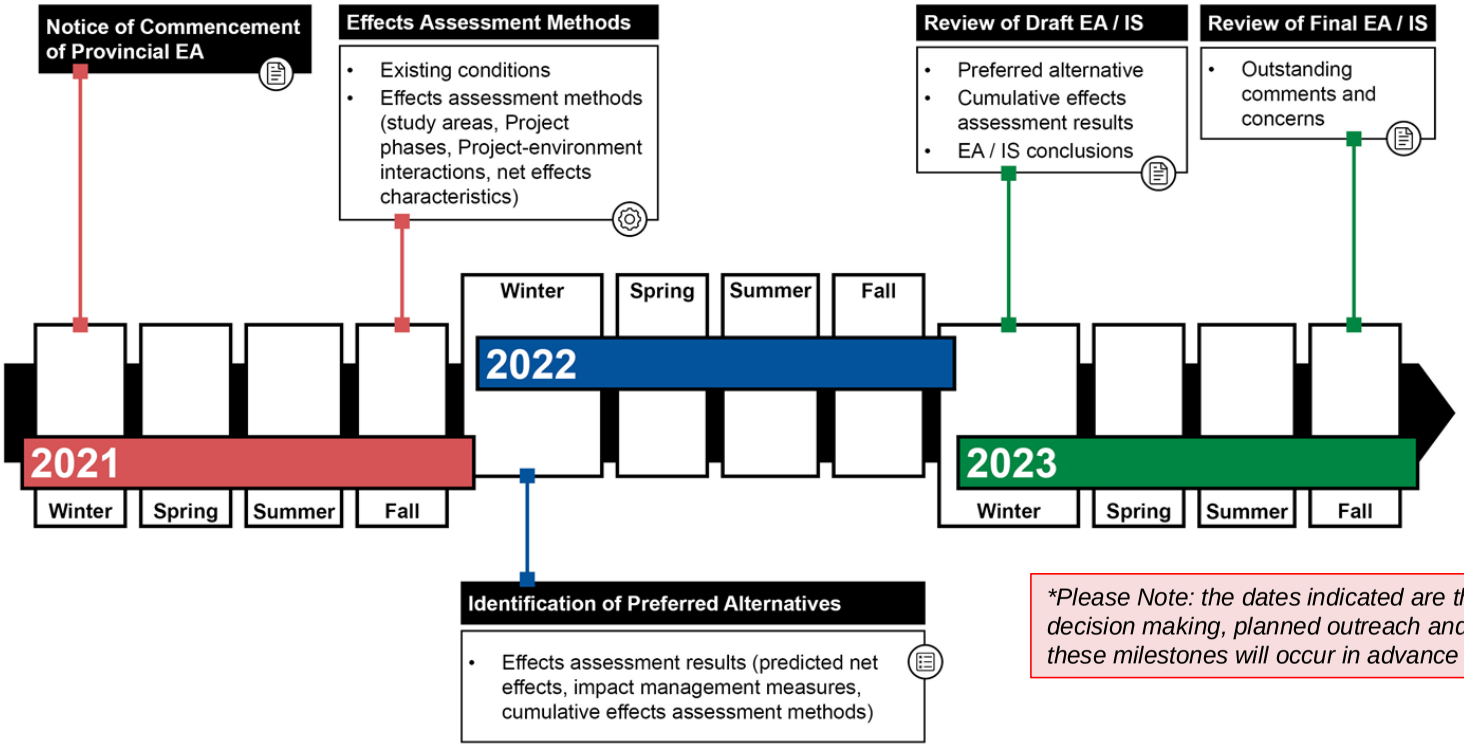
Natural Environment:

- Air, noise and vibrations;
- Physiography, terrain, soils, geochemistry and geology;
- Surface water and groundwater;
  - **Overall health of the Albany River**
- Vegetation, peatlands and wetlands;
  - **Changes to flow regimes**
- Significant ecological features, including traditional use plants; and
- Wildlife and fish, including Species at Risk.
  - **Caribou, Fish**

Technical:

- Route length;
- Borrow availability;
- Construction implementation;
- Capital cost;
- Safety; and
- Maintenance cost.

Future EA/IA Consultation Milestones



**Please Note: the dates indicated are the timelines for the key decision making, planned outreach and engagement on these milestones will occur in advance of these dates.*

Future EA/IA Consultation Milestones & Targeted Input

Notice of Commencement

- Winter – Spring 2021
- What is Fort Albany First Nation level of interest in the Project?
- How would the community like to be informed?

Effects Assessments Methods:

- Summer-Fall 2021
- Fort Albany First Nation values and topics of interest
- Potential effects and impact management measure to be considered
- Impacts of Project to Aboriginal and Treaty Rights and impact management measures
- Confirm input and feedback was captured appropriately

Future EA/IA Consultation Milestones & Targeted Input

Identify Preferred Alternatives:

- Fall 2021 –Winter 2022
- Obtain feedback on effects assessment
- Request Information to identify:
  - Follow up program measures
  - Projects and activities that could act cumulatively
  - How Indigenous communities can participate in the project
  - Potential cumulative effects to consider

Review of Draft EA/IS:

- Fall-Winter 2022
- Obtain feedback on:
  - Draft EA/IS
  - Proposed impact management measures
  - Follow up measures
  - Cumulative assessment results
  - EA/IS Conclusions

Future EA/IA Consultation Milestones & Targeted Input

<u>Review of Final EA/IS</u>

- Fall 2023
- Review the final EA/IS





Next Steps

- Proposed ToR has been submitted to MECP
  - Comment period from Oct 23 until Dec 21, 2020
  - More information at: www.martenfallsaccessroad.ca/
  - **Comments on the ToR are to be provided directly to MECP**
- IK Sharing Program
  - Working with Fort Albany to confirm their participation



Thank You!

Questions / Comments?

Stay Involved

- Email us at info@martenfallsaccessroad.ca
- Call us at 1-800-764-9114
- Visit our website: www.martenfallsaccessroad.ca



B7.4 ToR Comments Received / Responses



FORT ALBANY FIRST NATION

First Nation Council

P.O. Box 1, Fort Albany, ON P0L 1H0
Tel: (705)-278-1044 Fax: (705)-278-1193

December 14, 2020

Via email - [redacted]

Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5

Attn: Sasha McLeod and Shannon Gauthier, Special Project Officer and Project Officer

Dear Ms. McLeod and Ms. Gauthier,

Re: Comments on the Terms of Reference for the Environmental Assessment of the Marten Falls Community Access Road

Please find attached Fort Albany First Nation's (FAFN) comments on the Marten Falls First Nation's (MFFN) September 2020 Proposed Terms of Reference for the Marten Falls Community Access Road – Environmental Assessment.

MFFN is proposing to construct a 190 km to 230 km all-season community access road that will connect the MFFN community to the Ontario provincial highway network. MFFN has entered a voluntary agreement with the Ontario Ministry of Environment, Conservation and Parks to prepare an individual environmental assessment pursuant to the Ontario *Environmental Assessment Act*. The Terms of Reference will provide the framework for the individual environmental assessment. Fort Albany First Nation understands that the MFFN Draft Terms of Reference will be subject to review by the Province and other parties before it becomes the Terms of Reference (ToR) adopted by Ontario for the provincial environmental assessment.

The project is located to the west of FAFN's reserve lands, and intersects with the Albany River system which is one of the most vital features of our Territory and is central to our traditional way of life. The project has the potential to significantly impact our Territory; Inherent, Aboriginal, and Treaty rights; and interests.

FAFN provided some written comments on the draft ToR to MFFN on July 17, 2020. We then met with MFFN to discuss these comments on July 29, 2020, and MFFN provided written responses on September 1, 2020.

The attached comments chart identifies the adequacy of MFFN's responses and the adequacy with which FAFN's comments have been addressed in the proposed ToR, and identifies additional issues in relation to the project's proposed ToR.

General issues identified in the attached table of comments requiring additional response include:

- Need for the cumulative effects assessment to consider the potential induced effects of the Project, such as accelerated mineral exploration and development in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure;
- Need for further project details (e.g. number of anticipated vehicles and number of construction fronts);
- Need to indicate plans to collect Indigenous Knowledge (IK) and socio-economic baseline information with FAFN and opportunities for FAFN to verify incorporation of its IK and socio-economic information into the EA;
- Need for the ToR to separate out an assessment of project effects on muskeg, reflecting the particular nature, uniqueness, functions, and significance of muskeg, such as increased risk of fire due to drying and impacts to permafrost; and
- Need for the ToR to require the environmental assessment to assess potential impacts of the project on water levels and mercury mobilization in addition to other identified potential effects to surface water and fish and fish habitat.

MFFN is requested to review and respond meaningfully to this letter and the attached comment table. Each comment in the attached table includes a required action to address FAFN's comments. FAFN looks forward to discussing our comments and responses with MFFN.

These issues are preliminary in nature and may be developed further following deeper engagement with the community. As FAFN has repeatedly explained, meaningful consultation during the COVID-19 pandemic has been practically impossible. FAFN has been in and out of lockdown for months, with unpredictability from one week to the next regarding such basic things as whether travel in and out of the community is possible, whether community members can safely assemble for meetings, whether our staff can report to work, whether we will need to prioritize crisis response, and so on.

The comments provided are, therefore, based on technical review and very limited engagement with community members and leadership. During the review period, we were only able to organize a single meeting with the proponent and a handful of community members, despite this project being of significant concern and interest. We recently had to cancel our plans to hold ToR focus groups with women, elders, youth, men, and traditional knowledge holders, because our community entered another two-week lockdown following five confirmed COVID-19 cases in one of our closest neighbouring communities, Attawapiskat First Nation. It will not be possible to reschedule these before the December 21 deadline for comment.

With respect to this deadline, while we appreciate that it was extended from 30 to 60 days, it was known to the proponent and Ontario that this is still an insufficient period given the practical realities of the pandemic. Further, it is also known to Ontario and the proponent that December is

a challenging time for community engagement even in normal circumstances, due to the winter road schedule and the Christmas holidays, during which time many people are busy or away and during which time the Band Office is preparing to close for year end.

We have engaged in this process in good faith and are trying to protect our Rights and Territory as best we can in these circumstances. However, it has been under what we have experienced as a form of duress, feeling that if we do not engage, we will be seen to have acquiesced in whatever happens, and that by the time we are ready to engage properly, it will be too late to affect this process. Our engagement has come at an unfair cost to us, including the additional burden on our leadership's time and energy during a period when we should be focused on more pressing things, and the wasted financial and other resources spent on continuously trying to plan and re-plan under tumultuous conditions, and continuously trying to advocate for the Crown and the proponent to make fair, reasonable, and responsible decisions during this unprecedented time.

This has been a persistent source of frustration, stress, and demoralization, and it has been disrespectful to us as Treaty partners, as stewards of our Territory, and as a community that stands to be directly affected by this project (particularly by its downstream effects, which will almost literally end up on our doorstep). It remains FAFN's position that this and other non-essential environmental assessment processes should be stopped until impacted First Nations have the capacity and conditions necessary for meaningful engagement.

All responses to this letter and FAFN's comments should be directed to me, and copied to our CEO, Jacqueline Sutherland, our legal counsel, Sarah Beamish, and our technical advisor on these ToR, Alistair MacDonald.

Sincerely,



Chief Robert Nakogee

Cc: Deputy Chief Charlotte Nakochee
Jacqueline Sutherland, CEO, Fort Albany First Nation
Sarah Beamish, Beamish Law
Alistair MacDonald, The Firelight Group

Attachment: Fort Albany First Nation's Requested Changes to Marten Falls First Nation's September 2020 Proposed Terms of Reference: Marten Falls Community Access Road – Environmental Assessment

December 2020

Fort Albany First Nation's Requested Changes to Marten Falls First Nation's September 2020 Proposed Terms of Reference: Marten Falls Community Access Road – Environmental Assessment

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
649	Fort Albany First Nation	ToR Section 5.2.1	Section 5.2.1.1 Road p. 11 The ToR states that "the number of anticipated vehicles to use the CAR is not known at this time." Please provide a reasonable estimate of anticipated vehicles to use the CAR, broken down into personal vehicles and commercial vehicles, under a number of scenarios (including by season and with and without development of one or more major ore deposits within the Ring of Fire region). Projected vehicle use is required to estimate potential impacts on a number of components, including, but not limited to, air quality, vegetation, wildlife and Indigenous land use. It is a critical consideration in this EA, as operational use of the road and direct, indirect, and induced effects of that operational use, are subject to this assessment.	The assumed number of vehicles that will use the access road will be determined in the EA which will inform the impact assessment work. For the purpose of the road design, it is currently assumed that up to 400 vehicles / day would use the road.	Partially adequate. The ToR should indicate that the EA will identify the assumed number of vehicles that will use the access road to inform the impact assessment.	Inadequate. The ToR does not indicate that the EA will identify the assumed number of vehicles that will use the access road to inform the impact assessment.
650	Fort Albany First Nation	ToR Section 5.2.2	Section 5.2.2 Project Activities p. 13 The ToR states that "the number of construction fronts that will be	The number of construction fronts is not known and would be determined as part of post EA design work. The EA will recognize	Inadequate. While the number of construction fronts may not be known at this time and is to be determined at a later stage of	Inadequate. While the number of construction fronts may not be known at this time and is to be determined at a later stage of

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			utilized to build the CAR will be determined at a later stage of Project design". Please provide a reasonable estimate of the maximum numbers of construction fronts that will be utilized to build the CAR. An estimate of the maximum number of construction fronts is required to estimate the impacts associated with noise and the size of the workforce during the construction period.	that one or more construction fronts are possible	project design, the EA must provide a reasonable estimation of the number of construction fronts for the purpose of the effects assessment. Variation in the number of construction fronts is likely to change the estimation of impacts on VCs, including sensory disturbance to wildlife and access to lands and resources for current traditional use. Where uncertainty exists, a precautionary approach utilizes a worst-case scenario, which, in this case, would be the maximum number of construction fronts contemplated.	project design, the EA must provide a reasonable estimation of the number of construction fronts for the purpose of the effects assessment. Please provide a reasonable estimate of the maximum numbers of construction fronts that will be utilized to build the CAR for the purpose of the EA.
651	Fort Albany First Nation	ToR Section 7.1	Section 7.1 Description of the Environment The ToR does not indicate how Indigenous knowledge was incorporated into the description of existing environmental conditions. Please indicate how Indigenous knowledge (and from what Nations) was incorporated into the description of existing environmental conditions and/or indicate how Indigenous knowledge will be collected and incorporated into the description of the existing environment in the	The description of baseline conditions in the ToR provides context information, is at a higher level and does not typically include IK. Rather, IK will be collected and included as part of the baseline (existing) conditions description in the EA.	Partially adequate. While the ToR describes existing conditions at a high level, such contextual information may nevertheless be informed by engagement with Indigenous Nations, including IK. Engagement with Indigenous Nations should occur at the earliest opportunity. Fort Albany First Nation acknowledges the Proponent's commitment to collect and include IK as part of the baseline (existing) conditions description in the EA. Please indicate plans to collect IK	Partially adequate. The ToR states "While baseline data collection has already commenced for several environmental disciplines, it is expected that available Indigenous Knowledge shared and collected to support the EA will be used to both guide future data collection" (p. 9). The ToR also states that "The information included in the ToR will be augmented during the EA by field investigations and studies, Indigenous Knowledge shared, and input from neighbouring Indigenous communities, government agencies and

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			environmental assessment. Indigenous knowledge provide valuable information about the existing conditions of environmental components that have the potential to be impacted by the project.		with Fort Albany First Nation and opportunities for Fort Albany First Nation to verify incorporation of its IK into the EA.	interested persons" (p. 30). Please indicate plans to collect Indigenous Knowledge with Fort Albany First Nation and opportunities for Fort Albany First Nation to verify incorporation of its IK into the EA.
652	Fort Albany First Nation	ToR Section 7.2.3	Section 7.1.4.2 Acoustic Section p.24 7.2.2 Acoustic Environment p. 49 Section 7.1.4.2 of the ToR states the "the Project will undertake a field program to better understand the existing local and regional ambient noise levels" (p.24). However, the ToR does not indicate whether the field program will collect information on the current soundscape in relation to Indigenous values. Section 7.2.2 of the ToR states that "potential noise effects of the alternative routes will be assessed quantitatively a noise protection model" (p. 49). Please indicate hose Indigenous values in relation to the current soundscape will be drawn on to inform the noise field study and effects assessment. Ambient sounds are an indicator	The MFFN Project Team will engage with interested Indigenous communities who may be adversely affected by the Project to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. If FAFN has specific interest in understanding how the noise assessment will be completed, the MFFN Project Team is available for further discussion.	Partially adequate. Fort Albany First Nation acknowledges the MFFN's commitment to work with affected Indigenous communities to identify receptor locations. Please Indicate whether MFFN intends to incorporate additional information and perspectives from affected Indigenous groups regarding the acoustic environment, where provided by Indigenous groups, into the baseline and effects assessment.	Partially adequate. The ToR states "The location of receptor locations will be informed by input received through the Indigenous Knowledge and consultation programs, where applicable" (p. 66). Please Indicate whether MFFN intends to incorporate additional information and perspectives from affected Indigenous groups regarding the acoustic environment, where provided by Indigenous groups, into the baseline and effects assessment.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			of biodiversity and comprise a meaningful aspect of the environment for Indigenous people, informing Indigenous knowledge and land use (Herrera-Montes, 2019; Ritts et al., 2016; Muir 2014, Samuels et al. 2010). Limiting baseline studies and effects assessment to "noise" levels is insufficient to capture effects on Indigenous people resulting from alterations in soundscape.			
653	Fort Albany First Nation	ToR Section 7.1.4.5	Section 7.1.4.4 Surface Water p. 28 The ToR states that "ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis." Please describe how the subset of water body crossings for ground-based field surveys will be determined and how Indigenous nations will be consulted with respect to the selection of such sites. Particular waterways may hold unique values and meanings for	It is expected that information on waterways and watercourse crossings collected through the IK and Consultation Program will inform baseline studies. The MFFN Project Team is available for discussions with interested communities on specific study approaches.	Partially adequate. The ToR should indicate that the subset of water body crossings for ground-based field surveys will be informed by the results of the IK Program.	Adequate. The ToR states "applicable information obtained through the Indigenous Knowledge Program will also be integrated, where possible" (p. 47).

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.			
654	Fort Albany First Nation	ToR Section 7.2.7	Section 7.1.4.6 Vegetation p. 29 The ToR states that "a description of soil, plant species, relative abundance of plant species, and presence of invasive and Species at Risk (SAR) will be recorded for each survey plot." The ToR makes no mention of traditional use plants and medicinal plants. Please indicate how traditional use plants and medicinal plants will be surveyed and with the involvement of which Indigenous groups, and what the status and schedule is for completing this work. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.	Information obtained on traditional and medicinal plants identified through the IK Program will inform baseline studies. The MFFN Project Team is available for discussions on specific study approaches.	Partially adequate. The ToR should indicate that information on traditional use plants will be described, where such information has been identified through the IK Program.	Adequate. The ToR states "Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function and changes to species diversity, including SAR and traditional use plants" (p. 68).
655	Fort Albany First Nation	ToR Section 7.2.9	Section 7.1.4.8 Fish and Fish Habitat p. 30 The ToR states that "over 20 species of fish, primarily of cool and cold-water thermal regimes,	The EA will consider the potential for effects on all fish species that have the potential to be located in the identified study area. This will be clarified in the ToR.	Adequate.	Adequate. The ToR states "To mitigate potential adverse effects on fish and fish habitat, waterbody crossings and culvert installations will be designed and installed in

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			are known to inhabit these waters and are part of, or support a commercial, recreational, or Aboriginal fishery and are therefore regulated by the Fisheries Act." Please remove "and a part of, or support a commercial, recreation, or Aboriginal Fishery" from this sentence. A focus on "commercial, recreational, or Aboriginal fishery" is not part of the current *Fisheries Act*. Fort Albany First Nation requires an assessment of all important fish species – to be determined through consultation – not just those subject to a commercial, recreational or Aboriginal fisher.			accordance with applicable provincial and federal guidelines and standards to avoid harmful alteration, disruption or destruction of fish habitat" (p. 69).
656	Fort Albany First Nation	ToR Section 7.2.9	Section 7.1.4.8 Fish and Fish Habitat p. 31 The ToR states that "the ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings) to verify or augment the results and assumptions from the desktop analysis"	It is expected that information on fish and fish habitat and specific waterways collected through the IK Program will inform baseline studies. The MFFN Project Team is available to discuss with interested communities the specific approaches to baseline data collection.	Partially adequate. The ToR should indicate that the subset of water body crossings for ground-based field surveys will be informed by the results of the IK Program.	Adequate. The ToR states "Applicable information obtained through the Indigenous Knowledge Program will also be integrated, where possible" (p. 55).

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			Please describe how the subset of water body crossings for ground-based field surveys will be determined and how (and which) Indigenous nations will be consulted with respect to the selection of such sites, including status and timelines for this work. Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.			
657	Fort Albany First Nation	ToR Section 9.1.1	Section 7.1.4.11 Indigenous Knowledge and Land Use This section of the ToR does not provide information about existing historical and cumulative effects on Indigenous knowledge and land use. Please provide information about existing historical and cumulative effects on Indigenous knowledge and land use or indicate how and on what timeline such information will be collected and incorporated into the effects assessment. A description of existing historical and cumulative effects on	The description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information). Information of this nature will be requested as part of the IK Program.	Partially adequate. The ToR should indicate that description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information).	Adequate. The ToR states "MFFN will work with Indigenous communities to collect and incorporate information on Indigenous uses of lands and resources in relation to the area of the Project through the Indigenous Knowledge Program, including Project-specific Indigenous Knowledge and Land and Resource Use Studies" (p. 41). The ToR also states "MFFN will identify how Indigenous land use has changed as a result of cumulative effects. This will be informed by information received through the Indigenous Knowledge Program, where

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			Indigenous knowledge and land use is required to accurately characterize baseline conditions and change over time to date. As an Indigenous group like Fort Albany First Nation that has seen many changes, MFFN is well aware that the traditional use and rights practice environment in which this CAR is proposed is not a pristine one, but rather one that has been subject to many high magnitude changes over time.			applicable" (p. 77).
658	Fort Albany First Nation	Section 7.1.4.10	Section 7.1.4.12 Socio-Economic and Built Environment p. 39 The ToR states that "The closest populated areas to the Project are the Indigenous communities of MFFN and Aroland First Nation." The ToR does not provide information about other Indigenous nations potentially affected by the project. Please indicate which Indigenous nations are anticipated to be employed by the project and provide a description of current socio-economic and built environment conditions for such Indigenous nations. While some Indigenous nations	The MFFN Project Team is interested in maximizing economic benefits to communities in the region. It is not known at this time which communities may have community members involved in Project construction. It is expected that there will be employment opportunities for community members in the Region subject to required skills and experience. The EA will include descriptions of current socio-economic and built environment conditions.	Partially adequate. Please indicate if the EA will include descriptions of current socio-economic conditions for Fort Albany First Nation.	Partially adequate. The ToR states "A review of available desktop information will be completed to identify information gaps and inform data collection for the Project. This will allow for more focused questioning targeted at specific data gaps and relevant items for each Indigenous community" (p. 61). The ToR does not indicate which Indigenous communities will be included in the socio-economic baseline research. Please indicate if the EA will include descriptions of current socio-economic conditions for Fort Albany First Nation.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			may not be located close to the project, they may nevertheless be affected through pathways associated with employment as well as a series of other potential social, economic, cultural and health effects. These need to be properly characterized in MFFN filings.			
659	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives Evaluation	Section 7.1.4.12 Socio-Economic and Built Environment – Visual Aesthetics p. 43 The ToR provides limited information about visual aesthetics in the area of the project. Please provide information about any planned field programs to collect visual data at key locations and plans to consult with Indigenous nations in the collection of such data. The visual environment comprises a meaningful component of the environment for Indigenous peoples, informing traditional knowledge and use. The project has the potential to adversely affect the visual landscape.	Field activities will be undertaken to support the visual assessment. Indigenous communities will be consulted on the visual assessment and associate field program. If FAFN has specific interest in understanding how the visual assessment will be completed, the MFFN Project Team is available for further discussion.	Partially adequate. The ToR should indicate that Indigenous communities will be consulted on the visual assessment and associate field program.	Adequate. Appendix A to the ToR identifies Traditional Knowledge as a data source for Visual Aesthetics.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
660	Fort Albany First Nation	-	Section 7.2 Potential Environmental Effects p. 47 The ToR does not indicate how the preliminary identification of potential environmental effects was determined, including secondary sources of data that may be drawn on to inform the effects assessment. Please provide identify secondary sources of information about the effects of all-season roads on remote communities and indicate how the review of such information has informed the preliminary identification of potential environmental effects. There are number of predictable effects associated with the development of all-season access roads to remote communities that should inform the effects assessment, including with respect to methods, valued components and findings.	The list of effects is preliminary and comes from the experience of the study team from other similar road projects. The study team has also examined other related EAs and studies to inform the potential for effects. The potential effects list can be expanded upon in the EA.	Partially adequate. Please indicate the other related EAs and studies that have informed the preliminary list of potential effects.	Partially adequate. Please indicate the other related EAs and studies that have informed the preliminary list of potential effects.
661	Fort Albany First Nation	ToR Section 7.2.7	Section 7.2.6 Vegetation p. 50 The ToR states that "Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and	Potential for impact on traditional use plants will be noted in the ToR.	Adequate.	Adequate. The ToR states "Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function and changes to species

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			function, and changes to species diversity." This section of the ToR does not mention potential impacts on traditional use plants, including medicinal plants. Please indicate anticipated changes on traditional use plants, including medicinal plants as a result of the project. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.			diversity, including SAR and traditional use plants" (p. 68).
662	Fort Albany First Nation	ToR Section 7.2.2, Appendix A: Criteria and Indicators for Alternatives Evaluation	Section 7.2.10 Indigenous Knowledge and Land Use p. 52 The ToR provides a list of potential effects to Indigenous and Treaty Rights. This list relates primarily to tangible impacts and does not capture potential impacts on intangible social and cultural values. Please identify potential effects on the social and cultural dimensions of land use, such as sense of place, spirituality, knowledge transmission, and social norms. Consideration should also be given to effects resulting from	The ToR will be revised to reference the potential for these other types of effects, and the indicators will be revised to account for cultural considerations and potential effects.	Adequate.	Adequate. The ToR includes the following potential effects on Indigenous People's Rights and Interests "Changes to the experience of being on the land; and Changes to cultural traditions and / or the ability to pursue and transmit cultural traditions (i.e., knowledge transmission)" (p. 65).

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			increased non-Indigenous access as a result of the project. The Terms of Reference should identify how these valid impact pathways will be investigated. Indigenous land use cannot be reduced to physical activities, access and biophysical proxies (such as environmental conditions). The social and cultural dimensions of Indigenous land use are integral components and need to be adequately assessed.			
663	Fort Albany First Nation	ToR Section 7.2.10	Section 7.2.11 Socio-Economic and Built Environment p. 53 The ToR provides a list of potential effects on the socio-economic and built environment. This list does not consider effects associated with increased access for illicit activities. Please include increased access for illicit activities (e.g. transportation and sale of illegal drugs) in the list of potential effects. Increased access to remote communities is known to result in health and wellbeing impacts as a result of increased illicit activities.	The ToR will be revised to reference that the EA will examine the potential for increased illicit activities.	Adequate.	Adequate. The ToR includes the following potential effect on the Social, Economic and Built Environment "The Project may result in effects to human health by altering public safety (including potential increased illicit activities, conflicts and other potential harms to communities and their members), public health, diet and mental health. These changes may be facilitated by additional access to and from southern communities year-round" (p.70).

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
the	Fort Albany First Nation	ToR Section 7.2.10	Section 7.2.11 Socio-Economic and Built Environment p. 53 The ToR states that "Improved access to MFFN may also provide benefits in the form of skill development, training and job creation." The ToR does not mention existing barriers of Indigenous nations to take advantage of project benefits. Please identify differential ability to take advantage of project benefits among Indigenous nations, including Fort Albany First Nation, as a condition that may affect the realization of project benefits. Indigenous communities may have several barriers affecting their ability to take advantage of project benefits, such as lack of transportation, insufficient skills and training, health and wellness issues, and cultural requirements. The effects assessment should identify measures to address such barriers so as to enhance project benefits.	The ToR will be revised to include reference to the consideration of potential barriers to participating in Project benefits as part of the EA.	Adequate.	Adequate. The ToR states "It is possible that barriers may exist that may prevent or affect the ability to participate in Project benefits. Potential barriers, should they exist, will be identified during the EA, and where feasible, measures to enhance benefits of the Project will be considered" (p. 71).

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
665	Fort Albany First Nation	-	Section 8. Assessment and Evaluation, p. 54 This section of the ToR does not identify the approach to cumulative effects assessment. Please describe the approach that will be used to conduct a cumulative effects assessment. For reference purposes, see the First Nations Major Projects Coalition's Major Project Assessment Standard, Principle 8 (First Nations Major Projects Coalition, 2019) which covers meaningful practice of cumulative effects assessment as identified by over 60 Canadian Indigenous groups. MFFN is requested to identify whether it is committed to conduct any required cumulative effects assessment to this standard. Cumulative effects resulting from multiple past, present and reasonable foreseeable projects and activities are a primary concern for Indigenous communities and require adequate assessment.	The Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada outline in more detail the expected scope of study for the Cumulative Effects Assessment.	Partially adequate. The ToR should also outline the scope of study for the Cumulative Effects Assessment. The Ministry of the Environment, Conservation and Parks guidance document *Preparing and reviewing terms of reference for environmental assessments in Ontario* identifies that inclusion of information about cumulative effects in an EA is a best practice and encourages proponents to "Include information about potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible."	Adequate. The ToR states "As outlined in the Consultation Plan (**Appendix B**), MFFN will seek input from neighbouring Indigenous communities, including vulnerable groups such as women, youth and the elderly, as well as from government agencies and interested persons, on the proposed method to assess and evaluate the alternatives and cumulative effects" (p. 72).

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
666	Fort Albany First Nation	ToR Section 7.2	Section 8. Assessment and Evaluation, p. 54 This section of the ToR does not include consideration of potential induced effects from the Project. Please include consideration of potential induced effects of the project, such as accelerated mineral exploration and development in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure. Road development is likely to result in induced effects that need to be adequately assessed and mitigated.	The EA will consider the potential for cumulative effects from other potential future projects in the region subject to information availability. As well, effects from changes in access including the potential for increased hunting pressure will also be assessed.	Partially adequate. The requirement to assess the effects of induced development as part of the cumulative effects assessment should be included in the TOR.	Partially adequate. The ToR states "As outlined in the Consultation Plan (**Appendix B**), MFFN will seek input from neighbouring Indigenous communities, including vulnerable groups such as women, youth and the elderly, as well as from government agencies and interested persons, on the proposed method to assess and evaluate the alternatives and cumulative effects" (p. 72). Fort Albany First Nation members are highly concerned about future development in the Ring of Fire, including further impacts on rivers, water, fish, wildlife, and FAFN treaty and Aboriginal rights, among other impacts. The ToR should indicate that the EA will consider activities and developments induced by the Project, including but not limited to accelerated mineral exploration and development in the Ring of Fire, as part of the cumulative effects assessment.
667	Fort Albany First Nation	Supporting Document	Section 10.2 Summary of Consultation Activities on the ToR p. 62 The ToR states that "An overall	Previous engagement activities on the identification of the alternative routes was largely focused with the MFFN community, as described in	Partially adequate. The ToR should indicate that the MFFN Project Team will engage with all interested communities in the	Adequate. The TOR states "During the EA, Indigenous Knowledge and information on Indigenous land and resource use will inform and

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			introduction to the Project and the EA process was provided during initial conversations with interested persons." The ToR does not indicate if or how such conversations informed project design or effects assessment methods. Please indicate how early engagement with Indigenous nations influenced project design (e.g. selection of alternative route alignments) and/or future opportunities for such engagement. Please also identify how MFFN is planning to engage Fort Albany First Nation in consideration of alternative routing options. Meaningful consultation requires that engagement has the potential to result in concrete changes to project design and planning, particularly at an early stage in the planning process.	the Alternatives Supporting Document to the ToR. Going forward in the EA, the MFFN Project Team will engage with all interested communities in the selection of the route including receiving input on the evaluation criteria to be used.	selection of the route including receiving input on the evaluation criteria to be used.	validate the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods" (p. 9). The ToR also states that "Additional information on how alternatives will be compared, proposed criteria and indicators, and assessment and evaluation of net effects in the EA is provided in the following sections. As outlined in the Consultation Plan (**Appendix B**), MFFN will seek input from neighbouring Indigenous communities" (p. 72).
668	Fort Albany First Nation	ToR Section 10.2, Appendix C: Record of Consultation	Section 10.2 Summary of Consultation Activities on the ToR p. 63 The ToR states that "a list of issues received through consultation activities during preparation of the ToR will also	The issues received since the release of the Draft ToR will be described in the revised (Proposed) ToR that will be made available for all to review.	Partially adequate. In addition to a list of issues received during preparation of the ToR, the ToR should provide a list of issues received prior to preparation of the ToR, or note that no issues were received prior to preparation of the	Adequate.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			be included in the Proposed ToR." Please provide a list of all issues received to date, inclusive of issues raised during preparation of the ToR. Please also indicate how such issues have been, or will be, addressed. Adequate issues tracking necessitates documentation of issues when first raised and steps to address such issues, including perceived adequacy of such steps and any further issues that arise.		ToR.	
669	Fort Albany First Nation	Supporting Document	Section 10.2.2 Indigenous Communities Engagement p. 64 The ToR states that "Prior to commencing the ToR, MFFN held Project-related discussions with several Indigenous communities between 2017 and 2018. A summary of these activities is provided in Marten Falls First Nation Community Access Road Supporting Document – Draft Alternatives Development (AECOM 2019)." This document is not available. Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be	The Supporting Document is available through the Project website.	Adequate.	Adequate.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			available for review.			
670	Fort Albany First Nation	Supporting Document	Section 10.2.2 Indigenous Communities Engagement p. 65 The ToR states that "The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation (AECOM 2019a), provides a summary of the attempts to engage with Indigenous communities up to October 24, 2019." The document is not available. Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review.	The Supporting Document is available through the Project website.	Inadequate. The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation could not be located on the Project website. Please provide a link.	Adequate.
671	Fort Albany First Nation	Appendix B: Consultation Plan	Section 11.3.1 Identification of Indigenous Communities p. 76 The ToR states that "All identified communities will receive all statutory notices related to the EA (e.g., Notice of Commencement of the Environmental Assessment) and	MFFN is open to having discussions with Fort Albany First Nation on how they would like to be engaged throughout the EA. Also see the Consultation Plan, which is appended to the Draft ToR. A revised Consultation Plan will be appended to the Proposed ToR.	Adequate.	Adequate. The ToR states "During the EA, Indigenous Knowledge and information on Indigenous land and resource use will inform and validate the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			comprehensive, plain-language Project updates through email, mail and the Project website. Each will also be provided the full opportunity to review and comment on key EA documents including the Draft and Proposed ToR as well as the Draft and Final Environmental Assessment Report. In addition, Indigenous communities, depending on their level of interest in and the potential for impacts related to development of the CAR, will be encouraged or offered the opportunity to meet in-person to discuss the Project and gather feedback at appropriate milestones throughout the EA." Please indicate how opportunities for more constructive engagement on assessment topics, methods, mitigations, etc. will be provided, in addition to notification, project updates, and review and comment. Project notification and the opportunity to review and comment on project documents provides the bare minimum of consultation. Best practice, aligned with the United Nations			management measures and monitoring methods" (p. 9).

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			Declaration on the Rights of Indigenous People, requires that Indigenous nations have the opportunity to make consent-based decisions about projects that have the potential to affect their rights. This entails constructive engagement in project design and assessment methods.			
672	Fort Albany First Nation	ToR Section 6.3.1 and Section 12	Section 12. Accommodating New Circumstances p. 81 The ToR states that "Minor changes include, but are not limited to, modifications or variations to the consultation plan, proposed study areas and alternatives, refinement of evaluation criteria and need for additional studies." Please provide information about the anticipated scope of changes to proposed study areas and alternatives. Large changes to proposed study areas and alternatives could have significant implications for the EA.	The ToR has been revised to provide further clarity on the scope of possible changes to the alternatives and associated study areas.	Partially adequate. Please describe the changes that have been made to the ToR in response to this comment so these changes can be reviewed.	Adequate.
673	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives	Appendix A Draft Criteria & Indicators for Alternatives Evaluation pp. 1-2 The "availability" indicator for vegetation, wildlife and ungulates	The ToR has been updated to include a definition of availability.	Partially adequate. Please provide the definition for availability in response to this comment so that the definition may be reviewed.	Adequate.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			is not defined. It is unclear whether this indicator refers to spatial extent or a different consideration. It is also unclear whether this indicator is intended to capture disturbance and avoidance effects. Please define the indicator "availability". A clear definition of indicators is required to assess their appropriateness.			
674	Fort Albany First Nation	ToR Section 8.2	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 Wildlife criteria do not include any large mammals. Please indicate how Indigenous nations will be consulted to refine the list of wildlife criteria (and other criteria). The list of criteria presented in Appendix A may not capture all criteria of concern to Indigenous nations.	The MFFN Project Team is open to the inclusion of other large mammal species of concern. This is a draft list that we expect will be refined during the EA. We are open to your suggestions.	Adequate.	Adequate.
675	Fort Albany First Nation	ToR Section 8.2	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 The list of wildlife and ungulate indicators does not seem to capture potential impacts on habitat quality, movement	The list of indicators will be updated in the revised ToR.	Partially adequate. Please provide the list of updated indicators in response to this comment so that they may be reviewed.	Adequate.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			corridors or species distribution. Please provide indicators for habitat quality, movement corridors and species distribution for wildlife and ungulates, or describe how these considerations will be captured by other indicators. Habitat quality, movement corridors and species distribution are key indicators for wildlife and ungulate impacts.			
676	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives Evaluation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 Potential Data Sources for ungulates do not identify Indigenous knowledge or field investigations. Please list Indigenous knowledge and field investigations as Potential Data Sources for ungulates. Indigenous knowledge and field investigations are key potential data sources for ungulates.	The criteria list has been revised to include Indigenous Knowledge and field investigations as data sources.	Adequate.	Adequate.
677	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives Evaluation	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 The ToR includes "value of" animal and plant harvesting areas as indicators of Traditional Use of	This section in the ToR has been revised to provide measurable indicators for cultural components of the assessment.	Partially adequate. Please provide the list of measurable indicators for cultural components in response to this comment so that they can be reviewed.	Adequate.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			Land and Resources and Aboriginal and Treaty Rights. Please provide specific indicators for social, cultural, spiritual, food security, sense of place, cultural transmission components or indicate how these aspects are accounted for in the proposed indicators. "Value" may be too broad to account for social, cultural, spiritual, food security, sense of place, cultural transmission components.			
678	Fort Albany First Nation	ToR Section 7.2.10	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4 The ToR includes indicators for Community Well-being, but does not include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities (e.g. transportation and sale of drugs). Please include indicators of Community Well-being that capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities (e.g. transportation and	These potential noted impacts will be considered as part of the EA.	Partially adequate. The ToR should include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities.	Adequate.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			sale of drugs), or indicate how the proposed indicators capture these elements. The project has the potential to result in impacts associated with increased disposable income, increased access to southern communities and increased access to elicit activities.			
679	Fort Albany First Nation	ToR Section 7.2.10	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4 The ToR provides indicators for Regional Economy but does not include indicators to capture Indigenous nations' ability to take advantage of project benefits. Please include an indicator that captures the ability of Indigenous nations to take advantage of project benefits. Indigenous communities may have several barriers to their ability to take advantage of project benefits.	The extent to which communities can take advantage of Project benefits will be considered as part of the EA.	Partially adequate. The ToR should include indicators to capture Indigenous nations' ability to take advantage of project benefits.	Adequate. The ToR states "It is possible that barriers may exist that may prevent or affect the ability to participate in Project benefits. Potential barriers, should they exist, will be identified during the EA, and where feasible, measures to enhance benefits of the Project will be considered" (p. 71).
680	Fort Albany First Nation	Appendix A: Criteria and Indicators for Alternatives	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 5 The ToR provides "Visibility of the Project from sensitive locations" as indicator for Visual Character. Please provide an indicator and	The visual assessment will include a Visual Sensitivity indicator. This recognizes that certain landscapes are more susceptible to change and more sensitive due to the angle, distance of viewer, as well as the cultural significance to viewers.	Partially adequate. The ToR should include Visual Sensitivity as an indicator for Visual Quality.	Adequate.

MFFN ID #	Commenter	Proposed ToR Section	FAFN Concern (July 17, 2020)	Proponent Response (September 1, 2020)	Adequacy of Proponent Response dated September 1, 2020	Adequacy of ToR dated September 2020
			methodology that captures changes in visual quality. For a project such as this, the use of Indigenous Visual Quality Objectives, and mock up visual perspectives from different viewpoints before and after project development, through engagement with Indigenous peoples, is standard practice. "Visibility" is an insufficient indicator to capture visual quality.			

Fort Albany First Nation – Additional Comments on Marten Falls First Nation's *Proposed Terms of Reference Marten Falls Community Access Road – Environmental Assessment*

FAFN ID #	Reference	Context	Rationale	Request
1	Section 7.1.4.8 Wildlife Section 7.2.8 Wildlife	The ToR does not identify insect species that may be affected by the Project.	Insect are an important food sources for animals, and perform important roles as pollinators and other roles in the muskeg. Insects are also pests, an important issue during the warmer months in the region.	Please describe how information about insects will be integrated in the ToR, for both the existing (baseline and trend) environment and in the effects assessment.
2	Section 7.1.4.7 Section 7.2.7 Section 9.1.1	Fort Albany First Nation is very concerned about potential impacts of the Project on muskeg. FAFN members note that peat keeps the water pure. If peat is destroyed, then water – the source of life – is adversely affected and so is Fort Albany First Nation. The ToR provides limited information about the existing muskeg environment and how the Project's impacts on muskeg will be assessed. The ToR states that "During the	The ToR does not separate out muskeg (or peatlands) as a unique ecosystem for the environmental assessment, and fails to identify some potential effects on muskeg, such as increased risk of fire due to drying and impacts to permafrost. The ToR should require the environmental assessment to reflect the particular nature, uniqueness, functions, and significance of muskeg. Additionally, the ToR should require the	a) Please revise the ToR to require the environmental assessment to reflect the particular nature, uniqueness, functions, and significance of muskeg, such as increased risk of fire due to drying and impacts to permafrost. b) Please identify whether and how the Proponent is committed to engage with other Indigenous Nations, including Fort Albany First

FAFN ID #	Reference	Context	Rationale	Request
		vegetation field survey, peatlands will be also examined" (p. 49) and that "MFFN will assess potential effects to peatlands in the EA. An estimate of the length of road corridor that will cross through peatlands will be provided in the EA" (p. 77).	proponent to engage in robust and deep engagement with Fort Albany First Nation on the issue of muskeg impacts (without limitation to engagement on other potential impacts).	Nation, in a robust and deep manner on the assessment of impacts on muskeg.
3	Section 7.2.5 Section 7.2.9	The ToR states "It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e.g., road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential" and "Placement of stockpiles, soil compaction and impervious surfaces may change surface drainage patterns as well" (p. 67). The ToR does not identify potential decreases in water levels. Section 7.2.9 of the ToR identifies potential effects on fish and fish habitat but does not include changes in water levels or mercury mobilization.	Fort Albany First Nation is vitally connected to the rivers in its territory, using river systems for transportation, nourishment, drinking water, and teaching sites. Fort Albany First Nation has been adversely impacted by historical activities that have altered water flow and resulted in sedimentation and debris flowing down river. Fort Albany First Nation members are highly concerned that the proposed Project will adversely impact water quality and reduce water levels. An assessment of the Project's potential impacts on water levels and mercury mobilization, in addition to other identified potential effects, is required to understand potential impacts on Fort Albany First Nation's transportation, subsistence, and health.	Please revise the ToR to require the environmental assessment to assess potential impacts of the project on water levels and mercury mobilization in addition to other identified potential effects to surface water and fish and fish habitat. This assessment should be carried forward into the assessment of potential effects on traditional/Indigenous land use, including a consideration of particular effects on Indigenous women.
4		The Webequie Supply Road, which is another all-season road proposed at the same time as Marten Falls (and indeed connected in the sense that both are required to reach the Ring of Fire), has a draft TOR that includes detailed information on "alternatives to" the all season road in Section 5.1.1. The alternatives to covered in the WSR case include: 5.1.1 Alternatives to the Undertaking	Marten Falls should be subject to the same level of diligence in its parallel provincial assessment.	FAFN requests that the ToR be revised to require at minimum consideration in the Environmental Assessment of all the "alternatives to" identified in the WSR ToR, so that the parties can understand if there are viable alternatives to the Marten Falls all-season road.

FAFN ID #	Reference	Context	Rationale	Request
		..... 31 5.1.1.1 Alternative 1: Do Nothing – Null Alternative ..... 33 5.1.1.2 Alternative 2: Upgrade Existing Trail System to Seasonal Winter Road ..... 33 5.1.1.3 Alternative 3: Alternative Modes of Transportation ..... 34 5.1.1.4 Alternative 4: Manage Transportation Demand ..... 38 5.1.1.5 Alternative 5: New All-Season Road ..... 38 5.1.1.6 Preferred Planning Alternative 38		

BEAMISH LAW

March 31, 2021

Via email: info@martenfallsaccessroad.ca

Marten Falls First Nation Community Access Road Project Team

[redacted]

Attn: Qasim Saddique, Project Director, MFFN Community Access Road Project Team
Lawrence Baxter, Senior Community Advisor, Marten Falls First Nation
Clayton Coppaway, MFFN Project Consultant

Dear Sirs,

Re: Fort Albany First Nation's comments on the Marten Falls Community Access Road Terms of Reference

I write on behalf of Fort Albany First Nation (FAFN) regarding the Terms of Reference (TOR) for the Marten Falls Community Access Road (MFCAR).

Community focus group
As I confirmed by telephone with Clayton Coppaway last week, FAFN was unable to hold the community focus group that it had hoped to, due to ongoing lack of time and capacity to organize it.

Further comments on the TOR
FAFN has also reviewed Marten Falls First Nation's (MFFN) responses dated March 10, 2021, which were provided in response to FAFN's earlier comments on the TOR. I have enclosed an updated comments chart setting out FAFN's further responses.

In general, MFFN's responses are adequate, and it appears that FAFN's comments are mostly integrated into the TOR. However, there are seven unresolved comments (FAFN-4, FAFN-6, FAFN-8, FAFN-20, FAFN-26, FAFN-43, and FAFN-44).

Of these, FAFN-26 is of the greatest concern in terms of the sufficiency of the TOR itself. FAFN-26 relates to the inclusion of induced development in the cumulative effects assessment. MFFN has stated that only projects that are known at this time will be included as "reasonably foreseeable" projects. However, the MFCAR will enable future projects that will not be proposed

[redacted]

until the MFCAR is approved and constructed. As set out in the comments chart, MFFN can still project likely future development which can be assessed, albeit at a lower level of detail and certainty.

Further, the issues set out in FAFN-8 remain concerning, in terms of respect for FAFN's Inherent, Aboriginal, and Treaty Rights, and the overall integrity of this process individually and in the broader context of Ring of Fire development.

Further communications
Further correspondence regarding the Indigenous Knowledge Sharing Program and draft agreement will follow shortly.

Justin Page (copied) is now one of the dedicated technical advisors for FAFN with respect to this EA process, working closely with Alistair MacDonald. Please ensure that he is copied on any relevant correspondence going forward.

Yours truly,



Sarah Beamish
SB/sb

Encl: Responses from FAFN to MFFN re comments on TOR (March 30, 2021)

Cc: Chief Robert Nakogee, FAFN
Deputy Chief Charlotte Nakochee, FAFN
Jacqueline Sutherland, CEO, FAFN
Alistair MacDonald, Director, The Firelight Group
Steve DeRoy, Director, The Firelight Group
Justin Page, Senior Regulatory Advisor, The Firelight Group
Sasha McLeod, Special Project Officer, MECP
Vedanarine Mangrue, Assistant Project Officer, MECP

May 28, 2021

Adequacy of Marten Falls First Nation's Responses (dated May 14, 2021) to Fort Albany First Nation's Comments (dated March 31, 2021) on the *Marten Falls Community Access Road Environmental Assessment Terms of Reference* (dated September 2020)

#	Original FAFN Request	MFFN Response	Adequacy of MFFN Response	Additional FAFN Request
FAFN-45	Please align response with response to FAFN-658	It has been assumed that the reference to "FAFN-658" is a typo and should read FAFN-18. The response to FAFN-4 has been updated to align with FAFN-18 as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The Project's Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. As noted in Section 3.4.2.1 of the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines [TISG]); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Fort Albany First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The	FAFN confirms that the reference to FAFN-658 was a typo and should read FAFN-18 (corresponding to MFFN ID#658). The response is adequate.	None

			MFFN Project team will be available to assist, if and as requested. The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Fort Albany First Nation. <u>The EA will include information on socio-economic conditions within Fort Albany First Nation. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community.</u> MFFN is currently developing the proposed approach for the primary socio-economic data collection program. It is anticipated that primary data collection will focus on the communities located within the discipline-specific local study area (LSA) for the social environment. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the TISG developed by the Impact Assessment Agency of Canada (the Agency). It is anticipated that the LSA for the social environment will correspond to the area that is most likely to be affected by the Project, including MFFN, Aroland First Nation and the Municipality of Greenstone. These communities are likely to experience the most Project-related change due to the location of the Project and anticipated resulting access. The social environment study areas will be informed by feedback received from Indigenous communities and interested persons. Indigenous communities and interested persons will be consulted on their interest,		

		concern and perceptions regarding the potential for social effects to their community. To be included in the LSA for the social environment, there needs to be either an articulated community concern or perception of social effect on the community as a result of changing access to the MFFN community due to the Project, and / or due to Project effects on the environment that could result on social effects to a community. Consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). Information on the socio-economic data collection program will also be consulted on during the Effects Assessment Methods milestone.		
FAFN-46	Please indicate that the EA will consider mercury mobilization as a potential project impact pathway.	The response to FAFN-6 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will identify and assess potential effects of the Project on surface water, which will include looking at changes in quantify (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface water could indirectly effect fish and fish habitat. While this Project does not currently include plans for permanent damming, draining or diversion of water <u>which create the potential for methyl-mercury formulation / mobilization</u>, should these measures be proposed they will be assessed for potential effects as part of the EA. Similarly, at this time there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed. <u>Should a Project-environment interaction identify the potential for methyl-mercury mobilization it will be identified and assessed in the EA</u>. Specific details on infrastructure design and their potential effects are currently in	Adequate	None

		development and will be shared with Fort Albany First Nation once available.		
FAFN-47	Suspend the EA process at a minimum until the pandemic has been contained sufficiently to allow for large community gatherings and for our external advisors to travel to FAFN to support our consultation and study activities. FAFN also asserts that the EA process should be suspended until the Regional Impact Assessment of the Ring of Fire has been conducted.	The response to FAFN-8 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The preliminary comments Fort Albany First Nation has provided are appreciated and informative. We understand the challenges that the COVID-19 pandemic has had on our ability to engage and consult with Fort Albany First Nation on the Project and also the challenges for meeting internally. We appreciate Fort Albany First Nation providing opportunities to engage with your community through online engagement. We will continue to support your efforts and explore ways to engage with your leadership, technical consultants, and community about the Project. The Project Team will be in contact to discuss opportunities to meet with Fort Albany First Nation leadership and technical advisors regarding the responses to your ToR comments and to discuss next steps for engagement and consultation with Fort Albany First Nation. In addition to providing the opportunity to review the Draft ToR that was released well in advance of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with sufficient time to review documentation and provide comments. An additional opportunity for Fort Albany First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days. Throughout this process, our intention has never been to instill a sense of duress, frustration, stress or to demoralize our neighbouring communities and treaty partners. MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The MFFN CAR is an essential and critical	Inadequate.	FAFN reiterates its earlier points on this matter. Reference to future engagement opportunities is not sufficient given the importance of the TOR phase in shaping the entire EA, and given that in-person engagement may still not be possible for some time. With respect to the Regional Impact Assessment, the outcomes of that process should be informing all developments related to the Ring of Fire, including the MFCAR (which is not merely a community access road, but a critical piece of infrastructure meant to help open up the Ring of Fire to large-scale development). Given that there are not yet even agreed Terms of Reference for the RIA, if the EA continues on the current timeline, it is likely to finish long before those outcomes are available. While recognizing the important reasons that the people of MFFN want an all-season road, FAFN believes the most responsible approach is to wait until the RIA has been conducted so that any other projects that follow can be fully informed by it. The current approach will undermine both the MFCAR assessment processes and the RIA for years to come.

			piece of community infrastructure to support MFFN's growth and development. As treaty partners, it is MFFN's responsibility to understand the potential impacts this will have on our neighbouring communities interests and rights. MFFN's engagement with Fort Albany First Nation, despite the challenges of COVID-19, was not to frustrate or demoralize but to ensure that we understand your interests and concerns in the Project and to respect and safe guard your Aboriginal and treaty rights and interests so we can try and avoid, mitigate, or accommodate any potential impacts to them. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the Minister of the Environment, Conservation and Parks on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Fort Albany First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA. The ToR recognizes that a Regional Assessment of the Ring of Fire region under the *Impact Assessment Act* is underway. This is an assessment independent of the EA for the Community Access Road; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Impact Assessment Agency of Canada's (the Agency) contacts for the Regional Assessment of the Ring of Fire so that relevant		

		information can be shared between MFFN and the Agency where appropriate.		
FAFN-48	Please indicate that the Tłı̨chǫ All-season Road project will be reviewed to inform the list of potential Project-related effects to be assessed.	The response to FAFN-20 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will include a list of relevant studies, including other EAs, reviewed to inform the potential effects as a result of the CAR. Where existing studies have been used to inform information in the EA, they will be appropriately referenced such that the content in the EA and the connection to the existing study is transparent. Other related projects and studies that were examined to inform the potential for effects identified in Section 7.2 of the ToR included: • Wataynikaneyap Power Phase 1 New Transmission Line to Pickle Lake Project; • Nextbridge Infrastructure L.P. East-West Tie Transmission Project; • Cliffs Natural Resources Inc. Cliffs Chromite Project; • Shoal Lake No. 40 First Nation Freedom Road Project; • Webequie First Nation Webequie Supply Road; and • East Side Road Authority PR 304 to Berens River All-Season Road. During the EA, other Projects, such as the Tłı̨chǫ All-season Road Project, will be reviewed to inform the list of potential Project-related effects to be assessed.	Adequate	None
FAFN-49	Please indicate that the EA will consider activities and developments induced by the Project, including but not limited to accelerated mineral exploration and development in the Ring of Fire, as part of the cumulative effects assessment. Consideration of induced development should not be restricted to activities that are "known at the time of preparing the EA Report," but also include activities that are likely to occur.	The response to FAFN-26 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to: • Changes in population and access to the Far North for recreational activities (e.g., fishing and	Adequate	None

		hunting) may alter the ability of Indigenous communities to access country foods. • Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. • Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the		

		Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. MFFN acknowledges that not all induced development will have sufficient information available at the time of preparing the EA Report to be considered certain or reasonably foreseeable. Therefore, the EA will identify, at a high-level, the likely types of induced development, such as mineral exploration, that may occur due to new access provided by the CAR. A general, qualitative discussion on the types of potential effects that would be expected could also be identified; however, MFFN cannot speculate on the likelihood or extent of development in the region to provide quantitative estimates of potential cumulative effects. Future development would be subject to approvals separate from this Project, and the cumulative effects of their activities with the CAR would be considered as part of their independent assessments. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.		
FAFN-50	Please indicate that the EA will consider mercury mobilization as a potential project impact pathway.	The response to FAFN-43 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will identify and assess potential effects of the Project on surface and ground water, which will include looking at changes in quantify (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface and groundwater could indirectly affect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock materials to produce acid rock drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and /	Adequate	None

			or groundwater quality issues, impact management and monitoring measures will be identified. At this time, the Project does not include plans for permanent damming, draining or diversion of water ~~there are no anticipated Project components~~ which ~~would~~ create the potential for ~~exposure pathways for~~ methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed. Should a Project-environment interaction identify the potential for methyl-mercury mobilization it will be identified and assessed in the EA. Additionally, the EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, such as fish, potential effects to human health from exposure to COPCs in country foods will be evaluated further as part of the HHRA. MFFN acknowledges that rivers provide both transportation and sustenance to Fort Albany First Nation. The EA will assess how potential effects of the Project on surface water (i.e., flow) and fish communities may indirectly affect navigation and Indigenous land and resource use. Fort Albany First Nation is encouraged to continue to share information on their traditional use of land and resources and cultural values. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program		

		has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.		
FAFN-51	FAFN requests that the ToR be revised to require at minimum consideration in the Environmental Assessment of all the "alternatives to" identified in the WSR ToR, so that the parties can understand if there are viable alternatives to the Marten Falls all-season road.	The response to FAFN-44 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The *Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario* allows for proponents to limit the discussion of previously examined alternatives in the EA when alternatives have been previously considered through a separate decision-making process such as a provincial government priority initiative. As described in Section 6.2 of the ToR, the decision for the Project to be a road has been made through previous planning and decision-making processes. A CAR would be the only viable option that could provide all-season access to the provincial highway network since no alternative to a road can provide the same level of freedom of movement for community members to travel outside the community. Given MFFN's unique circumstances as a remote First Nation community with an airport with non-daily service and high costs per trip, and a winter road system that only provides seasonal service and is increasingly unreliable, or a railroad which does not provide the freedom of movement, it is not reasonable to consider these alternatives as they do not meet the community needs. <u>The EA Report will include a high-level discussion outlining the previous decisions made for the Project to be a road and identify why other alternatives to are not considered appropriate / viable options for reliable, all-season access to MFFN.</u> It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR	Adequate	None

		and in accordance with subsections 6.1(3) and 6(2)(c).Ontario's decision on the MFFN ToR, including whether to accept the EA to be prepared in accordance with subsections 6.1(3) and 6(2)(c) of the *Environmental Assessment Act* is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a final decision on whether or not to approve the ToR.		

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Fort Albany First Nation – December 15, 2020			
FAFN-1	The project is located to the west of FAFN's reserve lands, and intersects with the Albany River system which is one of the most vital features of our Territory and is central to our traditional way of life. The project has the potential to significantly impact our Territory; Inherent, Aboriginal, and Treaty rights; and interests.	Marten Falls First Nation (MFFN) acknowledges Fort Albany First Nation's concerns about the potential impact to the Albany River system. Fort Albany First Nation is encouraged to share information on the Albany River that could be used in the Environmental Assessment (EA). MFFN will consult with Fort Albany First Nation to better understand concerns about the potential effects to the Albany River system and related impacts to Fort Albany First Nation's Aboriginal and Treaty rights and interests. The Indigenous Knowledge Program also provides opportunities for this information and any relevant Indigenous Knowledge and / or information on Indigenous land and resource use and cultural values to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 3.4.2.1, pg. 11 Section 7.2.5, pg. 67
FAFN-2	Need for the cumulative effects assessment to consider the potential induced effects of the Project, such as accelerated mineral exploration and development of in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure;	MFFN acknowledges that increased access and future development opportunities may arise in the future if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the EA will consider the potential effects of the Project due to: ▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. ▪ Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.	Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.10, pg. 70
FAFN-3	Need for further project details (e.g. number of anticipated vehicles and number of construction fronts);	The Project is currently in the early planning phase; therefore, specifics such as the number of construction fronts and number of vehicles that will use the CAR have not yet been determined. The number of construction fronts will depend on several considerations including site access, time of year and available funding. Therefore, where uncertainty exists, a precautionary approach will be applied generally, and specifically to the number of construction fronts assumed in the effects assessment. The number of vehicles will be determined during the EA and documented in the EA Report along with other anticipated vehicle use information that can be reasonably obtained. MFFN understands that the number of construction fronts and number of vehicles that use the CAR could affect the prediction of potential Project effects, and therefore will include a conservative estimate of both numbers in the EA.	Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
FAFN-4	Need to indicate plans to collect Indigenous Knowledge (IK) and socio-economic baseline information with FAFN and opportunities for FAFN to verify incorporation on its IK and socio-economic information into the EA;	The Project's Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. As noted in Section 3.4.2.1 of the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines [TISG]); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Fort Albany First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Fort Albany First Nation. MFFN is currently developing the proposed approach for the primary socio-economic data collection program. It is anticipated that primary data collection will focus on the communities located within the discipline-specific local study area (LSA) for the social environment. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the TISG developed by the Impact Assessment Agency of Canada (the Agency). It is anticipated that the LSA for the social environment will correspond to the area that is most likely to be affected by the Project, including MFFN, Aroland First Nation and the Municipality of Greenstone. These communities are likely to experience the most Project-related change due to the location of the Project and anticipated resulting access. The social environment study areas will be informed by feedback received from Indigenous communities and interested persons. Indigenous communities and interested persons will be consulted on their interest, concern and perceptions regarding the potential for social effects to their community. To be included in the LSA for the social environment, there needs to be either an articulated community concern or perception of social effect on the community as a result of changing access to the MFFN community due to the Project, and / or due to Project effects on the environment that could result on social effects to a community. Consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). Information on the socio-economic data collection program will also be consulted on during the Effects Assessment Methods milestone.	Section 3.4.2.1, pg. 11 to 12 Appendix B, Section 4.1.7, pg. 21 to 24
FAFN-5	Need for the ToR to separate out an assessment of project effects on muskeg, reflecting the particular nature, uniqueness, functions and significance of muskeg, such as increased risk of fire due to during and impacts to permafrost; and	MFFN acknowledges the importance of peatlands and the need to assess potential effects of the Project on peatlands. MFFN commits to having peatlands as a discrete environmental discipline that will be characterized and assessed separately from vegetation.	Commitment for EA
FAFN-6	Need for the ToR to require the environmental assessment to assess potential impacts of the project on water levels and mercury mobilization in additional to other identified potential effects to surface water and fish and fish habitat.	The EA will identify and assess potential effects of the Project on surface water, which will include looking at changes in quantify (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface water could indirectly effect fish and fish habitat. While this Project does not currently include plans for permanent damming, draining or diversion of water, should these measures be proposed they will be assessed for potential effects as part of the EA. Similarly, at this time there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed.. Specific details on infrastructure design and their potential effects are currently in development and will be shared with Fort Albany First Nation once available.	Section 7.2.5, pg. 67
FAFN-7	MFFN is requested to review and respond meaningfully to this letter and the attached comment table. Each comment in the attached table includes a required action to address FAFN's comments. FAFN looks forward to discussing our comments and responses with MFFN.	MFFN would very much like the opportunity to meet with Fort Albany representatives and provincial officials (should their presence be requested) to discuss your comments and our responses, and to learn more about Fort Albany First Nation's specific interests in the Project and future engagement and consultation steps. The MFFN Project Team will be in touch to offer some potential dates and times for this meeting.	N/A

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
FAFN-8	These issues are preliminary in nature and may be developed further following deeper engagement with the community. As FAFN has repeatedly explained, meaningful consultation during the COVID-19 pandemic has been practically impossible. FAFN has been in and out of lockdown for months, with unpredictability from one week to the next regarding such basic things as whether travel in and out of the community is possible, whether community members can safely assemble for meetings, whether our staff can report to work, whether we will need to prioritize crisis response, and so on. The comments provided are, therefore, based on technical review and very limited engagement with community members and leadership. During the review period, we were only able to organize a single meeting with the proponent and a handful of community members, despite this project being of significant concern and interest. We recently had to cancel our plans to hold ToR focus groups with women, elders, youth, men, and traditional knowledge holders, because our community entered another two-week lockdown following five confirmed COVID-19 cases in one of our closest neighbouring communities, Attawapiskat First Nation. It will not be possible to reschedule these before the December 21 deadline for comment. With respect to this deadline, while we appreciate that it was extended from 30 to 60 days, it was known to the proponent and Ontario that this is still an insufficient period given the practical realities of the pandemic. Further, it is also known to Ontario and the proponent that December is a challenging time for community engagement even in normal circumstances, due to the winter road schedule and the Christmas holidays, during which time many people are busy or away and during which time the Band Office is preparing to close for year end. We have engaged in this process in good faith and are trying to protect our Rights and Territory as best we can in these circumstances. However, it has been under what we have experienced as a form of duress, feeling that if we do not engage, we will be seen to have acquiesced in whatever happens, and that by the time we are ready to engage properly, it will be too late to affect this process. Our engagement has come at an unfair cost to us, including the additional burden on our leadership's time and energy during a period when we should be focused on more pressing things, and the wasted financial and other resources spent on continuously trying to plan and re-plan under tumultuous conditions, and continuously trying to advocate for the Crown and the proponent to make fair, reasonable, and responsible decisions during this unprecedented time. This has been a persistent source of frustration, stress, and demoralization, and it has been disrespectful to us as Treaty partners, as stewards of our Territory, and as a community that stands to be directly affected by this project (particularly by its downstream effects, which will almost literally end up on our doorstep). It remains FAFN's position that this and other nonessential environmental assessment processes should be stopped until impacted First Nations have the capacity and conditions necessary for meaningful engagement.	The preliminary comments Fort Albany First Nation has provided are appreciated and informative. We understand the challenges that the COVID-19 pandemic has had on our ability to engage and consult with Fort Albany First Nation on the Project and also the challenges for meeting internally. We appreciate Fort Albany First Nation providing opportunities to engage with your community through online engagement. We will continue to support your efforts and explore ways to engage with your leadership, technical consultants, and community about the Project. The Project Team will be in contact to discuss opportunities to meet with Fort Albany First Nation leadership and technical advisors regarding the responses to your ToR comments and to discuss next steps for engagement and consultation with Fort Albany First Nation. In addition to providing the opportunity to review the Draft ToR that was released well in advance of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with sufficient time to review documentation and provide comments. An additional opportunity for Fort Albany First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days. Throughout this process, our intention has never been to instill a sense of duress, frustration, stress or to demoralize our neighbouring communities and treaty partners. MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The MFFN CAR is an essential and critical piece of community infrastructure to support MFFN's growth and development. As treaty partners, it is MFFN's responsibility to understand the potential impacts this will have on our neighbouring communities interests and rights. MFFN's engagement with Fort Albany First Nation, despite the challenges of COVID-19, was not to frustrate or demoralize but to ensure that we understand your interests and concerns in the Project and to respect and safe guard your Aboriginal and treaty rights and interests so we can try and avoid, mitigate, or accommodate any potential impacts to them. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process.	Commitment for EA
FAFN-9	**MFFN ID# 649** **Proposed ToR Section:** ToR Section 5.2.1 **FAFN Concern:** Section 5.2.1.1 Road p. 11 The ToR states that "the number of anticipated vehicles to use the CAR is not known at this time." Please provide a reasonable estimate of anticipated vehicles to use the CAR, broken down into personal vehicles and commercial vehicles, under a number of scenarios (including by season and with and without development of one or more major ore deposits within the Ring of Fire region). Projected vehicle use is required to estimate potential impacts on a number of components, including, but not limited to, air quality, vegetation, wildlife and Indigenous land use. It is a critical consideration in this EA, as operational use of the road and direct, indirect, and induced effects of that operational use, are subject to this assessment. **Proponent Response:** The assumed number of vehicles that will use the access road will be determined in the EA which will inform the impact assessment work. For the purpose of the road design, it is currently assumed that up to 400 vehicles / day would use the road. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should indicate that the EA will identify the assumed number of vehicles that will use the access road to inform the impact assessment. **Adequacy of ToR dated September 2020:** Inadequate. The ToR does not indicate that the EA will identify the assumed number of vehicles that will use the access road to inform the impact assessment.	The Project is currently in the early planning phase; therefore, specifics such as the number of vehicles that will use the CAR have not yet been determined. However, the number of vehicles will be determined during the EA and documented in the EA Report. The EA will also include any other anticipated vehicle use information that can be reasonably obtained.	Commitment for EA
FAFN-10	**MFFN ID# 650** **Proposed ToR Section:** ToR Section 5.2.2 **FAFN Concern:** Section 5.2.2 Project Activities p. 13 The ToR states that "the number of construction fronts that will be utilized to build the CAR will be determined at a later stage of Project design". Please provide a reasonable estimate of the maximum numbers of construction fronts that will be utilized to build the CAR. An estimate of the maximum number of construction fronts is required to estimate the impacts associated with noise and the size of the workforce during the construction period.	The Project is currently in the early planning phase; therefore, specifics such as the number of construction fronts have not yet been determined. The number of construction fronts will depend on several considerations, including site access, time of year and available funding. Therefore, where uncertainty exists, a precautionary approach will be applied generally, and specifically to the number of construction fronts assumed in the effects assessment. MFFN agrees with Fort Albany First Nation that the number of construction fronts could affect the prediction of potential Project effects and therefore will include a conservative estimate of construction fronts in the EA.	Commitment for EA

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	Proponent Response: The number of construction fronts is not known and would be determined as part of post EA design word. The EA will recognize that one or more construction fronts are possible. **Adequacy of Proponent Response date September 1, 2020:** Inadequate. While the number of construction fronts may not be known at this time and is to be determined at a later stage of project design, the EA must provide a reasonable estimation of the number of construction fronts for the purpose of the effects assessment. Variation in the number of construction fronts is likely to change the estimation of impacts on VCs, including sensory disturbance to wildlife and access to lands and resources for current traditional use. Where uncertainty exists, a precautionary approach utilizes a worst---case scenario, which, in this case, would be the maximum number of construction fronts contemplated. **Adequacy of ToR dated September 2020:** Inadequate. While the number of construction fronts may not be known at this time and is to be determined at a later stage of project design, the EA must provide a reasonable estimation of the number of construction fronts for the purpose of the effects assessment. Please provide a reasonable estimate of the maximum numbers of construction fronts that will be utilized to build the CAR for the purpose of the EA.		
FAFN-11	**MFFN ID# 651** **Proposed ToR Section: ToR Section 7.1** **FAFN Concern:** Section 7.1 Description of the Environment The ToR does not indicate how Indigenous knowledge was incorporated into the description of existing environmental conditions. Please indicate how Indigenous knowledge (and from what Nations) was incorporated into the description of existing environmental conditions and/or indicate how Indigenous knowledge will be collected and incorporated into the description of the existing environment in the environmental assessment. Indigenous knowledge provide valuable information about the existing conditions of environmental components that have the potential to be impacted by the project. **Proponent Response:** The description of baseline conditions in the ToR provides context information, is at a higher level and does not typically include IK. Rather, IK will be collected and included as part of the baseline (existing) conditions description in the EA. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. While the ToR describes existing conditions at a high level, such contextual information may nevertheless be informed by engagement with Indigenous Nations, including IK. Engagement with Indigenous Nations should occur at the earliest opportunity. Fort Albany First Nation acknowledges the Proponent's commitment to collect and include IK as part of the baseline (existing) conditions description in the EA. Please indicate plans to collect IK with Fort Albany First Nation and opportunities for Fort Albany First Nation to verify incorporation of its IK into the EA. **Adequacy of ToR dated September 2020:** Partially adequate. The ToR states "While baseline data collection has already commenced for several environmental disciplines, it is expected that available Indigenous Knowledge shared and collected to support the EA will be used to both guide future data collection" (p. 9). The ToR also states that "The information included in the ToR will be augmented during the EA by field investigations and studies, Indigenous Knowledge shared, and input from neighbouring Indigenous communities, government agencies and interested persons" (p. 30). Please indicate plans to collect Indigenous Knowledge with Fort Albany First Nation and opportunities for Fort Albany First Nation to verify incorporation of its IK into the EA.	Additional information was provided in Section 7.1.4 Description of the Existing Environment of the ToR, as follows: *"Indigenous Knowledge is an important information source that must contribute to the characterization of existing environmental conditions, where possible. Given the sensitive nature of Indigenous Knowledge, sharing agreements must be in place prior to the inclusion of such knowledge (Section 3.4.2.1). Efforts to finalize Indigenous Knowledge sharing agreements for the Project are ongoing at the time of preparing the ToR. Therefore, Indigenous Knowledge available to characterize the existing conditions is currently limited. However, the description of the existing environment that will be included in the EA will incorporate applicable Indigenous Knowledge provided, where possible."* MFFN acknowledges the importance of early engagement with Indigenous communities. Information on MFFN's approach to consultation and engagement is included in the EA / IS Consultation and Engagement Plan appended to the ToR (Appendix B). The Project's Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. As noted in Section 3.4.2.1 of the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal TISG); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Fort Albany First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. As noted in Section 4 of the Indigenous Knowledge Program Guidance Document, Indigenous communities will be provided with the opportunity to review and discuss draft EA Report documents to confirm that their community information, including Indigenous Knowledge, was captured and presented appropriately (and in line with executed Indigenous Knowledge Sharing Agreements). The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Fort Albany First Nation.	Section 3.4.2.1, pg. 11 Section 7.1.4, pg. 31 Appendix B, Section 4.1.2, pg. 16
FAFN-12	**MFFN ID# 652** **Proposed ToR Section:** ToR Section 7.2.3 **FAFN Concern:** Section 7.1.4.2 Acoustic Section p.24; 7.2.2 Acoustic Environment p. 49 Section 7.1.4.2 of the ToR states the "the Project will undertake a field program to better understand the existing local and regional ambient noise levels" (p.24). However, the ToR does not indicate whether the field program will collect information on the current soundscape in relation to Indigenous values. Section 7.2.2 of the ToR states that "potential noise effects of the alternative routes will be assessed quantitatively a noise protection model" (p. 49). Please indicate hose Indigenous values in relation to the current soundscape will be drawn on to inform the noise field study and effects assessment. Ambient sounds are an indicator of biodiversity and comprise a meaningful aspect of the environment for Indigenous people, informing Indigenous knowledge and land use (Herrera---Montes, 2019; Ritts et al., 2016; Muir 2014, Samuels et al. 2010). Limiting baseline studies and effects assessment to "noise" levels is insufficient to	The ToR commits to incorporating information provided by Indigenous communities into both the baseline and effects assessment for each discipline, including the Acoustic Environment. With respect to the Acoustic Environment specifically, the ToR states: ▪ Section 7.1.4.3: "*In addition, the existing conditions of the acoustic environment will integrate applicable information obtained through the Indigenous Knowledge Program, where possible.*" ▪ Section 7.2.3: "*The location of receptor locations will be informed by input received through the Indigenous Knowledge and consultation programs, where applicable.*" Indigenous communities are encouraged to provide information and perspectives regarding the acoustic environment through the Consultation and Engagement and Indigenous Knowledge programs. Additionally, the EA will identify and asses the indirect effects of, such as to human health, land and resource use, and wildlife for example. These indirect effects will be informed by input received through the Indigenous Knowledge and Consultation and Engagement programs. The MFFN Project Team will continue to engage with interested Indigenous	Section 7.1.4.3, pg. 43 Section 7.2.3, pg. 66 Commitment for EA

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	capture effects on Indigenous people resulting from alterations in soundscape. **Proponent Response:** The MFFN Project Team will engage with interested Indigenous communities who may be adversely affected by the Project to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. If FAFN has specific interest in understanding how the noise assessment will be completed, the MFFN Project Team is available for further discussion. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. Fort Albany First Nation acknowledges the MFFN's commitment to work with affected Indigenous communities to identify receptor locations. Please Indicate whether MFFN intends to incorporate additional information and perspectives from affected Indigenous groups regarding the acoustic environment, where provided by Indigenous groups, into the baseline and effects assessment. **Adequacy of ToR dated September 2020:** Partially adequate. The ToR states "The location of receptor locations will be informed by input received through the Indigenous Knowledge and consultation programs, where applicable" (p. 66). Please Indicate whether MFFN intends to incorporate additional information and perspectives from affected Indigenous groups regarding the acoustic environment, where provided by Indigenous groups, into the baseline and effects assessment.	communities to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. MFFN will consult with Fort Albany First Nation to better understand questions and concerns related to the Project and the noise assessment.	
FAFN-13	**MFFN ID# 653** **Proposed ToR Section:** ToR Section 7.1.4.5 **FAFN Concern:** Section 7.1.4.4 Surface Water p. 28 The ToR states that "ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis." Please describe how the subset of water body crossings for ground-based field surveys will be determined and how Indigenous nations will be consulted with respect to the selection of such sites. Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys. **Proponent Response:** It is expected that information on waterways and watercourse crossings collected through the IK and Consultation Program will inform baseline studies. The MFFN Project Team is available for discussions with interested communities on specific study approaches. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should indicate that the subset of water body crossings for ground-based field surveys will be informed by the results of the IK Program. **Adequacy of ToR dated September 2020:** Adequate. The ToR states "applicable information obtained through the Indigenous Knowledge Program will also be integrated, where possible" (p. 47).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-14	**MFFN ID# 654** **Proposed ToR Section:** ToR Section 7.2.7 **FAFN Concern:** Section 7.1.4.6 Vegetation p. 29 The ToR states that "a description of soil, plant species, relative abundance of plant species, and presence of invasive and Species at Risk (SAR) will be recorded for each survey plot." The ToR makes no mention of traditional use plants and medicinal plants. Please indicate how traditional use plants and medicinal plants will be surveyed and with the involvement of which Indigenous groups, and what the status and schedule is for completing this work. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project. **Proponent Response:** Information obtained on traditional and medicinal plants identified through the IK Program will inform baseline studies. The MFFN Project Team is available for discussions on specific study approaches. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should indicate that information on traditional use plants will be described, where such information has been identified through the IK Program. **Adequacy of ToR dated September 2020:** Adequate. The ToR states "Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function and changes to species diversity, including SAR and traditional use plants" (p. 68).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-15	**MFFN ID# 655** **Proposed ToR Section:** ToR Section 7.2.9 **FAFN Concern:** Section 7.1.4.8 Fish and Fish Habitat p. 30 The ToR states that "over 20 species of fish, primarily of cool and cold---water thermal regimes, are known to inhabit these waters and are part of, or support a commercial, recreational, or Aboriginal fishery and are therefore regulated by the Fisheries Act."	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	Please remove “and a part of, or support a commercial, recreation, or Aboriginal Fishery” from this sentence. A focus on "commercial, recreational, or Aboriginal fishery" is not part of the current Fisheries Act. Fort Albany First Nation requires an assessment of all important fish species – to be determined through consultation– not just those subject to a commercial, recreational or Aboriginal fisher. **Proponent Response:** The EA will consider the potential for effects on all fish species that have the potential to be located in the identified study area. This will be clarified in the ToR. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate. The ToR states “To mitigate potential adverse effects on fish and fish habitat, waterbody crossings and culvert installations will be designed and installed in accordance with applicable provincial and federal guidelines and standards to avoid harmful alteration, disruption or destruction of fish habitat” (p. 69).		
FAFN-16	**MFFN ID# 656** **Proposed ToR Section:** ToR Section 7.2.9 **FAFN Concern:** Section 7.1.4.8 Fish and Fish Habitat p. 31 The ToR states that “the ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings) to verify or augment the results and assumptions from the desktop analysis”. Please describe how the subset of water body crossings for ground-based field surveys will be determined and how (and which) Indigenous nations will be consulted with respect to the selection of such sites, including status and timelines for this work. Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys. **Proponent Response:** It is expected that information on fish and fish habitat and specific waterways collected through the IK Program will inform baseline studies. The MFFN Project Team is available to discuss with interested communities the specific approaches to baseline data collection. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should indicate that the subset of water body crossings for ground-based field surveys will be informed by the results of the IK Program. **Adequacy of ToR dated September 2020:** Adequate. The ToR states “Applicable information obtained through the Indigenous Knowledge Program will also be integrated, where possible” (p. 55).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-17	**MFFN ID# 657** **Proposed ToR Section:** ToR Section 9.1.1 **FAFN Concern:** Section 7.1.4.11 Indigenous Knowledge and Land Use This section of the ToR does not provide information about existing historical and cumulative effects on Indigenous knowledge and land use. Please provide information about existing historical and cumulative effects on Indigenous knowledge and land use or indicate how and on what timeline such information will be collected and incorporated into the effects assessment. A description of existing historical and cumulative effects on Indigenous knowledge and land use is required to accurately characterize baseline conditions and change over time to date. As an Indigenous group like Fort Albany First Nation that has seen many changes, MFFN is well aware that the traditional use and rights practice environment in which this CAR is proposed is not a pristine one, but rather one that has been subject to many high magnitude changes over time. **Proponent Response:** The description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information). Information of this nature will be requested as part of the IK Program. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should indicate that description of baseline conditions in the EA will include a description of Indigenous land use including historical conditions and how land use has changed including as a result of cumulative effects (subject to available information). **Adequacy of ToR dated September 2020:** Adequate. The ToR states “MFFN will work with Indigenous communities to collect and incorporate information on Indigenous uses of lands and resources in relation to the area of the Project through the Indigenous Knowledge Program, including Project---specific Indigenous Knowledge and Land and Resource Use Studies” (p. 41). The ToR also states “MFFN will identify how Indigenous land use has changed as a result of cumulative effects. This will be informed by information received through the Indigenous Knowledge Program, where applicable” (p. 77).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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FAFN-18	**MFFN ID# 658** **Proposed ToR Section:** Section 7.1.4.10 **FAFN Concern:** Section 7.1.4.12 Socio---Economic and Built Environment p. 39 The ToR states that "The closest populated areas to the Project are the Indigenous communities of MFFN and Aroland First Nation." The ToR does not provide information about other Indigenous nations potentially affected by the project. Please indicate which Indigenous nations are anticipated to be employed by the project and provide a description of current socio-economic and built environment conditions for such Indigenous nations. While some Indigenous nations may not be located close to the project, they may nevertheless be affected through pathways associated with employment as well as a series of other potential social, economic, cultural and health effects. These need to be properly characterized in MFFN filings. **Proponent Response:** The MFFN Project Team is interested in maximizing economic benefits to communities in the region. It is not known at this time which communities may have community members involved in Project construction. It is expected that there will be employment opportunities for community members in the Region subject to required skills and experience. The EA will include descriptions of current socio-economic and built environment conditions. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. Please indicate if the EA will include descriptions of current socio-economic conditions for Fort Albany First Nation. **Adequacy of ToR dated September 2020:** Partially adequate. The ToR states "A review of available desktop information will be completed to identify information gaps and inform data collection for the Project. This will allow for more focused questioning targeted at specific data gaps and relevant items for each Indigenous community" (p. 61). The ToR does not indicate which Indigenous communities will be included in the socio-economic baseline research. Please indicate if the EA will include descriptions of current socio-economic conditions for Fort Albany First Nation.	The EA will include information on socio-economic conditions within Fort Albany First Nation and other Indigenous communities. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community.	Section 7.2, pg. 63 Section 7.2.10, pg. 70 Commitment for EA
FAFN-19	**MFFN ID# 659** **Proposed ToR Section:** **FAFN Concern:** Section 7.1.4.12 Socio---Economic and Built Environment – Visual Aesthetics p. 43 The ToR provides limited information about visual aesthetics in the area of the project. Please provide information about any planned field programs to collect visual data at key locations and plans to consult with Indigenous nations in the collection of such data. The visual environment comprises a meaningful component of the environment for Indigenous peoples, informing traditional knowledge and use. The project has the potential to adversely affect the visual landscape. **Proponent Response:** Field activities will be undertaken to support the visual assessment. Indigenous communities will be consulted on the visual assessment and associate field program. If FAFN has specific interest in understanding how the visual assessment will be completed, the MFFN Project Team is available for further discussion. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should indicate that Indigenous communities will be consulted on the visual assessment and associate field program. **Adequacy of ToR dated September 2020:** Adequate. Appendix A to the ToR identifies Traditional Knowledge as a data source for Visual Aesthetics.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-20	**MFFN ID# 660** **Proposed ToR Section:** N/A **FAFN Concern:** Section 7.2 Potential Environmental Effects p. 47 The ToR does not indicate how the preliminary identification of potential environmental effects was determined, including secondary sources of data that may be drawn on to inform the effects assessment. Please provide identify secondary sources of information about the effects of all---season roads on remote communities and indicate how the review of such information has informed the preliminary identification of potential environmental effects. There are number of predictable effects associated with the development of all---season access roads to remote communities that should inform the effects assessment, including with respect to methods, valued components and findings. **Proponent Response:** The list of effects is preliminary and comes from the experience of the study team from other similar road projects. The study team has also examined other related EAs and studies to inform the potential for effects. The potential effects list can be expanded upon in the EA. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. Please indicate the other related EAs	The EA will include a list of relevant studies, including other EAs, reviewed to inform the potential effects as a result of the CAR. Where existing studies have been used to inform information in the EA, they will be appropriately referenced such that the content in the EA and the connection to the existing study is transparent. Other related projects and studies that were examined to inform the potential for effects identified in Section 7.2 of the ToR included: ▪ Wataynikaneyap Power Phase 1 New Transmission Line to Pickle Lake Project; ▪ Nextbridge Infrastructure L.P. East-West Tie Transmission Project; ▪ Cliffs Natural Resources Inc. Cliffs Chromite Project; ▪ Shoal Lake No. 40 First Nation Freedom Road Project; ▪ Webequie First Nation Webequie Supply Road; and ▪ East Side Road Authority PR 304 to Berens River All-Season Road.	Commitment for EA

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	and studies that have informed the preliminary list of potential effects. **Adequacy of ToR dated September 2020:** Partially adequate. Please indicate the other related EAs and studies that have informed the preliminary list of potential effects.		
FAFN-21	**MFFN ID# 661** **Proposed ToR Section:** ToR Section 7.2.7 **FAFN Concern:** Section 7.2.6 Vegetation p. 50 The ToR states that "Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function, and changes to species diversity." This section of the ToR does not mention potential impacts on traditional use plants, including medicinal plants. Please indicate anticipated changes on traditional use plants, including medicinal plants as a result of the project. Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project. **Proponent Response:** Potential for impact on traditional use plants will be noted in the ToR. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate. The ToR states "Potential effects on vegetation and ecological communities include changes to community diversity (including community loss), changes to wetland quantity and function and changes to species diversity, including SAR and traditional use plants" (p. 68).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-22	**MFFN ID# 662** **Proposed ToR Section:** ToR Section 7.2.2, Appendix A: Criteria and Indicators for Alternatives Evaluation **FAFN Concern:** Section 7.2.10 Indigenous Knowledge and Land Use p. 52 The ToR provides a list of potential effects to Indigenous and Treaty Rights. This list relates primarily to tangible impacts and does not capture potential impacts on intangible social and cultural values. Please identify potential effects on the social and cultural dimensions of land use, such as sense of place, spirituality, knowledge transmission, and social norms. Consideration should also be given to effects resulting from increased non---Indigenous access as a result of the project. The Terms of Reference should identify how these valid impact pathways will be investigated. Indigenous land use cannot be reduced to physical activities, access and biophysical proxies (such as environmental conditions). The social and cultural dimensions of Indigenous land use are integral components and need to be adequately assessed. **Proponent Response:** The ToR will be revised to reference the potential for these other types of effects, and the indicators will be revised to account for cultural considerations and potential effects. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate. The ToR includes the following potential effects on Indigenous People's Rights and Interests "Changes to the experience of being on the land; and Changes to cultural traditions and / or the ability to pursue and transmit cultural traditions (i.e., knowledge transmission)" (p. 65).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-23	**MFFN ID# 663** **Proposed ToR Section:** ToR Section 7.2.10 **FAFN Concern:** Section 7.2.11 Socio-Economic and Built Environment p. 53 The ToR provides a list of potential effects on the socio-economic and built environment. This list does not consider effects associated with increased access for illicit activities. Please include increased access for illicit activities (e.g. transportation and sale of illegal drugs) in the list of potential effects. Increased access to remote communities is known to result in health and wellbeing impacts as a result of increased illicit activities. **Proponent Response:** The ToR will be revised to reference that the EA will examine the potential for increased illicit activities. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate. The ToR includes the following potential effect on the Social, Economic and Built Environment "The Project may result in effects to human health by altering public safety (including potential increased illicit activities, conflicts and other potential harms to communities and their members), public health, diet and mental health. These changes may be facilitated by additional access to and from southern communities year-round" (p.70).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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FAFN-24	**MFFN ID# 664** **Proposed ToR Section:** ToR Section 7.2.10 **FAFN Concern:** Section 7.2.11 Socio---Economic and Built Environment p. 53 The ToR states that "Improved access to MFFN may also provide benefits in the form of skill development, training and job creation." The ToR does not mention existing barriers of Indigenous nations to take advantage of project benefits. Please identify differential ability to take advantage of project benefits among Indigenous nations, including Fort Albany First Nation, as a condition that may affect the realization of project benefits. Indigenous communities may have several barriers affecting their ability to take advantage of project benefits, such as lack of transportation, insufficient skills and training, health and wellness issues, and cultural requirements. The effects assessment should identify measures to address such barriers so as to enhance project benefits. **Proponent Response:** The ToR will be revised to include reference to the consideration of potential barriers to participating in Project benefits as part of the EA. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate. The ToR states "It is possible that barriers may exist that may prevent or affect the ability to participate in Project benefits. Potential barriers, should they exist, will be identified during the EA, and where feasible, measures to enhance benefits of the Project will be considered" (p. 71).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-25	**MFFN ID# 665** **Proposed ToR Section:** N/A **FAFN Concern:** Section 8. Assessment and Evaluation, p. 54 This section of the ToR does not identify the approach to cumulative effects assessment. Please describe the approach that will be used to conduct a cumulative effects assessment. For reference purposes, see the First Nations Major Projects Coalition's Major Project Assessment Standard, Principle 8 (First Nations Major Projects Coalition, 2019) which covers meaningful practice of cumulative effects assessment as identified by over 60 Canadian Indigenous groups. MFFN is requested to identify whether it is committed to conduct any required cumulative effects assessment to this standard. Cumulative effects resulting from multiple past, present and reasonable foreseeable projects and activities are a primary concern for Indigenous communities and require adequate assessment. **Proponent Response:** The Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada outline in more detail the expected scope of study for the Cumulative Effects Assessment. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should also outline the scope of study for the Cumulative Effects Assessment. The Ministry of the Environment, Conservation and Parks guidance document Preparing and reviewing terms of reference for environmental assessments in Ontario identifies that inclusion of information about cumulative effects in an EA is a best practice and encourages proponents to "Include information about potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible." **Adequacy of ToR dated September 2020:** Adequate. The ToR states "As outlined in the Consultation Plan (Appendix B), MFFN will seek input from neighbouring Indigenous communities, including vulnerable groups such as women, youth and the elderly, as well as from government agencies and interested persons, on the proposed method to assess and evaluate the alternatives and cumulative effects" (p. 72).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-26	**MFFN ID# 666** **Proposed ToR Section:** ToR Section 7.2 **FAFN Concern:** Section 8. Assessment and Evaluation, p. 54 This section of the ToR does not include consideration of potential induced effects from the Project. Please include consideration of potential induced effects of the project, such as accelerated mineral exploration and development in the Ring of Fire, increased forestry activities, increased non---Indigenous access and use of and development of the area, and increased hunting pressure. Road development is likely to result in induced effects that need to be adequately assessed and mitigated. **Proponent Response:** The EA will consider the potential for cumulative effects from other potential future projects in the region subject to information availability. As well, effects from changes in access including the potential for increased hunting pressure will also be assessed. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The requirement to assess the effects	MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to: ▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. ▪ Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the	Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.10, pg. 70

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	of induced development as part of the cumulative effects assessment should be included in the TOR. **Adequacy of ToR dated September 2020:** Partially adequate. The ToR states "As outlined in the Consultation Plan (Appendix B), MFFN will seek input from neighbouring Indigenous communities, including vulnerable groups such as women, youth and the elderly, as well as from government agencies and interested persons, on the proposed method to assess and evaluate the alternatives and cumulative effects" (p. 72). Fort Albany First Nation members are highly concerned about future development in the Ring of Fire, including further impacts on rivers, water, fish, wildlife, and FAFN treaty and Aboriginal rights, among other impacts. The ToR should indicate that the EA will consider activities and developments induced by the Project, including but not limited to accelerated mineral exploration and development in the Ring of Fire, as part of the cumulative effects assessment.	Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.	
FAFN-27	**MFFN ID# 667** **Proposed ToR Section:** Supporting Document **FAFN Concern:** Section 10.2 Summary of Consultation Activities on the ToR p. 62 The ToR states that "An overall introduction to the Project and the EA process was provided during initial conversations with interested persons." The ToR does not indicate if or how such conversations informed project design or effects assessment methods. Please indicate how early engagement with Indigenous nations influenced project design (e.g. selection of alternative route alignments) and/or future opportunities for such engagement. Please also identify how MFFN is planning to engage Fort Albany First Nation in consideration of alternative routing options. Meaningful consultation requires that engagement has the potential to result in concrete changes to project design and planning, particularly at an early stage in the planning process. **Proponent Response:** Previous engagement activities on the identification of the alternative routes was largely focused with the MFFN community, as described in the Alternatives Supporting Document to the ToR. Going forward in the EA, the MFFN Project Team will engage with all interested communities in the selection of the route including receiving input on the evaluation criteria to be used. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should indicate that the MFFN Project Team will engage with all interested communities in the selection of the route including receiving input on the evaluation criteria to be used. **Adequacy of ToR dated September 2020:** Adequate. The TOR states "During the EA, Indigenous Knowledge and information on Indigenous land and resource use will inform and validate the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods" (p. 9). The ToR also states that "Additional information on how alternatives will be compared, proposed criteria and indicators, and assessment and evaluation of net effects in the EA is provided in the following sections. As outlined in the Consultation Plan (Appendix B), MFFN will seek input from neighbouring Indigenous communities" (p. 72).	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-28	**MFFN ID# 668** **Proposed ToR Section:** ToR Section 10.2, Appendix C: Record of Consultation **FAFN Concern:** Section 10.2 Summary of Consultation Activities on the ToR p. 63 The ToR states that "a list of issues received through consultation activities during preparation of the ToR will also be included in the Proposed ToR." Please provide a list of all issues received to date, inclusive of issues raised during preparation of the ToR. Please also indicate how such issues have been, or will be, addressed. Adequate issues tracking necessitates documentation of issues when first raised and steps to address such issues, including perceived adequacy of such steps and any further issues that arise. **Proponent Response:** The issues received since the release of the Draft ToR will be described in the revised	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	(Proposed) ToR that will be made available for all to review. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. In addition to a list of issues received during preparation of the ToR, the ToR should provide a list of issues received prior to preparation of the ToR, or note that no issues were received prior to preparation of the ToR. **Adequacy of ToR dated September 2020:** Adequate.		
FAFN-29	**MFFN ID# 669** **Proposed ToR Section:** Supporting Document **FAFN Concern:** Section 10.2.2 Indigenous Communities Engagement p. 64 The ToR states that "Prior to commencing the ToR, MFFN held Project---related discussions with several Indigenous communities between 2017 and 2018. A summary of these activities is provided in Marten Falls First Nation Community Access Road Supporting Document – Draft Alternatives Development (AECOM 2019)." This document is not available. Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review. **Proponent Response:** The Supporting Document is available through the Project website. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-30	**MFFN ID# 670** **Proposed ToR Section:** Supporting Document **FAFN Concern:** Section 10.2.2 Indigenous Communities Engagement p. 65 The ToR states that "The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation (AECOM 2019a), provides a summary of the attempts to engage with Indigenous communities up to October 24, 2019." The document is not available. Please append the referenced document to the ToR or otherwise make it available to Indigenous nations. The document should be available for review. **Proponent Response:** The Supporting Document is available through the Project website. **Adequacy of Proponent Response date September 1, 2020:** Inadequate. The Marten Falls First Nation Community Access Road Supporting Document – Draft Terms of Reference Record of Consultation could not be located on the Project website. Please provide a link. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-31	**MFFN ID# 671** **Proposed ToR Section:** Appendix B: Consultation Plan **FAFN Concern:** Section 11.3.1 Identification of Indigenous Communities p. 76 The ToR states that "All identified communities will receive all statutory notices related to the EA (e.g., Notice of Commencement of the Environmental Assessment) andcomprehensive, plain---language Project updates through email, mail and the Project website. Each will also be provided the full opportunity to review and comment on key EA documents including the Draft and Proposed ToR as well as the Draft and Final Environmental Assessment Report. In addition, Indigenous communities, depending on their level of interest in and the potential for impacts related to development of the CAR, will be encouraged or offered the opportunity to meet in---person to discuss the Project and gather feedback at appropriate milestones throughout the EA." Please indicate how opportunities for more constructive engagement on assessment topics, methods, mitigations, etc. will be provided, in addition to notification, project updates, and review and comment. Project notification and the opportunity to review and comment on project documents provides the bare minimum of consultation. Best practice, aligned with the United Nations Declaration on the Rights of Indigenous People, requires that Indigenous nations have the opportunity to make consent--- based decisions about projects that have the potential to affect their rights. This entails constructive engagement in project design and assessment methods. **Proponent Response:** MFFN is open to having discussions with Fort Albany First Nation on how they would like to be engaged throughout the EA. Also see the Consultation Plan, which is appended to the Draft ToR. A revised Consultation Plan will be appended to the Proposed ToR. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate. The ToR states "During the EA, Indigenous Knowledge and	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	information on Indigenous land and resource use will inform and validate the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods" (p. 9).		
FAFN-32	**MFFN ID# 672** **Proposed ToR Section:** ToR Section 6.3.1 and Section 12 **FAFN Concern:** Section 12. Accommodating New Circumstances p. 81 The ToR states that "Minor changes include, but are not limited to, modifications or variations to the consultation plan, proposed study areas and alternatives, refinement of evaluation criteria and need for additional studies." Please provide information about the anticipated scope of changes to proposed study areas and alternatives. Large changes to proposed study areas and alternatives could have significant implications for the EA. **Proponent Response:** The ToR has been revised to provide further clarity on the scope of possible changes to the alternatives and associated study areas. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. Please describe the changes that have been made to the ToR in response to this comment so these changes can be reviewed. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-33	**MFFN ID# 673** **Proposed ToR Section:** Appendix A: Criteria and Indicators for Alternatives **FAFN Concern:** Appendix A Draft Criteria & Indicators for Alternatives Evaluation pp. 1-2 The "availability" indicator for vegetation, wildlife and ungulates is not defined. It is unclear whether this indicator refers to spatial extent or a different consideration. It is also unclear whether this indicator is intended to capture disturbance and avoidance effects. Please define the indicator "availability". A clear definition of indicators is required to assess their appropriateness. **Proponent Response:** The ToR has been updated to include a definition of availability. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. Please provide the definition for availability in response to this comment so that the definition may be reviewed. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-34	**MFFN ID# 674** **Proposed ToR Section:** ToR Section 8.2 **FAFN Concern:** Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 Wildlife criteria do not include any large mammals. Please indicate how Indigenous nations will be consulted to refine the list of wildlife criteria (and other criteria). The list of criteria presented in Appendix A may not capture all criteria of concern to Indigenous nations. **Proponent Response:** The MFFN Project Team is open to the inclusion of other large mammal species of concern. This is a draft list that we expect will be refined during the EA. We are open to your suggestions. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-35	**MFFN ID# 675** **Proposed ToR Section:** ToR Section 8.2 **FAFN Concern:** Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 The list of wildlife and ungulate indicators does not seem to capture potential impacts on habitat quality, movement corridors or species distribution. Please provide indicators for habitat quality, movement corridors and species distribution for wildlife and ungulates, or describe how these considerations will be captured by other indicators. Habitat quality, movement corridors and species distribution are key indicators for wildlife and ungulate impacts. **Proponent Response:** The list of indicators will be updated in the revised ToR. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. Please provide the list of updated indicators in response to this comment so that they may be reviewed. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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FAFN-36	**MFFN ID# 676** **Proposed ToR Section:** Appendix A: Criteria and Indicators for Alternatives Evaluation **FAFN Concern:** Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 Potential Data Sources for ungulates do not identify Indigenous knowledge or field investigations. Please list Indigenous knowledge and field investigations as Potential Data Sources for ungulates. Indigenous knowledge and field investigations are key potential data sources for ungulates. **Proponent Response:** The criteria list has been revised to include Indigenous Knowledge and field investigations as data sources. **Adequacy of Proponent Response date September 1, 2020:** Adequate. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-37	**MFFN ID# 677** **Proposed ToR Section:** Appendix A: Criteria and Indicators for Alternatives Evaluation **FAFN Concern:** Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 The ToR includes “value of” animal and plant harvesting areas as indicators of Traditional Use of Land and Resources and Aboriginal and Treaty Rights. Please provide specific indicators for social, cultural, spiritual, food security, sense of place, cultural transmission components or indicate how these aspects are accounted for in the proposed indicators. "Value" may be too broad to account for social, cultural, spiritual, food security, sense of place, cultural transmission components. **Proponent Response:** This section in the ToR has been revised to provide measurable indicators for cultural components of the assessment. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. Please provide the list of measurable indicators for cultural components in response to this comment so that they can be reviewed. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-38	**MFFN ID# 678** **Proposed ToR Section:** ToR Section 7.2.10 **FAFN Concern:** Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4 The ToR includes indicators for Community Well---being, but does not include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities (e.g. transportation and sale of drugs). Please include indicators of Community Well---being that capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities (e.g. transportation and sale of drugs), or indicate how the proposed indicators capture these elements. The project has the potential to result in impacts associated with increased disposable income, increased access to southern communities and increased access to elicit activities. **Proponent Response:** These potential noted impacts will be considered as part of the EA. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should include indicators to capture impacts from increased disposable income, increased access to southern communities and increased access to elicit activities. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-39	**MFFN ID# 679** **Proposed ToR Section:** ToR Section 7.2.10 **FAFN Concern:** Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 4 The ToR provides indicators for Regional Economy but does not include indicators to capture Indigenous nations' ability to take advantage of project benefits. Please include an indicator that captures the ability of Indigenous nations to take advantage of project benefits. Indigenous communities may have several barriers to their ability to take advantage of project benefits. **Proponent Response:** The extent to which communities can take advantage of Project benefits will be considered as part of the EA. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should include indicators to capture Indigenous nations' ability to take advantage of project benefits.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

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	Adequacy of ToR dated September 2020: Adequate. The ToR states "It is possible that barriers may exist that may prevent or affect the ability to participate in Project benefits. Potential barriers, should they exist, will be identified during the EA, and where feasible, measures to enhance benefits of the Project will be considered" (p. 71).		
FAFN-40	**MFFN ID# 680** **Proposed ToR Section:** Appendix A: Criteria and Indicators for Alternatives **FAFN Concern:** Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 5 The ToR provides "Visibility of the Project from sensitive locations" as indicator for Visual Character. Please provide an indicator and methodology that captures changes in visual quality. For a project such as this, the use of Indigenous Visual Quality Objectives, and mock up visual perspectives from different viewpoints before and after project development, through engagement with Indigenous peoples, is standard practice. "Visibility" is an insufficient indicator to capture visual quality. **Proponent Response:** The visual assessment will include a Visual Sensitivity indicator. This recognizes that certain landscapes are more susceptible to change and more sensitive due to the angle, distance of viewer, as well as the cultural significance to viewers. **Adequacy of Proponent Response date September 1, 2020:** Partially adequate. The ToR should include Visual Sensitivity as an indicator for Visual Quality. **Adequacy of ToR dated September 2020:** Adequate.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
FAFN-41	**FAFN ID# 1** **Reference:** Section 7.1.4.8 Wildlife; Section 7.2.8 Wildlife **Context:** The ToR does not identify insect species that may be affected by the Project. **Rationale:** Insect are an important food sources for animals, and perform important roles as pollinators and other roles in the muskeg. Insects are also pests, an important Issue during the warmer months in the region. **Request:** Please describe how information about insects will be integrated in the ToR, for both the existing (baseline and trend) environment and in the effects assessment.	MFFN acknowledges Fort Albany First Nation's concerns regarding pests and insects and will incorporate this information into the EA where appropriate. General habitat assessment will consider ecological habitat for important insect species. In addition, the EA will assessment potential effects on pollinating insects , as well as how the potential introduction of invasive species may affect wildlife and vegetation	Commitment for EA
FAFN-42	**FAFN ID# 2** **Reference:** Section 7.1.4.7; Section 7.2.7; Section 9.1.1 **Context:** Fort Albany First Nation is very concerned about potential impacts of the Project on muskeg. FAFN members note that peat keeps the water pure. If peat is destroyed, then water – the source of life – is adversely affected and so is Fort Albany First Nation. The ToR provides limited information about the existing muskeg environment and how the Project's impacts on muskeg will be assessed. The ToR states that "During the vegetation field survey, peatlands will be also examined" (p.49) and that "MFFN will assess potential effects to peatlands in the EA. An estimate of the length of road corridor that will cross through peatlands will be provided in the EA" (p.77). **Rationale:** The ToR does not separate out muskeg (or peatlands) as a unique ecosystem for the environmental assessment, and fails to identify some potential effects on muskeg, such as increased risk of fire due to drying and impacts to permafrost. The ToR should require the environmental assessment to reflect the particular nature, uniqueness, functions, and significance of muskeg. Additionally, the ToR should require the proponent to engage in robust and deep engagement with Fort Albany First Nation on the issue of muskeg impacts (without limitation to engagement on other potential impacts). **Request:** a) Please revise the ToR to require the environmental assessment to reflect the particular nature, uniqueness, functions, and significance, of muskeg, such as increased risk of fire due to drying and impacts to permafrost. b) Please identify whether and how the Proponent is committed to engage with other Indigenous Nations, including Fort Albany First Nation, in a robust and deep manner on the assessment of impacts on muskeg.	MFFN acknowledges Fort Albany First Nation's concerns about potential impacts of the Project on peatlands. MFFN commits to having peatlands as a discrete environmental discipline that will be characterized and assessed separately from vegetation. The EA will assess how potential effects of the Project on peatlands may indirectly affect surface water, vegetation and climate change. As noted in Section 11 of the ToR, MFFN is committed to creating and sustaining constructive dialogue and relationships with neighbouring Indigenous communities, government agencies and interested persons. MFFN has developed a Consultation and Engagement Program for the EA and will work with Indigenous communities, including Fort Albany First Nation, through that process to consult and engage in a robust and deep manner. Fort Albany First Nation is encouraged to continue to share information on their traditional use of peatlands and MFFN will continue to consult wit Fort Albany First Nation to better understand their concerns. This information can also be shared the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 3.4.2.1, pg. 11 to 12 Commitment for EA
FAFN-43	**FAFN ID# 3** **Reference:** Section 7.2.5; Section 7.2.9 **Context:** The ToR states "It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e.g., road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential" and "Placement of stockpiles, soil compaction and impervious surfaces may change surface drainage patterns as well" (p. 67). The ToR does not identify potential decreases in water levels.	The EA will identify and assess potential effects of the Project on surface and ground water, which will include looking at changes in quantify (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface and groundwater could indirectly affect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock materials to produce acid rock drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management and	Section 3.4.2.1, pg. 11 to 12 Section 7.2.1, pg. 66 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9, pg. 69 to 70

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	Section 7.2.9 of the ToR identifies potential effects on fish and fish habitat but does not include changes in water levels or mercury mobilization. **Rationale:** Fort Albany First Nation is vitally connected to the rivers in its territory, using river systems for transportation, nourishment, drinking water, and teaching sites. Fort Albany First Nation has been adversely impacted by historical activities that have altered water flow and resulted in sedimentation and debris flowing down river. Fort Albany First Nation members are highly concerned that the proposed Project will adversely impact water quality and reduce water levels. An assessment of the Project's potential impacts on water levels and mercury mobilization, in addition to other identified potential effects, is required to understand potential impacts on Fort Albany First Nation's transportation, subsistence, and health. **Request:** Please revise the ToR to require the environmental assessment to assess potential impacts of the project on water levels and mercury mobilization in addition to other identified potential effects to surface water and fish and fish habitat. This assessment should be carried forward into the assessment of potential effects on traditional/Indigenous land use, including a consideration of particular effects on Indigenous women.	monitoring measures will be identified. At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed. Additionally, the EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, such as fish, potential effects to human health from exposure to COPCs in country foods will be evaluated further as part of the HHRA. MFFN acknowledges that rivers provide both transportation and sustenance to Fort Albany First Nation. The EA will assess how potential effects of the Project on surface water (i.e., flow) and fish communities may indirectly affect navigation and Indigenous land and resource use. Fort Albany First Nation is encouraged to continue to share information on their traditional use of land and resources and cultural values. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Commitment for EA
FAFN-44	**FAFN ID# 4** **Reference:** N/A **Context:** The Webequie Supply Road, which is another all-season road proposed at the same time as Marten Falls (and indeed connected in the sense that both are required to reach the Ring of Fire), has a draft TOR that includes detailed information on "alternatives to" the all season road in Section 5.1.1. The alternatives to covered in the WSR case include: 5.1.1 Alternatives to the Undertaking.....31 5.1.1.1 Alternative 1: Do Nothing – Null Alternative.....33 5.1.1.2 Alternative 2: Upgrade Existing Trail System to Seasonal Winter Road.....33 5.1.1.3 Alternative 3: Alternative Modes of Transportation.....34 5.1.1.4 Alternative 4: Manage Transportation Demand.....38 5.1.1.5 Alternative 5: New All---Season Road.....38 5.1.1.6 Preferred Planning Alternative.....38 **Rationale:** Marten Falls should be subject to the same level of diligence in its parallel provincial assessment. **Request:** FAFN requests that the ToR be revised to require at minimum consideration in the Environmental Assessment of all the "alternatives to" identified in the WSR ToR, so that the parties can understand if there are viable alternatives to the Marten Falls all-season road.	The *Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario* allows for proponents to limit the discussion of previously examined alternatives in the EA when alternatives have been previously considered through a separate decision-making process such as a provincial government priority initiative. As described in Section 6.2 of the ToR, the decision for the Project to be a road has been made through previous planning and decision-making processes. A CAR would be the only viable option that could provide all-season access to the provincial highway network since no alternative to a road can provide the same level of freedom of movement for community members to travel outside the community. Given MFFN's unique circumstances as a remote First Nation community with an airport with non-daily service and high costs per trip, and a winter road system that only provides seasonal service and is increasingly unreliable, or a railroad which does not provide the freedom of movement, it is not reasonable to consider these alternatives as they do not meet the community needs. It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR and in accordance with subsections 6.1(3) and 6(2)(c).Ontario's decision on the MFFN ToR, including whether to accept the EA to be prepared in accordance with subsections 6.1(3) and 6(2)(c) of the *Environmental Assessment Act* is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a final decision on whether or not to approve the ToR.	Section 3.4, pg. 7 to 8 Section 6.2, pg. 21 to 22

References

First Albany First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Fort Albany First Nation – March 31, 2021			
FAFN-45	#: FAFN-4 Original FAFN Request: See FAFN-4 MFFN Response: See FAFN-4 Adequacy of MFFN Response: Partially adequate. The Proponent's response to FAFN-18 states "The EA will include information on socio-economic conditions within Fort Albany First Nation and other Indigenous communities. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community." Additional FAFN Request: Please align response with response to FAFN-658	It has been assumed that the reference to "FAFN-658" is a typo and should read FAFN-18. The response to FAFN-4 has been updated to align with FAFN-18 as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The Project's Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. As noted in Section 3.4.2.1 of the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines [TISG]); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Fort Albany First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Fort Albany First Nation. The EA will include information on socio-economic conditions within Fort Albany First Nation. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community. MFFN is currently developing the proposed approach for the primary socio-economic data collection program. It is anticipated that primary data collection will focus on the communities located within the discipline-specific local study area (LSA) for the social environment. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the TISG developed by the Impact Assessment Agency of Canada (the Agency). It is anticipated that the LSA for the social environment will correspond to the area that is most likely to be affected by the Project, including MFFN, Aroland First Nation and the Municipality of Greenstone. These communities are likely to experience the most Project-related change due to the location of the Project and anticipated resulting access. The social environment study areas will be informed by feedback received from Indigenous communities and interested persons. Indigenous communities and interested persons will be consulted on their interest, concern and perceptions regarding the potential for social effects to their community. To be included in the LSA for the social environment, there needs to be either an articulated community concern or perception of social effect on the community as a result of changing access to the MFFN community due to the Project, and / or due to Project effects on the environment that could result on social effects to a community. Consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). Information on the socio-economic data collection program will also be consulted on during the Effects Assessment Methods milestone.	Section 3.4.2.1, pg. 11 to 12 Section 7.2, pg. 63 Section 7.2.10, pg. 70 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA
FAFN-46	#: FAFN-6 Original FAFN Request: See FAFN-6 MFFN Response: See FAFN-6 Adequacy of MFFN Response: Partially adequate. The response states that "At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed." This response does not contain a rationale for the	The response to FAFN-6 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will identify and assess potential effects of the Project on surface water, which will include looking at changes in quantify (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface water could indirectly effect fish and fish habitat. While this Project does not currently include plans for permanent damming, draining or diversion of water which create the potential for methyl-mercury formulation / mobilization, should these measures be proposed they will be assessed for potential effects as part of the EA. Similarly, at this time there are no anticipated Project components which would create exposure pathways for	Section 7.2.5, pg. 67

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	assumption that mercury mobilization will not occur. Additional FAFN Request: Please indicate that the EA will consider mercury mobilization as a potential project impact pathway.	methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed. Should a Project-environment interaction identify the potential for methyl-mercury mobilization it will be identified and assessed in the EA. Specific details on infrastructure design and their potential effects are currently in development and will be shared with Fort Albany First Nation once available.	
FAFN-47	#: FAFN-8 Original FAFN Request: See FAFN-8 MFFN Response: See FAFN-8 Adequacy of MFFN Response: FAFN acknowledges that the opportunities for comment have been extended beyond those normally provided. However, the fact that there have been 126 days provided for review is misleading in terms of what this practically allowed for. This total time has been provided through a series of shorter periods (not one long period known from the outset), during a time when FAFN was moving in and out of different phases of lockdowns and public health measures unpredictably, such that consultation activities could not actually be planned over this full time or with any confidence. Further, as FAFN has emphasized, the issue was not just time but ability to actually engage safely, effectively, and inclusively in community consultation activities during this time, due to both public health and safety concerns and acute demands on staff and leadership. Additional FAFN Request: Suspend the EA process *at a minimum* until the pandemic has been contained sufficiently to allow for large community gatherings and for our external advisors to travel to FAFN to support our consultation and study activities. FAFN also asserts that the EA process should be suspended until the Regional Impact Assessment of the Ring of Fire has been conducted.	The response to FAFN-8 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The preliminary comments Fort Albany First Nation has provided are appreciated and informative. We understand the challenges that the COVID-19 pandemic has had on our ability to engage and consult with Fort Albany First Nation on the Project and also the challenges for meeting internally. We appreciate Fort Albany First Nation providing opportunities to engage with your community through online engagement. We will continue to support your efforts and explore ways to engage with your leadership, technical consultants, and community about the Project. The Project Team will be in contact to discuss opportunities to meet with Fort Albany First Nation leadership and technical advisors regarding the responses to your ToR comments and to discuss next steps for engagement and consultation with Fort Albany First Nation. In addition to providing the opportunity to review the Draft ToR that was released well in advance of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with sufficient time to review documentation and provide comments. An additional opportunity for Fort Albany First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days. Throughout this process, our intention has never been to instill a sense of duress, frustration, stress or to demoralize our neighbouring communities and treaty partners. MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The MFFN CAR is an essential and critical piece of community infrastructure to support MFFN's growth and development. As treaty partners, it is MFFN's responsibility to understand the potential impacts this will have on our neighbouring communities interests and rights. MFFN's engagement with Fort Albany First Nation, despite the challenges of COVID-19, was not to frustrate or demoralize but to ensure that we understand your interests and concerns in the Project and to respect and safe guard your Aboriginal and treaty rights and interests so we can try and avoid, mitigate, or accommodate any potential impacts to them. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the Minister of the Environment, Conservation and Parks on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Fort Albany First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA. The ToR recognizes that a Regional Assessment of the Ring of Fire region under the *Impact Assessment Act* is underway. This is an assessment independent of the EA for the Community Access Road; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Impact Assessment Agency of Canada's (the Agency) contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.	Section 7.2., pg. 65 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA
FAFN-48	#: FAFN-20 Original FAFN Request: See FAFN-20 MFFN Response: See FAFN-20 Adequacy of MFFN Response: Partially adequate. The Tłı̨chǫ All-season Road project (https://reviewboard.ca/registry/ea-1617-01) provides a best practice example EA that should be reviewed to determine potential effects of the Project. Additional FAFN Request: Please indicate that the Tłı̨chǫ All-season Road project will be reviewed to inform the list of potential Project-related effects to be assessed.	The response to FAFN-20 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will include a list of relevant studies, including other EAs, reviewed to inform the potential effects as a result of the CAR. Where existing studies have been used to inform information in the EA, they will be appropriately referenced such that the content in the EA and the connection to the existing study is transparent. Other related projects and studies that were examined to inform the potential for effects identified in Section 7.2 of the ToR included: ▪ Wataynikaneyap Power Phase 1 New Transmission Line to Pickle Lake Project; ▪ Nextbridge Infrastructure L.P. East-West Tie Transmission Project;	Commitment for EA

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		▪ Cliffs Natural Resources Inc. Cliffs Chromite Project; ▪ Shoal Lake No. 40 First Nation Freedom Road Project; ▪ Webequie First Nation Webequie Supply Road; and ▪ East Side Road Authority PR 304 to Berens River All-Season Road. During the EA, other Projects, such as the Tłı̨chǫ All-season Road Project, will be reviewed to inform the list of potential Project-related effects to be assessed.	
FAFN-49	#: FAFN-26 Original FAFN Request: See FAFN-26 MFFN Response: See FAFN-26 Adequacy of MFFN Response: Partially adequate. As induced development would depend on the existence of the Project, no information currently exists to determine such future projects and activities as "reasonably foreseeable." Nevertheless, projections of likely development in the Ring of Fire resulting from new access can be made. While such projections would not include the level of detail as already proposed projects, it would still be possible to estimate effects from induced development, albeit at a lower level of certainty. Additional FAFN Request: Please indicate that the EA will consider activities and developments induced by the Project, including but not limited to accelerated mineral exploration and development in the Ring of Fire, as part of the cumulative effects assessment. Consideration of induced development should not be restricted to activities that are "known at the time of preparing the EA Report," but also include activities that are likely to occur.	The response to FAFN-26 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to: ▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. ▪ Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. MFFN acknowledges that not all induced development will have sufficient information available at the time of preparing the EA Report to be considered certain or reasonably foreseeable. Therefore, the EA will identify, at a high-level, the likely types of induced development, such as mineral exploration, that may occur due to new access provided by the CAR. A general, qualitative discussion on the types of potential effects that would be expected could also be identified; however, MFFN cannot speculate on the likelihood or extent of development in the region to provide quantitative estimates of potential cumulative effects. Future development would be subject to approvals separate from this Project, and the cumulative effects of their activities with the CAR would be considered as part of their independent assessments. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.	Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.10, pg. 70 Commitment for EA
FAFN-50	#: FAFN-43 Original FAFN Request: See FAFN-43 MFFN Response: See FAFN-43 Adequacy of MFFN Response: Partially adequate. The response states that "At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above),	The response to FAFN-43 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will identify and assess potential effects of the Project on surface and ground water, which will include looking at changes in quantity (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface and groundwater could indirectly affect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock	Section 3.4.2.1, pg. 11 to 12 Section 7.2.1, pg. 66 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68

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	additional baseline and / or follow-up programs may be developed." This response does not contain a rationale for the assumption that mercury mobilization will not occur. Additional FAFN Request: Please indicate that the EA will consider mercury mobilization as a potential project impact pathway.	materials to produce acid rock drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management and monitoring measures will be identified. At this time, the Project does not include plans for permanent damming, draining or diversion of water ~~there are no anticipated Project components~~ which ~~would~~ create the potential for ~~exposure pathways for~~ methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed. Should a Project-environment interaction identify the potential for methyl-mercury mobilization it will be identified and assessed in the EA. Additionally, the EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, such as fish, potential effects to human health from exposure to COPCs in country foods will be evaluated further as part of the HHRA. MFFN acknowledges that rivers provide both transportation and sustenance to Fort Albany First Nation. The EA will assess how potential effects of the Project on surface water (i.e., flow) and fish communities may indirectly affect navigation and Indigenous land and resource use. Fort Albany First Nation is encouraged to continue to share information on their traditional use of land and resources and cultural values. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 7.2.9, pg. 69 to 70 Commitment for EA
FAFN-51	#: FAFN-44 Original FAFN Request: See FAFN-44 MFFN Response: See FAFN-44 Adequacy of MFFN Response: Partially adequate. Fort Albany First Nation understands MFFN's rationale for not including a consideration of alternatives to the project in the TOR. However, Fort Albany First Nation reiterates its statement that Marten Falls should be subject to the same level of diligence as the Webequie Supply Road, and should therefor consider alternatives to the Project in the EA. Additional FAFN Request: FAFN requests that the ToR be revised to require at minimum consideration in the Environmental Assessment of all the "alternatives to" identified in the WSR ToR, so that the parties can understand if there are viable alternatives to the Marten Falls all-season road.	The response to FAFN-44 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The *Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario* allows for proponents to limit the discussion of previously examined alternatives in the EA when alternatives have been previously considered through a separate decision-making process such as a provincial government priority initiative. As described in Section 6.2 of the ToR, the decision for the Project to be a road has been made through previous planning and decision-making processes. A CAR would be the only viable option that could provide all-season access to the provincial highway network since no alternative to a road can provide the same level of freedom of movement for community members to travel outside the community. Given MFFN's unique circumstances as a remote First Nation community with an airport with non-daily service and high costs per trip, and a winter road system that only provides seasonal service and is increasingly unreliable, or a railroad which does not provide the freedom of movement, it is not reasonable to consider these alternatives as they do not meet the community needs. The EA Report will include a high-level discussion outlining the previous decisions made for the Project to be a road and identify why other alternatives to are not considered appropriate / viable options for reliable, all-season access to MFFN. It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR and in accordance with subsections 6.1(3) and 6(2)(c).Ontario's decision on the MFFN ToR, including whether to accept the EA to be prepared in accordance with subsections 6.1(3) and 6(2)(c) of the *Environmental Assessment Act* is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a final decision on whether or not to approve the ToR.	Section 3.4, pg. 7 to 8 Section 6.2, pg. 21 to 22 Commitment for EA

References

First Albany First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Fort Albany First Nation – March 31, 2021			
FAFN-45	#: FAFN-4 Original FAFN Request: See FAFN-4 MFFN Response: See FAFN-4 Adequacy of MFFN Response: Partially adequate. The Proponent's response to FAFN-18 states "The EA will include information on socio-economic conditions within Fort Albany First Nation and other Indigenous communities. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community." Additional FAFN Request: Please align response with response to FAFN-658	It has been assumed that the reference to "FAFN-658" is a typo and should read FAFN-18. The response to FAFN-4 has been updated to align with FAFN-18 as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The Project's Indigenous Knowledge Program provides communities with an opportunity to collect and / or share Indigenous Knowledge and information on Indigenous land and resource use with MFFN. As noted in Section 3.4.2.1 of the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines [TISG]); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Fort Albany First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Fort Albany First Nation. The EA will include information on socio-economic conditions within Fort Albany First Nation. The EA will also predict the potential beneficial and adverse socio-economic effects of the Project and will provide commentary on the anticipated level of benefit / effect by Indigenous community. MFFN is currently developing the proposed approach for the primary socio-economic data collection program. It is anticipated that primary data collection will focus on the communities located within the discipline-specific local study area (LSA) for the social environment. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the TISG developed by the Impact Assessment Agency of Canada (the Agency). It is anticipated that the LSA for the social environment will correspond to the area that is most likely to be affected by the Project, including MFFN, Aroland First Nation and the Municipality of Greenstone. These communities are likely to experience the most Project-related change due to the location of the Project and anticipated resulting access. The social environment study areas will be informed by feedback received from Indigenous communities and interested persons. Indigenous communities and interested persons will be consulted on their interest, concern and perceptions regarding the potential for social effects to their community. To be included in the LSA for the social environment, there needs to be either an articulated community concern or perception of social effect on the community as a result of changing access to the MFFN community due to the Project, and / or due to Project effects on the environment that could result on social effects to a community. Consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). Information on the socio-economic data collection program will also be consulted on during the Effects Assessment Methods milestone.	Section 3.4.2.1, pg. 11 to 12 Section 7.2, pg. 63 Section 7.2.10, pg. 70 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA
FAFN-46	#: FAFN-6 Original FAFN Request: See FAFN-6 MFFN Response: See FAFN-6 Adequacy of MFFN Response: Partially adequate. The response states that "At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed." This response does not contain a rationale for the	The response to FAFN-6 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will identify and assess potential effects of the Project on surface water, which will include looking at changes in quantity (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface water could indirectly effect fish and fish habitat. While this Project does not currently include plans for permanent damming, draining or diversion of water which create the potential for methyl-mercury formulation / mobilization, should these measures be proposed they will be assessed for potential effects as part of the EA. Similarly, at this time there are no anticipated Project components which would create exposure pathways for	Section 7.2.5, pg. 67

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
	assumption that mercury mobilization will not occur. Additional FAFN Request: Please indicate that the EA will consider mercury mobilization as a potential project impact pathway.	methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed. Should a Project-environment interaction identify the potential for methyl-mercury mobilization it will be identified and assessed in the EA. Specific details on infrastructure design and their potential effects are currently in development and will be shared with Fort Albany First Nation once available.	
FAFN-47	#: FAFN-8 Original FAFN Request: See FAFN-8 MFFN Response: See FAFN-8 Adequacy of MFFN Response: FAFN acknowledges that the opportunities for comment have been extended beyond those normally provided. However, the fact that there have been 126 days provided for review is misleading in terms of what this practically allowed for. This total time has been provided through a series of shorter periods (not one long period known from the outset), during a time when FAFN was moving in and out of different phases of lockdowns and public health measures unpredictably, such that consultation activities could not actually be planned over this full time or with any confidence. Further, as FAFN has emphasized, the issue was not just time but ability to actually engage safely, effectively, and inclusively in community consultation activities during this time, due to both public health and safety concerns and acute demands on staff and leadership. Additional FAFN Request: Suspend the EA process *at a minimum* until the pandemic has been contained sufficiently to allow for large community gatherings and for our external advisors to travel to FAFN to support our consultation and study activities. FAFN also asserts that the EA process should be suspended until the Regional Impact Assessment of the Ring of Fire has been conducted.	The response to FAFN-8 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The preliminary comments Fort Albany First Nation has provided are appreciated and informative. We understand the challenges that the COVID-19 pandemic has had on our ability to engage and consult with Fort Albany First Nation on the Project and also the challenges for meeting internally. We appreciate Fort Albany First Nation providing opportunities to engage with your community through online engagement. We will continue to support your efforts and explore ways to engage with your leadership, technical consultants, and community about the Project. The Project Team will be in contact to discuss opportunities to meet with Fort Albany First Nation leadership and technical advisors regarding the responses to your ToR comments and to discuss next steps for engagement and consultation with Fort Albany First Nation. In addition to providing the opportunity to review the Draft ToR that was released well in advance of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with sufficient time to review documentation and provide comments. An additional opportunity for Fort Albany First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days. Throughout this process, our intention has never been to instill a sense of duress, frustration, stress or to demoralize our neighbouring communities and treaty partners. MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The MFFN CAR is an essential and critical piece of community infrastructure to support MFFN's growth and development. As treaty partners, it is MFFN's responsibility to understand the potential impacts this will have on our neighbouring communities interests and rights. MFFN's engagement with Fort Albany First Nation, despite the challenges of COVID-19, was not to frustrate or demoralize but to ensure that we understand your interests and concerns in the Project and to respect and safe guard your Aboriginal and treaty rights and interests so we can try and avoid, mitigate, or accommodate any potential impacts to them. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the Minister of the Environment, Conservation and Parks on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Fort Albany First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA. The ToR recognizes that a Regional Assessment of the Ring of Fire region under the *Impact Assessment Act* is underway. This is an assessment independent of the EA for the Community Access Road; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Impact Assessment Agency of Canada's (the Agency) contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.	Section 7.2., pg. 65 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA
FAFN-48	#: FAFN-20 Original FAFN Request: See FAFN-20 MFFN Response: See FAFN-20 Adequacy of MFFN Response: Partially adequate. The Tłı̨chǫ All-season Road project (https://reviewboard.ca/registry/ea-1617-01) provides a best practice example EA that should be reviewed to determine potential effects of the Project. Additional FAFN Request: Please indicate that the Tłı̨chǫ All-season Road project will be reviewed to inform the list of potential Project-related effects to be assessed.	The response to FAFN-20 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will include a list of relevant studies, including other EAs, reviewed to inform the potential effects as a result of the CAR. Where existing studies have been used to inform information in the EA, they will be appropriately referenced such that the content in the EA and the connection to the existing study is transparent. Other related projects and studies that were examined to inform the potential for effects identified in Section 7.2 of the ToR included: ▪ Wataynikaneyap Power Phase 1 New Transmission Line to Pickle Lake Project; ▪ Nextbridge Infrastructure L.P. East-West Tie Transmission Project;	Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		▪ Cliffs Natural Resources Inc. Cliffs Chromite Project; ▪ Shoal Lake No. 40 First Nation Freedom Road Project; ▪ Webequie First Nation Webequie Supply Road; and ▪ East Side Road Authority PR 304 to Berens River All-Season Road. During the EA, other Projects, such as the Tłı̨chǫ All-season Road Project, will be reviewed to inform the list of potential Project-related effects to be assessed.	
FAFN-49	#: FAFN-26 Original FAFN Request: See FAFN-26 MFFN Response: See FAFN-26 Adequacy of MFFN Response: Partially adequate. As induced development would depend on the existence of the Project, no information currently exists to determine such future projects and activities as "reasonably foreseeable." Nevertheless, projections of likely development in the Ring of Fire resulting from new access can be made. While such projections would not include the level of detail as already proposed projects, it would still be possible to estimate effects from induced development, albeit at a lower level of certainty. Additional FAFN Request: Please indicate that the EA will consider activities and developments induced by the Project, including but not limited to accelerated mineral exploration and development in the Ring of Fire, as part of the cumulative effects assessment. Consideration of induced development should not be restricted to activities that are "known at the time of preparing the EA Report," but also include activities that are likely to occur.	The response to FAFN-26 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to: ▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. ▪ Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. MFFN acknowledges that not all induced development will have sufficient information available at the time of preparing the EA Report to be considered certain or reasonably foreseeable. Therefore, the EA will identify, at a high-level, the likely types of induced development, such as mineral exploration, that may occur due to new access provided by the CAR. A general, qualitative discussion on the types of potential effects that would be expected could also be identified; however, MFFN cannot speculate on the likelihood or extent of development in the region to provide quantitative estimates of potential cumulative effects. Future development would be subject to approvals separate from this Project, and the cumulative effects of their activities with the CAR would be considered as part of their independent assessments. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.	Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.10, pg. 70 Commitment for EA
FAFN-50	#: FAFN-43 Original FAFN Request: See FAFN-43 MFFN Response: See FAFN-43 Adequacy of MFFN Response: Partially adequate. The response states that "At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above),	The response to FAFN-43 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The EA will identify and assess potential effects of the Project on surface and ground water, which will include looking at changes in quantify (e.g., water levels, flow regimes) and quality (i.e., water chemistry). The EA will also assess the indirect effects of the Project, such as how changes in surface and groundwater could indirectly affect fish and fish habitat. A geochemistry study is proposed to characterize the potential for soil and bedrock	Section 3.4.2.1, pg. 11 to 12 Section 7.2.1, pg. 66 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68

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	additional baseline and / or follow-up programs may be developed." This response does not contain a rationale for the assumption that mercury mobilization will not occur. Additional FAFN Request: Please indicate that the EA will consider mercury mobilization as a potential project impact pathway.	materials to produce acid rock drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management and monitoring measures will be identified. At this time, the Project does not include plans for permanent damming, draining or diversion of water ~~there are no anticipated Project components~~ which ~~would~~ create the potential for ~~exposure pathways for~~ methyl-mercury formation and bioaccumulation in fish. Should these be identified as part of ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed. Should a Project-environment interaction identify the potential for methyl-mercury mobilization it will be identified and assessed in the EA. Additionally, the EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, such as fish, potential effects to human health from exposure to COPCs in country foods will be evaluated further as part of the HHRA. MFFN acknowledges that rivers provide both transportation and sustenance to Fort Albany First Nation. The EA will assess how potential effects of the Project on surface water (i.e., flow) and fish communities may indirectly affect navigation and Indigenous land and resource use. Fort Albany First Nation is encouraged to continue to share information on their traditional use of land and resources and cultural values. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Fort Albany First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 7.2.9, pg. 69 to 70 Commitment for EA
FAFN-51	#: FAFN-44 Original FAFN Request: See FAFN-44 MFFN Response: See FAFN-44 Adequacy of MFFN Response: Partially adequate. Fort Albany First Nation understands MFFN's rationale for not including a consideration of alternatives to the project in the TOR. However, Fort Albany First Nation reiterates its statement that Marten Falls should be subject to the same level of diligence as the Webequie Supply Road, and should therefor consider alternatives to the Project in the EA. Additional FAFN Request: FAFN requests that the ToR be revised to require at minimum consideration in the Environmental Assessment of all the "alternatives to" identified in the WSR ToR, so that the parties can understand if there are viable alternatives to the Marten Falls all-season road.	The response to FAFN-44 has been updated as follows (underlined text show updates made in response to the follow-up comment received from Fort Albany First Nation): The *Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario* allows for proponents to limit the discussion of previously examined alternatives in the EA when alternatives have been previously considered through a separate decision-making process such as a provincial government priority initiative. As described in Section 6.2 of the ToR, the decision for the Project to be a road has been made through previous planning and decision-making processes. A CAR would be the only viable option that could provide all-season access to the provincial highway network since no alternative to a road can provide the same level of freedom of movement for community members to travel outside the community. Given MFFN's unique circumstances as a remote First Nation community with an airport with non-daily service and high costs per trip, and a winter road system that only provides seasonal service and is increasingly unreliable, or a railroad which does not provide the freedom of movement, it is not reasonable to consider these alternatives as they do not meet the community needs. The EA Report will include a high-level discussion outlining the previous decisions made for the Project to be a road and identify why other alternatives to are not considered appropriate / viable options for reliable, all-season access to MFFN. It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR and in accordance with subsections 6.1(3) and 6(2)(c).Ontario's decision on the MFFN ToR, including whether to accept the EA to be prepared in accordance with subsections 6.1(3) and 6(2)(c) of the *Environmental Assessment Act* is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. However, MFFN understands that the MECP will consider all comments received on the ToR prior to making a final decision on whether or not to approve the ToR.	Section 3.4, pg. 7 to 8 Section 6.2, pg. 21 to 22 Commitment for EA
Fort Albany First Nation – May 28, 2021			
FAFN-52	#: FAFN-45 Original FAFN Request: See FAFN-45 MFFN Response: See FAFN-45 Adequacy of MFFN Response: FAFN confirms that the reference to FAFN-658 was a typo and should read FAFN-18 (corresponding to MFFN ID-658).	N/A	N/A

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

References

First Albany First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

B8. Ginoogaming First Nation

B8.1 Outgoing Community Specific Correspondence

B8.2 Incoming Community Specific Correspondence

B8.3 Community Specific Meeting Materials

B8.4 ToR Comments Received / Responses

B8.1 Outgoing Community Specific Correspondence



From:	Lillyman, Kristin [redacted]
Sent:	September 9, 2020 10:10 AM
To:	Sheri Taylor
Cc:	[redacted] Kimberly Jorgenson; Bruce Achneepineskum; [redacted] Churchill, Lori (ENDM); Puvananathan, Anjala (IAAC/AEIC); Don McKinnon
Subject:	Re: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference
Attachments:	Response to Ginoogaming FN July 22-2020 Letter Final.pdf

Dear Sheri,

Thank you for your July 22 letter to the Marten Falls Community Access Road project team.

Please see the attached response I am sending on behalf of Qasim Saddique and Lawrence Baxter.

Kind regards,
Kristin

From: Lillyman, Kristin
Sent: September 10, 2020 2:24 PM
To: Calvin Taylor; Kimberly Jorgenson
Subject: Marten Falls Community Access Road - Key Contacts for ToR

Hi Calvin and Kim,

I wanted to confirm the following key contact and mailing address for Ginoogaming First Nation as the MFFN Project Team is mailing out the Proposed Terms of Reference (ToR) for the Community Access Road early this fall.

For Ginoogaming First Nation, we have the following contact for mailing the hard copy and 2 USB's:

Sheri Taylor, Interim Band Manager
[redacted]

In addition, we have the following contacts to be included on an email with the website link to the Proposed ToR:

Maurice Waboose
Calvin Taylor
Lisa Echum
Conrad Chapais
Jason Chapais
Peter Rasevych
Kimberly Jorgenson
Sasha Michano

Please confirm that this information is correct and if there is anything missing.

Kind regards,
Kristin
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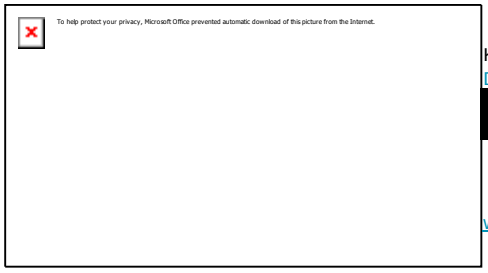

Kristin Lillyman
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

Vacation Alert: September 14-15.

From: Larissa Mikkelsen <[redacted]>
Sent: September 14, 2020 12:38 PM
To: Kimberly Jorgenson <[redacted]>; Charlene Wagenaar <[redacted]>
Cc: Andrea Nokleby <[redacted]>; '[redacted]' [redacted] Caroline Wrobel <[redacted]>; info@martenfallsaccessroad.ca
Subject: GIS files for local and regional study areas for the Aboriginal and Treaty Rights and Interests VC - Marten Falls Community Access Road Project

Hi Kim and Charlene,

Attached the GIS for the local and regional study areas for the Aboriginal and Treaty Rights and Interests valued component you requested.

Please let us know if we can assist with anything else or if you have any issues with the file formats.

Best wishes,

Larissa Mikkelsen, MSc.GeoI.
LBS Environmental Consulting

From: [redacted]
Sent: September 16, 2020 3:44 PM
To: [redacted]
Cc: Calvin Taylor; Sheri Taylor; [redacted]; Peter Rasevych; Jason Chapais; Conrad Chapais; info@martenfallsaccessroad.ca
Subject: Re: [Fwd: RE: IK Study Memo]

Hi Eugene,

Thank you for your email below in regards to the Marten Falls Community Access Road project. My name is Kristin Lillyman and I will be your primary contact for this file. I will be coordinating most of the communications and outreach, but in addition to the MFFN project consultants, we have an extensive project team with the following members:

Qasim Saddique, Project Director
Lawrence Baxter, Senior Community Advisor
Bob Baxter, Community Advisor
Jack Moonias, Community Advisor
Larissa Mikklesen, Community Consultation Coordinator/Advisor
Jennifer Bruin, Community EA Technical Advisor

There will be occasions when communications may come from other project team members, and times where we send information from the Info account where communications go out to multiple parties.

We sent the IK Study Memo attachment on August 25, 2020, but I have also attached it here for your reference.

In addition to the above, I wanted to take this opportunity to confirm the following with you for the Proposed Terms of Reference distribution, which is coming up in Fall 2020. For Ginoogaming First Nation, we have the following contact for mailing the hard copy and 2 USB's:

Sheri Taylor, Interim Band Manager
[redacted]

In addition, we have the following contacts to be included on an email with the website link to the Proposed ToR:

Eugene Labelle
Maurice Waboose
Calvin Taylor
Lisa Echum
Conrad Chapais
Jason Chapais
Peter Rasevych
Kimberly Jorgenson
Sasha Michano

Should it be yourself as the new primary contact?

Please confirm that this information is correct and if there is anything missing.

Best,

Kristin

From: Lillyman, Kristin <
Sent: September 17, 2020 9:02 AM
To: Eugene LaBelle
Subject: Re: [Fwd: RE: IK Study Memo]

Hi Eugene,

My pleasure, and happy to hear you are familiar with some of the project team members.

Could you confirm the mailing address and key contacts for the Proposed Terms of Reference (ToR) mail out this fall? Currently we have Sheri Taylor listed for receiving a hard copy of the Proposed ToR:

Sheri Taylor, Interim Band Manager

[redacted]

[redacted]

[redacted]

In addition, we have the following contacts to be included on an email with the website link:

Eugene Labelle

Maurice Waboose
Calvin Taylor
Lisa Echum
Conrad Chapais
Jason Chapais
Peter Rasevych
Kimberly Jorgenson
Sasha Michano

Let me know if this is accurate.

Thank you,
Kristin

From:	Lillyman, Kristin
Sent:	September 22, 2020 11:52 AM
To:	Kimberly Jorgenson
Cc:	Sheri Taylor; Calvin Taylor; Lisa Echum; Marianne Echum; Leslie; Eugene Labelle; Jason Chapais
Subject:	Re: Marten Falls Community Access Road - Key Contacts for ToR

Hi Kimberly

Thank you kindly for the updated distribution list. I just wanted to confirm that this is the complete list and the project team will remove Maurice Waboose, Peter Rasevych, and Conrad Chapais, who were all previously on our distribution list.

Please confirm. Thank you,
Kristin

From:	Lillyman, Kristin <
Sent:	September 23, 2020 9:16 AM
To:	Calvin Taylor
Cc:	Kimberly Jorgenson
Subject:	Re: Marten Falls Community Access Road - Key Contacts for ToR

Thank you Kim and Calvin.

We received a letter on July 22 that indicated that Sheri Taylor was the interim band manager. I will note that Sheri Taylor's title is Councillor and is still to be the primary contact for formal communications.

Sincerely,
Kristin

From: Lillyman, Kristin <
Sent: September 28, 2020 2:05 PM
To: Kimberly Jorgenson
Cc: Bob Baxter; Larissa Mikkelsen; Eugene Labelle; Leslie; Marianne Echum; Calvin Taylor; Sheri Taylor; Lisa Echum; Jason Chapais
Subject: Re: MFCAR IK Study Memo - GFN Comments

Hi Kim,

Thank you for your email on behalf of Ginoogaming First Nation, and for the comments regarding the Preliminary Aboriginal & Treaty Rights & Interests Study Areas Memo.

We will be in touch shortly to schedule a meeting.

Kind regards,
Kristin

Meeting Between Ginoogaming First Nation and Marten Falls First Nation (MFFN) Project Team

October 29, 2020
Teleconference Call, 2pm EST

Meeting Purpose: The purpose of this meeting is to reinitiate discussions with Ginoogaming First Nation on the MFFN Community Access Road Indigenous Knowledge (IK) Program. It will focus on developing next steps for Ginoogaming First Nation's participation in the IK Program.

Meeting Agenda:

Item #	Topic
1	Welcome and Introductions
2	Preliminary Aboriginal and Treaty Rights and Interests Study Areas
3	Ginoogaming First Nation and MFFN - IK Sharing Agreement
4	General Discussion on IK Program
5	Questions and Discussions
6	Next Steps
7	Closing Remarks

From: Lillyman, Kristin [redacted]
Sent: October 26, 2020 1:29 PM
To: Kimberly Jorgenson; Calvin Taylor; Peter Rasevych; Sheri Taylor; Eugene LaBelle; Jason Chapais; Leslie; Lisa Echum; Marianne Echum
Cc: Nokleby, Andrea; Caroline Wrobel; Bob Baxter; Larissa Mikkelsen; Jackmoonias; Lawrence Baxter
Subject: MFFN CAR - IK Program Meeting Agenda & Aboriginal and Treaty Rights and Interests Regional Study Area Update
Attachments: MFCAR_Aboriginal Treaty Rights Interests Study Areas_Revised Oct 2020.pdf; MFCAR_AboriginalTreatyRightsInterestStudyAreas_SHP_20201005.zip; MFCAR_AboriginalTreatyRightsInterestStudyAreas_KMZ_20201005.zip; MFFN_AGENDA_Ginoogaming FN_IK Program_Meeting_October 2020.pdf

Good afternoon,

In advance of our conference call on Thursday afternoon, please find the agenda attached.

We are currently in the process of revising the Aboriginal and Treaty Rights and Interests Regional Study Area based on the comments received. The attached revised Study Area and associated shapefiles and KMZ files are for discussion for our call. A final revised Study Area Map will be sent to all communities once complete.

Kind regards,
Kristin

--

Kristin Lillyman
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: Lillyman, Kristin
Sent: October 29, 2020 10:56 AM
To: Sheri Taylor
Cc: Eugene LaBelle; Leslie; Calvin Taylor; Lisa Echum; Marianne Echum; Jason Chapais; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Kimberly Jorgenson; Stephanie Burnham
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: Marten Falls First Nation Community Access Road Environmental Assessm....eml (619 KB)

Dear Councillor Sheri Taylor,

It was nice to speak with you on the phone yesterday. On the phone you mentioned that you thought you had received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. Are you able to confirm that you received the hard copy of the ToR documents outlined below?

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Kristin

Attachment(s)

- Notice of Submission email from October 23, 2020

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DILLON CONSULTING
BEST MANAGED COMPANIES
Platinum member

Kristin Lillyman
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Burnham, [redacted]

Marten Falls All-Season Community Access Road ToR Review

1 message

Burnham, Stephanie [redacted] Thu, Dec 10, 2020 at 4:11 PM
To: Calvin Taylor [redacted], Jason Chapais [redacted] Conrad Chapais [redacted] eugene labelle [redacted] >, kimberly jorgenson [redacted] Maurice Waboose [redacted]
Cc: Qasim Saddique [redacted] Jennifer Bruin [redacted], Larissa Mikkelsen [redacted], "Lillyman, Kristin" [redacted]
Bcc: [redacted], "Beaney, Jessalyn" [redacted]

Good Afternoon,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Ganoogaming First Nation has received the Proposed ToR materials—electronic versions are also available here. Keeping in line with upcoming due dates, I would like to send a friendly reminder that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**.

If Ganoogaming First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Email: [redacted] and [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Stephanie Burnham
On behalf of the Marten Falls First Nation Community Access Road Project Team
--

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CANADA BEST MANAGED COMPANIES
Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

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Burnham, Stephanie [redacted]

Fwd: Marten Falls All-Season Community Access Road ToR Review

1 message

Burnham, Stephanie [redacted] Tue, Dec 15, 2020 at 12:03 PM
To: Calvin Taylor <[redacted]s[redacted]
henrywaboose [redacted]
[redacted] Jason Chapais [redacted], Conrad Chapais
[redacted] eugene labelle [redacted], Maurice Waboose
[redacted] kimberly jorgenson [redacted]
Cc: Qasim Saddique [redacted], Jennifer Bruin <[redacted], Larissa Mikkelsen
[redacted]
Bcc: info@martenfallsaccessroad.ca, "Beaney, Jessalyn" [redacted]

Good Morning Everyone,

I hope you are doing well and getting ready for the holiday season.

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to send a friendly reminder that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If Ginoogaming First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]

We look forward to your input and value your feedback.

Kind regards,

https://mail.google.com/mail/u/0?ik=7a00703db5&view=pt&search=all&permthid=thread-a%3Ar5947266807497100369%7Cmsg-a%3Ar59445019099

Stephanie Burnham
On behalf of the Marten Falls First Nation Community Access Road Project

Burnham, Stephanie [redacted]
Date: Thu, Dec 10, 2020 at 4:11 PM

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Burnham, Stephanie [redacted]

Marten Falls Community Access Road – Ginoogaming First Nation Meeting: Indigenous Knowledge Program

1 message

Burnham, Stephanie [redacted] Thu, Jan 28, 2021 at 7:02 PM
To: [redacted] Calvin Taylor [redacted]
Jason Chapais <[redacted], kimberly jorgenson [redacted]
Cc: [redacted] Caroline Wrobel <[redacted], Andrea Nokleby [redacted]
Bcc: info@martenfallsaccessroad.ca

Hi Peter,

I hope you are doing well. I have attached the meeting minutes from October 29, 2020 regarding the Indigenous Knowledge Program. If you have any questions, changes or concerns, please do not hesitate to contact me.

Additionally, I have attached the draft IK Sharing Agreement and the IK Program Guidance document identified in the meeting minutes for consideration. Please note, an IK Sharing Agreement requires approval and signature before sharing IK information with us. Again, if you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Stephanie Burnham
MFFN Project Team

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

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3 attachments

Template - Confidential Indigenous Knowledge Sharing Agreement - 2021.docx
18K

MIN-2020-10-29-Ginoogaming-First-Nation-IK-Program-Meeting-Final-60593122.docx
2927K

MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020_Revised page numbers.pdf
8035K

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Burnham, Stephanie [redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted] Tue, Feb 9, 2021 at 4:18 PM
To: "[redacted]"
Bcc: info@martenfallsaccessroad.ca

Good Afternoon Councillor Sheri Taylor,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that Ginoogaming First Nation has taken to provide feedback. Please see attached letter regarding next steps and an additional opportunity to comment on the ToR until March 31, 2021. If Ginoogaming First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Stephanie Burnham
On behalf of the MFFN Community Access Road Project Team

--

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Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

2021-02-05-MFFN Community Access Road Proposed ToR Ginoogaming First Nation.pdf
596K

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Burnham, Stephanie [redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted]

Greetings Councilor Taylor and Peter,

I just wanted to send an email to let you know that I left a message on behalf of the Marten Falls First Nation Community Access Road Project Team. I was calling to follow up and confirm that you have received the letter sent on February 9, 2021 about the additional opportunity to comment on the proposed TOR until March 31, 2021. I was also inquiring to see if Ginoogaming First Nation wishes to submit further comments or wishes to meet with the project team?

If you have any questions or comments please feel free to contact me and I am happy to assist in any way I can.

All the best and I look forward to hearing from you,

Stephanie Burnham
MFFN Project Consultant

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted] Wed, Feb 24, 2021 at 9:33 AM
To: Kimberly Jorgenson <[redacted]

Good Morning Kimberly,

Thank you for the update and I will be sure to pass this along to MFFN CAR Project Team.

All the best,

Stephanie
MFFN Project Consultant

DILLON CONSULTING

Burnham, Stephanie <[redacted]

Re: MFFN CAR - IK Program

1 message

Burnham, Stephanie [redacted] Tue, Mar 2, 2021 at 4:00 PM
To: [redacted] Calvin Taylor [redacted], Jason Chapais <[redacted], eugene labelle [redacted]
Cc: [redacted]

Good Afternoon,

I hope that you and the community are doing well.

I wanted to follow-up in regards to the Indigenous Knowledge Program for the MFFN CAR and confirm receipt of the attached program information. Additionally, I am attaching a revised IK Sharing Agreement. In the spirit of transparency, there are 3 IK Sharing Agreement templates attached:
1. The original IK Sharing Agreement is attached from the previous email;
2. An IK Sharing Agreement template that has been modified to capture both the provincial and federal assessments (e.g. Environmental Assessment is now referenced as environmental/impact assessments) and "Preliminary Design" is now termed "Design" that shows the track changes made to the agreement
3. A clean version of the modified IK Sharing Agreement for your review and discussion.

As a friendly reminder, the IK Sharing Agreement needs to be in place prior to sharing information with MFFN.

We look forward to receiving any comments or questions you may have on these materials and/or the IK Program. Also, if you wish to meet to further discuss any of your questions or comments, I am happy to assist in organizing a meeting to do so.

We look forward to hearing from you,

Stephanie Burnham

MFFN Project Consultant

INDIGENOUS KNOWLEDGE

INFORMATION SHARING AGREEMENT

Marten Falls First Nation

Community Access Road

CONFIDENTIAL INFORMATION

dated the _____ day of _____, 2021

As part of the environmental/impact assessment and design of the Marten Falls Community Access Road Project, (the "Project"), XXXXX hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include Indigenous Knowledge, traditional knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another amongst the people of XXXX. Confidential Information may also include beliefs, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to the people of XXXX. For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by XXXX is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how XXXX lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the environmental/impact assessments and design).

The Confidential Information may be used to better understand how XXXX community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities or external researchers without express written consent of XXXX.

The Recipients acknowledge and agree that the Confidential Information is the property of XXXX and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of XXXX.

On termination of this Agreement or on written notice by XXXX, the Recipients shall as directed by XXXX to either: promptly destroy or return to XXXX all Confidential Information and all copies thereof.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by XXXX is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of XXXX:

(Authorized representative)	Date

Agreed to on behalf of the Recipients:

(Authorized representative)	Date

INDIGENOUS KNOWLEDGE

INFORMATION SHARING AGREEMENT

Marten Falls First Nation

Community Access Road

CONFIDENTIAL INFORMATION

dated the _____ day of _____, 2021

As part of the environmental/impact assessment and design of the Marten Falls Community Access Road Project, (the "Project"), XXXXX hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include Indigenous Knowledge, traditional knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another amongst the people of XXXX. Confidential Information may also include beliefs, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to the people of XXXX. For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by XXXX is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how XXXX lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the environmental/impact assessment and design).

The Confidential Information may be used to better understand how XXXX community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities or external researchers without express written consent of XXXX.

The Recipients acknowledge and agree that the Confidential Information is the property of XXXX and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of XXXX.

On termination of this Agreement or on written notice by XXXX, the Recipients shall as directed by XXXX to either: promptly destroy or return to XXXX all Confidential Information and all copies thereof.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by XXXX is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of XXXX:

_____ _____

(Authorized representative) Date

Agreed to on behalf of the Recipients:

_____ _____

(Authorized representative) Date

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted] Thu, Mar 11, 2021 at 11:47 AM
To: Kimberly Jorgenson [redacted]
Cc: "s[redacted]

Good Morning Kimberly,

I wanted to send a follow up email to our conversation this morning and thank you for clarifying that your email sent Feb. 23, 2021 (below) is confirmation that Ginoogaming First Nation will not be submitting additional comments on the MFFN CAR Proposed ToR extension period due to constraints in the community from the Covid pandemic.

Also, and I forgot to mention this in our discussion, the IK Program Sharing Agreement will still require follow-up until I am provided with clear direction from the community. I just wanted to mention this as a note going forward.

If Ginoogaming First Nation wishes to have a meeting with the MFFN Project Team, I am happy to assist in the coordination.

I wish you and the community all the best, and look forward to hearing from you if you have any questions or comments.

Regards,
Stephanie Burnham
MFFN Project Consultant

DILLON CONSULTING

Burnham, Stephanie <[redacted]

Re: MFFN CAR - IK Program

1 message

Burnham, Stephanie [redacted] Thu, Apr 8, 2021 at 3:31 PM
To: "[redacted] Calvin Taylor [redacted] Jason Chapais [redacted] eugene labelle [redacted] Marianne Echum [redacted] Maurice Waboos [redacted] kimberly jorgenson [redacted]
Cc: [redacted]

Good Afternoon Kimberly and Ginoogaming First Nation,

I hope the community is well during these times of another provincial shut-down and everyone is staying safe.

I am following up in regards to the voicemail I left for you earlier today regarding the IK Sharing Agreement for Ginoogaming First Nation. I just wanted to touch base to see if you and Ginoogaming First Nation have had time to discuss the agreement and if there were any questions. As a friendly reminder, the IK Sharing Agreement needs to be in place prior to sharing information with MFFN.

I look forward to hearing from you,

Kind Regards,

Stephanie Burnham
MFFN Project Consultant

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DILLON CONSULTING

Burnham, Stephanie <[redacted]

Re: MFFN CAR - IK Program

1 message

Burnham, Stephanie <[redacted] Thu, May 6, 2021 at 10:58 AM
To: Kimberly Jorgenson [redacted]

Good Morning Kimberly,

Thank you for the update. This is heartbreaking to hear. I can sympathize with the impact that this can have on a community. My thoughts and prayers are with Ginoogaming at this time.

Please pass along my condolences.

Stephanie

DILLON CONSULTING

Burnham, Stephanie [redacted]

MFFN CAR: Field Programs and Discussion Guides-Comments

1 message

Burnham, Stephanie [redacted] Thu, Jul 22, 2021 at 1:08 PM
To: [redacted]

Good Afternoon Ginoogaming First Nation

We continue to be mindful of the ongoing challenges from COVID-19 in your community and we hope that the challenges are beginning to ease.

We will continue to take direction from Ginoogaming First Nation on how you would like to be engaged on the MFFN Community Access Road Project during this time. Today, we are reaching out to inquire if Ginoogaming First Nation has any community specific information they wish to share on the upcoming Field Programs. A summary of the Discussion Guides are provided below for your convenience.

- Groundwater and Geochemistry Discussion Guide - distributed to communities on Friday, June 25th
  - We will be drilling and installing monitoring wells to assess groundwater quality and quantity.
  - We are looking for input on important groundwater sources in the study area, areas we should avoid for installing wells or clearing landing pads for the helicopters, and timing considerations for conducting field work between August and October
  - Web version of discussion guide and survey
  - PDF copy attached
  - **Updated guide with new map coming soon – distribution date TBD**
- Surface Water, Fish and Fish Habitat Discussion Guide - distributed on Friday, July 19th
  - We will be sampling surface water, fish and fish habitat at a subset of water crossings along both route alternatives to understand current conditions of the study area.
  - We are looking for input on important water crossing and fishing sites in the study area, known spawning or overwintering locations of key fish species, drinking water sources or areas of water use in the study area, and areas we should avoid during our sampling
  - Web version of discussion guide and survey
  - PDF copy attached
- Vegetation, Physiography and Peatlands Discussion Guide - distributed on Friday, July 16th
  - We will be surveying the study area on foot and helicopter to observe vegetation, as well as measuring soil conditions and geologic features.
  - We are looking for input on culturally significant or traditional use plants in the study area, locations of drinking water, and areas that we should avoid during our sampling.
  - Web version of discussion guide and survey
  - PDF copy attached.

For all 3 programs, the **deadline to provide feedback is Saturday, July 31, 2021.** The field programs are anticipated to start in the second half of August, and field notices will be issued once field dates are confirmed.

Please do not hesitate to let me know if there are Ginoogaming First Nation team members you would like us to communicate this information to directly. If you wish to give me a call or set up a meeting to discuss the Field

Programs or the IK Sharing Agreement, please feel free to contact me at [redacted]

I look forward to hearing from you!

Stephanie Burnham
MFFN Project Consultant

--

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Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

3 attachments

Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf
2992K

MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf
4770K

MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf
8560K

Burnham, Stephanie [redacted]

MFFN CAR IK Funding Agreement

1 message

Nokleby, Andrea [redacted] Tue, Aug 3, 2021 at 9:30 AM
To: Kimberly Jorgenson [redacted]
Cc: Bob Baxter <[redacted]>, Larissa Mikkelsen [redacted], Caroline Wrobel <[redacted]Stephanie Burnham <[redacted]

Good Morning Everyone,

I hope this email finds you all well. The MFFN Project Team is pleased to provide $30,000 in funding to support Ginoogaming First Nation's participation in the Indigenous Knowledge (IK) Program for the MFFN Community Access Road Project.

Kim and I had a telephone conversation where I indicated that the MFFN Project Team had prepared a Draft IK Funding Agreement. As discussed, please find attached the Draft IK Funding Agreement for review/comment by Ginoogaming First Nation. We have also re-attached the map of the Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component and the IK Guidance Document for your reference.

We would be happy to meet to discuss the IK Funding Agreement and the overall IK Program in further detail. We look forward to hearing from you and working with you on this important component of the assessment process.

Thank you and have a great day,

Andrea

Vacation Alert: August 3 - 6, 2021

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

3 attachments

Template - Indigenous Knowledge Program Funding Agreement - Ginoogaming First Nation.docx
37K

MFCAR_Aboriginal Treaty Rights Interests Study Areas_Revised Oct 2020.pdf
1239K

MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020_Revised page numbers.pdf
8035K

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Burnham, Stephanie [redacted]

MFFN CAR IK Funding Agreement

Wrobel, Caroline [redacted] Fri, Aug 6, 2021 at 1:40 PM
To: Kimberly Jorgenson [redacted]
Cc: Bob Baxter [redacted], Larissa Mikkelsen [redacted], Stephanie Burnham [redacted], "Nokleby, Andrea" [redacted]

Good afternoon everyone,

I am just following up on Andrea Nokleby's behalf with a slightly updated version of the Draft IK Funding Agreement that addresses a few errors (specifically in terms of the references to MFFN and the misspelling of "Ginoogaming" at one location at the start). Our apologies for this. Please see the attached revised version.

Thank you and have a wonderful weekend,

Caroline

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Caroline Wrobel
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

Upcoming vacation alert: August 30, and September 17-24 (inclusive)

[Quoted text hidden]

Template - Indigenous Knowledge Program Funding Agreement - Ginoogaming First Nation_R1.docx
37K

DILLON CONSULTING

Burnham, Stephanie [redacted]

MFFN CAR: Field Studies and Check-In

1 message

Burnham, Stephanie [redacted] Fri, Sep 10, 2021 at 5:56 PM
To: [redacted] Calvin Taylor <[redacted], Jason Chapais [redacted] kimberly jorgenson <[redacted], [redacted], eugene labelle <[redacted], [redacted], Marianne Echum <[redacted], Maurice Waboose [redacted]

Good afternoon Councilor Sheri Taylor and Ginoogaming First Nation Team,

I hope you and the Ginoogaming community members are doing well. I called this afternoon and left a voicemail at the Health Center. I apologize for the late correspondence as I was having some technical difficulties. There's been some recent communications about the Community Access Road and I wanted to follow-up to see if you or Ginoogaming community members have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- IK Sharing Agreement for Ginoogaming First Nation is still required in order to move forward. If there are any questions about the Sharing Agreements/IK Program please feel free to contact me.
- If you have any updates about current COVID-19 status for Ginoogaming First Nation and re-opening plans you'd like to share

I'm available via email and phone if you'd like to chat.

Take care,

Stephanie Burnham

MFFN CAR Project Consultant

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DILLON CONSULTING

CANADA BEST MANAGED COMPANIES Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Burnham, Stephanie [redacted]

MFFN CAR: Confirmation of Contact Information

Burnham, Stephanie [redacted] Fri, Oct 1, 2021 at 11:20 AM
To: "[redacted], kimberly jorgenson [redacted]
Calvin Taylor [redacted]

Good Morning Chief Taylor, Councillor Echum and Councillor Taylor,

I wanted to reach out to congratulate you on your August 23, 2021 election win and am excited to continue working with you and your team at Ginoogaming First Nation on the Marten Falls First Nation Community Access Road Project.

As part of our ongoing work on the MFFN CAR, I wanted to touch base to confirm the contact information for Ginoogaming First Nation going forward. Presently I have the following list of contacts to be included on information sharing and Consultation for the Project:

Sheri Taylor- **Chief** [redacted]
Maurice Waboose -**Councillor-** [redacted]
Eugene Labelle- **Economic Development Officer-** [redacted]
Leslie O'Nabigon - **CCLO-** [redacted]
Calvin Taylor - **Councillor -** [redacted]
Lisa Echum - **Councillor-** [redacted]
Marianne Echum -**Community Coordinator-** [redacted]
Jason Chapais-**Environmental Technician-** [redacted]
Kimberly Jorgenson - **Four Rivers Group Consultant-** [redacted]
Peter Rasevych**- Special Projects-** [redacted]

I am wondering if you would be able to confirm if this list is still the contact list moving forward, or if you wish to include the newly elected council members? I am happy to revise this list, if you could provide me with the *names, position and contact information* so that I may include them in correspondence going forward?

Thank you and I wish you all the best and look forward to continuing working with you and Ginoogaming First Nation.

Stephanie Burnham
MFFN CAR Project Consultant

--

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CANADA BEST MANAGED COMPANIES
Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

B8.2 Incoming Community Specific Correspondence

From: Kimberly Jorgenson [redacted]
Sent: September 14, 2020 12:46 PM
To: Larissa Mikkelsen; Charlene Wagenaar
Cc: Andrea Nokleby; [redacted] Caroline Wrobel; info@martenfallsaccessroad.ca
Subject: RE: GIS files for local and regional study areas for the Aboriginal and Treaty Rights and Interests VC - Marten Falls Community Access Road Project

Hi Larissa,

This is excellent, thank you so much!

Kim

Kimberly Jorgenson ᑭᒪᓐᓕᒃ ᔮᖅᑭᓇᓐ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓯᐊᓂ ᐱᒧᐃᑎᕐᕿᐊᓇᓂ ᑲᓇᓇᑦᑐᑭᓐ
Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᐅᒃ ᐊᑭ ᐱᒪᑎᓯᐊᓂ ᐃᑎᐦᐃᐁᐃᓂ ᐊᓄᑭᓇᑲᓇᒃ
[redacted]
| fourrivers.group

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---------- Original Message ----------
Subject: RE: IK Study Memo
From: "test 123" < >
Date: Tue, September 15, 2020 11:03 am
To: "info@martenfallsaccessroad.ca" <info@martenfallsaccessroad.ca>
Cc: "Calvin Taylor" <[redacted]>
"Sheri Taylor" <[redacted]>
"[redacted]a>
"Peter Rasevych" <[redacted]
"Jason Chapais" <[redacted]>
"Conrad Chapais" <[redacted]

Hello, please be advised that as of today, August 25th, 2020., I will be taking over the lead in overseeing this project file.

In all future correspondence, I would like to know whom I receive e-mails from so I know whom I communicating with. A blanket MFNM project team, anyone can be sending this e-mail. As we have agreed to being parties to this project, to share our traditonal knowledge I would like to know who are the project team members under Matawa First Nation Management.

Secondly, in your mem[redacted]ention of an attachment that would provide information on the proposed study area, I fail to find this memo., please send.

I remain;

Eugene LaBelle

Sent from Mail for Windows 10

From: Eugene LaBelle [redacted]
Sent: September 16, 2020 4:20 PM
To: Lillyman, Kristin
Subject: RE: [Fwd: RE: IK Study Memo]

Thank you for the Information … more than happy to share Traditional Knowledge with the group …. Some of your project consultants I am familiar with and am glad to see they are part of this project …. Very knowledgeable

Sent from Mail for Windows 10

From: Kimberly Jorgenson <
Sent: September 21, 2020 1:43 PM
To: Lillyman, Kristin
Cc: Sheri Taylor; Calvin Taylor; Lisa Echum; Marianne Echum; Leslie; Eugene Labelle; Jason Chapais
Subject: RE: Marten Falls Community Access Road - Key Contacts for ToR

Hi Kristin,

The mailing address listed in your email is accurate. Please find below an updated contact information table for communications to Ginoogaming First Nation related to the MFCAR project. FYI, GFN also plans to submit comments on the IK Study Area Memo this Friday.

Team Member	Title	Expectation
Sheri Taylor	Councillor	Primary contact for formal communications (e.g. letters). Copy on informal communications (e.g. emails, meeting requests).
Calvin Taylor	Lands & Resource Coordinator	Primary contact for phone communications and informal communications. Copy on formal communications.
Lisa Echum	Councillor	Copy on all communications.
Marianne Echum	Community Coordinator	Copy on all communications.
Leslie O'Nabigon	Community Communication Liaison Coordinator	Copy on all communications.
Eugene Labelle	Economic Development Officer	Copy on all communications.
Jason Chapais	Environmental Technician	Copy on all communications.
Kimberly Jorgenson	Environmental Services Coordinator, Four Rivers Inc.	Copy on all communications.

Thanks!

Kim

Kimberly Jorgenson ᑭᒪᐳᕐᓕ ᒍᕐᑭᓐᓴᓐ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓯᐃᓐ ᐱᒧᐃᒋᑫᐃᓇᓐ ᑲᓇᓇᑲᒋᑐᒡ

From: Calvin Taylor
Sent: September 22, 2020 2:13 PM
To: Lillyman, Kristin; Kimberly Jorgenson
Subject: Re: Marten Falls Community Access Road - Key Contacts for ToR

Henry Waboose,,,Band Manager, not Sheri Taylor,,,

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From:	Kimberly Jorgenson
Sent:	September 22, 2020 2:11 PM
To:	Lillyman, Kristin
Cc:	Sheri Taylor; Calvin Taylor; Lisa Echum; Marianne Echum; Leslie; Eugene Labelle; Jason Chapais
Subject:	RE: Marten Falls Community Access Road - Key Contacts for ToR

Hi Kristin,

Yes, that is correct. Thanks!

Kim

From: Kimberly Jorgenson
Sent: September 25, 2020 3:22 PM
To: Bob Baxter; Larissa Mikkelsen
Cc: Eugene Labelle; Leslie; Marianne Echum; Calvin Taylor; Sheri Taylor; Lisa Echum; Jason Chapais; Lillyman, Kristin
Subject: MFCAR IK Study Memo - GFN Comments

Good afternoon Bob & Larissa,

The following comments are provided by Ginoogaming First Nation (GFN) in response to the Preliminary Aboriginal & Treaty Rights & Interests Study Areas Memo received from the Marten Falls Community Access Road (MFCAR) team on August 25, 2020.

Thank you for the information provided in the detailed memo, and the opportunity to provide comment on the proposed boundaries. Technical comments are below:

- According to Table 2, the Local Study Area (LSA) follows a predictable 5 km buffer around the proposed road corridors, while the Regional Study Area (RSA) includes only the combined area of quaternary watersheds crossed by the proposed road corridors. There are three distinct areas near the southern portion of the undertaking where the RSA is narrower than the LSA area, i.e. it comes closer than 5 km from the proposed road corridors. In one area the RSA is actually beneath corridor segment 'Alternative 4 West'.
    - It is GFN's opinion that the RSA should be inclusive of the LSA, and that the quaternary watersheds crossed by the LSA should be added to the RSA. At no point should the RSA be narrower than the LSA, and certainly not narrower than the actual road corridor.
- The LSA and RSA both end within 5 km (or less) of the southern terminus of Alternative 4.
    - It is GFN's opinion that both Study Areas should be expanded further south to ensure that impacts to First Nations rights and values are appropriately considered from the resultant increased traffic flow onto Painter Lake Road (such direct impacts cannot logically be separated from the area of immediate corridor construction). Since direct impacts from vehicles accessing and travelling on the MFCAR corridor will be experienced by GFN members, an appropriate Study Area should include at least one additional quaternary watershed south of the current Study Area boundaries.

While community capacity remains a challenge in these discussions, GFN is optimistic that funding support will be made available from the province in the coming months. As such, GFN would like to take this opportunity to re-open dialogue with the MFCAR team to discuss the details of the IK Program and to develop next steps in our participation. A meeting date in the last two weeks of October is proposed, please share your availability at your earliest convenience.

Sincerely,

Kim
(on behalf of GFN)

Kimberly Jorgenson ᑭᒪᐳᕀᓕ ᒍᕀᑭᓴᓵ
Environmental Services Coordinator ᐊᐧᑭ ᐱᒪᑎᓯᐦᐃᓵ ᐱᒧᐃᐢᑎᕐᐃᓇᓵ ᑲᓇᓇᑲᑎᑐᑦ
Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᐟᐦ ᐊᐧᑭ ᐱᒪᑎᓯᐦᐃᓵ ᐃᐢᑎᐦᐃᐧᐁᐃᓵ ᐊᓄᑭᓇᑲᓇᐦ
Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓵ ᐅᑭᒪᐃᓵ

From: Kimberly Jorgenson <[redacted]
Sent: October 16, 2020 1:28 PM
To: Lillyman, Kristin
Subject: RE: MFCAR IK Study Memo - GFN Comments

Hi Kristin,

I have forwarded the meeting request and am awaiting Ginoogaming's feedback. FYI, they are running a community healing camp this week, so I don't anticipate a response until Monday at the earliest. Thank you for your patience, have a wonderful weekend!

Kim

wrote:

From:
Sent: October 29, 2020 11:27 AM
To: 'Lillyman, Kristin'
Subject: RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Hi Kristin

Yes we received and will be on call this afternoon.

Thanks

Sheri Taylor
Ginoogaming First Nation
Health Director/ Band Councilor First Nation

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Burnham, Stephanie <[redacted]>

Re: Marten Falls All-Season Community Access Road ToR Review

1 message

Conrad Chapais <[redacted]> Fri, Dec 11, 2020 at 9:29 AM
To: "Burnham, Stephanie" <[redacted]>
Cc: Calvin Taylor <[redacted]>, "[redacted]"

Good morning Stephanie,

"Ganoogaming" if you are referring to our First Nation, its "GINOOGAMING"

Conrad Chapais
LTRA Implementation Coordinator
Ginoogaming First Nation
[redacted]

From: Kimberly Jorgenson [redacted]
Sent: December 21, 2020 1:28 PM
To: [redacted]
Cc: Bruce Achneepineskum; info@martenfallsaccessroad.ca; [redacted] Peter Raz; Calvin Taylor; Lisa Echum; 'Leslie'; 'Eugene Labelle'; Jason Chapais; Conrad Chapais
Subject: MFCAR EA Proposed ToR Review - GFN Comments
Attachments: 201221_Letter_GFN_MOECP_MFCAR EA ToR_Comments_Final.pdf

Ms. McLeod and Ms. Gauthier,

Please find attached a letter and comment submission from Ginoogaming First Nation to the Ministry of the Environment, Conservation and Parks regarding their review of the proposed Terms of Reference for the Marten Falls Community Access Road Environmental Assessment.

Thanks,

Kim
(on behalf of GFN)

Kimberly Jorgenson ᑭᒪᓴᕐᓂᓐ ᔮᖅᓴᓐ

Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐊᓕ ᐱᒧᐊᒋᕐᕿᐊᓕᓕᓂ ᑲᓕᓕᑲᒋᑐᒃ

Four Rivers Environmental Services Group ᓂᐅ ᔪᐱᓕᒃ ᐊᑭ ᐱᒪᑎᓱᐊᓕ ᐃᒋᖏᐃᐅᐊᓕ ᐊᓄᑭᓕᑲᓕᒃ

[redacted]

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Burnham, Stephanie [redacted]

RE: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Kimberly Jorgenson <[redacted] Tue, Feb 23, 2021 at 1:31 PM
To: "Burnham, Stephanie [redacted]

Hi Stephanie,

Based on a meeting last week with Ginoogaming First Nation's (GFN) technical staff on the EA, the comments submitted to the MOECP on December 21, 2020 on the Proposed Terms of Reference for the Marten Falls Community Access Road still stand. GFN is dealing with an ongoing state of emergency due to the pandemic, and has not been able to conduct new community engagement since December 2020.

Thanks,

Kim

(on behalf of GFN)

Kimberly Jorgenson ᑭᒪᓭᓕᐦ ᔮᓯᑭᓴᐦ

Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐃᓵ ᐱᒧᐃᒋᕐᐊᓐᓵ ᑲᓐᓀᑎᑐᒃ

Four Rivers Environmental Services Group ᓂᐅ ᓱᐱᓵᑦ ᐊᑭ ᐱᒪᑎᓱᐃᓵ ᐃᒋᐦᐃᐁᐃᓵ ᐊᓄᑭᓐᓀᓐᑦ

[redacted]

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DILLON CONSULTING

Burnham, Stephanie [redacted]

RE: MFFN CAR - IK Program

1 message

Kimberly Jorgenson <[redacted] Thu, May 6, 2021 at 10:27 AM
To: "Burnham, Stephanie"[redacted]

Hi Stephanie,

I just wanted to let you know that unfortunately Ginoogaming has had a number of losses recently (the planning call I had scheduled with them today was cancelled due to a funeral). These action items are still very much on the radar, hopefully progress can be made soon. Meegwetch,

Kim

DILLON CONSULTING

Burnham, Stephanie <[redacted]

MFFN CAR: Confirmation of Contact Information

[redacted] Mon, Oct 4, 2021 at 11:27 AM
To: "Burnham, Stephanie" [redacted]

Hi Stephanie

Thanks and yes Elections just happened on August 23.

Moving forward here are the contacts on this file;

Sheri Taylor – Chief[redacted]

Calvin Taylor – Lands and Resource Manager[redacted]

Peter Rasevych – Special Projects [redacted]

Leslie O'Nabigon – CCLO – [redacted]

Kim Jorgenson Four Rivers –[redacted]

CJ Taylor – Councillor [redacted]

Lisa Echum – Councillor [redacted]

Miigwetch,

Sheri Taylor
Chief/Ginoogaming First Nation
[redacted]

[redacted]
[redacted]

[Quoted text hidden]

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B8.3 Community Specific Meeting Materials



Meeting Between Ginoogaming First Nation and Marten Falls First Nation (MFFN) Project Team

October 29, 2020
Teleconference Call, 2pm EST

Meeting Purpose: The purpose of this meeting is to reinitiate discussions with Ginoogaming First Nation on the MFFN Community Access Road Indigenous Knowledge (IK) Program. It will focus on developing next steps for Ginoogaming First Nation's participation in the IK Program.

Meeting Agenda:

Item #	Topic
1	Welcome and Introductions
2	Preliminary Aboriginal and Treaty Rights and Interests Study Areas
3	Ginoogaming First Nation and MFFN - IK Sharing Agreement
4	General Discussion on IK Program
5	Questions and Discussions
6	Next Steps
7	Closing Remarks

Project Name:	Marten Falls First Nation (MFFN) All Season Community Access Road Project	Date of Meeting:	October 29, 2020
		Time:	2:00 pm to 3:00 pm EST
		Project #:	60593122
Attendees:	Councillor Sheri Taylor, Ginoogaming First Nation (GFN) Councillor Kelly Fortier, GFN Calvin Taylor, GFN Lands & Resource Manager Leslie Onabigon, GFN Community Communication Liaison Officer Peter Rasevych, GFN Economic Development Officer Jason Chapais, GFN Environmental Technician Kimberly Jorgenson, Environmental Consultant, Four Rivers Bob Baxter, MFFN Community Member Advisor Lawrence Baxter, MFFN Community Member Advisor Larissa Mikkelsen, MFFN Project Team Caroline Wrobel, MFFN Project Consultant Andrea Nokleby, MFFN Project Consultant Kristin Lillyman, MFFN Project Consultant	Location:	Microsoft Teams / Call-In
		Prepared By:	Kristin Lillyman, MFFN Project Consultant
Regarding:	Indigenous Knowledge Program		

Minutes of Meeting

	Action Items
➢ **Introductions** • Round table introductions from GFN, MFFN Project Team and MFFN Community Member Advisors, and MFFN Project Consultants.	
➢ **Intent of Meeting Clarification** • MFFN Project Consultant explained that the purpose of the meeting is to reinitiate discussions between GFN and MFFN on the Indigenous Knowledge Program for the proposed Project and how GFN can participate.	• **MFFN Project Team** to provide GFN with draft meeting minutes

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	Action Items
• MFFN Project Consultant explained that meeting notes were being taken and these would be shared with GFN for review and comment. Also explained that any sensitive information shared during the meeting will be kept confidential.	for review and comment

➢ **Indigenous Knowledge (IK) Program**
• MFFN Project Consultant explained the importance of IK to the assessment process for the Project and that the purpose of the IK Program is to collect IK so that it can be meaningfully used in the assessment process.
• MFFN Community Member Advisor provided an overview of how MFFN is approaching the IK Program and highlighted the values, the connection to the land, and a desire to protect the way of life.
  ○ Further explained that MFFN wants to provide communities with opportunities to provide their perspectives and knowledge to inform the assessment.
• MFFN Project Consultant provided an overview of the IK program and the opportunities to participate, including sharing existing IK and potentially relevant information that GFN may already have through previous studies or projects, and completing a Project-specific study.
  ○ Further explained that the MFFN Project Team will be releasing an IK Program Guidance document shortly. The document will include guidance materials on the type of information (including IK) that would be valuable for the assessment process and tools and resources for completing Project-specific IK studies.
• MFFN Project Consultant explained that we have received initial comments from GFN and other communities on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo that was provided to communities in August 2020.
  ○ Further explained that feedback received to date, including from GFN, has already informed revisions to the proposed Regional Study Area (RSA). The RSA has been expanded to include three additional quaternary watersheds, including one at the southern terminus of the proposed road alignment around Painter Lake Road.
  ○ These study areas will be used to guide the collection of IK and information Indigenous land and resource use.
• MFFN Community Member Advisor – What was the reason for expanding the RSA to include watershed to the south?
  ○ MFFN Project Consultant – One reason was so that the RSA would include the full extent of the Local Study Area (LSA). The other reason was so that a larger portion of Painter Lake Road would be included in the assessment to understand how that area may be impacted.
• GFN Representative – When we are collecting values (for previous projects), the values from the elders were pertaining to the water. We wanted to make
	• **MFFN Project Team** to recirculate the draft IK Sharing Agreement

DRAFT

	Action Items

sure that whatever value is located in that area, that they will be protected, either upstream or downstream. Family members within that area, number one thing is protecting and respecting water. Wanted to extend the area so that the values upstream will be protected.
• MFFN Project Consultant – We recognize the sensitivity of sharing IK and confidentiality concerns. An IK Sharing Agreement would need to be in place before any information sharing with MFFN. The draft agreement was shared with GFN in February 2020. Does GFN have any comments or is there another draft agreement version that GFN wants to share with us? Did you need the Project Team to recirculate?
  ○ Four Rivers Representative – Please recirculate the agreement to all.
• MFFN Community Member Advisor – In regards to expanding the RSA, are we also talking to Aroland First Nation?
  ○ MFFN Project Consultant – Yes the memo and information was shared with Aroland First Nation as well.
  ○ MFFN Community Member Advisor – When communities are doing land use planning, we notice there is overlapping territories with traditional laws, and we are not going by trap lines. When the mapping is done, we are all overlapping areas.
• MFFN Project Consultant provided an overview of the IK Program schedule in terms of sharing IK and completing Project-specific studies. The proposed Project is still in the early phase of the assessment process and the MFFN team would like to collect IK as soon as possible so it can be meaningfully used in the assessment process. If GFN does have available information that can be shared now, please share so it can inform early planning. For any Project-specific studies, we are hoping to have information collection and sharing completed by early Spring 2021. The sooner we have this information, the better for all communities and Project assessment and planning.
  ○ MFFN Community Member Advisor – When we first started planning for the Project and spoke with communities about it, there were concerns where there are river crossings and systems would be impacted. We looked at fisheries concerns and disturbing upstream side of the creeks. Elders often hold this knowledge.
• MFFN Project Consultant – Does anyone from GFN have any questions?
• GFN Representative – We have some existing IK, but we need money to compile the information. We need to also review the ToR. In order for us to compile more information, GFN needs provincial funding.
  ○ MFFN Project Consultant – The MFFN Project Team is able to offer $30,000 to help with this effort. Project-specific studies can start when funding starts, but the IK Sharing Agreement will need to be in place before any information is shared with MFFN.	

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	Action Items

• GFN Representative – There are a few families that may use the southern portion of the study area that we would like to get started on right away with IK interviews. We have the people identified that we need to connect with.
  ○ GFN Representative – We did have one elder passed on who we had previously helped, but the wife is still around and can help. It is a hard time to get families together as many have moved out of the community, but we can call them to request to meet. Will try our hardest to get them together.
• MFFN Community Member Advisor – Can the Consultant Team clarify what happens to IK that is collected and confidentiality?
  ○ MFFN Project Consultant – The IK Sharing Agreement, which we will resend, will lay out how IK and sensitive or confidential information may be used and how it will be protected. The MFFN Project Team will store the information securely using best practices.
• Four Rivers Representative – What are the timelines for the guidance document coming out?
  ○ MFFN Project Team – The IK Program Guidance Document is currently in review and once the Project Team has approved it, it will be sent out to communities. That should be happening shortly.
• MFFN Project Consultant explained that the guidance document will explain the IK program, ways which information can be shared, how information will be protected and about sharing agreements. The guidance document also provides tools, like questionnaire templates, that could help guide information sharing. The type of questions included are based on federal regulatory requirements and based on inputs from the MFFN Project Team in terms of the type of information that would be valuable to the assessment process. Explained that the MFFN Team would be happy to meet and discuss again once GFN has received and reviewed the guidance document if you have any questions.	

➢ **Gathering Feedback and Next Steps**
• Next steps:
  ○ MFFN Project Team will resend the IK sharing agreement.
  ○ MFFN Project Team will send the IK Program Guidance Document once completed.
  ○ MFFN Project Team to work with GFN on funding to support IK Program participation once the guidance document has been received and reviewed.
	• **MFFN Project Team** to send IK Guidance Document
	• **MFFN Project Team** to work with GFN on a funding agreement

Any errors or omissions please contact Stephanie Burnham within 2 weeks of distribution. Finalized meeting minutes will be included in the public Record of Consultation.

DRAFT

B8.4 ToR Comments Received / Responses



GINOOGAMING FIRST NATION
[redacted]

December 18, 2020

Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
Attn: Sasha McLeod and Shannon Gauthier
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Via e-mail: [redacted]

Re: Review of Proposed Terms of Reference for the Marten Falls Community Access Road Environmental Assessment

Dear Ms. McLeod and Ms. Gauthier,

I am writing in response to the Notice of Submission of Terms of Reference dated October 23, 2020 regarding the Marten Falls First Nation Community Access Road Project Environmental Assessment (EA).

Ginoogaming First Nation (GFN) continues to experience a lack of internal capacity to participate in consultation activities for this EA, further compounded by the global pandemic and community access/gathering restrictions. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and GFN was able to commit the resources and thoughtful reflection on engagement methods required to meaningfully participate. While provincial funding support has been received for our involvement in this EA, the timelines and pandemic restrictions have not allowed for GFN to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process.

We respect the need for Marten Falls First Nation to advance this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; many of the comments provided were gathered through limited community engagement and an internal review of the ToR documentation.

GFN looks forward to receiving responses from the Ontario Ministry of the Environment, Conservation & Parks and the Marten Falls Community Access Road team regarding these comments and future plans for meaningful and appropriate engagement and consultation.

[redacted]

Councillor Sheri Taylor

cc. Chief Bruce Achneepineskum [redacted]
Qasim Saddique [redacted]
Stephanie Burnham
Peter Rasevych
Calvin Taylor
Lisa Echum
Leslie O'Nabigon
Eugene Labelle
Jason Chapais
Conrad Chapais
Kimberly Jorgenson

December 18, 2020

Ginoogaming First Nation Comments: Marten Falls Community Access Road (MFCAR) Environmental Assessment (EA) Terms of Reference (ToR)

The following comments are provided in conjunction with the formal submission letter signed by Councillor Sheri Taylor of Ginoogaming First Nation (GFN).

Restrictive Timelines & Capacity

GFN does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While GFN has made all efforts to be engaged and informed on this project, our Lands & Resource department does not have dedicated staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances.

Indigenous Knowledge Sharing

GFN community members have ancestral homelands and traplines within the proposed project area, most notably around Percy Lake, Painter Lake, Briarcliffe Lake and Melchett Lake. While GFN currently has a compiled database of community Indigenous Knowledge (IK) value data, the collection of new IK data will have to be supported in the northern portion of the homelands. The IK collection program will have to include gatherings of Elders and families with values in the project area (including individuals that currently reside in neighbouring communities), and extensive mapping efforts to ensure their values are accurately documented.

GFN would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the IK Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.

Technical Clarifications

In Table 10-1 and Appendix C Table 1-1, under Tribal Council Affiliation for GFN, our tribal council's appropriate name is 'Matawa First Nations Management'. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation.

Record of Consultation

No further comments at this time.

Community Priorities

Through initial community engagement efforts, the following priority areas have been identified by GFN community members as requiring specific attention as the project EA proceeds. They are listed in no particular order and are not to be considered a full and comprehensive list of GFN's interests; they are provided to help assist in future focused communication efforts surrounding this EA.

- Family traditional homelands in project area: IK data collection/gathering/mapping efforts need to be supported to ensure that conversations surrounding the potential impacts of the project to our families and GFN's homelands are understood and accommodated in this project EA. GFN's IK needs to be incorporated into the baseline conditions for this EA, with potential impacts considered and accommodated within all project planning.

- Trapline impacts: GFN members are currently actively trapping in the area of the proposed project. Impacts to individual trappers need to be discussed, accommodated, and compensated.

- Environmental protections: Ensuring measures are in-place throughout the project life to protect the waters, fish, land, plants (notably blueberries), animals (notably moose) and air quality surrounding the project and associated watersheds, including a rigorous environmental monitoring program.
    - GFN would like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. GFN has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, sturgeon, and bats) will help ensure that data collection efforts are relevant to all communities in the area. This holistic approach would benefit the full region and is more respectful of our Indigenous culture.

- Meaningful engagement: Ensure the Province and MFCAR team understand GFN's internal processes (as detailed in the GFN Consultation and Accommodation Protocol), the hierarchy of advice and necessity of full-community involvement in decision-making processes to reach consensus. The protection of the waters and watersheds surrounding this proposed project must be of the highest priority, respecting GFN's Nanagjitong Nibi Water Declaration.
    - While it is referenced within the ToR that such Protocols will be considered when undertaking consultation activities (page 79), GFN would prefer this statement read that such protocols will be recognized. Recognition of GFN's Protocol has not been demonstrated to-date, most notably with the challenges of engagement during the current pandemic and the clear requirement for longer review periods and capacity supports. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members.
    - GFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff.

- Transportation: GFN understands that the project will lead to increased traffic through GFN's homelands, most notably once mineral development advances in the Ring of Fire. GFN needs to understand the potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership (especially in light of the increasingly tragic traffic accidents with transport trucks observed in recent years). GFN would like to see measures in-place to improve driver safety throughout the Trans-Canada Highway system.
    - Road safety considerations should be added to the list on page 70, especially once future mineral developments are developed as a result of improved access through the MFCAR.

- Economic opportunities: GFN is interested in learning more about potential economic development opportunities to support road construction contracts and would like to encourage the construction proponent to source local, First Nation-owned business contractors. Community members are also interested in employment and training opportunities surrounding road construction work, including camp support, aggregate extraction and baseline data collection.
    - On page 59, the upcoming Greenstone Gold Mine (GGM) should be added to the Greenstone Economy section, as construction on the new development is anticipated to begin shortly (within the timeframe of this EA).

- Increased forestry: GFN understands that the development of the MFCAR will likely result in increased forestry activities in the area. GFN is very active in forestry operations within our homelands and we recognize the economic development opportunities presented by this increased activity (especially in-light of skilled GFN membership in the forest industry).

- Impacts to valued plants: GFN currently harvests valued plants throughout our homelands, including edible plants (blueberries, raspberries, etc.), medicinal plants (cedar, Labrador tea, etc.) and plants for use in technology (birch bark, cedar root, etc.). GFN members need to understand the potential impacts of the MFCAR project to our valued plants and to the animals that rely on them (including fish, moose and geese). Will chemicals (spraying herbicides, road salt application, dust control measures) be used in road construction and maintenance?
    - On page 49, the preliminary list of plant species of importance should be expanded to include sweet flag (*Acorus calamus*) and white cedar (*Thuja occidentalis*).

- Improved communications and partnerships with neighbouring First Nations: GFN views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions, communications, and potential partnerships. GFN would like the opportunity to share our experience in becoming connected to the provincial highway system, and the changes it brought to the well-being of our community and homelands.

- Increased hunting: GFN is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic/tourism. Community members currently hunt where no other hunters travel; if there is an increase in hunters in the region, this will impact the experience and the value of hunting to our membership. Caribou have also been seen in the project area. Potential impacts to camping and trapping/hunting cabins also need to be understood.

- Fish populations: GFN would like to understand how the proposed corridor (and resulting increase in traffic/tourism) could impact fish communities and fishing opportunities within our homelands.
    - GFN would also like to understand the potential long-term impacts of road operations on groundwater (page 68), natural springs, and surface water flow restrictions from alterations such as culvert installations (page 67).

- Increased load on infrastructure in Geraldton: GFN members current access health care services, groceries, and other services in the neighbouring town of Geraldton, with the proposed corridor anticipated to result in increased loads to this infrastructure (especially in-light of the planned development of the Greenstone Gold Mine (GGM)). GFN would like to understand how increased loads to Geraldton's infrastructure (including community roads, the hospital, landfill and police services) could be affected by the proposed project, and to ensure that the eventual development of GGM is included in the assessment of cumulative effects. Will a bypass need to be constructed to divert traffic from Geraldton's centre? The towns of Longlac and Jellicoe will also likely experience an increased load on their services.

- Aggregate resources: GFN would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited in the north and present both economic development opportunities and potential risks to local IK values.

- Eventual connection to the Ring of Fire: Since the proposed road will eventually connect to future mineral developments in the Ring of Fire, GFN would like to have a better understanding of the potential future cumulative effects of such mining developments on GFN's homelands. The future increase in railway use from these potential future developments (most notably onto the rail lines that cross our main access road) are also of concern (especially for safety) and need to be considered.

- Navigation concerns: The Albany and Ogoki Rivers are import waterways for travel, and the Whitesand area to the Ogoki and Armstrong to Auden are important portage routes. How will the road/bridges be designed to ensure that people can still travel on the waters?

- Potential impacts to Indigenous language and Marten Falls First Nation members: GFN values our Ojibway language and culture, and recognizes that our shared language is valued, preserved, and used by Marten Falls First Nation (MFFN) members. GFN is concerned that the road connection may have impacts to language use, and the health and well-being of MFFN members as newcomers enter their homelands and community. GFN would like to better understand how the MFFN community feels about the project and to share experiences with our neighbours and shared families.

- Unity: GFN asserts that the collective traditional territories of the nine Matawa member First Nations are under our own control, and that approval to operate in our respective territories cannot be given by the Government or any other external entities. As affirmed in the Mamow-Wecheekapawetahteewinn (aka Unity Declaration, signed in 2011), the nine First Nations, connected through our language, cultural, social, and economic interests, all live and rely upon the lands, water and resources entrusted to us by the Creator. While it is understood that the federal government is advancing plans for a Regional Assessment centered on the Ring of Fire area, GFN would like the Matawa member First Nations to come together to discuss areas of mutual interest and concern, recognizing the importance of unity.

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Ginoogaming First Nation – December 18, 2020			
GFN-1	Ginoogaming First Nation (GFN) continues to experience a lack of internal capacity to participate in consultation activities for this EA, further compounded by the global pandemic and community access/gathering restrictions. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and GFN was able to commit the resources and thoughtful reflection on engagement methods required to meaningfully participate. While provincial funding support has been received for our involvement in this EA, the timelines and pandemic restrictions have not allowed for GFN to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process.	Marten Falls First Nation (MFFN) understands that many communities, including Ginoogaming First Nation, are experiencing challenges related to the global pandemic, limited resources and reduced ability to consult and engage with community members on technical matters related to the Terms of Reference (ToR). MFFN is hopeful that once the Environmental Assessment (EA) is initiated that Ginoogaming First Nation will be in a better position to participate in the process. To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Ginoogaming First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19. In light of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with extra time to review documentation and provide comments. An additional opportunity for Ginoogaming First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.	Commitment for EA
GFN-2	We respect the need for Marten Falls First Nation to advance this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; many of the comments provided were gathered through limited community engagement and an internal review of the ToR documentation. GFN looks forward to receiving responses from the Ontario Ministry of the Environment, Conservation & Parks and the Marten Falls Community Access Road team regarding these comments and future plans for meaningful and appropriate engagement and consultation.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Ginoogaming First Nation, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8
GFN-3	Restrictive Timelines & Capacity GFN does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While GFN has made all efforts to be engaged and informed on this project, our Lands & Resource department does not have dedicated staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances.	MFFN understands the difficult challenges faced by many communities regarding the global pandemic and inability to gather community members, particularly youth and Elders. MFFN is hopeful that once the EA is initiated that Ginoogaming First Nation will be in a better position to participate in the process. To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Ginoogaming First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19. It is MFFN's hope that an appropriate path forward that suits the needs of Ginoogaming First Nation for consultation and engagement is determined. A community-specific consultation plan can also be developed if that is of interest.	Commitment for EA
GFN-4	Indigenous Knowledge Sharing GFN community members have ancestral homelands and traplines within the proposed project area, most notably around Percy Lake, Painter Lake, Briarcliffe Lake and Melchett Lake. While GFN currently has a compiled database of community Indigenous Knowledge (IK) value data, the collection of new IK data will have to be supported in the northern portion of the homelands. The IK collection program will have to include gatherings of Elders and families with values in the project area (including individuals that currently reside in neighbouring communities), and extensive mapping efforts to ensure their values are accurately documented.	MFFN acknowledges the values of ancestral homelands and traplines within the proposed Project area to Elders and families of Ginoogaming First Nation. Ginoogaming First Nation is encouraged to share Indigenous Knowledge and information on their traditional use of land and resources. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. As noted in Section 3.4.2.1 of the ToR, the Indigenous Knowledge Program will occur in two concurrent phases: collecting existing Indigenous Knowledge and information on Indigenous land and resources use previously collected by Indigenous communities; and completing Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies. MFFN is looking forward to receiving previously collected Indigenous Knowledge that may be relevant to the Project once the Indigenous Knowledge Sharing Agreement with Ginoogaming First Nation is finalized and executed. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Ginoogaming First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program.	Section 3.4.2.1, pg. 11

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
GFN-5	Indigenous Knowledge Sharing GFN would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the IK Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN looks forward to continued consultation with, and Ginoogaming First Nation's participation in the Indigenous Knowledge Program.	Section 3.4.2.1, pg. 11
GFN-6	Technical Clarifications In Table 10-1 and Appendix C Table 1-1, under Tribal Council Affiliation for GFN, our tribal council's appropriate name is 'Matawa First Nations Management'. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation.	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
GFN-7	Record of Consultation No further comments at this time.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Appendix C, Section 3.1, pg. 95 to 107
GFN-8	Community Priorities Family traditional homelands in project area: IK data collection/gathering/mapping efforts need to be supported to ensure that conversations surrounding the potential impacts of the project to our families and GFN's homelands are understood and accommodated in this project EA. GFN's IK needs to be incorporated into the baseline conditions for this EA, with potential impacts considered and accommodated within all project planning.	MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines); it also includes information on how Indigenous Knowledge may be used in the EA. The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Ginoogaming First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program. The Indigenous Knowledge Program Guidance Document includes information on how Indigenous Knowledge may be used to inform the baseline conditions for the various technical aspects of the EA (e.g., fish and fish habitat, wildlife and wildlife habitat). Ongoing engagement with Indigenous communities through the Consultation and Engagement Program and Indigenous Knowledge Program will enable MFFN to understand Indigenous community perspectives on potential Project effects and work with Indigenous communities, including Ginoogaming First Nation, on the identification of measures to avoid of, minimize potential effects.	N/A
GFN-9	Community Priorities Trapline impacts: GFN members are currently actively trapping in the area of the proposed project. Impacts to individual trappers need to be discussed, accommodated, and compensated.	MFFN acknowledges that Ginoogaming First Nation members are actively trapping in the area of the proposed Project. Ginoogaming First Nation is encouraged to share further information on trapping activities undertaken in the area of the Project. This can be shared through the Consultation and Engagement Program and the Indigenous Knowledge Program. As noted in Section 7.2.1 of the ToR, the EA will assess the potential effects of the Project due to changes in or loss of sites and areas used for traditional activities, including trapping. It is important that MFFN is aware of trapping activities in proximity to the alternative routes to inform the effects assessment and identification of impact management measures.	Section 7.2.1, pg. 66
GFN-10	Community Priorities Environmental protections: Ensuring measures are in-place throughout the project life to protect the waters, fish, land, plants (notably blueberries), animals (notably moose) and air quality surrounding the project and associated watersheds, including a rigorous environmental monitoring program. GFN would like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. GFN has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, sturgeon, and bats) will help ensure that data collection efforts are relevant to all communities in the area. This holistic approach would benefit the full region and is more respectful of our Indigenous culture.	MFFN acknowledges Ginoogaming First Nation's concerns about the potential effects to waters, fish, land, plants, wildlife and air quality and agrees that it is important to protect them. Traditional use of land and resources (Section 7.2.1), air quality (Section 7.2.2), land (Section 7.2.4), surface water (Section 7.2.5), groundwater (Section 7.2.6), plants (Section 7.2.7), wildlife, including moose and caribou (Section 7.2.8) and fish and fish habitat (Section 7.2.9) are all identified within the ToR for assessment of effects during the EA. Species of importance to Indigenous communities, such as blueberries and moose, will be identified through the Indigenous Knowledge Program and Consultation and Engagement Program. The identified species will be provided to the appropriate environmental disciplines (i.e., vegetation, wildlife) for consideration in the discipline-specific effects assessment. The environmental discipline will predict and assess potential effects to these species and provide the findings to the Aboriginal and Treaty Rights and Interest discipline, who will then assess how the changes to these species predicted by the environmental disciplines may result in effects to its traditional use by Indigenous communities. As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones "Effects Assessment Methods," "Identification of Preferred Alternatives" and "Review of Draft EA / Impact Statement (IS)". MFFN will engage with Ginoogaming First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. In addition, the Indigenous Knowledge Program provides additional opportunities for information on Ginoogaming First	Section 7.2.1, pg. 65 Section 7.2.2, pg. 66 Section 7.2.4, pg. 67 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.7. pg. 68 Section 7.2.8, pg. 69 Section 7.2.9, pg. 69 Section 8, pg. 72 Section 9, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 23 Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		Nation's traditional livelihoods to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Ginoogaming First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Follow-up monitoring measures will be consulted on during the milestones Effects Assessment Methods, Identification of Preferred Alternatives, and Review of Draft EA / IS. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies, characterize existing conditions, recommend impact management measures and identify opportunities for Indigenous peoples during development of the Project. In addition, the results of field studies will be shared throughout the EA, and will be documented in the EA Report. The MFFN Project Team will share Ginoogaming First Nation's comment regarding the desire for complementary data collection and monitoring between communities as part of broader regional initiatives, which are outside the scope of this Project, with MFFN Chief and Council.	
GFN-11	Community Priorities Meaningful engagement: Ensure the Province and MFCAR team understand GFN's internal processes (as detailed in the GFN Consultation and Accommodation Protocol), the hierarchy of advice and necessity of full-community involvement in decision-making processes to reach consensus. The protection of the waters and watersheds surrounding this proposed project must be of the highest priority, respecting GFN's Nanagjitong Nibi Water Declaration. ▪ While it is referenced within the ToR that such Protocols will be considered when undertaking consultation activities (page 79), GFN would prefer this statement read that such protocols will be recognized. Recognition of GFN's Protocol has not been demonstrated to-date, most notably with the challenges of engagement during the current pandemic and the clear requirement for longer review periods and capacity supports. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members. ▪ GFN's limited resources have been further strained due to the pandemic and simultaneous consultation efforts from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR. Confusion on the details and deadlines associated with each project are resulting in consultation fatigue; more flexibility needs to be provided in project timelines to accommodate the workload on limited staff.	MFFN understands that many communities, including Ginoogaming First Nation, are experiencing challenges related to the global pandemic, limited resources, consultation fatigue, conflicting priorities and confusing overlap and deadlines between different projects. Section 10 of the ToR is related to consultation activities that have already taken place. These challenges will be top of mind for MFFN as they relate to Section 11 (and the corresponding EA / IS Consultation and Engagement Plan) during the EA. MFFN also understands that online engagement is only one way to engage and can be limited in its reach for some communities. MFFN will work with Ginoogaming First Nation to determine the best path forward for consultation and engagement with all community members. As noted in the EA / IS Consultation and Engagement Plan, there are more activities offered than online engagement, including teleconferences and potential small in-person meetings that meet physically distant protocols (and do not require an internet connection). Flexibility and adaptability are key and developing a community-specific consultation and engagement plan is offered if Ginoogaming First Nation is interested. To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Ginoogaming First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19.	Section 10, pg. 78-101 Section 11.6, pg. 105-108 Appendix B, Section 4.1.5, pg. 19
GFN-12	Community Priorities Transportation: GFN understands that the project will lead to increased traffic through GFN's homelands, most notably once mineral development advances in the Ring of Fire. GFN needs to understand the potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership (especially in light of the increasingly tragic traffic accidents with transport trucks observed in recent years). GFN would like to see measures in-place to improve driver safety throughout the Trans-Canada Highway system. ▪ Road safety considerations should be added to the list on page 70, especially once future mineral developments are developed as a result of improved access through the MFCAR.	The EA will assess the potential effects of the Project due to traffic related incidents on the Community Access Road (CAR) during the operations and maintenance phase. The ToR has identified in Appendix A vehicular accidents as a potential indicator of personal safety to be assessed in the EA. The safety features of the proposed Project will be addressed through the design and engineering of the road. Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.	Section 7.2, pg. 65 Appendix A, pg. 7
GFN-13	Community Priorities Economic opportunities: GFN is interested in learning more about potential economic development opportunities to support road construction contracts and would like to encourage the construction proponent to source local, First Nation-owned business contractors. Community members are also interested in employment and training opportunities surrounding road construction work, including camp support, aggregate extraction and baseline data collection. ▪ On page 59, the upcoming Greenstone Gold Mine (GGM) should be added to the Greenstone Economy section, as construction on the new development is anticipated to begin shortly (within the timeframe of this EA).	Project construction, operations and maintenance are anticipated to generate direct and indirect employment, which is anticipated to include employment and procurement opportunities for Indigenous people and other local community members. MFFN will consult with communities in the local study area to better understand a community's current skill sets, potential opportunities for employment through the Project, and areas where training could improve employment opportunities. The EA will assess potential positive and negative effects of the Project on the economy and include impact management measures where applicable. As the ownership of the road is currently unknown, MFFN cannot commit to an Indigenous training and hiring policy for the Project at this time. However, it is expected that such a policy would be created in relation to the Project and that recommendations included in the EA regarding training and hiring would form a basis for the policy. The EA will include a description of the anticipated economic and employment contributions of the Greenstone Gold Mine.	Section 7.2.10, pg. 71

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
GFN-14	Community Priorities Increased forestry: GFN understands that the development of the MFCAR will likely result in increased forestry activities in the area. GFN is very active in forestry operations within our homelands and we recognize the economic development opportunities presented by this increased activity (especially in-light of skilled GFN membership in the forest industry).	MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.	Section 7.2.10, pg. 70
GFN-15	Community Priorities Impacts to valued plants: GFN currently harvests valued plants throughout our homelands, including edible plants (blueberries, raspberries, etc.), medicinal plants (cedar, Labrador tea, etc.) and plants for use in technology (birch bark, cedar root, etc.). GFN members need to understand the potential impacts of the MFCAR project to our valued plants and to the animals that rely on them (including fish, moose and geese). Will chemicals (spraying herbicides, road salt application, dust control measures) be used in road construction and maintenance? ▪ On page 49, the preliminary list of plant species of importance should be expanded to include sweet flag (Acorus calamus) and white cedar (Thuja occidentalis).	MFFN acknowledges the importance of plants used for subsistence, medicinal purposes, and in technology to Ginoogaming First Nation. Ginoogaming First Nation is encouraged to share further information on plant harvesting activities undertaken in the area of the Project through the Indigenous Knowledge Program. As noted in Section 7.2.1 of the ToR, the EA will assess the potential effects of the Project due to changes in or loss of sites and areas used for traditional activities, including plant harvesting and use. It is important that MFFN is aware of plant harvesting and use activities in proximity to the alternative routes to inform the effects assessment and identification of impact management measures. Species of importance to Indigenous communities, such as blueberries, raspberries, white cedar, sweet flag, Labrador tea, birch, fish, moose and geese, will be identified through the Indigenous Knowledge Program and Consultation and Engagement Program. The identified species will be provided to the appropriate environmental disciplines (i.e., vegetation, wildlife, fish and fish habitat) for consideration in the discipline-specific effects assessment. The environmental discipline will predict and assess potential effects to these species and provide the findings to the Aboriginal and Treaty Rights and Interest discipline, who will then assess how changes to these species predicted by the environmental disciplines may result in effects to its traditional use by Indigenous communities. Furthermore, as noted in Section 7.2.7 of the ToR, potential effects on vegetation and ecological communities will consider changes to species diversity, including traditional use plants. Additionally, indirect effects on wildlife (e.g., how changes in vegetation may affect the wildlife that rely on them) will be identified and assessed in the EA. Road maintenance activities that are anticipated to occur during the operations phase of the Project are identified in Section 5.2.2 of the ToR. Road maintenance will follow typical Ministry of Transportation standards and requirements. Dust suppression may be applied to road surfaces during the summer months, and ploughs, graders, loaders and dump trucks may be used to clear snow in the winter months. Vegetation control applications are typically done without the use of chemicals and road maintenance in the winter is typically done using sand and snow ploughs (not salt). However, the EA will conservatively assess the potential effects of salt, pesticide and dust suppressant use, and where effects are predicted recommend impact management measures. Thank you for providing input on additional plant species of importance. This information has been noted so that, moving forward, it can be included in Project documentation (e.g., the EA Report).	Section 5.2.2, pg. 19 Section 7.2.1, pg. 66 Section 7.2.7, pg. 68 See response to GFN-4
GFN-16	Community Priorities Improved communications and partnerships with neighbouring First Nations: GFN views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions, communications, and potential partnerships. GFN would like the opportunity to share our experience in becoming connected to the provincial highway system, and the changes it brought to the well-being of our community and homelands.	A primary objective of the EA process is to effectively communicate information about the proposed Project, and to consult with those who may be potentially affected by or have an interest in it. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with interested persons, including Ginoogaming First Nation and Matawa First Nations, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8
GFN-17	Community Priorities Increased hunting: GFN is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic/tourism. Community members currently hunt where no other hunters travel; if there is an increase in hunters in the region, this will impact the experience and the value of hunting to our membership. Caribou have also been seen in the project area. Potential impacts to camping and trapping/hunting cabins also need to be understood.	MFFN acknowledges that increased access and increased human traffic / tourism may arise in the future if the CAR is constructed. As noted in Section 7.2.1 of the ToR, the EA will consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. Indicators have been proposed in Appendix A of the ToR to support the assessment of potential effects on: specific sites and areas used for traditional activities, including camping and trapping / hunting cabins; the availability of lands and resources for traditional activities; and the experience of being on the land. Furthermore, in addition to Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.	Section 7.2.1, pg. 66 Appendix A, pg. 1
GFN-18	Community Priorities Fish populations: GFN would like to understand how the proposed corridor (and resulting increase in traffic/tourism) could impact fish communities and fishing opportunities within our homelands. ▪ GFN would also like to understand the potential long-term impacts of road operations on groundwater (page 68), natural springs, and surface water flow restrictions from alterations such as culvert installations (page 67).	Section 7.2.1 of the ToR indicates that the “Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources.” Water resources is inclusive of springs, aquifers and surface water features. The EA will document existing conditions, including information on watersheds and waterways within the study area for the Project. MFFN acknowledges Ginoogaming First Nation’s concerns for potential effects of the Project on fish and water resources, and will identify and assess potential effects of the Project on fish and fish habitat (Section 7.2.9), surface water (Section 7.2.5) and groundwater Section 7.2.6). The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly effect fish and fish habitat. The Project activities, outlined	Section 5.2.1.2, pg. 16 Section 7.2.1, pg. 66 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9, pg. 70

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		in Section 5.2.1 of the ToR, includes culvert installations for assessment of potential effects in the EA. MFFN acknowledges that increased access and increased human traffic / tourism may arise in the future if the CAR is constructed. Section 7.2.9 of the ToR states that "(t)he CAR will provide year-round access to the Far North, which is likely to increase access to waterbodies for recreational use. This has the potential to result in an increase in angling pressure to fish populations, higher risk of the introduction of invasive aquatic species, parasites and disease, and the accidental release of contaminants to waterbodies". The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. The findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.	
GFN-19	Community Priorities Increased load on infrastructure in Geraldton: GFN members current access health care services, groceries, and other services in the neighbouring town of Geraldton, with the proposed corridor anticipated to result in increased loads to this infrastructure (especially in-light of the planned development of the Greenstone Gold Mine (GGM)). GFN would like to understand how increased loads to Geraldton's infrastructure (including community roads, the hospital, landfill and police services) could be affected by the proposed project, and to ensure that the eventual development of GGM is included in the assessment of cumulative effects. Will a bypass need to be constructed to divert traffic from Geraldton's centre? The towns of Longlac and Jellicoe will also likely experience an increased load on their services.	MFFN acknowledges that if population increases or demographics change, strain on public services and infrastructure may also occur. Therefore, changes to the socio-economic environment will look at potential changes in availability and use of public services and infrastructure (Section 7.2.10 of the ToR) within Geraldton that may occur as a result of the Project will be considered in the EA. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The potential for the Project to act cumulatively with the Greenstone Gold Hardrock Mine will be considered for inclusion in the cumulative effects assessment of the EA.	Section 7.2, pg. 65 Section 7.2.10, pg. 70
GFN-20	Community Priorities Aggregate resources: GFN would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited in the north and present both economic development opportunities and potential risks to local IK values.	Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2). MFFN recognizes Indigenous Knowledge as a critical component of the EA process and is committed to working with Indigenous communities to respectfully collaborate on how Indigenous Knowledge will be utilized in identifying indicators, informing baseline conditions, predicting potential effects of the Project, and helping to determine appropriate impact management measures and monitoring methods. MFFN will consult with Ginoogaming First Nation to better understand their concerns. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Ginoogaming First Nation in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 6.3, pg. 22 Section 5.2.2, pg. 20 Section 7.1.4.4, pg. 44 Commitment for EA
GFN-21	Community Priorities Eventual connection to the Ring of Fire: Since the proposed road will eventually connect to future mineral developments in the Ring of Fire, GFN would like to have a better understanding of the potential future cumulative effects of such mining developments on GFN's homelands. The future increase in railway use from these potential future developments (most notably onto the rail lines that cross our main access road) are also of concern (especially for safety) and need to be considered.	An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Ginoogaming First Nation	Section 7.6, pg. 65 Appendix B, Table 4-2, pg. 23 Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.	
GFN-22	Community Priorities Navigation concerns: The Albany and Ogoki Rivers are import waterways for travel, and the Whitesand area to the Ogoki and Armstrong to Auden are important portage routes. How will the road/bridges be designed to ensure that people can still travel on the waters?	MFFN acknowledges that rivers provide transportation to Ginoogaming First Nation. The EA will assess how potential effects of the Project on surface water (i.e., flow) may indirectly affect navigation. Ginoogaming First Nation is encouraged to continue to share information on their traditional use of land and resources. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Ginoogaming First Nation, in November 2020. An Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was also shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. Where possible, bridges will be designed to avoid effects to waterway navigability. Additional information on water crossing and potential effects to navigability will be provided in the EA.	Commitment for EA
GFN-23	Community Priorities Potential impacts to Indigenous language and Marten Falls First Nation members: GFN values our Ojibway language and culture, and recognizes that our shared language is valued, preserved, and used by Marten Falls First Nation (MFFN) members. GFN is concerned that the road connection may have impacts to language use, and the health and well-being of MFFN members as newcomers enter their homelands and community. GFN would like to better understand how the MFFN community feels about the project and to share experiences with our neighbours and shared families.	MFFN acknowledges the importance of Indigenous language and concerns about how the Ojibway language and the health and well-being of Ginoogaming First Nation community members may be affected by the Project. The EA will assess how the project could result in potential changes to communities including population change, use of Indigenous language as well as community well-being and social cohesion. See draft effects criteria in ToR Appendix A. Ongoing engagement with Indigenous communities through the Consultation and Engagement Program and Indigenous Knowledge Program will enable MFFN to understand Indigenous community perspectives on potential Project effects and work with Indigenous communities, including Ginoogaming First Nation, on the identification of impact management measures to avoid or minimize potential effects. MFFN Chief and Council endorsed the ToR prior to its submission to the Ministry of the Environment, Conservation and Parks. MFFN have consulted their membership on the Project prior to the commencement of the EA and will continue to do so throughout the EA process. MFFN understands that not all members are supportive of a road and they continue to have questions. Generally, those who are unsupportive express fears related to impending environmental degradation of the land as the result of the mineral development in the area known as the Ring of Fire and, fear of declining wildlife populations after the potential opening of the Far North landscape to non-indigenous hunting and fishing. These fears and concerns are valid and will be investigated through the EA process. Those who are supportive of the Project express excitement over the idea of reduced costs to travel and provision of goods and services to the community and ability to travel and see family. Some individuals have expressed wanting to move back to Marten Falls once a road is built because only then will they be able to afford to travel to and from the community. However, both those in support and not in support of the road express concerns of the potential social impacts on the community such as potential increase in current level of illicit substances entering the community or, increase is rates of violence or missing persons if more outsiders have unrestricted access into the community. MFFN would be happy to discuss experiences with their neighbours.	Section 7.2.10, pg. 70
GFN-24	Community Priorities Unity: GFN asserts that the collective traditional territories of the nine Matawa member First Nations are under our own control, and that approval to operate in our respective territories cannot be given by the Government or any other external entities. As affirmed in the Mamow-Wecheekapawetahteewinn (aka Unity Declaration, signed in 2011), the nine First Nations, connected through our language, cultural, social, and economic interests, all live and rely upon the lands, water and resources entrusted to us by the Creator. While it is understood that the federal government is advancing plans for a Regional Assessment centered on the Ring of Fire area, GFN would like the Matawa member First Nations to come together to discuss areas of mutual interest and concern, recognizing the importance of unity.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Ginoogaming First Nation, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed. In April 2018, MFFN signed an agreement with the Ministry of the Environment, Conservation and Parks (MECP) to prepare an EA pursuant to the Ontario *Environmental Assessment Act*. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8

References

Ginoogaming First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

B9. Kasabonika Lake First Nation

B9.1 Outgoing Community Specific Correspondence

B9.2 Incoming Community Specific Correspondence

B9.3 ToR Comments Received / Responses



B9.1 Outgoing Community Specific Correspondence

From: Ross, Kathryn
Sent: Monday, September 14, 2020 1:13 PM
To: [redacted]
Subject: MFFN CAR - Terms of Reference

Good afternoon,

The Marten Falls First Nation Community Access Road is getting ready to distribute copies of the Terms of Reference. Can you please confirm that we have the correct mailing address for hard copy and email addresses for digital copies?

Kasabonika Lake First Nation	Tom Semple, Chief Ida Morris	[redacted]	[redacted]	[redacted]

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]om

Vacation Alert: September 17 - 22

AECOM
[redacted]
www.aecom.com

From:	Ross, Kathryn
To:	[redacted]
Cc:	[redacted] Qasim Saddique; [redacted] Larissa Mikkelsen
Bcc:	Beaney, Jessalyn; info@martenfallsaccessroad.ca
Subject:	Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Date:	Monday, November 02, 2020 9:17:00 AM
Attachments:	EXTERNAL RE Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference .msg

Dear Chief Semple,

I'm following up to confirm that Kasabonika Lake First Nation received the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. I haven't been able to reach you or Ida by telephone, but I did talk to Eno H. Anderson on Friday and he confirmed that Kasabonika Lake First Nation received the ToR.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I've attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the following Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
    - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

If possible, we also recommend the printed ToR document be placed in an accessible location in the community (like the Band Office). The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks.

Please let me know if you have received the ToR, and do not hesitate to reach out if you have any questions or concerns.

Sincerely,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]

From: Ross, Kathryn
Sent: Thursday, November 12, 2020 10:28 AM
To: [redacted]
Cc: [redacted] Bob Baxter; Larissa Mikkelsen; Qasim Saddique
Subject: Marten Falls First Nation Community Access Road - Indigenous Knowledge Guidance Document
Attachments: MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020.pdf

Good morning Chief Semple,

We hope this email finds you and your community well.

We would like to share some information about the Indigenous Knowledge (IK) Program for the Marten Falls First Nation all-season Community Access Road (the Project). An important part of the assessment processes for the Project is collecting IK, community knowledge and information on Indigenous land and resource use (ILRU). This important and valuable information helps us to understand baseline (existing) conditions and the potential effects of the Project, and to determine appropriate impact management and monitoring measures.

A primary objective of the IK Program is to have communities identify areas where values could be impacted by the Project, understand community concerns about the potential negative impacts of the Project, and work to avoid or mitigate potential negative impacts and maximize positive effects. The IK Program strives to work with interested Indigenous communities and discuss how relevant IK and ILRU information will become part of the assessment processes and Project planning and design.

To assist communities who have expressed an interest in the IK Program and in completing Project-specific IK/ILRU Studies, we have prepared the attached IK Program Guidance Document. The IK Program Guidance Document provides information on the IK Program and includes resource materials to support identified communities in completing a Project-specific IK/ILRU Study. The IK Program Guidance Document was also developed to support the information requirements set out in the Tailored Impact Statement Guidelines issued by the Impact Assessment Agency of Canada for the Project.

If your community has any relevant IK/ILRU information that you would like to share to support the environmental assessment processes we encourage you to reach out so that we can further discuss the IK Program with you. We are also available to answer any questions you may have on the IK Program or the content found within the IK Program Guidance Document.

Kind regards,

Kathryn Ross
On behalf of the MFFN Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Wednesday, December 9, 2020 4:03 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; [redacted] Larissa Mikkelsen; Beaney, Jessalyn
Subject: Marten Falls All-Season Community Access Road ToR Review

Dear Chief Semple,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Kasabonika Lake First Nation has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**.

If Kasabonika Lake First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Kathryn Ross
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, December 14, 2020 2:32 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; [redacted]; Larissa Mikkelsen; Beaney, Jessalyn
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Dear Chief Semple,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If Kasabonika Lake First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

We look forward to your input and value your feedback.

Kind regards,

Kathryn
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Cloutis, Geneva
Sent: Monday, February 8, 2021 1:55 PM
To: [redacted]
Cc: [redacted]Bob Baxter; [redacted] Larissa Mikkelsen; Jennifer Bruin; Qasim Saddique; [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Kasabonika Lake.pdf

Good afternoon Chief Semple,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see attached letter regarding next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If Kasabonika Lake First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

February 8, 2021

[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Tom Semple,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Kasabonika Lake First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Kasabonika Lake First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC [redacted]

Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Geneva Cloutis, MFFN Project Consultant

From: Cloutis, Geneva
Sent: Monday, February 22, 2021 1:13 PM
To: [redacted]
Cc: [redacted] 'Bob Baxter'; [redacted] 'Larissa Mikkelsen'; 'Jennifer Bruin'; 'Qasim Saddique'; [redacted]
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Kasabonika Lake.pdf

Hi Chief Semple,

Thank you so much for speaking to me earlier today about the additional opportunity to comment on the Proposed Terms of Reference for the Marten Falls Community Access Road Project. I know on the phone, you indicated you did not have the chance to review the email and letter that was sent on February 8. I've reattached the letter to this email so it's more easily located at the top of your inbox.

If you could please let me know that you have received this letter that would be greatly appreciated. Please do not hesitate to reach out if you have any questions or comments, or would like to set up a meeting with the Marten Falls First Nation Community Access Road Project Team to discuss the Project.

Thank you very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

From: Cloutis, Geneva
Sent: Tuesday, March 2, 2021 1:04 PM
To: [redacted]
Cc: [redacted] Bob Baxter; Larissa Mikkelsen; Qasim Saddique
Subject: MFFN Community Access Road - Indigenous Knowledge Sharing Agreement
Attachments: Template - Confidential Indigenous Knowledge Sharing Agreement - 2021.docx

Dear Chief Semple,

I hope this email finds you and your community well. I am emailing to provide an update on the Indigenous Knowledge (IK) Program and the IK Sharing Agreement for the Marten Falls First Nation Community Access Road Project. The documents that were provided by Kathryn on January 22 (email below) provided some high-level information about the IK Program for the Project. Related to this, the MFFN Project Team has been establishing IK Sharing Agreements with other Nations to set up protections for IK provided for the Project.

Attached to this email is the IK Sharing Agreement template. If you could please review the IK Sharing Agreement template and let us know if Kasabonika Lake First Nation has any questions or feedback on the IK Sharing Agreement and associated materials that would be greatly appreciated. Alternatively, if you would like to set up a meeting to discuss the IK Program and the IK Sharing Agreement, please let me know and I would be happy to coordinate setting up a meeting with Kasabonika Lake First Nation and the MFFN Project Team.

Please don't hesitate to reach out if you have any questions or comments.

Kind regards,

Geneva Cloutis
On behalf of the Marten Falls First Nation Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

INDIGENOUS KNOWLEDGE

INFORMATION SHARING AGREEMENT

Marten Falls First Nation

Community Access Road

CONFIDENTIAL INFORMATION

dated the _____ day of _____, 2021

As part of the environmental/impact assessment and design of the Marten Falls Community Access Road Project, (the "Project"), XXXXX hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include Indigenous Knowledge, traditional knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another amongst the people of XXXX. Confidential Information may also include beliefs, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to the people of XXXX. For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by XXXX is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how XXXX lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the environmental/impact assessment and design).

The Confidential Information may be used to better understand how XXXX community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities or external researchers without express written consent of XXXX.

The Recipients acknowledge and agree that the Confidential Information is the property of XXXX and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of XXXX.

On termination of this Agreement or on written notice by XXXX, the Recipients shall as directed by XXXX to either: promptly destroy or return to XXXX all Confidential Information and all copies thereof.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by XXXX is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of XXXX:

_____ _____

(Authorized representative) Date

Agreed to on behalf of the Recipients:

_____ _____

(Authorized representative) Date

From: Cloutis, Geneva
Sent: Thursday, March 11, 2021 1:58 PM
To: [redacted]
Cc: [redacted] McLeod, Sasha (MECP); [redacted]; Beaney, Jessalyn; [redacted] Bob Baxter; [redacted] Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments

Hello Chief Semple,

I called the Kasabonika Lake First Nation band office this afternoon and left a voicemail reminder about the additional opportunity to comment on the Terms of Reference for the MFFN Community Access Road Project. The deadline to submit comments to the Ministry of the Environment, Conservation and Parks is March 31, 2021. If you need to access a copy of the Terms of Reference, it can be found here on the Project website: http://www.martenfallsaccessroad.ca/tor/

If Kasabonika Lake First Nation does decide to submit any comments on the Terms of Reference, you can send them directly to the Ministry of Environment, Conservation and Parks at the address below:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please don't hesitate to reach out if you have any questions about the submission process or the Project, or if you would like to set up a meeting with the MFFN Community Access Road Project Team.
Thanks very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

From: Cloutis, Geneva
Sent: Friday, March 26, 2021 9:37 AM
To: [redacted]
Cc: [redacted]McLeod, Sasha (MECP); [redacted]; Beaney, Jessalyn; lawrencebax; Bob Baxter; [redacted] 'Qasim Saddique'; 'Larissa Mikkelsen'; 'Jennifer Bruin'
Subject: MFFN Community Access Road Proposed Terms of Reference - Comment Period Reminder

Good morning Chief Semple,.

I'm just following up on our phone conversation yesterday about the deadline for the comment period on the Proposed Terms of Reference for the Marten Falls First Nation Community Access Road Project. You mentioned on the phone that you were still unsure whether Kasabonika Lake First Nation would be submitting any comments on the Terms of Reference.

As a reminder, the comment period is closing next Wednesday, March 31, 2021. If Kasabonika Lake First Nation does end up choosing to submit comments, they should be sent directly to the Ministry of Environment, Conservation and Parks:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

If you have any questions, please don't hesitate to reach out.

Thanks very much and have a lovely weekend!

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

From: Cloutis, Geneva
Sent: Thursday, May 13, 2021 10:07 AM
To: [redacted]
Cc: [redacted]
Subject: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Good morning Chief Semple,

I am emailing to follow up on the field notice which was sent to Kasabonika Lake First Nation yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. I left a voicemail earlier this morning with Ida Morris at the Kasabonika Lake Band Office noting that we are looking for community insights to help inform the program. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Kasabonika Lake First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021. If you have any questions or comments about the program, please get in touch. If there is someone from Kasabonika Lake First Nation who would be better suited to answer these questions or provide some insight, please let me know and I can follow up with them directly.

Thanks,

Geneva Cloutis
On behalf of the Marten Falls First Nation All-Season Community Access Road

[redacted]

From: Cloutis, Geneva
Sent: Thursday, July 22, 2021 9:38 AM
To: [redacted]
Cc: [redacted]
Subject: Marten Falls First Nation Community Access Road - Discussion Guides
Attachments: Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf; MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf

Hello Chief Semple,

Thank you for speaking with me on the phone just now. As I mentioned during our conversation, we currently have three field programs that are scheduled to be taking place later in August for the Community Access Road. For each program, we have put together a discussion guide that provides a summary of the field work and provides some questions that we are looking for input on. We have PDF copies (which are attached to this email) as well as webpage versions that include a survey if you have any feedback to help inform the field programs.

Groundwater and Geochemistry Discussion Guide: link
Surface Water, Fish and Fish Habitat Discussion Guide: link
Vegetation, Physiography and Peatlands Discussion Guide: link

The date to provide feedback is next Saturday, July 31. If you have any questions, please feel free to give me a call at [redacted] or reply to this email.

Thank you,

Geneva Cloutis
On behalf of the Marten Falls First Nation Community Access Road Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner, IAP Canada
[redacted]

From: Cloutis, Geneva
Sent: Thursday, September 9, 2021 12:08 PM
To: [redacted]
Cc: [redacted] info@martenfallsaccessroad.ca
Subject: MFFN Community Access Road - Field Program Update

Good afternoon Chief Semple,

I am following up on the voice mail I left on your cell phone this afternoon about a couple of pieces of information that we have distributed to Kasabonika Lake First Nation about the Marten Falls First Nation Community Access Road.

Recently, we have sent out two field notices on upcoming field work and we are reaching out to provide information and seek feedback and/or questions you may have. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - The field program is anticipated to take place from September 10 until 19, 2021

- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd

  The field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

If you have any questions or would like to set up a call to discuss, please don't hesitate to reach out.

Sincerely,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Community Engagement and Consultation Practitioner, IAP Canada
[redacted]

B9.2 Incoming Community Specific Correspondence

From: Eno H. Anderson <[redacted]>
Sent: Monday, August 24, 2020 9:03 PM
To: info@martenfallsaccessroad.ca
Cc: [redacted]
Subject: Re: IK Study Memo

>Booshoo..don't see any attachments..resend.Thanks

From: Eno H. Anderson <[redacted]>
Sent: Wednesday, September 23, 2020 10:01 AM
To: Ross, Kathryn
Cc: [redacted]; info@martenfallsaccessroad.ca
Subject: [EXTERNAL] Re: MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

>GM.. Thank you for this opportunity we will try to provide our comments
by the due date..as we are dealing with this COVID 19 cases..here in Kasabonika..it is very difficult to respond effectively but we will try..Thank you for your understanding.

From: Knijnenburg, Ton <[redacted]>
Sent: Tuesday, September 29, 2020 7:18 AM
To: Ross, Kathryn
Subject: [EXTERNAL] Kasabonika Lake FN comments on MFFN Study Areas

Good morning Kathryn,
Would you mind giving me a call on the above noted?
Kasabonika reached out to me to pull the comments together but the timeframe (end of week) will not work.
Pls call me on the cell.
Thx!

Ton Knijnenburg, P.A.E.D.
Manager Consulting
BDO Canada LLP
[redacted]
www.bdo.ca

Before you print think about the environment

We've adapted to a new way of supporting you. The health and safety of our people, clients, and community is our top priority. Following guidance of government authorities, our local BDO office is now open at a limited capacity. In-person meetings may be scheduled by appointment only. Please contact your BDO representative to schedule an appointment. Many BDO partners and employees continue to work from home. Our teams operate effectively when working remotely, and will continue to deliver the highest level of service to our clients. Visit our website for COVID-19 related resources and updates for businesses. To update your commercial electronic message preferences, please go to our online subscription centre.

Nous avons adapté notre façon de vous soutenir. La santé et la sécurité de nos gens, de nos clients et de notre communauté demeurent notre priorité. À la lumière des directives des autorités gouvernementales, notre bureau local de BDO est maintenant rouvert, mais avec une capacité limitée. Pour les réunions en personne, il faut prendre rendez-vous. Veuillez communiquer avec votre représentant de BDO pour prévoir une rencontre. Bien des associés et des employés de BDO continuent de travailler à partir de leur domicile. Nos équipes travaillent à distance de manière efficace et continueront de fournir un service de la plus haute qualité à nos clients. Veuillez consulter les ressources et les mises à jour pour les entreprises en lien avec la COVID-19 qui sont mises à votre disposition sur notre site Web. Pour mettre à jour vos préférences en matière de messages électroniques, veuillez vous rendre au centre d'inscription en ligne.

The information contained in this communication is confidential and intended only for the use of those to whom it is addressed. If you have received this communication in error, please notify me by telephone (collect if necessary) and delete or destroy any copies of it. Thank you.

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BDO est la marque utilisée pour désigner le réseau BDO et chacune de ses sociétés membres.

From: [redacted]
Sent: Monday, December 14, 2020 6:02 PM
To: Ross, Kathryn
Cc: [redacted] Qasim Saddique; [redacted]'; Larissa Mikkelsen; Beaney, Jessalyn
Subject: [EXTERNAL] RE: Marten Falls All-Season Community Access Road ToR Review

>Booshoo..any land issues outstanding? i.e.Land claims

B9.3 ToR Comments Received / Responses



From: Eno H. Anderson
To: Ross, Kathryn
Cc: [redacted] Eno H. Anderson; Knijnenburg, Ton; Qasim Saddique; [redacted] Larissa Mikkelsen; Beaney, Jessalyn
Subject: [EXTERNAL] RE: Marten Falls All-Season Community Access Road ToR Review
Date: Monday, December 14, 2020 7:05:23 PM

>Booshoo..any land issues outstanding? i.e.Land claims

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Kasabonika Lake First Nation – December 14, 2020 (email)			
KasabFN-1	Any land issues outstanding (i.e. land claims)?	Marten Falls First Nation (MFFN) acknowledges the concerns of Kasabonika First Nation with respect to the status of the land and land claims. MFFN has been working with the provincial and federal agencies to identify any relevant land claims. As noted in Section 7.1.4.1 of the Terms of Reference (ToR), there are several outstanding federal land claims relevant to Ginoogaming and Eabametoong First Nations, and these have been identified in Table 7-2 of the ToR. At the time of preparing the ToR, there were no additional comprehensive or specific federal land claims in the vicinity of the Project. There were also no identified land claims with the Government of Ontario occurring in the preliminary study area (i.e., within 2.5 km of each side of the centreline of each alternative route). MFFN will continue to communicate with both provincial and federal agencies throughout the Environmental Assessment to identify any emerging land claims that may need to be considered (Section 9.1.1 of the ToR). In addition, MFFN requests that Kasabonika Lake First Nation share any information on potential future land claims relevant to the Project that becomes available as the Environmental Assessment proceeds.	Section 7.1.4.1, pg. 34 Section 7.1.4.1, Table 7-2, pg. 36 to 37 Section 9.1.1, pg. 77

B10. Kashechewan First Nation

D10.1 Outgoing Community Specific Correspondence



B10.1 Outgoing Community Specific Correspondence

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Co paway, Clayton <[redacted]> Thu, Oct 29, 2020 at 4:40 PM
To: [redacted]
Cc: Qasim Saddique [redacted], Larissa Mikkelsen [redacted], Jennifer Bruin [redacted]
Bcc: "Beaney, Jessalyn" [redacted], info@martenfallsaccessroad.ca

Dear Chief Friday,

Thank you for taking the time to speak with me and to let me know that you had not received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Clayton Coppaway

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Co paway, Clayton [redacted] Thu, Nov 5, 2020 at 2:19 PM
To: [redacted]
Cc: Qasim Saddique [redacted], Larissa Mikkelsen [redacted], Jennifer Bruin <[redacted]
Bcc: "Beaney, Jessalyn" [redacted]>, info@martenfallsaccessroad.ca

Dear Chief Friday,

I just want to follow up with you regarding the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. We just want to confirm whether these documents have been delivered to the community yet. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please let me know if they have arrived as soon as you are able.

Sincerely,
Clayton Coppaway

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton [redacted]> Fri, Nov 13, 2020 at 9:51 AM
To: [redacted]
Bcc: "Beaney, Jessalyn" [redacted]>, info@martenfallsaccessroad.ca

Dear Chief Friday,

I hope this email finds you well.

I just want to continue to follow up with you regarding the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project and if you have received them.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm receipt of these important documents as soon as you are able.

Sincerely,
Clayton Coppawa

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
[redacted]ca

Please consider the environment before printing this email

DILLON CONSULTING

Coppaway, Clayton [redacted]>

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton [redacted]> Thu, Nov 26, 2020 at 1:19 PM
To: [redacted]
Cc: Qasim Saddique <[redacted], Larissa Mikkelsen <[redacted]>, Jennifer [redacted]
[redacted]>
Bcc: info@martenfallsaccessroad.ca, "Beaney, Jessalyn" <[redacted]>

Dear Chief Friday,

I just tried calling the First Nation Administration office but there was no answer.

I hope that you are well. I just want to continue to follow up with you regarding the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project and if you have received them.

If you have received these documents, please ensure that they are made available, in an accessible location, for interested community members.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm receipt of these important documents as soon as you are able.

Sincerely,
Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

DILLON CONSULTING

Coppaway, Clayton [redacted]

Martern Falls Community Access Road Terms of Reference Follow up

1 message

Coppaway, Clayton [redacted] > Wed, Dec 9, 2020 at 4:29 PM
To: [redacted]
Cc: Qasim Saddique < [redacted] >, Jennifer Bruin [redacted], Larissa Mikkelsen [redacted] >
Bcc: info@martenfallsaccessroad.ca

Chief Friday,

I hope this email finds you and your community well and staying safe. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Kashechewan First Nation that you have received the Proposed ToR materials electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020.** If Kashechewan First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Clayton Coppaway
On behalf of the Marten Falls First Nation Community Access Road Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Martern Falls Community Access Road Terms of Reference Follow up

1 message

Coppaway, Clayton <[redacted]> Mon, Dec 14, 2020 at 3:16 PM
To: [redacted]
Cc: Qasim Saddique <[redacted]>, Jennifer Bruin <[redacted]>, Larissa Mikkelsen [redacted]>
Bcc: info@martenfallsaccessroad.ca

Chief Friday,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Kashechewan First Nation that you have received the Proposed ToR materials—electronic versions are also available here. **Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.**

I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020. If Kashechewan First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel [redacted]
Email [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Clayton Coppaway
On behalf of the Marten Falls First Nation Community Access Road Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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DILLON CONSULTING

Coppaway, Clayton [redacted]

MFFN CAR - IK Program Update

1 message

Coppaway, Clayton [redacted] Fri, Jan 22, 2021 at 11:34 AM
To: [redacted]
Cc: Qasim Saddique [redacted] Larissa Mikkelsen [redacted] Andrea Nokleby [redacted] Caroline Wrobel [redacted]
Bcc: [redacted]

Good Morning Chief Friday,

We hope this email finds you and your community well. We would like to share some additional information on the Indigenous Knowledge Program for the Marten Falls First Nation all-season Community Access Road Project.

Fact Sheets

Please find attached an Indigenous Knowledge (IK) Program Fact Sheet (translated in English, Ojibway, Oji-Cree and Cree). The fact sheets are also available on the Project website at: http://www.martenfallsaccessroad.ca/.

Aboriginal and Treaty Right and Interests Study Areas Update

The MFFN project Team shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August 2020. We have since received feedback on the preliminary study areas and updates have been made accordingly. Please find attached an update on the proposed Aboriginal and Treaty Rights and Interests Study Areas.

If your community has any relevant IK or information on Indigenous Land and Resource Use in the area of the Project that you would like to share to support the environmental assessment processes, we encourage you to reach out so that we can further discuss the IK Program with you. We are also available to answer any questions you may have on the IK Program or the materials provided here.

Kind regards,

Clayton Coppaway

On behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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5 attachments

MFFN CAR Project - IK Program Fact Sheet - English Version - Final January 2021.pdf
965K

MFFN CAR Project - IK Program Fact Sheet - Cree Version - Final January 2021.pdf
1162K

MFFN CAR Project - IK Program Fact Sheet - OjiCree Version - Final January 2021.pdf
973K

On Mon, Feb 8, 2021 at 3:31 PM Coppaway, Clayton <[redacted]> wrote:

Good Afternoon Chief Friday Sr.,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see attached letter regarding next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If Kashechewan First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]

[redacted]

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CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]

[redacted]
www.dillon.ca

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2021-02-05-MFFN Community Access Road Proposed ToR Letter Kashechewan First Nation.pdf
454K

February 8, 2021

[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Friday Sr.

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Kashechewan First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Kashechewan First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Clayton Coppaway, MFFN Project Consultant

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Co paway, Clayton [redacted]> Mon, Feb 22, 2021 at 12:33 PM
To: [redacted]
Cc: Qasim Saddique [redacted]>, Bob Baxter [redacted]>, Jackmoonias <[redacted]>, Larissa Mikkelsen [redacted]>, JenniferBruin [redacted]> Lawrence Baxter [redacted]>
Bcc: info@martenfallsaccessroad.ca

Good Morning Chief Friday,

I hope this email finds you well. I just called the band office and left a voicemail message. If you can please give me a call at your earliest convenience my cell number is 506-343-1306.

Alternatively, I would also be happy to give you a call at a convenient time for you, please just let me know an appropriate time and contact number.

In particular, I wanted to follow up with you to:

- Confirm you are getting our emails and attachments, including the most recent letter regarding the ToR extension (please see email string below and the attached letter from Feb 8, 2021);
- Whether Kashechewan First Nation intends to submit comments on the ToR for the MFFN CAR;
- Do you have any questions, concerns, or comments on the MFFN Community Access Road (CAR) Project; and,
- Is Kashechewan First Nation interested in meeting with the MFFN CAR Project Team?

Sincerely,
Clayton Coppaway

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]

the environment before printing this email

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Coppaway, Clayton <[redacted]>

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton <[redacted]> Thu, Mar 11, 2021 at 1:07 PM
To: [redacted]
Cc: Qasim Saddique <[redacted]>, Bob Baxter [redacted]>, Jackmoonias [redacted]>, Larissa Mikkelsen [redacted]>, JenniferBruin [redacted],
Lawrence Baxter <[redacted]>
Bcc: info@martenfallsaccessroad.ca

Good Morning Chief Friday,

I just called the band office but there was no answer.

I wanted to follow up with you regarding the Marten Falls First Nation (MFFN) Community Access Road (CAR) Project Environmental Assessment Terms of Reference review period. In particular we would be interested to know:

- Confirm you are getting our emails and attachments, including the most recent letter regarding the ToR extension (please see email string below and the attached letter from Feb 8, 2021);
- Whether Kashechewan First Nation intends to submit comments on the ToR for the MFFN CAR;
- Do you have any questions, concerns, or comments on the MFFN Community Access Road (CAR) Project; and,
- Is Kashechewan First Nation interested in meeting with the MFFN CAR Project Team?

If you can please give me a call at your earliest convenience my cell number is 506-343-1306. I would also be happy to give you a call at a convenient time for you, please just let me know an appropriate time and contact number.

Sincerely,
Clayton Coppaway
On Behalf of the MFFN CAR Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton <[redacted]> Fri, Mar 12, 2021 at 10:38 AM
To: [redacted]
Cc: Qasim Saddique [redacted]>, Bob Baxter [redacted]>, Jackmoonias <[redacted]>, Larissa Mikkelsen [redacted]>, Jennifer Bruin [redacted]>, Lawrence Baxter [redacted]>, [redacted]
Bcc: info@martenfallsaccessroad.ca

Good Morning Chief Friday,

In addition to my email yesterday, I also wanted to pass along updated information for the Ontario Ministry of Environment, Conservation, and Parks (MECP).

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]

Sincerely,
Clayton Coppaway
On behalf of the MFFN Project Team.

DILLON CONSULTING

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Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton [redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton [redacted] Thu, Mar 25, 2021 at 11:15 AM
To: [redacted]

Bcc: info@martenfallsaccessroad.ca

Good Morning Chief Friday,

Thank you for taking my call this morning and for confirming your email address. As requested, please see below for the information I called to speak with you about.

If you can kindly reply to this email to confirm you received it I would be very appreciative.

I wanted to follow up with you regarding the Marten Falls First Nation (MFFN) Community Access Road (CAR) Project Environmental Assessment Terms of Reference (ToR) review period. In particular we would be interested to know:

- Whether Kashechewan First Nation intends to submit comments on the ToR for the MFFN CAR;
- Do you have any questions, concerns, or comments on the MFFN CAR Project; and,
- Is Kashechewan First Nation interested in meeting with the MFFN CAR Project Team?

If Kashechewan First Nation would like to submit comments on the MFFN CAR ToR you can do so directly to:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Sincerely,
Clayton Coppaway
On Behalf of the MFFN CAR Project Team

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Platinum member

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Associate
Dillon Consulting Limited
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Coppaway, Clayton [redacted]>

MFFN Community Access Road Project - 2021 Summer Field Program Discussion Guides

1 message

Coppaway, Clayton [redacted]
To: [redacted]
Cc: Jessica Metuzals [redacted]>

Thu, Jul 22, 2021 at 9:38 AM

Chief Friday,

For your awareness and input, the MFFN CAR Project has distributed discussion guides to Indigenous communities regarding our summer field studies These studies are anticipated to begin in August 2021 We have provided links and attached pdf copies of the discussion guides below.

If you would like to provide feedback on these field studies, we kindly request you do so by July 31, 2021. Please let us know if you have any questions or if you will be providing comments on these field studies

.

These field programs include

- Groundwater and Geochemistry Field Study - Groundwater and Geochemistry Summer Program Di cu ion Guide 2021 (Distributed June 25, 2021)
- Surface water, fish and fish habitat Field Study - Surface Water, Fish and Fish Habitat Discussion Guide – (distributed Friday, July 9, 2021)
- Vegetation, Physiography and Peatlands Field Study - Vegetation, Physiography and Peatlands Discussion Guide (distributed Friday, July 16, 2021)

If you have any questions, comments, or concerns, please do not hesitate to let us know

Sincerely,
Clayton Coppaway

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

[redacted]

3 attachments

Groundwater and Geochemi try Summer Program Di cu ion Guide 2021 06 25 pdf
3008K

MFFN CAR Vegetation Phy iography Peatland Di cu ion Guide July 2021 pdf
4770K

MFFN CAR Surface Water Fi h and Fi h Habitat Di cu ion Guide July 2021 pdf
8563K

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Coppaway, Clayton [redacted]

MFFN Community Access Road (CAR) Project - Field Study Outreach

1 message

Coppaway, Clayton <[redacted] Thu, Sep 9, 2021 at 1:25 PM
To: [redacted]
Bcc: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>

Dear Chief Wesley,

My name is Clayton Coppaway and I am reaching out on behalf of the Marten Falls First Nation (MFFN) regarding their Community Access Road (CAR) Project (www.martenfallsaccessroad.ca). I am your primary contact for the Project and can be reached via email ([redacted] or via mobile telephone at ([redacted]. You can also email our Project email address at info@martenfallsaccessroad.ca.

For the last few years we have been engaging and consulting with Indigenous communities, like Kashechewan First Nation, about this important community-led project. For Kashechewan First Nation, our primary contact has been the Chief with whom we would provide regular Project information and updates.

I have updated our community contact information with your email address and can also add others who may be supporting you now or in the future. Please do not hesitate to let me know if there are others we should also be sending this information to as well.

Recently, we have sent out some notices on our field study programs and we are reaching out to provide information and seek feedback and/or questions you may have about these important field study programs. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - Field program is anticipated to take place from September 10 until 19, 2021
- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd
  - Field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website - link and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

Again please do not hesitate to contact me if you have any questions or concerns.

Sincerely,
Clayton Coppaway
On behalf of the MFFN CAR Project Team

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BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

B11. Kingfisher Lake First Nation

B11.1 Outgoing Community Specific Correspondence
B11.2 Incoming Community Specific Correspondence



B11.1 Outgoing Community Specific Correspondence

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Coppaway, Clayton <[redacted]>

MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

1 message

Coppaway, Clayton <[redacted]> Tue, Sep 22, 2020 at 1:56 PM
To: Eddie Mamakwa <[redacted]>, [redacted]
Cc: Larissa Mikkelsen <[redacted]>, Bob Baxter <[redacted]>

Dear Chief Mamakwa,

We are writing to follow up on our August 25, 2020 email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We are seeking your review and comments by September 25, 2020.

Please find attached the Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo and the Geographical Information Systems (GIS) shapefiles and KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,
The Marten Falls First Nation Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
[redacted]
www.dillon.ca

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-----Original Message-----
From: info@martenfallsaccessroad.ca [mailto:info@martenfallsaccessroad.ca]
Sent: August 25, 2020 2:45 PM
To: e[redacted]
Cc: [redacted]
Subject: Re: IK Study Memo

Good Afternoon Chief Mamakwa,

The attached memo provides information on the proposed Study Areas for the Aboriginal and Treaty Rights and Interests valued component for your review and comment. We welcome any comments you may have on the proposed Study Areas by September 25, 2020. We are also available to answer any questions on the information in the memo.

Kind regards,
MFFN Project Team

> Good Afternoon Chief Mamakwa,
>
> We hope this email finds you and your community well.
>

> An important part of the assessment processes for the Marten Falls
> First Nation all-season Community Access Road (the Project) is
> collecting Indigenous Knowledge (IK), community knowledge and
> information on Indigenous land and resource use. This important and
> valuable information helps us to understand baseline (existing)
> conditions and the potential effects of the Project, and to determine
> appropriate impact management and monitoring measures.
>
> We are currently working on defining the Study Areas (Local and
> Regional) for the Aboriginal and Treaty Rights and Interest valued
> component of the assessment processes. The Study Areas will also
> inform the IK and Indigenous Land and Resource Use Studies that will
> be completed by some communities in the vicinity of the Project area.
> The attached memo provides information on the proposed Study Areas for
> this valued component and the Studies. We welcome any comments you may
> have on the proposed Study Areas by September 25, 2020. We are also
> are available to answer any questions on the information in the memo.
>
> Kind regards,
>
> MFFN Project Team
>

---

3 attachments

MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-KMZ.zip
802K

MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-SHP.zip
594K

MFFN CAR - Preliminary Rights and Interests Study Areas Memo - Final (1).pdf
3242K

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Coppaway, Clayton <[redacted]>

Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton <[redacted]> Tue, Oct 27, 2020 at 6:01 PM
To: [redacted]
Cc: [redacted],
Jennifer Bruin <j[redacted]
Bcc: "[redacted], info@martenfallsaccessroad.ca

Dear Chief Sainnawap,

It was a pleasure to speak with you today. As I mentioned, I just wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,
Clayton Coppaway

DILLON CONSULTING

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Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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---------- Forwarded message ----------
From: info@martenfallsaccessroad.ca
To: [redacted]
Cc: [redacted]
Bcc:
Date: Fri, 23 Oct 2020 10:46:28 -0400
Subject: RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Sainnawap,

Marten Falls First Nation has submitted the Proposed Terms of Reference for the Community Access Road Project (the Project) to the Ministry of Environment, Conservation and Parks for review and decision by the Minister. The proposed Project is a multi-purpose, all-season community access road that will connect Marten Falls First Nation community to the Ontario provincial highway network.

Please find attached the Notice of Submission of Terms of Reference, Memo from the MECP and Acknowledgement of Receipt of Terms of Reference Form. To view the Proposed Terms of Reference and other supporting documents, including the full Record of Consultation, please visit: http://www.martenfallsaccessroad.ca/tor/. Marten Falls First Nation acknowledges there may be concerns associated with ability to review the documentation due to COVID-19. Understanding these concerns, the Terms of Reference will be available for a for a 60-day review period, instead of the legislatively mandated 30-day comment period, and if hard copies or USBs are needed, they are available upon request.

A hard copy ToR and two USBs were placed in the mail on October 15 for delivery in-community to Chief Lott Sainnawap. We have been informed by Canada Post that your package is expected to arrive on October 26, 2020. We suggest you check for a delivery soon. Please let us know if you have any trouble receiving the package.

Sincerely,

The Marten Falls First Nation Community Access Road Project Team

---

4 attachments

NOT_2020-10-08-NoticeOfSubmission-ToR_60593122 (4).pdf
388K

ToR-03b Memo to Aboriginal - ToR Distribution Marten Falls-Oct 23-20 (2).pdf
184K

ToR-04 Acknowledgement of Receipt of ToR - Aboriginal (1).docx
28K

Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference (1).eml
826K

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Martern Falls Community Access Road Terms of Reference Follow up

1 message

On Wed, Dec 9, 2020 at 4:47 PM Coppaway, Clayton <[redacted]> wrote:

> Chief Sainnawap,

I hope this email finds you and your community well and staying safe. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Kingfisher Lake First Nation has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**.

If Kingfisher Lake First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,
Clayton Coppaway
On behalf of the Marten Falls First Nation Community Access Road Project Team

DILLON CONSULTING
CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

Coppaway, Clayton <[redacted]>

Re: Martern Falls Community Access Road Terms of Reference Follow up

1 message

Coppaway, Clayton [redacted]> Mon, Dec 14, 2020 at 3:20 PM
To: [redacted]
Cc: Qasim Saddique [redacted]>, Jennifer Bruin [redacted]>, Larissa Mikkelsen [redacted]

Chief Sainnawap,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If Kingfisher Lake First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

> Sasha McLeod and Shannon Gauthier
> Special Project Officer and Project Officer
> Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
> 135 St. Clair Avenue West, 1st Floor
> Toronto, ON M4V 1P5
> Tel: 416-268-5984 / 416-258-8215
> Email: sasha.mcleod@ontario.ca and shannon.gauthier@ontario.ca

We look forward to your input and value your feedback.

Kind regards,

Clayton Coppaway
On behalf of the Marten Falls First Nation Community Access Road Project Team

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFFN CAR - IK Program Update

1 message

Coppaway, Clayton <c[redacted]> Fri, Jan 22, 2021 at 11:34 AM
To: [redacted]
Cc: Christopher Johnson <[redacted], Qasim Saddique [redacted],
Larissa Mikkelsen <[redacted]>, Andrea Nokleby <[redacted]>, Caroline Wrobel <c[redacted]
Bcc: info@martenfallsaccessroad.ca

Good Morning Chief Sainnawap,

We hope this email finds you and your community well. We would like to share some additional information on the Indigenous Knowledge Program for the Marten Falls First Nation all-season Community Access Road Project.

Fact Sheets

Please find attached an Indigenous Knowledge (IK) Program Fact Sheet (translated in English, Ojibway, Oji-Cree and Cree). The fact sheets are also available on the Project website at: http://www.martenfallsaccessroad.ca/.

Aboriginal and Treaty Right and Interests Study Areas Update

The MFFN project Team shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August 2020. We have since received feedback on the preliminary study areas and updates have been made accordingly. Please find attached an update on the proposed Aboriginal and Treaty Rights and Interests Study Areas.

If your community has any relevant IK or information on Indigenous Land and Resource Use in the area of the Project that you would like to share to support the environmental assessment processes, we encourage you to reach out so that we can further discuss the IK Program with you. We are also available to answer any questions you may have on the IK Program or the materials provided here.

Going forward, please feel free to contact Christopher Johnson ([redacted]) should you have any questions, concerns, or are interested in meeting to discuss the Project.

Kind regards,

Clayton Coppaway and Christopher Johnson,

On behalf of the MFFN Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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5 attachments

MFFN CAR Project - IK Program Fact Sheet - Cree Version - Final January 2021.pdf
1162K

MFFN CAR Project - IK Program Fact Sheet - OjiCree Version - Final January 2021.pdf
973K

[redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

[redacted] Mon, Feb 8, 2021 at 6:52 PM
To: [redacted]
Cc: [redacted]

Good morning Chief Sainnawap,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see the attached letter regarding the next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If Kingfisher Lake First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

[redacted]
On behalf of the MFFN Community Access Road Project Team

--

DILLON CONSULTING
CANADA BEST MANAGED COMPANIES
Platinum member
[redacted]
Dillon Consulting Limited
[redacted]
www.dillon.ca

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2021-02-08-MFFN Community Access Road ToR Letter KINGFISHER LAKE .pdf
592K

DILLON CONSULTING

Johnson, Christopher <[redacted]a>

MFFN Community Access Road Proposed Terms of Reference – Comments

[redacted] Mon, Feb 22, 2021 at 3:46 PM
To: [redacted]
Cc: [redacted]

Hello Chief Sainnawap,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. I'm sending this email in follow up to a voicemail left on Feb. 22, 2021, regarding an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. Our team is interested in knowing whether you have received our letter sent on Feb. 8, 2021, and if you have any questions or comments you'd like to share with the project team. If so please feel free to contact us.

Have a great day,
[redacted]
On behalf of the MFFN Community Access Road Project Team
[Quoted text hidden]

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Johnson, Christopher <[redacted]>

Marten Falls Community Access Road Follow Up - March 11, 2021 (Kingfisher Lake First Nation)

Johnson, Christopher <[redacted]> Thu, Mar 11, 2021 at 3:43 PM
To: [redacted]
Cc: [redacted], "Beaney, Jessalyn" <J[redacted]>
Bcc: info@martenfallsaccessroad.ca

Hello Chief Lott,

Thank you so much for taking time out of your day to speak with me. The project team appreciates you taking the time to review the Terms of Reference and from our understanding of today's conversation, we acknowledge that Kingfisher Lake First Nation has no further comments to make on the Terms of Reference. However, I would like to note that the deadline to provide comments is March 31, 2021, if you choose to change your decision. Apart from the deadline the project team is always open to discussion or questions.

Thank You,
Chris Johnson

On behalf of the MFFN Community Access Road Project Team

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Christopher Johnson
Dillon Consulting Limited
[redacted]
www.dillon.ca

B11.2 Incoming Community Specific Correspondence

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Lott Sainnawap <[redacted]> Wed, Oct 28, 2020 at 10:58 AM
To: "Coppaway, Clayton" <[redacted]>
Cc: [redacted], Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]>, Jennifer Bruin [redacted]>

Good morning Clayton,

After our telephone call yesterday, I noticed a box on a chair in my office and when I checked it, it was the package that was sent up. I am confirming receipt of the package and will read it when I get a chance. I will make it available for anyone.

Thanks

Lott Sainnawap

B12. Kitchenuhmaykoosib Inniuwug First Nation

B12.1 Outgoing Community Specific Correspondence
B12.2 Incoming Community Specific Correspondence
B12.3 ToR Comments Received / Responses



B12.1 Outgoing Community Specific Correspondence

From: Ross, Kathryn
Sent: Monday, September 14, 2020 1:04 PM
To: [redacted]
Cc: [redacted]
Subject: MFFN CAR - Terms of Reference

Good afternoon,

The Marten Falls First Nation Community Access Road is getting ready to distribute copies of the Terms of Reference. Can you please confirm that we have the correct mailing address for hard copy and email addresses for digital copies?

Kitchenuhmaykoosib Inninuwug First Nation	Chief Donald Morris Jacob Ostaman Steven Chapman Secretary	[redacted]	[redacted]	[redacted]

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

Vacation Alert: September 17 - 22

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Thursday, September 24, 2020 3:43 PM
To: [redacted]
Cc: [redacted]
Subject: RE: [EXTERNAL] Re: MFFN CAR - Terms of Reference

Dear Chief Morris,
Thank you for sending the recent letter to Marten Falls First Nation dated September 10, 2020. A response letter is currently being drafted.
In follow-up to the separate email (see below) received from Steven Chapman indicating that you do not want a copy of the Marten Falls First Nation Community Access Road Terms of Reference, can you please confirm this is KI's preference? As part of the Environmental Assessment process and directed by the Ministry of the Environment, Conservation and Parks, Marten Falls First Nation is required to consult with KI on the Terms of Reference and at minimum must provide notices and key document to each community we consult. Please confirm if KI is declining the opportunity to review and provide input to the Terms of Reference.
If we do not receive confirmation we will be sending the Terms of Reference to the contact information below for hard copy / digital copies. If information has changed, please let me know.

Kitchenuhmaykoosib Inninuwug First Nation	Chief Donald Morris Jacob Ostaman Steven Chapman Secretary	[redacted]	[redacted]	[redacted]

Marten Falls First Nation will continue to keep KI updated on Project information, and would be happy to schedule a meeting to discuss the information provided in the Terms of Reference. Please let me know if this would be of value to KI.
Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: info@martenfallsaccessroad.ca
Sent: Monday, October 19, 2020 3:17 PM
To: [redacted]
Cc: [redacted]; [redacted] Ross, Kathryn
Subject: [EXTERNAL] Response Letter: Marten Falls First Nation Community Access Road
Attachments: L-2020-10-19-MFFN CAR Letter to Kitchenuhmaykoosib Innunuwug-60593122.pdf; L-2020-10-19- KI First Nation- MOU Ontario and MFFN-60593122-sm.pdf

Good afternoon Chief Donny Morris,

Please see attached response letter to the September 10, 2020 letter we received re: Marten Falls First Nation Community Access Road, Webequie Supply Road and the proposed Northern Link Road.

The Memorandum of Understanding between Ontario and Marten Falls First Nation is also attached.

Sincerely,

The MFFN Community Access Road Project Team

October 19, 2020

Chief Donny Morris
Kitchenuhmaykoosib Inninuwug First Nation
[redacted]

Sent via email

Re: Marten Falls First Nation Community Access Road, Webequie Supply Road and the proposed Northern Link Road

Dear Chief Donny Morris,

Thank you for your September 10, 2020 letter requesting that Marten Falls First Nation (MFFN) pause the provincial Environmental Assessment (EA) to negotiate a regional governance with Canada and Ontario. We understand your concerns and recognize that it can be difficult to engage on Project-related matters during this time.

We recognize that this Project is just one component of the development that is taking place across the region. While we understand that future developments may occur following the completion of these roads, the focus of our Project is solely on the MFFN Community Access Road. In the event of future development in the region, there will likely be new opportunities to work with other proponents to help ensure your concerns can be addressed.

Regarding your comments about Project impacts on caribou, they are being considered in the EA process. We acknowledge and respect the importance of caribou to many communities in the region, and are considering them as a unique Valued Component (VC) for this Project because of their significance. As part of the EA, targeted caribou surveys will be conducted within a portion of the Missisa range. Final details of this survey program will be determined in consultation with provincial and federal regulators. These surveys will provide information on existing caribou use of the Project area and will help us understand potential effects of the Project on caribou population, habitat use and movement within the study area. MFFN will continue to share information on caribou and migration as it relates to the Project on an ongoing basis. If you have more specific questions or concerns about the impacts on caribou, you can let us know at any time or we can schedule a call to discuss your specific concerns.

There will be several opportunities throughout the process to provide input, information and knowledge about caribou in the region to better inform the effects assessment of the Project.

We recognize Kitchenuhmaykoosib Inninuwug's request to engage in government to government decision making with other Treaty 9 Nations for the purposes of regional governance negotiations. However, these discussions require conversations with Canada and Ontario, since the focus of this Project is on the MFFN Community Access Road. Regional governance negotiations are outside the scope of what MFFN is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.

We also understand you are experiencing challenges in gathering Elders and Knowledge Holders to review Project-related information as a result of COVID-19. We understand these challenges—we have similar issues within our own community—and are taking the lead from communities in terms of their interest in scheduling online meetings or conference calls to safely conduct engagement activities during the pandemic. In the face of COVID-19, we are no longer holding face-to-face meetings and have been reassessing our approach to consultation and engagement as the situation evolves. Related to this, to support the EA engagement program, we are looking to hire local Community Consultation Coordinators (CCC) who would assist us with virtual and social distanced in-community engagement and consultation activities. We would be pleased to discuss the potential for a CCC in your community.

Some communities have been able to continue to participate in the Project by using online and phone-in methods, at this time particularly for the Indigenous Knowledge Program. We would also like to follow-up in regard to Kitchenuhmaykoosib Inninuwug's interest in the Indigenous Knowledge Program. We have experience engaging with communities using a variety of tools and approaches and would be happy to discuss with you how to best host discussions moving forward. We look forward to future discussions to determine the safest and most appropriate way to engage the Kitchenuhmaykoosib Inninuwug community on the Project.

Moving forward with the Project, we anticipate that the Terms of Reference (ToR) will be submitted to the Minister of the Environment, Conservation and Parks (MECP) this fall. We understand and note your concerns around the inability to fully participate in the consultation process due to COVID-19. Understanding these concerns and in support of similar requests to extend the comment period throughout the Project, MFFN voluntarily offered the ToR to be available for an extended period. The ToR will be available for a 60-day review period instead of the legislatively mandated 30-day comment period.

The ToR will provide more detailed information on the EA process which should provide greater clarity on some questions the community may have on the process, including EA, baseline studies including

caribou, proposed consultation / engagement activities and timing. We welcome your input and feedback on the ToR and the MFFN Project Team is available to discuss any concerns or feedback. We also want to assure that if the ToR receives approval from the MECP, there will be further opportunities throughout the EA to provide input and comments.

In January of this year, MFFN (the Proponent) and the Province of Ontario signed a Memorandum of Understanding (MOU) detailing some procedural aspects of Ontario's Duty to Consult delegated to the Proponent. The MOU sets out how responsibilities are shared throughout the EA process and defines roles and responsibilities of both parties regarding engagement of interested Indigenous communities. The signed MOU is attached for your information. Although the Proponent has entered into an MOU with the Province, there is also the federal impact assessment process taking place simultaneously. MFFN as the Proponent does not hold the authority to extend or pause the Agency's comment period, since this process is separate from the EA being undertaken by the Province. As well, despite the fact that some procedural elements of consultation have been delegated to the Proponent, the Duty to Consult ultimately falls to the Crown.

As the process continues to move forward, the Agency will be conducting their own engagement and consultation separate from the Proponent-led process. Questions on the specifics of this process should be directed to the Agency so they can provide you with the most accurate and up-to-date information.

In closing – thank you for your letter. If you have any questions or would like to arrange a time to discuss the provided information provided, please feel free to reach out to Lawrence Baxter, Senior Community Member Advisor, MFFN or Qasim Saddique, Project Director at info@martenfallsaccessroad.ca.

Sincerely,

[redacted]

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC Jacob Ostaman, Kitchenuhmaykoosib Inninuwug
Bob Baxter, MFFN Community Member Advisor

Lawrence Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, MFFN Project Team
Qasim Saddique, MFFN Project Team
Jennifer Bruin, MFFN Project Team
Kathryn Ross, MFFN Project Consultant
Lori Churchill, Ministry of Energy, Northern Development and Mines

Encl. Memorandum of Understanding (MOU) between MFFN and the Province of Ontario signed January 7, 2020

MEMORANDUM OF UNDERSTANDING

between

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
AS REPRESENTED BY
THE MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS ("MECP")
AND
THE MINISTRY OF ENERGY, NORTHERN DEVELOPMENT AND MINES ("ENDM")

and

MARTEN FALLS FIRST NATION (the "Proponent")

(together, the "**Parties**")

WHEREAS the Proponent intends to submit an application for approval to proceed with a road project under the *Environmental Assessment Act*, R.S.O. 1990, c. E.18 (the "EAA");

WHEREAS the Parties wish to work together to share responsibilities regarding the procedural aspects of Ontario's duty to consult in the context of the environmental assessment for the Project;

AND WHEREAS the Parties wish to delineate clear roles and responsibilities with respect to the consultation process on the environmental assessment for the Project, including the procedural aspects of Ontario's duty to consult;

NOW THEREFORE the Parties agree as follows:

1. In this Memorandum of Understanding ("MOU"), the following terms have the meanings set out below.

    (a) "**Aboriginal Communities**" means the First Nations and Métis organization identified in Schedule "A" to this MOU and any other communities or organizations that may be subsequently identified;

    (b) "**Duty**" means the constitutional duty to consult and, where appropriate, accommodate, which Ontario may owe to Aboriginal Communities with respect to the environmental assessment for the Project; and

    (c) "**Project**" means the proposed Marten Falls Community Access Road Project, as subject to Part II of the EAA, for which Marten Falls First Nation is the Proponent.

(d) "**Statutory Consultation**" means the consultation obligations the Proponent owes to all interested persons in relation to the terms of reference and environmental assessment applications, as required by section 5.1 of the EAA.

2. The Parties acknowledge that:

   (a) Ontario is responsible for satisfying any Duty that it may owe in relation to the Project and, in meeting that Duty, may delegate procedural aspects of consultation to proponents;

   (b) Ontario may rely on Statutory Consultation processes in fulfilling the Duty; and

   (c) Marten Falls First Nation is responsible for carrying out Statutory Consultation in respect of the Project in accordance with the EAA and will consult with the Aboriginal Communities for that purpose.

3. Schedule "B" to this MOU sets out the respective roles and responsibilities of the Parties in carrying out procedural or substantive elements of the Duty. For greater certainty, the roles and responsibilities for Ontario include both substantive and procedural aspects of the Duty. The Proponent's roles and responsibilities are limited to procedural aspects of consultation.

4. This MOU contemplates actions that MECP and ENDM anticipate may be required to meet the Duty but additional activities may be required and Schedule "B" should not be taken as an exhaustive list.

5. This MOU may be amended, as follows:

   a) The body of this MOU and Schedule "B" may be amended in writing at any time by agreement of the Parties;

   b) If activities not described in Schedule "B" are identified in the course of the environmental assessment for the Project, the Parties' roles and responsibilities related to those activities and any necessary amendments to Schedule "B" will be discussed and agreed upon by the Parties; and

   c) Schedule "A" may be amended in writing at any time by MECP or ENDM.

6. This MOU shall not be taken as agreement that the matters set out herein are mandatory components of the Duty in all circumstances.

7. This MOU shall take effect from the date that it is signed by the Parties and continue until it is terminated in writing by any of the Parties by providing 30 days notice in writing, or upon the agreement of the Parties.

Dated this 7TH day of JANUARY, 2020.

MARTEN FALLS FIRST NATION

[redacted]

Chief Ambrose Achneepineskum

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, as represented by

The Ministry of the Environment, Conservation and Parks

Per: [redacted]
Assistant Deputy Minister Sarah Paul

And

The Ministry of Energy, Northern Development and Mines

Per: [redacted]
Assistant Deputy Minister Susan Capling

SCHEDULE A - List of potentially affected and/or interested Aboriginal communities identified by Ontario for consultation on the environmental assessment for the Marten Falls Community Access Road Project

Based on the information Marten Falls First Nation has provided to date about the Project, the potential effects on the environment, and Ontario's current understanding of Aboriginal and treaty rights in the area, Ontario has concluded that there may be adverse impacts to the constitutionally protected rights of a number of Aboriginal communities, and that other Aboriginal communities may be interested in the environmental effects of the Project. These Aboriginal communities are set out below. This list of potentially affected and/or interested communities is subject to change as new information becomes available and/or there are changes to the scope of the Project.

Aboriginal communities who should be consulted on the basis that they have or may have constitutionally protected Aboriginal or treaty rights that may be adversely impacted by the Project are:

- Aroland First Nation
- Attawapiskat First Nation
- Constance Lake First Nation
- Eabametoong First Nation
- Fort Albany First Nation
- Ginoogaming First Nation
- Kasabonika Lake First Nation
- Kashechewan First Nation
- Kingfisher Lake First Nation
- Kitchenuhmaykoosib Inninuwug (KI)
- Marten Falls First Nation
- Neskantaga First Nation
- Nibinamik First Nation
- Wapekeka First Nation
- Wawakapewin First Nation
- Weenusk First Nation
- Webequie First Nation
- Wunnumin Lake First Nation

Aboriginal communities and organizations who should be consulted on the basis that they may be interested in the Project are:

- Animbiiggoo-Zaaag'igan Anishinaabek (AZA)
- Long Lake #58 First Nation
- Métis Nation of Ontario Region 2
- Red Sky Métis Independent Nation

SCHEDULE B – How Roles and Responsibilities Will be Shared for the Duty to Consult for the Marten Falls Community Access Road Environmental Assessment[1]

ROLES AND RESPONSIBILITIES (ONTARIO – MECP and ENDM)[2]	ROLES AND RESPONSIBILITIES (PROPONENT – Marten Falls First Nation)
1. Consultation Planning and Notification	
• Advises the Proponent and Aboriginal Communities of its determination as to whether the Duty arises in relation to the Project and to whom it is owed, delineates clear roles and responsibilities for consultation, and provides additional direction throughout the process • Communicates to Aboriginal Communities whether it has delegated procedural aspects of consultation and/or to clarify roles and responsibilities • Notifies the Proponent and any relevant Aboriginal Communities if there are changes to the list of Aboriginal Communities that should be consulted with on the basis that they have established or credible asserted constitutionally protected Aboriginal or treaty rights that may be impacted by the Project • Reviews and provides input to Proponent Aboriginal consultation plans for the preparation of the terms of reference and environmental assessment, including whether responsibilities related to the Duty are reflected • Reviews notices required under the Environmental Assessment Act and provides guidance to the Proponent on appropriate distribution (MECP) • Addresses funding and other support requests from Aboriginal Communities referred by the Proponent (ENDM)	• Works with Ontario to delineate clear roles and responsibilities for consultation as set out in this MOU • Prepares Aboriginal consultation plans for the preparation of the terms of reference and the environmental assessment and submits to Ontario for review. The consultation plan for the environmental assessment must be submitted as part of the Final Terms of Reference. Consultation plans must include: o Outline of how the Proponent will meet consultation milestones required as part of that phase of Ontario's environmental assessment process (statutory requirements) o Outline of how the Proponent will meet responsibilities outlined in this MOU o Acknowledgement and discussion of how any community consultation protocols, if provided, have been incorporated, as appropriate o Timetable for completion of all responsibilities • During the consultation process, considers whether separate engagement plans for each community should be developed in consultation with the Aboriginal Communities • Refers any requests for financial or other support received from Aboriginal Communities to Ontario • Drafts notices associated with the environmental assessment process (e.g., Notice of Commencement of Terms of Reference) for MECP review, and the Proponent circulates with input from Ontario on appropriate distribution • Provides Aboriginal Communities with timely notice of the Project (e.g., notices required under the Environmental Assessment Act)

[1] Ontario notes that consultation conducted during the environmental assessment process may include information that relates to future permits and authorizations related to the Project. Information gathered during consultation throughout the environmental assessment may therefore be considered by Ontario to inform those future permits and authorizations.

[2] Unless specified Ontario responsibilities are shared across MECP, ENDM, and where appropriate other ministries. Where a specific ministry is expected to take the lead, the name is indicated in brackets.

	• Provides copies of environmental assessment related documents to Aboriginal Communities for review and comment, including the terms of reference, environmental assessment and other documents for which the Proponent is seeking input from Aboriginal Communities (e.g. criteria and indicators, supplemental technical analyses, integration of Indigenous knowledge, comment-response tables) • Requests acknowledgement of receipt of all statutory notices from Aboriginal Communities (including the notice of submission of final terms of reference, notice of commencement of environmental assessment, and notice of submission of final environmental assessment), and follows up with Aboriginal Communities to confirm receipt if acknowledgement is not received (and maintains a record of these communications)
2. Undertaking Consultation Activities, including Issues Resolution and Follow-up	
• Works with the Proponent to coordinate consultation activities and identify appropriate times for Ontario's participation in Proponent-led activities with the goals of ensuring meaningful consultation and to avoid duplication of effort by Aboriginal Communities, the Proponent, and Ontario (e.g., coordination through biweekly calls) • Supports Proponent-led consultation activities throughout the environmental assessment process to: o Explain the regulatory and approvals processes that apply to the Project to Aboriginal Communities and to answer technical questions o Clarify roles and responsibilities related to the Duty o Facilitate relationship building, and identify and address issues that come up during consultation activities that are outside of the scope of the environmental assessment process for the proposed Project o Discuss concerns raised by Aboriginal Communities about potential adverse impacts of the Project on Aboriginal and treaty rights and where appropriate accommodate potential impacts o Provide oversight and advice to the Proponent relating to any assertions raised over the course of consultation activities, including ongoing assessment of depth of consultation • Provides ongoing oversight of Proponent-led consultation activities (e.g, through bi-weekly calls)	• Works with MECP and ENDM to coordinate consultation activities and identify appropriate times for Ontario participation in Proponent-led activities with the goals of ensuring meaningful consultation and to avoid duplication of effort by Aboriginal Communities, the Proponent, and Ontario (e.g., coordination through biweekly calls) • Leads the procedural aspects of consultation activities with Aboriginal communities, including Marten Falls, throughout the environmental assessment process to: o Provide Aboriginal Communities with information about the Project o Explain the role the Proponent will have in consultation related to the Duty o Seeks and documents concerns provided by Aboriginal Communities about potential adverse impacts the Project may have including on Aboriginal or treaty rights o Invites Aboriginal Communities to share Indigenous Knowledge or information about traditional land use that may be impacted by the Project o Seek input on measures to avoid, mitigate, or offset potential impacts to Aboriginal or treaty rights o Provide opportunity for Aboriginal Communities to discuss the Project design, mitigation strategies, monitoring and adaptive management plans • Prepares materials in plain language, and arranges for translation, if required, sets up meetings with Aboriginal Communities, arranges logistics for Proponent-led activities

• Is available to review environmental assessment consultation related materials, dates and timing of distribution of materials. Review of materials is to be determined on an as needed basis • Responds to requests related to financial or other support in a timely manner, including capacity funding, for participation in the consultation process and the environmental assessment process (ENDM) • Conducts own consultation activities with Aboriginal Communities to identify and address concerns Aboriginal Communities may have about potential impacts to Aboriginal or treaty rights, based on requests from Aboriginal Communities and/or the Proponent, or as determined necessary by Ontario o Any support required from the Proponent for these activities will be identified in a timely matter • For Ontario-led activities, develops and distributes notification materials and follows-up with Aboriginal Communities to confirm receipt of information if acknowledgment of receipt not received • Reviews information received by Proponent from Aboriginal Communities on potential impacts of the Project to ensure clarity/sufficiency and identifies where there are information gaps for follow-up • Follows up with Aboriginal Communities on outstanding Project-related issues with the goal of addressing them where possible • Where questions, comments or concerns raised by Aboriginal Communities, either directly to Ontario or to the Proponent, fall outside the scope of the Proponent, the Project or the environmental assessment, or beyond the mandate of individual ministries, works with other ministries to see how best the matter may be considered by Ontario (ENDM), and identifies who should respond accordingly to Aboriginal Communities in a timely manner • Advises the Proponent within a month of receipt of: • Any actual, potential or asserted adverse impact of the Project on established or asserted Aboriginal or treaty rights raised by Aboriginal Communities, whether the Proponent becomes aware of such impact or assertion through its consultation activities or otherwise • any notice or statement by any Aboriginal Community that some or all of its Aboriginal or treaty rights concerns in connection with the Project have been resolved, how they	• Provides funding for logistics for Proponent-led environmental assessment related consultation activities (meeting spaces, hospitality, including costs associated with translation, document printing and distribution) • Refers any requests for financial or other support, including capacity funding, received from Aboriginal Communities to Ontario • Refers any concerns raised by Aboriginal Communities with respect to the regulatory approvals process, timing of review of documents, meeting delays which may impact scheduling etc. to Ontario. Works with Aboriginal Communities to resolve issues and address concerns raised throughout the process, including: o Providing additional information about the Project and discuss how any changes to the Project could address potential impacts to rights (e.g., changes to Project design to avoid impacts, mitigation strategies, monitoring, adaptive management plans) o Following-up with Aboriginal Communities on issues related to Project impacts and documents how issues were addressed during terms of reference and environmental assessment preparation and review • Refers questions, comment or concerns raised by Aboriginal Communities to Ontario that may be out of scope of the Proponent, the Project or the environmental assessment • Advises Ontario within a month of receipt of: o Any actual, potential or asserted adverse impact of the Project on established or asserted Aboriginal or treaty rights, whether Marten Falls First Nation becomes aware of such impact or assertion through its consultation activities or otherwise o Any notice or statement by any Aboriginal Community that some or all of its Aboriginal or treaty rights concerns in connection with the Project have been resolved, how they have been addressed and whether the Aboriginal Community is supportive of the Project o Any questions, comments or concerns raised by Aboriginal Communities that fall outside the scope of the Project and the environmental assessment

have been addressed and whether the Aboriginal Community is supportive of the Project • Reviews any actual, potential or asserted adverse impacts, assesses the depth of consultation required with Aboriginal Communities based on those impacts, and advises the Proponent and any applicable Aboriginal Communities if there are changes to the list of Aboriginal Communities that should be consulted with on the basis that they have established or credibly asserted constitutionally protected Aboriginal or treaty rights that may be impacted by the Project • Assesses whether the consultation process in relation to the Project is adequate, which may include contacting Aboriginal Communities to discuss the adequacy of consultation and any proposed accommodation • Determines whether accommodation of any adverse impacts of the Project on rights is required, and if so, its adequacy	
3. Record Keeping	
• Works with the Proponent to develop common template to record consultation that meets both statutory and Duty obligations • Receives and reviews monthly Proponent reports on consultation activities to provide ongoing oversight, understand issues, and identify any gaps • Keeps Proponent informed of any relevant Ontario records related to consultation activities (e.g., correspondence, meetings, calls etc) as they are received through the bi-weekly coordination calls, or other appropriate and timely means (i.e., within a month of receipt) • Documents and records Ontario consultation activities using common template • Notifies the Proponent of issues and correspondence received by Ontario for response and incorporation into environmental assessment documentation, as appropriate • Documents how issues were addressed at the end of the process (e.g., during Ministry Review) (MECP) • Reviews Proponent and Ontario records of consultation and assesses sufficiency of consultation at decision points • Confirms accuracy of the Proponent's records of consultation with Aboriginal Communities	• Works with the Crown to develop common templates to record consultation that meets both statutory and Duty obligations • Submits monthly consultation reports to the Crown (using template) • Keeps detailed records of all consultation activities (e.g., meetings, calls, correspondence) and analyzes input received from Aboriginal Communities using common template • Integrates Indigenous knowledge and land use studies received from Aboriginal Communities into environmental assessment documentation, as appropriate, and documents how information was incorporated in the record of consultation • Prepares and submits record of consultations for the terms of reference and environmental assessment to Ontario, including detailed records of correspondence, meetings, receipt of notices, etc., issues raised and how they were resolved or addressed. Includes primary records as appendices to the records of consultation

From: Ross, Kathryn
Sent: Friday, October 30, 2020 9:55 AM
To: [redacted]
Cc: jacob ostaman; steven Chapman; [redacted]; Qasim Saddique; [redacted] Larissa Mikkelsen
Subject: Marten Falls First Nation Terms of Reference
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf; [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Good morning Chief Morris,

I'm following up on our phone call yesterday. Thank you for confirming that KI received the Marten Falls First Nation All-Season Community Access Road Terms of Reference (ToR) delivery and that the documents are available in the Lands and Resource Department in the Band Office. You mentioned that KI has a comment regarding caribou. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I've attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please let me know if you have any questions.

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Wednesday, December 9, 2020 3:48 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; [redacted] Larissa Mikkelsen; Beaney, Jessalyn
Subject: Marten Falls All-Season Community Access Road ToR Review

Dear Chief Morris,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Kitchenuhmaykoosib Inninuwug First Nation has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**.

If Kitchenuhmaykoosib Inninuwug First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Kathryn Ross
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, December 14, 2020 2:31 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; [redacted]; Larissa Mikkelsen; Beaney, Jessalyn
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Chief Morris,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If Kitchenuhmaykoosib Inninuwug First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

We look forward to your input and value your feedback.

Kind regards,

Kathryn
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn [redacted]
Sent: Thursday, February 4, 2021 2:16 PM
To: [redacted]
Cc: [redacted] Murowchuk, Alita [redacted]
Subject: New Contact - Marten Falls First Nation Community Access Road

Dear Chief Morris,

I hope you and your community are doing well. I know these are very challenging times and I won't take up too much of your time. I would like to introduce you to Alita Murowchuk who will be your community's new contact on the Marten Falls First Nation Community Access Road. I am still working on the Project and will be assisting Alita as she transitions into this role. Alita will follow-up with an introduction but if you have any questions in the meantime, don't hesitate to reach out.

Take care,

Kathryn
On behalf of the MFFN Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment

AECOM
[redacted]
www.aecom.com

From: Murowchuk, Alita
Sent: Thursday, February 4, 2021 4:17 PM
To: [redacted]
Cc: [redacted]
Subject: RE: New Contact - Marten Falls First Nation Community Access Road

Tansi and Warm Hellos Chief Morris!

My name is Alita Murowchuk Cree Metis Iskwew out of Edmonton Alberta. Mother of one beautiful little girl, wife, aunty, friend and Indigenous Community Engagement Advisor for Canada with AECOM. Excited and thrilled to be working with Kitchenuhmaykoosib Inninuwug First Nation on Martin Falls First Nation Community Access Road. Times are tough right now, prayers and blessings to the community, if there's anything you need or ways to support; please reach out. Again, sincerely look forward to getting to know one another better, im more of a face value gal myself… if you'd prefer a virtual introduction, more than happy and open to that.

My contact is listed below, reach out for anything. Truly look forward to working together.

Hiy hiy,

Alita Murowchuk
Indigenous Community Engagement Advisor, Canada
CAN – [redacted] AB
[redacted]

From: Murowchuk, Alita
Sent: Wednesday, February 24, 2021 3:05 PM
To: [redacted]
Cc: [redacted] steven Chapman; [redacted]
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Tansi and Happy Wednesday Chief Morris,

I hope yourself and community are doing well!

Wanted to follow up on Terms of Reference email sent February 8, 2021. I made a call on Monday to your Administration and reached reception, she advised best way of communication is by way of email. Wanted to ensure that Kitchenuhmaykoosib Inninuwug First Nation has received the opportunity to submit any additional comments on the Proposed Terms of Reference.

Feel free to get in touch with myself by way of email or phone, my contact is listed below. If you'd rather set up a meeting with myself or project team to discuss further, sincerely open to that as well.

Hiy hiy,

Alita Murowchuk
Indigenous Community Engagement Advisor, Canada
CAN – [redacted] AB
[redacted]

From: Cloutis, Geneva
Sent: Thursday, March 25, 2021 1:00 PM
To: [redacted]
Cc: [redacted] Beaney, Jessalyn; McLeod, Sasha (MECP); [redacted]
Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; [redacted] lawrencebax
Subject: MFFN Community Access Road Proposed Terms of Reference - Comments
Attachments: RE: Marten Falls All-Season Community Access Road ToR Review

Good afternoon Chief Morris,

Thank you for returning my phone call this morning about the Proposed Terms of Reference for the Marten Falls First Nation All-Season Community Access Road. As you mentioned on the phone, Kitchenuhmaykoosib Inninuwug First Nation's comment on the Project is still in regards to the impacts of the Project on migration of caribou herds.

As Kathryn had mentioned in her email in December (see attached), this comment was formally submitted to the MECP on December 18, 2020. It is our understanding that the MECP have sent you an email with a formal response to your comment about caribou on March 10, 2021. If you would like us to re-send that response, please let me know and I can make sure it gets passed along to your community again.

If you have questions about the response provided, or any additional concerns about caribou, please let me know.

Thank you very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

From: Jackman, Lindsay
Sent: Monday, May 17, 2021 11:38 AM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road: Bat Acoustic Monitoring program

Good Afternoon,

I am emailing to follow up on the field notice which was sent to Kitchenuhmaykoosib Inninuwug First Nation on May 12 about the upcoming Bat Acoustic Monitoring Program. I called the Band Office on May 13 and wasn't able to leave a voicemail. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Kitchenuhmaykoosib Inninuwug First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021.

If you have any questions or comments about the program, please get in touch.

Thanks,
Lindsay Jackman
On behalf of the Marten Falls First Nation All-Season Community Access Road

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

AECOM
[redacted]
aecom.com

Imagine it. Delivered.

Meyer, James

From: Meyer, James
Sent: September 9, 2021 11:40 AM
To: [redacted]
Cc: Jackman, Lindsay
Subject: MFFNCAR Project Check-in Call

Good Morning Steven,

My name is James, I am from the Marten Falls First Nation Community Access Road Project Team. Just wanted to reach out and see if you had a few minutes for a phone call regarding some documents we sent to the community in the past couple weeks? If you don't have time please let me know and we can correspond over email. Below are the topics I would like to discuss:

1. Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th;
2. Vegetation Field Program, Bat ARU and Caribou Mortality Investigation field notice sent September 2nd;

Thank you,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

From: Moszynski, Dorothy (MECP) [redacted]
Sent: Wednesday, September 15, 2021 11:58 AM
To: [redacted]
Cc: McLeod, Sasha (MECP) [redacted] Barss, Sara [redacted] Cinnamon, Christine [redacted] Qasim Saddique [redacted] Larissa Mikkelsen [redacted] Jennifer Bruin [redacted]
Staketracker@martenfallsaccessroad.ca; Brown, Peter (MECP) [redacted]
Subject: [EXTERNAL] Marten Falls Community Access Road Proposed ToR- conversation follow up

Dear Chief Morris,

It was nice to speak with you this today! I am writing this email as discussed for Marten Falls First Nation to be aware of our conversation.

I understand that Kitchenuhmaykoosib Inninuwug (KI) First Nation Will not sending any further comments on the Terms of Reference for the project.

Also, I understand that KI continues to have concerns about the project's potential effects to caribou and caribou migration. You stated that the caribou are migrating from the direction of the proposed road projects, and any impact to caribou migration would affect your community's gathering rights.

I am copying the proponent so that they may log your concerns about caribou and consider them at the environmental assessment study phase, if the Terms of Reference is approved.

Have a great rest of your day,

Dorothy Moszynski
Special Project Officer (A)
Environmental Assessment Services
Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
[redacted]

If you have any accommodation needs or require communication supports or alternate formats, please let me know.
Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substituts, veuillez me le faire savoir.

B12.2 Incoming Community Specific Correspondence

OFFICE OF THE
CHIEF AND COUNCIL

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Kitchenuhmaykoosib Inninuwug

September 10, 2020

Chief Bruce Achneepineskum Marten Falls First Nation

[redacted]

Chief Cornelius Wabasse Webequie First Nation

[redacted]

VIA Email

Dear Chiefs,

RE: Marten Falls First Nation Community Access Road, Webequie Supply Road and the proposed Northern Link Road

Your proposed roads are the first step in a wave of mines, mining exploration and other industrial developments in the region. The roads, and the developments that the roads will inevitably bring, are a direct challenge to our inherent jurisdiction on the land.

The caribou are at the core of the Kitchenuhmaykoosib Inninuwug history, culture and way of life. The regional effects of your proposed roads will have an irreversible impact on the the seasonal ranges, habitat and calving areas of the caribou that our Nation has depended upon since time out of mind.

Rather than participating in a fundamentally flawed, piecemeal, project by project environmental assessment process, KI requires the recognition of our inherent jurisdiction on the land and a formal government to government role in the decision making process for the region. In our view, achieving meaningful accommodation of the Kitchenuhmaykoosib Inninuwug interests at stake in decisions to open this territory to development requires the Canada and Ontario to partner with KI ,and other Treaty No. 9 Nations, on a regional governance negotiation.

To further complicate matters, your Nations, are advancing the environmental assessments of your proposed road projects during the pandemic. The pandemic prevents any meaningful

Tel. no.: [redacted]

[redacted]

Fax no.: [redacted]

consultation with our Nation. We cannot properly gather our elders, meet with our technical advisors or consult with our members due to the pandemic restrictions. In our view, the environmental assessments should be paused by your Nations until the proper conditions exist for consultation and engagement.

Our understanding is that Webequie has submitted its Supply Road EA Terms of Reference to Ontario and Marten Falls is preparing to submit their Community Access Road terms of reference in the near future.

Although the Crown has the legal duty to ensure adequate and meaningful consultation and accommodation occurs, the project proponent plays a critical role in the procedural aspects of that duty. To proceed with initiating the EAs without knowing when our KI decision making process can happen within the legislated timelines for the EA is to disregard our jurisdiction and potential concerns with the road Projects. Our view is that if Webequie and Marten Falls, as Project proponents, disregard our jurisdiction and do not provide a meaningful opportunity to express our Nations concerns regarding the proposed Projects and have those concerns addressed within the EA process the Crown cannot be deemed to be acting honourably in this consultation process.

As project proponents the decision to pause the EA at this stage is in your hands, not the Crown's. We urge you to pause your environmental assessments and join us in creating a regional governance negotiation with Canada and Ontario.

Respectfully,

[redacted]
Chief Donny Morris
Kitchenuhmaykoosib Inninuwug

cc.
David McGovern
President, Impact Assessment Agency of Canada
[redacted]

Serge Imbrogno
Deputy Minister
Ontario Environment, Conservation and Parks
[redacted]

From: [redacted]
Sent: Monday, September 14, 2020 1:15 PM
To: Ross, Kathryn
Subject: [EXTERNAL] Fwd: Letter from Chief Donny Morris
Attachments: KI Board Room_20200911_133356.pdf

Hi Katherine,
For your copy...
niin
Jacob

Sent from my iPhone

Begin forwarded message:

> **From:** [redacted]
> **Date:** September 11, 2020 at 1:34:53 PM CDT
> **To:** [redacted]
> **Cc:** [redacted]
> **Subject: Letter from Chief Donny Morris**

[redacted]

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Kitchenuhmaykoosib Inninuwug

September 10, 2020

Chief Bruce Achneepineskum Marten Falls First Nation

[redacted]

Chief Cornelius Wabasse Webequie First Nation

[redacted]

VIA Email

Dear Chiefs,

RE: Marten Falls First Nation Community Access Road, Webequie Supply Road and the proposed Northern Link Road

Your proposed roads are the first step in a wave of mines, mining exploration and other industrial developments in the region. The roads, and the developments that the roads will inevitably bring, are a direct challenge to our inherent jurisdiction on the land.

The caribou are at the core of the Kitchenuhmaykoosib Inninuwug history, culture and way of life. The regional effects of your proposed roads will have an irreversible impact on the the seasonal ranges, habitat and calving areas of the caribou that our Nation has depended upon since time out of mind.

Rather than participating in a fundamentally flawed, piecemeal, project by project environmental assessment process, KI requires the recognition of our inherent jurisdiction on the land and a formal government to government role in the decision making process for the region. In our view, achieving meaningful accommodation of the Kitchenuhmaykoosib Inninuwug interests at stake in decisions to open this territory to development requires the Canada and Ontario to partner with KI ,and other Treaty No. 9 Nations, on a regional governance negotiation.

To further complicate matters, your Nations, are advancing the environmental assessments of your proposed road projects during the pandemic. The pandemic prevents any meaningful

[redacted]

consultation with our Nation. We cannot properly gather our elders, meet with our technical advisors or consult with our members due to the pandemic restrictions. In our view, the environmental assessments should be paused by your Nations until the proper conditions exist for consultation and engagement.

Our understanding is that Webequie has submitted its Supply Road EA Terms of Reference to Ontario and Marten Falls is preparing to submit their Community Access Road terms of reference in the near future.

Although the Crown has the legal duty to ensure adequate and meaningful consultation and accommodation occurs, the project proponent plays a critical role in the procedural aspects of that duty. To proceed with initiating the EAs without knowing when our KI decision making process can happen within the legislated timelines for the EA is to disregard our jurisdiction and potential concerns with the road Projects. Our view is that if Webequie and Marten Falls, as Project proponents, disregard our jurisdiction and do not provide a meaningful opportunity to express our Nations concerns regarding the proposed Projects and have those concerns addressed within the EA process the Crown cannot be deemed to be acting honourably in this consultation process.

As project proponents the decision to pause the EA at this stage is in your hands, not the Crown's. We urge you to pause your environmental assessments and join us in creating a regional governance negotiation with Canada and Ontario.

Respectfully,

[redacted]

Chief Donny Morris
Kitchenuhmaykoosib Inninuwug

cc.
David McGovern
President, Impact Assessment Agency of Canada
[redacted]

Serge Imbrogno
Deputy Minister
Ontario Environment, Conservation and Parks
[redacted]

From: steven Chapman <[redacted]>
Sent: Monday, September 14, 2020 2:57 PM
To: Ross, Kathryn <[redacted]>
Subject: [EXTERNAL] Re: MFFN CAR - Terms of Reference

We don't want them.

B12.3 ToR Comments Received / Responses

From: Eno H. Anderson
To: Ross, Kathryn
Cc: [redacted] Eno H. Anderson; Knijnenburg, Ton; Qasim Saddique; [redacted] Larissa Mikkelsen; Beaney, Jessalyn
Subject: [EXTERNAL] RE: Marten Falls All-Season Community Access Road ToR Review
Date: Monday, December 14, 2020 7:05:23 PM

>Booshoo..any land issues outstanding? i.e.Land claims

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Kasabonika Lake First Nation – December 14, 2020 (email)			
KasabFN-1	Any land issues outstanding (i.e. land claims)?	Marten Falls First Nation (MFFN) acknowledges the concerns of Kasabonika First Nation with respect to the status of the land and land claims. MFFN has been working with the provincial and federal agencies to identify any relevant land claims. As noted in Section 7.1.4.1 of the Terms of Reference (ToR), there are several outstanding federal land claims relevant to Ginoogaming and Eabametoong First Nations, and these have been identified in Table 7-2 of the ToR. At the time of preparing the ToR, there were no additional comprehensive or specific federal land claims in the vicinity of the Project. There were also no identified land claims with the Government of Ontario occurring in the preliminary study area (i.e., within 2.5 km of each side of the centreline of each alternative route). MFFN will continue to communicate with both provincial and federal agencies throughout the Environmental Assessment to identify any emerging land claims that may need to be considered (Section 9.1.1 of the ToR). In addition, MFFN requests that Kasabonika Lake First Nation share any information on potential future land claims relevant to the Project that becomes available as the Environmental Assessment proceeds.	Section 7.1.4.1, pg. 34 Section 7.1.4.1, Table 7-2, pg. 36 to 37 Section 9.1.1, pg. 77

B13. Long Lake #58 First Nation

B13.1 Outgoing Community Specific Correspondence

B13.2 Incoming Community Specific Correspondence

B13.3 Community Specific Meeting Materials

B13.4 ToR Comments Received / responses

B13.1 Outgoing Community Specific Correspondence



From: [redacted]
Sent: September 11, 2020 2:10 PM
To: [redacted]
Subject: Fwd: Re: IK Study Memo
Attachments: Re_ IK Study Memo.eml (3.25 MB)

Hi [redacted],

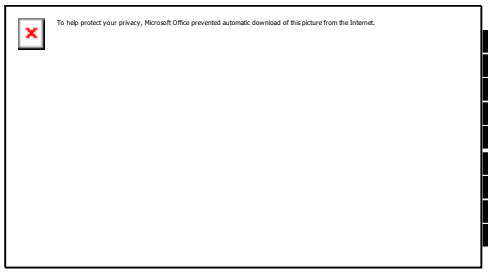
Please find attached the email that was circulated regarding the IK Study Areas Memo.

Have a great weekend,

[redacted]

---------- Forwarded message ---------
From: <info@martenfallsaccessroad.ca>
Date: Fri, Sep 11, 2020 at 2:05 PM
Subject: Fwd: Re: IK Study Memo
To: <[redacted]

--



[redacted]

Please consider the environment before printing this email

From: Metuzals, Jessica <[redacted]>
Sent: September 22, 2020 3:06 PM
To: Kimberly Jorgenson
Cc: John O'Nabigon; Ervin Waboose; [redacted]
Subject: Re: IK Study Memo

Hi Kim,

Thank you for confirming the ToR distribution contact details. I just wanted to confirm that the following individuals should no longer be on our distribution lists:

- Darcy Waboose
-
- Conor Leekam
- Lacey Garrett

We look forward to Long Lake #58 First Nation's comments on the IK Study Areas Memo later this week.

Thanks so much,

Jessica

From: [redacted]
Sent: September 22, 2020 3:06 PM
To: Kimberly Jorgenson
Cc: John O'Nabigon; Ervin Waboose; [redacted]
Subject: Re: IK Study Memo

Hi [redacted],

Thank you for confirming the ToR distribution contact details. I just wanted to confirm that the following individuals should no longer be on our distribution lists:

- Darcy Waboose
-
- Conor Leekam
- Lacey Garrett

We look forward to Long Lake #58 First Nation's comments on the IK Study Areas Memo later this week.

Thanks so much,

[redacted]

From: Metuzals, Jessica <[redacted]>
Sent: October 16, 2020 7:55 AM
To: Judy Desmoulin; John O'Nabigon; Ervin Waboose; Kimberly Jorgenson
Cc: Andrea Nokleby; Caroline Wrobel
Subject: MFFN CAR - Proposed IK Program Meeting Date and Time with LL58

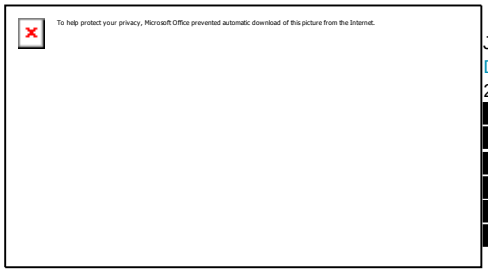
Good Morning,

Thank you for Long Lake #58 First Nation's comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo and interest in a meeting in late October.

The MFFN Project Team would like to propose **Monday October 26, 2020 from 4pm to 5pm EST** to meet and discuss the Indigenous Knowledge Program. Please let us know if this date and time works for your team.

We look forward to hearing from you,

Jessica



Jessica Metuzals
Dillon Consulting Limited
2[redacted]

Please consider the environment before printing this email

From: Metuzals, Jessica <[redacted]>
Sent: October 19, 2020 10:16 AM
To: Kimberly Jorgenson
Cc: Judy Desmoulin; John O'Nabigon; Ervin Waboose; Andrea Nokleby; Caroline Wrobel; Larissa Mikkelsen; Bob Baxter
Subject: Re: MFFN CAR - Proposed IK Program Meeting Date and Time with LL58

Hi Kim,

Thank you for confirming the date and time of the meeting. We look forward to speaking with Long Lake #58 First Nation.

We will proceed to schedule the meeting. Please expect an invitation shortly.

Kind regards,

Jessica

> wrote:

From:	Metuzals, Jessica <[redacted]>
Sent:	October 26, 2020 8:48 AM
To:	Kimberly Jorgenson; Judy Desmoulin; John O'Nabigon; Ervin Waboose
Cc:	Andrea Nokleby; Caroline Wrobel; Bob Baxter; Larissa Mikkelsen
Subject:	MFFN CAR - IK Program Meeting Agenda & Aboriginal and Treaty Rights and Interests Regional Study Area Update
Attachments:	MFCAR_AboriginalTreatyRightsInterestStudyAreas_SHP_20201005.zip; MFCAR_AboriginalTreatyRightsInterestStudyAreas_KMZ_20201005.zip; MFCAR_Aboriginal Treaty Rights Interests Study Areas_Revised Oct 2020.pdf; MFFN_AGENDA_Long Lake #58 FN_IK Program_Meeting_October 2020-LL58 .pdf

Good Morning,

The Aboriginal and Treaty Rights and Interests Regional Study Area has been revised based on comments received from Indigenous communities, including Long Lake #58 First Nation. We have attached a draft revised Study Areas figure, the associated shapefiles and KMZ files as well as an agenda for our upcoming Indigenous Knowledge Program Meeting later today. We look forward to our discussion with Long Lake #58 First Nation.

Please find below a detailed description of the general comment and the corresponding revisions to Study Areas.

General Comment	**Revisions to Study Areas**
There are three distinct areas near the southern portion of the undertaking where the RSA is narrower than the LSA area, i.e. it comes closer than 5 km from the proposed road corridors. In one area the RSA is actually beneath corridor segment 'Alternative 4 West'. The RSA should be inclusive of the LSA, and that the quaternary watersheds crossed by the LSA should be added to the RSA. At no point should the RSA be narrower than the LSA, and certainly not narrower than the actual road corridor.	This has been addressed in the revisions - the RSA has been revised to include all quaternary watersheds that interact with the potential route alignments. In doing so, the revised RSA is wholly inclusive of the LSA.
The LSA and RSA both end within 5 km (or less) of the southern terminus of Alternative 4. Both Study Areas should be expanded further south to ensure that impacts to First Nations rights and values are appropriately considered from the resultant increased traffic flow onto Painter Lake Road. An appropriate Study Area should include at least one additional quaternary watershed south of the current Study Area boundaries.	An additional quaternary watershed at the southern terminus of Alternative 4 has been added to the RSA.

Kind Regards,

Jessica

Meeting Between Long Lake # 58 First Nation and Marten Falls First Nation (MFFN) Project Team

October 26, 2020
Teleconference Call, 4pm to 5pm EST

Meeting Purpose: The purpose of this meeting is to reinitiate discussions with Long Lake #58 First Nation on the MFFN Community Access Road Indigenous Knowledge (IK) Program. It will focus on developing next steps for Long Lake #58 First Nation's participation in the IK Program.

Meeting Agenda:

Item #	Topic
1	Welcome and Introductions
2	Preliminary Aboriginal and Treaty Rights and Interests Study Areas
3	Long Lake #58 First Nation and MFFN - IK Sharing Agreement
4	General Discussion on IK Program
5	Questions and Discussions
6	Next Steps
7	Closing Remarks

From:	Metuzals, Jessica [redacted]
Sent:	October 30, 2020 2:00 PM
To:	Judy Desmoulin
Cc:	John O'Nabigon; Ervin Waboose; Kimberly Jorgenson; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments:	Marten Falls First Nation Community Access Road Environmental Assessm....eml (619 KB)

Dear Chief Desmoulin,

Thank you for taking the time to speak with me today and confirming receipt of the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From:	Metuzals, Jessica [redacted]>
Sent:	December 1, 2020 12:54 PM
To:	Kimberly Jorgenson
Cc:	Ervin Waboose; John O'Nabigon
Subject:	Re: Marten Falls Community Access Road - IK Program Guidance Document

Thanks, Kim. We will review and follow-up shortly with next steps for the IK Program.

Jessica

From:	Metuzals, Jessica [redacted]
Sent:	December 9, 2020 4:15 PM
To:	Judy Desmoulin
Cc:	John O'Nabigon; Ervin Waboose; Kimberly Jorgenson; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Marten Falls All-Season Community Access Road - ToR Review

Chief Desmoulin,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Long Lake #58 First Nation has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If Long Lake #58 First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Jessica Metuzals

On behalf of the Marten Falls First Nation Community Access Road Project Team

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From: Metuzals, Jessica <[redacted]
Sent: December 14, 2020 4:03 PM
To: Judy Desmoulin
Cc: John O'Nabigon; Ervin Waboose; Kimberly Jorgenson; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Beaney, Jessalyn
Subject: Re: Marten Falls All-Season Community Access Road - ToR Review

Chief Desmoulin,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020.

If Long Lake #58 First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
[redacted]

We look forward to your input and value your feedback.

Kind regards,

Jessica Metuzals
On behalf of the Marten Falls First Nation Community Access Road Project Team

5:00 p.m.

From:	Metuzals, Jessica <j[redacted]
Sent:	January 7, 2021 9:08 AM
To:	John O'Nabigon; Kimberly Jorgenson
Cc:	Larissa Mikkelsen; Caroline Wrobel; Andrea Nokleby; Bob Baxter; info@martenfallsaccessroad.ca
Subject:	MFFN CAR - IK Program Meeting Minutes for LL58 Review
Attachments:	MIN-LL85-IK Program-2020-10-26-Draft-For-LL58-REVIEW.docx

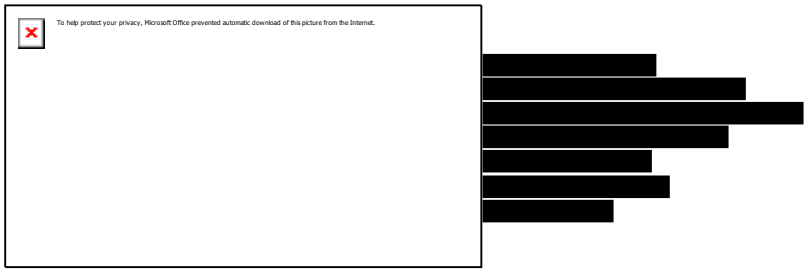
Good morning John and Kim,

Happy New Year!

Please find attached the meeting minutes from our IK Program call on October 26, 2020 for your review.

We look forward to your feedback,

Jessica



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[redacted]

Long Lake #58 IK Sharing Agreement

[redacted] Mon, Jan 25, 2021 at 4:52 PM
To: [redacted]
Cc: [redacted]

Hello Everyone,

I hope you are well. I'm [redacted] and I'll be the new contact point on this project as [redacted] has mentioned in her Friday, January 22, 2021 email.
Thank you for sharing a draft IK Sharing Agreement between Long Lake #58 First Nation and Marten Falls First Nation. Please find attached the MFFN Project Team's revisions in track changes for your review.

I look forward to working with you.

Kind Regards,
MFFN Project Team
--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

[redacted]
Dillon Consulting Limited
ite 800
[redacted]

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201130_LL58_MFCAR_Data sharing agreement_Draft_v2 -To be shared with LL58.docx
33K

[redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

Johnson, Christopher <[redacted]
Bcc: info@martenfallsaccessroad.ca

Hello Chief Judy Desmoulin,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that Long Lake #58 has taken to provide feedback. Please see the attached letter for the next steps in the process.

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team.

Sincerely,
Chris Johnson
On behalf of the MFFN Community Access Road Project Team

--

Christopher Johnson
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

2021-02-08-MFFN Community Access Road Long Lake 58 ToR Letter (8).pdf
594K

February 8, 2021

Long Lake #58 First Nation
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference and Comment Period Extension

Dear Chief Judy Desmoulin,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that Long Lake #58 First Nation has taken to provide feedback.

Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the ToR until March 31, 2021. The MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with the opportunity to provide new comments in addition to any that have been submitted.

Over the next couple of months, the MECP and MFFN will be following up with Long Lake #58 First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit additional comments on the ToR. MFFN will also follow up with Long Lake #58 First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The MFFN Project Team is in the process of drafting detailed responses to all comments received before the original comment period deadline of December 21, 2020. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC

Sasha McLeod, Ministry of Environment Conservation and Parks Assessment Branch
Shannon Gauthier, Ontario Ministry of Environment Conservation and Parks Assessment Branch
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
John O' Nabigon [redacted]
Ervin Waboose [redacted]
Kimberly Jorgenson [redacted]
Chris Johnson, MFFN Project Consultant

DILLON CONSULTING

Johnson, Christopher [redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

Johnson, Christopher [redacted] Mon, Feb 22, 2021 at 4:30 PM
To: Judy Desmoulin [redacted]
Cc: [redacted]

Hello Chief Desmoulin,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. I'm sending this email in follow up to a voicemail left on Feb. 22, 2021, regarding an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. Our team is interested in knowing whether you have received our letter sent on Feb. 8, 2021, and if you have any questions or comments you'd like to share with the project team. If so please feel free to contact us.

Have a great day,
Chris Johnson
On behalf of the MFFN Community Access Road Project Team
[Quoted text hidden]

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[redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

Johnson, Christopher <[redacted] Fri, Mar 26, 2021 at 11:34 AM
To: [redacted]
Bcc: info@martenfallsaccessroad.ca

Hello Cheif Desmoulin,

I hope this email finds you well. I would like to share a reminder that the deadline to provide comments for the Terms of Reference for the Marten Falls Access Road is March 31, 2021. Would you kindly let us know if your community is interested in sharing any further comments or questions about the ToR? We appreciate your time and interest in the project thus far.

Thank You,
Chris Johnson
On behalf of the MFFN Community Access Road Project Team
[Quoted text hidden]
--

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Platinum member

Christopher Johnson
[redacted]

Johnson, Christopher <[redacted]>

MFFN CAR IK Funding Agreement

Wrobel, Caroline [redacted] Fri, Aug 6, 2021 at 1:32 PM
To: [redacted]
Cc: Bob Baxter <[redacted]>, Larissa Mikkelsen <[redacted]>, Christopher Johnson <[redacted]>, Andrea Nokleby <[redacted]>

Good Afternoon Everyone,

I hope this email finds you all well. I am sending this email on behalf of Andrea Nokleby, who recently connected with Kim Jorgenson about this opportunity. The MFFN Project Team is pleased to provide $30,000 in funding to support Long Lake #58 First Nation's participation in the Indigenous Knowledge (IK) Program for the MFFN Community Access Road Project.

Kim and Andrea had a telephone conversation where Andrea indicated that the MFFN Project Team had prepared a Draft IK Funding Agreement. As discussed, please find attached the Draft IK Funding Agreement for review and comment by Long Lake #58 First Nation. We have also re-attached the map of the Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component and the IK Guidance Document for your reference.

We would be happy to meet to discuss the IK Funding Agreement and the overall IK Program in further detail. We look forward to hearing from you and working with you on this important component of the assessment process.

Thank you and have a great weekend,

Caroline

Caroline Wrobel
Associate
Dillon Consulting Limited
[redacted]
M - [redacted]
www.dillon.ca

Platinum member

Upcoming vacation alert: August 30, and September 17-24 (inclusive)

3 attachments

Template - Indigenous Knowledge Program Funding Agreement - Long Lake #58 First Nation.docx
37K

MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020_Revised page numbers.pdf
8035K

MFCAR_Aboriginal Treaty Rights Interests Study Areas_Revised Oct 2020.pdf
1254K

From: Qasim Saddique <[redacted]>
Sent: August 30, 2021 3:30 PM
To: Fisken, Avril; McKinnon, Don; Jennifer Bruin; Lawrence Baxter; Larissa Mikkelsen; Bob Baxter; Cinnamon, Christine
Subject: [EXTERNAL] Fwd: Marten Falls Community Access Road - Follow Up to ToR Comments - LL58
Attachments: 2021-08-30 Ontario Follow Up MFCAR ToR - LL58.pdf

FYI

Qasim Saddique MSc, MBA
Principal Consultant

[redacted]
W: suslop.com

SUSLOP

Begin forwarded message:

From: "McLeod, Sasha (MECP)" <[redacted]
Subject: Marten Falls Community Access Road - Follow Up to ToR Comments - LL58
Date: August 30, 2021 at 3:19:27 PM EDT
To: "J[redacted]

Re: Marten Falls Community Access Road – Follow Up to ToR Comments

Good day Long Lake #58 First Nation Chief, Council and representatives,

Please find attached a letter from Kathleen O'Neill, Environmental Assessment Branch Director, Ministry of the Environment, Conservation and Parks.

Thank you,
Sasha

Sasha McLeod
Special Project Officer, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
[redacted]

If you have any accommodation needs or require communication supports or alternate formats, please let me know.
Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substituts, veuillez me le faire savoir.

B13.2 Incoming Community Specific Correspondence

From:	Kimberly Jorgenson [redacted]
Sent:	September 14, 2020 12:46 PM
To:	Larissa Mikkelsen; Charlene Wagenaar
Cc:	Andrea Nokleby; [redacted]; Caroline Wrobel; [redacted]
Subject:	RE: GIS files for local and regional study areas for the Aboriginal and Treaty Rights and Interests VC - Marten Falls Community Access Road Project

Hi Larissa,

This is excellent, thank you so much!

Kim

Kimberly Jorgenson ᑭᒪᐳᕐᓕ ᒍᕐᑭᓐᓴᓐ

Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓯᐃᓐ ᐱᒧᐃᒋᑫᐃᓇᓐ ᑲᓇᓇᑲᒋᑐᒡ

Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᓐᒃ ᐊᑭ ᐱᒪᑎᓯᐃᓐ ᐃᒋᐦᐃᐁᐃᓐ ᐊᓄᑭᓇᑲᓇᒃ

Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓐ ᐅᑭᒪᐃᓐ

[redacted]

From: Kimberly Jorgenson [redacted]
Sent: September 21, 2020 1:29 PM
To: [redacted]
Cc: John O'Nabigon; Ervin Waboose; [redacted]
Subject: RE: IK Study Memo

Hi Jessica,

We understand that the MFCAR team is seeking to confirm contact information for Long Lake #58 First Nation in anticipation of the upcoming release of the Terms of Reference document. Please find an updated contact information table below. FYI, LL58 also plans to submit comments on the IK Study Area Memo this Friday.

Team Member	Title	Expectation
Chief Judy Desmoulin [redacted]	Chief of Long Lake #58 First Nation	Primary contact for formal communications (e.g. letters). Copy on informal communications (e.g. emails, meeting requests).
John O'Nabigon [redacted]	Consultation and Development Protocol Coordinator	Primary contact for phone communications and informal communications. Copy on formal communications.
Ervin Waboose [redacted]	Community Communication Liaison Coordinator	Copy on all communications.
Kimberly Jorgenson [redacted]	Environmental Services Coordinator, Four Rivers Inc.	Copy on all communications.

Thanks!

Kim

Kimberly Jorgenson ᑭᒪᔾᔪᓂ ᔮᖏᓕᖅᓴᓐ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐊᓐ ᐱᒧᐊᒋᕐᐊᓇᓐ ᑲᓇᓇᑲᑎᑐᒃ
Four Rivers Environmental Services Group ᓂᐅ ᓱᐱᓐᒃ ᐊᑭ ᐱᒪᑎᓱᐊᓐ ᐃᒋᖏᐃᐅᐊᓐ ᐊᓄᑭᓇᑲᓇᒃ
Matawa First Nations Management Lᑕᐊ ᑕᔑᑭᐊᓇᓐ ᐅᑭᒪᐊᓐ
[redacted]

This electronic transmission may contain information that is confidential, privileged and/or protected under law. Review, disclosure or distribution of this e-mail by an unintended recipient is strictly prohibited. If you have received this communication in error, please notify the sender immediately and permanently delete the copy you have received. ᐅᖏᐅᐁ ᐱᐊᐱᑯ ᐅᔑᐱᖏᐃᑲᓐ ᑲᒪᓇᒋᐊᒋᓂᔪᖏᐃᑲᑌᒃ ᐊᒐᐊᓐ, ᑭᒋᓂᓪᑕᑯᓐ ᑲᐅᔑᐱᖏᐃᑲᑌᑭᓐ ᐁᑯ/ᖃᒪ ᓇᑕᒪᑌ ᐅᓇᑯᓂᑭᐃᓂᓱᓂᒃ. ᑲᒃᒃ ᓇᓇᑲᒋᑕᓐ, ᒋᐊᒋᓂᖅᓴᓐ ᑭᒪ ᒪᒋᓂᔪᖏᐊᒪᓐ ᐅᖏᐅᐁ ᐱᐊᐱᑯ ᐅᔑᐱᖏᐃᑲᓐ ᑭᖏᐱᓐ ᐊᓂᐱᑌᒃ ᑲᐃᓂᓐ ᐸᑭᓇᓐ. ᑭᖏᐱᓐ ᐁᑭᐊᓂᐱᑌᒃ ᐅᖏᐅᐁ ᐅᔑᐱᖏᐃᑲᓐ, ᐱᑭᐁᓂᔪᖏᐊᒪᓐ ᐃᐸᒃ ᐁᑯ ᑲᒋᐱᖏᐊᓐ ᑭᖏᐱᓐ ᑭᑌᐱᓇᒪᓐ.

From: Kimberly Jorgenson <[redacted]>
Sent: September 23, 2020 9:42 AM
To: Metuzals, Jessica
Cc: John O'Nabigon; Ervin Waboose; Jud[redacted]
Subject: RE: IK Study Memo

Hi Jessica,

That is correct at the present time. Thanks!

Kim

From: Kimberly Jorgenson [redacted]
Sent: September 25, 2020 3:18 PM
To: Bob Baxter; Larissa Mikkelsen
Cc: John O'Nabigon; [redacted]; Ervin Waboose; Metuzals, Jessica
Subject: MFCAR IK Study Memo - LL58 Comments

Hi Bob & Larissa,

The following comments are provided by Long Lake #58 First Nation (LL58) in response to the Preliminary Aboriginal & Treaty Rights & Interests Study Areas Memo received from the Marten Falls Community Access Road (MFCAR) team on August 25, 2020.

Thank you for the information provided in the detailed memo, and the opportunity to provide comment on the proposed boundaries. Technical comments are below:

- According to Table 2, the Local Study Area (LSA) follows a predictable 5 km buffer around the proposed road corridors, while the Regional Study Area (RSA) includes only the combined area of quaternary watersheds crossed by the proposed road corridors. There are three distinct areas near the southern portion of the undertaking where the RSA is narrower than the LSA area, i.e. it comes closer than 5 km from the proposed road corridors. In one area the RSA is actually beneath corridor segment 'Alternative 4 West'.
    - It is LL58's opinion that the RSA should be inclusive of the LSA, and that the quaternary watersheds crossed by the LSA should be added to the RSA. At no point should the RSA be narrower than the LSA, and certainly not narrower than the actual road corridor.
- The LSA and RSA both end within 5 km (or less) of the southern terminus of Alternative 4.
    - It is LL58's opinion that both Study Areas should be expanded further south to ensure that impacts to First Nations rights and values are appropriately considered from the resultant increased traffic flow onto Painter Lake Road (such direct impacts cannot logically be separated from the area of immediate corridor construction). Since direct impacts from vehicles accessing the MFCAR corridor will be experienced by LL58 members, an appropriate Study Area should include at least one additional quaternary watershed south of the current Study Area boundaries.

While community capacity remains a challenge in these discussions, LL58 is optimistic that funding support will be made available from the province in the coming months. As such, LL58 would like to take this opportunity to re-open dialogue with the MFCAR team to discuss the details of the IK Program and to develop next steps in our participation. A meeting date in the last two weeks of October is proposed, please share your availability at your earliest convenience.

Sincerely,

Kim
(on behalf of LL58)

Kimberly Jorgenson ᑭᒪᐳᖏᓪ ᔪᖏᑭᓴᓵ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓯᐊᓵ ᐱᒧᐃᑎᕐᐃᓇᓵ ᑲᓇᓇᑲᑎᑐᒃ
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Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓵ ᐅᑭᒪᐃᓵ
[redacted]

From: Kimberly Jorgenson [redacted]
Sent: October 16, 2020 1:26 PM
To: Metuzals, Jessica; Judy Desmoulin; John O'Nabigon; Ervin Waboose
Cc: Andrea Nokleby; Caroline Wrobel
Subject: RE: MFFN CAR - Proposed IK Program Meeting Date and Time with LL58

Hi Jessica,

In conversation with John O'Nabigon this morning, the proposed meeting time works, please go ahead with scheduling the call.

FYI, LL58 is still waiting to receive provincial support for participating in this EA, so while the conversation will be helpful to reinitiate the relationship, it will be a challenge to follow-through with actions at this time. Hopefully the funding situation will be resolved soon.

Meegwetch, have a wonderful weekend,

Kim

Kimberly Jorgenson ᑭᒡᓵᓂᒃ ᒍᖏᑦᑳᓴ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓯᐊᓵ ᐱᒍᐃᑎᕐᐃᓚᓵ ᑲᓚᓚᑲᑎᑐᒃ
Four Rivers Environmental Services Group ᓂᐅ ᓯᐱᓵᒃ ᐊᑭ ᐱᒪᑎᓯᐊᓵ ᐃᑎᑦᐃᐁᐃᓵ ᐊᓄᑭᓚᑲᓚᒃ
Matawa First Nations Management ᒪᑕᐊ ᑕᔑᑭᐃᓚᓵ ᐅᑭᒪᐃᓵ
[redacted]

This electronic transmission may contain information that is confidential, privileged and/or protected under law. Review, disclosure or distribution of this e-mail by an unintended recipient is strictly prohibited. If you have received this communication in error, please notify the sender immediately and permanently delete the copy you have received. ᐅᖅᐅᐁᐯ ᐱᓕᐊᑯ ᐅᔨᐱᖅᑐᐃᑲᓵ ᑲᒪᓓᕐᕕᓂᖏᓐᓇᖅᑐᑦ ᐊᒡᐊᑦ, ᑭᒋᓵᑕᑯᓵ ᑲᐅᔨᐱᖅᑐᐃᑲᑌᑭᓵ ᐁᑯ/ᖃᒪ ᓇᑕᒪᑌ ᐅᓇᑯᓂᖃᐃᓂᒃ. ᑲᒃᖁᒃ ᓇᓇᑲᒋᑕᓵ, ᒋᕐᕕᒋᖃᒃᓵ ᑭᒪ ᒪᒋᓂᓂᖅᐊᒪᓵ ᐅᖅᐅᐁᐯ ᐱᓕᐊᑯ ᐅᔨᐱᖅᑐᐃᑲᓵ ᑭᓐᐱᓵ ᐧᐊᓂᐱᑌᒃ ᑲᐃᓂᓵ ᕿᑭᓵ. ᑭᓐᐱᓵ ᐁᑭᐧᐊᓂᐱᑌᒃ ᐅᖅᐅᐁᐯ ᐅᔨᐱᖅᑐᐃᑲᑦ, ᐱᑭᐁᓂᓂᖅᐊᓐᓇᖅᑐᓵ ᐃᕐᑦ ᐁᑯ ᑲᓯᐱᖅᐊᓐᓇᖅᑐᓵ ᑭᓐᐱᓵ ᑭᑌᐱᓚᒪᓵ.

From: Kimberly Jorgenson [redacted]
Sent: November 30, 2020 8:54 AM
To: Metuzals, Jessica
Cc: Ervin Waboose; John O'Nabigon
Subject: RE: Marten Falls Community Access Road - IK Program Guidance Document
Attachments: 201130_LL58_MFCAR_Data sharing agreement_Draft_v2.docx

Good morning Jessica,

Please find attached for consideration a draft Data Sharing Agreement between Long Lake #58 First Nation and the Marten Falls Community Access Road Project. LL58 has indicated that they are comfortable with the wording in this draft.

Please advise regarding the next steps to advance the IK Program for LL58,

Kim

Kimberly Jorgenson ᑭᒪᐳᖏᓪᒃᓴᓐ
Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐧᐃᓐ ᐱᒍᐃᒋᕐᐊᐃᓇᓐ ᑲᓇᓇᑲᑎᑐᐣ
Four Rivers Environmental Services Group ᓂᐅ ᓱᐱᐧᐣ ᐊᑭ ᐱᒪᑎᓱᐧᐃᓐ ᐃᒋᐦᐃᐁᐃᓐ ᐊᓄᑭᓇᑲᓇᐣ
Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓐ ᐅᑭᒪᐃᓐ
[redacted]

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INDIGENOUS KNOWLEDGE
INFORMATION SHARING AGREEMENT
Marten Falls First Nation
Community Access Road
CONFIDENTIAL INFORMATION

dated the ____ day of , 2020

As part of the Marten Falls Community Access Road Project, (the "Project"), Long Lake #58 First Nation hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include:

1. Indigenous Knowledge/Traditional Knowledge: encompasses traditional spirituality, beliefs, values, practices, knowledge, customs, language, oral history, stories, art forms, laws, land-based activities, land use, innovations, experiences, expressions and everyday life-skills. It includes knowledge held by individuals, groups of individuals, families or the collective as a whole. It is handed down from one generation to another. It is fundamental to the identity of Indigenous Peoples. It is closely linked to the environment and is holistic in nature. It is a cumulative body of knowledge, understandings, observations, experiences, and beliefs about the environment, and about the relationship of living beings with one another and the environment, handed down through generations and rooted in the traditional way of life of Indigenous Peoples.

2. Contemporary knowledge/land use: recent and current knowledge of land use by community members, including but not limited to areas used for hunting, trapping, fishing, plant gathering, travelling, camping, ceremonies, and sacred locations.

3. Data: physical and digital copies of information including, but not limited to: geospatial data (shapefiles, geodatabases, mapping projects, GPS files, and KML files); data related to Indigenous Knowledge (audio, video, pictures, interview transcripts, etc.); digital copies of scanned maps, digital copies of interview material (questionnaires, notes, stories, legends, etc.); and, any other relevant physical or digital copies of documents containing relevant and important information. Geospatial data: includes data that is linked to a location. For example, geospatial data can include GPS points or values drawn on a map. Geospatial data typically is used with a Geographic Information System (GIS).

For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by Long Lake #58 First Nation is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how Long Lake #58 First Nation lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the Environmental Assessment and Preliminary Design). The Confidential Information may be used to better understand how Long Lake #58 First Nation community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

All requests for the Recipients to access data must be accompanied by written permission from Long Lake #58 First Nation. If authorized by Long Lake #58 First Nation, data will be released in whatever format is most appropriate and/or available for the request. The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects, government initiatives or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities, or external researchers without express written consent of Long Lake #58 First Nation. The Recipients acknowledge and agree that the Confidential Information is the property of Long Lake #58 First Nation and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of Long Lake #58 First Nation. The retention period for data storage is up to the discretion of the Long Lake #58 First Nation and can be a fixed term as specified below:

Retention Period: January 1, 2021 to December 31, 2024

On termination of this Agreement or on written notice by Long Lake #58 First Nation, the Recipients shall as directed by Long Lake #58 First Nation to either: promptly destroy or return to Long Lake #58 First Nation all Confidential Information and all copies thereof. Each party shall send correspondence to the other confirming the termination of this agreement and that data has been returned in full by the Recipients and received by Long Lake #58 First Nation.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by Long Lake #58 First Nation is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of Long Lake #58 First Nation:

_____ _____

(Authorized representative) Date

Agreed to on behalf of the Recipients:

_____ _____

(Authorized representative) Date

From:	Kimberly Jorgenson [redacted]
Sent:	December 18, 2020 5:14 PM
To:	[redacted]
Cc:	Bruce Achneepineskum; [redacted]; Metuzals, Jessica; Judy Desmoulin; John O'Nabigon; Ervin Waboose
Subject:	MFCAR EA Proposed ToR Review - LL58 Comments
Attachments:	201218_Letter_LL58_MOECP_MFCAR EA ToR_Comments.pdf

Ms. McLeod and Ms. Gauthier,

Please find attached a letter and comment submission from Long Lake #58 First Nation to the Ministry of the Environment, Conservation and Parks regarding their review of the proposed Terms of Reference for the Marten Falls Community Access Road Environmental Assessment.

Thanks,

Kim
(on behalf of LL58)

Kimberly Jorgenson ᑭᒪᐳᖏ ᒍᖕᑭᓴᓂ

Environmental Services Coordinator ᐊᑭ ᐱᒪᑎᓱᐧᐃᓂ ᐱᒧᐃᐢᕐᓭᐧᐃᓂ ᑲᓇᓇᑲᑎᑐᑦ

Four Rivers Environmental Services Group ᓂᐅ ᓱᐱᐧᐣ ᐊᑭ ᐱᒪᑎᓱᐧᐃᓂ ᐃᐢᑊᐃᐧᐁᐧᐃᓂ ᐊᓄᑭᓇᑲᓇᐣ

Matawa First Nations Management ᒪᑕᐧᐊ ᑕᔑᑭᐃᓇᓂ ᐅᑭᒪᐃᓂ

[redacted]

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B13.3 Community Specific Meeting Materials

Meeting Between Long Lake # 58 First Nation and Marten Falls First Nation (MFFN) Project Team

October 26, 2020
Teleconference Call, 4pm to 5pm EST

Meeting Purpose: The purpose of this meeting is to reinitiate discussions with Long Lake #58 First Nation on the MFFN Community Access Road Indigenous Knowledge (IK) Program. It will focus on developing next steps for Long Lake #58 First Nation's participation in the IK Program.

Meeting Agenda:

Item #	Topic
1	Welcome and Introductions
2	Preliminary Aboriginal and Treaty Rights and Interests Study Areas
3	Long Lake #58 First Nation and MFFN - IK Sharing Agreement
4	General Discussion on IK Program
5	Questions and Discussions
6	Next Steps
7	Closing Remarks

B13.4 ToR Comments Received / Responses

Long Lake #58 First Nation

[redacted]

December 18, 2020

Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
Attn: Sasha McLeod and Shannon Gauthier
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Via e-mail: [redacted]

Re: Review of Proposed Terms of Reference for the Marten Falls Community Access Road Environmental Assessment

Dear Ms. McLeod and Ms. Gauthier,

I am writing in response to the Notice of Submission of Terms of Reference dated October 23, 2020 regarding the Marten Falls First Nation Community Access Road Project Environmental Assessment (EA).

Long Lake #58 First Nation (LL58) continues to experience a lack of internal capacity to participate in consultation activities for this EA due to the late offer of funding support from the province and resultant delay in agreement execution (final agreement signed December 8/20). The absence of timely provincial and proponent funding support means that the community consultation requirements defined in LL58's Engagement and Accommodation Protocol (2015) have not been met for this EA at this time. LL58 has not yet been able to hire an internal Community Outreach and Engagement Coordinator to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process. Such challenges have been further exacerbated by recent tragedies in our community and the ongoing Covid-19 pandemic straining our already limited resources. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and LL58 was able to commit the resources and thoughtful reflection required on engagement methods required to meaningfully participate.

We respect the need for Marten Falls First Nation to advance this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; many of the comments provided were gathered during a single community engagement event conducted in early 2020 on the federal Impact Assessment for this project, and on a limited internal review of the ToR documentation.

LL58 looks forward to receiving responses from the Ministry of the Environment, Conservation & Parks and the Marten Falls Community Access Road team regarding these comments and future plans for meaningful and appropriate engagement and consultation.

Sincerely,

[redacted]

Chief Judy Desmoulin

cc. Chief Bruce Achneepineskum[redacted]
Qasim Saddique[redacted]
Jessica Metuzals
John O'Nabigon
Ervin Waboose (
Kimberly Jorgenson

December 18, 2020

Long Lake #58 First Nation Comments: Marten Falls Community Access Road (MFCAR) Environmental Assessment (EA) Terms of Reference (ToR)

The following comments are provided in conjunction with the formal submission letter signed by Long Lake #58 First Nation (LL58) Chief Judy Desmoulin.

Restrictive Timelines & Capacity

LL58 does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While LL58 has made all efforts to be engaged and informed on this project, our Lands & Resource department does not have dedicated staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances.

Indigenous Knowledge Program

LL58 would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the Indigenous Knowledge (IK) Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.

Technical Clarifications

LL58 would like to clarify that we are not a signatory to the Robinson-Superior Treaty 1850, as stated on Page 38 of the Terms of Reference document. LL58 has been located on a one square mile tract of land since 1905. While we were located to this land, and despite the fact that our homelands overlap the geographic boundaries of the Treaty 9 and Robinson-Superior Treaty of 1850, LL58 has never signed a treaty with the Crown. LL58's community profile is accurately reflected in Appendix C, Page 143. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation (Inc. should not added to Matawa First Nations Management).

Record of Consultation

No comments at this time.

Community Priorities

Through initial community engagement efforts, the following priority areas have been identified by LL58 community members as requiring specific attention as the project EA proceeds. They are listed in no particular order and are not to be considered a full and comprehensive list of LL58's interests; they are provided to help assist in future focused communication efforts surrounding this EA.

- Environmental protections: Ensuring measures are in-place throughout the project life to protect the waters, fish, land, animals (notably moose) and air quality surrounding the project and associated watersheds, including a rigorous environmental monitoring program.
    - LL58 would like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. LL58 has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, sturgeon, and migratory birds) will help ensure that data collection efforts are relevant to all communities in the area. This holistic approach would benefit the full region and is more respectful of Indigenous perspectives.

- Meaningful engagement: Ensure the Province and MFCAR team understand LL58's internal processes (as detailed in the LL58 Engagement & Accommodation Protocol previously provided), the hierarchy of advice and necessity of full-community involvement in decision-making processes to reach consensus.
    - While it is referenced within the ToR that such Protocols will be considered when undertaking consultation activities (page 79), LL58 would prefer this statement read that such protocols will be recognized. Recognition of LL58's Protocol has not been demonstrated to-date, most notably with the challenges of engagement during the current pandemic and the clear requirement for longer review periods and capacity supports. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members.
    - LL58's limited resources have been further strained due to the pandemic and simultaneous consultation effort from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR.

- Cultural & spiritual significance of the lands and waters: IK data collection/gathering/mapping efforts need to be supported to ensure that conversations surrounding the potential impacts of the project to LL58's homelands are understood and accommodated in this project EA. LL58's IK needs to be incorporated into the baseline conditions for this EA, to assist in the determination of potential impacts.
    - On page 49, the preliminary list of plant species of importance should be expanded to include sweet flag (*Acorus calamus*), white cedar (*Thuja occidentalis)* and sage.

- Transportation: LL58 understands that the project will lead to increased traffic through LL58's homelands in the future, most notably once a connection is established to the Ring of Fire through the proposed Northern Road Link. LL58 needs to understand potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership (especially in light of the increasingly tragic traffic accidents with transport trucks observed in recent years). LL58 would like to see measures in-place to improve driver safety throughout the Trans-Canada Highway system.
    - Road safety considerations should be added to the list on page 70, especially once future mineral developments are developed as a result of improved access through the MFCAR.

- Economic opportunities: LL58 is interested in learning more about potential economic development opportunities to work with the Proponent in supporting road construction contracts and would like to encourage the construction proponent to source local, First Nation-owned business contractors. Community members are also interested in employment and training opportunities surrounding road construction work, including camp support, aggregate extraction, materials/supply transportation, and environmental data collection. LL58 understands that increased traffic in LL58's homelands in the future will also result in increased tourism opportunities for LL58 businesses.
    - On page 59, the upcoming Greenstone Gold Mine (GGM) should be added to the Greenstone Economy section, as construction on the new development is anticipated to begin within the timeframe of this EA.

- Improved communications and partnerships with neighbouring First Nations: LL58 views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions, communications and potential partnerships with our neighbours. LL58 is also open to sharing our experience in becoming connected to the provincial highway system, and the changes it brought to the well-being of our community and homelands.

- Increased hunting: LL58 is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic/tourism. Moose population studies should be included in this study at an equivalent level to caribou.

- Fish populations: LL58 would like to understand how the proposed corridor (and resulting increase in traffic/tourism and spill risks) could impact fish communities and fishing opportunities within LL58's homelands.
    - LL58 would also like to understand the potential long term impacts of road operations on groundwater (page 68), natural springs, and surface water flow restrictions from alterations such as culvert installations (page 67).

- Increased load on infrastructure in Geraldton: LL58 members current seek health care services, groceries, and other services in the neighbouring town of Geraldton, with the proposed corridor anticipated to result in increased loads to this infrastructure (especially in-light of the anticipated future development of GGM). LL58 would like to understand how increased loads to Geraldton's infrastructure (including community roads, the hospital, landfill and police services) could be affected by the proposed project, and to ensure that the eventual development of GGM is included in the assessment of cumulative effects.

- Aggregate resources: LL58 would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited in the north and present both economic development opportunities and potential risks to local IK values.

- Eventual connection to the Ring of Fire: Since the proposed road will eventually connect to future mineral developments in the Ring of Fire, LL58 would like to have a better understanding of the potential future cumulative effects of such mining developments on LL58's homelands.

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Long Lake #58 First Nation – December 18, 2020			
LL58-1	Long Lake #58 First Nation (LL58) continues to experience a lack of internal capacity to participate in consultation activities for this EA due to the late offer of funding support from the province and resultant delay in agreement execution (final agreement signed December 8/20). The absence of timely provincial and proponent funding support means that the community consultation requirements defined in LL58's Engagement and Accommodation Protocol (2015) have not been met for this EA at this time. LL58 has not yet been able to hire an internal Community Outreach and Engagement Coordinator to meaningfully engage our membership on the technical details of the project, nor to build internal capacity and knowledge on the provincial EA process. Such challenges have been further exacerbated by recent tragedies in our community and the ongoing Covid-19 pandemic straining our already limited resources. Ideally, consultation efforts surrounding this project EA would have been put on hold until after the global pandemic had subsided and LL58 was able to commit the resources and thoughtful reflection required on engagement methods required to meaningfully participate.	Marten Falls First Nation (MFFN) extends deep sympathy to the entire Long Lake #58 First Nation community on the recent tragedies, as well as the many difficulties presented by COVID-19 and lack of resources. MFFN understands the challenges related to receiving late funding support from Ontario and by way of submitting this formal comment, Ontario is made aware. MFFN is hopeful that once the Environmental Assessment (EA) is initiated that Long Lake #58 First Nation will be in a better position to participate in the process. To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Long Lake #58 First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19.Hopefully once the job posting is distributed it will expedite onboarding support for Long Lake #58 First Nation, including the development of a custom consultation and engagement plan, if that is of interest to the community. In light of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with extra time to review documentation and provide comments. An additional opportunity for Long Lake #58 First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.	Commitment for EA
LL58-2	We respect the need for Marten Falls First Nation to advance this project for the betterment of their people and community, and as such are providing the attached high-level comments on the Terms of Reference (ToR) document. Please note that these comments are not holistic or respectful of our community communication and consultation processes; many of the comments provided were gathered during a single community engagement event conducted in early 2020 on the federal Impact Assessment for this project, and on a limited internal review of the ToR documentation.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Long Lake #58 First Nation, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8
LL58-3	Restrictive Timelines & Capacity LL58 does not currently have the required resources to conduct a thorough technical review of the Terms of Reference (ToR) within the comment deadline. While LL58 has made all efforts to be engaged and informed on this project, our Lands & Resource department does not have dedicated staff fluent with Environmental Assessment (EA) legislation and processes. Additional timeline and capacity restrictions have been encountered due to the global pandemic, resulting in a lack of in-community engagement to-date from the Proponent and Province. Appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process, which is especially difficult in the current circumstances.	MFFN understands the difficult challenges faced by many communities regarding the global pandemic and inability to gather community members, particularly youth and Elders. MFFN is hopeful that once the EA is initiated that Long Lake #58 First Nation will be in a better position to participate in the process. To help facilitate engagement in the EA, MFFN will be reaching out to hire a local Community Coordinator who will be the primary contact from Long Lake #58 First Nation and act as a liaison to provide coordination between the community and MFFN during the EA, including advising on appropriate ways to engage with the community during COVID-19. It is MFFN's hope that an appropriate path forward that suits the needs of Long Lake #58 First Nation for consultation and engagement is determined. A community-specific consultation plan can also be developed if that is of interest.	Commitment for EA
LL58-4	Indigenous Knowledge Program LL58 would like to acknowledge that discussions have been initiated with the MFCAR team to participate in the Indigenous Knowledge (IK) Program, referenced extensively throughout the ToR document. Details of a draft Information Sharing Agreement have been discussed, and it is anticipated that work plans and financial support details for IK data collection in the local and regional study areas will be discussed in the new year.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN looks forward to continued consultation with Long Lake #58 First Nation and your participation in the Indigenous Knowledge Program.	Section 3.4.2.1, pg. 11
LL58-5	Technical Clarifications LL58 would like to clarify that we are not a signatory to the Robinson-Superior Treaty 1850, as stated on Page 38 of the Terms of Reference document. LL58 has been located on a one square mile tract of land since 1905. While we were located to this land, and despite the fact that our homelands overlap the geographic boundaries of the Treaty 9 and Robinson-Superior Treaty of 1850, LL58 has never signed a treaty with the Crown. LL58's community profile is accurately reflected in Appendix C, Page 143. Matawa First Nations Management is also incorrectly referenced as an Incorporated corporation throughout the ToR documentation (Inc. should not added to Matawa First Nations Management).	The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).	Commitment for EA
LL58-6	Record of Consultation No comments at this time.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	Appendix C, Section 3.1, pg. 143 to 158
LL58-7	Community Priorities Environmental protections: Ensuring measures are in-place throughout the project life to protect the waters, fish, land, animals (notably moose) and air quality surrounding the project and associated watersheds, including a rigorous environmental monitoring program. ▪ LL58 would like to see opportunities to connect and collaborate on environmental baseline data collection and monitoring efforts at a regional scale. LL58 has been working towards establishing an Indigenous Guardians program on our homelands, as connected with our regional emerging initiative at Matawa First Nations Management (through	MFFN acknowledges Long Lake #58 First Nation's concerns about the potential effects to waters, fish, land, wildlife and air quality and agrees that it is important to protect them. Traditional use of land and resources (Section 7.2.1), air quality (Section 7.2.2), land (Section 7.2.4), surface water (Section 7.2.5), groundwater (Section 7.2.6), wildlife, including moose and caribou (Section 7.2.8) and fish and fish habitat (Section 7.2.9) are all identified within the Terms of Reference (ToR) for assessment of effects during the EA. As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / Impact	Section 7.2.1, pg. 65 Section 7.2.2, pg. 66 Section 7.2.4, pg. 67 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.8, pg. 69

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	Four Rivers). Opportunities to complement data collection efforts on shared watersheds and long-ranging species (such as moose, sturgeon, and migratory birds) will help ensure that data collection efforts are relevant to all communities in the area. This holistic approach would benefit the full region and is more respectful of Indigenous perspectives.	Statement (IS) Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones "Effects Assessment Methods," "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Long Lake #58 First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs. In addition, the Indigenous Knowledge Program provides additional opportunities for information on Long Lake #58 First Nation's traditional livelihoods to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Long Lake #58 First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. MFFN will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / IS Consultation and Engagement Plan). Follow-up monitoring measures will be consulted on during the milestones Effects Assessment Methods, Identification of Preferred Alternatives, and Review of Draft EA / IS. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies, characterize existing conditions, recommend impact management measures and identify opportunities for Indigenous peoples during development of the Project. In addition, the results of field studies will be shared throughout the EA, and will be documented in the EA. The MFFN Project Team will share Long Lake #58 First Nation's comment regarding the desire for complementary data collection and monitoring between communities as part of broader regional initiatives, which are outside the scope of this Project, with MFFN Chief and Council.	Section 7.2.9, pg. 69 Section 8, pg. 72 Section 9, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 23 Commitment for EA
LL58-8	Community Priorities Meaningful engagement: Ensure the Province and MFCAR team understand LL58's internal processes (as detailed in the LL58 Engagement & Accommodation Protocol previously provided), the hierarchy of advice and necessity of full-community involvement in decision-making processes to reach consensus. ▪ While it is referenced within the ToR that such Protocols will be considered when undertaking consultation activities (page 79), LL58 would prefer this statement read that such protocols will be recognized. Recognition of LL58's Protocol has not been demonstrated to-date, most notably with the challenges of engagement during the current pandemic and the clear requirement for longer review periods and capacity supports. These challenges should also be acknowledged and planned for within Section 10 of the ToR, beyond simply shifting to online engagement which is inaccessible to the majority of our community members. ▪ LL58's limited resources have been further strained due to the pandemic and simultaneous consultation effort from multiple groups, such as the projects listed on page 65 (Northern Road Link, Regional Assessment), the Webequie Supply Road EA and Impact Assessment (IA), and the federal IA for the MFCAR.	MFFN understands that many communities, including Long Lake #58 First Nation, are experiencing challenges related to the global pandemic, limited resources, consultation fatigue, conflicting priorities and confusing overlap and deadlines between different projects. Section 10 of the ToR is related to consultation activities that have already taken place. These challenges will be top of mind for MFFN as they relate to Section 11 (and the corresponding EA / IS Consultation and Engagement Plan) during the EA. It is not MFFN's intent to come across as though these problems will be solved by shifting to online engagement. MFFN understands that online engagement is only one available method and can be limited in its reach for some communities. MFFN will work with Long Lake #58 First Nation to determine the best path forward for consultation and engagement with all community members. As noted in the EA / IS Consultation and Engagement Plan, during COVID-19 restrictions there are more activities offered than online engagement, including teleconferences and potential small in-person meetings that meet physically distant protocols (and do not require an internet connection). Flexibility and adaptability are key and developing a community-specific consultation and engagement plan is offered if Long Lake #58 First Nation is interested. MFFN will be hiring a local Consultation Community Coordinator and it is anticipated that this role will also help in planning and coordinating consultation and engagement efforts that meet the needs of the community.	Section 10, pg. 78-101 Section 11.6, pg. 105-108 Appendix Bf ToR, Section 4.1.5, pg. 19
LL58-9	Community Priorities Cultural & spiritual significance of the lands and waters: IK data collection/gathering/mapping efforts need to be supported to ensure that conversations surrounding the potential impacts of the project to LL58's homelands are understood and accommodated in this project EA. LL58's IK needs to be incorporated into the baseline conditions for this EA, to assist in the determination of potential impacts. ▪ On page 49, the preliminary list of plant species of importance should be expanded to include sweet flag (Acorus calamus), white cedar (Thuja occidentalis) and sage.	Long Lake #58 First Nation is encouraged to share further information on the cultural and spiritual significance of the lands and waters, Indigenous Knowledge, and information on traditional uses of land and resources. This information can be shared through both the Consultation and Engagement Program and the Indigenous Knowledge Program. Species of importance to Indigenous communities, such as sweet flag, white cedar and sage, will be identified through these programs. The identified species will be provided to the appropriate environmental disciplines (i.e., vegetation) for consideration in the discipline-specific effects assessment. The environmental discipline will predict and assess potential effects to these species and provide the findings to the Aboriginal and Treaty Rights and Interest discipline, who will then assess how changes to these species predicted by the environmental disciplines may result in effects to its traditional use by Indigenous communities. MFFN has provided guidance for the completion of Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Studies based on best practices and the nature of information that has been requested by regulators (including through the federal Tailored Impacts Statement Guidelines); it also includes information on how Indigenous Knowledge may be used in the EA including to inform the baseline conditions for the various technical aspects of the EA (e.g., fish and fish habitat, wildlife and wildlife habitat). The Indigenous Knowledge Program Guidance Document was shared with Indigenous communities, including Long Lake #58 First Nation, in November 2020 and an Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) was shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. However, it is anticipated that each Indigenous community who participates in the Indigenous Knowledge Program will ultimately lead the collection and documentation of their Indigenous Knowledge and be responsible for their Indigenous Knowledge and Indigenous Land and Resource Use Studies. The MFFN Project team will be available to assist, if and as requested. The intent is to work collaboratively with potentially affected Indigenous communities based on their needs, interests and capacity to successfully participate in the Indigenous Knowledge Program.	Section 3.4.2.1, pg. 11 Commitment for EA

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		The sharing and use of Indigenous Knowledge will be governed by Indigenous Knowledge Sharing Agreements established between MFFN and Indigenous communities. MFFN looks forward to finalizing the Indigenous Knowledge Sharing Agreement with Long Lake #58 First Nation. Ongoing engagement with Indigenous communities through the Consultation and Engagement Program and Indigenous Knowledge Program will enable MFFN to understand Indigenous community perspectives on potential Project effects and work with Indigenous communities, including Long Lake #58 First Nation, on the identification of measures to avoid, minimize or accommodate potential effects. Thank you for identifying sweet flag, white cedar and sage as plant species of importance. This information has been noted so that, moving forward, it can be included in Project documentation (e.g., the EA Report).	
LL58-10	Community Priorities Transportation: LL58 understands that the project will lead to increased traffic through LL58's homelands in the future, most notably once a connection is established to the Ring of Fire through the proposed Northern Road Link. LL58 needs to understand potential implications for the health and safety of our members while travelling on the provincial highway system, and what increased traffic loads will mean to our membership (especially in light of the increasingly tragic traffic accidents with transport trucks observed in recent years). LL58 would like to see measures in-place to improve driver safety throughout the Trans-Canada Highway system. ▪ Road safety considerations should be added to the list on page 70, especially once future mineral developments are developed as a result of improved access through the MFCAR.	The EA will assess the potential effects of the Project due to traffic related incidents on the Community Access Road (CAR) during the operations and maintenance phase. The ToR has identified in Appendix A vehicular accidents as a potential indicator of personal safety to be assessed in the EA. The safety features of the proposed Project will be addressed through the design and engineering of the road. Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.	Section 7.2, pg. 65 Appendix A, pg. 7
LL58-11	Community Priorities Economic opportunities: LL58 is interested in learning more about potential economic development opportunities to work with the Proponent in supporting road construction contracts and would like to encourage the construction proponent to source local, First Nation-owned business contractors. Community members are also interested in employment and training opportunities surrounding road construction work, including camp support, aggregate extraction, materials/supply transportation, and environmental data collection. LL58 understands that increased traffic in LL58's homelands in the future will also result in increased tourism opportunities for LL58 businesses. ▪ On page 59, the upcoming Greenstone Gold Mine (GGM) should be added to the Greenstone Economy section, as construction on the new development is anticipated to begin within the timeframe of this EA.	Project construction, operations and maintenance are anticipated to generate direct and indirect employment, which is anticipated to include employment and procurement opportunities for Indigenous people and other local community members. MFFN will consult with communities in the local study area to better understand the community's current skill sets, potential opportunities for employment through the Project, and areas where training could improve employment opportunities. The EA will assess potential positive and negative effects of the Project on the economy and include impact management measures where applicable. As the ownership of the road is currently unknown, MFFN cannot commit to an Indigenous training and hiring policy for the Project at this time. However, it is expected that such a policy would be created in relation to the Project and recommendations included in the EA including on training and hiring, would form a basis for the policy. MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. The EA will include a description of the anticipated economic and employment contributions of the Greenstone Gold Mine.	Section 7.2.10, pg. 70
LL58-12	Community Priorities Improved communications and partnerships with neighbouring First Nations: LL58 views this project as an opportunity to improve dialogue with our neighbouring Matawa member First Nations, most notably Marten Falls First Nation, and we welcome the anticipated increased interactions, communications and potential partnerships with our neighbours. LL58 is also open to sharing our experience in becoming connected to the provincial highway system, and the changes it brought to the well-being of our community and homelands.	A primary objective of the EA process is to effectively communicate information about the proposed Project, and to consult with those who may be potentially affected by or have an interest in it. The MFFN Project Team is committed to creating and sustaining constructive dialogue and relationships with interested persons, including Long Lake #58 First Nation and Matawa First Nations, to support the environmental, social and economic sustainability of the Project. Additional input on how to improve efforts is always welcomed.	Section 10.1, pg. 78 Section 11.1, pg. 102 Appendix B, Section 2.1, pg. 8
LL58-13	Community Priorities Increased hunting: LL58 is concerned with the current moose population, having observed local declines in population that may be exacerbated by increased human traffic/tourism. Moose population studies should be included in this study at an equivalent level to caribou.	Section 7.2.8 of the ToR indicates that potential effects to wildlife (including moose) as result of the Project will be identified and assessed in the EA. Potential effects to moose due to increased human traffic and tourism will be assessed in the EA by considering how Project activities, such as those listed below, may affect moose population and behaviour: ▪ Noise, lights, and human presence have the potential to change wildlife behaviour through disturbance or attraction of wildlife; ▪ Operation of the CAR may result increased risk of mortality of wildlife species through vehicular collisions; and ▪ The CAR will provide year-round access to the Far North, which may increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight-lines along linear corridors, a change to seasonal migration pathways, higher risk of the introduction of invasive species, parasites and disease, and the accidental release of contaminants to the environment. Additionally, the EA will consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and	Section 7.2.1, pg. 66 Section 7.2.8, pg. 69 Commitment for EA

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		changes to the experience of being on the land. Furthermore, Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities. Baseline studies for moose will be completed as part of the larger wildlife program that includes remote camera surveys, observations in the field and habitat mapping. Whereas species-specific surveys for caribou as planned for the Project since these studies, in addition to informing the EA, are also intended to inform *Endangered Species Act* Authorizations. MFFN will contact Long Lake #58 First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	
LL58-14	Community Priorities Fish populations: LL58 would like to understand how the proposed corridor (and resulting increase in traffic/tourism and spill risks) could impact fish communities and fishing opportunities within LL58's homelands. ▪ LL58 would also like to understand the potential long term impacts of road operations on groundwater (page 68), natural springs, and surface water flow restrictions from alterations such as culvert installations (page 67).	Section 7.2.1 of the ToR indicates that the "Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources." Water resources is inclusive of springs, aquifers and surface water features. The EA will document existing conditions, including information on watersheds and waterways within the study area for the Project. MFFN acknowledges Long Lake #58 First Nation's concerns for potential effects of the Project on fish and water resources, and will identify and assess potential effects of the Project on fish and fish habitat (Section 7.2.9), surface water (Section 7.2.5) and groundwater (Section 7.2.6) in the EA. The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly effect fish and fish habitat. The Project activities, outlined in Section 5.2.1 of the ToR, includes culvert installations for assessment of potential effects in the EA. MFFN acknowledges that increased access and increased human traffic / tourism may arise in the future if the CAR is constructed. Section 7.2.9 of the ToR states that "(t)he CAR will provide year-round access to the Far North, which is likely to increase access to waterbodies for recreational use. This has the potential to result in an increase in angling pressure to fish populations, higher risk of the introduction of invasive aquatic species, parasites and disease, and the accidental release of contaminants to waterbodies". The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources including potential changes associated with increased access by non-Indigenous land users, which may, in turn, influence Indigenous land and resource use activities in the area of the Project; and changes to the experience of being on the land. The findings of the effects assessments on the natural environment (including moose and caribou) will serve as important data sources to be used to assess the potential effects to the availability of lands and resources for traditional activities.	Section 5.2.1.2, pg. 16 Section 7.2.1, pg. 66 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9 pg. 70
LL58-15	Community Priorities Increased load on infrastructure in Geraldton: LL58 members currently seek health care services, groceries, and other services in the neighbouring town of Geraldton, with the proposed corridor anticipated to result in increased loads to this infrastructure (especially in-light of the anticipated future development of GGM). LL58 would like to understand how increased loads to Geraldton's infrastructure (including community roads, the hospital, landfill and police services) could be affected by the proposed project, and to ensure that the eventual development of GGM is included in the assessment of cumulative effects.	MFFN acknowledges that if population increases or demographics change, strain on public services and infrastructure may also occur. Therefore, changes to the socio-economic environment will look at potential changes in availability and use of public services and infrastructure (Section 7.2.10 of the ToR) within Geraldton that may occur as a result of the Project will be considered in the EA. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The potential for the Project to act cumulatively with the Greenstone Gold Hardrock Mine will be considered for inclusion in the cumulative effects assessment of the EA.	Section 7.2.10, pg. 70
LL58-16	Community Priorities Aggregate resources: LL58 would like to see further information on aggregate sources for the project, as it is recognized that these resources are limited in the north and present both economic development opportunities and potential risks to local IK values.	Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2). MFFN recognizes Indigenous Knowledge as a critical component of the EA process and is committed to working with Indigenous communities to respectfully collaborate on how Indigenous Knowledge will be utilized in identifying indicators, informing baseline conditions, predicting potential effects of the Project, and helping to determine appropriate impact management measures and monitoring methods. MFFN will consult with Long Lake #58 First Nation to better understand their concerns. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Long Lake #58 First Nation in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	Section 6.3, pg. 22 Section 5.2.2, pg. 20 Section 7.1.4.4, pg. 44 Commitment for EA
LL58-17	Community Priorities Eventual connection to the Ring of Fire: Since the proposed road will eventually connect to future mineral developments	An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment. Activities that will be considered in the cumulative	Section 7.6, pg. 65 Appendix B, Table 4-2, pg.

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	in the Ring of Fire, LL58 would like to have a better understanding of the potential future cumulative effects of such mining developments on LL58's homelands.	effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Long Lake #58 First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.	23 Commitment for EA

References

Long Lake #58 First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

B14. Marten Falls First Nation (MFFN)

B14.1 Outgoing Community Specific Correspondence

B14.2 Incoming Community Specific Correspondence

B14.3 Community Specific Meeting Materials

B14.4 ToR Comments Received / Responses



B14.1 Outgoing Community Specific Correspondence



From: **Nokleby, Andrea** <[redacted]>
Date: Fri, Sep 4, 2020 at 10:25 AM
Subject: Fish Habitat Sites - CBLUP Inputs
To: Larissa Mikkelsen <[redacted]>
Cc: Kjartanson, Shawna <[redacted]>

Hi Larissa and Bob,

Happy Friday!

Larissa, further to our conversation yesterday, the Natural Science (NS) Team (members copied here) may be doing some fish habitat assessments this fall. The assessments will include measuring and describing habitat and taking photos. They are not doing any fishing or sampling.

The attached map shows where they have already done assessments (labelled as "Water Survey"). We are wondering if the CBLUP Team could review the map and provide any insights on crossings they think would be important to visit (especially sites that haven't already been visited). We are hoping to get feedback by September 14/15 if possible.

The NS Team will then take this information into consideration when finalizing the assessment locations. The NS Team plans to select sites to get a subset of crossings of different sizes to get a good representation.

Please let me know if you have any questions or comments. Thanks and have a great long weekend if we don't speak before,

Andrea

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

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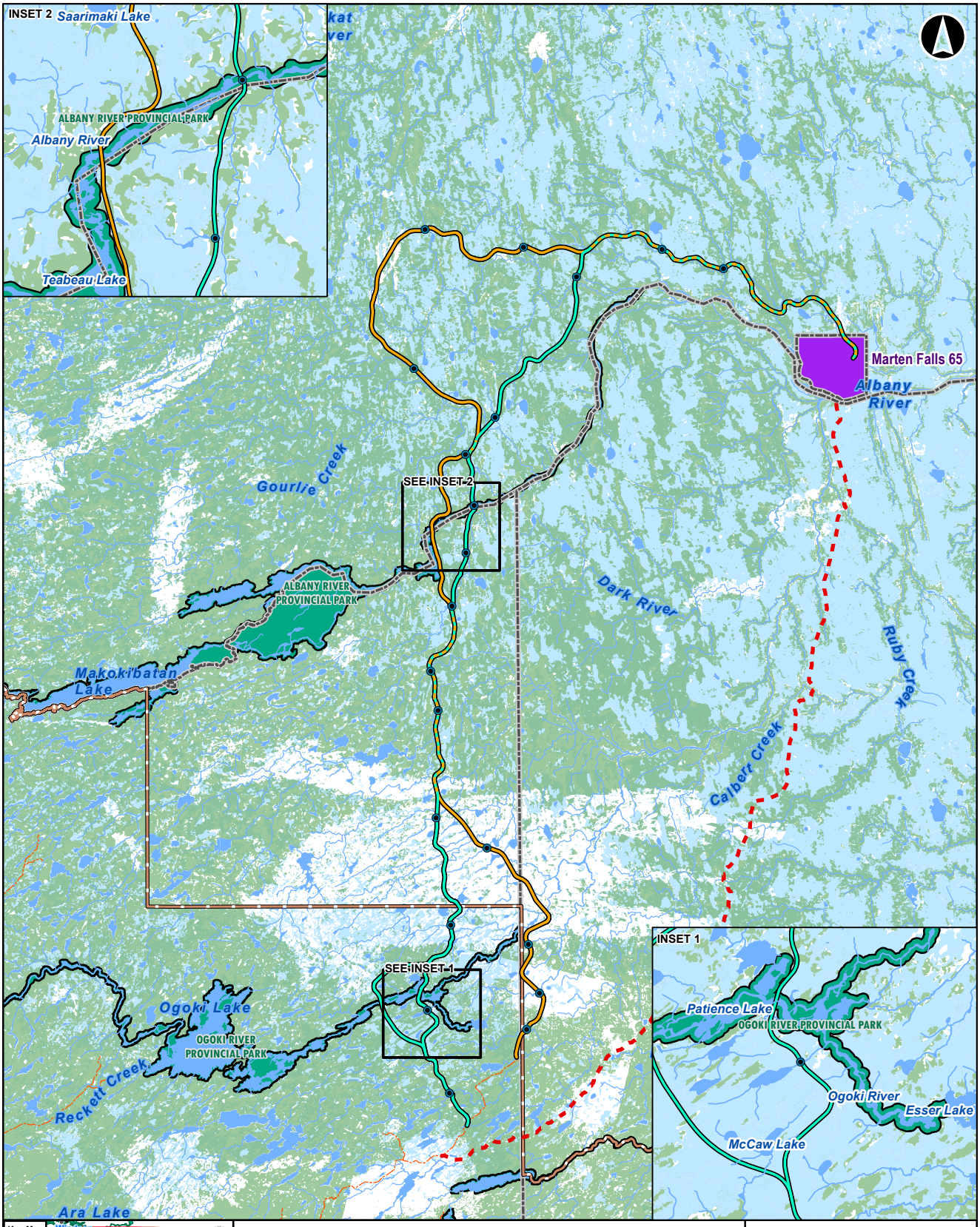

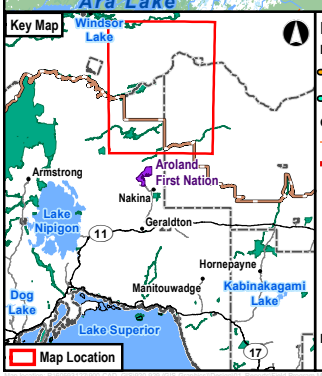

Legend

Route Alternatives
- Alternative 1
- Alternative 4

General Features
- Resource / Recreation Road
- Existing Winter Access Road
- Provincial Park
- Woodlands
- Waterbody
- Wetlands
- Far North Boundary
- First Nation Reserve
- District Municipal Boundary

Field Program Locations
- Water Survey

Marten Falls First Nation
All Season Community Access Road

Fish Field Program Locations

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

Sep, 2020	1:500,000 * when printed 11"x17"	Data Sources: MNRF, MMAH, NRCAN
P#:60593122	Rev:00	

AECOM

Figure 1

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From: info@martenfallsaccessroad.ca
Sent: September 16, 2020 2:46 PM
To: [redacted]
Subject: MFFN Community Review - Community Access Road Terms of Reference
Attachments: MFFN ToR Release Notice - 2020-09-16.pdf

Good afternoon,

Please find below the email text that will be circulated to the Marten Falls First Nation members on the Project distribution list today. In addition, please find attached the notice that will accompany this email.

Kind Regards,

The MFFN Project Team

Email text:

Good afternoon,

The Terms of Reference for the MFFN Community Access Road is now available for MFFN community members to review.

September 16 to 30, 2020
Website: martenfallsaccessroad.ca/tor
Password: [redacted]

The Terms of Reference, along with three videos and fact sheets, is available from September 16 to 30, 2020 for MFFN community members (only) to review and provide comments before being released to the public. The Terms of Reference is a technical document while the videos and fact sheets present overviews of the document in simple language to promote understanding and awareness of the content and key revisions.
By learning more about the Community Access Road, you can enter to win a grand prize to River View Variety in MFFN! Details on how to enter are on the webpage linked above.

A hard copy of the Terms of Reference is available in the MFFN Band Office and at the Thunder Bay satellite Band Office. Please contact MFFN Council members for access to the Band Offices.
If you have any questions or comments, please reply to this email.

Sincerely,

MFFN Community Access Road Project Team

From: info@martenfallsaccessroad.ca <info@martenfallsaccessroad.ca>
Sent: Thursday, October 8, 2020 2:11 PM
To: info@martenfallsaccessroad.ca
Subject: [EXTERNAL] MFFN CAR - Field Notices

Hello,

Please find attached two Field Notices for upcoming field programs for the Marten Falls All Season Community Access Road.

An aquatics field program based out of Geraldton will take place from **October 14 - 25, 2020**. Study areas will be accessed by helicopter between 7am and 7pm during this time.

An air quality program will be in-community from **October 26 – 30, 2020**. Field crews will be staying in-community and provincial guidelines for COVID-19 will be strictly followed.

If you have any questions or comments, please reply to this email.

Sincerely,

Marten Falls First Nation Community Access Road Project Team

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.

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.

--

FIELD STUDIES STARTING FOR THE MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

What's Happening?

Air Quality Monitoring is starting for the All Season Community Access Road

October 26 - 30, 2020

Study plans to guide the work have been reviewed and received approval from Chief and Council and the Pandemic Response Team.

Details about the Air Quality Monitoring:

- The field crew conducting the air monitoring studies will be staying in community from October 26 to 30.
- You may notice field crews in and working around the community.
- An air monitoring device will be installed and will be operating for one year to collect baseline air quality data.
- Please keep your distance from the monitoring device. A community member will be watching and maintaining the monitoring device.
- Crews will return to perform regular maintenance on the device in the spring.

Provincial guidelines for COVID-19 will be followed including social distancing, daily screening questionnaires, Personal Protective Equipment and regular disinfection.



Air Monitoring Device
Photo courtesy of pallisetairshed.com

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

James McCutchon
Project Manager
AECOM

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

FIELD STUDIES STARTING FOR THE MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

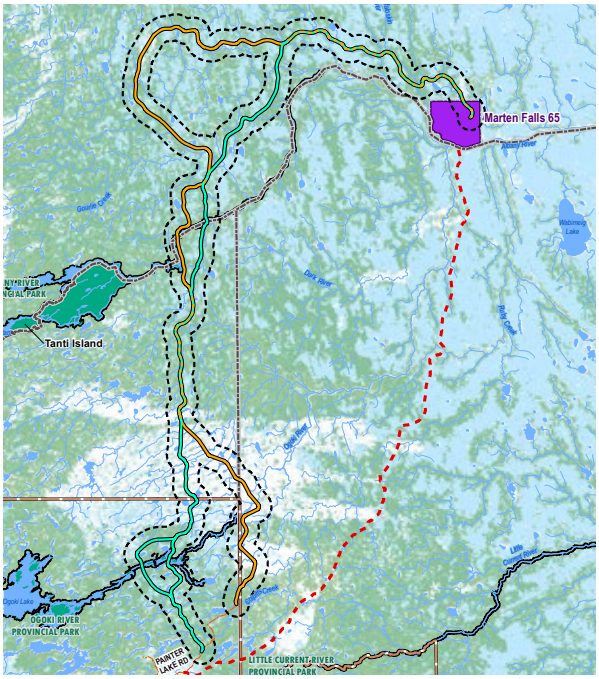
What's Happening?

Aquatic Surveys are starting for the All Season Community Access Road

October 14 - 25, 2020

Details about the Aquatic Field Studies:

- Studies will be focused on major water crossings, and the information collected will be used to understand surface and groundwater conditions and fish habitat.
- Water and sediment samples will be collected.
- Fishing will not be part of these field studies.
- The study areas will be accessed by helicopter between 7am and 7pm each day.
- Field crews will stay in Geraldton each night.
- Work will begin in the north and move south, weather permitting.



Corridors for Aquatic Field Studies

Provincial guidelines for COVID-19 will be followed including social distancing, daily screening questionnaires, Personal Protective Equipment and regular disinfection.



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

James McCutchon
Project Manager
AECOM

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

From: [redacted]
Sent: Tuesday, October 27, 2020 12:54 PM
To: [redacted]
Subject: MFFN Community Access Road - Field Program

Hello,

Please note that due to technical difficulties, the air quality field program scheduled to begin on October 26 has been postponed. Work will be completed at a later date. An update will be provided once future dates are confirmed.

If you have any questions please reply to this email.

Sincerely,

Marten Falls First Nation Community Access Road Project Team

From: Buffalo, Glinis
Sent: Friday, November 13, 2020 11:59 AM
To: [redacted]
[redacted]; Larissa Mikkelsen; Qasim Saddique
Subject: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Tansi' Chief Achneepineskum,

Thank you for confirming on the telephone on November 10th you will place your ToR copy back in your community store for MFFN community review.

Regards,
Glinis

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada[redacted]

AECOM
[redacted]
aecom.com

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From: info@martenfallsaccessroad.ca
Sent: Monday, November 16, 2020 7:48 AM
To: [redacted]
Subject: Re: Incorrect Mailing Addresses

Good Morning [redacted],

Thank you for your feedback. We are working to resolve this as quickly as possible.

If you are still interested in receiving updates related to the Marten Falls Community Access Road Project, could you kindly provide your full mailing address as well as the names of anyone else in your household who is interested in receiving project updates.

Kind regards,

The MFFN Project Team

From: Buffalo, Glinis
Sent: Thursday, December 10, 2020 9:57 AM
To: [redacted]
[redacted]Qasim Saddique; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Tansi' Chief Achneepineskum

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that MFFN has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**.

If MFFN is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Glinis
On behalf of the Marten Falls First Nation Community Access Road Project Team

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada
[redacted]
aecom.com

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From: Buffalo, Glinis
Sent: Monday, December 14, 2020 1:59 PM
To: [redacted]

Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Tansi' Chief Achneepineskum

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If MFFN is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Emai[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Glinis
On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Buffalo, Glinis
Sent: Friday, December 18, 2020 10:38 AM
To: Larissa Mikkelsen
Cc: [redacted]
Subject: RE: ToR Comment Period Follow-up

Hi,

Thank you for the update.

Take care and stay safe.

Glinis

Community Access Road Project Newsletter

December 2020



The intent of our project newsletter is to describe and explain current and ongoing activities by the Marten Falls First Nation (MFFN) Community Access Road (CAR) Project Team, and to answer common questions that come up as the provincial environmental assessment (EA) and federal impact assessment (IA) moves forward.

Reach Out

www.martenfallsacessraod.ca

1-800-746-9114 (Toll Free)

info@martenfallsacessroad.ca

Help us correct our distribution list or, to be added leave us a message with your name & contact information and, we will be in touch.



IA & EA Update

On February 24, 2020, the Impact Assessment (IA) process entered the Impact Statement Phase (ISP). ISP is up to a three-year period where the proponent does baseline studies and assessment work to produce an Impact Statement that will be submitted to the Impact Assessment Agency of Canada (IAAC) for a decision. Currently, we are continuing a Study Plan review process with IAAC and the Ministry of Environment, Conservation and Parks (MECP) experts. The Study Plans provide an outline of what will be studied and how it will be studied and are followed up by Work Plans which outline how the Study Plan was and/or will be carried out.

In Fall 2020, Marten Falls First Nation membership on our distribution list (email or mailing address) got a chance to review the updated EA Terms of Reference (ToR) document in advance of its public release via a password protected website. This website was later made public upon submission of the ToR to MECP. After receiving Chief and Council approval, the CAR Project Team approved the submission of the ToR to MECP. The ToR submission happened on October 23, 2020 and marked the start of a 60-day public review comment period being led by MECP. As required, MECP will provide the CAR Project Team and AECOM with comments or questions that required the proponent to provide a response. This 60-day public review comment period is scheduled to end on December 21, 2020. It is anticipated that MECP will issue a decision early in 2021.

Once a decision is made on the ToR, the provincial (EA) enters its assessment phase and effectively catch up to the IA process that is already in its assessment phase. Once both IA and EA processes are in their respective assessment phases, it will be easier for the CAR Project Team and AECOM to coordinate engagement and review processes. The intent is to create one EA/IA report document to satisfy the federal and provincial regulatory processes.

Study Plans

The CAR Project Team and AECOM have been working through a government review process on the 19 Study Plans developed for the CAR EA and IA. Engagement on the Study Plans (SPs) will occur as part of initial engagement during the EA and IA process.

Community Access Road Project Newsletter December 2020



The Study Plans include:

1. Aboriginal and Treaty Rights and Interests
2. Acoustic Environment (Sound and Vibration)
3. Atmospheric Environment (Air quality changes from road use)
4. Climate Change
5. Cultural Heritage
6. Socio-Community Assessment
7. Economic
8. Land and Resource Use
9. Human Health and Community Safety
10. Physiography, Geology, Terrain and Soils
11. Ground Water
12. Fish and Fish Habitat
13. Surface Water
14. Peatlands
15. Vegetation
16. Wildlife
17. Ungulates (Moose and Caribou)
18. Visual Aesthetics
19. Birds
20. Consultation

More information on SPs in September newsletter.
SPs may be added as technical discussions progress.

Study Plans and Then What?

The Study Plans (SPs) describe methodology of how field data will be collected and analyzed. Current, the CAR has 19 Study Plans plus the Consultation Study Plan. The data collection performed in advance of SPs will be used to help refine further areas that require study.

The baseline study reports will describe each valued component identified as important to the proponent. The title of each study plan refers to a valued component and each SPs describes key environmental indicators to be used in the assessment. Environmental indicators are pre-defined ways that the assessment will measure impacts (positive or negative) to the baseline conditions if the Community Access Road is constructed. As baseline reports is being completed, the assessment phase of the EA/IA will begin and operate in parallel.

The EA/IA assessment is a planning tool where AECOM will look indicators from the SPs and think about how the indicators will be impacted if the road is built. Once positive or negative impacts on the indicators are identified work can be done to find ways to avoid or reduce impacts to the environment, which are also known as mitigation measures. All this information is summarized in one report, with baseline study reports attached, that will be designed to meet both the provincial and federal requirements.

We are still in the early days of the environmental assessment. We welcome comments and questions at any time. The next formal engagement events will be when the EA begins and through study programs such as the Indigenous Knowledge Program that has recently kicked off.

Indigenous Knowledge Program

Earlier this year we released a document to First Nations potentially impacted by the project. The Study Area Memo provides information on the local and regional study areas for the Indigenous Knowledge Program. Based on feedback received, the regional study area was expanded, and an updated map was sent to communities.

In November, our Indigenous Knowledge Guidance Document was sent to all First Nations potentially impacted by the project. This document provides guidance, tools, and resources to support Indigenous knowledge collection for the Community Access Road Project. Currently we are working with some communities to advance project specific Indigenous knowledge studies such as starting information sharing agreements. We are strongly encouraging participating First Nations to provide a draft report, which at minimum outlines sensitive areas so that identified sensitive areas can be considered as part of the assessment processes. We are requesting draft reports to be complete by March 2021 and anticipate that First Nations will lead their own studies.



From: Ross, Kathryn
To: [redacted]; Larissa Mikkelsen; Gauthier, Shannon (MECP); McLeod, Sasha (MECP)
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Date: Monday, February 8, 2021 1:43:00 PM
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Marten Falls First Nation.pdf

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Good afternoon Chief Bruce Achneepineskum,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that Marten Falls First Nation has taken to provide feedback. Please see attached letter regarding next steps and an additional opportunity to comment on the ToR until March 31, 2021. If Marten Falls First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Kathryn Ross
On behalf of the MFFN Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

February 8, 2021

Marten Falls First Nation
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference and Comment Period Extension

Dear Chief Bruce Achneepineskum,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that Marten Falls First Nation has taken to provide feedback.

Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the ToR until March 31, 2021. The MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with the opportunity to provide new comments in addition to any that have been submitted.

Over the next couple of months, the MECP and the MFFN Project team will be following up with Marten Falls First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit additional comments on the ToR. The MFFN Project Team will also follow up with Marten Falls First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with the MFFN Project Team about the proposed Community Access Road.

The MFFN Project Team is in the process of drafting detailed responses to all comments received before the original comment period deadline of December 21, 2020. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Linda Moonias, Councillor, Marten Falls First Nation
Rob Moonias, Councillor, Marten Falls First Nation
Marilyn Wenjack, Councillor, Marten Falls First Nation
Sam Achneepineskum, Councillor, Marten Falls First Nation
Russell Achneepineskum, Councillor, Marten Falls First Nation
Paul Achneepineskum, Councillor, Marten Falls First Nation
Vida Baxter, Councillor, Marten Falls First Nation
Sasha McLeod, Ontario Ministry of the Environment, Conservation and Parks, Environmental Assessment Branch
Shannon Gauthier, Ontario Ministry of the Environment, Conservation and Parks, Environmental Assessment Branch
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor

Jennifer Bruin, Community EA Technical Advisor
Kathryn Ross, MFFN Project Consultant

From: Ross, Kathryn
To: [redacted]
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments
Date: Tuesday, February 23, 2021 4:06:00 PM

Good afternoon Chief Bruce Achneepineskum,

I'm following up on the email below regarding the MFFN Community Access Road Proposed Terms of Reference. I called the Band Office on Monday, February 22 to confirm receipt of the email below but the voicemail was full. I know there a lot happening at MFFN at the moment with the vaccination program and winter road opening.

At your earliest convenience please let me know if MFFN intends to submit additional comments on the Proposed Terms of Reference and/or if the community would like to schedule a meeting with the Project Team.

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: MFFN Community Access Road Project Team [redacted]>
Sent: Tuesday, March 9, 2021 2:40 PM
To: undisclosed-recipients:
Subject: Marten Falls Community Access Road – Air Quality Field Program Update and Job Posting
Attachments: MFFN Community Access Road Air Monitor Job Posting 2021-03-09.pdf; MFFN Community Access Road Air Quality Notice 2021-03-09.pdf

Good afternoon,

As part of our planning for the All-Season Community Access Road to Marten Falls, we were to begin Air Quality Monitoring last October (2020) to capture information on baseline ambient (outdoor) air quality.
This work was postponed due to technical difficulties and COVID-19.

Plans are now in place to continue this important study and this update includes details on the Air Quality Monitoring program and a job opportunity for MFFN community members.

The air monitoring device will collect information on vehicle emissions, air traffic emissions, existing industrial emissions, dust and other fine particulates, and weather-related information such as temperature.
This will help to create a picture of the current air quality in the region.

Information will be collected in accordance with Canadian Ambient Air Quality Standards (CAAQS) and Ontario's Ambient Air Quality Criteria.

Installation of the air monitoring equipment and community member training will take place in April 2021 (exact dates are still being determined); installation and training is expected to take approximately four days. The field crew has received approval from Chief and Council to carry out this field program and will strictly follow provincial guidelines for COVID-19 including social distancing, daily screening questionnaires, regular disinfection and wearing Personal Protective Equipment.

The air monitoring equipment will stay within the community for approximately one year so that air monitoring can continue during this time. A community member will be trained during installation to maintain the air monitoring equipment and manage data collection throughout the duration of the program. Are you interested in being trained to manage the air monitoring equipment? If so, please review the job posting attached and reply to this email if you are interested in the position.
You can also find more general program details in the attached Air Quality Monitoring Notice.

An update will be sent out by email closer to when the installation dates are taking place. If you have any questions or comments, please reply to this email.

Sincerely,
Marten Falls First Nation Community Access Road Project Team

JOB POSTING – AIR QUALITY MONITORS

Air Monitors will be responsible for performing field activities and maintenance of air quality monitoring equipment in Marten Falls First Nation. Air monitors play a key role in successful execution of the air quality monitoring program for the Community Access Road Environmental Assessment.

Core Competencies

- Quality
- Accountability
- Dependability
- Ethics
- Integrity
- Communication

Job Duties

- Duties will be shared between two monitors on rotation and require an average of 4 hours a week for duration of the program (12 months). Hours may vary by season and equipment needs.
- Daily checks of the equipment, including reporting of issues observed.
- Routine emails to provide updates on equipment, ask questions, or note concerns.
- Routine visits to airport for shipment pickup/drop off, including packaging and preparation of shipment and completing shipping documentation.
- Snow removal during winter months (shovels will be provided).
- Equipment maintenance including exchanging canisters, changing filters, checking analyzers, and maintaining the logbook (training provided).
- Assist in trouble shooting issues with support provided via email if an issue arises.
- Paperwork for submission, package canisters for shipment to laboratory (training provided).

Requirements

- Environmental technician experience in field work or previous related training/education preferred.
- Ability to understand procedural manuals and execute work orders.
- Ability to setup, calibrate, operate, and maintain field equipment and complete logbooks.
- Attention to detail.
- Ability to work independently and follow directions.
- Ability to communicate effectively, both verbally and in writing.
- Requires the ability to lift and carry materials.
- Manual dexterity to operate and calibrate field equipment, tools, and computer peripherals.
- Must have reliable access to internet for email communications.
- Must have reliable access to transportation to pick up and drop of sample canisters.
- Must attend all required training sessions.

Work Conditions

- Work both indoors and outdoors in various elemental conditions (snow, heat, cold, etc.).
- Associated risks involved with field sample collection and shipping.
- May be required to wear personal protective equipment.
- May be required to perform repetitive heavy lifting up to 50 pounds.

Compensation

This position is part time. While on rotation, air monitors will be compensated for four hours per week at $25 per hour for the duration of the program. Any additional expense will not be provided without the permission of the Project Director.

To apply please contact Larissa Mikkelsen at [redacted].

MARTEN FALLS FIRST NATION
ALL-SEASON COMMUNITY ACCESS ROAD

Air Quality Monitoring Field Notice (March 2021)

Air Quality Monitoring is starting for the All-Season Community Access Road to Marten Falls First Nation (April 1 – April 30).

What's Happening?

This work was postponed from its original date in October 2020 due to technical difficulties.

Details about the Air Quality Monitoring:

- The air monitoring device will collect information on vehicle emissions, air traffic emissions, existing industrial emissions, dust and other fine particulates, and weather-related information such as temperature. This will help to create a picture of the current air quality in the region.
- Information will be collected in accordance with Canadian Ambient Air Quality Standards (CAAQS) and Ontario's Ambient Air Quality Criteria.
- The field crew conducting the air monitoring studies will be staying in the community for approximately four days between **April 1 – April 30 (exact dates are still being determined)**.
- You may notice field crews in and working around the community.
- An air monitoring device will be installed and will be operating for one year in the community to collect baseline air quality data.
- Community member(s) will be employed to maintain the air monitoring equipment and manage sample collection throughout the duration of the program; training will take place during installation of the equipment.

If you have any questions about the device, please contact us. A work plan which includes COVID protocols has been reviewed by Chief and Council and the Pandemic Team. The Project Team continues to provide updates and receive direction from Chief and Council and the Pandemic Team during this evolving health crisis.

Provincial guidelines for COVID-19 will be followed including social distancing, daily screening questionnaires, Personal Protective Equipment and regular disinfection.



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

James McCutchon
Project Manager
AECOM

[redacted]
www.martenfallsaccessroad.ca

Marten Falls FN Information Page

Private group · 99 members



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What's on your mind, Larissa?

Live Video | Photo/Video | Poll

Larissa Mikkelsen
Just now ·

Good Evening Marten Falls Members,
This evening myself and two field technicians from Rotek Environmental arrived in the community to setup air quality sampling equipment and will be leaving Sunday evening. The sampling equipment is housed in a trailer and will operate in the community for a full year.
A Covid-19 Health and Safety Plan (including masking and social distancing) is in place for the safety of our field team and community members.
If you have questions or concerns about the air sampling trailer you can contact me directly at 807-699-7675 or Email the Community Access Road project at info@martenfallsaccessroad.ca.

About

This page is created solely for Mart
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Job Postings.

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General

Recent media




From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Wednesday, May 26, 2021 2:03 PM
To: [redacted]
Subject: MFFN Community Access Road is hiring Field Study Support Staff
Attachments: MFFN Field Study Support Staff Job Posting 2021-Final.pdf

We're hiring up to 20 Field Study Support Staff over the next two years!

Are you a Marten Falls First Nation (MFFN) community member looking for temporary part-time work? Are you dependable, reliable, motivated and enjoy working outdoors? If yes, we encourage you to apply to be a Field Study Support Staff for the MFFN Community Access Road and help with the 2021 field season and beyond.

An overview of the position is below, and a more detailed job posting is attached. You can also watch this short video to learn more.

What is a Field Study Support Staff?

Field Study Support Staff will help make the natural science program for our Community Access Road a success.

What field programs will this role support?

Field Study Support Staff positions will help with the upcoming 2021 field season:

1. Bat Monitoring and Remote Camera Installation (June): Installation of audio recording devices to document bat species presence and distribution, and installation of motion-sensitive cameras to document the presence and seasonal patterns of caribou, wolves, moose and other animals in the Local Study Area.
2. Vegetation, Physiography and Peatlands (July): Collection of information related to forest and wetland plants, soil conditions and geologic features to develop an understanding of the baseline conditions.
3. Groundwater and Geochemistry (July): Installing groundwater monitoring wells so that we can assess groundwater fluctuations, seasonal changes in water quality and develop an understanding of baseline conditions.
4. Surface Water and Fish & Fish Habitat (July): Assessing water crossings along the route alternatives to understand current conditions including seasonal flows, drainage patterns, water quality, sediment quality, and characterizing fish communities and habitats.
5. Aerial Bird Surveys (September): Conducting aerial surveys to estimate seasonal distribution, abundance and density of waterfowl, shorebirds and raptors in the area being studied.
6. Remote Camera Maintenance and Caribou Mortality Investigations (October): Maintaining the motion-sensitive cameras and conducting mortality investigations to document the presence and seasonal patterns of caribou, wolves, moose and other animals.

There will be additional opportunities for hiring from 2022 to 2024. In 2022, over 12 different field study programs will need support.

What are the responsibilities of the Field Study Support Staff?

Depending on the field study, there may be different responsibilities, but most Field Study Support Staff will be required to:

Work outdoors in various weather conditions
Travel by helicopter
Walk long distances in the bush and over uneven terrain
Carry equipment and recording data
Help with some moderately physical tasks

Compensation is $25 an hour. There could be up to 12 hours of work a day, depending on the program. Room and board will be compensated.

How can I apply?

If you are 18+, we encourage everyone who is interested to apply as soon as possible, or at least two weeks before the start of the field programs listed above. If you have any questions or would like to become a Field Program Support Staff, contact Larissa Mikkelsen at info@martenfallsaccessroad.ca or 1-800-764-9114.

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD



We're Hiring!

We're Hiring Up To 20 Field Study Support Staff!

Issued: May 2021

Marten Falls First Nation is undertaking a federal Impact Assessment and provincial Environmental Assessment for an all-season access road to our community. To support these studies, we are looking to hire Field Study Support Staff to help with the upcoming 2021 field season and beyond.

- Are you an 18+ Marten Falls First Nation community member looking for temporary part-time work?
- Are you dependable, reliable, motivated and enjoy working outdoors?

If yes, we encourage you to apply to be a Field Study Support Staff for the MFFN Community Access Road!

Field Study Support Staff will help make the natural sciences program for our Community Access Road a success!

What does a Field Study Support Staff do?

Field Study Support Staff help complete studies with the natural science team. For a detailed description on the Field Study Support Staff job responsibilities see Page 3.

Applicants should be physically fit, motivated and interested in environmental sciences. The work will typically occur in challenging landscapes. Applicants are advised that they should be physically able and prepared to:

- Work outdoors in various elemental conditions (e.g., rain, heat, cold, snow)
- Work in changing temperatures, including very hot days
- Work long hours (workdays can last between 10 and 12 hours)
- Travel by helicopter

- Walk long distances in the bush and over uneven terrain
- Carry some equipment
- Be prepared for mosquitos, wasps, black flies and other insects
- Wear personal protective equipment

Field Study Support Staff will be required to transport themselves to Thunder Bay or Geraldton to meet and join the field crews for participation in field programs. Food and accommodations will be provided during participation in field programs. Any necessary Personal Protective Equipment (e.g., steel toe work boots, safety glasses, hard hat and waders) will be provided by field crews as needed. Participants will work under the supervision of Golder Associates Inc. There are no educational requirements, but interest in environmental science is beneficial. This role is best suited for someone who is physically fit.

Exact field study dates will be provided once confirmed. There will be more positions available in 2022 and 2024. Stay tuned for more details.

Compensation

Field staff will be compensated for $25 per hour, up to 12 hours per day depending on the program. Room and board will be compensated. Overtime does not apply. Any additional expense will not be provided without the permission of the Project Director.

How to Apply

We encourage everyone who is interested to apply. If you have any questions or would like to become a Field Program Support Staff, contact Larissa Mikkelsen at:

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

More details about the specific programs and positions on the next page!

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

For the 2021 field season, we are hiring up to 20 Field Study Support Staff for six (6) different programs

Bat Monitoring and Remote Camera Installation (Two (2) Monitors)



- Eight (8) days in June

Program Objective: Audio recording devices are installed to document the presence and distribution of different bat species. Remote cameras are installed to monitor the presence and seasonal distribution patterns of ungulates (mammals with hooves like caribou and moose) and their predators in the area being studied.

Participants will assist in the following tasks:

- Setting up bat recording units
- Conduct bat habitat assessments at each acoustic station
- Install remote cameras

Job specific requirements:

- May require work in water or wet conditions
- Experience and comfort with flying in low-level, low-speed aircrafts
- Ability to hike long distances in uneven wet terrain
- Ability to help cut helicopter landing spots and carry equipment
- Ability to identify tree species is an asset

Groundwater and Geochemistry Program (Five (5) Monitors)



- Four (4) field programs between July to December:
  1. Clearing: Two (2) monitors, 20 days
  2. Drilling: One (1) monitor, 30 days
  3. Monitoring / Testing: One (1) monitor, 16 days
  4. Well Survey: One (1) monitor, five (5) days

Program Objective: The groundwater and geochemistry programs collect information to understand key geological features and to characterize geochemical environments.

Participants will assist in the following tasks:

- Well drilling and installation
- Sampling of soil and bedrock
- Well monitoring, testing and sampling
- Water supply sampling and well use surveying

Job specific requirements:

- Repetitive tasks and heavy lifting up to 50 pounds (clearing / drilling)
- Walk long distances in the bush and over uneven terrain
- Work at remote sites with helicopter access only

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Ungulates Program (Three (3) Monitors)



- Two (2) programs between October and December:
  - Camera investigation: One (1) monitor, seven (7) days
  - Mortality investigations: Two (2) monitors, four (4) days

Program Objective: The ungulates program consists of field surveys to monitor the presence and seasonal distribution patterns of ungulates (mammals with hooves like caribou and moose) and their predators, identify high-use areas and features, and increase understanding of the current health and predation risk for the caribou population in the area being studied.

Participants will assist in the following tasks:
- Remote camera maintenance checks
- Mortality investigations

Job specific requirements:

- Experience and comfort with flying in low-level, low-speed aircrafts
- Ability to hike long distances in uneven wet terrain
- Ability to help cut helicopter landing spots and carry equipment

Physiography, Terrain and Soils / Vegetation / Peatlands Programs (Four (4) Monitors)



- 18-day program between July and August

Program Objective: The objective is to collect soils, terrain and vegetation field data to support / verify mapping of this information. The peatland study is dependent on the other studies to understand the existing conditions of peatland ecosystems in the area of the Project.

Participants will assist in the following tasks:
- Traversing terrain from a given landing spot (helipad)
- Setting up plots (both vegetation and soil plot)
- Digging soil pit (down to 50 to 60 cm and hand augering to a depth of approximately 125 cm)
- Collecting samples at selected sites and putting samples in labelled bags for transport
- Filling in soil pits
- Recording soils / terrain data with an iPad
- Assisting vegetation ecologist (laying plot out, recording data, etc.)

Job specific requirements:

- Required to dig soil pits
- Will be required to carry knap sack containing their own personal supplies (lunch, rain gear, etc.)
- Walk long distances in the bush and over uneven terrain
- Knowledge of the following would be an asset:
  - Ontario ecosite classification / Canadian wetland classification system
  - Vegetation identification, cover estimates

Surface Water & Fish and Fish Habitat (Four (4) Monitors)



- 12-day programs between July and August

Program Objective: Assessing water crossings along the route alternatives to understand current conditions including seasonal flows, drainage patterns, water quality, sediment quality, and characterizing fish communities and habitats.

Participants will assist in the following tasks:

- Aerial surveys to confirm locations of waterbody crossings
- Assessing fish habitat at waterbody crossing locations
- Collecting fish, benthic invertebrate, water quality and sediment quality samples
- Recording observations at study sites, including counting and measuring captured fish, and recording GPS locations
- Taking water quality and streamflow measurements
- Conducting topographic surveys

Job specific requirements:

- Able to travel to remote locations in a helicopter
- Able to work for extended periods in remote locations
- Physically fit and able to hike across rough terrain carrying basic gear
- Able to write and document observations
- Good communication skills
- A good attitude and awareness of Health and Safety for field work in remote locations
- Positive working relationships in a team environment

Aerial Bird Surveys (Two (2) Monitors)

- Two (2) programs, five (5) days each between September and November

Program Objective: Conducting aerial surveys to estimate seasonal distribution, abundance and density of waterfowl, shorebirds and raptors in the area being studied.

Participants will assist in the following tasks:

- Waterfowl, shorebirds and raptors aerial surveys in fall



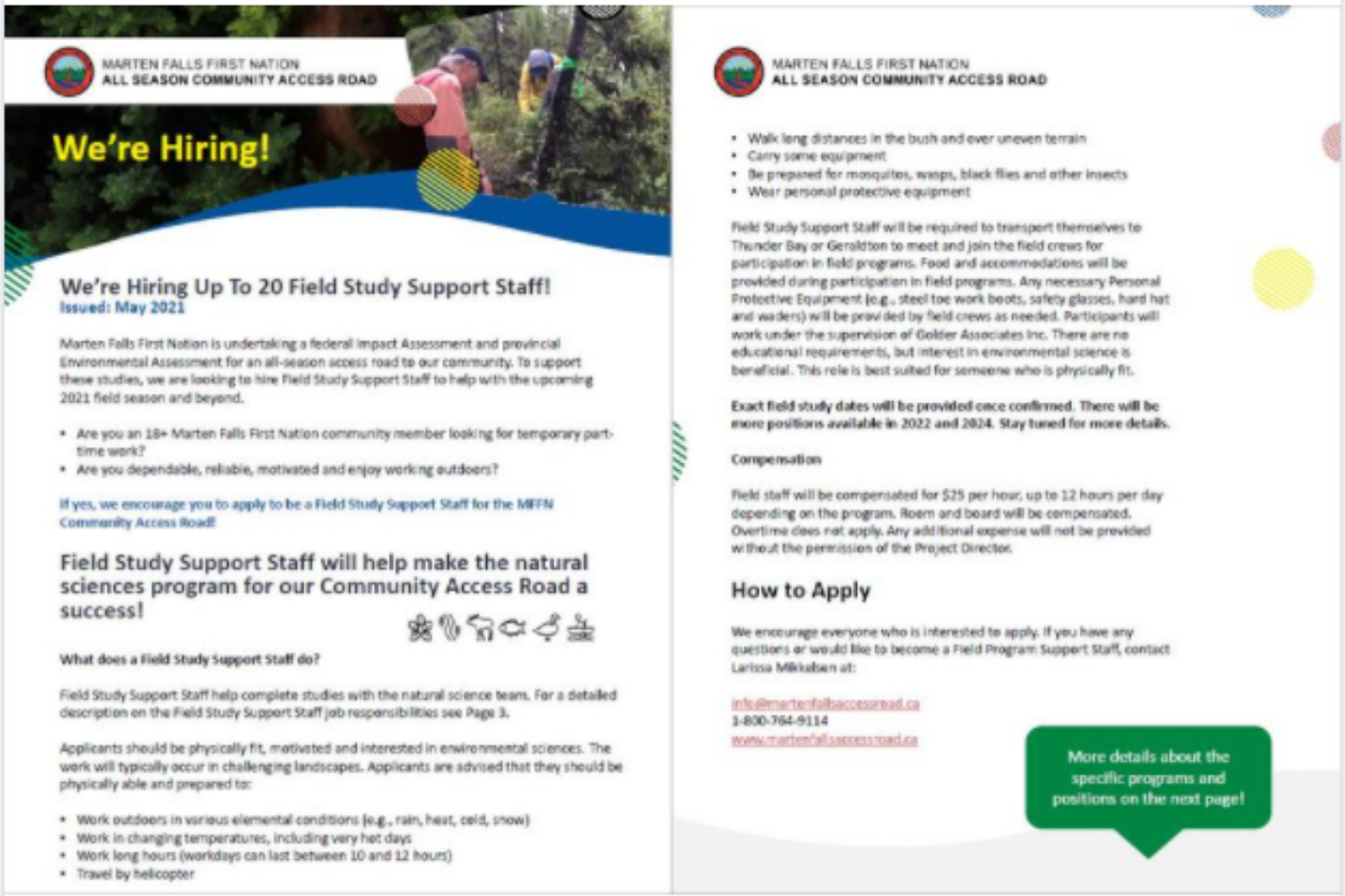
Job specific requirements:

- Experience and comfort with flying in low-level, low-speed aircrafts, on both short and long flights
- Willingness to work long days in cold, hot, and very buggy conditions
- Willingness to start work before sunrise
- Experiences with birds (e.g. songbirds, or waterfowl identification), or an interest in birds, is an asset



May 27 ·

Short-term field jobs for those interested in science and nature.



MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

We're Hiring!

We're Hiring Up To 20 Field Study Support Staff!

Issued: May 2021

Marten Falls First Nation is undertaking a federal Impact Assessment and provincial Environmental Assessment for an all-season access road to our community. To support these studies, we are looking to hire Field Study Support Staff to help with the upcoming 2021 field season and beyond.

- Are you an 18+ Marten Falls First Nation community member looking for temporary part-time work?
- Are you dependable, reliable, motivated and enjoy working outdoors?

If yes, we encourage you to apply to be a Field Study Support Staff for the MFFN Community Access Road!

Field Study Support Staff will help make the natural sciences program for our Community Access Road a success!

What does a Field Study Support Staff do?

Field Study Support Staff help complete studies with the natural science team. For a detailed description on the Field Study Support Staff job responsibilities see Page 3.

Applicants should be physically fit, motivated and interested in environmental sciences. The work will typically occur in challenging landscapes. Applicants are advised that they should be physically able and prepared to:

- Work outdoors in various elemental conditions (e.g., rain, heat, cold, snow)
- Work in changing temperatures, including very hot days
- Work long hours (workdays can last between 10 and 12 hours)
- Travel by helicopter

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

- Walk long distances in the bush and over uneven terrain
- Carry some equipment
- Be prepared for mosquitos, wasps, black flies and other insects
- Wear personal protective equipment

Field Study Support Staff will be required to transport themselves to Thunder Bay or Geraldton to meet and join the field crews for participation in field programs. Food and accommodations will be provided during participation in field programs. Any necessary Personal Protective Equipment (e.g., steel toe work boots, safety glasses, hard hat and waders) will be provided by field crews as needed. Participants will work under the supervision of Golder Associates Inc. There are no educational requirements, but interest in environmental science is beneficial. This role is best suited for someone who is physically fit.

Exact field study dates will be provided once confirmed. There will be more positions available in 2022 and 2024. Stay tuned for more details.

Compensation

Field staff will be compensated for $25 per hour, up to 12 hours per day depending on the program. Room and board will be compensated. Overtime does not apply. Any additional expense will not be provided without the permission of the Project Director.

How to Apply

We encourage everyone who is interested to apply. If you have any questions or would like to become a Field Program Support Staff, contact Larissa Mikkelsen at:

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

More details about the specific programs and positions on the next page!



1

Seen by 46

Larissa Mikkelsen shared a link.

May 27 ·

Video about the short-term field positions happening this summer and fall.



VIMEO.COM

Marten Falls First Nation Job Opportunities: Field Study Support Staff

Jo-Ellen RJ Baxter and 2 others

Seen by 50

Like

Comment

Write a comment...

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Tuesday, June 8, 2021 4:07 PM
Subject: Join us for a MFFN community member meeting on June 17
Attachments: MFFN-Community Member Meeting June 17 2021 Invite.pdf

Boozhoo! You're invited to virtually attend a Project update for MFFN community members.

When: June 17th from 5:00 to 6:00 p.m.
Location: Join us using Zoom, watch on our Facebook page or use telephone-only with Zoom. See below for instructions, visit martenfallsaccessroad.ca/meeting or open the attached document.
Format: Presentation and Q&A

Join us and virtually "meet" the Project Team, learn about the Project and what work we've done recently, next steps and more!

We encourage you to send your questions in advance, especially if you are joining with a telephone only. All attendees will be muted but can submit questions through the Q&A feature if you are using a computer, tablet or smartphone device. Let us know if you would like a printed copy of the presentation materials.
We are looking forward to "meeting" and connecting with the community to share this important update.

If you have any questions, please contact us at info@martenfallsaccessroad.ca or 1-800-764-9114.

How to Join the Webinar:

Option #1 Zoom – Prepare in Advance (requires a computer, tablet or smartphone device)

1. Visit www.martenfallsaccessroad.ca/meeting
2. Click 'Register for the webinar'
3. Add your name and email address to register
4. Check your inbox for an email with the access information
5. Download the Zoom application on your computer, tablet or smartphone device: https://zoom.us/download

Option #2 Facebook Live – For June 17 (requires a computer, tablet or smartphone device)

1. Like our Facebook page: https://www.facebook.com/MFFNCommunityAccessRoadProject
2. On June 17 at 5:00pm visit the Facebook page and the Livestream should appear on the page

Option #3 Telephone Only

1. Call +1 647-558-0588
2. Enter the Webinar ID: 854 3153 5142 and press #

Send us your questions in advance at info@martenfallsaccessroad.ca or 1-800-764-9114.

Miigwetch and hope to see you there!

The MFFN Community Access Road Project Team

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Thursday, June 17, 2021 1:31 PM
Subject: Reminder - MFFN community member meeting Today June 17
Attachments: 2021-06-17-MFFN CAR Proponent Update Meeting.pdf; MFFN Field Study Support Staff Job Posting 2021.pdf

Good afternoon,

This is a friendly reminder that we will be hosting a Community Access Road update meeting for MFFN community members TODAY, June 17th, starting at 5:00 pm.

Join us using Zoom to virtually "meet" the Project Team, learn about the Project and what work we've done recently, next steps and more! The presentation will be in English and translated live into Ojibway. A copy of the presentation materials and the job posting for Field Support Staff are attached to this email.

There are two ways to join the event:

1. Sign up in advance for the event on Zoom:
    1. Visit www.martenfallsaccessroad.ca/meeting
    2. Click 'Register for the webinar'
    3. Add your name and email address to register
    4. Check your inbox for an email with the access information
    5. Download the Zoom application on your computer, tablet or smartphone device: https://zoom.us/download
    6. At 5:00pm EST, click the access link in your email and it will open up the Zoom application
2. Telephone Only:
    1. Call +1 647-558-0588
    2. Enter the Webinar ID: 854 3153 5142 and press #

If you have any questions you would like answered as part of the Q&A, please send them in advance to info@martenfallsaccessroad.ca or 1-800-764-9114.

We are looking forward to "meeting" and connecting with the community to share this important update.

Miigwetch and hope to see you there!

Sincerely,

The Marten Falls First Nation Community Access Road Team

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Thursday, June 24, 2021 6:29 PM
Subject: Missed the community member update meeting? Recording and presentation are now available!
Attachments: MFFN Community Access Road Community Member Meeting June 17 2021.pdf; MFFN Community Access Road Job Postings Field Studies.pdf

Miigwetch! Thank you to everyone who attended the MFFN Community Update Meeting on June 17, 2021 for the MFFN Community Access Road. We very much appreciated the opportunity to update you on our progress and answer the questions you had.

Watch the recording, download a copy of the presentation materials and the job package for MFFN Field Study Support Staff. The documents are also attached to this email.

The following topics were discussed:

- Introductions from the Project Team
- Refresher and background information about the Project
- Update on the provincial process
- Recent and upcoming fieldwork, including job opportunities for MFFN community members
- Information about next steps

After the presentation, community members asked questions and members of the Project Team responded.

Contact us anytime if you have any questions, comments or concerns at info@martenfallsaccessroad.ca or 1-800-764-9114.

Thank you,
MFFN Community Access Road Project Team

From: Meyer, James
Sent: July 22, 2021 12:46 PM
To: [redacted]
Subject: Discussion Guide Feedback

Good Afternoon Chief,

My name is James, I am with AECOM, hope you are well! Just wanting to see if you had some time next week to chat about the discussion guides we sent out in June/July about the Field Programs on the Marten Falls First Nation Community Access Road Project? Just looking for any feedback or input you have on the programs to help us make sure they're the best they can be.

Please let me know a time that works for you!

Best,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

[redacted]
aecom.com

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Larissa Mikkelsen
August 17 at 12:10 PM ·

Hello Marten Falls Members,
Two field technicians from Rotek Environmental got to community on Sunday afternoon and will leave Wednesday evening. They are conducting maintenance on the air quality monitoring device, checking equipment is running properly and providing training to air monitors.
The monitoring device has been sampling air quality for a number of parameters since May 2021, collecting data hourly. This device samples for two parameters called Particulate Matter < 2.5 µm and Particulate Matter < 10 µm, which will indicate if there has been impacts from forest fires to air quality this summer.
Data will be analysed in depth in 2022 following the completion of the one-year air quality monitoring program.
If you have any questions or concerns about the air monitoring program, please contact Larissa Mikkelsen at [redacted] or email the Community Access Road Project at info@martenfallsaccessroad.ca



Maria Baxter, Larry Henning and 1 other 1 Comment Seen by 69

From: Ross, Kathryn
Sent: September 9, 2021 2:08 PM
To: [redacted]
Subject: MFFN CAR: Field Studies and Check-In

Good afternoon Chief Bruce and MFFN Councillors,

I hope you and the MFFN community are doing well. I called this morning and was not able to leave a voicemail. There's been some recent communications about the Community Access Road and I wanted to follow-up to see if you or MFFN community members have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
    - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
    - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
    - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for MFFN and re-opening plans you'd like to share

I'm available via email and phone if you'd like to chat.

Take care,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
[redacted]
aecom.com

Delivering a better world

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B14.2 Incoming Community Specific Correspondence

From: [redacted]>
Sent: Tuesday, October 27, 2020 2:22 PM
To: info@martenfallsaccessroad.ca
Subject: Re: MFFN Community Access Road - Field Program

Email dated October 27/20 acknowledged

Maria Baxter
Community Communications
Marten Falls

Sent from Yahoo Mail for iPhone

From: [redacted]>
Sent: Wednesday, November 4, 2020 8:39 AM
To: info@martenfallsaccessroad.ca
Subject: Incorrect Mailing Addresses

Good morning,

My name is [redacted] and would like to bring to the attention to whoever emails out these updates that you are sending them to the wrong addresses. Not sure how all of a sudden this is not happening correctly when they were coming out find before.

I received [redacted] and [redacted], and few others and was just notified last week my mail went to [redacted]s address.

Can you please correct this right away please and thank you.

[redacted]

From: Larissa Mikkelsen <[redacted]
Sent: Friday, December 18, 2020 9:34 AM
To: Buffalo, Glinis <[redacted]>
Cc: [redacted]>
Subject: [EXTERNAL] ToR Comment Period Follow-up

Hi Glinis,

I got a text from Chief saying he could not answer his phone.
For your records, a potential response to the CAR ToR is under development for MFFN consideration. Comments, if submitted, likely won't be received by MECP until the final hour.

Larissa Mikkelsen, MSc.Geol.
LBS Environmental Consulting
[redacted]

From: Larissa Mikkelsen [redacted]
Sent: Monday, March 8, 2021 2:40 PM
To: [redacted]
[redacted] Qasim Saddique; [redacted] Gauthier, Shannon (MECP)
Subject: [EXTERNAL] RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Hi Kathryn and Sasha,

On behalf of Chief Bruce, I am emailing to let you know Marten Falls First Nation will not be submitting any additional comments on the Community Access Road Terms of Reference.

Larissa Mikkelsen
LBS Environmental Consulting Inc.
[redacted]

From: [redacted]
Sent: Wednesday, October 6, 2021 4:25 PM
To: 'MFFN Community Access Road Project Team'; [redacted]
Subject: RE: MFFN Community Access Road: Remote Camera Check and Groundwater & Geochemistry Field Notices

Will members be employed for this work

From: Larissa Stevens [redacted]
Sent: Thursday, October 7, 2021 3:09 PM
To: MFFN Community Access Road Project Team
Subject: FW: MFFN Community Access Road: Remote Camera Check and Groundwater & Geochemistry Field Notices
Attachments: MFFN Field Study Support Staff Job Posting 2021-Final.pdf

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From: Larissa Stevens
Sent: October 7, 2021 1:56 PM
To: Rob Moonias <[redacted]
Cc: [redacted] 'Qasim Saddique' <[redacted] Lawrence Baxter <[redacted]>; [redacted]
Subject: RE: MFFN Community Access Road: Remote Camera Check and Groundwater & Geochemistry Field Notices

Hi Councillor Rob,

Thank you for your e-mail. Below is a list of Marten Falls members currently in our pool of support staff that AECOM calls upon for field programs. The list also includes any programs they have worked on to date.
Individuals are selected based on their availability when the program occurs and the specific programs they expressed interest in. All field support staff are paid at a rate of $25/hr. In addition, room and board are covered for during field programs if monitors stay with the field crews.

Although the air monitors are included in the list below, their payment structure is slightly different. We have an on-call schedule for the monitors that outlines when they are responsible for completing weekly monitoring duties and are accountable to answer calls from Rotek to assist with any troubleshooting. Air monitors are paid for 4 hours per week for the duration of the program. Although the hours they work from week to week vary, we anticipate that hours will balance out over the year (For example more work in winter to shovel snow versus in summer). Air monitors must use their own devices and vehicles to complete program-related job tasks. the monitor who makes the trip to the airport for shipping and receiving is compensated an additional $25 for each trip.

We have not finalized dates for starting the next field programs, so I am unsure who or how many monitors will be required. However, I have attached the Field Study Support Staff job posting that includes the number of monitors AECOM plans to have take part in the field programs.

Please note that I will be sending an e-mail request to Chief and Council shortly requesting permission to enter the community to conduct a training program. This will be an opportunity for members on the list below living in Ogoki to take the training. Other members who wish to be added to the list can contact us to participate in the training program. If members in Thunder Bay or Geraldton wish to be trained, we can provide the program through a remote platform or host additional engagement sessions. Unfortunately, we do not have budget to pay for members travel to participate. A notice will be released once we have approval and confirmation of dates from Chief and Council.

Community Support Staff List

1. James Baxter (Thunder Bay)
    a. 2021 Vegetation, 2020 Aquatics, 2020 Archeology, 2019 Noise, 2019 Geotech & 2019 wildlife
2. Willow Moonias (Thunder Bay)
    a. 2021 Bat ARU / Remote Camera Install
3. Rachel Achneepineskum (MFFN)
    a. 2021 Air Monitor
4. John Moonias (MFFN)
    a. 2021 Air Monitor – No longer an air program monitor, replaced by Lindberg Baxter
5. Alyssa Loon (picked up in MFFN for 2020 program)
    a. 2020 Aquatics
6. Dwayne Bedwash (picked up in MFFN for 2020 program)
    a. 2020 Aquatics
7. Alyssa Okeese
8. Wade Baxter (MFFN)
    a. Back up Air Monitor, 2021 Surface water & fish
9. Rowena Moonias (Geraldton)
10. Aaron Baxter
11. Shannon Coaster
12. ~~Drew Waboose (Thunder Bay)~~ asked to be removed from the list
13. Matthew Wabose (Thunder Bay)
    a. 2021 Surface water & fish
14. Levi Baxter (Thunder Bay)
    a. 2021 Vegetation
15. Isaiah Mazinakouskang
16. Adrienne Okeese
17. Debbie Coaster
18. Bowen Rody (Gerladton)
19. Lindberg Baxter
    a. 2021 Air Monitor
20. Raquel Nate

Reach out if there is anything else I can do to help.

Larissa Stevens, MSc.Geol.
President/Environmental Scientist

ENVIRONMENTAL
CONSULTING INC.

[redacted]

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Unless you are the intended recipient, you may not use, copy or disclose to anyone the message or any attachments, in part or whole, that were sent with this email. If you have received this email message in error, please advise the sender by email, and delete the message. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission.

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD



We're Hiring!

We're Hiring 20 Field Study Support Staff!

Issued: May 2021

Marten Falls First Nation is undertaking a federal Impact Assessment and provincial Environmental Assessment for an all-season access road to our community. To support these studies, we are looking to hire Field Study Support Staff to help with the upcoming 2021 field season.

- Are you a Marten Falls First Nation community member looking for temporary part-time work?
- Are you dependable, reliable, motivated and enjoy working outdoors?

If yes, we encourage you to apply to be a Field Study Support Staff for the MFFN Community Access Road!

Field Study Support Staff will help make the natural sciences program for our Community Access Road a success!

What does a Field Study Support Staff do?

Field Study Support Staff help complete studies with the natural science team. For a detailed description on the Field Study Support Staff job responsibilities see Page 3.

Applicants should be physically fit, motivated and interested in environmental sciences. The work will typically occur in challenging landscapes. Applicants are advised that they should be physically able and prepared to:

- Work outdoors in various elemental conditions (e.g., rain, heat, cold, snow)
- Work in changing temperatures, including very hot days
- Work long hours (workdays can last between 10 and 12 hours)
- Travel by helicopter

- Walk long distances in the bush and over uneven terrain
- Carry some equipment
- Be prepared for mosquitos, wasps, black flies and other insects
- Wear personal protective equipment

Field Study Support Staff will be required to transport themselves to Thunder Bay or Geraldton to meet and join the field crews for participation in field programs. Food and accommodations will be provided during participation in field programs. Any necessary Personal Protective Equipment (e.g., steel toe work boots, safety glasses, hard hat and waders) will be provided by field crews as needed. Participants will work under the supervision of Golder Associates Inc. There are no educational requirements, but interest in environmental science is beneficial. This role is best suited for someone who is physically fit.

Exact field study dates will be provided once confirmed. There will be more positions available in 2022 and 2024. Stay tuned for more details.

Compensation

Field staff will be compensated for $25 per hour, up to 12 hours per day for the duration of the program. Overtime does not apply. Any additional expense will not be provided without the permission of the Project Director.

How to Apply

We encourage everyone who is interested to apply. If you have any questions or would like to become a Field Program Support Staff, contact Larissa Mikkelsen at:

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

More details about the specific programs and positions on the next page!

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

For the 2021 field season, we are hiring 20 Field Study Support Staff for six (6) different programs

Bat Monitoring and Remote Camera Installation (Two (2) Monitors)



- Eight (8) days in June

Program Objective: Audio recording devices are installed to document the presence and distribution of different bat species. Remote cameras are installed to monitor the presence and seasonal distribution patterns of ungulates (mammals with hooves like caribou and moose) and their predators in the area being studied.

Participants will assist in the following tasks:

- Setting up bat recording units
- Conduct bat habitat assessments at each acoustic station
- Install remote cameras

Job specific requirements:

- May require work in water or wet conditions
- Experience and comfort with flying in low-level, low-speed aircrafts
- Ability to hike long distances in uneven wet terrain
- Ability to help cut helicopter landing spots and carry equipment
- Ability to identify tree species is an asset

Groundwater and Geochemistry Program (Five (5) Monitors)



- Four (4) field programs between July to December:
  1. Clearing: Two (2) monitors, 20 days
  2. Drilling: One (1) monitor, 30 days
  3. Monitoring / Testing: One (1) monitor, 16 days
  4. Well Survey: One (1) monitor, five (5) days

Program Objective: The groundwater and geochemistry programs collect information to understand key geological features and to characterize geochemical environments.

Participants will assist in the following tasks:

- Well drilling and installation
- Sampling of soil and bedrock
- Well monitoring, testing and sampling
- Water supply sampling and well use surveying

Job specific requirements:

- Repetitive tasks and heavy lifting up to 50 pounds (clearing / drilling)
- Walk long distances in the bush and over uneven terrain
- Work at remote sites with helicopter access only

MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Ungulates Program (Three (3) Monitors)



- Two (2) programs between October and December:
  - Camera investigation: One (1) monitor, seven (7) days
  - Mortality investigations: Two (2) monitors, four (4) days

Program Objective: The ungulates program consists of field surveys to monitor the presence and seasonal distribution patterns of ungulates (mammals with hooves like caribou and moose) and their predators, identify high-use areas and features, and increase understanding of the current health and predation risk for the caribou population in the area being studied.

Participants will assist in the following tasks:
- Remote camera maintenance checks
- Mortality investigations

Job specific requirements:

- Experience and comfort with flying in low-level, low-speed aircrafts
- Ability to hike long distances in uneven wet terrain
- Ability to help cut helicopter landing spots and carry equipment

Physiography, Terrain and Soils / Vegetation / Peatlands Programs (Four (4) Monitors)



- 18-day program between July and August

Program Objective: The objective is to collect soils, terrain and vegetation field data to support / verify mapping of this information. The peatland study is dependent on the other studies to understand the existing conditions of peatland ecosystems in the area of the Project.

Participants will assist in the following tasks:
- Traversing terrain from a given landing spot (helipad)
- Setting up plots (both vegetation and soil plot)
- Digging soil pit (down to 50 to 60 cm and hand augering to a depth of approximately 125 cm)
- Collecting samples at selected sites and putting samples in labelled bags for transport
- Filling in soil pits
- Recording soils / terrain data with an iPad
- Assisting vegetation ecologist (laying plot out, recording data, etc.)

Job specific requirements:

- Required to dig soil pits
- Will be required to carry knap sack containing their own personal supplies (lunch, rain gear, etc.)
- Walk long distances in the bush and over uneven terrain
- Knowledge of the following would be an asset:
  - Ontario ecosite classification / Canadian wetland classification system
  - Vegetation identification, cover estimates

Surface Water & Fish and Fish Habitat (Four (4) Monitors)



- 12-day programs between July and August

Program Objective: Assessing water crossings along the route alternatives to understand current conditions including seasonal flows, drainage patterns, water quality, sediment quality, and characterizing fish communities and habitats.

Participants will assist in the following tasks:

- Aerial surveys to confirm locations of waterbody crossings
- Assessing fish habitat at waterbody crossing locations
- Collecting fish, benthic invertebrate, water quality and sediment quality samples
- Recording observations at study sites, including counting and measuring captured fish, and recording GPS locations
- Taking water quality and streamflow measurements
- Conducting topographic surveys

Job specific requirements:

- Able to travel to remote locations in a helicopter
- Able to work for extended periods in remote locations
- Physically fit and able to hike across rough terrain carrying basic gear
- Able to write and document observations
- Good communication skills
- A good attitude and awareness of Health and Safety for field work in remote locations
- Positive working relationships in a team environment

Aerial Bird Surveys (Two (2) Monitors)

- Two (2) programs, five (5) days each between September and November

Program Objective: Conducting aerial surveys to estimate seasonal distribution, abundance and density of waterfowl, shorebirds and raptors in the area being studied.

Participants will assist in the following tasks:

- Waterfowl, shorebirds and raptors aerial surveys in fall



Job specific requirements:

- Experience and comfort with flying in low-level, low-speed aircrafts, on both short and long flights
- Willingness to work long days in cold, hot, and very buggy conditions
- Willingness to start work before sunrise
- Experiences with birds (e.g. songbirds, or waterfowl identification), or an interest in birds, is an asset



B14.3 Community Specific Meeting Materials

MARTEN FALLS FIRST NATION

ALL SEASON COMMUNITY ACCESS ROAD



Presentation to Marten Falls First Nation Chief and Council ***SEPTEMBER 24, 2020***

Welcome! Boozhoo!

During today's discussion we will talk about:

- **Topic 1 – Project Update:** Provide an update on the Project and Environmental Assessment (EA) process.
- **Topic 2 – Proposed Provincial Terms of Reference:** Review the contents of the Proposed Terms of Reference, focusing on changes made in response to comments received on the Draft Terms of Reference and the alternatives routes identified for assessment and evaluation in the EA of the Community Access Road.
- **Topic 3 – Consultation and Next Steps:** Provide an overview and update on consultation undertaken to date and next steps in the EA process for the Project including schedule.

Thank you for inviting us today. Your input is important to us.

Purpose and Objectives of Meeting

The intent of today's discussion is to:

- Provide MFFN an advanced view of the Proposed Terms of Reference before submission to the Ministry of the Environment, Conservation and Parks for Minister Decision to approve, approve with conditions or reject the Terms of Reference;
- Provide an overview of changes made to the Terms of Reference to address comments received on the Draft Terms of Reference;
- Introduce the new Ogoki River crossing option that was not previously identified in the Draft Terms of Reference; and
- Allow an opportunity for MFFN Chief and Council to ask questions and provide additional comments.

Project Update: What's Happening?

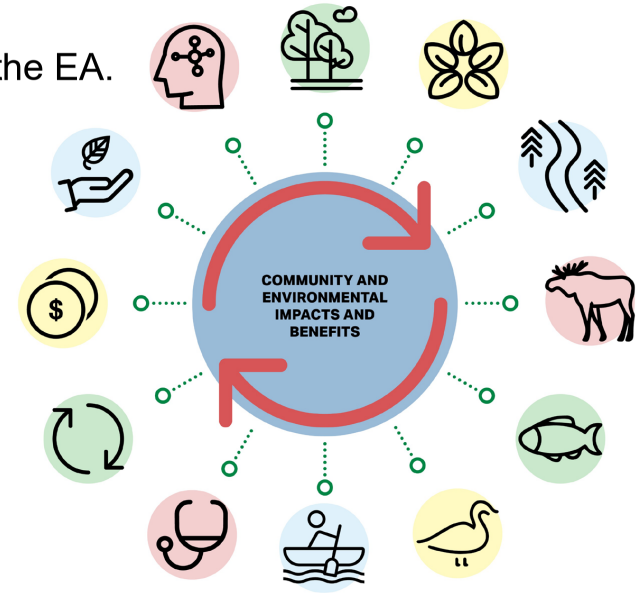
- Ongoing outreach with neighbouring Indigenous communities
- Online meeting coordination with interested communities amid COVID-19 pandemic
- MFFN virtual engagement in September 2020

- Proposed Terms of Reference ready for MFFN community review
  - Submission to the Ministry of the Environment, Conservation and Parks is anticipated for October 2020
- Videos, fact sheets and online content has been created to help communities understand next steps

- Field studies are ongoing
- Socio-economic and Indigenous Knowledge data collection activities are expected to start soon

The First Step of a Provincial Environmental Assessment

- A Provincial Individual EA was initiated for the Project in March 2019. The first step is to prepare a **Terms of Reference**, which requires consultation with neighbouring Indigenous communities.
- A Terms of Reference is a “roadmap” for planning and decision-making during the EA.
- It provides an overview of the:
  - Purpose and description of the Project (i.e., the development of a multi-purpose all-season access road to MFFN);
  - Identification of alternatives to be considered in the EA;
  - Existing environmental conditions and potential effects of the proposed Community Access Road;
  - Investigation and studies to be conducted during the EA; and
  - Plans for future consultation and engagement during the EA.



Why is a Community Access Road Needed?

- The Terms of Reference identifies the purpose and need for the Project:
  - MFFN has a winter access road, but it isn't reliable and makes transportation of goods and people difficult.
  - An all-season road that connects MFFN to the existing provincial highway network is needed to improve the well-being of the community:

Increase Travel Safety **Reduce Price of Food, Fuel and Supplies**

Improve Access to Services **Economic Opportunities**

- The community access road will be **multi-purpose**, which means it will serve both **community access** and public use, including by **industry**
  - Multi-purpose use will minimize infrastructure corridors in the Far North

Project Components and Phases

- **Project Phases:**



Components of the Community Access Road

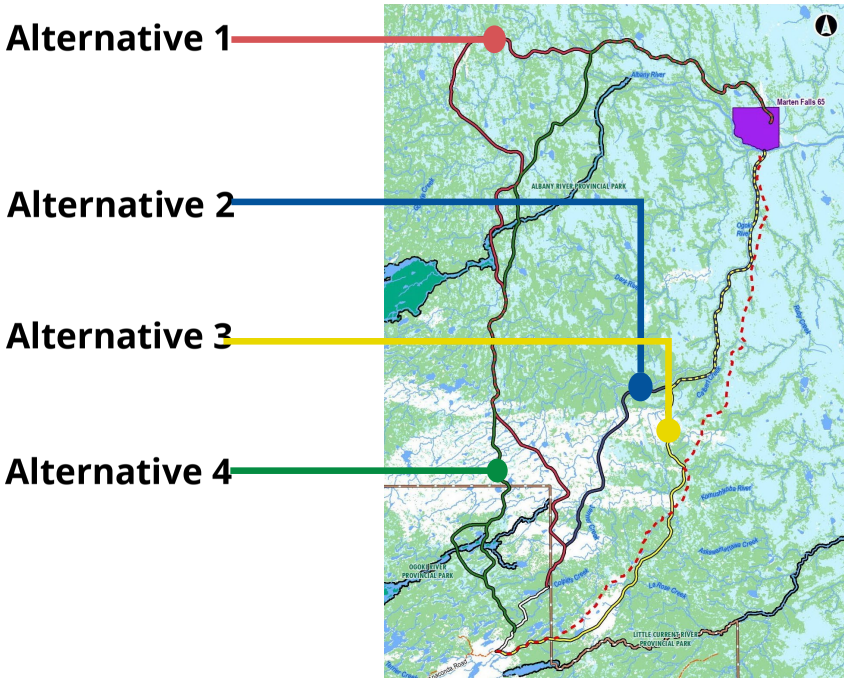
- 190 km to 230 km of two-lane gravel road
- Quarries, borrow areas and aggregate sources
- Bridges for river and stream crossings
- Temporary construction access roads, work areas and camps

Potential Routes for the Community Access Road

A key step in the Terms of Reference process is identifying more than one option for where the proposed road will be located. These options are called **alternative routes**.

Four alternative routes were previously identified by MFFN using information gathered during previous studies and consultation, and updated this year to include the latest available information.

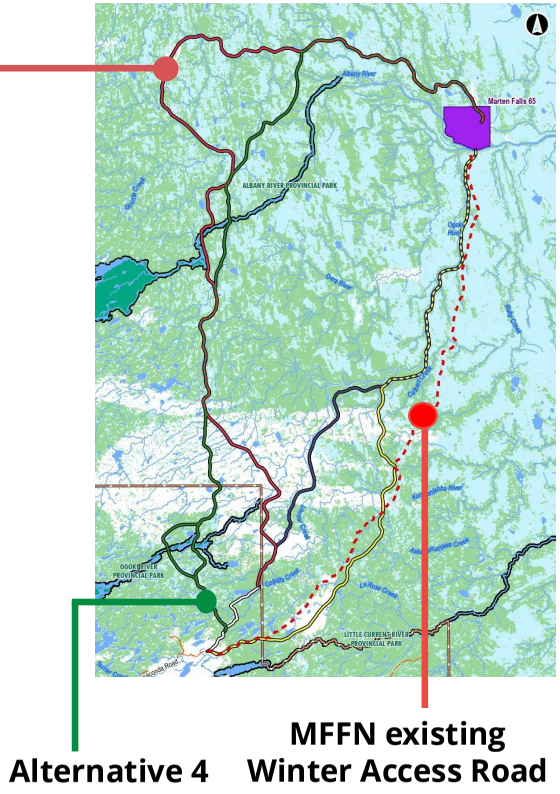
MFFN has made a community decision to consider only the western-most routes in the EA (i.e., **Alternative 1** and **Alternative 4**).



Alternative 1 and Alternative 4

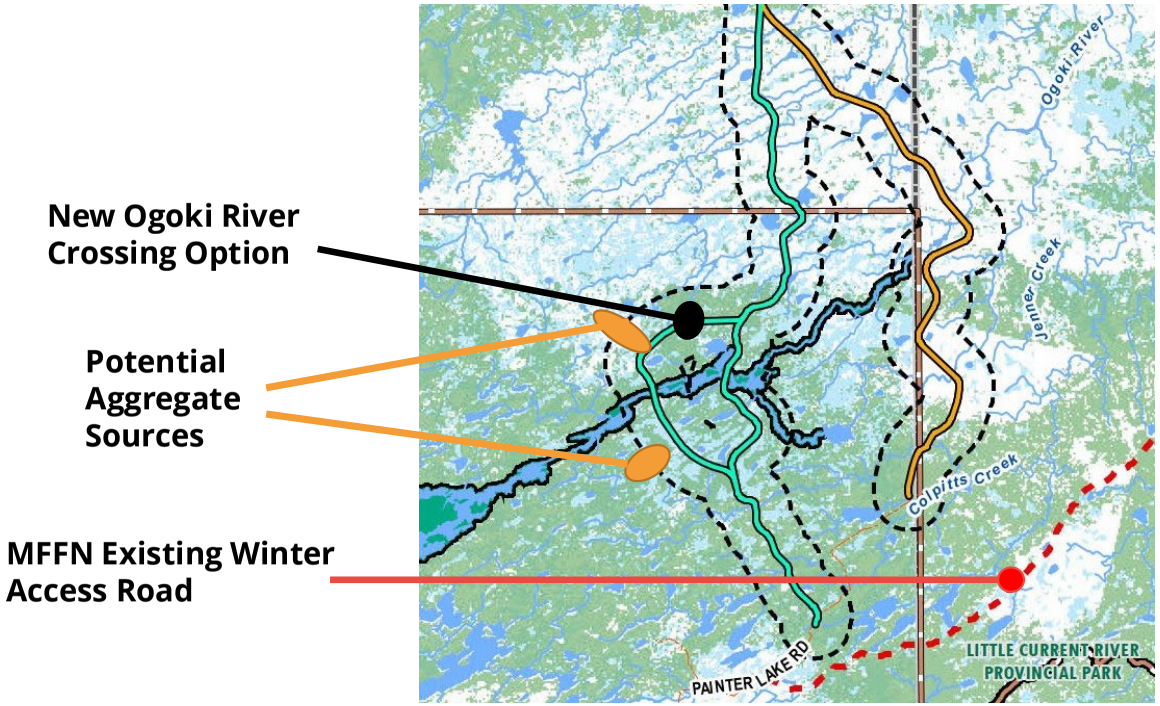
These alternative routes:

- Address MFFN concerns by avoiding a large river span crossing located close to the community, and health and safety concerns related to the potential for the Northern Road Link Project to go through the community;
- Are not significantly different than Alternative 2 and Alternative 3 with respect to potential environmental effects and the ability to avoid and reduce those effects;
- Are located on higher ground and closer to aggregate sources, which are needed for construction; and
- Would support mining development in the region because they are more direct to the mining claims north of MFFN and pass through other areas of interest for future mineral and exploration development.



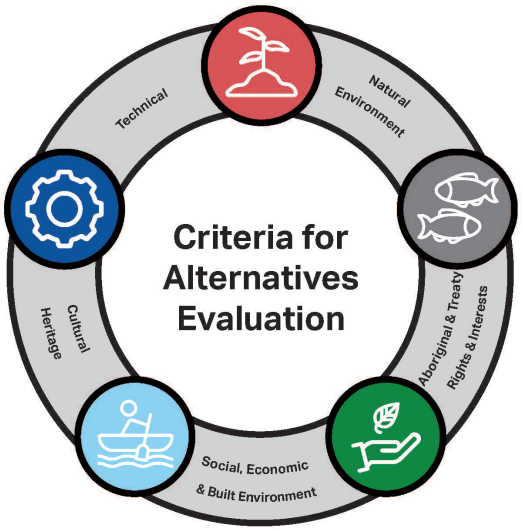
Alternative 4 Ogoki River Crossing Option

- In August 2020, a new crossing option of the Ogoki River was identified along Alternative 4.
- This crossing option was added to the Proposed Terms of Reference because it:
  - Has a shorter-span bridge crossing;
  - Is located close to a potentially significant aggregate source; and
  - Eliminates the need for a temporary road to access the potential aggregate source.



Respecting the Environment:

An effects assessment will be completed in the EA to compare Alternative 1, Alternative 4, temporary infrastructure and aggregate sources against a set of criteria specific to the Project.



Natural Environment:

- Air, noise and vibrations;
- Physiography, terrain, soils, geochemistry and geology;
- Surface water and groundwater;
- Vegetation, peatlands and wetlands;
- Significant ecological features, including traditional use plants; and
- Wildlife and fish, including Species at Risk.

Technical:

- Route length;
- Borrow availability;
- Construction implementation;
- Capital cost;
- Safety; and
- Maintenance cost.

Social, Economic, Built and Cultural Environment:

- Housing, infrastructure and transportation;
- Community well-being;
- Population and demographics;
- Regional economy, labour force and employment, and government finances;
- Land and resource used, including recreation, tourism and industry land uses;
- Safety, health and diet;
- Visual aesthetics; and
- Archaeological, built heritage and cultural sites, resources and landscapes.

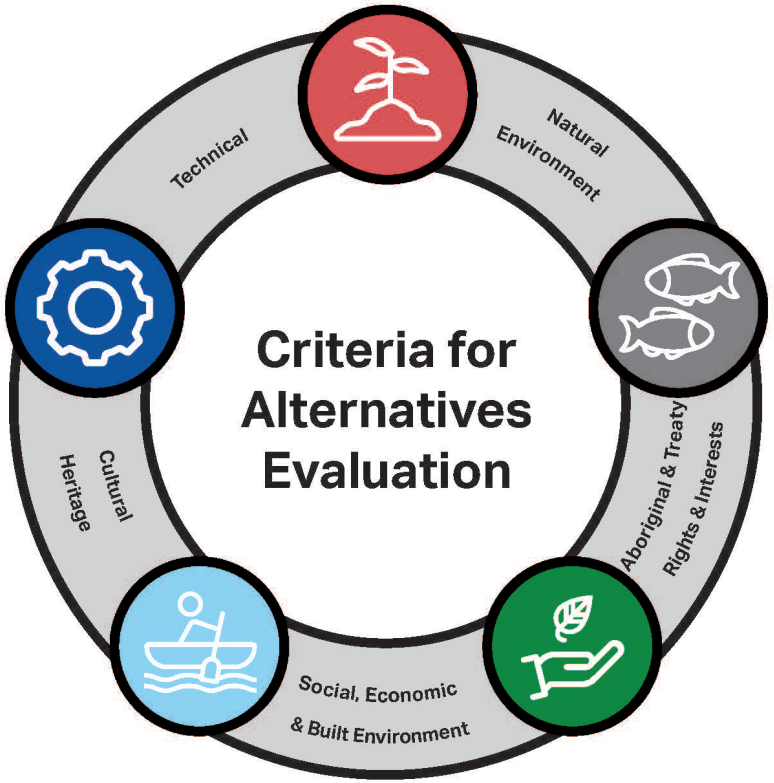
Aboriginal and Treaty Rights and Interests:

- Indigenous use of land and resources for traditional purposes; and
- Cultural continuity.

Respecting the Environment:

The outcome of the evaluation of alternatives in the EA will identify the preferred route for the **Community Access Road**, **temporary infrastructure** and **aggregate sources** with the:

- Least potential for negative effects
- Greatest opportunity for mitigating negative effects
- Greatest benefit to the community



The Importance of Indigenous Knowledge

- Indigenous Knowledge is important for the planning of the Community Access Road.
- MFFN's Guiding Principles for Indigenous Knowledge will be used for the Community Access Road.
- Indigenous Knowledge for each community is understood to be highly valuable and as such is treated confidentially.
- Indigenous Knowledge protocols for neighbouring Indigenous communities will be respected.
- Sharing agreements will guide the use, collection and protection of Indigenous Knowledge for the Community Access Road.



The Proposed Terms of Reference more clearly identifies the importance of Indigenous knowledge in all parts of the EA process.

Consultation During the Terms of Reference

Efforts have been ongoing to engage neighbouring Indigenous communities and other interested persons since the Terms of Reference Notice of Commencement was released in March 2019. In addition to meetings with the MFFN community:

- **Notice of Commencement** to 23 neighbouring Indigenous communities identified by MECP, including:
    - To date, 15 of the 23 Indigenous communities have expressed an interest in the Project and meeting to better understand the Project and the remaining eight communities have expressed interested in receiving Project materials.
- Two **Public Information Centres**;
- **Conference calls and / or in-community meetings** have been conducted with 11 communities;
- Distribution of **Field Study Notices**;
- **Marten Falls-Ontario Memorandum of Understanding** on Shared Consultation Responsibilities signed on January 7, 2020;
- Letters and follow-up calls regarding participation interest in the **Indigenous Knowledge Program**;
- **Draft Terms of Reference** and community-specific **Record of Consultation** provided to each neighbouring Indigenous community for review; and
    - Comments received have been responded to, and addressed in the Proposed Terms of Reference either through updates to the Terms of Reference or commitments to consider during the EA.

A detailed Record of Consultation shows consultation and engagement that took place with Indigenous communities, government agencies and interested persons during the development of the Terms of Reference. This record identifies how comments and concerns raised have been addressed in the Terms of Reference or will be considered in the EA.

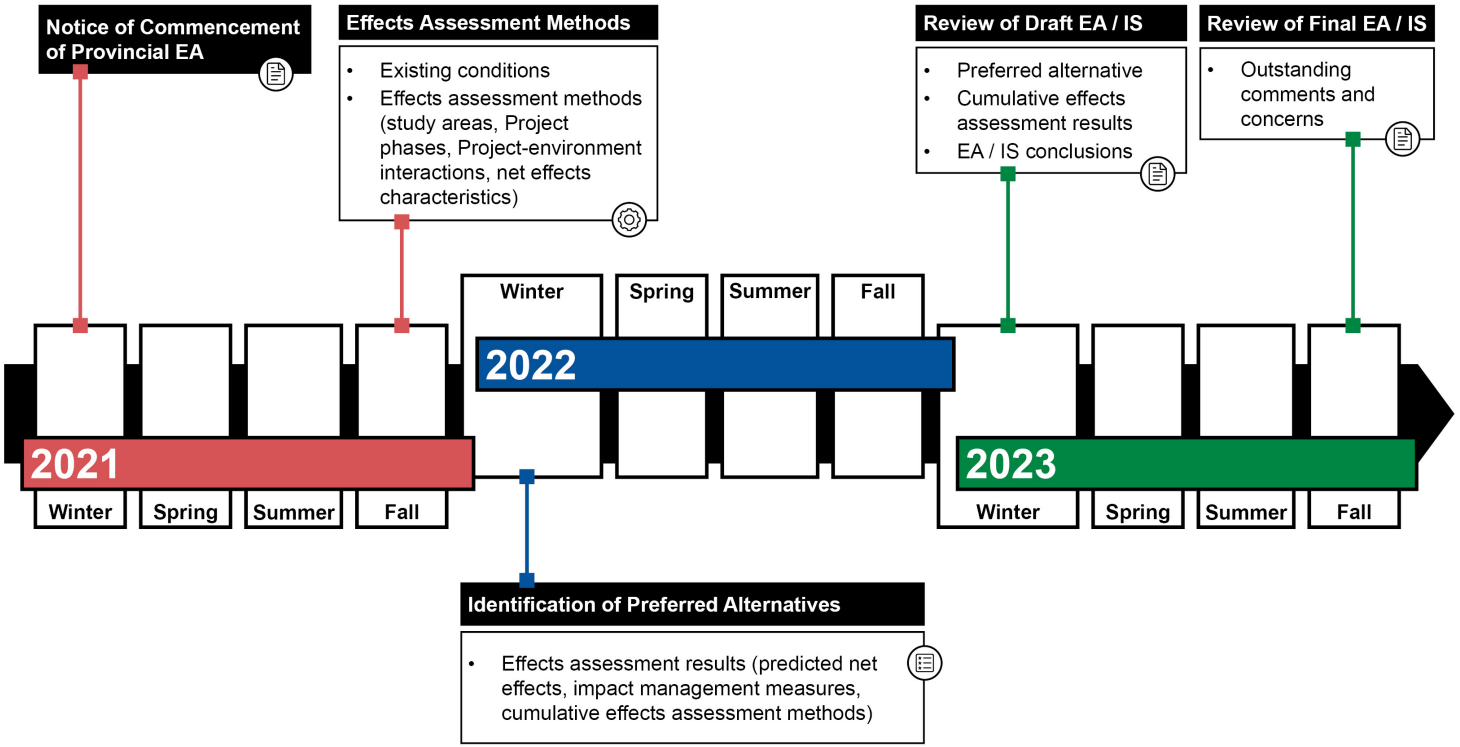
What Have We Heard



- Common areas of interest raised throughout consultation include:
  - Participant Funding
  - Role of the Provincial Government
  - Northern Road Link Project
  - Aggregate Sources
  - Purpose of the Project
  - Alternatives To & Alternative Means
  - Study Areas
  - Aboriginal and Treaty Rights
  - Indigenous Knowledge
  - Potential Effects – adverse & beneficial
  - Cumulative Effects
  - Consultation Methods
  - Consultation Challenges (COVID-19)
  - Issues Resolution Process

Proposed Consultation for the Environmental Assessment

The Terms of Reference identifies the plans for consultation during the EA in the Consultation Plan.



In light of COVID-19

- A virtual room is available online at www.martenfallsaccessroad.ca/tor for Chief and Council and the MFFN community to review the Proposed Terms of Reference. This password (***mffn***) protected room will highlight key information related to the Proposed Terms of Reference.
- The virtual room will be available for two weeks, allowing MFFN community a flexible timeline to view content.
- Videos and fact sheets highlight information with key content, including Project background, main differences between Draft and Proposed Terms of Reference and next steps of the EA process.
- The Project hotline and email address continue to be available to submit questions and provide feedback on the Project.

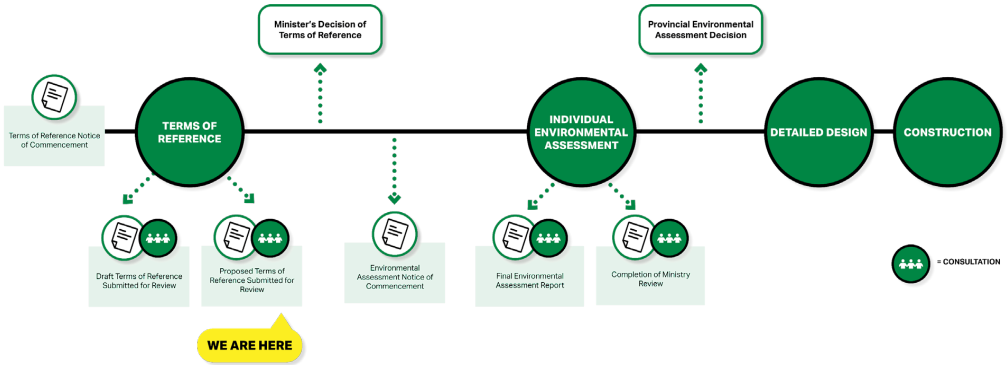
Proposed Terms of Reference and Fact Sheets

- The Proposed Terms of Reference for the Community Access Road has been prepared, based on community feedback and Project Team direction, and is ready to be submitted to the Ministry of the Environment, Conservation and Parks.
- A Proposed Terms of Reference is the 'framework' for the EA that is released to Indigenous communities, interested persons and government agencies to obtain input on the Project and approval to proceed to the EA phase.
- Project and Terms of Reference-specific fact sheets and a newsletter are also available for MFFN community members and neighbouring Indigenous communities.
- Input from MFFN and neighbouring Indigenous communities on the Draft Terms of Reference have been incorporated into the Proposed Terms of Reference and will help the EA to appropriately address traditions, Indigenous Knowledge and Land Use.

Next Steps in the Provincial Environmental Assessment Process

Anticipated Schedule:

- MFFN approval for release of Proposed Terms of Reference – Fall 2020
- Submission of Proposed Terms of Reference – Fall 2020
  - Includes a 60-day public review for Indigenous communities, government agencies and interested persons
- MECP Decision – Early 2021
  - Review and Minister decision typically takes 12 weeks
- EA – 2021 to 2023
  - Consultation - ongoing
  - Field Studies - ongoing
  - Submission of Final EA - 2023
- Agency Decision - 2024



Questions?

- Do you have any questions or comments about the Community Access Road?
- Do you have any questions or comments about the Proposed Terms of Reference, that should be considered through the EA?

Boozhoo!

ALL SEASON COMMUNITY ACCESS ROAD

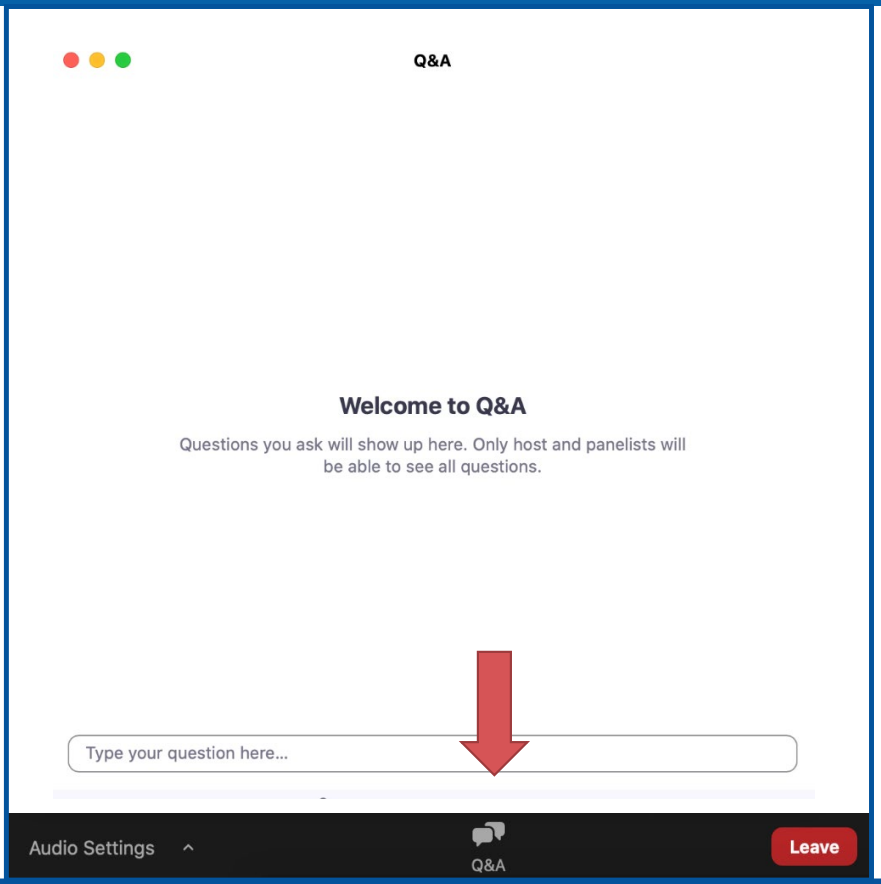
Virtual MFFN Community Member Update
June 17, 2021, starting at 5:00 p.m.

This is a webinar platform that allows you to see and hear the presenters; we cannot see or hear you.

If you have a question during the presentation, please use the Q&A window on the screen. We will have a Q&A at the end of the presentation.

Housekeeping

- If there are technical difficulties, the speaker may turn off their video
- Attendees will be muted; please participate through the Q&A window. **Hover your mouse on a computer or tap the screen on a smartphone or tablet for the toolbar to pop-up and then click Q&A**
- If you have any technology issues, please also use the Q&A window
- The presentation deck has been sent to all MFFN community member contacts we have on file
- This meeting is being recorded so that MFFN community members unable to participate today can view it after



Agenda

- **Presentation**
  - Refresher on the Community Access Road
  - About the processes
    - Update on the provincial Terms of Reference
  - Indigenous Knowledge
  - Field Studies
  - Job Opportunities
  - Next Steps
- **Q&A**

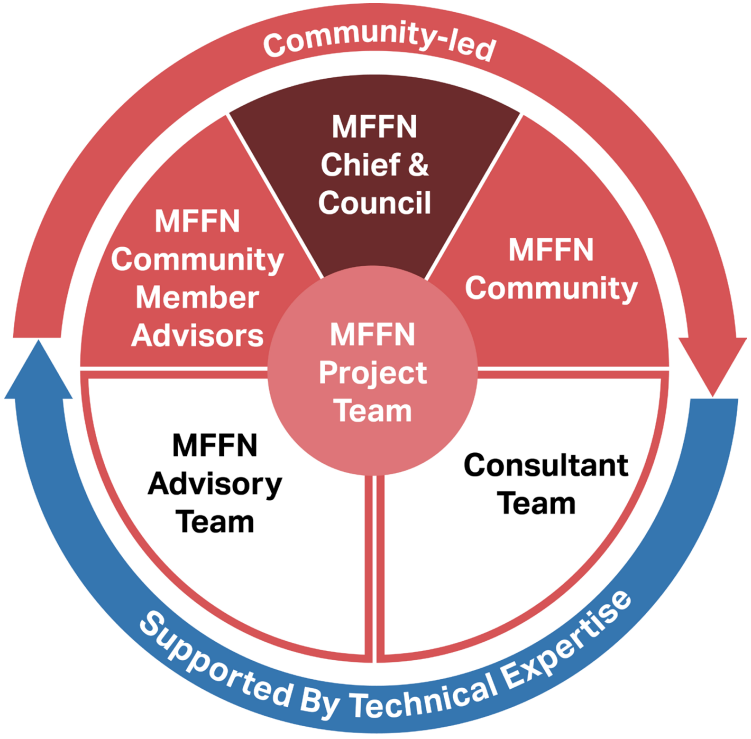
This meeting is to update MFFN community members and is not consultation. If you have feedback that you would like considered as consultation and included in the public record, please let us know.

Key Terms

- **Environmental Assessment (EA):** Provincial / federal process to evaluate and describe the potential effects of the Community Access Road on the environment
    - **Terms of Reference (ToR):** A roadmap for planning and decision-making. Describes how the provincial environmental assessment will be done
- **Impact Assessment (IA):** Federal process to process to evaluate and describe the potential effects of the Community Access Road on the environment
- **Indigenous Knowledge (IK):** Refers to Indigenous systems of knowledge based on cultural and community practices, traditional belief systems, experience and observations out on the land, and relationships to the environment
- **Indigenous Land and Resource Use (ILRU):** Refers to specific areas (e.g., hunting areas, fishing sites) and resources (e.g., moose, beaver) used for traditional purposes, and to share and learn Indigenous Knowledge

Refresher: What is the Project?

- Proposed All Season Community Access Road to connect to the provincial highway network through the Painter Lake Road System
- Marten Falls First Nation (MFFN) is the Proponent—or owner of the Project—for the provincial Environmental Assessment and federal Impact Assessment
- The Community Access Road does not include a road to the Ring of Fire



Refresher: Why is a Community Access Road Needed?

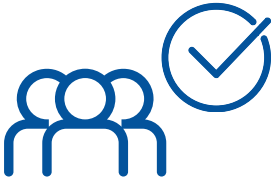
- MFFN has access to a winter road, but it provides limited transportation and is not reliable
- An all-season road that connects MFFN to the existing provincial highway network will benefit the community by:



Increased Travel Safety



Improved Access to Services



Improved Community Well Being



Reduced Price of Food, Fuel and Supplies



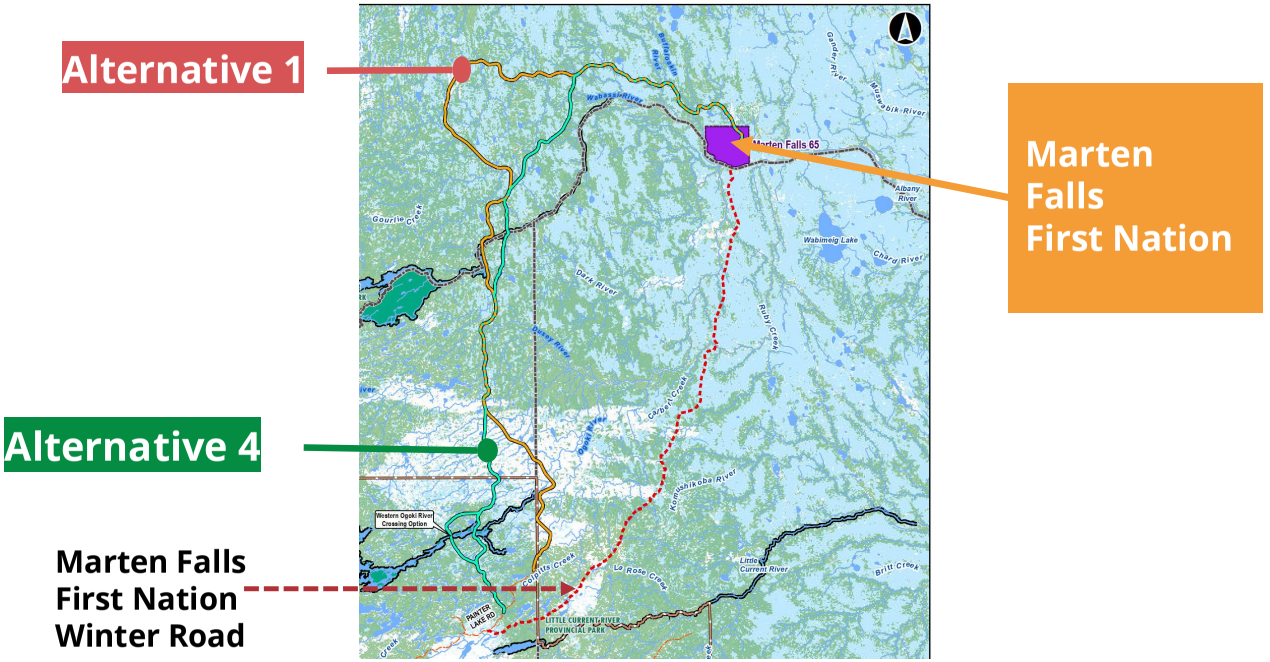
Economic Opportunities

- Our community access road will serve both **community access** and public use, including **industry** use; it will be **multi-purpose**
  - Multi-purpose use means fewer roads need to be built in the Far North

Potential Routes for the Community Access Road

Alternative Route 1 and Alternative Route 4 are being considered as potential routes for the Community Access Road because:

- Shorter bridge crossing
- May have fewer effects to the environment
- Savings to schedule and budget
- Less traffic passing through the community
- Better economic opportunities

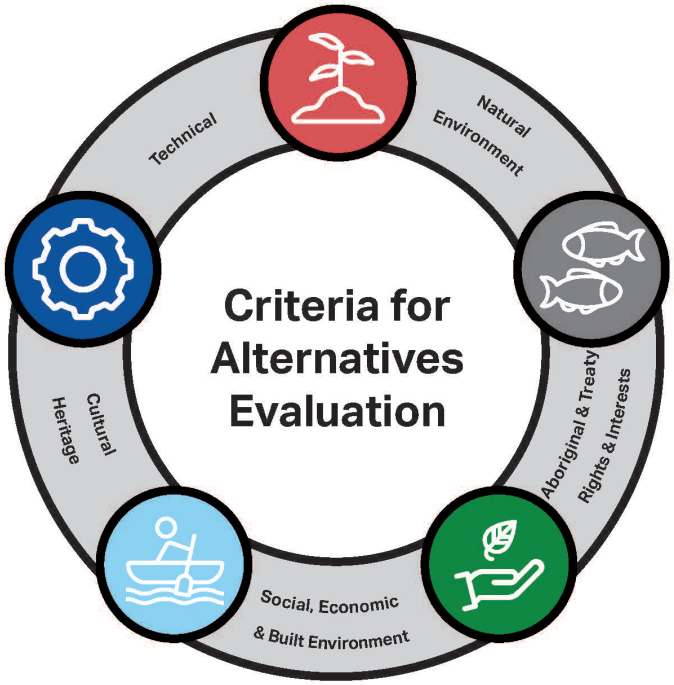


Respecting the Environment

Environmental assessments will be completed to compare route alternatives, temporary infrastructure and aggregate sources against a set of specific criteria

The goal is to identify the preferred route for the **Community Access Road**, **temporary infrastructure** and **aggregate sources** with the:

- Least potential for negative effects
- Greatest opportunity for mitigating negative effects
- Greatest benefit to the community

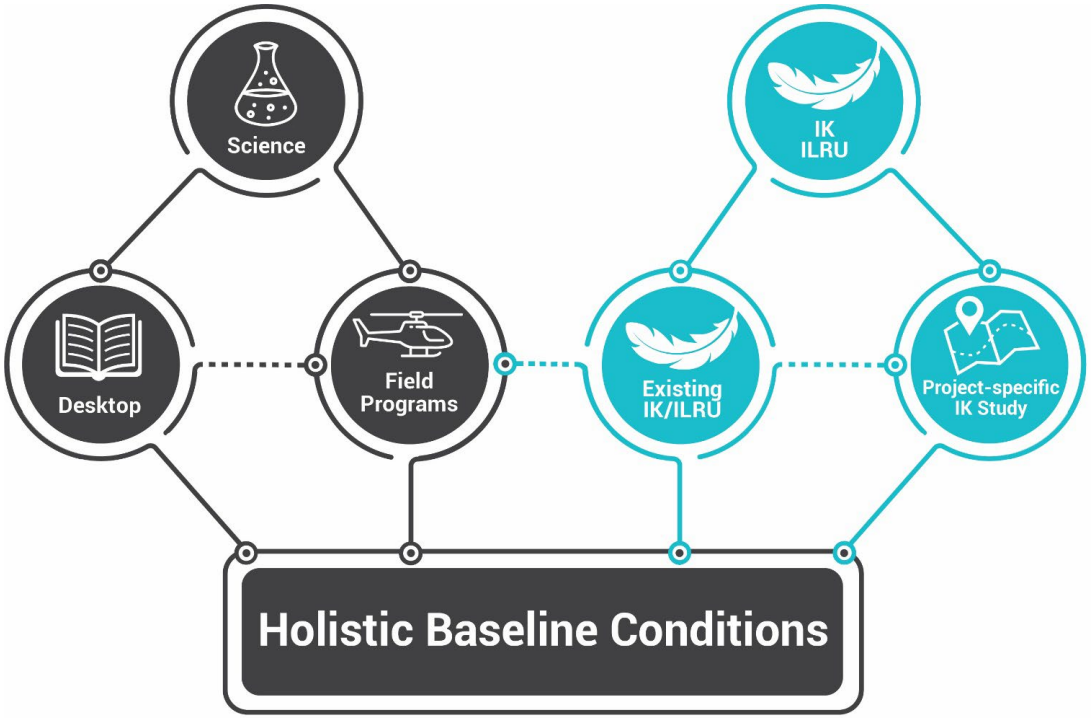


The EA processes will carefully consider traditions, Indigenous Knowledge and land and resource use

The Importance of Indigenous Knowledge

- Indigenous Knowledge is needed to understand:
  - Existing conditions
  - Identify potential areas or sites to avoid
  - Help predict potential effects of the Community Access Road, and
  - Determine ways to avoid, manage and monitor potential effects
- Communities, including MFFN, interested in collecting and sharing their Indigenous Knowledge will be provided with funding to support this
- Sharing Agreements will guide the sharing, use and protection of Indigenous Knowledge
  - MFFN has finalized a Sharing Agreement and we are working on agreements with several other Indigenous communities
- MFFN has shared some Indigenous Knowledge collected through the CBLUP process already—additional collection and sharing of Indigenous Knowledge may be needed

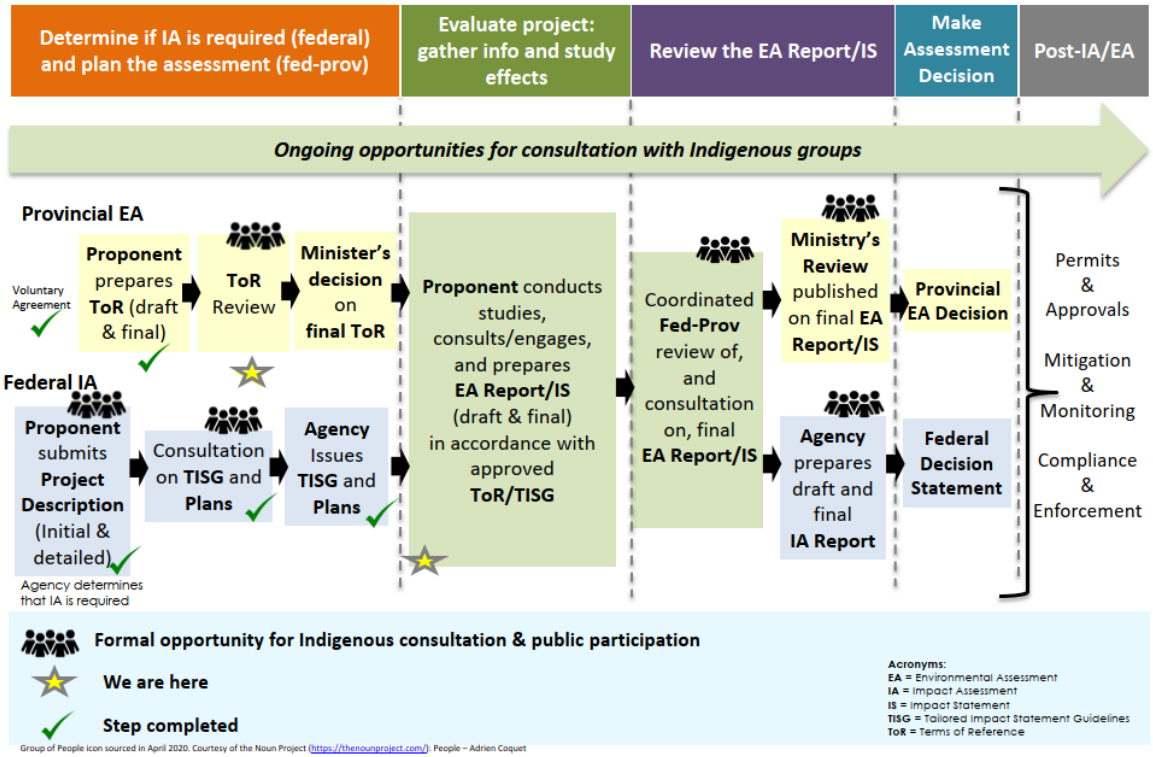
A Holistic Understanding of the Land is Key to Planning



- Both Indigenous Knowledge (which includes Anishinabek Traditional Knowledge) and Western Science are key for a holistic understanding of the environment, and will inform where the road will go.
- Indigenous Knowledge (IK) and information on Indigenous land and resource use (ILRU) in the area of the proposed routes can be shared through the Project's Indigenous Knowledge Program.
- Scientific studies, including field studies, will be conducted along the proposed routes—some scientific information has already been collected.
- Examples of what we are studying include: fish, moose, water, birds, social and economy, land use, Aboriginal and Treaty Rights and Interests

Coordinated Process

Coordinated Federal–Provincial Assessment Process



What We've Accomplished So Far

2017 → **2019** → **2019/2020** → **2020/2021**

The provincial government announced funding would be available to do a provincial environmental assessment

Provincial Planning Phase (Terms of Reference)

We are here

Federal Planning Phase (Project Description)

Federal Assessment Phase (Tailored Impact Statement Guidelines)

- Engagement with Indigenous communities & collection of Indigenous Knowledge
- Field and other scientific studies

Update on the Provincial Environmental Assessment – Terms of Reference

63 Days

Draft Terms of Reference (ToR)

The Draft ToR was voluntarily circulated for review. There was consultation and engagement with 23 Indigenous communities, government agencies and interested persons.

December 4, 2019, to February 7, 2020

60 Days

Proposed ToR Review Period

The Proposed ToR was available for a 60-day review, following the submission of the ToR to MECP. The Proposed ToR reflected changes made from feedback received on the Draft ToR.

October 23, 2020

126 Days

Proposed ToR Extended Review Period

The MECP provided an additional opportunity to comment on the ToR.

The review period was 126 days instead of the regulated 30 days.

January 25 to March 31, 2021

We are here

Minister Decision

The ToR is with the MECP for review and a decision by the Minister is expected sometime this summer – it might take longer because of the pandemic.

Late summer / early fall

What's Next

2021 → **2022** → **2023/2024** → **Post-EA**

Provincial Assessment Phase (Environmental Assessment)

Federal Assessment Phase
(Impact Assessment)

- Engagement with Indigenous communities & collection of Indigenous Knowledge
- Field and other scientific studies

Assessment Decision

Detailed Design

Construction

2021 Field Study Programs



Air Quality Monitoring (started & ongoing)

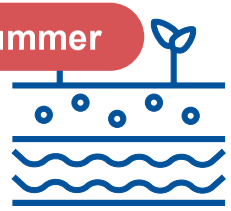


Bats (started & ongoing)



Remote Camera Installation (started & ongoing)

Summer



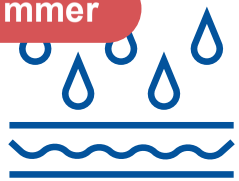
Groundwater and Geochemistry

Summer



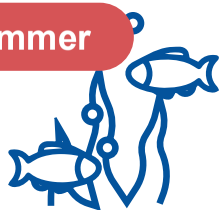
Vegetation, Physiography and Peatlands

Summer



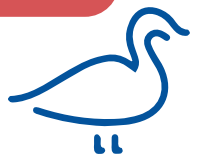
Surface Water

Summer



Fish and Fish Habitat

Fall



Fall Waterfowl Aerial Survey

Next Steps

- **Field Programs**: Conduct summer and fall field programs with hired MFFN Field Study Support Staff
- **Engagement:** Deliver youth engagement program for MFFN youth this summer / fall
- **Indigenous Knowledge:** Continue to support MFFN, and other Indigenous communities, to complete a project-specific Indigenous Knowledge and Land and Resource Use study (summer / fall)
- **Provincial Process**: Wait for Minister decision on starting the Environmental Assessment – decision could be made this summer
    - We will schedule another update meeting with MFFN community members following a decision on the Terms of Reference
- **Coordinated EA / IA Process:** Continue to progress effects assessment

We're Hiring!

- **NOW: Field Study Support Staff—MFFN Community**
  - At least 20 different positions available to help with field programs this year
  - Resourced from Thunder Bay, Geraldton and Ogoki MFFN community members
  - Extensive advertising to fill positions

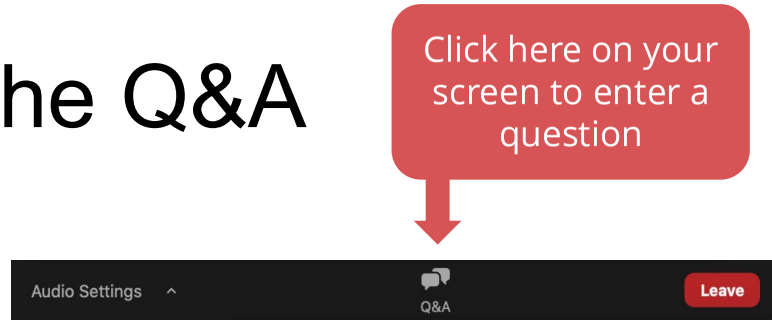
- **FUTURE:** After the EA there will be jobs related to construction

We encourage everyone who is interested to apply to the Field Study Support Staff positions.

Contact:
info@martenfallsaccessroad.ca
or call 1-800-764-9114

Thank You For Participating. Any questions?

We want to hear from you! Use the Q&A window to type in a question



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- Update your contact information and join our mailing list: info@martenfallsaccessroad.ca or 1-800-764-9114
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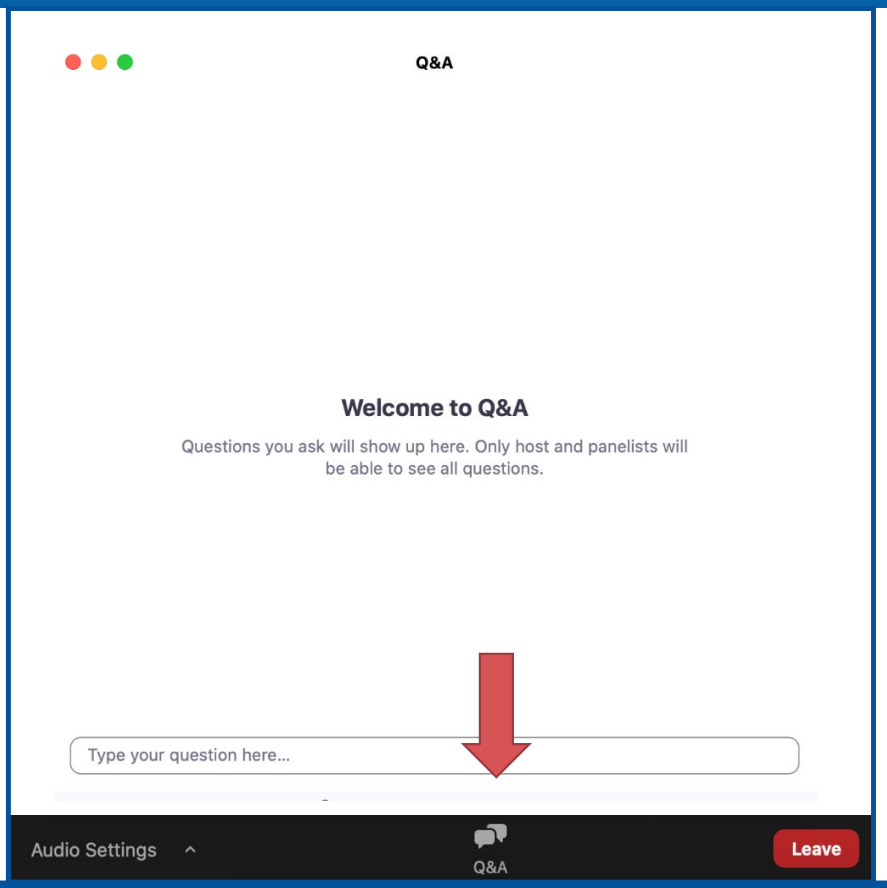
Boozhoo!

ALL SEASON COMMUNITY ACCESS ROAD

Virtual MFFN Community Member Update
September 8, 2021

Housekeeping

- If there are technical difficulties, the speaker may turn off their video
- Attendees will be muted; please participate through the Q&A window. **Hover your mouse on a computer or tap the screen on a smartphone or tablet for the toolbar to pop-up and then click Q&A**
- If you have any technology issues, please also use the Q&A window
- The presentation deck has been sent to all MFFN community member contacts we have on file
- This meeting is being recorded so that MFFN community members unable to participate today can view it after



Agenda

- **Presentation**
  - Update on the provincial Terms of Reference
  - Field Studies
  - Educational Videos
  - Indigenous Knowledge
  - Youth Engagement Program
  - Next Steps
  - Job Opportunities
- **Q&A**

This meeting is to update MFFN community members and is not consultation. If you have feedback that you would like considered as consultation and included in the public record, please let us know.

What We've Accomplished So Far

2017 → **2019** → **2019/2020** → **2020/2021**

The provincial government announced funding would be available to do a provincial environmental assessment

We are here

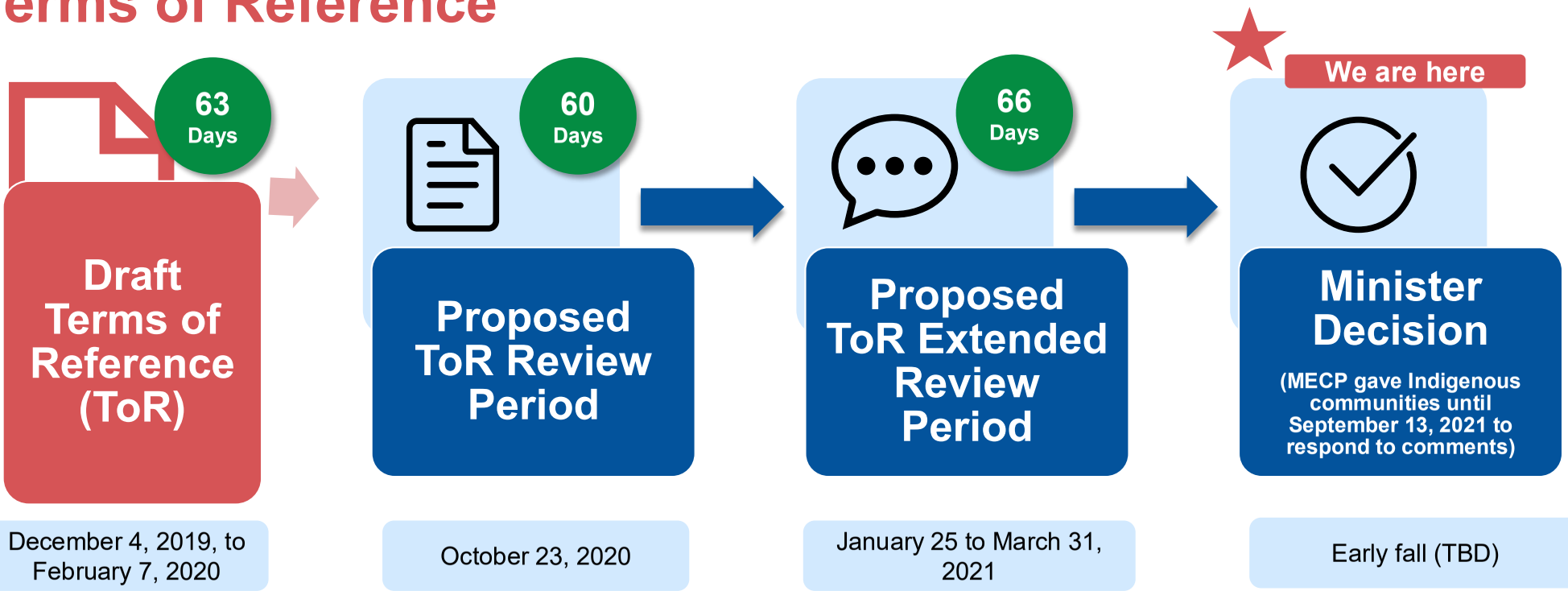
Provincial Planning Phase (Terms of Reference)

Federal Planning Phase (Project Description)

Federal Assessment Phase (Tailored Impact Statement Guidelines)

- Engagement with Indigenous communities & collection of Indigenous Knowledge
- Field and other scientific studies

Update on the Provincial Environmental Assessment – Terms of Reference



What's Next

2021 → **2022** → **2023/2024** → **Post-EA**

Provincial Assessment Phase (Environmental Assessment)

Federal Assessment Phase
(Impact Assessment)

- Engagement with Indigenous communities & collection of Indigenous Knowledge
- Field and other scientific studies

Assessment Decision

Detailed Design

Construction

2021 Field Study Programs



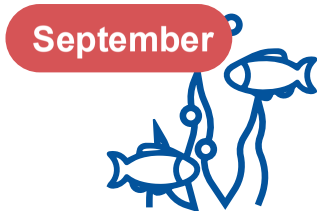
Air Quality Monitoring (started & ongoing)



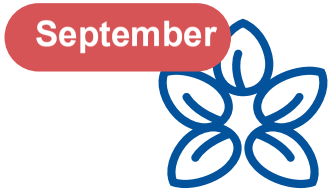
Bats (started & ongoing)



Remote Camera Program (started & ongoing)



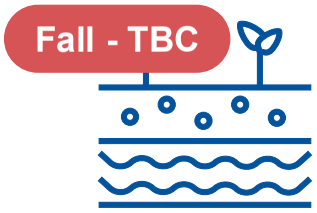
Fish and Fish Habitat



Vegetation, Physiography and Peatlands



Surface Water



Groundwater and Geochemistry



Fall Waterfowl Aerial Survey

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- We will be developing educational videos about the valued components that we are studying as part of the federal and provincial assessments:
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  - Vegetation
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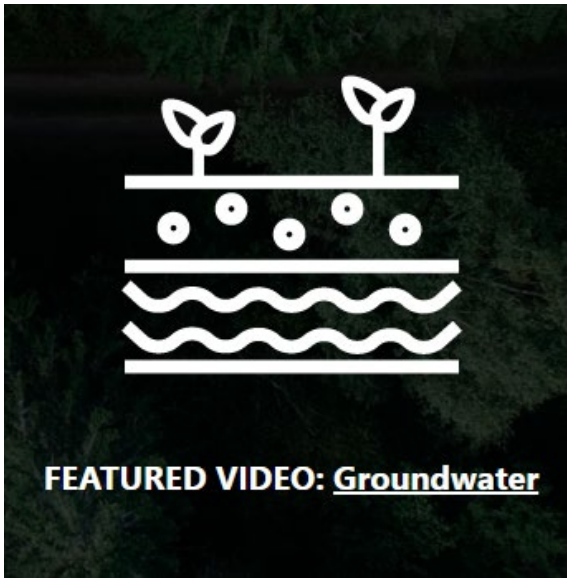

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- Kindergarten – Grade 8 Programming in MFFN
- Grade 9 + Programming in Thunder Bay
  - Both will be delivered the week of September 24
  - Program to be delivered by Larissa and a MFFN community member

- Program will include educational content about the Community Access Road, games and activities related to the environment, the Community Access Road, and careers in science, technology, engineering and math

Next Steps

- **Field Programs**: Conduct summer and fall field programs with hired MFFN Field Study Support Staff
- **Engagement:** Deliver youth engagement program for MFFN youth this summer / fall
- **Indigenous Knowledge:** Continue to support MFFN, and other Indigenous communities, to complete a project-specific Indigenous Knowledge and Land and Resource Use study (summer / fall)
- **Provincial Process**: Wait for Minister decision on starting the Environmental Assessment – decision could be made this summer
    - We will schedule another update meeting with MFFN community members following a decision on the Terms of Reference
- **Coordinated EA / IA Process:** Continue to progress effects assessment

We're Hiring!

- **NOW: Field Study Support Staff—MFFN Community**
  - At least 20 different positions available to help with field programs this year
  - Resourced from Thunder Bay, Geraldton and Ogoki MFFN community members
  - Extensive advertising to fill positions
- **FUTURE:** After the EA there will be jobs related to construction

We encourage everyone who is interested to apply to the Field Study Support Staff positions.

Contact:
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or call 1-800-764-9114

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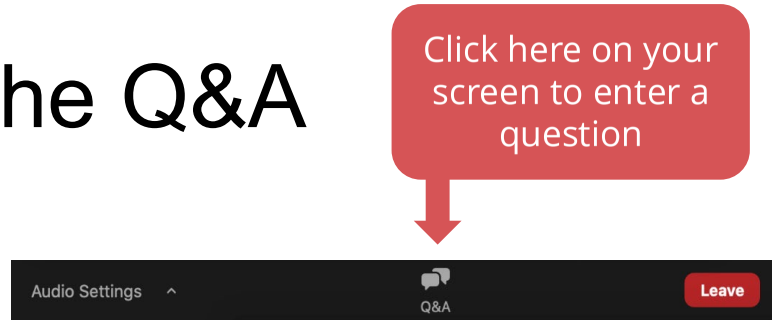

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Key Terms

- **Environmental Assessment (EA):** Provincial / federal process to evaluate and describe the potential effects of the Community Access Road on the environment
    - **Terms of Reference (ToR):** A roadmap for planning and decision-making. Describes how the provincial environmental assessment will be done
- **Impact Assessment (IA):** Federal process to process to evaluate and describe the potential effects of the Community Access Road on the environment
- **Indigenous Knowledge (IK):** Refers to Indigenous systems of knowledge based on cultural and community practices, traditional belief systems, experience and observations out on the land, and relationships to the environment
- **Indigenous Land and Resource Use (ILRU):** Refers to specific areas (e.g., hunting areas, fishing sites) and resources (e.g., moose, beaver) used for traditional purposes, and to share and learn Indigenous Knowledge

Refresher: What is the Project?

- Proposed All Season Community Access Road to connect to the provincial highway network through the Painter Lake Road System
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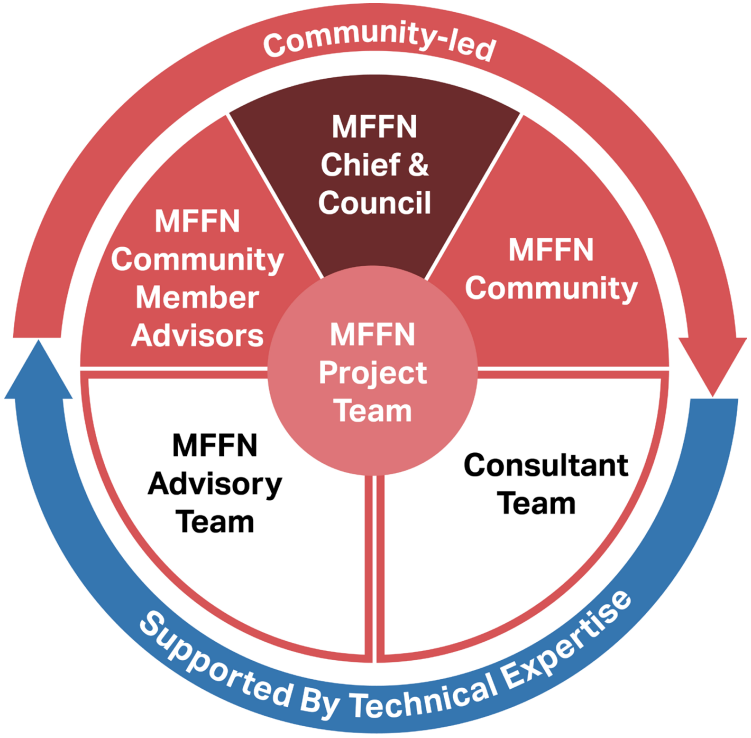

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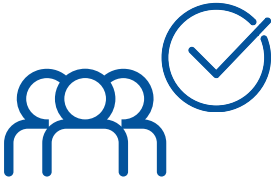
Increased Travel Safety



Improved Access to Services



Improved Community Well Being



Reduced Price of Food, Fuel and Supplies



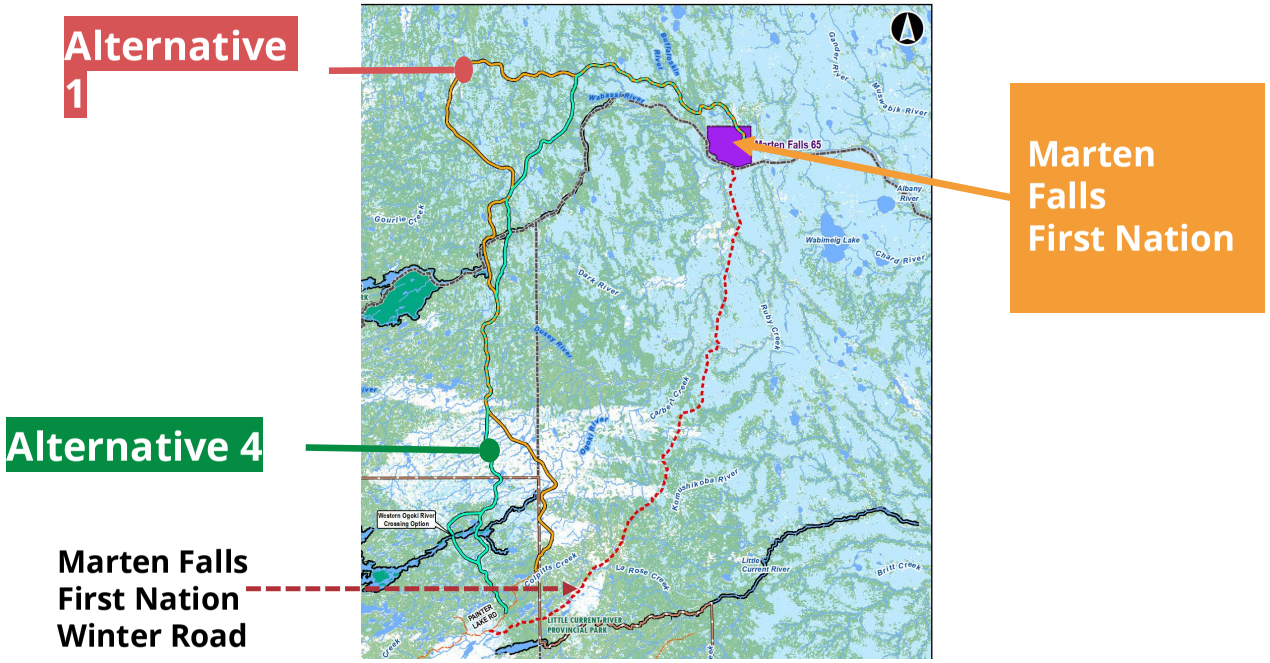
Economic Opportunities

- Our community access road will serve both **community access** and public use, including **industry** use; it will be **multi-purpose**
  - Multi-purpose use means fewer roads need to be built in the Far North

Potential Routes for the Community Access Road

Alternative Route 1 and Alternative Route 4 are being considered as potential routes for the Community Access Road because:

- Shorter bridge crossing
- May have fewer effects to the environment
- Savings to schedule and budget
- Less traffic passing through the community
- Better economic opportunities

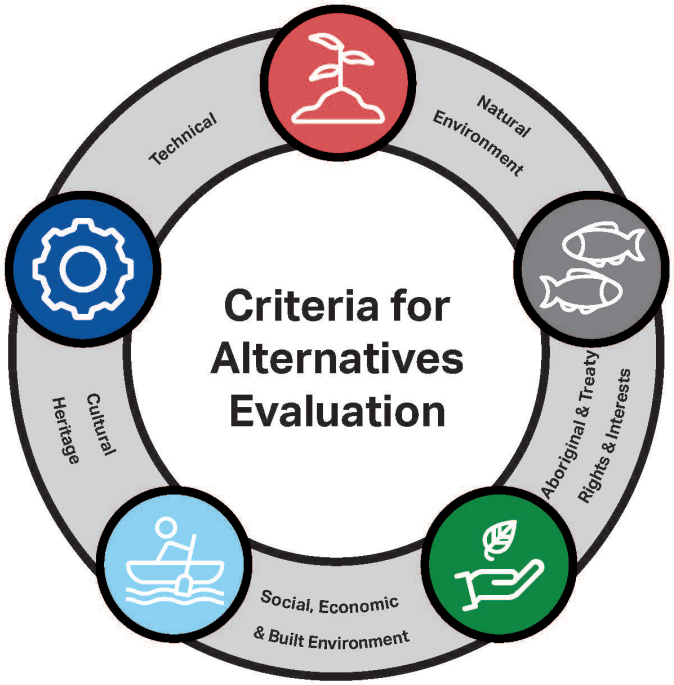


Respecting the Environment

Environmental assessments will be completed to compare route alternatives, temporary infrastructure and aggregate sources against a set of specific criteria

The goal is to identify the preferred route for the **Community Access Road**, **temporary infrastructure** and **aggregate sources** with the:

- Least potential for negative effects
- Greatest opportunity for mitigating negative effects
- Greatest benefit to the community

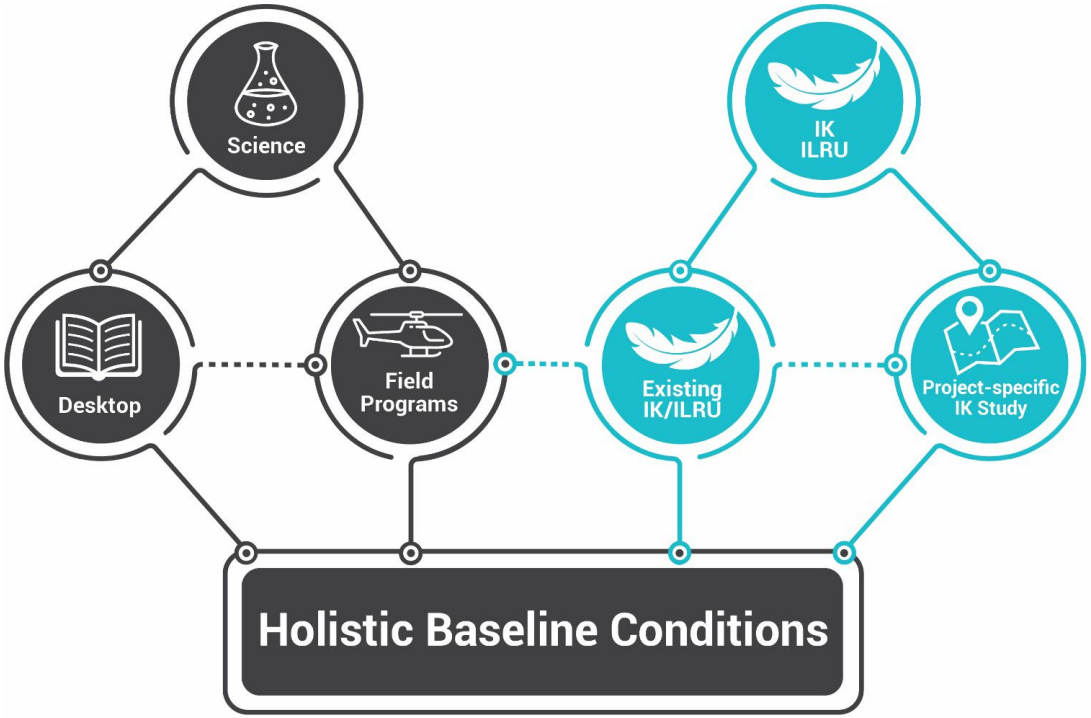


The EA processes will carefully consider traditions, Indigenous Knowledge and land and resource use

The Importance of Indigenous Knowledge

- Indigenous Knowledge is needed to understand:
  - Existing conditions
  - Identify potential areas or sites to avoid
  - Help predict potential effects of the Community Access Road, and
  - Determine ways to avoid, manage and monitor potential effects
- Communities, including MFFN, interested in collecting and sharing their Indigenous Knowledge will be provided with funding to support this
- Sharing Agreements will guide the sharing, use and protection of Indigenous Knowledge
  - MFFN has finalized a Sharing Agreement and we are working on agreements with several other Indigenous communities
- MFFN has shared some Indigenous Knowledge collected through the CBLUP process already—additional collection and sharing of Indigenous Knowledge may be needed

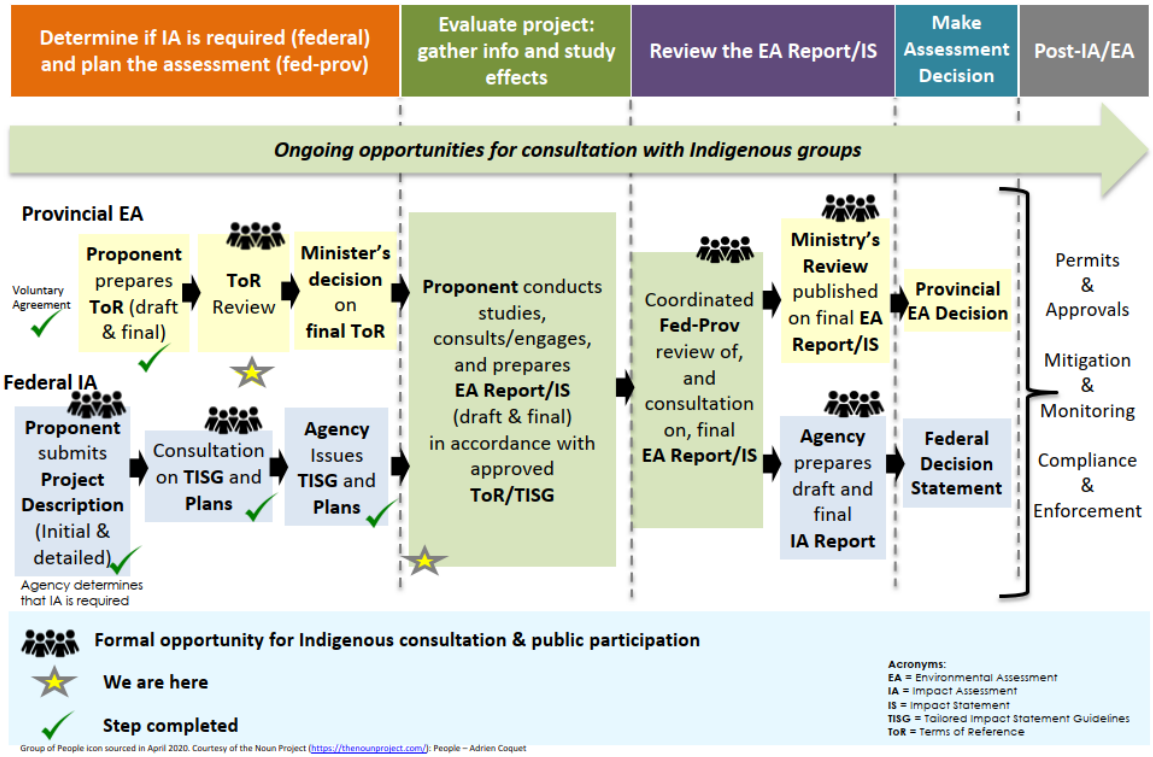
A Holistic Understanding of the Land is Key to Planning



- Both Indigenous Knowledge (which includes Anishinabek Traditional Knowledge) and Western Science are key for a holistic understanding of the environment, and will inform where the road will go.
- Indigenous Knowledge (IK) and information on Indigenous land and resource use (ILRU) in the area of the proposed routes can be shared through the Project's Indigenous Knowledge Program.
- Scientific studies, including field studies, will be conducted along the proposed routes—some scientific information has already been collected.
- Examples of what we are studying include: fish, moose, water, birds, social and economy, land use, Aboriginal and Treaty Rights and Interests

Coordinated Process

Coordinated Federal–Provincial Assessment Process



Update on the Provincial Environmental Assessment – Terms of Reference

63 Days

Draft Terms of Reference (ToR)

The Draft ToR was voluntarily circulated for review. There was consultation and engagement with 23 Indigenous communities, government agencies and interested persons.

December 4, 2019, to February 7, 2020

60 Days

Proposed ToR Review Period

The Proposed ToR was available for a 60-day review, following the submission of the ToR to MECP. The Proposed ToR reflected changes made from feedback received on the Draft ToR.

October 23, 2020

126 Days

Proposed ToR Extended Review Period

The MECP provided an additional opportunity to comment on the ToR.

The review period was 126 days instead of the regulated 30 days.

January 25 to March 31, 2021

We are here

Minister Decision

The ToR is with the MECP for review and a decision by the Minister is expected sometime this summer – it might take longer because of the pandemic.

Late summer / early fall



Boozhoo!

ALL SEASON COMMUNITY ACCESS ROAD

MFFN Chief and Council Update
Thunder Bay
October 27, 2021

Agenda

- Welcome new council members
- Update on the provincial Environmental Assessment
- Overall Project Schedule
- Planned Consultation and Engagement with MFFN
- Planned Consultation and Engagement with Neighbouring Indigenous Communities
- Interested Persons / Indigenous Communities Open House

Refresher: What is the Project?

- Proposed All Season Community Access Road to connect to the provincial highway network through the Painter Lake Road System
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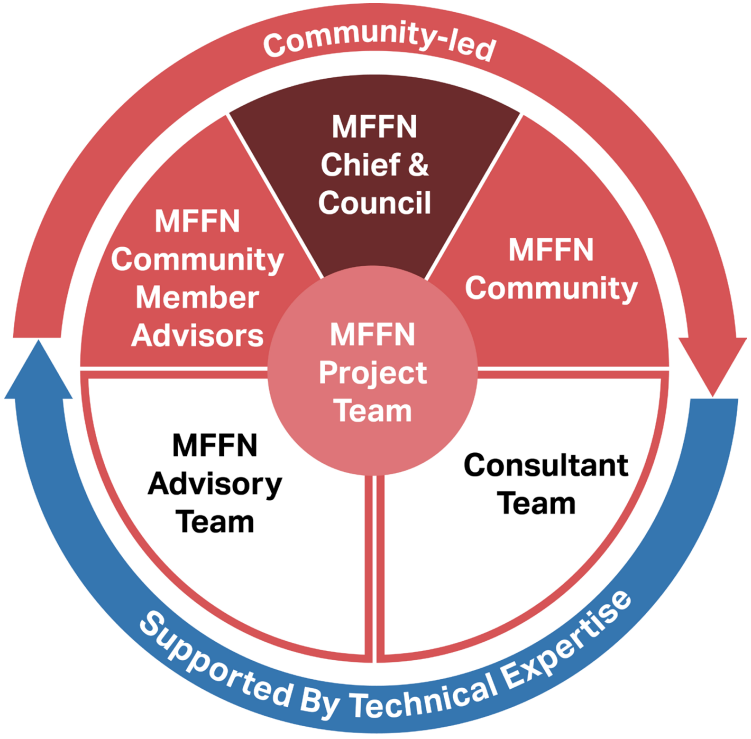
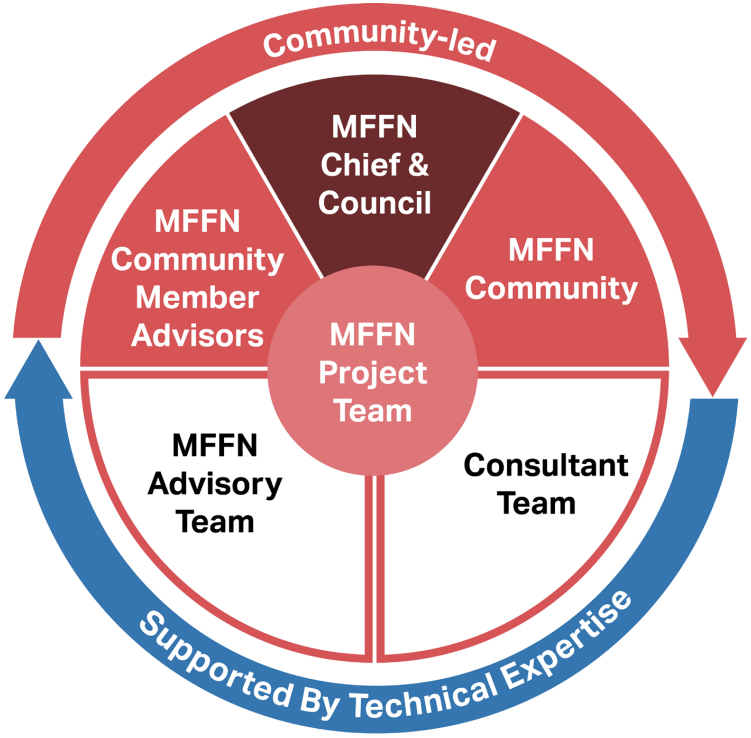


Project Team Introductions

- Lawrence Baxter, Senior Community Advisor
- Bob Baxter, Senior Community Advisor
- Jack Moonias, Community Member Advisor
- Qasim Saddique, Project Director
- Larissa Stevens, Community Consultation Coordinator and Advisor
- Jennifer Bruin, Technical Advisor



What We've Accomplished So Far

2017 → **2019** → **2019/2020** → **2020/2021**

ToR Approved with Amendments

The provincial government announced funding would be available to do a provincial environmental assessment

Provincial Planning Phase (Terms of Reference)

Federal Planning Phase (Project Description)

Federal Assessment Phase (Tailored Impact Statement Guidelines and Federal Notice of Impact Assessment Commencement issued)

- Engagement with Indigenous communities & collection of Indigenous Knowledge
- Field and other scientific studies

What's Next

2021 → **2022/2023** → **2024/2025** → **Post-EA**

We Are Here

Provincial Assessment Phase (Environmental Assessment)

Federal Assessment Phase
(Impact Assessment)

- Engagement with Indigenous communities & collection of Indigenous Knowledge
- Field and other scientific studies

Assessment Decision

Detailed Design

Construction

2021 Field Study Programs



Air Quality Monitoring
(started & ongoing)



Bats
(completed)



Remote Camera Program
(started & ongoing)



Fish and Fish Habitat
(completed)



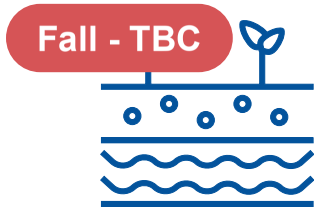
Vegetation, Physiography
and Peatlands
(started & ongoing)



Surface Water
(started & ongoing)



Caribou Collaring
(started & ongoing)



Groundwater and
Geochemistry

Project Schedule

Milestone	Timing (Tentative)
Notice of Commencement of the Environmental Assessment (EA)	October 29, 2021
Effects Assessment Methodology Consultation / Engagement	April - August 2022
Draft Existing Conditions Reports available for Indigenous Community review	July – December 2022
Draft Effects Assessment Reports available for Indigenous Community review	October 2022 – March 2023
Draft Aboriginal and Treaty Rights Effects Assessment Report available for Indigenous Community Review	July – August 2023
Preferred Route Determined	November 2023
Draft EA / IS Published for Comment	July 2024
Final EA / IS Submitted to IAAC / MECP	April 2025

Upcoming Consultation and Engagement with MFFN

- **Today:** October 27, 2021– Project Update / Orientation with MFFN Chief and Council
- November (date TBC) – MFFN Community Update Meeting
- Continued promotion to hire MFFN Field Study Support Staff for winter field program
- Community Coordinator Program

Community Coordinators

Overview:

- Community Coordinators (CCs) will be recruited from high engagement Indigenous communities
- CCs will be used as key contacts for the high engagement communities to improve the planning and rollout of engagement and data collection activities in the federal Impact Assessment (IA) / provincial Environmental Assessment (EA) for the Project
- Hiring individuals from these communities will help to ensure that any engagement and data collection activities are done respectfully and in line with appropriate community protocols

Community Coordinators

- The list below includes the 13 high engagement communities that have been identified for the Project:

- Marten Falls First Nation
- **Aroland First Nation**
- **Attawapiskat First Nation**
- **Constance Lake First Nation**
- **Ginoogaming First Nation**
- **Kasabonika Lake First Nation**
- **Long Lake #58 First Nation**
- **Neskantaga First Nation**
- **Webequie First Nation**

- *Fort Albany First Nation*
- *Eabametoong First Nation*
- *Kashechewan First Nation**
- *Nibinamik First Nation*
- (Weenusk*)

The communities in *italics* are communities that have been identified as high engagement communities but do not have community coordinators and / or TPAs in place with ENDM.

The communities that are **bolded** in the list above have currently received participant funding from Ministry of Energy, Northern Development and Mines (ENDM) through the Transfer Payment Agreements (TPAs) and have a coordinator in place to support consultation and engagement initiatives on behalf of the community.

Community Coordinators

Activities	Description	Goal
Letter to Chief and Council of High-Engagement Communities	A letter will be sent to Chief and Council of high-engagement communities explaining the plan to hire a CC and the suggestion to augment the salary of the existing ENDM Coordinator	Confirmation that C&C is accepting of this approach, and aligned with existing resource in the role.
Meeting with Existing Coordinators (with ENDM Participant Funding)	The consultant Indigenous Community (IC) Lead will contact existing coordinators (via telephone and email) to let them know about the position and funding available.	Confirmation that CC is willing to become Project Community Coordinator. If not, receive direction on contacting community key contacts for next steps.
Promotion / Advertisement of Position for Eabametoong First Nation, Fort Albany First Nation and Kashechewan First Nation	The IC Lead will reach out to the key contacts for each community to pass along the job posting and ask for the community to identify an individual for the position.	Retention of an individual from each community.

Working Warriors

Opportunities for MFFN

- An **employment agency** for MFCAR-related jobs (e.g., Field Studies Support Staff, Community Coordinators)
- An **active jobs database** listing job opportunities for MFFN members, including but not exclusively, those related to the MFCAR project

Opportunities to Utilize Working Warriors

- **Field Study Support Staff—MFFN Community**
  - Support Staff required to assist with 2022 field studies
  - Resourced from Thunder Bay, Geraldton and Ogoki MFFN community members
  - Extensive advertising to fill positions
- **Community Coordinators—Neighbouring Communities**
  - Nine (9) Community Coordinators (plus MFFN) from Notice of Commencement to submission of IS/ EA



Budget Consideration: Support Staff from Thunder Bay and Geraldton currently accounted for in Budget; participation by Ogoki members can also be accommodated, if appropriate through COVID .

Planned Consultation and Engagement with Neighbouring Indigenous Communities

- Notice of Commencement of Environmental Assessment Distribution
  - Email and hard copy in English, French, Ojibway, Oji-Cree and Cree
  - Follow up phone calls
- Community Coordinator Recruitment, pending Chief and Council decision on employment agency (e.g., Working Warriors)
- Engagement Survey
- Update Meetings with Communities (TBD)
- Continue to engage communities regarding interest in participating in the Indigenous Knowledge Program

Interested Persons and Indigenous Community Open House

- Timing is yet to be confirmed
- Will likely take place between Spring and Summer of 2022, after the completion of the Notice of Commencement Stage
- Separate events for Indigenous communities and other interested persons

Meegwetch! Questions?

Stay Involved

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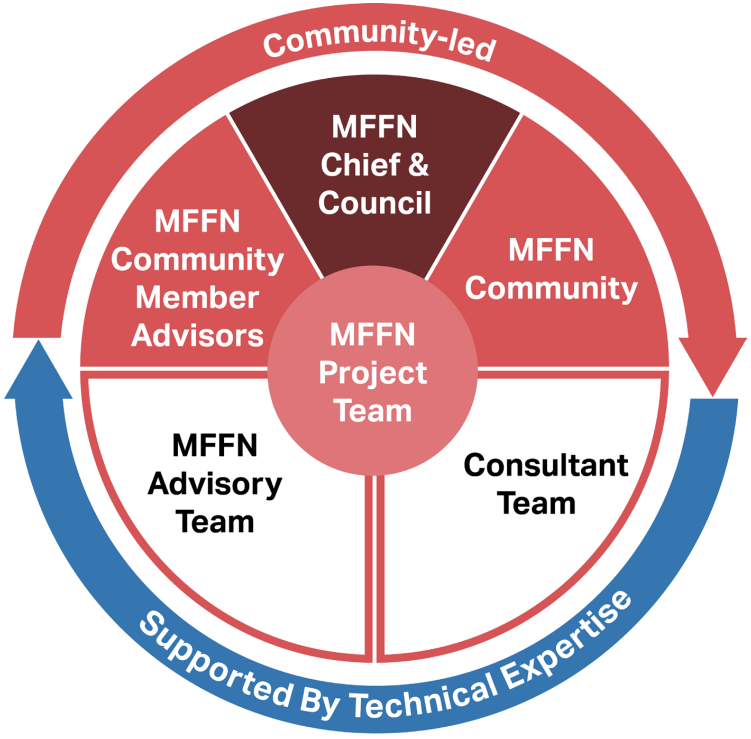

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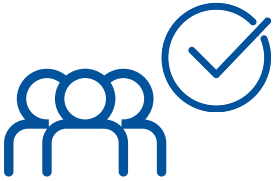

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- Upcoming Video Topics:
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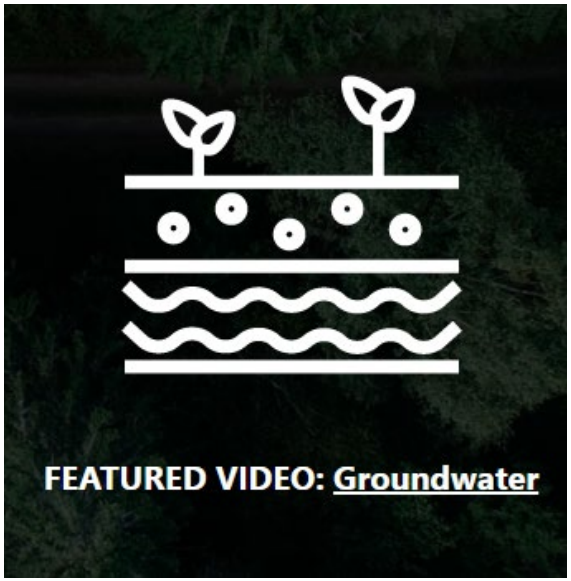
  - Wildlife
  - Climate Change
  - Cumulative Effects



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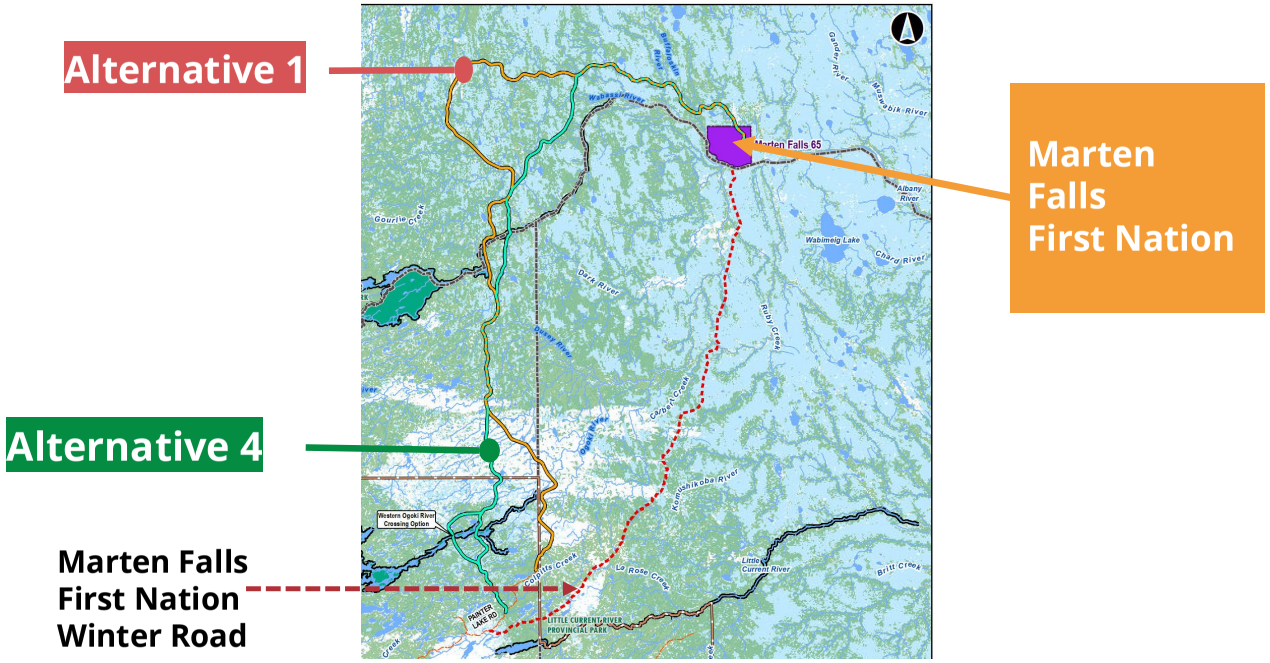
- May have fewer effects to the environment
- Savings to schedule and budget
- Less traffic passing through the community
- Better economic opportunities

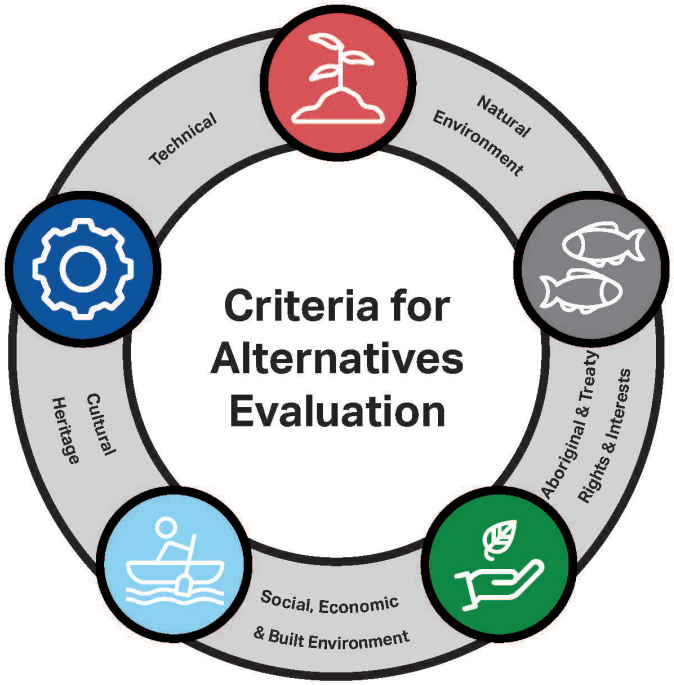


Respecting the Environment

Environmental assessments will be completed to compare route alternatives, temporary infrastructure and aggregate sources against a set of specific criteria

The goal is to identify the preferred route for the **Community Access Road**, **temporary infrastructure** and **aggregate sources** with the:

- Least potential for negative effects
- Greatest opportunity for mitigating negative effects
- Greatest benefit to the community

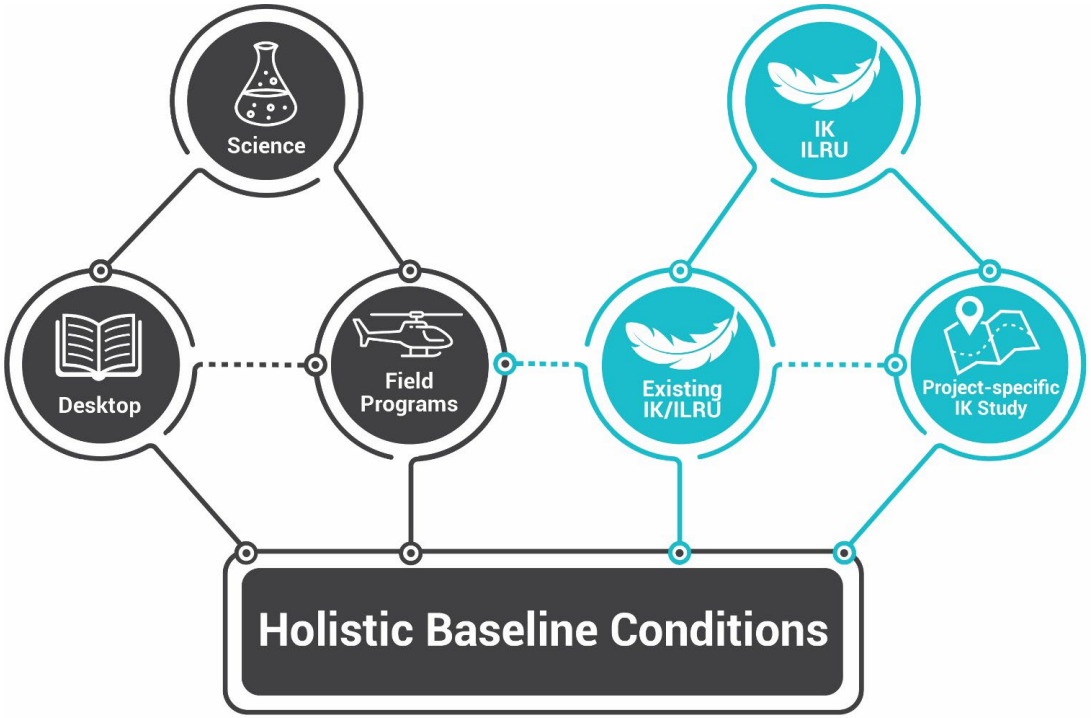


The EA processes will carefully consider traditions, Indigenous Knowledge and land and resource use

The Importance of Indigenous Knowledge

- Indigenous Knowledge is needed to understand:
  - Existing conditions
  - Identify potential areas or sites to avoid
  - Help predict potential effects of the Community Access Road, and
  - Determine ways to avoid, manage and monitor potential effects
- Communities, including MFFN, interested in collecting and sharing their Indigenous Knowledge will be provided with funding to support this
- Sharing Agreements will guide the sharing, use and protection of Indigenous Knowledge
  - MFFN has finalized a Sharing Agreement and we are working on agreements with several other Indigenous communities
- MFFN has shared some Indigenous Knowledge collected through the CBLUP process already—additional collection and sharing of Indigenous Knowledge may be needed

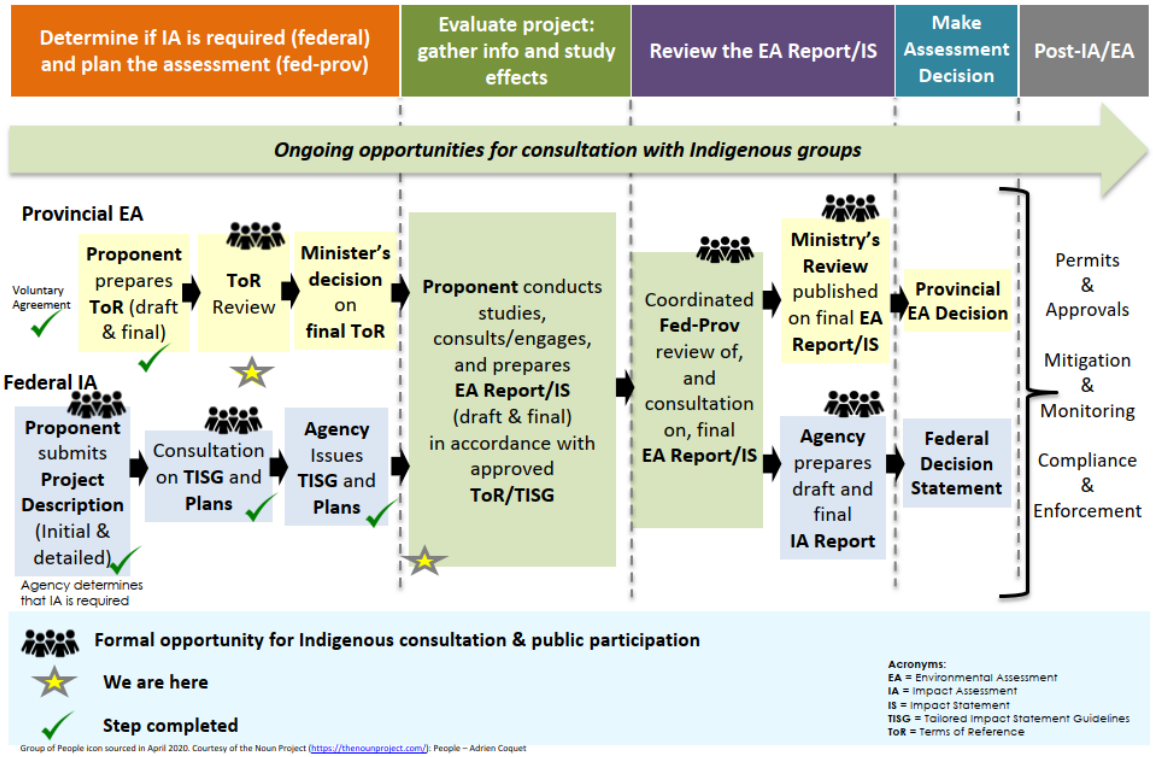
A Holistic Understanding of the Land is Key to Planning



- Both Indigenous Knowledge (which includes Anishinabek Traditional Knowledge) and Western Science are key for a holistic understanding of the environment, and will inform where the road will go.
- Indigenous Knowledge (IK) and information on Indigenous land and resource use (ILRU) in the area of the proposed routes can be shared through the Project's Indigenous Knowledge Program.
- Scientific studies, including field studies, will be conducted along the proposed routes—some scientific information has already been collected.
- Examples of what we are studying include: fish, moose, water, birds, social and economy, land use, Aboriginal and Treaty Rights and Interests

Coordinated Process

Coordinated Federal–Provincial Assessment Process



We're Hiring!

- **NOW: Field Study Support Staff—MFFN Community**
  - Over 30 positions available to help with field programs this winter
  - Resourced from Thunder Bay, Geraldton and Ogoki MFFN community members
  - Extensive advertising to fill positions
- **FUTURE:** After the EA there will be jobs related to construction

We encourage everyone who is interested to apply to the Field Study Support Staff positions.

Contact:
info@martenfallsaccessroad.ca
or call 1-800-764-9114

B14.4 ToR Comments Received / Responses

MARTEN FALLS FIRST NATION #65

Ogoki Post, Ontario P0T 2L0 Tel: (807)349-2509 Fax: (807)349-2511

December 23, 2020

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch 135
[redacted]

Marten Falls First Nation Comments on the Terms of Reference for the Marten Falls Community Access Road

Marten Falls First Nation has been actively pursuing a community access road for many years. Currently, Marten Falls is only accessible by air and winter road. Costs for air travel are increasing and the issue has been made worse because reduced air service during the pandemic and will likely increase more with raises in the carbon tax in the new year. Our winter road is only available to us during a limited 6 to 8 week-long season and is becoming increasingly unreliable with changing climate conditions. We are concerned heavy equipment could break through the ice and sink into the muskeg and, about potential petroleum hydrocarbon impacts to nearby waterways if an accident happens or, in the worse case if a fuel truck were to fall through the ice. In addition, our mighty Ogoki and Albany Rivers that were dammed in the 1950's turned our once mighty rivers, which we used as highway, into waterways that are only navigable during short period of high flow in the spring and fall. This has limited our ability to hunt and gather from the land throughout most of the summer and fall. Marten Falls First Nation understands the devastating impacts resulting from historical industrial developments. We continue to face remarkably high costs for anything and everything in the community because of this difficulty to transport. While bread and eggs are expensive, availability of key supplies like renovation and construction material is so limited that we are unable to build or renovate our structures. That forces us to live in unacceptable conditions. We have endured this for too long and seen progress across the country as we stand still. The stagnation created is unacceptable and for us, it has created a situation of absolute and relative deprivation. Our people are in a social crisis and we are seeking economic independence so we can provide needed supports and resources to our people. For these reasons Marten Falls First Nation sees a community access road as needed to improve the well being of our members, grow our community and our independence.

Chief and Council fully endorsed the Terms of Reference prior to its submission to the Ministry of Environment and Climate Change. We have consulted our membership on the potential community access road prior to the commencement of the environmental assessment (EA) and will continue to do so throughout the EA process. We understand that not all members are supportive of a road and they continue to have questions. Generally, those who are unsupportive express fears related to impending environmental degradation of the land as the result of

the mineral development in the area known as the Ring of Fire and, fear of declining wildlife populations after the potential opening of the Far North landscape to non-indigenous hunting and fishing. Although these fears and concerns are valid, we need to investigate them through the EA process. We are also exploring access limitations that might be applicable to the general public wishing to access the road. Additionally, Marten Falls has not agreed to the construction of any mine in the Ring of Fire yet because the proper EA and permitting work has not been done. Those who are supportive of the project express excitement over the idea of reduced costs to travel and provision of goods and services to the community and ability to travel and see family. Some individuals have expressed wanting to move back to Marten Falls once a road is built because only then will they be able to afford to travel to and from the community. However, both those in support and not in support of the road express concerns of the potential social impacts on the community such as potential increase in current level of illicit substances entering the community or, increase is rates of violence or missing persons if more outsiders have unrestricted access into the community. To properly address potential negative impacts and enhance the positive aspects of the project, one needs to first identify what the benefits and impacts are.

Marten Falls First Nation understands that an EA is a decision-making tool, and that the ToR is the first stage of the process outlining what will be evaluated in the EA. Until the EA is completed, Marten Falls First Nation will not have all the information needed to make an informed decision on whether benefits of the community access road out weight the environmental impacts that will result. Therefore, Marten Falls First Nation plans to continue and advance the EA. Protecting the environment, land, air and water and, the social and economic well-being of our members is of the utmost importance to Marten Falls. We are working hard with our Project Team and AECOM to ensure that these concerns are addressed as part of the assessment.

We understand the road will impact the environment and may open access to the mineral development in the Ring of Fire. Marten Falls First Nation has always supported a north-south access road, connected to the community so that Marten Falls members can access economic opportunities should mines develop in the Ring of Fire, located the heart of the traditional territory of Marten Falls First Nation. Marten Falls First Nation wants to lead all decision making for all activities that occur within our traditional territory. In the past, Marten Falls has made efforts to work with our neighbouring communities and tribal council and after many years of negotiation and despite Marten Falls First Nation's support of negotiated agreements, Matawa communities did not make an agreement on how our First Nations would work together and with Ontario. Despite this Marten Falls First Nation wishes to work with our neighbouring First Nations and tribal council on regional partnerships associated with economic development opportunities. The time for us to embark on our journey to progress is now and this project is the first chapter in that journey.

We understand that consultation is difficult during the ongoing pandemic as we are all being forced to adapt to the new normal. Our project team continues to observe the ongoing pandemic situation and will react accordingly to government guidance as the situation evolves.

Sincerely,

[redacted]

cc: Marten Falls Chief and Council
Marten Falls Community Access Road Project Team

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Marten Falls First Nation – December 23, 2020			
MFFN-1	Marten Falls First Nation has been actively pursuing a community access road for many years. Currently, Marten Falls is only accessible by air and winter road. Costs for air travel are increasing and the issue has been made worse because reduced air service during the pandemic and will likely increase more with raises in the carbon tax in the new year. Our winter road is only available to us during a limited 6 to 8 week-long season and is becoming increasingly unreliable with changing climate conditions. We are concerned heavy equipment could break through the ice and sink into the muskeg and, about potential petroleum hydrocarbon impacts to nearby waterways if an accident happens or, in the worse case if a fuel truck were to fall through the ice. In addition, our mighty Ogoki and Albany Rivers that were dammed in the 1950's turned our once mighty rivers, which we used as highway, into waterways that are only navigable during short period of high flow in the spring and fall. This has limited our ability to hunt and gather from the land throughout most of the summer and fall. Marten Falls First Nation understands the devastating impacts resulting from historical industrial developments. We continue to face remarkably high costs for anything and everything in the community because of this difficulty to transport. While bread and eggs are expensive, availability of key supplies like renovation and construction material is so limited that we are unable to build or renovate our structures. That forces us to live in unacceptable conditions. We have endured this for too long and seen progress across the country as we stand still. The stagnation created is unacceptable and for us, it has created a situation of absolute and relative deprivation. Our people are in a social crisis and we are seeking economic independence so we can provide needed supports and resources to our people. For these reasons Marten Falls First Nation sees a community access road as needed to improve the well being of our members, grow our community and our independence.	The concerns included in this comment have been noted so that, moving forward, this information can be incorporated into the need and purpose of the Project in future documentation (e.g., the Environmental Assessment [EA] Report).	Commitment for EA
MFFN-2	Chief and Council fully endorsed the Terms of Reference prior to its submission to the Ministry of Environment and Climate Change. We have consulted our membership on the potential community access road prior to the commencement of the environmental assessment (EA) and will continue to do so throughout the EA process. We understand that not all members are supportive of a road and they continue to have questions. Generally, those who are unsupportive express fears related to impending environmental degradation of the land as the result of the mineral development in the area known as the Ring of Fire and, fear of declining wildlife populations after the potential opening of the Far North landscape to non-indigenous hunting and fishing. Although these fears and concerns are valid, we need to investigate them through the EA process. We are also exploring access limitations that might be applicable to the general public wishing to access the road. Additionally, Marten Falls has not agreed to the construction of any mine in the Ring of Fire yet because the proper EA and permitting work has not been done. Those who are supportive of the project express excitement over the idea of reduced costs to travel and provision of goods and services to the community and ability to travel and see family. Some individuals have expressed wanting to move back to Marten Falls once a road is built because only then will they be able to afford to travel to and from the community. However, both those in support and not in support of the road express concerns of the potential social impacts on the community such as potential increase in current level of illicit substances entering the community or, increase is rates of violence or missing persons if more outsiders have unrestricted access into the community. To properly address potential negative impacts and enhance the positive aspects of the project, one needs to first identify what the benefits and impacts are.	Marten Falls First Nation (MFFN) Chief and Council and community review of the Terms of Reference (ToR) for acceptance to submit the ToR to the Ministry of the Environment, Conservation and Parks is documented in Section 10.2.2.1 of the ToR. The ToR documented the plans for this consultation and engagement session with MFFN. Thank your for sharing that MFFN Chief and Council fully endorsed the ToR prior to its submission. The ToR captured consultation from March 2019 to July 31, 2020; consultation after this date will be captured in the Record of Consultation for the EA. The ToR acknowledges that future development opportunities may arise if the Community Access Road (CAR) is constructed and that that EA will identify and assess potential effects of the Project as a result of changes due to increased access (Sections 7.2.1, 7.2.8, 7.2.9 and 7.2.10). Specifically, the ToR indicates that the EA will consider the concerns noted in the comment as follows: ▪ Section 7.2.1: Changes in the availability and / or quality of resources, including potential changes associated with increased assess by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, fathering) within the area of the Project; ▪ Section 7.2.8: The CAR will provide year-round access to the Far North, which is likely to increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight-lines along linear corridors… ▪ Section 7.2.9: The CAR will provide year-round access to the Far North, which is likely to increase access to waterbodies for recreational and traditional resource use. This has the potential to result in an increase in angling pressure to fish populations … ▪ Section 7.2.10: Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. ▪ Section 7.2.10: Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Section 7.2.10: Effects to human health by altering public safety (including potential increased illicit activities, conflicts and other potential harms to communities and their members), public health, diet and mental health. These changes may be facilitated by additional access to and from southern communities year-round. ▪ Section 7.2.10: Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an	Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.8, pg. 69 Section 7.2.9, pg. 70 Section 7.2.10, pg. 70 Section 8, pg. 72 to 74 Section 10.2.2.1, pg. 89 Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. The assessment and evaluation of alternative methods is the process of identifying and assessing the potential effects of the Project for each alternative route and then undertaking a comparative analysis of the potential net effect and advantages and disadvantages. The approach to assess and evaluate the alternative methods is provided in Section 8 of the ToR. As part of this process, both the potential benefits and negative effects will be identified.	
MFFN-3	Marten Falls First Nation understands that an EA is a decision-making tool, and that the ToR is the first stage of the process outlining what will be evaluated in the EA. Until the EA is completed, Marten Falls First Nation will not have all the information needed to make an informed decision on whether benefits of the community access road out weight the environmental impacts that will result. Therefore, Marten Falls First Nation plans to continue and advance the EA. Protecting the environment, land, air and water and, the social and economic well-being of our members is of the utmost importance to Marten Falls. We are working hard with our Project Team and AECOM to ensure that these concerns are addressed as part of the assessment.	Your time in reviewing the information and your continued interest and support in the Project is appreciated. The EA will identify and assess effects to the land, air, water, and social environment. Table 7-6 of the ToR provides a preliminary list of potential effects with additional detail provided in Sections 7.2.1 to 7.2.11. The EA will also recommend impact management measures to avoid or minimize potential effects of the Project on the environment.	Section 7.2, pg. 63 to 71
MFFN-4	We understand the road will impact the environment and may open access to the mineral development in the Ring of Fire. Marten Falls First Nation has always supported a north-south access road, connected to the community so that Marten Falls members can access economic opportunities should mines develop in the Ring of Fire, located the heart of the traditional territory of Marten Falls First Nation. Marten Falls First Nation wants to lead all decision making for all activities that occur within our traditional territory. In the past, Marten Falls has made efforts to work with our neighbouring communities and tribal council and after many years of negotiation and despite Marten Falls First Nation's support of negotiated agreements, Matawa communities did not make an agreement on how our First Nations would work together and with Ontario. Despite this Marten Falls First Nation wishes to work with our neighbouring First Nations and tribal council on regional partnerships associated with economic development opportunities. The time for us to embark on our journey to progress is now and this project is the first chapter in that journey.	The EA / IS Consultation and Engagement Plan's primary objective is to effectively communicate information about the Project and to consult with or engage those who may be potentially affected by, or have an interest in, the Project or the lands potentially affected by the Project. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, including Matawa communities, to support the environmental, social and economic sustainability of the Project.	Section 10.1, pg. 78 Appendix B, Section 2.1, pg. 8
MFFN-5	We understand that consultation is difficult during the ongoing pandemic as we are all being forced to adapt to the new normal. Our project team continues to observe the ongoing pandemic situation and will react accordingly to government guidance as the situation evolves.	Thank you for your comment. Your time in reviewing the information and your continued interest and support in the Project is appreciated. The MFFN Project Team sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic.	Section 11.6, pg. 108

References

Marten Falls First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

B15. Mishkeegogamang First Nation

B15.1 Outgoing Community Specific Correspondence

B15.1 Outgoing Community Specific Correspondence



From: Cloutis, Geneva
Sent: Friday, October 30, 2020 9:57 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf; [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Masekeyash,

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
[redacted]
aecom.com

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FORTUNE WORLD'S MOST ADMIRED COMPANIES 2020
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From: Cloutis, Geneva
Sent: Thursday, November 5, 2020 8:59 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

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Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
[redacted]
aecom.com

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[redacted]

From: Cloutis, Geneva
Sent: Thursday, November 12, 2020 9:18 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

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Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

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[redacted]

From: Cloutis, Geneva
Sent: Thursday, November 19, 2020 8:29 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

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Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Tuesday, November 24, 2020 12:52 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf; [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

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Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

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[redacted]

From: Cloutis, Geneva
Sent: Thursday, December 3, 2020 10:34 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Response Requested: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

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  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

Imagine it. Delivered.

LinkedIn Twitter Facebook Instagram

[redacted]

From: Cloutis, Geneva
Sent: Wednesday, December 9, 2020 1:45 PM
To: [redacted]
Cc: 'Qasim Saddique'; 'Larissa Mikkelsen'; 'Jennifer Bruin'
Subject: Marten Falls All-Season Community Access Road ToR Review

Chief Masakeyash,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have received confirmation from Canada Post that the Proposed ToR documents were delivered to your community on October 19, 2020. We have not yet received a confirmation from Mishkeegogamang First Nation that you have received the Proposed ToR materials—electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020. If Mishkeegogamang First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Monday, December 14, 2020 1:19 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Chief Masakeyash,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have received confirmation from Canada Post that the Proposed ToR documents were delivered to your community on October 19, 2020. We have not yet received a confirmation from Mishkeegogamang First Nation that you have received the Proposed ToR materials—electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Proposed ToR.

I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020. If Mishkeegogamang First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Thursday, May 13, 2021 10:04 AM
To: [redacted]
Subject: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Good morning Chief Masakeyash,

I am emailing to follow up on the field notice which was sent to Mishkeegogamang First Nation yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. I tried calling the Band Office this morning but was unable to speak to anyone or leave a voicemail, but we are looking for insights to help inform the upcoming field program. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Mishkeegogamang First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021. If you have any questions or comments about the program, please get in touch. If there is someone from Mishkeegogamang First Nation who would be better suited to answer these questions, please let me know and I can follow up with them directly.

Thanks,

Geneva Cloutis
On behalf of the Marten Falls First Nation All-Season Community Access Road

[redacted]

From: Cloutis, Geneva
Sent: Thursday, September 9, 2021 12:09 PM
To: [redacted]
Cc: 'info@martenfallsaccessroad.ca'
Subject: MFFN Community Access Road - Field Program Update

Good afternoon Chief Masakeyash,

I tried calling the Mishkeegogaming First Nation Band Office this morning but was unable to get a hold of anyone or leave a message. I am reaching out to follow up on a couple of pieces of information that we have distributed about the Community Access Road.

Recently, we have sent out two field notices on upcoming field work and we are reaching out to provide information and seek feedback and/or questions you may have. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - The field program is anticipated to take place from September 10 until 19, 2021

- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd

  The field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

If you have any questions or would like to set up a call to discuss, please don't hesitate to reach out.

Sincerely,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Community Engagement and Consultation Practitioner, IAP Canada
[redacted]

B16. Neskantaga First Nation

B16.1 Outgoing Community Specific Correspondence
B16.2 Incoming Community Specific Correspondence
B16.3 ToR Comments Received / Responses



B16.1 Outgoing Community Specific Correspondence

From: Metuzals, Jessica <[redacted]>
Sent: September 14, 2020 2:50 PM
To: Wayne Moonias; Chris Moonias
Subject: MFFN CAR - ToR Distribution

Hello Chief Moonias,

I hope all is well.

We would like to confirm the distribution details for the circulation of the Terms of Reference for the Marten Falls First Nation Community Access Road. We will send it electronically via email as well as one hard-copy and two USBs via mail. The mailing address we have for Neskantaga First Nation is:

[redacted]

If you could confirm the above mailing address that would be greatly appreciated. Feel free to give me a call on my mobile if you have any questions.

Thanks so much,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From:	Metuzals, Jessica <[redacted]>
Sent:	September 22, 2020 4:07 PM
To:	Chris Moonias; Wayne Moonias; [redacted]; David Peerla; [redacted]
Cc:	Larissa Mikkelsen; Bob Baxter
Subject:	Fwd: Re: IK Study Memo
Attachments:	Re_ IK Study Memo.eml (3.25 MB); MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-SHP.zip; MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-KMZ.zip; MFFN CAR - Preliminary Rights and Interests Study Areas Memo - Final (1) (1).pdf

Dear Chief Moonias,

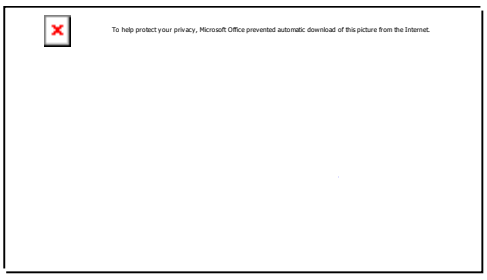
We are writing to follow up on our August 25, 2020 email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We are seeking your review and comments by September 25, 2020.

Please find attached the Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo and the Geographical Information Systems (GIS) shapefiles and KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,

The Marten Falls First Nation Project Team



Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: Metuzals, Jessica <[redacted]>
Sent: September 24, 2020 1:36 PM
To: David Peerla
Cc: Chris Moonias; Wayne Moonias; Leroy Moonias; Scott Hamilton; Larissa Mikkelsen; Bob Baxter; Don McKinnon; Andrea Nokleby; Caroline Wrobel
Subject: Re: IK Study Memo

Hello David,

Thank you for sharing Neskantaga First Nation's initial submission on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We would like to confirm receipt of the attachment.

We look forward to Neskantaga First Nation's additional submission tomorrow.

Thanks so much,

Jessica

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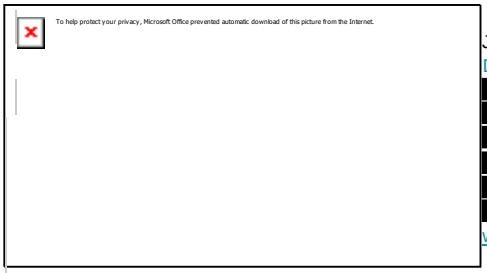

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: Metuzals, Jessica <[redacted]>
Sent: September 25, 2020 2:52 PM
To: David Peerla
Cc: Chris Moonias; Wayne Moonias; Leroy Moonias; Larissa Mikkelsen; Bob Baxter
Subject: Re: IK Study Memo

Thank you, David. We would like to confirm receipt of Neskantaga First Nation's additional submission on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo.

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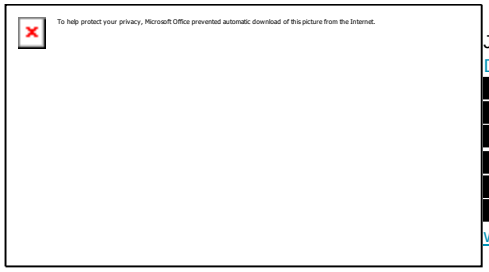

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From:	info@martenfallsaccessroad.ca
Sent:	October 19, 2020 11:56 AM
To:	Wayne Moonias; Leroy Moonias; Chris Moonias; David Peerla
Cc:	Qasim Saddique; lawrence baxter; Bob Baxter; Jackmoonias; Larissa Mikkelsen; Jennifer Bruin; Jessica Metuzals
Subject:	MFFN Community Access Road - Letter to Neskantaga First Nation
Attachments:	GOL10CLF-0826-07-124-0015-002_B_pp147_177.pdf; 2020-10-19-MFFN CAR Letter to Neskantaga First Nation-60593122-Final (1).pdf

Good Morning Chief Moonias,

Please find attached a letter in response to Neskantaga First Nation's comments raised via email on September 23, 2020 and October 9, 2020. In addition, we have attached the archaeology report previously requested by Neskantaga First Nation.

Kind Regards,

The MFFN Project Team

October 19, 2020

Chief Christopher Moonias
Neskantaga First Nation
[redacted]

RE: Marten Falls First Nation Community Access Road Project

Dear Chief Moonias:

Thank you for Neskantaga First Nation's email on September 23, 2020 requesting that until Neskantaga First Nation can review the Marten Falls First Nation (MFFN) Community Access Road Project in accordance with their community process, the Environmental Assessment (EA) should not proceed. We fully understand your concerns and recognize that it can be difficult to engage on Project-related matters during this time.

We would also like to thank Neskantaga First Nation for providing technical comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo received via email on September 24, 2020 and September 25, 2020. We would like to note that we are working to provide responses to these comments. In addition, we look forward to sharing an updated and revised Indigenous Knowledge Sharing Agreement with Neskantaga First Nation in the near future.

The MFFN Project Team recognizes that some Indigenous communities being engaged for the MFFN Community Access Road Project may experience challenges shifting from face-to-face engagement to other forms of engagement. We also acknowledge your comments that it is difficult for Neskantaga First Nation to hold in-person engagement with your community members as a result of COVID-19 related restrictions. Understanding these concerns and those of other communities, in addition to previously releasing the draft ToR in December 2019 for comment and review, MFFN has voluntarily offered that the proposed Terms of Reference (ToR) be available for a 60-day review period instead of the legislatively mandated 30-day comment period. Our team is also available to answer any questions that you may have regarding the ToR and to support your community to facilitate its review.

Consultation and engagement activities related to the MFFN CAR EA are not expected to begin until early 2021 after ToR decision is received from the MECP. As part of the EA Notice of Commencement stage, we will seek to determine from all communities their level of interest in

the Project and their capacity to participate in the process. We will do our best to accommodate the needs and capacity of all interested communities to participate in the EA. Related to this, to support the EA engagement program, we are looking to hire local Community Consultation Coordinators (CCC) who would assist us with virtual and social distanced in-community engagement and consultation activities. We would be pleased to discuss the potential for a CCC in your community.

We are committed to being adaptable and flexible with our consultation and engagement approach when the EA commences. We will continue to monitor the COVID-19 situation closely and modify our approach accordingly. We will also take the lead from each Indigenous community to understand how they would like to be engaged during these times. For instance, some Indigenous communities have been able to continue to participate in the Project using online and phone-in methods to participate in the Indigenous Knowledge Program.

Field Program

Please find below our responses to your questions and comments on the Field Program raised via email on Friday October 9, 2020.

Fish habitat will be assessed at a subset of the water course crossings, building on the work we did last year. This assessment was based on desktop information and the results of the aerial reconnaissance we completed in 2019. Additional sites may be visited as part of future programs, the details of future programs are currently being drafted. The sites selected were chosen based on logistics, safety, cultural importance, available background information, waterbody type and size, and representation and abundance within the watershed. Fish habitat assessments will be completed following standard practices including methods of the Ontario Stream Assessment Protocol (Stanfield, 2017), and O'Neil and Hildebrand, 1986. The surveyed sections will include the crossing centerline and some distance upstream and downstream from the centreline. The following data will be collected:

- Waterbody type and geomorphic measurements
- Instream habitat classification (as per O'Neil and Hildebrand, 1986)
- Bed and bank substrate type (using Modified Wentworth Scale-Wentworth, 1922)
- Riparian composition and bank stability
- Potential for rearing, spawning and over wintering
- Barriers to fish movement
- Basic water quality parameters (e.g., Conductivity, pH, Temperature, and Dissolved oxygen)
- Stream flow rate

Our team will be collecting benthic invertebrate samples as part of this fall 2020 field program. As this field program occurs within the brook trout spawning window, no fish sampling will be occurring at this time. Future programs which may require fish sampling are currently being drafted. We will consider this comment in the drafting of those programs, and would be happy to consider any input your community may be able to provide to inform any future programs. At this time assessments for contaminants will include surface water samples and sediment/soil samples at all sites. Surface water samples will be analyzed for basic chemistry, metals and nutrients. Sediment/soil samples will be analyzed for grain size, metals and nutrients. The results of these analyses will be compared to relevant provincial guidelines.

MFFN will provide the results of the baseline data collection programs when they have been completed and documented. As MFFN is not the owner of any Noront or Cliffs data, the request for that data will need to be made through Noront directly.

MFFN previously committed to continue to work with Noront to obtain archaeological information for Neskantaga First Nation. Based on this previous request, MFFN has facilitated this specific information exchange. Please find attached the section in *Cultural Heritage Technical Supporting Document (2013)* covering archaeology that MFFN obtained directly from Noront.

Regarding comments related to cumulative effects, a cumulative effects assessment will be undertaken as part of the EA for the MFFN Community Access Road. While the details of how this will be done is still being developed, in general, the results of the effects assessment for this project will be considered in the context of potential effects associated with other reasonably foreseeable projects for which information is available. The approach to the cumulative effects assessment for this project can be discussed as part of future EA consultation activities.

In closing, thank you—Meegwetch—for your continued interest in the MFFN Community Access Road Project. If you have any questions or would like to arrange a time to discuss the information provided, please feel free to reach out to Lawrence Baxter, Senior Community Member Advisor, MFFN or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

CC Wayne Moonias, Neskantaga First Nation
Leroy Moonias, Neskantaga First Nation
David Peerla, Neskantaga First Nation Advisor
Qasim Saddique, Project Director
Lawrence Baxter, Senior Community Member Advisor
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator/ Advisor
Jennifer Bruin, Community EA Technical Advisor
Jessica Metuzals, MFFN Project Consultant

Encl. Cultural Heritage Technical Supporting Document (2013)

From:	Metuzals, Jessica <[redacted]>
Sent:	November 5, 2020 9:45 AM
To:	Chris Moonias
Cc:	Wayne Moonias; Leroy Moonias; David Peerla; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments:	RE Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference - Neskantaga First Nation.msg

Dear Chief Moonias,

We understand that there is a lot happening in your community right now, so we wanted to make sure we followed up with you on the Marten Falls First Nation All-Season Community Access Road Project Terms of Reference (ToR) package that has been sent to your community.

Our main interest at this time is to confirm that the package has been received by your community. If you are interested, we can resend the Proposed ToR documents to another location such as in Thunder Bay, if that would be easier for you. We would also like to note that our team is available to meet with your advisors, if that assists your community during this time. However, we will continue to take the lead from Neskantaga First Nation.

As a reminder, the ToR is largely a document that outlines our intended process to be followed in the Environmental Assessment (EA). If your community is not able to review the ToR at this time, the EA study approach can be reviewed at the beginning of the EA process, which is expected to commence in early 2021.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here: www.martenfallsaccessroad.ca/tor.

As noted above, we want to make sure that you are receiving Project information. Can you confirm that you have received the following Proposed ToR documents that were mailed out on October 14, 2020:

- Notice of Submission
- Proposed ToR Packages (Hard Copies of the ToR, USB (electronic copies), and Factsheets)

We have been informed by Canada Post that a notice was left for you on October 21, 2020 indicating where and when you can pick up the package.

Further, the email we sent you on October 23, 2020 with the web link to Proposed ToR documents on our website is again attached to this email.

We look forward to your confirmation of receipt. Please do not hesitate to reach out to me if you have any questions or if we can redirect the above documents to another location.

Sincerely,

Jessica

From: info@martenfallsaccessroad.ca
Sent: November 6, 2020 3:43 PM
To: [redacted]
Cc: [redacted]
Subject: Marten Falls First Nation Community Access Road - IK Program Guidance Document
Attachments: MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020.pdf

Good Afternoon Chief Moonias,

We hope this email finds you and your community well.

Thank you for expressing an interest in participating in the IK Program for the Marten Falls First Nation all-season Community Access Road (the Project). An important part of the assessment processes for the Project is collecting Indigenous Knowledge (IK), community knowledge, and information on Indigenous land and resource use (ILRU). This important and valuable information helps us to understand baseline (existing) conditions and the potential effects of the Project, and to determine appropriate impact management and monitoring measures.

To assist communities in meaningfully participating in the IK Program, we have prepared the attached IK Program Guidance Document. The IK Program Guidance Document provides information on the IK Program and includes resource materials to support your community in: sharing any existing IK and ILRU information relevant to the Project and that you wish to share; and completing a Project-specific IK/ILRU Study. The IK Program Guidance Document was also developed to support the information requirements set out in the Tailored Impact Statement Guidelines issued by the Impact Assessment Agency of Canada for the Project.

We would be happy to meet with you to answer any questions you may have on the IK Program, to provide an overview of the IK Program Guidance Document, and/or to discuss timelines and available funding.

Kind regards,

MFFN Project Team

From:	Metuzals, Jessica <[redacted]>
Sent:	November 17, 2020 11:58 AM
To:	David Peerla
Cc:	McLeod, Sasha (MECP); Decoste, Laura (IAAC/AEIC); Chris Moonias; Wayne Moonias; Leroy Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; info@martenfallsaccessroad.ca
Subject:	Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Dear David,

Thank you for your note.

The MFFN Project Team continues to take the lead from Indigenous communities in terms of their interest in having Project-related discussions during this time. To help support participation, we have been working with communities to find alternative forms of engagement including virtual meetings, conference calls, and online forums. The MFFN Project Team has recently had successful and productive meetings using these approaches.

The MFFN Project Team is committed to being flexible and adaptable with our approach to consultation and engagement. We are available to answer any Project-related questions to support Neskantaga First Nation's review of the Proposed Terms of Reference. We are also open to coordinating a call to discuss the Project at a time that suits Neskantaga First Nation.

Kind regards,

Jessica

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To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From:	Metuzals, Jessica <[redacted]>
Sent:	November 19, 2020 3:38 PM
To:	Chris Moonias
Cc:	Wayne Moonias; Leroy Moonias; David Peerla; Larissa Mikkelsen; Qasim Saddique; Jennifer Bruin
Subject:	Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments:	RE Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference - Neskantaga First Nation (4).msg

Dear Chief Moonias,

We understand that there is a lot happening in your community right now, so we wanted to continue to follow up with you on the Marten Falls First Nation All-Season Community Access Road Project Terms of Reference (ToR) package that has been sent to your community.

Our main interest at this time is to confirm that the package has been received by your community. We have been requested to follow up to confirm receipt by the province. If you are interested, we can resend the Proposed ToR documents to another location such as in Thunder Bay, if that would be easier for you.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23, 2020 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here: www.martenfallsaccessroad.ca/tor.

As noted above, we want to make sure that you are receiving Project information. Can you confirm that you have received the following Proposed ToR documents that were mailed out on October 14, 2020:

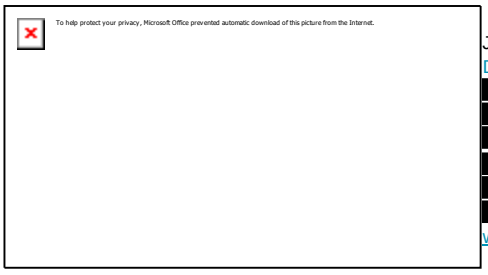
- Notice of Submission
- Proposed ToR Packages (Hard Copies of the ToR, USB (electronic copies), and Factsheets)

We have been informed by Canada Post that a notice was left for you on October 21, 2020 indicating where and when you can pick up the package.

We look forward to your confirmation of receipt. Please do not hesitate to reach out to me if you have any questions or if we can redirect the above documents to another location.

Kind regards,

Jessica



Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From:	Metuzals, Jessica <[redacted]>
Sent:	November 26, 2020 2:17 PM
To:	Chris Moonias; info@martenfallsaccessroad.ca; Beaney, Jessalyn
Cc:	Wayne Moonias; Leroy Moonias; David Peerla; Larissa Mikkelsen; Qasim Saddique; Jennifer Bruin
Subject:	Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments:	RE Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference - Neskantaga First Nation (4) (8).msg

Dear Chief Moonias,

I just wanted to continue to follow up with you on the Marten Falls First Nation All-Season Community Access Road Project Terms of Reference (ToR) package that has been sent to your community.

As previously noted, our main interest at this time is to confirm that the package has been received by your community. If you are interested, we can resend the Proposed ToR documents to another location such as in Thunder Bay, if that would be easier for you.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23, 2020 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here: www.martenfallsaccessroad.ca/tor.

We look forward to your confirmation of receipt.

Kind regards,

Jessica

--

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From:	info@martenfallsaccessroad.ca
Sent:	December 7, 2020 12:40 PM
To:	Chris Moonias
Cc:	Wayne Moonias; Leroy Moonias; David Peerla; Larissa Mikkelsen; Qasim Saddique; Jennifer Bruin
Subject:	Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments:	RE Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference - Neskantaga First Nation (4) (8) (4).msg

Good afternoon Chief Moonias,

I just wanted to continue to follow up with you on the Marten Falls First Nation All-Season Community Access Road Project Terms of Reference (ToR) package that has been sent to your community.

As previously noted, our main interest at this time is to confirm that the package has been received by your community. If you are interested, we can resend the Proposed ToR documents to another location, if that would be easier for you.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23, 2020 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here: www.martenfallsaccessroad.ca/tor.

We look forward to your confirmation of receipt.

Thanks so much,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From:	Metuzals, Jessica <[redacted]>
Sent:	December 9, 2020 4:40 PM
To:	Chris Moonias; Wayne Moonias; Leroy Moonias; David Peerla
Cc:	Jennifer Bruin; Larissa Mikkelsen; Qasim Saddique
Subject:	Marten Falls All-Season Community Access Road - ToR Review

Chief Moonias,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Neskantaga First Nation that you have received the Proposed ToR materials—electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020. If Neskantaga First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Jessica Metuzals
On behalf of the Marten Falls First Nation Community Access Road Project Team

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Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

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From:	Metuzals, Jessica <[redacted]>
Sent:	December 14, 2020 4:15 PM
To:	Chris Moonias; Wayne Moonias; Leroy Moonias; David Peerla
Cc:	Jennifer Bruin; Larissa Mikkelsen; Qasim Saddique; Beaney, Jessalyn
Subject:	Re: Marten Falls All-Season Community Access Road - ToR Review

Chief Moonias,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Neskantaga First Nation that you have received the Proposed ToR materials—electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020. If Neskantaga First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,
Jessica Metuzals
On behalf of the Marten Falls First Nation Community Access Road Project Team

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Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

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From:	Metuzals, Jessica <[redacted]>
Sent:	January 18, 2021 9:37 AM
To:	Chris Moonias
Cc:	Wayne Moonias; Leroy Moonias; David Peerla; Larissa Mikkelsen; Qasim Saddique; Bob Baxter; Andrea Nokleby; Caroline Wrobel
Subject:	MFFN CAR - IK Sharing Agreement
Attachments:	2020.12.04.compare.docs.NFN IK Sharing Agreement.docx

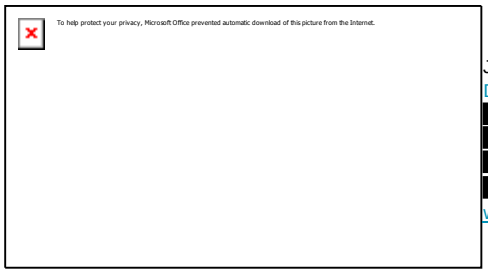
Dear Chief Moonias,

We hope that this email finds you well and that you are all staying safe. We are pleased to provide you with proposed amendments to the IK Sharing Agreement for your review.

Please let us know if you have any questions, concerns, or additional comments.

Sincerely,

Jessica Metuzals
On behalf of the MFFN Project Team



Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From:	Metuzals, Jessica <[redacted]>
Sent:	January 25, 2021 9:56 AM
To:	David Peerla
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Larissa Mikkelsen; Qasim Saddique; Bob Baxter; Andrea Nokleby; Caroline Wrobel
Subject:	Re: MFFN CAR - IK Sharing Agreement

Thank you, David. Any information pertaining to Indigenous Knowledge (IK) that Neskantaga First Nation shares with the MFFN Project Team would be governed by the IK Sharing Agreement in which the MFFN Project Team is a signatory. Further to this, given the sensitive and highly confidential nature of this information and data, only those directly involved with the IK deliverables associated with the Project would be privy to this information and data in order to limit access.

The MFFN Project Team will continue to work with Neskantaga to confirm that information which is appropriate to include in the Project Record of Consultation.

Kind Regards,

Jessica

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Jessica Metuzals
Dillon Consulting Limited
[redacted]
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Please consider the environment before printing this email

From:	Metuzals, Jessica <[redacted]>
Sent:	February 1, 2021 4:54 PM
To:	David Peerla
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Larissa Mikkelsen; Qasim Saddique; Bob Baxter; Andrea Nokleby; Caroline Wrobel
Subject:	Re: MFFN CAR - IK Sharing Agreement

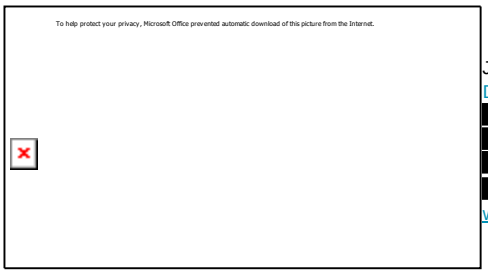
Hello David,

Thank you for sending the revised IK Sharing Agreement. The MFFN Project Team approves of the edit / addition provided by Neskantaga First Nation.

We are preparing a response for how IK is handled internally amongst the consultant team. We will follow-up shortly.

Kind regards,

Jessica



Jessica Metuzals
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[redacted]
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Please consider the environment before printing this email

From:	Metuzals, Jessica <[redacted]>
Sent:	February 2, 2021 2:48 PM
To:	Wayne Moonias; Chris Moonias; Leroy Moonias; David Peerla
Cc:	Larissa Mikkelsen; Qasim Saddique; MacInnis, Paul (ENDM); Frechette, Jason (ENDM)
Subject:	MFFN CAR: LiDAR and Aerial Imagery Request

Dear Chief Moonias,

Thank you for Neskantaga First Nation's request for access to the Proponent's LiDAR data and Aerial Imagery to more accurately estimate the location of the Neskantaga Trail.

The LiDAR information which the MFFN CAR Project uses was provided by Ontario. As a result of the data sharing agreements in place, the MFFN CAR Project cannot share the LiDAR data, but you can contact Paul MacInnis or Jason Frechette to determine how Neskantaga First Nation might able to acquire either imagery or data for the area in which the historic trail is generally located.

Kind regards,

Jessica Metuzals

On Behalf of the MFFN Project Team

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Jessica Metuzals
Dillon Consulting Limited
[redacted]
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From:	Metuzals, Jessica <[redacted]>
Sent:	February 8, 2021 3:05 PM
To:	Chris Moonias
Cc:	Leroy Moonias; David Peerla; Wayne Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrence baxter; Jackmoonias; McLeod, Sasha (MECP); [redacted]
Subject:	MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments:	2021-02-05-MFFN Community Access Road Proposed ToR Letter-Neskantaga-First-Nation.pdf

Good afternoon Chief Moonias,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that Neskantaga First Nation has taken to provide feedback. Please see attached letter regarding next steps and an additional opportunity to comment on the ToR until March 31, 2021. If Neskantaga First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Jessica Metuzals
On behalf of the MFFN Community Access Road Project Team

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Jessica Metuzals
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[redacted]
www.dillon.ca

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February 8, 2021

Neskantaga First Nation
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference and Comment Period Extension

Dear Chief Moonias,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that Neskantaga First Nation has taken to provide feedback.

Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the ToR until March 31, 2021. The MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with the opportunity to provide new comments in addition to any that have been submitted.

Over the next couple of months, the MECP and MFFN will be following up with Neskantaga First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit additional comments on the ToR. MFFN will also follow up with Neskantaga First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The MFFN Project Team is in the process of drafting detailed responses to all comments received before the original comment period deadline of December 21, 2020. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Wayne Moonias, Neskantaga First Nation
Leroy Moonias, Neskantaga First Nation
David Peerla, Neskantaga First Nation Advisor
Sasha McLeod, Ministry of the Environment, Conservation and Parks
Shannon Gauthier, Ministry of the Environment, Conservation and Parks
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Jessica Metuzals, MFFN Project Consultant

From: Metuzals, Jessica <[redacted]>
Sent: February 22, 2021 2:38 PM
To: Chris Moonias
Cc: Leroy Moonias; David Peerla; Wayne Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrence baxter; Jackmoonias; McLeod, Sasha (MECP); [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

Good Afternoon Chief Moonias,

I hope this email finds you well. I just called your office and left a message with Ronalda. I was calling to confirm that you received the letter sent via email on February 8, 2021 about the additional opportunity to comment on the Proposed Terms of Reference until March 31, 2021. In addition, I was calling to ask:

- Does Neskantaga First Nation intend to submit additional comments on the Proposed Terms of Reference?
- Is Neskantaga First Nation interested in meeting with the MFFN Project Team?
- Does Neskantaga First Nation have any questions or comments about the MFFN CAR Project?

Please do not hesitate to reach out to me if you have any questions or comments.

Kind regards,

Jessica

On Behalf of the MFFN Project Team

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Jessica Metuzals
Dillon Consulting Limited
[redacted]
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From: Metuzals, Jessica <[redacted]>
Sent: February 24, 2021 11:55 AM
To: David Peerla
Cc: Chris Moonias; Leroy Moonias; Wayne Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrence baxter; Jackmoonias; McLeod, Sasha (MECP); [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

Hi David,

Thank you for sharing the above link as well as your previous email. We appreciate the confirmation that Neskantaga First Nation intends to submit additional comments on the Proposed ToR.

In addition, we would like to clarify if the comments / questions you submitted via email yesterday are considered a formal submission from Neskantaga First Nation as part of the Proposed ToR, or if these comments / questions can be considered as part of regular consultation.

Kind regards,

Jessica

On Behalf of the MFFN Project Team

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From: Metuzals, Jessica <[redacted]>
Sent: February 25, 2021 3:23 PM
To: David Peerla
Cc: Chris Moonias; Leroy Moonias; Wayne Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrence baxter; Jackmoonias; McLeod, Sasha (MECP); [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

Hi David,

The MFFN Project Team will include the comments provided via email on February 23, 2021 as part of the formal Terms of Reference (ToR) comments response process. Neskantaga First Nation will receive responses to these comments from MECP. Therefore, these responses will be included in the materials the Minister reviews when making the decision on whether or not to approve the ToR.

We would like to note that all Project communications are documented in the Record of Consultation. As such, these comments will also be documented in the Record of Consultation.

Kind regards,

Jessica

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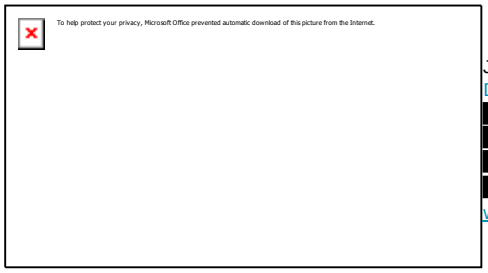

Jessica Metuzals
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[redacted]
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Please consider the environment before printing this email

From:	Metuzals, Jessica [redacted]
Sent:	March 30, 2021 10:01 AM
To:	Chris Moonias
Cc:	Wayne Moonias; David Peerla; Leroy Moonias; Qasim Saddique; Bob Baxter; Larissa Mikkelsen; Andrea Nokleby; Caroline Wrobel; lawrence baxter; Jennifer Bruin; Jackmoonias
Subject:	MFFN CAR - Response Letter to ATRI Study Areas Memo Comments
Attachments:	2021.01.19.NFN IK Sharing Agreement - Revised TCs version.docx; ATT-FINAL Template - Indigenous Knowledge Program Funding Agreement.docx; LETT-Neskantaga-First-Nation-2021-03-30-Response-Letter-ATRI-Study-Areas-MFFN-CAR.pdf

Good Morning Chief Moonias,

Please find attached a letter in response to Neskantaga First Nation's comments on the MFFN CAR Aboriginal and Treaty Rights and Interests Study Areas Memo received in September 2020. In addition, we have attached the following for your review and consideration:

- Revised IK Sharing Agreement - We have revised the IK Sharing Agreement received from Neskantaga First Nation and approved by MFFN in January 2021. The changes are reflected in track changes and include: "Preliminary Design" is now termed "Design" and the year of the agreement has been revised to 2021.
- IK Funding Agreement - Please note that the IK Funding Agreement is a template that would be updated specific to Neskantaga First Nation (i.e. the highlighted yellow sections).

Kind regards,

Jessica
On behalf of the MFFN Project Team

Jessica Metuzals
Dillon Consulting Limited
[redacted]
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March 30, 2021

Chief Christopher Moonias
[redacted]

RE: Marten Falls First Nation Community Access Road Project

Dear Chief Moonias:

We would like to thank Neskantaga First Nation for providing comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. Table 1 provides responses to comments received from Neskantaga First Nation on September 23, 2020, September 24, 2020, and September 25, 2020. In instances where comments have previously been responded to (e.g. separate letters or emails), we have indicated the date and form of correspondence through which the information was provided to Neskantaga First Nation, along with the response and/or information provided.

In addition, Neskantaga First Nation noted outstanding information requests through comments on the Proposed Terms of Reference. Table 2 summarizes the information requests the MFFN Project Team has received from Neskantaga First Nation. We have provided a summary of the comments/information requests along with a status of the response and/or action to help us better track these requests. We are currently working towards addressing these comments provided by Neskantaga First Nation

In closing, thank you—Meegwetch—for your continued interest in the MFFN Community Access Road Project. If you have any questions or would like to arrange a time to discuss the information provided, please feel free to reach out to Lawrence Baxter, Senior Community Advisor, MFFN or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca.

Sincerely,
[redacted]

Qasim Saddique
Project Director

[redacted]
Lawrence Baxter
Senior Community Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team

Table 1: MFFN Responses to Neskantaga First Nations Comments

Item #	Neskantaga First Nation Comment	MFFN Response
September 23, 2020 Email		
1	The landscape details in the GIS shapefiles and KMZ files are difficult to detect. Neskantaga First Nation would like access to the Lidar data of the proposed MFFN CAR routes.	Response provided via email on February 2, 2021: The LiDAR information which the MFFN CAR Project uses was provided by Ontario. As a result of the data sharing agreements in place, the MFFN CAR Project cannot share the LIDAR data, but you can contact Paul MacInnis or Jason Frechette to determine how Neskantaga First Nation might be able to acquire either imagery or data for the area in which the historic trail is generally located.
2	Neskantaga First Nation cannot participate in a meaningful review of the Project due to the limited opportunities for community engagement as a result of COVID-19-related restrictions.	Response provided in October 19, 2020 letter (via email): The MFFN Project Team recognizes that some Indigenous communities being engaged for the MFFN Community Access Road Project may experience challenges shifting from face-to-face engagement to other forms of engagement. We also acknowledge your comments that it is difficult for Neskantaga First Nation to hold in-person engagement with your community members as a result of COVID-19 related restrictions. Understanding these concerns and those of other communities, in addition to previously releasing the draft ToR in December 2019 for comment and review, MFFN has voluntarily offered that the proposed Terms of Reference (ToR) be available for a 60-day review period instead of the legislatively mandated 30-day comment period. Our team is also available to answer any questions that you may have regarding the ToR and to support your community to facilitate its review.

Item #	Neskantaga First Nation Comment	MFFN Response
3	Until Neskantaga First Nation can review the Project in accordance with its community process, the EA should not proceed.	Response provided in October 19, 2020 Letter: Consultation and engagement activities related to the MFFN CAR EA are not expected to begin until early 2021 after ToR decision is received from the MECP. As part of the EA Notice of Commencement stage, we will seek to determine from all communities their level of interest in The Project and their capacity to participate in the process. We will do our best to accommodate the needs and capacity of all interested communities to participate in the EA. Related to this, to support the EA engagement program, we are looking to hire local Community Consultation Coordinators (CCC) who would assist us with virtual and social distanced in-community engagement and consultation activities. We would be pleased to discuss the potential for a CCC in your community.
4	Community participation is key to inform Neskantaga First Nation decision-making and the Project requires Neskantaga First Nation's consent in order to proceed. Until Neskantaga First Nation is able to participate in accordance with their community process, the Crown cannot be seen to be acting honourably and cannot obtain our consent for the Project to proceed.	Refer to Response in Item #2.
September 24, 2020 Letter (via email)		
5	Using the narrative description provided in the Miller Report (1912), Neskantaga First	Refer to Response in Item #7.

Item #	Neskantaga First Nation Comment	MFFN Response
	Nation has estimated the location of the Neskantaga trail. The proposed road route intersects a trail which historically provided access to camps and harvesting areas in Neskantaga First Nation's territory as well as to the Albany River.	
6	In order to more accurately estimate the location of the Neskantaga trail, Neskantaga First Nation requested access to the Proponent's Lidar and Aerial Imagery of the community access routes and are prepared to enter into a data sharing agreement.	Response provided via email on February 2, 2021: The LiDAR information which the MFFN CAR Project uses was provided by Ontario. As a result of the data sharing agreements in place, the MFFN CAR Project cannot share the LIDAR data, but you can contact Paul MacInnis or Jason Frechette to determine how Neskantaga First Nation might be able to acquire either imagery or data for the area in which the historic trail is generally located.
7	Neskantaga First Nation proposed that an archaeological assessment of the Neskantaga Heritage trail be conducted pursuant to an Archaeology Assessment Terms of Reference to be developed jointly to the mutual satisfaction of Neskantaga First Nation and the project Proponent.	Thank you for sharing information about the trail from Beteau Lake to Marten Falls. If Neskantaga could kindly share the Miller Report (1912) referenced in your letter with the MFFN Project Team that would be greatly appreciated. The trail information has been shared with our Archaeological and Cultural Heritage team and will help to inform the baseline knowledge of the area for the cultural heritage reporting (2021-2022) and the Stage II archaeological field program that is planned for 2022-2023. The proposed Archeological and Cultural Heritage Local and Regional Study Areas are currently being defined and we will share them with you once drafted. Please note that the Stage II archaeological field program will be focussed within the Local Study Area. Based on a preliminary review of the information you have provided, the trail extends beyond the geographic extent of the archaeological field program. However, it will inform the cultural heritage and archaeological baseline of the larger Regional Study Area.

Item #	Neskantaga First Nation Comment	MFFN Response
		All archaeological work will be conducted to meet the Ministry of Heritage, Sport, Tourism, and Culture Standards and Guidelines. As part of the archaeological program, we would like to invite a community representative from Neskantaga First Nation to accompany the archaeology team in key areas of the field program. We are also engaging Neskantaga First Nation in the Indigenous Knowledge (IK) Program for the Project. The Project-specific IK Study provides an opportunity for Neskantaga First Nation to further share IK and land and resource use (e.g., trails) within the ATRI Study Areas. This information will also help to inform the assessments. Funding is now available to support this work. Please find attached the next iteration of the IK Sharing Agreement and an IK Funding Agreement for your review and consideration. We would like to set up a time with Neskantaga First Nation to discuss how we can continue to support the community in completing a Project-specific IK Study.
September 25, 2020 Letter (via Email)		
8	The proposed Study Area considerations are inadequate for considering ecological (e.g., caribou, wolverine, lake sturgeon, migratory birds, freshwater fish biodiversity, eskers, peatlands) and social (e.g., eskers, transportation, cultural and sacred sites, traditional land use) impacts.	The Aboriginal and Treaty Rights and Interests Regional Study Area was revised in October 2020 to include several additional watersheds (e.g., at the southern terminus of the proposed Project and Painter Lake Road) that the Project may interact with based on comments received from communities to date. The Study Areas Memo provided additional information on preliminary study areas for other VCs given the interconnection between this VC and other environmental VCs. At this stage in the EA study planning the study areas for various ecological and social surveys have not been fully defined. These areas are still being developed, and will continue to be refined as part of the assessment processes. Indigenous communities, Agencies and the public will have an opportunity to comment on the study boundaries as a component of the EA process. Currently there are three boundaries

Item #	Neskantaga First Nation Comment	MFFN Response
		being considered: 1) a Project Study Area (PSA) which will delineate the area of direct disturbance due to the project activities, 2) a Local Study Area (LSA), an area where direct effects of the Project are considered likely to occur, for most ecological disciplines the LSA is larger than the PSA; and 3) a Regional Study Area (RSA) which is an area where indirect effects of the Project are likely to occur, for ecological disciplines this area is larger than the LSA. The size of these areas are determined based on the characteristics of the component and potential range of effects from the project, presently these areas are being drafted based on existing guidance from government, best practices used in natural and social science surveys, and experience and knowledge of the scientists working on these plans. They are subject to change as we move through the environmental assessment.
9	Neskantaga First Nation recommends a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this road segment being part of the larger industrial access road to the Ring of Fire that will be eventually developed.	Response provided by MECP on March 18, 2021: The ToR identified a preliminary study area for the Project and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development; consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). The proposed Caribou Regional Study Area (RSA) encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges. Therefore, effects on caribou populations will be predicted and assessed in the EA at the range level. The effects on caribou will also be considered in the context of the federal Far North range (ON9), which is an area that encompasses the Missisa and Ozhiski ranges as well as the area north of these ranges to the Manitoba border. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The Project is also subject to the Federal Impact Assessment Act and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG

Item #	Neskantaga First Nation Comment	MFFN Response
		developed by the Agency. In accordance with the TISGs, the EA will include the consideration of cumulative effects to caribou within each Project study area for caribou. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. Federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., zone-of-influence [ZOI]) effects to caribou habitat. With this approach all habitat within the 500 m buffer is assumed to be removed, which is considered to be precautionary since habitat will not actually be physically removed by the development but will remain available to caribou. Based on provincial guidance, the proposed geographic extent of the Ungulate Local Study Area (LSA) is a 10 km buffer on both sides of the centerlines of the alternative routes. This area is anticipated to capture local effects of the Project on ungulates that may extend beyond the footprint of Project infrastructure (e.g., dust and noise). The size of the LSA is based on the characteristics of boreal caribou subpopulations and home ranges and the potential extent of effects from linear disturbance. The size of the buffer aligns with provincial Best Management Practices (BMPs) for industry that recommends minimizing sensory disturbance within 10 km of known or potential High Use Areas during sensitive periods (e.g., MNR 2013a, b, c; MNR 2014). Although the term “ZOI” is not used in the provincial BMPs, the recommendation to avoid disturbances within 10 km of sensitive areas implies a similar intent; in other words, it specifies a distance from a disturbance within which caribou may shift their distribution or change their behaviour in response to influences of a disturbance / development. The decision was made to use the most conservative approach and follow the guidance of the provincial government to use a 10 km buffer for the Ungulate LSA. However, the 500 m buffer recommended by Environment and Climate Change Canada (ECCC) will be added to the disturbance to estimate cumulative effects at the range scale. The analytical approach of Boulanger et al. (2012) and Plante et al. (2018) assess indirect changes to caribou distribution post-development. Since the Project has not been

Item #	Neskantaga First Nation Comment	MFFN Response
		approved and developed, these analytical approaches cannot be used for quantifying indirect changes to caribou habitat by the proposed Project.
10	The proposed road will be located in relatively intact watersheds and contain relatively unperturbed fish populations. Fish are an important cultural and economic resource for the affected First Nations including Neskantaga First Nation. As such, the secondary watershed is the largest relevant scale for considering project impacts on fish.	The MFFN Project Team recognizes that the ecological environment in this area is particularly important to Indigenous communities, and we would be interested in engaging with Indigenous communities including Neskantaga First Nation to collect information on fish and their importance as part of this project. As noted above we continue to develop the spatial boundaries for our assessment of fish and fish habitat and opportunities to comment on these boundaries will occur during the EA Process. The study area for fish is defined based on the movement of fish in the system, areas of interest from a cultural or economic resource, and the scale of potential effects of road construction.
11	The assessment area must be large enough to assess the accumulated environmental conditions and to capture stressors from actions other than the proposed Project. This will require an assessment of impacts on caribou based on the entire herd ranges.	As previously noted, ecological study areas are still being developed and opportunities to comment on these boundaries will occur during the EA Process. For Caribou, it is generally understood that the guidance from government and technical experts notes that assessment for effects will utilize the caribou ranges outlined by MNRF. The PSA for the proposed project is within the Mississa and Nipigon Ranges. The LSA and RSA for these areas are being developed and we will include this feedback in the development of these areas.
12	Neskantaga First Nation has a more expansive definition of VCs. For example, way of life, capacity to govern and steward their territory; water, traditional knowledge and culture, local capacity (i.e., human resources); health and emergency services; and community health and well-	The recent Proposed ToR provides further information on the definition of VCs. In addition, the IK Guidance Document that was shared with Neskantaga First Nation in November 2020 provides a more comprehensive overview of the type of information that is being collected as part of the assessment processes including but not limited to collecting information on community culture and lifestyle (past and present). The socio-economic data collection process is still being developed but it is anticipated to include information on health and emergency services.

Item #	Neskantaga First Nation Comment	MFFN Response
	being. This list of VCs is not an exhaustive list.	
13	The jurisdiction of Neskantaga First Nation with respect to land and resources in their territory is a Neskantaga First Nation VC. This VC relates to a wide variety of issues and concerns of Neskantaga First Nation, including strong linkages to governance, self-determination and reconciling. Neskantaga First Nation land and resource uses with the Ontario and federal governments. Neskantaga First Nation advocates for the recognition of its inherent rights to govern in its territory and steward its lands and resources. Neskantaga First Nation actively pursue agreements with proponents and governments to embed its own governance processes into land and resource decision making to increase their authority over resource decision making.	Thank you for sharing information and perspectives on Neskantaga First Nation's rights, governance, self-determination, and reconciliation.

Item #	Neskantaga First Nation Comment	MFFN Response
14	The Preliminary Aboriginal and Treaty Rights and Interest Study Areas should acknowledge and include the particular importance of peatlands.	The Project Team understands the value and importance of peatlands, and as such peatlands are considered a valued component (VC) within the EA Study. We will complete an evaluation on peatlands, including developing an LSA and RSA for this feature.
15	Project consultation/engagement on an unmodified schedule and in a modified format (i.e. Online or by telephone) ignores the practical, capacity-based realities in Neskantaga First Nation and other Indigenous communities affected by the COVID-19 pandemic. Unaltered timelines for consultation amidst the pandemic crisis leaves the process at risk of providing only hurried and/or cursory opportunities for engagement with Neskantaga First Nation and other Indigenous communities. The definition of valued components is heavily influenced by Neskantaga First Nation community hall meetings and direct dialogue with elders, land users and knowledge holders. All of these activities are severely limited by the pandemic.	Refer to Response in Item #2.
16	Neskantaga First Nation proposes creating a Treaty and Aboriginal Rights working	Thank you for your interest in participating in Project-related discussions. The MFFN Project Team remains open to coordinating topic-specific discussions with Neskantaga First Nation. The

Item #	Neskantaga First Nation Comment	MFFN Response
	group [when the pandemic conditions allow] with the Proponent and other affected Matawa First Nations. The Working Group would hold joint discussions on routing, the science behind decisions, share information and be a forum for ongoing engagement on routing.	Consultation and Engagement Plan to Support the EA / IS outlines planned consultation and engagement activities at key Project milestones. In addition, the MFFN Project Team anticipates that there will also be opportunities for Indigenous communities to jointly discuss the Project with the Proponent in the future (e.g. dedicated Indigenous communities only sessions during PICs).
17	Neskantaga First Nation provided a proposed amendment to the MFFN Draft IK Sharing Agreement for MFFN review and consideration.	The MFFN Project Team approved edits / additions provided by Neskantaga First Nation on January 25, 2021.

Table 2: Status of Information Requests from Neskantaga First Nation

Topic	Specific Comment Raised / Information Request	Communication Channel	Response / Action
EA Process	Provision of a calendar of EA process deadlines.	• Email	• Ongoing. MFFN will continue to provide updated information on the EA schedule.
Consultation Methods	Maintain a running list of issues and concerns raised by NFN that are out of scope of the Project.	• Conference Call	• Ongoing. All issues and concerns raised in relation to the Project will be tracked in the Record of Consultation. However, those that are out of scope of the Project will be referred to Ontario so they can respond to you directly.
Consultation Methods	Clarification on the terms “engagement” and “consultation”.	• Conference Call	• Ongoing. MFFN Project Team to provide plain language materials to better define terms.

Topic	Specific Comment Raised / Information Request	Communication Channel	Response / Action
Consultation Methods	Requested MECP/ ENDM materials displayed to-date (e.g., process) during in-community meetings with Indigenous communities.	• Conference Call	• Completed. MECP shared requested information.
Field Studies	Request to review baselines studies and methodology.	• Conference Call	• Ongoing. Once finalized, MFFN Project Team to share the methodology of the baseline reports and the baseline studies with NFN.
Cultural Heritage Resources	Requested previous archaeological studies from Noront.	• Conference Call	• Complete. MFFN Project Team sent archaeological reports obtained from Noront on October 19, 2020.
Economy	Requested studies that referenced the reduction in the price of fuel, food, etc. associated with access roads.	• Conference Call	• Ongoing. No studies referenced at this time. Studies will be shared during the EA stage.

Topic	Specific Comment Raised / Information Request	Communication Channel	Response / Action
Cultural Heritage Resources	Requested Proponent's LiDAR and Aerial Imagery to more accurately assess the location of the Neskantaga Trail.	• Email • Letter (via email)	• Complete. The LiDAR information which the MFFN CAR Project uses was provided by Ontario. As a result of the data sharing agreements in place, the MFFN CAR Project cannot share the LIDAR data. The MFFN Project Team connected Neskantaga First Nation with Paul MacInnis and Jason Frechette to determine how Neskantaga First Nation might able to acquire either imagery or data for the area in which the historic trail is generally located.

Indigenous Knowledge Program Funding Agreement (the "Agreement")

THIS AGREEMENT made as of the _____day of _____, _____.

BETWEEN:

INSERT NAME OF FIRST NATION
(Hereinafter called the "Name of First Nation"),

OF THE FIRST PART

- AND -

Marten Falls First Nation Project Team
(Hereinafter called the "Project Team")

OF THE SECOND PART

- AND -

Dillon Consulting Limited
(Hereinafter referred to as "Dillon")

OF THE THIRD PART

WHEREAS

WHEREAS Marten Falls First Nation ("MFFN") is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 km northeast of Thunder Bay.

AND WHEREAS the MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season community access road (the "Project") to connect MFFN to Ontario's provincial highway network (i.e., Highway 643) to the south via the existing Painter Lake Road.

AND WHEREAS MFFN is represented by the Project Team to assist MFFN with a Provincial Environmental Assessment and Federal Impact Assessment (the "Assessments") to assess the potential Project effects and benefits.

AND WHEREAS as part of the Assessment the Project Team would like to engage FN in the Indigenous Knowledge Program (the "IK") and to complete a Project-Specific IK Study (the "IK Study")

AND WHEREAS the FN has agreed to participate in the IK program and produce an IK Study specific to the Project area and community.

AND WHEREAS, specific to this Agreement, the Project Team has retained Dillon for the sole purpose of the administration of the receipt of the IK Study and payment of the funding for the IK Study to the FN as set out in this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that the Project Team, FN and Dillon (the "Parties") hereby agree as follows:

ARTICLE I: SCOPE OF SERVICES

1.1 Services by the FN. The FN shall complete and provide to the Project Team, an IK Study Report, covering the geographic area identified in Schedule A, with that degree of care, skill and diligence normally provided in the performance of an IK Study on projects of a similar nature.

1.2 Scope of Services. The FN shall complete the IK Study Report in accordance with the provisions as set out in the *MFFN Community Access Road Project - Indigenous Knowledge Program Guidance Document,* dated November 2020, a copy of which is attached as Schedule B.

ARTICLE II: Project Team Responsibilities

2.1 Information. The Project Team shall provide to the FN, in a timely manner, relevant information required to complete the IK Study.

ARTICLE III: FN RESPONSIBILITIES

3.1 Deliverables. The FN shall provide the following reports, upon the timelines set out:

- *Preliminary Data (GIS)/Draft Report, by no later than* _____
- *Final IK Study Report and associated mapping/GIS files, by no later than* _____

ARTICLE IV: Compensation

4.1 Compensation. The Project Team agrees to compensate FN for the IK Report, in the amount of [redacted] inclusive of all applicable taxes (the "IK Payment").

4.2 Schedule of Payments. Upon execution of this Agreement by all parties, the Project Team shall direct Dillon to pay the FN the IK Payment based upon the following schedule:

- *An initial payment of* [redacted] *within 30 days of the execution of this Agreement by all Parties,*
- *A second payment of $* [redacted] *within 30 days of receipt, by the Project Team, of the Preliminary Data (GIS)/Draft Report,*
- *A final payment of* [redacted] *within 30 days of receipt, by the Project Team, of the Final IK Study Report and associated mapping/GIS file.*

Notwithstanding article 7.7, the FN here by directs Dillon to make the three individual IK Payments, payable to _____ and to deliver the payments to _____, and this shall be Dillon's good and valid authority to do so.

ARTICLE V: CONFIDENTIALITY, USE AND DISCLOSURE

5.1 Confidentiality. The Project Team and the FN have previously executed an Indigenous Knowledge Information Sharing Agreement (the "IK Agreement"). The Project Team and the FN Parties agree that all matters relating to the confidentiality, use and disclosure of the IK Report shall be governed by the IK Agreement. In the event of any conflict between terms of the IK Agreement and this Agreement, the terms and conditions of the IK Agreement shall govern.

ARTICLE VI: CONFIRMATION

6.1 Confirmation. The FN confirms that it will complete the *Final IK Study Report and associated mapping/GIS files* with due care, attention, and diligence.

ARTICLE VII: OTHER

7.1 Governing Law. This Agreement shall be governed by the laws of the Province of Ontario.

7.2 Entire Agreement. This Agreement (a) constitutes the entire agreement and understanding between the Parties with respect to the subject matter hereof and (b) supersedes all prior agreements, understandings, negotiations and discussions by or between the Parties pertaining to the subject matter of this Agreement. There are no warranties, representations or other agreements, whether oral or written, express or implied, collateral or otherwise, by or between the Parties pertaining to the subject matter of this Agreement except as set forth in this Agreement.

7.3 Acknowledge and Confirmation of Project Team and FN. The Project Team and the FN confirm and agree that Dillon's only obligations under this Agreement is the payment of the IK Payment upon the terms and conditions set out in Article 4.2. The Project Team and FN acknowledge and agree that Dillon shall have no other obligations or requirements, of any kind or nature whatsoever, with respect to this Agreement or the IK Study. The Project Team and the FN agree and acknowledge that Dillon makes no representations, and shall have no responsibility, as to the completeness of the IK Report nor any obligations or requirements regarding the timeliness of the draft or final IK Report to the FN or the Project Team.

7.4 Independent Professional Services FN. The FN is an independent professional services provider in performing services under this agreement, and accordingly it is further acknowledged that the FN is an independent contractor.

7.5 Assignment. Neither party may assign this Agreement without the prior consent in writing of the other party.

7.6 Modification and Waiver. This Agreement may not be modified, amended or supplemented except by written agreement of the Parties. No act or omission by a party, other than a written waiver, shall constitute a waiver of any provision of this Agreement. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, nor shall any such waiver constitute a continuing waiver, unless otherwise specifically agreed in writing by the Parties.

7.7 Notices. All notices, instructions and other communications required or permitted to be given hereunder must be in writing and must be delivered via email, or mailed by first class mail, to the parties and at the addresses set forth, in the event of a notice being sent by first class mail the notice shall be deemed to be received by the addressee on the fifth business day after the mail is postmarked:

- Project Team insert address and contact person or title Qasim Saddique, Project Director ([redacted]) (might make sense to make it a single address for the Dillon office responsible for this work)
- FN insert address and contact person or title
- Dillon insert address and contact person or title

7.8 Inurement. This Agreement shall be binding upon the Parties, and shall continue in full force and effect in the event any Party is permitted to assign this Agreement or if there is any change in ownership, control or management of any Party.

7.9 Counterparts, Signatures and Retention. This Agreement may be executed in one or more counterparts, each of which is an original, and which, taken together, shall constitute one and the same agreement. The signing of a facsimile copy or portable document format (PDF) copy of this Agreement and any amendments thereto shall have the same effect as the signing of an original. The retention of an electronic version of this Agreement is permitted and the subsequent production of an electronic version of this document shall be treated as if it was the production of an original signed copy.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement all as of the day and year first above written.

First Nation

Per:		Per:	
	I/We have authority to bind the XX FN.		I/We have authority to bind the XX FN.
Name:		Name:	
Title:		Title:	
Date:		Date:	

Marten Falls First Nation Project Team

Per:		Per:	
	I/We have authority to bind the MFFN Project Team.		I/We have authority to bind the MFFN Project Team.
Name:		Name:	
Title:		Title:	
Date:		Date:	

Dillon Consulting Limited

Per:		Per:	
	I/We have authority to bind Dillon Consulting Limited		I/We have authority to bind the Dillon Consulting Limited.
Name:		Name:	
Title:		Title:	
Date:		Date:	

INDIGENOUS KNOWLEDGE

INFORMATION SHARING AGREEMENT

Marten Falls First Nation

Community Access Road

CONFIDENTIAL INFORMATION

dated the _____ day of _____, 2021

As part of the environmental/impact assessment and design of the Marten Falls Community Access Road Project, (the "Project"), Neskantaga First Nation hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include Indigenous Knowledge, traditional knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another amongst the people of Neskantaga First Nation. Confidential Information may also include beliefs, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to the people of Neskantaga First Nation. For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by Neskantaga First Nation is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how Neskantaga First Nation lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g., informing the environmental/impact assessment and design).

The Confidential Information may be used to better understand how Neskantaga First Nation community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as

necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities or external researchers without express written consent of Neskantaga First Nation.

The Recipients acknowledge and agree that the Confidential Information is the property of Neskantaga First Nation and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of Neskantaga First Nation.

On termination of this Agreement or on written notice by Neskantaga First Nation, the Recipients shall as directed by Neskantaga First Nation either: promptly destroy or return to Neskantaga First Nation all Confidential Information and all copies thereof, and refrain from using such information for this Project.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by Neskantaga First Nation is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

The Recipient acknowledges that breach of this Agreement involving the disclosure of Confidential Information may lead to irreparable harm.

This Agreement shall be governed and construed in accordance with the laws of the Canada and the Province of Ontario.

Agreed to on behalf of Neskantaga First Nation**:**

(Authorized representative)	Date

Agreed to on behalf of the Recipients:

(Authorized representative)	Date

From: [redacted]
Sent: May 13, 2021 4:53 PM
To: Wayne Moonias
Cc: David Peerla; Chris Moonias; Leroy Moonias
Subject: Bat Acoustic Monitoring Program - Follow-up

Good Afternoon Chief Moonias,

I am emailing to follow up on the field notice which was sent to Neskantaga First Nation yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. I left a message with the receptionist at the Chief and Council Office yesterday. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Neskantaga First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021.

If you have any questions or comments about the program, please get in touch.

In addition, with the change in Neskantaga First Nation leadership, if you could kindly confirm project contacts and contact information that would be appreciated.

Thanks,

[redacted]

On behalf of the Marten Falls First Nation All-Season Community Access Road Team

[redacted]

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.
Dillon Consulting Limited

From: [redacted]
Sent: May 18, 2021 4:23 PM
To: David Peerla
Cc: Wayne Moonias; Chris Moonias; Leroy Moonias
Subject: Re: Bat Acoustic Monitoring Program - Follow-up

Hi David,

Thank you for letting us know about the crisis and sharing the Declaration of State of Emergency.

We are working on sending you responses to your questions about the field programs.

Kind regards,

Jessica

--

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

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From: [redacted]
Sent: May 27, 2021 7:56 AM
To: David Peerla
Cc: Wayne Moonias; Leroy Moonias; Chris Moonias; [redacted]
Subject: Re: Bat Acoustic Monitoring Program - Follow-up

Hi David,

We appreciate you sharing information related to the Declaration of a State of Emergency in Neskantaga First Nation on May 13, 2021. And thank you for sharing Neskantaga First Nation's observation related to caribou ranges. We recognize that Neskantaga First Nation leadership is unable to respond to Project-related matters at this time. However, as requested, we are writing to follow-up with you in regards to your questions.

Below are the MFFN Project Team's responses to your questions about the field programs:

1. Neskantaga First Nation Question: In terms of sensitive areas, tell me more about the specific activities/disturbances you have in mind.

MFFN Project Team Response: The bat and remote camera field studies are non-invasive field programs which will be carried out together to minimize disturbance from helicopters. Bat acoustic monitoring sites and the remote camera sites will be accessed via helicopter and will require a naturally occurring clear area to land the helicopter. The crew will not be cutting any trees or creating clearings. Field crews will then hike to site to install acoustic monitoring and remote camera devices. These devices will be installed using minimally invasive techniques (temporarily attached to trees). Areas identified to be sensitive or culturally significant through discussions with communities or a review of existing information will be avoided.

2. Neskantaga First Nation Question: How will these data be applied to understand the potential impacts of the road?

MFFN Project Team Response: Any data provided to the MFFN Project Team related to caribou will be used to further inform our field programs, including the placement of remote cameras and helping to focus our aerial program in the winter. We will then use the results of those programs to assess the potential for impacts to the caribou on the road.

Kind regards,

Jessica
On behalf of the MFFN Project Team

[redacted]

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From: [redacted]
Sent: June 4, 2021 11:18 AM
To: [redacted]
Cc: Wayne Moonias; Leroy Moonias; Chris Moonias; [redacted]
Subject: Re: Bat Acoustic Monitoring Program - Follow-up

Hi David,

Thank you for sharing this information related to the cultural sensitivity of cave and rock cliff sites. Please find below our responses to your questions and comments.

Our bat surveys will focus on forest communities. We have not identified any caves or rocky cliffs in the study area. A few of our bat detectors will be located along the large rivers, but they are not near cliffs or caves. The field crew will be instructed not to disturb any vertical banks encountered.

Please reach out if you have any further questions.

Kind regards,

Jessica
On Behalf of the MFFN Project Team

[redacted]

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.
Dillon Consulting Limited

From:	Metuzals, Jessica <[redacted]>
Sent:	June 4, 2021 1:29 PM
To:	Wayne Moonias; Chris Moonias; [redacted] Leroy Moonias; David Peerla
Cc:	info@martenfallsaccessroad.ca
Subject:	MFFN Community Access Road: Bat and Remote Camera Installation Field Notices
Attachments:	2021-06-03-MFFN CAR Bat Acoustic Monitoring Field Notice.pdf; 2021-06-03-MFFN CAR Remote Camera Installation Field Notice.pdf

Good afternoon,

We recognize that Neskantaga First Nation declared a State of Emergency on May 13, 2021. We understand that it may be difficult for Neskantaga First Nation to respond to Project-related matters at this time.

We did want to let you know that the Marten Falls First Nation All Season Community Access Road is starting the Bat Acoustic Monitoring and the Remote Camera Installation programs on June 7, 2021. They will run until June 16, 2021. Both programs will take place at the same time and you may notice helicopters in the area.

Please see the attached notices for more details. You can also find them on our website.

Thank you to everyone who provided feedback on the initial program notices / Discussion Guides.

If you have any questions or comments, please reply to this email or call us at 1-800-764-9114.

Sincerely,

Marten Falls First Nation Community Access Road Project Team

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

From: [redacted]
Sent: July 23, 2021 10:40 AM
To: Wayne Moonias; Chris Moonias; David Peerla; Leroy Moonias; [redacted]
Subject: MFFN CAR: Summer Field Programs
Attachments: MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021 (1).pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf; Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25 (3).pdf

Good morning Chief Moonias,

We tried calling you yesterday and were unable to reach you or leave a message or voicemail. We hope you are doing well and keeping safe.

The MFFN CAR Project has distributed discussion guides to Indigenous communities, tribal organizations, and PTOs regarding our summer field studies. These studies are anticipated to begin in August 2021. We have provided links and attached pdf copies of the discussion guides below.

If you would like to provide feedback on these field studies, we kindly request you do so by July 31, 2021. Please let us know if you have any questions or if you will be providing comments on these field studies.

These field programs include:

- Groundwater and Geochemistry Field Study - Groundwater and Geochemistry Summer Program Discussion Guide 2021 – (Distributed June 25, 2021)
- Surface water, fish and fish habitat Field Study - Surface Water, Fish and Fish Habitat Discussion Guide – (distributed Friday, July 9, 2021)
- Vegetation, Physiography and Peatlands Field Study - Vegetation, Physiography and Peatlands Discussion Guide – (distributed Friday, July 16, 2021)

If you have any questions, comments, or concerns, please do not hesitate to let us know.

Kind regards,

Jessica
On behalf of the MFFN Project Team

[redacted]

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

From: [redacted]
Sent: July 23, 2021 10:50 AM
To: David Peerla; Wayne Moonias; Chris Moonias; Leroy Moonias; [redacted]
Cc: Larissa Mikkelsen; Bob Baxter; [redacted]; Qasim Saddique; Jennifer Bruin
Subject: Re: MFFN CAR - IK Sharing Agreement
Attachments: IK Confidentiality and Data Sharing Protocol - June 2021 (1) (5).pdf

Hi David,

Thank you for your question related to the requirements for MFFN Project Consultants who have access to confidential information and data received through the IK Program. Given the sensitive nature of IK and information on Indigenous land and resource use, the protection and confidentiality of shared information is of great importance to the MFFN Project Team.

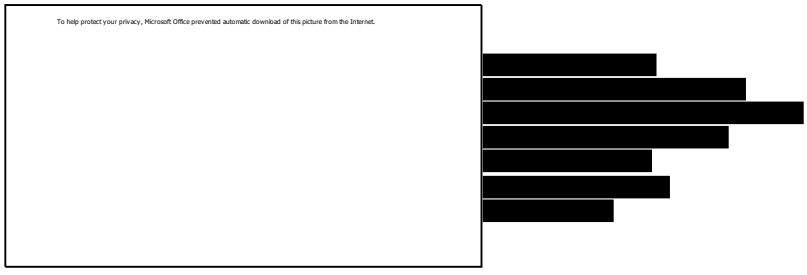
Please find attached the Consultant Indigenous Knowledge Confidentiality and Data Sharing Protocol for the MFFN CAR Project, which outlines key steps that will be carefully undertaken by MFFN Project Consultants. As outlined in the attached protocol, MFFN Project Team Consultants will be required to send written confirmation that they have read and understand the IK Sharing Agreement. We would like to emphasize that access to IK information will be limited to those within the MFFN Project Consultant Team who require the information to complete the EA/IS (i.e., information is shared on a "need to know basis").

Please let us know if you have any further comments or questions.

Kind regards,

Jessica

On Behalf of the MFFN Project Team



Please consider the environment before printing this email

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: September 2, 2021 2:23 PM
To: [redacted]
Cc: [redacted]; Jennifer Bruin; [redacted]
Subject: MFFN CAR - Groundwater Borehole Drilling Location Shapefiles
Attachments: ProposedGolderDrillSites.zip

Hello David and Scott,

As per your request to the Ministry of Northern Development, Mines, Natural Resources and Forestry, please find attached a zip folder that contains the shapefiles for the proposed borehole drilling locations for the upcoming Marten Falls First Nation Community Access Road Groundwater and Geochemistry Field Program.

If you require any additional information, please let us know.

Sincerely,

Marten Falls First Nation Community Access Road Project Team

From: Metuzals, Jessica <[redacted]>
Sent: September 10, 2021 9:32 AM
To: [redacted]; Chris Moonias; Wayne Moonias; Leroy Moonias; David Peerla
Cc: info@martenfallsaccessroad.ca
Subject: MFFN CAR: Field Studies and Check-in

Good Morning Chief Moonias,

I called yesterday and was not able to leave a voicemail. There have been some recent communications about the MFFN Community Access Road, and I wanted to follow-up to see if you have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for MFFN and re-opening plans you'd like to share

I'm available via email and phone if you would like to connect.

Kind regards,

Jessica

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

From:	Metuzals, Jessica <[redacted]>
Sent:	September 21, 2021 10:29 AM
To:	David Peerla; Scott Hamilton; Chief Christopher Moonias; Chris Moonias; Wayne Moonias; Leroy Moonias
Cc:	Qasim Saddique; Larissa Mikkelsen; Bob Baxter; lawrence baxter; Jennifer Bruin; Andrea Nokleby; info@martenfallsaccessroad.ca
Subject:	Re: MFFN CAR: Field Studies and Check-in
Attachments:	188898_ProposedDrillSites_NeskantagaLines (4).pdf

Hi David and Scott,

Thank you for your email. We have prepared a map of the proposed drill sites overlaid with the trails identified in the map sent by Neskantaga First Nation to the Ministry of Natural Resources and Forestry services (MNRF) on August 18, 2021. We would appreciate any additional feedback you have on the drill site locations. Our team is also interested in coordinating a meeting to discuss the information provided in more detail. Could kindly provide some days and times that Neskantaga First Nation is available for a meeting?

In addition, we would like to follow-up on the IK Sharing Agreement and the IK Funding Agreement sent via email on March 30, 2021. As noted in Article IV of the IK Program Funding Agreement, the MFFN CAR Project Team would compensate Neskantaga First Nation for the preparation of an IK Report in the amount of $30,000. The MFFN CAR Project Team would also be happy to set up a time to discuss how we can continue to support the community in completing a Project-specific IK Study.

Kind regards,

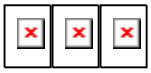
Jessica Metuzals

On behalf of the MFFN CAR Project Team

--



Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca



Burnham, Stephanie [redacted]

MFFN CAR - New Project Contact

Metuzals, Jessica [redacted] Wed, Oct 13, 2021 at 4:31 PM
To: Chief Christopher Moonias [redacted] Wayne Moonias [redacted], Chris Moonias [redacted] David Peerla [redacted], Leroy Moonias [redacted] Scott Hamilton [redacted]
Cc: Stephanie Burnham [redacted], info@martenfallsaccessroad.ca

Good afternoon Chief Moonias,

I hope this email finds you well. I would like to take this opportunity to introduce Stephanie Burnham (cc'ed here). Stephanie will be Neskantaga First Nation's point of contact for the MFFN CAR Project moving forward. Please reach out to her with any comments or questions.

Kind regards,

Jessica

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Burnham, Stephanie [redacted]

MFFN CAR - New Project Contact

Burnham, Stephanie <[redacted] Thu, Oct 14, 2021 at 10:03 AM
To: "Metuzals, Jessica" <[redacted]
Cc: Chief Christopher Moonias [redacted] Wayne Moonias [redacted], Chris Moonias [redacted], David Peerla [redacted], Leroy Moonias [redacted], Scott Hamilton [redacted] info@martenfallsaccessroad.ca

Good Morning Chief Moonias,

Thank you for the introduction Jessica. I look forward to working with Neskantaga First Nation on the MFFN CAR Project.

If you have any questions, please do not hesitate to contact me.

Stephanie Burnham
MFFN Project Consultant
[Quoted text hidden]
--

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

Burnham, Stephanie [redacted]

Re: Community access road route, drilling and historic trails

1 message

Burnham, Stephanie [redacted] Wed, Oct 27, 2021 at 2:29 PM
To: Wayne Moonias <[redacted]hris Moonias <[redacted], David Peerla [redacted], Leroy Moonias [redacted] Scott Hamilton [redacted]
Cc: Qasim Saddique [redacted] Bob Baxter [redacted], Andrea Nokleby <[redacted], Jennifer Bruin [redacted], Lawrence Baxter <[redacted]
Bcc: info@martenfallsaccessroad.ca

Hello Chief Moonias, Scott, and David,

Thank you for your email on September 21, 2021 updating us on the status of your review of the drilling sites.

It is our hope that Neskantaga First Nation has received the LiDAR data and that you have had the opportunity to revisit the information we provided, via email on September 21, 2021, related to the proposed drill sites and the trail identified by Neskantaga First Nation.

The MFFN CAR Project Team is still interested in coordinating a meeting to discuss the information provided and the Indigenous Knowledge Program in more detail. Could you kindly provide some days and times that Neskantaga First Nation is available for a meeting?

Kind Regards,

Stephanie Burnham

On behalf of the MFFN CAR Project Team

--

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Burnham, Stephanie [redacted]

MFFN CAR - New Project Contact

Burnham, Stephanie [redacted] Wed, Oct 27, 2021 at 2:19 PM
To: David Peerla <[redacted], Chris Moonias [redacted]>, Chief Christopher Moonias [redacted] Wayne Moonias [redacted], Scott Hamilton [redacted] Leroy Moonias <[redacted]
Cc: Qasim Saddique <[redacted] "[redacted] <[redacted], Bob Baxter [redacted], Lawrence Baxter [redacted], Jennifer Bruin [redacted], Andrea Nokleby <[redacted]
Bcc: info@martenfallsaccessroad.ca

Hi David,

Thank you so much for your email and your patience. Regarding your question about the Northern Road Link, I would like to refer you to the Northern Road Link project website at https://northernroadlink.ca/.

In addition, any inquiries about the Northern Road Link Project can be sent directly to the technical co-leads Michael Fox [redacted] and Qasim Saddique ([redacted]

[redacted]

Stephanie Burnham

On behalf of the MFFN CAR Project Team

[Quoted text hidden]

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: Community access road route, drilling and historic trails

Burnham, Stephanie [redacted] Wed, Oct 27, 2021 at 3:55 PM
To: Scott Hamilton [redacted]
Cc: David Peerla [redacted], Wayne Moonias [redacted], Chris Moonias [redacted], Leroy Moonias [redacted] Qasim Saddique [redacted], " [redacted], Bob Baxter [redacted], Andrea Nokleby [redacted] Jennifer Bruin [redacted], Lawrence Baxter [redacted]

Thank you both for your quick response.

I look forward to hearing from you,

Stephanie Burnham
MFFN CAR Project Consultant
[Quoted text hidden]

B16.2 Incoming Community Specific Correspondence

From:	David Peerla <[redacted]>
Sent:	September 23, 2020 8:46 AM
To:	Metuzals, Jessica
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Scott Hamilton; Larissa Mikkelsen; Bob Baxter
Subject:	Re: IK Study Memo

Hello Jessica.

We will have some preliminary technical comments by the end of business September 25th.

The subtle detail of the landscape is hard to detect with the data you provided. We would appreciate access to the Lidar data for the route at your earliest convenience.

As you have likely heard the pandemic is now reaching into more of the Nishnawbe Aski Nation remote communities.Under pandemic conditions, the EA process is becoming purely a paper technical exercise with very limited community engagement.

The current circumstances do not offer a safe environment for Neskantaga to participate in a meaningful review of the Project. We cannot hold proper meetings in the community, consult with our technical advisors face to face, and it is currently impossible for the community technical team to travel to Thunder Bay to engage with our members, elders and knowledge holders who live off reserve and those who reside in long term care homes. Community participation is key to inform Neskantaga First Nations (NFN) decision-making and the Project requires NFN consent in order to proceed.

At this time, we maintain our position that the EA should not proceed until it is safe for the NFN to review the project in accordance with its community process. Until we are able to participate in accordance with our community process, the Crown cannot be seen to be acting honourably and cannot obtain our consent for the Project to proceed.

Despite the limitations imposed on us, we will strive to review and comment on your memorandum to the extent possible within the time frame provided.

Regards,
David Peerla

From:	David Peerla <[redacted]>
Sent:	September 24, 2020 11:09 AM
To:	Metuzals, Jessica
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Scott Hamilton; Larissa Mikkelsen; Bob Baxter
Subject:	Re: IK Study Memo

Attachment available until Oct 24, 2020

Jessica, attached our initial reply. We will have further submissions tomorrow.Please confirm receipt.
Regards,
David Peerla

Click to Download

Study Area Response.pdf
21.4 MB

September 24, 2020

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Re: Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo

Jessica,

Geologists with the Ontario Bureau of Mines undertook a reconnaissance of the Attawapiskat Lake region shortly before 1912 (Miller 1912). The resulting report addressed the physical character and economic potential of the land. The Miller report maps record place names, camps, graves, settlement locations, trails as well as the ecological character of the land.

Miller's report describes a Neskantaga trail from Beteau Lake[Kii-poh-kaah-naang] to Marten Falls. Using the Miller's narrative description we have estimated the trail location. Below is an overay of the estimated trail location and the proposed Marten Falls community access routes.

The proposed road route intersects a trail which historically provided access to camps and harvesting areas in Neskantaga's territory as well as to the Albany River.

In order to more accurately estimate the location of the Neskantaga trail we require access to the Proponent's Lidar and Aerial Imagery of the community access routes and are prepared to enter into a data sharing agreement.

Further, we propose that an archaeological assessment of the Neskantaga Heritage trail be conducted pursuant to an Archaeology Assessment Terms of Reference to be developed jointly to the mutual satisfaction of Neskantaga and the project Proponent.

Reference

Miller, Willet G.
1912 Reports on the District of Patricia Recently added to the Province of Ontario. Reports of Mines, 1912 Vol. XXI., Part II. L.K. Cameron, Printer to the King's Most Excellent Majesty, Toronto.

Regards,

David Peerla, PHD

From:	David Peerla <[redacted]>
Sent:	September 25, 2020 1:41 PM
To:	Metuzals, Jessica
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Larissa Mikkelsen; Bob Baxter
Subject:	Re: IK Study Memo
Attachments:	NFN Study Area Comments CAR.pdf; Untitled attachment 00005.html

Good afternoon Jessica.
Find attached our additional submission.Please confirm receipt.
Regards,
David Peerla

September 25, 2020

Jessica Metuzals

Dillon Consulting Limited

[redacted]

[redacted] www .dillon.ca

Re: Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo

Jessica,

General Comments.
The onus is on the Proponent to establish that its proposed route is the best route for the road.
Neskantaga was not involved in routing decisions taken by the Proponent to-date. Neskantaga has had no input into the selection of routing criteria.

The Project footprint is not small or confined. The Project is a 190-230 km linear development. Depending on how the zone of influence is determined, the Project represents one of the (if not the) largest developments in the Region.

We are concerned that the proposed study area considerations are inadequate for considering ecological (e.g., caribou, wolverine, lake sturgeon, migratory birds, freshwater fish biodiversity, eskers, peatlands) and social (e.g., eskers, transportation, cultural and sacred sites, traditional land use) impacts.

We recommend a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this road segment being part of the larger industrial access road to the Ring of Fire that will be eventually developed.

References.

Estimating the zone of influence of industrial developments on wildlife: a migratory caribou Rangifer tarandus groenlandicus and diamond mine case study

Authors: John Boulanger, Kim G. Poole, Anne Gunn Wierzchowski and Jack Wierzchowski

Date: June 2012

From: Wildlife Biology(Vol. 18, Issue 2)
Publisher: Nordic Board for Wildlife Research

Biological Conservation

Volume 224, August 2018, Pages 129-143
Human disturbance effects and cumulative habitat loss in endangered migratory caribou

lSabrinaPlante[ab]

ChristianDussault[ac],Julien H.Richard[ab]Steeve D.Côté[ac]

Fish.

Table 1. Preliminary Study Areas for Other Key Valued Components for the Project

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Fish and Fish Habitat	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.

Comment.
The proposed road will be located in relatively intact watersheds and contain relatively unperturbed fish populations. Fish are an important cultural and economic resource for the affected First Nations including Neskantaga. As such, the secondary watershed is the largest relevant scale for considering project impacts on fish.

Caribou.
Comment

The assessment area must be large enough to assess the accumulated environmental conditions and to capture stressors from actions other than the proposed Project. This will require an assessment of impacts on caribou based on the entire herd ranges.

Neskantaga VCs.
Neskantaga have a more expansive definition of VCs.For example, way of life, capacity to govern and steward their territory; water, traditional knowledge and culture, local capacity (i.e., human resources); health and emergency services; and community health and well being. This list of VCs is not an exhaustive list.

Jurisdiction
Neskantaga have their own indigenous laws and governance structures.
Jurisdiction of Neskantaga with respect to land and resources in their territory is a Neskantaga VC. This VC relates to a wide variety of issues and concerns of Neskantaga, including strong linkages to governance, self-determination and reconciling

Neskantaga land and resource uses with the Ontario and federal governments. Neskantaga advocates for the recognition of its inherent rights to govern in its territory and steward its lands and resources. Neskantaga actively pursue agreements with proponents and governments to embed its own governance processes into land and resource decision making to increase their authority over resource decision making.

Peatland.
The study areas should acknowledge and include the particular importance of peatlands.

Consultation and the Pandemic.
Project consultation/engagement on an unmodified schedule and in a modified format (ie. Online or by telephone) ignores the practical, capacity-based realities in Neskantaga and other Indigenous communities affected by the COVID-19 pandemic. Unaltered timelines for consultation amidst the pandemic crisis leaves the process at risk of providing only hurried and/or cursory opportunities for engagement with Neskantaga and other Indigenous communities.

The definition of valued components is heavily influenced by Neskantaga community hall meetings and direct dialogue with elders, land users and knowledge holders. All of these activities are severely limited by the pandemic.

Recommendation.
Neskantaga proposes creating a Treaty and Aboriginal Rights working group[when the pandemic conditions allow] with the Proponent and other affected Matawa First Nations. The Working Group would hold joint discussions on routing, the science behind decisions, share information and be a forum for

ongoing engagement on routing.

Outstanding Issue.

We provided a proposed amendment to the MFFN Draft IK Sharing Agreement for your review and consideration.We await a response.

Regards,

David Peerla

9/25/20

From:	David Peerla <[redacted]>
Sent:	October 9, 2020 1:11 PM
To:	info@martenfallsaccessroad.ca; McLeod, Sasha (MECP); [redacted]
Cc:	Wayne Moonias; Leroy Moonias
Subject:	Re: MFFN CAR - Field Program Notice

Good afternoon,

Thank you for your field program notice.

We have a number of questions on the research program.

We would like further detail on your research protocols and how you are assessing habitat in particular.

We wonder why it appears that you are not collecting benthics. In our view, benthics offer key baseline data in terms of community ecology and current/past impacts.

How will you assess contaminants (e.g., metals) if you are not collecting fish? Is fish sampling planned for a later date, and if so how will this research be carried out? There are both lake and river protocols that are used by Ontario that would be useful to implement to compare with those data sets.

We would like to request a plain language synthetic overview of the data from previous research and IA baseline studies (e.g., Noront, Cliffs) on water and benthics and fish.

How do these data support a cumulative effects assessment?

An early written reply would be appreciated.

Regards,
David Peerla

From:	Metuzals, Jessica <[redacted]>
Sent:	November 5, 2020 12:00 PM
To:	David Peerla
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

[redacted]

On Thu, Nov 5, 2020 at 10:40 AM David Peerla <[redacted]> wrote:

> Typo in previous my email, should read.
>
> UNABLE.
>
> We are **unable** to reach the leadership at this time to confirm receipt.
> David Peerla

From:	David Peerla <[redacted]>
Sent:	November 6, 2020 1:48 PM
To:	Metuzals, Jessica; McLeod, Sasha (MECP); Decoste, Laura (IAAC/AEIC)
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Dear Jessica,

> Re: "If your community is not able to review the ToR at this time, the EA study approach can be reviewed at the beginning of the EA process, which is expected to commence in early 2021."

The ToR is a critical strategic document that guides the entirety of the provincial EA. The approval of the ToR for the Project by the Minister is a critical decision regarding the Project's EA and the Project's impacts on Neskantaga's constitutionally- protected rights. This decision cannot be taken before the duty of consultation on, and accommodation of, Neskantaga's interests has been discharged, appropriate to the decision point; meaningful consultation has not yet occurred and will not be achieved during the pandemic and evacuation.

Contrary to the suggestion in your letter quoted above, consultation cannot be 'made up' at later stages.

Regards,
David Peerla

From:	David Peerla <[redacted]>
Sent:	December 15, 2020 2:30 PM
To:	McLeod, Sasha (MECP); Gauthier, Shannon (MECP); Chris Moonias
Cc:	Wayne Moonias; Metuzals, Jessica
Subject:	Re: Marten Falls All-Season Community Access Road - ToR Review, Neskantaga Requests Extension.

The unprecedented community evacuation and global pandemic severely restricted participation by Neskantaga in reviewing the MFCAR TOR. During the evacuation, Neskantaga members have been unable to gather to discuss the proposed TOR, and Chief and Council have been unable to engage in any substantive dialogue with community members, elders, and knowledge holders about the MFCAR TOR and how it affects our interests. As the TOR stage is important for setting the scope and parameters for the EA, we request Ontario extend the deadline for Neskantaga's comments on the MFCAR TOR until January 29, 2021. With the December 21, 2020 comment deadline rapidly approaching we would like a reply to our request by the end of business on December 19th at the latest.

Regards,
David Peerla

From:	David Peerla <[redacted]>
Sent:	January 21, 2021 11:57 AM
To:	Metuzals, Jessica
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Larissa Mikkelsen; Qasim Saddique; Bob Baxter; Andrea Nokleby; Caroline Wrobel
Subject:	Re: MFFN CAR - IK Sharing Agreement

Hello Jessica,

Are the members of the MFFN project team subject to a confidentiality agreement not to disclose information gathered in the course of their work on this project?

Regards,

David Peerla

From:	David Peerla <[redacted]>
Sent:	January 25, 2021 10:02 AM
To:	Metuzals, Jessica
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Larissa Mikkelsen; Qasim Saddique; Bob Baxter; Andrea Nokleby; Caroline Wrobel
Subject:	Re: MFFN CAR - IK Sharing Agreement

Hi Jessica, My question is: Are the MFFN technical team/consultants etc. who have access to the IK required to sign a non-disclosure agreement?
Regards,
David

From:	David Peerla <[redacted]>
Sent:	January 25, 2021 11:02 AM
To:	Metuzals, Jessica
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Larissa Mikkelsen; Qasim Saddique; Bob Baxter; Andrea Nokleby; Caroline Wrobel
Subject:	Re: MFFN CAR - IK Sharing Agreement
Attachments:	2021.01.19.NFN IK Sharing Agreement.docx; Untitled attachment 00005.html

Hello Jessica,
Attached our revised agreement.

If you have any questions or concerns regarding the proposed revision perhaps your legal counsel could speak directly with our legal counsel Aaron Bruce.
Aaron may be contacted at:

Aaron Bruce Law |[redacted] | [redacted] | [redacted] | Telephone (Mobile) [redacted] |[redacted]

Regards,
David Peerla

From: David Peerla <[redacted]>
Sent: February 22, 2021 2:51 PM
To: Metuzals, Jessica
Subject: Fwd: Re, Webequie Supply Road and Marten Falls Community Access Road Terms of Reference Comment Periods- Neskantanga First Nation

FYI

Begin forwarded message:

From: David Peerla <[redacted]>
Subject: Re, Webequie Supply Road and Marten Falls Community Access Road Terms of Reference Comment Periods- Neskantanga First Nation
Date: February 11, 2021 at 6:03:07 PM EST
To: [redacted]
Cc: Wayne Moonias <[redacted]>, Leroy Moonias <[redacted]>, Chris Moonias <[redacted]>

Neskantaga **will be submitting** further comments on the Webequie Supply Road ToR by February 26, 2021 and on the Marten Falls Community Access Road ToR by March 31, 2021.

Regards,
David Peerla
Neskantaga Advisor
PS I am surprised that I was not on your original Neskantaga email circulation list.
I have corresponded on many occasions with MECP on the projects.

From: David Peerla <[redacted]>
Sent: February 23, 2021 11:10 AM
To: Metuzals, Jessica
Cc: Chris Moonias; Leroy Moonias; Wayne Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrence baxter; Jackmoonias; McLeod, Sasha (MECP); [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

We replied to Ontario on our intentions to make a further submission in an email to MECP. Perhaps Ontario has failed to share that email with your team.

On questions and comments.

In our September 25, 2020 comments we recommend a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this road segment being part of the larger industrial access road to the Ring of Fire that will be eventually developed.Further, our view was that an assessment of impacts on caribou be based on the entire herd ranges.

Have you modified your recently announced caribou field study to reflect our comments? If not, why not?

Does your field study approach comply with the pandemic guidelines issued by the Nishnawbe Aski Nation?

Finally, there is currently a surge in COVID cases in Thunder Bay that is having a serious impact on Neskantaga, and likely Marten Falls.

The entire attention of the leadership and the Neskantaga EA technical team is focused on responding to the pandemic.

Regards,
David Peerla

From: David Peerla <[redacted]>
Sent: February 24, 2021 11:13 AM
To: Metuzals, Jessica
Cc: Chris Moonias; Leroy Moonias; Wayne Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrence baxter; Jackmoonias; McLeod, Sasha (MECP); [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

http://www.matawa.on.ca/neskantaga-first-nation-declares-state-of-emergency-off-reserve-member-covid-19-outbreak/

From: David Peerla <[redacted]>
Sent: February 24, 2021 12:03 PM
To: Metuzals, Jessica
Cc: Chris Moonias; Leroy Moonias; Wayne Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrence baxter; Jackmoonias; McLeod, Sasha (MECP); [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

Hi Jessica, since the comments address issues we raised in previous comments on the TOR and your ongoing field research program I would suggest that the comments fall into both the TOR and technical engagement categories.

What turns on the distinction of formal submission vs regular consultation for you/the regulators/the proponent?
MECP officials may have thoughts on the distinction you are making, and if so we would like to hear them. Please explain.

Regards.
David Peerla

From: David Peerla [redacted]
Sent: May 13, 2021 6:29 PM
To: [redacted]
Cc: Wayne Moonias; Chris Moonias; Leroy Moonias
Subject: Re: Bat Acoustic Monitoring Program - Follow-up

The community is currently managing a COVID outbreak and will not be able to respond to your questions by May 28th.
The entire focus of the leadership is on the crisis.
In terms of sensitive areas, tell **me** more about the specific activities/disturbances you have in mind.
Regards,
David Peerla

From: David Peerla [redacted]
Sent: May 13, 2021 6:36 PM
To: [redacted]Jessica
Cc: Wayne Moonias; Chris Moonias; Leroy Moonias; McLeod, Sasha (MECP)
Subject: Re: Bat Acoustic Monitoring Program - Follow-up

Jessica, In terms of your research on caribou we have the following observation and a question.

In terms of an observation: all the caribou ranges are in decline particularly Pagwachuan.

Our question: How will these data be applied to understand the potential impacts of the road?

Regards,
David Peerla

From:	David Peerla [redacted]
Sent:	May 13, 2021 6:43 PM
To:	McLeod, Sasha (MECP); Malhotra, Nitish (IAAC/AEIC); Decoste, Laura (IAAC/AEIC)
Cc:	[redacted]; info@martenfallsaccessroad.ca; [redacted]
Subject:	Neskantaga State of Emergency
Attachments:	SOE Declaration Order COVID-19 Cases - Neskantaga FN May 13 2021.pdf; Untitled attachment 00003.html; MR - NESKANTAGA FIRST NATION DECLARE STATE OF EMERGENCY AFTER 2 POSITIVE COVID-19 CASES CONFIRMED - May 13, 21.pdf; Untitled attachment 00006.html

See below and attached, Pls distribute to all your relevant colleagues.Regards,

David Peerla

NESKANTAGA FIRST NATION

Declaration of State of Local Emergency on COVID-19 Outbreak in the Community

ORDER

WHEREAS a COVID-19 outbreak in Neskantaga First Nation was identified by the Sioux Lookout First Nations Health Authority as beginning on May 12, 2021;

WHEREAS the source of the outbreak has been identified as coming from an outside contractor and COVID-19 testing, to-date, has identified the virus as spreading to two (2) people residing in Neskantaga First Nation (one a member and the other a resident) and that a contact tracing investigation has begun;

WHEREAS these are the first positive cases identified in the community since the pandemic began in March 2020;

WHEREAS this year, the community has experienced 7 deaths and COVID-19 has impacted on the community's ability to heal/mourn;

WHEREAS with these cases being identified and the short amount of time it took for the virus to spread—the community has initiated a community-wide lock-down protocol requiring all members to shelter in place;

WHEREAS the shelter in place order will impact on two (2) upcoming funerals/burials that were supposed to have taken place over the next week and the COVID-19 has already;

WHEREAS the community plans to undergo community-wide COVID-19 testing in the near future and are hopeful that the high uptake of COVID-19 vaccination will play a positive role in curbing the spread in the community;

WHEREAS the children in the community under the age of 18 years old were not vaccinated and this is a concern with this current outbreak;

WHEREAS the ability to mount a response to the COVID-19 outbreak in Neskantaga First Nation is impacted by a 26-year boil water advisory, overcrowded housing, lack of logistical supports for isolating families, amongst other challenges;

WHEREAS the community has exhausted internal human/other resources and are needing outside government and humanitarian assistance to address the outbreak;

NOW THEREFORE, IT IS HEREBY ORDERED pursuant to our inherent authority and responsibility to protect and advocate for our members, we hereby declare a state of emergency in our community;

IT IS FURTHER ORDERED THAT the Neskantaga First Nation is to do all acts and implement all procedures that are considered necessary to prevent or to alleviate the effects of this emergency;

IT IS FURTHER ORDERED THAT the first acts to alleviate the effects of this emergency is to call on outside government and humanitarian assistance to provide emergency management supports in order for Neskantaga First Nation to effectively respond to the outbreak;

ORDERED by Neskantaga First Nation, on this 13th day of May, 2021, and remaining in force until such time that the outbreak is declared over by the Sioux Lookout First Nation Health Authority.

PER:
Chief Wayne Moonias



On behalf of Neskantaga First Nation Chief and Council

NESKANTAGA FIRST NATION

Thursday, May 13, 2021 **FOR IMMEDIATE RELEASE**

NESKANTAGA FIRST NATION DECLARE STATE OF EMERGENCY AFTER 2 POSITIVE CASES ARE CONFIRMED IN THE COMMUNITY

Neskantaga First Nation – Neskantaga First Nation (NFN) Council today declared a State of Emergency (SOE) in response to a COVID-19 positive case first confirmed in the community by the Sioux Lookout First Nations Health Authority (SLFNHA) on May 12, 2021 and 2 subsequent confirmed cases on May 13, 2021. Contact tracing has determined that the case originated from an outside contractor who was recently in the First Nation.

On Wednesday, May 12, 2021, the community initiated more stringent COVID-19 protocols including a shelter in place order, amongst other restrictions. This will be in place until further notice.

This is the first time the community has had positive cases since the global pandemic began in March of 2020. Community-wide COVID-19 testing will be taking place in the near future. Neskantaga First Nation is hopeful that the high uptake of COVID-19 vaccination will play a positive role in curbing the spread in the community but remain concerned about children under the age of 18 years old were not part of this vaccination process.

Chief Wayne Moonias says that one of the biggest challenges in the ability to mount a response is lack of internal human and other resources and has called for outside government and humanitarian assistance to address the outbreak.

— 30 —

For more information, please contact Chris Moonias, Advisor at: [redacted] or Carol Audet, Matawa Communications Manager at: [redacted]

[redacted]

From: David Peerla <[redacted]
Sent: May 27, 2021 8:18 AM
To: Metuzals, Jessica
Cc: Wayne Moonias; Leroy Moonias; Chris Moonias; [redacted]
Subject: Re: Bat Acoustic Monitoring Program - Follow-up

Hi Jessica.
Just to be clear. Will your focus be on sampling forest types?
I ask this question because of the cultural sensitivity of cave and rock cliff sites. My understanding is that the bats may roost in cave and rock cliff sites.

We are particularly concerned about disturbances to rocky cliffs jutting out from lakeshores and river-banks within open-air sites, vertical cliffs on shores of lakes and rivers, cliffs located near rapids, narrows, and waterfalls, narrows or cliffs which jut out onto large expenses of lakes and sites where stains of white calcite cover a rock face. The cliff sites of concern tend to face southeast to southwest and rarely north.

We strongly recommend that you avoid disturbing the cave and cliff sites listed above during any and all of your field studies.

Regards,
David Peerla

From:	David Peerla <[redacted]>
Sent:	September 10, 2021 10:42 AM
To:	Metuzals, Jessica; Scott Hamilton
Cc:	Chief Christopher Moonias; Chris Moonias; Wayne Moonias; Leroy Moonias; info@martenfallsaccessroad.ca
Subject:	Re: MFFN CAR: Field Studies and Check-in

Hi Jessica, As a suggestion you may wish to overlay the Neskantaga historic trails map we provided with your proposed helipad and drill sites to see if the sites intercept or are close to the historic trail locations.
MTO is in the process of providing us with LIDAR data to assist in locating the historic trails and we have the borehole locations which Scott Hamilton is now reviewing.
Scott who is copied on this email will be better positioned to comment on how wide of a precautionary corridor should be identified for the historic trails given the scale of the historic maps we relied upon to plot the trail locations.
Regards,
David Peerla

From:	Scott Hamilton <[redacted]>
Sent:	September 21, 2021 2:10 PM
To:	Jessica; to: David Peerla; Chief Christopher Moonias; Chris Moonias; Wayne Moonias; Leroy Moonias
Subject:	Community access road route, drilling and historic trails

HI Jessica

I took a quick look at the map you sent, but really there is not much more that I can add about the heritage potential of these drill locations until we get access to higher resolution topographic data that might have useful information when viewed at a larger scale... In this region and with this forest cover, that means LiDAR coupled with a desk-top examination of each drill locality at a fairly high level of spatial resolution (probably coarser than ca. 1:20,000 scale...

I believe we are in the process of getting access to the LiDAR imagery, and will revisit the locations once I get it....

Regards
Scott Hamilton

Burnham, Stephanie [redacted]

MFFN CAR - New Project Contact

David Peerla [redacted] Thu, Oct 14, 2021 at 11:14 AM
To: "Burnham, Stephanie" <[redacted]>
Cc: "Metuzals, Jessica" [redacted] Chief Christopher Moonias [redacted], Wayne Moonias [redacted], Chris Moonias [redacted], Leroy Moonias [redacted], Scott Hamilton [redacted] info@martenfallsaccessroad.ca

Good morning Stephanie, we are hearing there will be an announcement on the federal EA of the Northern Road Link. What can you share on the announcement?
Regards,
David Peerla

[Quoted text hidden]

> [Quoted text hidden]
> 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.
>
> 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.

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: Community access road route, drilling and historic trails

David Peerla[redacted] Wed, Oct 27, 2021 at 2:35 PM
To: "Burnham, Stephanie" [redacted]
Cc: Wayne Moonias [redacted] Chris Moonias [redacted], Leroy Moonias [redacted], Scott Hamilton [redacted] Qasim Saddique [redacted], "[redacted], Bob Baxter [redacted], Andrea Nokleby [redacted], Jennifer Bruin <[redacted], Lawrence Baxter [redacted]

Hi Stephanie and MFFN team,
Scott is our technical lead on the LIdar work and I pass the baton to Scott to set some possible times for our call to discuss his results etc..
Regards
David

[Quoted text hidden]
[Quoted text hidden]

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.

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.

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: Community access road route, drilling and historic trails

Scott Hamilton [redacted] Wed, Oct 27, 2021 at 2:40 PM
To: David Peerla <[redacted]>
Cc: "Burnham, Stephanie" [redacted] Wayne Moonias [redacted], Chris Moonias [redacted] Leroy Moonias [redacted], Qasim Saddique [redacted], " [redacted] Bob Baxter [redacted] Andrea Nokleby [redacted], Jennifer Bruin [redacted], Lawrence Baxter [redacted]

I am working on these files... the size of the data files are enormous and straining the limits of my computer power... making progress but it is slow. Coupled with this, I am getting caught with too many conflicting priorities ... Will keep you posted.

Scott
[Quoted text hidden]

B16.3 ToR Comments Received / Responses

From:	David Peerla [redacted]
Sent:	November 6, 2020 1:48 PM
To:	Metuzals, Jessica; McLeod, Sasha (MECP); Decoste, Laura (IAAC/AEIC)
Cc:	Chris Moonias; Wayne Moonias; Leroy Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Dear Jessica,

> Re: "If your community is not able to review the ToR at this time, the EA study approach can be reviewed at the beginning of the EA process, which is expected to commence in early 2021."

The ToR is a critical strategic document that guides the entirety of the provincial EA. The approval of the ToR for the Project by the Minister is a critical decision regarding the Project's EA and the Project's impacts on Neskantaga's constitutionally- protected rights. This decision cannot be taken before the duty of consultation on, and accommodation of, Neskantaga's interests has been discharged, appropriate to the decision point; meaningful consultation has not yet occurred and will not be achieved during the pandemic and evacuation.

Contrary to the suggestion in your letter quoted above, consultation cannot be 'made up' at later stages.

Regards,
David Peerla

NESKANTAGA FIRST NATION

December 21, 2020

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Submission of Neskantaga First Nation: Comments on the proposed Terms of Reference for the MFCAR

We wish to begin by noting that Neskantaga First Nation has repeatedly asked for an extension of time to file these comments. In the context of our water emergency and evacuation, not to mention the global pandemic, it has not been possible for us to discuss the TOR in detail with our elders and knowledge holders. Therefore, this submission is incomplete and cannot cover the full extent of our views. We question whether the Crown's duty to consult and accommodate can be met in the circumstances. Meaningful consultation cannot be met with a one-way transfer of information; it must be reciprocal, the Crown must be open to changing course as a result of the exchange.

We submit that the approval of the Terms of Reference (TOR) for the "Marten Falls Community Access Road Project" ("MFCARP") is unlawful for several reasons.

First, the TOR adopts too narrow a scope which amounts to "project-splitting". The road sections are proceeding through environmental assessment (EA) according to an improper incremental approach. At a minimum, all sections of the proposed North-South road to the Ring of Fire should be assessed as one project. Ideally, the project would be subject to environmental assessment as originally scoped, which included the proposed mine, its transportation corridor and any associated infrastructure. Second, once appropriately scoped, the project would have multiple proponents. The TOR has not adequately explained the relationships between the various proponents. Finally, in encouraging or allowing these parts of the same North-South project to be brought forward as separate projects, the Crown has not established a transparent and fair process.

The Improper Incremental Approach: The North-South Road is One Project

P.O. BOX 105 LANSDOWNE HOUSE, ONTARIO P0T 1Z0
T: (807) 479 2793 F: (807) 479 2548

The Ontario plan to develop the Ring of Fire is based on a North-South all-season road corridor to provide access to the Ring of Fire mining development area. The proposed road corridor to the Ring of Fire is comprised of at least these three crucial components:

1. Phase 1 of the North -South Road to the Ring of Fire (the so-called MFCAR). The development of Phase 1 of the North- South road would also build a spur from the integrated transportation corridor to provide year-round road access to Marten Falls. Marten Falls First Nation is the proponent for the EA for this project and has been working with the Province and the Federal government on a coordinated Federal-Provincial EA. MFFN will design and permit Phase 1, while options for road ownership, maintenance activities and liability are said to be still under consideration in discussions with Ontario and Canada.

2. Phase 2 of the North- South Road (the so-called Northern Road Link (NRL)). The Province is working with Marten Falls and Webequie First Nations to advance the Northern Road Link project. On March 2, 2020, Marten Falls First Nation, Webequie First Nation and Ontario announced an agreement to advance the planning and development of this portion of the North-South road. Marten Falls First Nation has undertaken pre-feasibility studies on the Northern Road Link. On October 28, 2020 the Minister of the Environment, Conservation and Parks (the Minister) entered into an agreement, commonly referred to as a "voluntary agreement", with Marten Falls and Webequie First Nations to make the Phase 2 of the N/S Road subject to the requirements of the Ontario Environmental Assessment Act.

3. Anaconda/Painter Lake Forestry Road Upgrades: The Province is working with Aroland First Nation to upgrade the Anaconda/ Painter Lake Forestry Roads through the Provincial Forest Management Planning process. This section of road is necessary to connect the mine site all the way to the provincial highway system.

The TOR is inappropriately scoped and amounts to "Project-Splitting"

Neskantaga is concerned that Ontario, as both the funder and regulator of the projects, is encouraging or allowing 'project-splitting' — intentionally breaking a project up into its component parts in order to avoid an EA at the appropriate scale. Project-splitting compromises the discussion about alternative routes, road impacts and the potential cumulative impacts of the development on the region as a whole. It also compromises the effective consideration of impacts on Aboriginal and Treaty rights.

Instead, the entire North-South road should be assessed as one project. The roads are connected interdependent parts of a larger undertaking, namely the construction of a North-South road to the Ring of Fire. The North-South road depends on the development of the Ring of Fire to make the project economically viable. There is no indication Ontario would be funding the EA of the MFCAR if it was not also upgrading the Painter Forestry Road and initiating the Northern Road link EA, all to support and facilitate the development of mining in the Ring of Fire. The construction of each segment of the North-South road and the eventual mine[s] would clearly result in significant cumulative impacts on the environment if all are approved.

The road segments have similarities that provide a basis for evaluating their environmental consequences together, including common timing, common geography and all being proposed for the common goal of supporting the development of the Ring of Fire. Similarly, no section of the road project can be effectively assessed in isolation, without considering the cumulative effects of the full North-South road.

The Act makes allowance for multiple proponents for a project. The definition of proponent includes "A person, agency, group or organization that carries out or proposes to carry out an undertaking or is the owner or person having charge, management or control of an undertaking." Further, Ontario's guidance indicates (in 5.2.1) that:

> The terms of reference is to include a brief, clear statement identifying the proponent*. If there is more than one proponent*, the relationship between them and how they plan to work together, including their responsibilities, throughout the environmental assessment process must be explained. It will be the responsibility of the proponent(s) to prepare the environmental assessment in accordance with the terms of reference if it is approved.

Ontario is a Shadow Proponent

Ontario is funding the Marten Falls and Webequie First Nations to undertake EAs for these projects as the Nations do not have the financial resources to fund this work. Typically for an individual EA, the procedural aspects of Crown consultation are delegated to the proponent. The Crown also relies on the statutory consultation required under the Act to assist in meeting its duty to consult. Proponents are expected to bear reasonable costs of consultation and often provide participant funding to Aboriginal communities when required. In this circumstance, Marten Falls and Webequie First Nations as proponents do not have resources to provide participant funding. To help support the development of the roads, Ontario created a time-limited (up to three years), project-specific Participant Funding Initiative for the EAs. We understand that Ontario is currently seeking a 50-50 cost share with the federal government for

the planning and construction costs of new all-season roads to the Ring of Fire area. In other words, Ontario is clearly also one of the proponents of the North-South road.

As such, Neskantaga requests that the multiple proponents of the MFCAR and the NRL (MFFN, WFN and Ontario) coordinate on one EA that includes and integrates the various sections of the North-South road route. Further, a proper TOR includes an adequate explanation of how the various proponents are going to work together.

The Adverse Impacts on Neskantaga of the Improper Incremental Approach

The full scale and impact of Ontario's project has not been presented to either Neskantaga, Canada or the public. Ontario's failure to disclose the full scale of its project plans has resulted in an improper scoping of the assessment, and thus an unlawful TOR.

Neskantaga has broad strategic level concerns about the proposed North-South road and the development of the Ring of Fire. The road is intended to promote and facilitate future roads, mines and mining exploration, airstrips, winter road widening, a trans-load facility at the rail line, transmission lines and possibly a railway line and refinery in the region. These are major changes with widespread potential impacts on our way of life and our Aboriginal and Treaty rights.

Neskantaga is concerned that an incremental 'piece-by-piece' approach to the assessment will minimize the consideration of project impacts on our Aboriginal and Treaty rights, foreclose development options and alternatives, and unreasonably minimize the impacts of 'opening up of the North' until it is too late and decisions are irreversible.

Neskantaga, and other Matawa First Nations, had previously agreed that no roads would be initiated until an agreement with Ontario had been reached on joint decision making in the region.

The Minister's decision on the MFCAR TOR represents a strategic higher-level decision for the North-South road, after which the road and mine[s]will inevitably gain momentum. In fact, that is the publicly stated goal of the road project. In the March 2020 announcement of the NRL, the Premier's office stated that they were "moving forward with road access to the Ring of Fire."

Foreclosing Routing Options

In 2015, the Ministry of the Environment and Climate Change (MOECC) in Ontario approved Noront's TOR for the EA related to their Eagle's Nest project with a set of amendments. The

Noront TOR sets out the legal requirements for Noront to complete a provincial EA of the mine, road, and other facilities. A number of the conditions imposed by MOECC on the Noront EA reflect key issues and concerns raised by Neskantaga and other Matawa First Nations. In particular, the TOR provides specific requirements of interest to Neskantaga regarding the access route to the mine, consultation throughout the EA process, and the establishment of an advisory panel to review the EA. The amendments to the TOR required that Noront include in its future EA a complete description of the project that includes a discussion of all access routes being considered for use for construction of the project, including the roads, mine access and other project components.

Beginning in 2016, and continuing to the present, Noront has publicly stated that they will not be proceeding with meeting the obligations of the amended TOR thereby avoiding the requirements set out in the amended approvals. Instead they will be proposing simply an EA of the Eagles Nest mine. By separating the mine from the road and further dividing the road into separate segments, Neskantaga is prevented from making its views known in the earliest planning stages of the North-South road project, on the assessment of route options and on development of the mine and associated infrastructure. In fact, only one road routing option, a route largely following the original Cliffs North-South road route is now being seriously considered. Going forward it will be impossible to make substantial changes to the project route to accommodate Neskantaga's concerns and interests.

Decisions are being Made in the Wrong Order

If the TOR is approved, consultation will be allowed to proceed in the wrong order, deferring critical discussions until after major decisions have been made [road phases approved] – including decisions about potential impacts of the Project, appropriate mitigation steps, and foreclosing discussions about potential avoidance measures.

The courts have said that the Crown's duty of consultation arises early in the process. To be meaningful, consultation must take place before key decisions are made that advance a project. Phase 1 of the North-South Road to the Ring of Fire is more than a simple community access road, it is the key to a massive mining development that will open up the Neskantaga homeland for the first time, threatening the Neskantaga river system, fish, wildlife and our very way of life. Ontario have gone a long way down the path towards planning the North-South road corridor and mining development in the Ring of Fire without Neskantaga input and that is a problem that must be addressed.

The Crown did not Establish a Transparent Process

In order to be meaningful, consultation must occur early, at the planning stages of the north-south road, before the project is defined, and before any scoping decisions have been made:

> The duty of consultation, if it is to be meaningful, cannot be postponed to the last and final point in a series of decisions. Once [sic] important preliminary decisions have been made and relied upon by the proponent and others, there is a clear momentum to allow a project. This case illustrates the importance of early consultations being an essential part of meaningful consultation.
>
> (Squamish Nation at para. 74; see also Kwikwetlem at para. 70; Rio Tinto at para. 44; Haida at para.76).

Effective consultation, at least for major projects affecting a First Nation, must include an opportunity to provide macro-level input on the EA process itself. We have not been afforded this. We were not part of the discussions through which the decision to split the North-South road into discrete sections for the purpose of EA was taken. This is the first formal opportunity we have to object to this approach, and we wish to have our view recorded. Because of these deficiencies, Neskantaga was not provided with complete information on the true project (the North-South road). There is no explicit mention of other expected regional developments that will be made more likely by the approval of this section of road, including the Webequie Supply Road or the specific eventual mining plans. All of these are likely cumulative impacts of Phase 1 of the North-South road. By allowing the Project-Splitting, the risks and impacts of the road section are underrepresented.

For these reasons, we submit that the approval of the Terms of Reference (TOR) for the "Marten Falls Community Access Road Project" ("MFCARP") is unlawful under both Canadian law and Neskantaga's indigenous legal orders and Consultation Protocol which require our free, prior and informed consent.

Re ards

[redacted]

Neskantaga First Nation

December 21, 2020

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks -
Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]

Email: [redacted]

Submission of Neskantaga First Nation: Preliminary Technical Comments on the Proposed Terms of Reference for the MFCAR

We wish to begin by noting that Neskantaga First Nation has repeatedly asked for an extension of time to file these comments. In the context of our water emergency and evacuation, not to mention the global pandemic, it has not been possible for us to discuss the TOR in detail with our elders and knowledge holders. Therefore, this submission is incomplete and cannot cover the full extent of our views.

We await Ontario's formal reply to our request for an extension of the review period.

Please find below Neskantaga's preliminary technical information requests, questions and comments regarding the Marten Falls First Nation Proposed Terms of Reference, Marten Falls

Community Access Road-Environmental Assessment.We have a number of outstanding information requests from previous rounds of comments. The Lidar data sharing request remains a priority.

1. Issue: Alternatives Assessment and Evaluation

Reference.

Consider the environment, cost and constructibility of the alternatives, and compare the advantages and disadvantages of each; p.72

Meeting Minutes-Marten Falls All Season Multi-Use Road Proposal-December 12, 2017

MOECC commented that their preference would be for one EA all the way to the ROF, but one portion would be constructed earlier(to the community).

What is the projected construction and operating cost of the road per km ?

Would a producing mine transporting concentrates on the entire north-south road corridor[MFCAR, Northern Road Link and Painter Lake Road Upgrades.]need to be constructed in order to repay the initial capital investment in the MFCAR segment and to support the ongoing operating and maintenance cost of the MFCAR? If not, how will the capital investment to build the road be recovered and how will the ongoing maintenance and support of the road be funded?

Is the MFCAR as a stand alone community access road viable or feasible from an economic standpoint?

In the alternative, is Ontario planning to fund and build an uneconomic road in the hopes that a later EA of the Northern Road Link, and Noront mine EA would allow the construction of an economically viable MFCAR segment?

Comment. The construction of a mine in the Ring of Fire development area is dependent on the entire north-south road transportation corridor. In other words, the MFCAR, the Northern Road Link, and the Anaconda/Painter Lake Forestry Road Upgrades are not separate projects that happen to coexist. The development of the Noront mine depends on the building of the entire north-south road and entire north-south road depends on the mine for tolls and other revenues. In our view, the stages of the north-south road project should not be treated as separate projects for EA purposes.

2. Issue: Wetland and Stream Losses-Changes in Resource Availability for Subsistence

Reference.
The general area of the Project is dominated by wetlands (e.g., bogs, fens, swamps and marshes) of the Albany River watershed and several of its subwatersheds. P.32

Will compensation be provided for unavoidable wetland and stream losses?

If so, please describe the plans to compensate for these losses.

If compensation is not being provided, please explain why it is not being provided.

3. Issue: Indigenous Use of Land and Resources for Traditional Purposes

Reference.

Linear features such as trails and waterways are used by Indigenous Peoples to access cultural sites within and beyond the area of the Project. p.41

Comment: Minimizing overlaps and impacts of the proposed road on the historic Neskantaga trail from the Attawapiskat River to Marten Falls is a Neskantaga priority.The trail is not just a trail, but includes all associated archaeological sites and historic structures.The Lidar data is essential for identifying the historic trail route.

4. Issue: Fish Values-Changes in Resource Availability for Subsistence, Changes in Competition for Resources for Subsistence

Reference.

The fish community composition and use of these waterbodies will vary because of factors such as availability of suitable habitat (spawning, overwintering, rearing, and feeding) and connectivity to other waterbodies. Over 20 species of fish, primarily of cool and cold-water thermal regimes, are known to inhabit the waters in the area.p.32

Numerous streams and rivers, large and small lakes, ponds and wetlands that provide habitat for a variety of fish and wildlife are prevalent in the area of the Project, notably the Albany River, Ogoki River, Dusey River, Gourlie Creek, Wabassi River, Buffaloskin River and their tributaries (Natural Resources Canada 2019). Fish use of these waterbodies will vary as a result of factors such as availability of suitable habitat (spawning, overwintering, rearing, and feeding) and connectivity to other waterbodies.p.54

How many streams and specific study locations will you visit and how frequently will you visit the locations during the study period to try to capture the variability of stream use by fish from a system perspective?

Will the EA disclose the potential impacts from blasting to fish and aquatic resources, including incubating eggs and resident and migrating fish, noting required buffer zones and timing windows will not mitigate all impacts to aquatic resources, including several species of resident fish?

Will the EA quantify and disclose the potential impacts to fish and aquatics from dust impacts from the road traffic?

Will pile driving for bridge piers and temporary trestles be included and analyzed as a potential impact to fish and fish eggs?

How will the EA measure the changes to indigenous harvest opportunity, experiences and quality caused by the road traffic and non-indigenous fishers?

5. Wildlife-Changes in Resource Availability for Subsistence, Changes in Competition for Resources for Subsistence

Reference.

The CAR will provide year-round access to the Far North, which is likely to increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight-lines along linear corridors, a change to seasonal migration pathways, higher risk of the introduction of invasive species, parasites and disease, and the accidental release of contaminants to waterbodies.p.69

How will the EA measure the changes to indigenous harvest opportunity, experiences and quality caused by the road traffic and non-indigenous hunters?

Will a Subsistence Foods Monitoring Plan be developed in order to monitor the potential impacts from the road to communities that rely on subsistence resources?

6. Traffic and Noise Related Impacts, Changes in Resource Availability for Subsistence

Reference:
However, once constructed, the CAR will provide a route for the transportation of people and supplies, and potentially industrial, forestry and mining traffic as well. Therefore, the CAR will be designed to accommodate a range of heavy and light vehicle types. P.66

How many round trips per day by the different road users[community, commercial, mining etc] are projected?

Comment.
Neskantaga land users and knowledge holders commented that noise from the proposed road will impact wildlife.

7. Issue: Control of Fugitive Dust-Changes in Resource Availability for Subsistence

Reference.

During the operations phase, vehicular traffic use may change local air quality due to the year-round access to MFFN. The change would be due to vehicle use and associated emissions, elevated road dust generation and from road maintenance activities. However, emissions related to travel by air of persons and goods are expected to decrease with the implementation of the CAR. p.19

It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e.g., road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential. Changes to surface water quality and quantity may cause indirect effects to other environmental disciplines such as fish and fish habitat, and wetlands. p.67

Dust resulting from construction activities and vehicle use of the CAR may damage vegetation primarily through physical effects such as cell destruction and blocked stomata (Spellerberg 1998). Dust accumulation on plants may also affect photosynthesis, respiration and transpiration, which are important processes required for plant survival (Farmer 1993). Materials used during road maintenance (e.g., road salt or dust suppressants) may have an indirect effect on vegetation and wetlands along the road edge through a potential change in soil and / or surface water quality. p.68

Will fugitive dust from the transportation of ore concentrate and vehicle traffic on the road be quantified[estimate of tons of dust per year] and considered as a main contributor to contaminant emissions? If not, why not?

How will fugitive dust impacts from runoff from bridges be addressed?

Will the proponent prepare a fugitive dust control plan identifying project design features and best management practices?

Will there be a separate evaluation of predicted change in surface water quality from both mining concentrate transport and vehicle traffic dust deposition? If not, please explain why not.

Which Ministries would be responsible for fugitive dust compliance and enforcement?

8. Issue: Spills and Spill Risk-Changes in Resource Availability for Subsistence

Reference.

During construction and operation, there is the possibility of accidental leaks or spills from construction equipment and vehicle use. In preparation for construction, a Spill Management Plan will be developed to mitigate and manage accidental releases.p.19

Changes in soil quality may also occur due to accidental release of contaminants during construction from the use of equipment and machinery (e.g., use of chemicals, explosives and fuel, equipment washing) and from vehicles during operation of the CAR (e.g., leaks and spills from road users). p.67

Will the spill management plan consider the likelihood of driver injuries or fatalities that could delay spill reporting?

Will the spill management plan consider a scenario where a truck accident at a stream crossing sees diesel entering water bodies through broken ice or incomplete freezing of the water body?

Will scenarios of diesel spills from tanker truck rollover and estimates of the probability of a concentrate spill during concentrate transport form part of the EA? If not, please explain why not.

If estimates of diesel and/or concentrate spills are made, will the probability of two trailer vs. three trailer accidents be compared?

9. Issue: Mercury-Changes in Resource Availability for Subsistence

Reference.

It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e.g., road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential. Changes to surface water quality and quantity may cause indirect effects to other environmental disciplines such as fish and fish habitat, and wetlands. p.67

Construction activities such as use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential, dewatering, water use, and the creation of impervious surfaces have the potential to result in effects to groundwater quality, quantity and flow. p.68

Preamble.
Mercury is naturally present at low levels in some rock formations in the project area.

The proposed road would require the blasting and extraction of millions of cubic yards of rock, sand, and gravel for its construction.The project will require permanent placement of

this material for road construction, bridge and culvert stream crossings, and to fill wetlands, lakes, and ponds along the road.

How does the proponent plan to test the proposed fill materials needed to build and operate the road for mercury, and other contaminants, during the EA process?

What detection limits will be used for mercury in surface water?

Will studies of moss be carried out to establish baseline levels of mercury in the project area?

David Peerla,
Neskantaga Advisor
December 21, 2020

From: David Peerla [redacted]
Sent: February 23, 2021 11:10 AM
To: Metuzals, Jessica
Cc: Chris Moonias; Leroy Moonias; Wayne Moonias; Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrence baxter; Jackmoonias; McLeod, Sasha (MECP); [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

We replied to Ontario on our intentions to make a further submission in an email to MECP. Perhaps Ontario has failed to share that email with your team.

On questions and comments.

In our September 25, 2020 comments we recommend a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this road segment being part of the larger industrial access road to the Ring of Fire that will be eventually developed.Further, our view was that an assessment of impacts on caribou be based on the entire herd ranges.

Have you modified your recently announced caribou field study to reflect our comments? If not, why not?

Does your field study approach comply with the pandemic guidelines issued by the Nishnawbe Aski Nation?

Finally, there is currently a surge in COVID cases in Thunder Bay that is having a serious impact on Neskantaga, and likely Marten Falls.

The entire attention of the leadership and the Neskantaga EA technical team is focused on responding to the pandemic.

Regards,
David Peerla

From: David Peerla <[redacted]
Sent: June-14-21 11:08 AM
To: McLeod, Sasha (MEC[redacted]Moszynski, Dorothy (MECP)
[redacted]>; Brown, Peter (MECP) [redacted]
Subject: Re: MFCAR - Proponent Responses to Further ToR Comments - Neskantaga

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Good morning Sasha,

Re. The analytical approach of Boulanger et al. (2012) and Plante et al. (2018) assess indirect changes to caribou distribution post-development. Since the Project has not been approved and developed, these analytical approaches cannot be used for quantifying indirect changes to caribou habitat by the proposed Project.

There are analytical approaches described in Boulanger and Plante to understand how much impact roads and other land use have on caribou distribution. We would expect the Proponent to be conducting this analysis at different scales including the LSA and range scale before, during, and after construction if the Project is approved.

We want to reiterate that the project/Proponent must consider all of the current footprints not just the Project (e.g., cumulative effects). This is essential given that Ontario caribou populations are in decline and remain a species-at-risk for Ontario and Canada.

The Proponent should review the growing body of evidence for a zone of influence on roads through intact habitats for caribou. We have provided two references, and Dr. Len Hunt with MNRF is another source who has looked at this issue for the Pickle Lake road in particular, which would be very analogous.

This approach helps us to understand/anticipate the potential impacts of this road on caribou, a SAR in Ontario, which the Proponent is obliged to report on. The Proponent should thoroughly review the literature and consult with experts (e.g., WCS Canada and others) on this important issue. And incorporate this into monitoring, so that other projects can learn.

Regards,
David Peerla

From: David Peerla <[redacted]
Sent: August-13-21 9:15 AM
To: McLeod, Sasha (MECP) [redacted]
Cc: Wayne Moonias <[redacted] Chris Moonias [redacted] Moszynski, Dorothy (MECP) <[redacted] Brown, Peter (MECP) [redacted]
Subject: Re: MFCAR - Proponent Responses to Follow Up ToR Comments - Neskantaga

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Hi Saha, Find below our technical replies and recommendations to the responses by the proponent.
Regards,
David Peerla

Reference.
... the federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., sensory disturbance) effects to caribou as a result of human disturbance(s) and will be applied to the Project and all other developments within the Far North range. This approach assumes all habitat within the 500 m buffer around human development is functionally removed, which is a precautionary approach since habitat in the buffer will not be physically removed by the development and will remain available to caribou

Reply. It is unclear how the proponent is considering Zone of Influence in this regard. Although we understand that removing 500 m as a buffer considers a zone of influence associated with the road, it is not a Zone of Influence assessment. The proponent should estimate the yearly ZOI from MNRF and new collaring data to estimate yearly trends in ZOI distance and magnitude for the Missisa, Ozhiski and other ranges that intersect with the proposed project and consider cumulative factors affecting trends in ZOI. The attached by Boulanger et al. 2021) provides an example of how this was applied to consider mining impacts on Bathurst caribou in the NWT in a before and after analysis.

Reference.
The federal guidance approach (EC 2011; ECCC 2020) will quantify cumulative habitat disturbances (human and wildfire) to determine whether the cumulative effects (human and natural) to caribou habitat exceed established in the federal Recovery Strategy (ECCC 2020)

Reply. Proponent should clarify what the threshold for cumulative effects are in this project including road densities given the intact nature of the region. The critical habitat science used to generate the current risk assessment used by EC does not look at habitat supply (e.g., how much habitat is available), but rather how much disturbance is too much.

Recommendations. Various studies show that the sensory disturbance buffer of 500 m is exceeded for caribou. For example, Hebblewhite et al. (2011) showed avoidance up to 2.7 km across 8 road studies of caribou while Polfus et al. (2011) and Johnson et al. (2015) showed as low as 1 km for roads. This is important given the uncertainty of the mitigation measures anticipated for the project.

We recommend a ZOI approach which is likely to be dynamic, depending on the size, location and phase of the development, the level of industrial activity associated with the project including volume of traffic, and caribou range characteristics (population status, movements, demographics, etc.). This is important also because this project will be adding new development to previously undisturbed habitat (unlike Watay options to follow existing linear disturbance to which caribou have already been impacted). In addition, it addresses the total area of disturbance rather than linear feature density or other metric.

- We recommend the proponent design baseline data collection and monitoring to determine how scale of habitat selection (including at the home range and range scale) changes as overall herd distribution relative to the project. This is essentially a habitat change assessment, particularly for calving and early and late winter habitat.
- We recommend the proponent consider the edge effects of the road given noise and permanence on various species including caribou and changes in risk of mortality to caribou due to impacts on moose and wolves and the use of early successional habitats and linear features for movement, respectively and the impacts to calving and early and late winter habitats.
- We would anticipate that proponent needs to consider impacts of the project on migratory and sedentary ecotypes and not presume one or the other based on previous collaring information.
- Proponent should consider 500 m relevance for other species such as marten/furbearers (e.g., Webb 2010, Tigner et al. 2015).

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

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

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

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

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

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

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Neskantaga First Nation – December 21, 2020			
NeskFN-2	We wish to begin by noting that Neskantaga First Nation has repeatedly asked for an extension of time to file these comments. In the context of our water emergency and evacuation, not to mention the global pandemic, it has not been possible for us to discuss the TOR in detail with our elders and knowledge holders. Therefore, this submission is incomplete and cannot cover the full extent of our views. We question whether the Crown's duty to consult and accommodate can be met in the circumstances. Meaningful consultation cannot be met with a one-way transfer of information; it must be reciprocal, the Crown must be open to changing course as a result of the exchange.	Marten Falls First Nation (MFFN) sympathizes with Neskantaga First Nation on the unprecedented events surrounding the COVID-19 pandemic as well as the water emergency and evacuation experienced by the community. The period of time allotted for interested parties (including the general public, Indigenous communities and government agencies) to review a Terms of Reference (ToR) is set by the Ministry of the Environment, Conservation and Parks (MECP). The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the review period for interested parties (including the general public, Indigenous communities and government agencies) from the minimum required 30 days to 60 days. An additional opportunity for Neskantaga First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.	Section 11.6, pg. 108
NeskFN-3	We submit that the approval of the Terms of Reference (TOR) for the "Marten Falls Community Access Road Project" ("MFCARP") is unlawful for several reasons. First, the TOR adopts too narrow a scope which amounts to "project-splitting". The road sections are proceeding through environmental assessment (EA) according to an improper incremental approach. At a minimum, all sections of the proposed North-South road to the Ring of Fire should be assessed as one project. Ideally, the project would be subject to environmental assessment as originally scoped, which included the proposed mine, its transportation corridor and any associated infrastructure. Second, once appropriately scoped, the project would have multiple proponents. The TOR has not adequately explained the relationships between the various proponents. Finally, in encouraging or allowing these parts of the same North-South project to be brought forward as separate projects, the Crown has not established a transparent and fair process.	MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an Environmental Assessment (EA) for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged. The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. "Project splitting" is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Section 2, pg. 3 Section 7.2, pg. 65 Section 7.2.10, pg. 70
NeskFN-4	**The Improper Incremental Approach: The North-South Road is One Project** The Ontario plan to develop the Ring of Fire is based on a North-South all-season road corridor to provide access to the Ring of Fire mining development area. The proposed road corridor to the Ring of Fire is comprised of at least these three crucial components: 1. Phase 1 of the North-South Road to the Ring of Fire (the so-called MFCAR). The development of Phase 1 of the North-South road would also build a spur from the integrated transportation corridor to provide year-round road access to Marten Falls. Marten Falls First Nation is the proponent for the EA for this project and has been working with the Province and the Federal government on a coordinated Federal-Provincial EA. MFFN will design and permit Phase 1, while options for road ownership, maintenance activities and liability are said to be still under consideration in discussions with Ontario and Canada. 2. Phase 2 of the North-South Road (the so-called Northern Road Link (NRL)). The Province is working with Marten Falls and Webequie First Nations to advance the Northern Road Link project. On March 2, 2020, Marten Falls First Nation, Webequie First Nation and Ontario announced an agreement to advance the planning and development of this portion of the North-South road. Marten Falls First Nation has undertaken pre-feasibility studies on the Northern Road Link. On October 28, 2020 the Minister of the Environment, Conservation and Parks (the Minister) entered into an agreement, commonly referred to as a "voluntary agreement", with Marten Falls and Webequie First Nations to make the Phase 2 of the N/S Road subject to the requirements of the Ontario Environmental Assessment Act. 3. Anaconda/Painter Lake Forestry Road Upgrades: The Province is working with Aroland First Nation to upgrade the Anaconda/ Painter Lake Forestry Roads through the Provincial Forest Management Planning process. This section of road is necessary to connect the mine site all the way to the provincial highway system.	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the Project remains focused on community access and connecting MFFN to the provincial highway network. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that upgrades to Anaconda / Painter Lake Road will also be considered for inclusion in the cumulative effects assessment in the EA.	Section 7.2, pg. 65 Section 7.2.10, pg. 70 Commitment for EA
NeskFN-5	**The TOR is inappropriately scoped and amounts to "Project-Splitting"** Neskantaga is concerned that Ontario, as both the funder and regulator of the projects, is encouraging or allowing	"Project splitting" is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Section 2, pg. 3 Section 7.2, pg. 65

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	'project-splitting' — intentionally breaking a project up into its component parts in order to avoid an EA at the appropriate scale. Project-splitting compromises the discussion about alternative routes, road impacts and the potential cumulative impacts of the development on the region as a whole. It also compromises the effective consideration of impacts on Aboriginal and Treaty rights. Instead, the entire North-South road should be assessed as one project. The roads are connected interdependent parts of a larger undertaking, namely the construction of a North-South road to the Ring of Fire. The North-South road depends on the development of the Ring of Fire to make the project economically viable. There is no indication Ontario would be funding the EA of the MFCAR if it was not also upgrading the Painter Forestry Road and initiating the Northern Road link EA, all to support and facilitate the development of mining in the Ring of Fire. The construction of each segment of the North-South road and the eventual mine[s] would clearly result in significant cumulative impacts on the environment if all are approved. The road segments have similarities that provide a basis for evaluating their environmental consequences together, including common timing, common geography and all being proposed for the common goal of supporting the development of the Ring of Fire. Similarly, no section of the road project can be effectively assessed in isolation, without considering the cumulative effects of the full North-South road. The Act makes allowance for multiple proponents for a project. The definition of proponent includes "A person, agency, group or organization that carries out or proposes to carry out an undertaking or is the owner or person having charge, management or control of an undertaking." Further, Ontario's guidance indicates (in 5.2.1) that: The terms of reference is to include a brief, clear statement identifying the proponent***. If there is more than one proponent***, the relationship between them and how they plan to work together, including their responsibilities, throughout the environmental assessment process must be explained. It will be the responsibility of the proponent(s) to prepare the environmental assessment in accordance with the terms of reference if it is approved.	Although the EA for the proposed Northern Road Link will be undertaken separately and independently from this Project, Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that upgrades to Anaconda / Painter Lake Road will also be considered for inclusion in the cumulative effects assessment in the EA. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the Tailored Impact Statement Guidelines (TISG) developed by the Impact Assessment Agency of Canada (the Agency). In accordance with the TISGs, the EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures. The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR.	Commitment for EA
NeskFN-6	**Ontario is a Shadow Proponent** Ontario is funding the Marten Falls and Webequie First Nations to undertake EAs for these projects as the Nations do not have the financial resources to fund this work. Typically for an individual EA, the procedural aspects of Crown consultation are delegated to the proponent. The Crown also relies on the statutory consultation required under the Act to assist in meeting its duty to consult. Proponents are expected to bear reasonable costs of consultation and often provide participant funding to Aboriginal communities when required. In this circumstance, Marten Falls and Webequie First Nations as proponents do not have resources to provide participant funding. To help support the development of the roads, Ontario created a time-limited (up to three years), project-specific Participant Funding Initiative for the EAs. We understand that Ontario is currently seeking a 50-50 cost share with the federal government for the planning and construction costs of new all-season roads to the Ring of Fire area. In other words, Ontario is clearly also one of the proponents of the North-South road. As such, Neskantaga requests that the multiple proponents of the MFCAR and the NRL (MFFN, WFN and Ontario) coordinate on one EA that includes and integrates the various sections of the North-South road route. Further, a proper TOR includes an adequate explanation of how the various proponents are going to work together.	The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR. Considering the MFFN CAR and the Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Section 2, pg. 3
NeskFN-7	**The Adverse Impacts on Neskantaga of the Improper Incremental Approach** The full scale and impact of Ontario's project has not been presented to either Neskantaga, Canada or the public. Ontario's failure to disclose the full scale of its project plans has resulted in an improper scoping of the assessment, and thus an unlawful TOR. Neskantaga has broad strategic level concerns about the proposed North-South road and the development of the Ring of Fire. The road is intended to promote and facilitate future roads, mines and mining exploration, airstrips, winter road widening, a trans-load facility at the rail line, transmission lines and possibly a railway line and refinery in the region. These are major changes with widespread potential impacts on our way of life and our Aboriginal and Treaty rights. Neskantaga is concerned that an incremental 'piece-by-piece' approach to the assessment will minimize the consideration of project impacts on our Aboriginal and Treaty rights, foreclose development options and alternatives, and unreasonably minimize the impacts of 'opening up of the North' until it is too late and decisions are irreversible. Neskantaga, and other Matawa First Nations, had previously agreed that no roads would be initiated until an agreement with Ontario had been reached on joint decision making in the region. The Minister's decision on the MFCAR TOR represents a strategic higher-level decision for the North-South road, after which the road and mine[s]will inevitably gain momentum. In fact, that is the publicly stated goal of the road project. In the March 2020 announcement of the NRL, the Premier's office stated that they were "moving forward with road access to the Ring of Fire."	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures. The concerns noted in this comment are outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Section 7.2, pg. 65 Commitment for EA
NeskFN-8	**Foreclosing Routing Options**	In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for	Section 6.3, pg. 22 to 24

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	In 2015, the Ministry of the Environment and Climate Change (MOECC) in Ontario approved Noront's TOR for the EA related to their Eagle's Nest project with a set of amendments. The Noront TOR sets out the legal requirements for Noront to complete a provincial EA of the mine, road, and other facilities. A number of the conditions imposed by MOECC on the Noront EA reflect key issues and concerns raised by Neskantaga and other Matawa First Nations. In particular, the TOR provides specific requirements of interest to Neskantaga regarding the access route to the mine, consultation throughout the EA process, and the establishment of an advisory panel to review the EA. The amendments to the TOR required that Noront include in its future EA a complete description of the project that includes a discussion of all access routes being considered for use for construction of the project, including the roads, mine access and other project components. Beginning in 2016, and continuing to the present, Noront has publicly stated that they will not be proceeding with meeting the obligations of the amended TOR thereby avoiding the requirements set out in the amended approvals. Instead they will be proposing simply an EA of the Eagles Nest mine. By separating the mine from the road and further dividing the road into separate segments, Neskantaga is prevented from making its views known in the earliest planning stages of the North-South road project, on the assessment of route options and on development of the mine and associated infrastructure. In fact, only one road routing option, a route largely following the original Cliffs North-South road route is now being seriously considered. Going forward it will be impossible to make substantial changes to the project route to accommodate Neskantaga's concerns and interests.	cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. It is anticipated that Eagle's Nest mine will also be considered for inclusion in the cumulative effects assessment in the EA. The Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development that accompanies the ToR submission provides a detailed account of the evolution of the alternative methods for the CAR. Development of alternatives routes evolved through previously completed studies, including the Cliffs Chromite Project. During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for the EA. Two of the alternative routes generally followed the winter road (Alternative 2 and Alternative 3), and the other two were routed north-south before turning east toward MFFN (Alternative 1 and Alternative 4). Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community (Alternative 2 and Alternative 3). Therefore, Alternative 1 and Alternative 4, which are located similarly to the proposed Cliffs north-south road along the southern portion of the routes were identified as reasonable and for consideration in the EA. The reasons for not pursuing Alternative 2 and Alternative 3 can be further discussed with Neskantaga First Nation. The ToR also provides flexibility to accommodate changes and / or unforeseen circumstances that may arise throughout the environmental planning process. This includes the alternative methods to be assessed in the EA. The EA / Impact Statement (IS) Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Neskantaga First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Neskantaga First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	Section 7.2, pg. 65 Section 12, pg. 111 Supporting Document – Alternatives Development Commitment for EA
NeskFN-9	**Decisions are being Made in the Wrong Order** If the TOR is approved, consultation will be allowed to proceed in the wrong order, deferring critical discussions until after major decisions have been made [road phases approved] – including decisions about potential impacts of the Project, appropriate mitigation steps, and foreclosing discussions about potential avoidance measures. The courts have said that the Crown's duty of consultation arises early in the process. To be meaningful, consultation must take place before key decisions are made that advance a project. Phase 1 of the North-South Road to the Ring of Fire is more than a simple community access road, it is the key to a massive mining development that will open up the Neskantaga homeland for the first time, threatening the Neskantaga river system, fish, wildlife and our very way of life. Ontario have gone a long way down the path towards planning the North-South road corridor and mining development in the Ring of Fire without Neskantaga input and that is a problem that must be addressed.	The ToR identifies preliminary effects of the Project in Section 7.2 and commits to developing impact management measures to avoid of minimize potential negative effects and enhance benefits. The Project is currently in the early planning phase; therefore, specifics such as the full extent of Project effects that will be assessed in the EA and the impact management measures that will be recommended have not yet been determined. The ToR sets out the framework MFFN will follow during preparation of the EA. This framework includes the consultation and engagement plan provided in Section 11 and Appendix B. MFFN will consult with Indigenous communities, including Neskantaga First Nation, agencies and interested persons on potential effects and impact management measures during the consultation milestones "Effects Assessment Methods", "Identification of Preferred Alternatives" and "Review of Draft EA / IS Report". Consultation at each milestone has been designed in a stepwise manner to receive feedback on targeted input prior to advancing to the next stage of the EA process. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse	Section 7.2, pg. 63 to 71 Section 11, pg. 102 to 100 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA

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

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

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		Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Neskantaga First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.	
NeskFN-20	4. Issue: Fish Values Changes in Resource Availability for Subsistence, Changes in Competition for Resources for Subsistence Reference. The fish community composition and use of these waterbodies will vary because of factors such as availability of suitable habitat (overwintering, rearing, and feeding) and connectivity to other waterbodies. Over 20 species of fish, primarily of cool and cold water thermal regimes, are known to inhabit the waters in the area.p.32 Numerous streams and rivers, large and small lakes, ponds and wetlands that provide habitat for a variety of fish and wildlife are prevalent in the area of the Project, notably the Albany River, Ogoki River, Dusey River, Gourlie Creek, Wabassi River, Buffaloskin River and their tributaries (Natural Resources Canada 2019). Fish use of these waterbodies will vary as a result of factors such as availability of suitable habitat (overwintering, rearing, and feeding) and connectivity to other waterbodies.p.54 How many streams and specific study locations will you visit and how frequently will you visit the locations during the study period to try to capture the variability of stream use by fish from a system perspective?	The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites. Cultural importance was also considered in site selection and was based on information provided by MFFN. It is acknowledged that particular waterways hold unique values and meaning to Indigenous peoples. MFFN will consult with Indigenous communities on the study approach for water crossings and to incorporate shared Indigenous Knowledge and values into the EA where appropriate. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities, including Neskantaga First Nation, in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives results in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However, photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial surveys. Since the release of the ToR, and in consultation with relevant agencies, MFFN has increased the coverage of the fish and fish habitat studies. All water crossings will be assessed from the air and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys. Sufficient field information is available through historic and / or recent field investigations to understand annual and seasonal variation of stream use.	Section 3.4.2.1, pg. 11 to 12 Commitment for EA
NeskFN-21	Will the EA disclose the potential impacts from blasting to fish and aquatic resources, including incubating eggs and resident and migrating fish, noting required buffer zones and timing windows will not mitigate all impacts to aquatic resources, including several species of resident fish?	Section 7.2.9 of the ToR indicates that potential effects to fish and fish habitat, including potential effects from blasting, will be identified and assessed in the EA. Recommendations for appropriate impact management measures will be based on the potential effects predicted in the assessment and evaluation of effects. This will include consideration of timing window restrictions to avoid or minimize potential effects to fish at specific life stages due to blasting activities, and will generally follow the Department of Fisheries and Ocean's requirements for blasting near or in fish or fish habitat.	Section 7.2.9, pg. 69
NeskFN-22	Will the EA quantify and disclose the potential impacts to fish and aquatics from dust impacts from the road traffic?	The EA will identify and assess potential effects of the Project on the atmospheric environment. Project activities that have the potential to affect local air quality during construction and operations are identified in Section 7.2.2 of the ToR, and includes suspended particulate from the operation of machinery and equipment, and vehicle movement along the CAR. The potential indirect effects of the anticipated dust emissions from these activities on other environmental disciplines, including fish and fish habitat and surface water will be identified and assessed in the EA. Therefore, the EA will consider how changes in air quality from dust resulting from road traffic could indirectly effect fish and fish habitat.	Section 7.2, pg. 63 Section 7.2.2, pg. 66 Commitment for EA
NeskFN-23	Will pile driving for bridge piers and temporary trestles be included and analyzed as a potential impact to fish and fish eggs?	The EA will identify and assess potential effects of the Project and Project Activities on the environment, including fish and fish habitat (Section 7.2.9), surface water (Section 7.2.5) and groundwater (Section 7.2.6). The EA will also assess the indirect effects of the Project, such as how changes in surface water and groundwater could indirectly effect fish and fish habitat. If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or ground water quality or vibration effects, impact management measures and monitoring measures to avoid or minimize potential effects to fish and fish habitat will be recommended in the EA.	Section 7.2, pg. 65 Section 7.2.5, pg. 67 Section 7.2.6, pg. 68 Section 7.2.9, pg. 69 to 70
NeskFN-24	5. Wildlife Changes in Resource Availability for Subsistence, Changes in Competition for Resources for Subsistence Reference. The CAR will provide year round access to the Far North, which is likely to increase access for recreational and traditional resource use. This has the potential to result in an increase in hunting pressure and predation due to increased sight lines	MFFN acknowledges that increased access for recreational and traditional uses may arise in the future if the CAR is constructed. As noted in Section 7.2.1 of the ToR, the EA will consider the potential effects of the Project on the availability and / or quality of resources. This will include potential changes associated with increased access by Indigenous and non-Indigenous land users as a result of the Project, which may, in turn indirectly affect Indigenous land and resource use activities (e.g., hunting, harvesting, and gathering) within the area of the Project. Indicators have been	Section 7.2.1, pg. 65 Appendix A, pg. 1

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	along linear corridors, a change to seasonal migration pathways, higher risk of the introduction of invasive species, parasites and disease, and the accidental release of contaminants to waterbodies.p.69 How will the EA measure the changes to indigenous harvest opportunity, experiences and quality caused by the road traffic and non-indigenous hunters?	proposed in Appendix A of the ToR to support the assessment of potential effects on: the availability of lands and resources for traditional activities; the quality of resources for traditional activities, and the experience of being on the land. Furthermore, in addition to Indigenous Knowledge and documented concerns of Indigenous communities, the findings of the effects assessments on the natural environment (including resources important for traditional activities) will serve as important data sources to be used to assess the potential effects to the availability and quality of lands and resources for traditional activities. Similarly, the findings of the atmospheric, acoustic, visual aesthetics, social, and land resource use effects assessments will serve as important data sources to be used to assess the potential effects to the experience of being on the land.	
NeskFN-25	Will a Subsistence Foods Monitoring Plan be developed in order to monitor the potential impacts from the road to communities that rely on subsistence resources?	The EA is to include data collection activities to assess the extent to which Indigenous country food harvesting activities may be affected by the Project. The Indigenous Knowledge Program Guidance Document shared with all Indigenous communities, including Neskantaga First Nation, in November 2020 includes questions about subsistence (country) food consumption to support this assessment. The need for longer-term monitoring of the potential effect will also be examined in the EA and if necessary, recommendations made for any monitoring activities related to country food harvesting.	Commitment for EA
NeskFN-26	6. Traffic and Noise Related Impacts, Changes in Resource Availability for Subsistence Reference: However, once constructed, the CAR will provide a route for the transportation of people and supplies, and potentially industrial, forestry and mining traffic as well. Therefore, the CAR will be designed to accommodate a range of heavy and light vehicle types. P.66 How many round trips per day by the different road users[community, commercial, mining etc] are projected?	The Project is currently in the early planning phase; therefore, specifics such as the number of vehicles that will use the CAR have not yet been determined. However, the number of vehicles will be determined during the EA and documented in the EA Report. The EA will also include any other anticipated vehicle use information that can be reasonably obtained.	Commitment for EA
NeskFN-27	Comment. Neskantaga land users and knowledge holders commented that noise from the proposed road will impact wildlife.	The potential for noise to alter the behaviour of wildlife is identified in Section 7.2.8 of the ToR and these potential effects (i.e. noise on wildlife) will be assessed in the EA.	Section 7.2.8, pg. 69
NeskFN-28	7. Issue: Control of Fugitive Dust Changes in Resource Availability for Subsistence Reference. During the operations phase, vehicular traffic use may change local air quality due to the year round access to MFFN. The change would be due to vehicle use and associated emissions, elevated road dust generation and from road maintenance activities. However, emissions related to travel by air of persons and goods are expected to decrease with the implementation of the CAR. p.19 It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e. road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential. Changes to surface water quality and quantity may cause indirect effects to other environmental disciplines such as fish and fish habitat, and wetlands. p.67 Dust resulting from construction activities and vehicle use of the CAR may damage vegetation primarily through physical effects such as cell destruction and blocked stomata (Spellerberg 1998). Dust accumulation on plants may also affect photosynthesis, respiration and transpiration, which are important processes required for plant survival (Farmer 1993). Materials used during road maintenance (e. road salt or dust suppressants) may have an indirect effect on vegetation and wetlands along the road edge through a potential change in soil and or sur face water quality. p.68 Will fugitive dust from the transportation of ore concentrate and vehicle traffic on the road be quantified [estimate of tons of dust per year] and considered as a main contributor to contaminant emissions? If not, why not?	Air emissions (i.e., quantities) will be modelled and documented in the EA for each phase of the Project as follows: ▪ Construction phase: equipment and earth moving activities (such as drilling, blasting and aggregate productions); ▪ Operations and maintenance phase: dust and other emissions from community use of the CAR and maintenance activities; and ▪ Cumulative effects during the operations phase of the Project: dust and other emissions from community use of the road and maintenance activities, as well as industrial use of the road (such as transportation of mined material from development in the Ring of Fire).	Section 7.2.2, pg. 66 Commitment for EA.
NeskFN-29	How will fugitive dust impacts from runoff from bridges be addressed?	It is too early in the EA process to confirm what impact management measures and monitoring measures will be recommended in the EA Report. Recommendations for appropriate impact management measures are based on the potential effects predicted in the assessment and evaluation of effects. The EA will identify and assess the potential effects of the Project due to dust emissions, which in turn will inform the appropriate impact management measures and monitoring measures that will be recommended. Road construction and maintenance will follow typical Ministry of Transportation (MTO) standards and requirements (e.g., potential substances that may be applied for dust suppression [Section 5.2.2]) and recommendations for impact management measures and monitoring measures will be based on these requirements as well as input received through the consultation and engagement program. Consultation on impact management measures is identified as part of the targeted input for the Effects Assessment Methods, Identification of Preferred Alternatives and Review of Draft EA / IS milestones in the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). MFFN will contact Neskantaga First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	Section 5.2.2, pg. 17 Section 7.2, pg. 65 Section 7.2.2, pg. 66 Section 9.2, pg. 77 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA

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NeskFN-30	Will the proponent prepare a fugitive dust control plan identifying project design features and best management practices?	As noted in Section 7.2 of the ToR, the EA will identify and assess the potential effects of the Project, including dust generated from the construction and operation of the CAR. The EA will also identify and assess indirect effects of the Project, such as how dust emissions changes may result in effects to surface water and vegetation. The EA will recommend impact management measures to avoid or minimize potential effects of the Project on the environment, including any potential effects from fugitive dust. It is too early in the EA process to confirm what impact management measures and monitoring measures, such as whether a fugitive dust control plan will be required, will be recommended in the EA Report. As part of the EA, the potential effects dust will be determined, which in turn will inform the appropriate impact management measures and monitoring measures that will be recommended. Road construction and maintenance will follow typical MTO standards and requirements(e.g., potential substances that may be applied for dust suppression) and recommendations for impact management measures and monitoring measures will be based on these requirements as well as input received through the consultation and engagement program. Consultation on monitoring measures is identified as part of the targeted input for the Identification of Preferred Alternatives and Review of Draft EA / IS milestones in the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). MFFN will contact Neskantaga First Nation during the EA to understand the concern in more detail and to share information to allow both parties to better understand potential effects and impact management measures.	Section 5.2.2, pg. 17 Section 7.2, pg. 65 Section 7.2.5, pg. 67 Section 7.2.8, pg. 68 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA
NeskFN-31	Will there be a separate evaluation of predicted change in surface water quality from both mining concentrate transport and vehicle traffic dust deposition? If not, please explain why not.	The Project is currently in the early planning phase; therefore, specifics such as the number of vehicles that will use the CAR have not yet been determined. The number of vehicles will be determined during the EA and documented in the EA Report along with other anticipated vehicle use information that can be reasonably obtained. The Air quality modelling work is capable of identifying deposition from vehicle traffic and mining traffic separately, which in turn can be used to understand potential effects to surface water from both uses. Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. Additionally, the EA will include the effects of potential accidents and malfunctions, which will look at the failure of certain works or incidents involving road users caused by technological malfunctions, human error or exceptional natural events (e.g., flooding, earthquake, forest fire). This will be inclusive of vehicle accidents and associated spills near / at watercourse crossings that could release diesel or other material into water.	Section 7.2, pg. 65 Commitment for EA
NeskFN-32	Which Ministries would be responsible for fugitive dust compliance and enforcement?	The MECP is responsible for fugitive dust compliance and enforcement.	N/A
NeskFN-33	8. Issue: Spills and Spill Risk Changes in Resource Availability for Subsistence Reference. During construction and operation, there is the possibility of accidental leaks or spills from construction equipment and vehicle use. In preparation for construction, a Spill Management Plan will be develop ed to mitigate and manage accidental releases.p.19 Changes in soil quality may also occur due to accidental release of contaminants during construction from the use of equipment and machinery (e. use of chemicals, explosives and fuel, equipment washing) and from vehicles during operation of the CAR (e.g., leaks and spills from road users). p.67 Will the spill management plan consider the likelihood of driver injuries or fatalities that could delay spill reporting?	A Spill Management Plan details spill prevention, preparedness and response requirements to support the safe response to accidental spills, leaks and releases of materials to the environment. The EA will include the effects of potential accidents and malfunctions, which will look at the failure of certain works or incidents involving road users caused by technological malfunctions, human error or exceptional natural events (e.g., flooding, earthquake, forest fire). Driver injuries or fatalities and delay to spill response will be included in the accidents and malfunctions.	Commitment for EA
NeskFN-34	Will the spill management plan consider a scenario where a truck accident at a stream crossing sees diesel entering water bodies through broken ice or incomplete freezing of the water body?	The Spill Management Plan will consider plausible releases of Project-related materials to the environment (land and water) during the construction and operations phases. It will include details on prevention, preparedness and response regardless of how materials, including diesel, is accidently released into the environment. Therefore, measures included in the Spill Management Plan will be inclusive of vehicle accidents and associated spills near / at watercourse crossings that could release diesel or other material into water during frozen, partially frozen and thawed conditions.	Commitment for EA
NeskFN-35	Will scenarios of diesel spills from tanker truck rollover and estimates of the probability of a concentrate spill during concentrate transport form part of the EA? If not, please explain why not.	The EA will include the effects of potential accidents and malfunctions, which will look at the failure of certain works or incidents involving road users caused by technological malfunctions, human error or exceptional natural events (e.g., flooding, earthquake, forest fire). Project-related accidents and malfunctions will be based on the worst-case scenario and the more-likely but lower consequence scenario in order to assess the potential for minor and major accidental spills from vehicles anticipated to use the CAR. Potential effects from mining industry use of the CAR would be considered as part of the cumulative effects assessment where there is a potential for the Project (i.e., CAR) to act cumulatively with past, present and reasonably foreseeable Projects. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.	Commitment for EA
NeskFN-36	If estimates of diesel and/or concentrate spills are made, will the probability of two trailer vs. three trailer accidents be	The EA will include the effects of potential accidents and malfunctions, which will look at the failure of certain works or	Section 5.2.1.1, pg. 15

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	compared?	incidents involving road users caused by technological malfunctions, human error or exceptional natural events (e.g., flooding, earthquake, forest fire). Therefore, estimate of the quantity of materials likely to be released or spilled will be based on the worst-case scenario and the more likely but lower consequence scenario for vehicles anticipated to use the CAR. Section 5.2.1.1 of the ToR identifies the following as the vehicles anticipated to use the CAR: personal vehicles (e.g., cars, vans, small trucks, motorcycles), and commercial vehicles including larger trucks up to the legal road limits on weight and size.	Commitment for EA
NeskFN-37	9. Issue: Mercury Changes in Resource Availability for Subsistence Reference. It is anticipated that effects to surface water will be primarily related to sediment and erosion, potential introduction of contaminants from accidental releases and from materials uses during road maintenance (e. road salt and dust suppressants), use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential. Changes to surface water quality and quantity may cause indirect effects to other environmental disciplines such as fish and fish habitat, and wetlands. p.67 Construction activities such as use of quarry, borrow and aggregate materials having acid rock drainage or metal leaching potential, dewatering, water use, and the creation of impervious surfaces have the potential to result in effects to groundwater quality, quantity and flow. p.68 Preamble. Mercury is naturally present at low levels in some rock formations in the project area. The proposed road would require the blasting and extraction of millions of cubic yards of rock, sand, and gravel for its construction. The project will require permanent placement of this material for road construction, bridge and culvert stream crossings, and to fill wetlands, lakes, and ponds along the road. How does the proponent plan to test the proposed fill materials needed to build and operate the road for mercury, and other contaminants, during the EA process?	A geochemistry study is proposed to characterize the soil and bedrock materials to produce acid-rock-drainage and / or metal leaching that could affect water quality in surface water and / or groundwater (with potential indirect effects to fish, wildlife and humans). This study will be informed by the review of detailed terrain mapping, a review of geotechnical work completed for the Project during the pre-EA period, and a field reconnaissance program focused on collecting data in areas with potential for metal leaching and acid rock drainage that may be disrupted by construction. If construction of the CAR (e.g., ground disturbance or placement of materials) has potential to result in surface water and / or groundwater quality issues, impact management measures and monitoring measures will be identified. At this time, there are no anticipated Project components which would create exposure pathways for mercury Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study mentioned above), additional baseline and / or follow-up programs may be developed.	Commitment for EA
NeskFN-38	What detection limits will be used for mercury in surface water?	At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation or bioaccumulation. Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed.	N/A
NeskFN-39	Will studies of moss be carried out to establish baseline levels of mercury in the project area?	At this time, there are no anticipated Project components which would create exposure pathways for methyl-mercury formation or bioaccumulation. Should these be identified as part of the ongoing Project design (and / or results of the geochemistry study planned for the Project), additional baseline and / or follow-up programs may be developed.	N/A
Neskantaga First Nation – February 23, 2021 (email)			
NeskFN-40	In our September 25, 2020 comments we recommend a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this road segment being part of the larger industrial access road to the Ring of Fire that will be eventually developed. Further, our view was that an assessment of impacts on caribou be based on the entire herd ranges.	The ToR identified a preliminary study area for the Project and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development; consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). The proposed Caribou Regional Study Area (RSA) encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges. Therefore, effects on caribou populations will be predicted and assessed in the EA at the range level. The effects on caribou will also be considered in the context of the federal Far North range (ON9), which is an area that encompasses the Missisa and Ozhiski ranges as well as the area north of these ranges to the Manitoba border. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG developed by the Agency. In accordance with the TISGs, the EA will include the consideration of cumulative effects to caribou within each Project study area for caribou. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. Federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., zone-of-influence [ZOI]) effects to caribou habitat. With this approach all habitat within the 500 m buffer is assumed to be removed, which is considered to be precautionary since habitat will not actually be physically removed by the development but will remain available to caribou. Based on provincial guidance, the proposed geographic extent of the Ungulate Local Study Area (LSA) is a 10 km buffer on both sides of the centerlines of the alternative routes. This area is anticipated to capture local effects of the Project on ungulates that may extend beyond the footprint of Project infrastructure (e.g., dust and noise). The size of the LSA is based on the characteristics of boreal caribou subpopulations and home ranges and the potential extent of effects from	Section 7.2, pg. 65 Appendix B, Section 4.1.7, pg. 22

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		linear disturbance. The size of the buffer aligns with provincial Best Management Practices (BMPs) for industry that recommends minimizing sensory disturbance within 10 km of known or potential High Use Areas during sensitive periods (e.g., MNR 2013a, b, c; MNR 2014). Although the term "ZOI" is not used in the provincial BMPs, the recommendation to avoid disturbances within 10 km of sensitive areas implies a similar intent; in other words, it specifies a distance from a disturbance within which caribou may shift their distribution or change their behaviour in response to influences of a disturbance / development. The decision was made to use the most conservative approach and follow the guidance of the provincial government to use a 10 km buffer for the Ungulate LSA. However, the 500 m buffer recommended by Environment and Climate Change Canada (ECCC) will be added to the disturbance to estimate cumulative effects at the range scale. The analytical approach of Boulanger et al. (2012) and Plante et al. (2018) assess indirect changes to caribou distribution post-development. Since the Project has not been approved and developed, these analytical approaches cannot be used for quantifying indirect changes to caribou habitat by the proposed Project.	
NeskFN-41	Have you modified your recently announced caribou field study to reflect our comments? If not, why not?	The caribou field study has been designed to characterize baseline conditions in the proposed Ungulate LSA, which is a 10 km buffer on both sides of the centerlines of the alternative routes, by monitoring caribou habitat selection and movement, and estimate survival and recruitment for three years (2021 to 2024). GPS radio collars were deployed on caribou in February 2021. Animals were targeted for captures in the 10 km Ungulate LSA, but the search area and actual deployment of collars also occurred on animals in a larger "area of potential interest", which was a 35 km buffer around the proposed alternative routes. Additional field programs for ungulates are targeted to the Ungulate LSA but will also include the broader "area of potential interest" and the proposed Caribou RSA, (encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges), depending on collared caribou movement and habitat selection. All data acquired from the caribou field programs, regardless of where they occur geographically in relation to the proposed Project, will be included in the analysis for the Project. Neskantaga First Nation has previously commented that the EA shoud assess potential effects of the Project on caribou at the range level. Since both the proposed Caribou RSA encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges and the caribou field study includes the broader "area of potential interest" and Caribour RSA, effects on caribou populations will be predicted and assessed in the EA at the range level.	Commitment for EA
NeskFN-42	Does your field study approach comply with the pandemic guidelines issued by the Nishnawbe Aski Nation?	Health and safety protocols, including measures to minimize exposure to and the spread of COVID-19, have been developed for field programs that are being conducted in support of the Project. These measures are based on provincial guidance developed by the Ministry of Health and include procedures such as: ▪ Wearing COVID-19 specific Personal Protective Equipment, including gloves and masks; ▪ Regularly disinfecting field equipment; ▪ Social distancing as much as feasibly possible; ▪ Completing self-assments of COVID-19 symptoms on a daily basis prior to the commencement of field work; and ▪ COVID-19 testing for any helicopter pilots / field crew personnel entering Indigenous communities. In addition to the measures being undertaken by field crews, MFFN will work with individual communities to confirm their own COVID-19 guidelines wherever Project team members are anticipated to identify a need for access within a community, including for in-person consultation and engagement acitvities.	N/A
NeskFN-43	Finally, there is currently a surge in COVID cases in Thunder Bay that is having a serious impact on Neskantaga, and likely Marten Falls. The entire attention of the leadership and the Neskantaga EA technical team is focused on responding to the pandemic."	MFFN sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. Thank you for informing us of your community's current situation.	N/A

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Neskantaga First Nation – February 23, 2021 (email)			
NeskFN-40	In our September 25, 2020 comments we recommend a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this road segment being part of the larger industrial access road to the Ring of Fire that will be eventually developed. Further, our view was that an assessment of impacts on caribou be based on the entire herd ranges.	The ToR identified a preliminary study area for the Project and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development; consultation on discipline-specific study areas will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). The proposed Caribou Regional Study Area (RSA) encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges. Therefore, effects on caribou populations will be predicted and assessed in the EA at the range level. The effects on caribou will also be considered in the context of the federal Far North range (ON9), which is an area that encompasses the Missisa and Ozhiski ranges as well as the area north of these ranges to the Manitoba border. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG developed by the Agency. In accordance with the TISGs, the EA will include the consideration of cumulative effects to caribou within each Project study area for caribou. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. Federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., zone-of-influence [ZOI]) effects to caribou habitat. With this approach all habitat within the 500 m buffer is assumed to be removed, which is considered to be precautionary since habitat will not actually be physically removed by the development but will remain available to caribou. Based on provincial guidance, the proposed geographic extent of the Ungulate Local Study Area (LSA) is a 10 km buffer on both sides of the centerlines of the alternative routes. This area is anticipated to capture local effects of the Project on ungulates that may extend beyond the footprint of Project infrastructure (e.g., dust and noise). The size of the LSA is based on the characteristics of boreal caribou subpopulations and home ranges and the potential extent of effects from linear disturbance. The size of the buffer aligns with provincial Best Management Practices (BMPs) for industry that recommends minimizing sensory disturbance within 10 km of known or potential High Use Areas during sensitive periods (e.g., MNR 2013a, b, c; MNR 2014). Although the term "ZOI" is not used in the provincial BMPs, the recommendation to avoid disturbances within 10 km of sensitive areas implies a similar intent; in other words, it specifies a distance from a disturbance within which caribou may shift their distribution or change their behaviour in response to influences of a disturbance / development. The decision was made to use the most conservative approach and follow the guidance of the provincial government to use a 10 km buffer for the Ungulate LSA. However, the 500 m buffer recommended by Environment and Climate Change Canada (ECCC) will be added to the disturbance to estimate cumulative effects at the range scale. The analytical approach of Boulanger et al. (2012) and Plante et al. (2018) assess indirect changes to caribou distribution post-development. Since the Project has not been approved and developed, these analytical approaches cannot be used for quantifying indirect changes to caribou habitat by the proposed Project.	Section 7.2, pg. 65 Appendix B, Section 4.1.7, pg. 22
NeskFN-41	Have you modified your recently announced caribou field study to reflect our comments? If not, why not?	The caribou field study has been designed to characterize baseline conditions in the proposed Ungulate LSA, which is a 10 km buffer on both sides of the centerlines of the alternative routes, by monitoring caribou habitat selection and movement, and estimate survival and recruitment for three years (2021 to 2024). GPS radio collars were deployed on caribou in February 2021. Animals were targeted for captures in the 10 km Ungulate LSA, but the search area and actual deployment of collars also occurred on animals in a larger "area of potential interest", which was a 35 km buffer around the proposed alternative routes. Additional field programs for ungulates are targeted to the Ungulate LSA but will also include the broader "area of potential interest" and the proposed Caribou RSA, (encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges), depending on collared caribou movement and habitat selection. All data acquired from the caribou field programs, regardless of where they occur geographically in relation to the proposed Project, will be included in the analysis for the Project. Neskantaga First Nation has previously commented that the EA should assess potential effects of the Project on caribou at the range level. Since both the proposed Caribou RSA encompasses the geographic extent of the Missisa, Ozhiski, Nipigon, and Pagwachuan caribou ranges and the caribou field study includes the broader "area of potential interest" and Caribou RSA, effects on caribou populations will be predicted and assessed in the EA at the range level.	Commitment for EA

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NeskFN-42	Does your field study approach comply with the pandemic guidelines issued by the Nishnawbe Aski Nation?	Health and safety protocols, including measures to minimize exposure to and the spread of COVID-19, have been developed for field programs that are being conducted in support of the Project. These measures are based on provincial guidance developed by the Ministry of Health and include procedures such as: ▪ Wearing COVID-19 specific Personal Protective Equipment, including gloves and masks; ▪ Regularly disinfecting field equipment; ▪ Social distancing as much as feasibly possible; ▪ Completing self-assessments of COVID-19 symptoms on a daily basis prior to the commencement of field work; and ▪ COVID-19 testing for any helicopter pilots / field crew personnel entering Indigenous communities. In addition to the measures being undertaken by field crews, MFFN will work with individual communities to confirm their own COVID-19 guidelines wherever Project team members are anticipated to identify a need for access within a community, including for in-person consultation and engagement activities.	N/A
NeskFN-43	Finally, there is currently a surge in COVID cases in Thunder Bay that is having a serious impact on Neskantaga, and likely Marten Falls. The entire attention of the leadership and the Neskantaga EA technical team is focused on responding to the pandemic."	MFFN sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. Thank you for informing us of your community's current situation.	N/A
Neskantaga First Nation – April 6, 2021 (Letter dated March 31, 2021)			
NeskFN-44	In the context of the ongoing global pandemic, the vaccine rollout to the community, the recently declared off-reserve COVID19 emergency and our unresolved water emergency, it has not been possible for us to discuss the TOR in detail with our elders, knowledge holders and community members[see accompanying crisis timeline]. Therefore, this submission is incomplete and cannot cover the full extent of our views.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. MFFN sympathizes with Neskantaga First Nation on the unprecedented events surrounding the COVID-19 pandemic as well as the water emergency and evacuation experienced by the community.	N/A
NeskFN-45	We question whether the Crown's duty to consult and accommodate for a proposal that will impact Neskantaga and other Nations-for generations-can be met in the circumstances. Meaningful consultation cannot be met with a one-way transfer of information; it must be reciprocal, the Crown must be open to changing course as a result of the exchange. Our position remains that the Terms of Reference consultation should be paused until the conditions for meaningful consultation exist. Despite the limitations imposed on us, find below our further questions and comments.	In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario *Environmental Assessment Act*. As part of this process the Crown has a Duty to Consult potentially impacted Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. Throughout this process, MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with us on our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Neskantaga First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA. This comment has also been referred to Ontario so they can respond to you directly on this matter as well.	Appendix B, Section 2.1, pg. 8, and 22 to 24
NeskFN-46	Issue: Indigenous Use of Land and Resources for Traditional Purposes + Identifying Potential Alternate Routes Reference. 7.2.11Archaeology and Cultural Heritage p.71 a) Robert Bell in a 1912 report published by the Ontario Bureau of Mines describes two routes between the Attawapiskat River and Marten Falls. The upstream route terminates at Beteau Lake on the Attawapiskat and is described as taking a se course for ca. 60 miles. He cites an Indigenous informant to indicate that the Beteau Lake route maintains a constant bearing, traverses level ground covered in sphagnum, and crosses five streams flowing towards the Attawapiskat River and only one towards the Albany River (Bell 1912:71). The second route terminates at Pym's Island on the Attawapiskat, was a trek of about 50 miles, and crossed a similar sphagnum covered landscape. The tone of Bell's commentary suggested that at least the Beteau Lake route could be traveled in the warm season, suggesting that it was not impeded by the extensive muskeg wetlands of the region. No seasonal travel information is available for the Pym's Island route.	Thank you for sharing information about the trail from the historic Marten Falls trading post to Beteau Lake and Pym's Island. The trail information has been shared with our Archaeological and Cultural Heritage team and will help to inform the baseline knowledge of the area for the cultural heritage reporting (2021-2022) and the Stage II archaeological field program that is planned for 2022-2023. The proposed Archeological and Cultural Heritage Local and Regional Study Areas are currently being defined and we will share them with Neskantaga First Nation once drafted. Please note that the Stage II archaeological field program will be focussed within the Local Study Area. Based on a preliminary review of the information provided, the trail extends beyond the geographic extent of the archaeological field program. However, it will inform the cultural heritage and archaeological baseline of the larger Regional Study Area. All archaeological work will be conducted to meet the Ministry of Heritage, Sport, Tourism, and Culture Standards and	Commitment for EA

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	The location reported by McInnes in 1903 is readily identifiable along the Albany River, and is reported to be located on the well-drained south bank of the river, with extensive wetland bogs further inland. Examination of contemporary maps identifies a set of rapids on the Albany at this location that is still known as Marten Falls. Figure 2 is a detail of the GIS project that illustrates the northern half of the proposed Marten Falls road route alternatives, with a 5 km wide buffer (yellow) and the area of interested identified by Marten Falls FN residents (green). The map includes the middle reaches of the Attawapiskat and Albany River systems, and identifies important locations specified by Bell in his report. The Beteau Lake route is presented as a straight red line se to the Marten Falls HBC post. The estimated 60 mile distance overshoots the destination, likely reflecting the additional distance required to avoid muskegs and other impediments. The Pym's Island route is similarly portrayed as a 50 mile long red line extending ssw. It also overshoots the Marten Falls destination. What is important is how these bearing estimates intercept the yellow buffer zones to a significant degree. The relief and wetland data themes are not visible in Figure 2 in order to maintain map clarity. Much of this landscape is low water-saturated organic terrain, that is quite difficult to traverse in the warm season. I suspect that the Beteau Lake route may have taken advantage of sand and gravel eskers that are found in the region. Indeed, the proposed travel route may well also follow these raise and well-drained sinuous ridges. This leave a strong probability that the travel route, ecologically important micro-habitats, and associated encampments, toolstone harvest and game ambush localities may coincide with the most viable routes for permanent road construction (or at least aggregate quarrying). In light of this risk, the next step is to closely examine the hydrological data themes to seek out a route southeast from Beteau Lake that is limited to six major stream crossings: 5 of which drain north to the Attawapiskat River and one which drains south to the Albany River.Within the current limits of the topographic maps and NTS DigitalElevation models, potential routes should also be sought in the cartography that might take advantage of higher and better drained sediments. McInnes Map and Figure 2 attached. Neskantaga is seeking a commitment from the proponent that archaeological assessments of Neskantaga named places, trails, portages, travel routes, sacred and burial places and habitation shall be conducted pursuant to an Archaeology Assessment Terms of Reference to be developed jointly to the mutual satisfaction of Neskantaga and the proponent.	Guidelines. As part of the archaeological program, MFFN would like to invite a community representative from Neskantaga First Nation to accompany the archaeology team in key areas of the field program. MFFN is also engaging Neskantaga First Nation in the Indigenous Knowledge Program for the Project. The Project-specific Indigenous Knowledge Study provides an opportunity for Neskantaga First Nation to further share Indigenous Knowledge and land and resource use (e.g., trails) within the Aboriginal and Treaty Rights and Interests Study Areas. This information will also help to inform the assessments.	
NeskFN-47	Issue: Climate Change Reference 7.2.2Atmospheric Environment The GHG emissions from the Project will be estimated, based on industry standards and other publicly available information and compared to the provincial, national and industry profile GHG emissions.p.66 a) The road will lead to increased greenhouse gas emissions during an ongoing climate emergency. Climate change has and will continue to adversely impact the ongoing viability of Neskantaga's Treaty protected harvesting rights. Climate change has already had a particularly serious impact on Neskantaga because of the close relationship between the Nation and the land and waters on which they rely. There has been a growing call for all projects to disclose a plan for how their business model will be compatible with a net-zero economy. A net zero economy will limit global warming to no more than 2 degrees Celsius above preindustrial averages and eliminate net greenhouse gas emissions by 2050.Will the MFCAR business model be compatible with a net-zero economy? Neskantaga would like the estimate of GHG emissions to be categorized by construction, industrial road users and community road users.	MFFN shares Neskantaga's concerns regarding the impacts of climate change generally and specifically on traditional land use and protected harvesting rights. A greenhouse gas (GHG) assessment for the CAR must be undertaken before MFFN can provide further information on the potential GHG effect of the Project. In addition, the air quality assessment will consider whether a potential reduction in air travel as a result of the CAR for the movement of community member, supplies and goods will have a positive effect of GHG overall. However, information on what impact management measures will be applied is unknown at this time as the CAR is early in the planning process. The GHG assessment proposes to categorize emissions based on estimates of construction and operation emissions, and operation emissions from community users of the road as well as industrial / commercial users of the road delivering supplies to the MFFN community.	
NeskFN-48	Issue: Improper Scoping Reference. Marten Falls First Nation Supporting Document–Alternatives Development Community Access Road The community of MFFN was not initially receptive to changing the intended use of the Project to a multi-purpose road; however, overtime the community accepted the change in direction as a necessity to access provincial funding and recognized the potential economic benefits a multi-purpose road could provide. p.9 MFFN's position is that no chromite should travel east to west, but instead should travel north to south to support MFFN's economic interest in Ring of Fire development.p.10 a) Neskantaga has consistently raised strategic level concerns about the proposed MFCAR because it is intended to promote and facilitate future road and mining projects and open up the entire region to transformational industrial development that will have permanent impacts on the way of life of Neskantaga, and other First Nations, for generations. The full, integrated Ring of Fire development project, with all of its cumulative and interactive impacts, has never been publicly presented for Neskantaga consultation and participation. In fact appropriate consultations have not really begun because no Crown actors have acknowledged the full nature and purpose of the project. We are concerned that privately, in government to government cost sharing negotiations between Ontario and Canada,	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether other developments, including the Northern Road Link, Webequie Supply Road or mines are constructed. Although the EA is for a multi-use road, the purpose is to provide all-season community access. The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. However, the MFFN CAR EA will consider other development from a cumulative effects perspective. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter. The comment about government to government cost sharing negotiations between Ontario and Canada and an Ontario business case is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Commitment for EA

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	there is a different development project in the Ring of Fire being discussed. The Ontario business case for federal cost sharing contains critical information of direct relevance for a fair assessment of the actual and potential impacts of the MFCAR project and that information has not been disclosed to Neskantaga, other First Nations and the public. In short, Ontario has failed to disclose the full scale of its development plans, thereby leading to an improper scoping of the proposed Marten Falls road project that is currently under review.		

References

Neskantaga First Nation Response References

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Human disturbance effects and cumulative habitat loss in endangered caribou. Biological Conservation 224: 129-143.

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Neskantaga First Nation – June 16, 2021 (email dated June 14, 2021)			
NeskFN-49	Original ID#: NeskFN-40 Original Comment: See NeskFN-40 Original Response: See NeskFN-40 Follow-up Comment: RE: "The analytical approach of Boulanger et al. (2012) and Plante et al. (2018) assess indirect changes to caribou distribution post-development. Since the Project has not been approved and developed, these analytical approaches cannot be used for quantifying indirect changes to caribou habitat by the proposed Project." There are analytical approaches described in Boulanger and Plante to understand how much impact roads and other land use have on caribou distribution. We would expect the Proponent to be conducting this analysis at different scales including the LSA and range scale before, during, and after construction if the Project is approved. We want to reiterate that the project/Proponent must consider all of the current footprints not just the Project (e.g., cumulative effects). This is essential given that Ontario caribou populations are in decline and remain a species-at-risk for Ontario and Canada. The Proponent should review the growing body of evidence for a zone of influence on roads through intact habitats for caribou. We have provided two references, and Dr. Len Hunt with MNRF is another source who has looked at this issue for the Pickle Lake road in particular, which would be very analogous. This approach helps us to understand/anticipate the potential impacts of this road on caribou, a SAR in Ontario, which the Proponent is obliged to report on. The Proponent should thoroughly review the literature and consult with experts (e.g., WCS Canada and others) on this important issue. And incorporate this into monitoring, so that other projects can learn.	How the effects of the proposed Project on boreal caribou will be evaluated at the local and regional scales, and before, during and after construction, if the Project is approved, will be described in the EA Report / IS and the methodology will be made available for review should the Proposed ToR be approved and the EA commence. Effects to caribou will be evaluated quantitively in a local study area (a 10 km buffer around the proposed alignments) and a regional study area (the geographic extent of Missisa, Ozhiski, Nipigon and Pagwachuan ranges). The local study area allows for the characterization of existing conditions and prediction of potential environmental effects for the Project. The larger regional study area recognizes that boreal caribou disperse between ranges and although the Project primarily intersects the Missisa range, there may be implications to the broader provincial population. Effects to caribou will also be evaluated qualitatively at the scale of the federal Far North range (ECCC 2019). Radio collars were deployed on 30 adult female caribou by the Project in February 2021 to provide three years of baseline data which will be used to characterize baseline conditions and develop statistical models that test the hypothesis that caribou movement and habitat selection will change in response to the Project. Additional radiocollars deployed by MNRF in the Missisa and Ozhiski ranges between 2019 and 2021 will also be included in these analyses. Zone of Influence (i.e. the spatial extent of change in response to a given disturbance) analysis methods similar to that in Boulanger et al (2012) or Plante et al. (2018) will be used during the effects assessment and post-construction monitoring phases of the Project to predict and examine changes in habitat selection, movement, and seasonal use as a function of distance to the proposed disturbance(s), and with respect to the spatial organization of biophysical attributes (ECCC 2019) and provincially delineated Category 1, 2, 3 habitat in the study areas. As mentioned in the response to NeskFN-40, the federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., sensory disturbance) effects to caribou as a result of human disturbance(s) and will be applied to the Project and all other developments within the Far North range. This approach assumes all habitat within the 500 m buffer around human development is functionally removed, which is a precautionary approach since habitat in the buffer will not be physically removed by the development and will remain available to caribou. The federal guidance approach (EC 2011; ECCC 2020) will quantify cumulative habitat disturbances (human and wildfire) to determine whether the cumulative effects (human and natural) to caribou habitat exceed habitat availability thresholds established in the federal Recovery Strategy (ECCC 2020). As mentioned in response to NeskFN-40, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a).The Project is also subject to the Federal *Impact Assessment Act* and is currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG for the Project developed by the Agency. In accordance with the TISGs, the EA will include the consideration of cumulative effects to caribou within each Project study area for caribou. Throughout the EA, there will be many opportunities for consultation and engagement between Neskantaga First Nation and MFFN. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA. MFFN will engage with Neskantaga First Nation through the EA / IA to: ▪ Obtain input on baseline data collection during the Effects Assessment Methods milestone; ▪ Obtain input on criteria and indicators during the Effects Assessment Methods milestone; ▪ Obtain input on study areas during the Effects Assessment Methods milestone; ▪ Obtain input on effects assessment and its conclusions during the Identification of Preferred Alternatives and Review of Draft EA / IS milestones; ▪ Obtain input on the development of impact management measures and follow-up programs occurs during the Effects Assessment Methods and Identification of Preferred Alternatives milestones; and ▪ Obtain input on potential projects and activities that could act cumulatively with the Projeect as well as potential cumulative effects to be considered during the Identification of Preferred Alternaives milestone. Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies	Section 7.2, pg. 65 Appendix B, Section 4.1.7, Table 4-2, pg. 22 to 23

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		and characterization of existing conditions. Information shared will inform the planning, development and implementation of future field studies as appropriate. In addition, the results of field studies will be shared throughout the EA and will be documented in the EA Report. MFFN understands there are unpublished results of the Centre for Northern Forest Ecosystem Research investigation undertaken for the Transmission Line to Pickle Lake Project and will attempt to obtain them. Should the results be shared with MFFN, information from the investigation will be reviewed to inform the EA where appropriate and as applicable. A thorough literature review and consultation with subject matter experts, including but not limited to MNRF and WCS who are on the Projects' stakeholder list and will continue to be consulted during the EA process, will be conducted to inform the analysis in the EA and subsequent monitoring programs, should the Project be constructed.	

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Neskantaga First Nation – August 25, 2021 (email dated August 13, 2021)			
NeskFN-50	**Reference text from NeskFN-49**: …the federal government guidance for boreal caribou assessments (EC 2011; ECCC 2020) recommend quantifying changes to habitat with the use of a 500 m buffer around developments. The 500 m buffer accounts for both direct and indirect (i.e., sensory disturbance) effects to caribou as a result of human disturbance(s) and will be applied to the Project and all other developments within the Far North range. This approach assumes all habitat within the 500 m buffer around human development is functionally removed, which is a precautionary approach since habitat in the buffer will not be physically removed by the development and will remain available to caribou. **Reply**: It is unclear how the proponent is considering Zone of Influence in this regard. Although we understand that removing 500 m as a buffer considers a zone of influence associated with the road, it is not a Zone of Influence assessment. The proponent should estimate the yearly ZOI from MNRF and new collaring data to estimate yearly trends in ZOI distance and magnitude for the Missisa, Ozhiski and other ranges that intersect with the proposed project and consider cumulative factors affecting trends in ZOI. The attached by Boulanger et al. 2021[1] provides an example of how this was applied to consider mining impacts on Bathurst caribou in the NWT in a before and after analysis.	The 500 m referred to in that response paragraph to NeskFN-49 relates to the assessment of cumulative effects (i.e., the indirect loss of habitat), and was not intended to relate to consideration of a zone of influence (ZOI) assessment. <u>MFFN provided this response to NeskFN-49 related to ZOI assessment:</u> Radio collars were deployed on 30 adult female caribou by the Project in February 2021 to provide three years of baseline data which will be used to characterize baseline conditions and develop statistical models that test the hypothesis that caribou movement and habitat selection will change in response to the Project. Additional radiocollars deployed by MNRF in the Missisa and Ozhiski ranges between 2019 and 2021 will also be included in these analyses. Zone of Influence (i.e. the spatial extent of change in response to a given disturbance) analysis methods similar to that in Boulanger et al (2012) or Plante et al. (2018) will be used during the effects assessment and post-construction monitoring phases of the Project to predict and examine changes in habitat selection, movement, and seasonal use as a function of distance to the proposed disturbance(s), and with respect to the spatial organization of biophysical attributes (ECCC 2019) and provincially delineated Category 1, 2, 3 habitat in the study areas. <u>In response to the additional components of the NeskFN-50 comment:</u> MFFN agrees with Neskantaga First Nation that we can use the collar data (MFFN collared animals and MNRF collared animals) to model pre-development ZOI estimates. The ZOI analysis can be conducted to assess annual (2021, 2022, 2023) and overall (3 years combined) estimates of pre-disturbance ZOI from the collar data. If sufficient data in the MFFN study area is available from MNRF collars prior to 2021, then additional pre-disturbance annual or merged ZOI estimates can be modeled. The pre-disturbance ZOI analysis will use data from collars deployed during baseline (i.e., before development / pre-construction phase), whereas the analysis presented by Boulanger et al. 2021 used collar data that was collected starting in the mine construction phase. Boulanger et al. (2012, 2021) do not consider baseline (i.e., before development) caribou distributions. MFFN's pre-disturbance analysis will strengthen conclusions about changes in caribou distribution and also allows us to consider the spatial layout of habitat at baseline. In the MFFN CAR caribou study area, the layout of provincially delineated Category 1, 2, 3 habitat areas demonstrates that habitat is not uniformally distributed throughout, and that will be considered as a variable in a ZOI model. A cumulative effects assessment will be a component of the joint IS / EA produced for this Project, however, it is not necessary to estimate ZOI for each seperate development in order to consider cumulative factors. Rather, we can make conservative assumptions about ZOI (i.e., assume in the analysis that the ZOI is larger than the maximum size shown in scientific literature). We can also assume the ZOIs will be continuous during all phases of all reasonably foreseeable projects that are assessed as part of the cumulative effects assessment, which is a conservative approach because Boulanger et al. 2021 showed no ZOI during construction. MFFN will work with Neskantaga First nation to schedule a meeting to discuss ZOI modeling for this project and clarify any ongoing questions about this analysis.	Section 7.2, pg. 65
NeskFN-51	**Reference text from NeskFN-49:** The federal guidance approach (EC 2011; ECCC 2020) will quantify cumulative habitat disturbances (human and wildfire) to determine whether the cumulative effects (human and natural) to caribou habitat exceed habitat availability thresholds established in the federal Recovery Strategy (ECCC 2020). **Reply:** Proponent should clarify what the threshold for cumulative effects are in this project including road densities given the intact nature of the region. The critical habitat science used to generate the current risk assessment used by EC does not look at habitat supply (e.g., how much habitat is available), but rather how much disturbance is too much.	MFFN will use the thresholds for cumulative effects as directed in the federal recovery strategy for boreal caribou (ECCC 2020), which is 65% undisturbed available habitat to support a self-sustaining population of boreal caribou (with the exception of SK1). It is not the proponent's role to set a project-specific threshold for cumulative effects.	N/A
NeskFN-52	Various studies show that the sensory disturbance buffer of 500 m is exceeded for caribou. For example, Hebblewhite et al. (2011)[2] showed avoidance up to 2.7 km across 8 road studies of caribou while Polfus et al. (2011)[3] and Johnson et al. (2015)[4] showed as low as 1 km for roads. This is important given the uncertainty of the mitigation measures anticipated for the project.	MFFN will follow the methods of the federal recovery strategy for boreal caribou (ECCC 2020) and the provincial Integrated Range Assessments (MNRF 2014) for quantifying project disturbance (i.e., 500 m buffer to account for indirect habitat loss as a result of sensory disturbances). We will qualitatively consider the results of other research and peer-reviewed literature in our assessment.	Commitment for EA

[1] *Boulanger, J., K.G. Poole, A. Gunn, & J. Wierzchowski. 2012. Estimating the zone of influence of industrial developments on wildlife: a migratory caribou Rangifer tarandus groenlandicus and diamond mine case study. Wildlife Biology 18:164–179*
[2] *Hebblewhite, M. 2011. Effects of energy development on ungulates. In: Energy development and wildlife conservation in western North America. D.E. Naugle (editor), pp. 71–94. Island Press, Washington, DC*
[3] *Polfus,J.L., M.Hebblewhite,&K.Heinemeyer. 2011. Identifying indirect habitat loss and avoidance of human infrastructure by northern mountain woodland caribou. Biological Conservation 144:2637–2646*
[4] *Johnson, C.J., L.P.W. Ehlers, & D.R. Seip. 2015. Witnessing extinction – cumulative impacts across landscapes and the future loss of an evolutionarily significant unit of woodland caribou in Canada. Biological Conservation 186:176–186*

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NeskFN-53	We recommend a ZOI approach which is likely to be dynamic, depending on the size, location and phase of the development, the level of industrial activity associated with the project including volume of traffic, and caribou range characteristics (population status, movements, demographics, etc.). This is important also because this project will be adding new development to previously undisturbed habitat (unlike Watay options to follow existing linear disturbance to which caribou have already been impacted). In addition, it addresses the total area of disturbance rather than linear feature density or other metric.	MFFN is committed to doing ZOI analysis during baseline (pre-disturbance phase) to inform the characterization of baseline conditions and the assessment of the Project. Should the Project be approved, and pending permit conditions, MFFN will consider follow-up monitoring including additional ZOI analysis of different development phases. MFFN will work with Neskantaga First Nation to schedule a meeting to discuss ZOI modeling for this project and clarify any ongoing questions about this analysis.	Commitment for EA
NeskFN-54	We recommend the proponent design baseline data collection and monitoring to determine how scale of habitat selection (including at the home range and range scale) changes as overall herd distribution relative to the project. This is essentially a habitat change assessment, particularly for calving and early and late winter habitat.	MFFN has designed the baseline data collection program to allow for scale-integrated habitat selection analysis with the data currently being collected from the 30 collars. Habitat selection analysis will account for how habitat is spatially distributed in the study area at baseline/ pre-disturbance. Land cover characteristics tied to the biophysical attributes of caribou seasonal habitat preferences, and the delineation of the provincial Category 1, 2, and 3 habitat areas have demonstrated that the habitat is not uniformly distributed. Seasonal resource selection function (RSF) models can be run at various orders of ecological scale with the data being collected from the collars (Manly et al. 2002; DeCesare et al. 2012).	N/A
NeskFN-55	We recommend the proponent consider the edge effects of the road given noise and permanence on various species including caribou and changes in risk of mortality to caribou due to impacts on moose and wolves and the use of early successional habitats and linear features for movement, respectively and the impacts to calving and early and late winter habitats.	Edge effects are considered as part of the 500 m buffer that is applied to anthropogenic features in habitat analysis. As per EC 2011, "a 500 m buffer on anthropogenic disturbance provided an appropriate, minimum approximation of the zone of influence of these features on caribou demography" (pg. vi). This buffered area is considered to be functionally unavailable to caribou and captures "basic information about the effects of fragmentation or the spatial configuration of human disturbance on the landscape in addition to the effects of habitat loss" (EC 2011, pg 23). The 500 m buffer quantifies the increase in landscape permeability for predators as a result of an anthropogenic disturbance.	N/A
NeskFN-56	We would anticipate that proponent needs to consider impacts of the project on migratory and sedentary ecotypes and not presume one or the other based on previous collaring information.	MFFN agrees with Neskantaga First Nation that we should not presume which ecotype of caribou occurs in the study area based on previous collar data. Based on provincial and federal recovery strategies and the biophysical attributes of preferred habitat, it is assumed that boreal (sedentary) caribou are the foremost ecotype in the study area, and that migratory caribou (Southern Hudson Bay subpopulation) may occur seasonally, in the winter, when eastern migratory caribou move south from the forest-tundra transitional areas along the coast to the boreal forest (Pond et al. 2016; COSEWIC 2017; MECP 2021). MFFN notes that as a threatened species both provincially and federally, boreal caribou receive species and habitat protection. Eastern migratory caribou is listed as Special Concern in Ontario and as such, do not receive species or habitat protection under the provincial Endangered Species Act. Eastern migratory caribou were assessed as Endangered by COSEWIC in 2017 but have yet to be added to Schedule 1 of the federal Species at Risk Act and as such, there is no designated critical habitat for the species. MFFN acknowledges that some communities hunt caribou as a country food and that both sedentary and migratory caribou have traditional values to the communities. MFFN deployed collars on 30 adult female caribou in February 2021, and collars were spatially spread out throughout the ungulate study area (10 km buffer). Preliminary movement data current to September 2021 has demonstrated that both ecotypes of caribou inhabit the study area at some point in the year. As year-round residents, boreal caribou will likely be more impacted by the Project than eastern migratory caribou because of the frequency and duration of interaction with the Project. As such, MFFN has proposed to include boreal caribou as a Valued Component in the IA/EA and conduct a quantitative assessment of existing conditions, Project impacts, and residual effects. Eastern migratory caribou occur on a seasonal basis, and use the same areas in the winter as are currently delineated by the province as Category 1 winter use areas for boreal caribou. Protected habitat has not been defined for eastern migratory caribou in the Project area. As such, MFFN is proposing to include a qualitative assessment of eastern migratory caribou in the IA/EA, whereby peer reviewed literature and data from collars would be summarized to describe the seasonal use and potential impacts by the Project based on known threats in their winter range (note that eastern migratory caribou travel corridors and summer use range are outside the scope of the Project based on the Project's geographic location). Boreal caribou will act as a proxy species in the assessment, and it is expected that mitigations proposed to protect boreal caribou winter use areas will protect eastern migratory wintering grounds as well. As previously communicated, MFFN will provide opportunities for Neskantaga First Nation to share Indigenous Knowledge through the Project's Indigenous Knowledge and Consultation and Engagement Programs and would welcome any information Neskantaga can provide on the overlap between migratory and sedentary caribou and seasonal patterns of use and movement by migratory caribou in this region.	Commitment for EA
NeskFN-57	Proponent should consider 500 m relevance for other species such as marten/furbearers (e.g., Webb 2010[5], Tigner et al. 2015[6])	MFFN is in the process of determining the models to quantify changes to marten / furbearer habitat, including direct and indirect effects (i.e., sensory disturbance which functionally removes habitat even though it is not physically removed) as	Section 7.2.8, pg. 69 Commitment for EA

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

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		a result of human disturbance(s). MFFN will consider marten home range size and peer-reviewed literature to determine an appropriate buffer size for indirect effects. Existing marten habitat suitability models developed to guide forestry operations in Ontario (Elkie et al. 1999, 2009) will be reviewed (if made available), with consideration to the applicability of the model given there is no timber harvest in the wildlife study area. Similarly, MFFN will consider other peer-reviewed literature but where possible, will rely on research that has been conducted in regions with similiar baseline conditions. For example, the research conducted by Tigner et al. (2015) was in northern BC/Alberta where marten occurrence was being compared in areas with seismic line density ranging from <1 km/km^2 up to > 26 km/km^2, which is a much higher level of disturbance than in the landscape where the MFFN CAR project will occur. MFFN will take into consideration Neskantaga First Nation's suggestion to use a 500 m buffer around the proposed Project footprint to calculate indirect effects of the Project on furbearers.	

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Neskantaga First Nation Response References

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B17. Nibinamik First Nation

B17.1 Outgoing Community Specific Correspondence
B17.2 Incoming Community Specific Correspondence
B17.3 ToR Comments Received / Responses



B17.1 Outgoing Community Specific Correspondence

From: Ross, Kathryn
Sent: Monday, September 14, 2020 1:05 PM
To: [redacted]
Subject: MFFN CAR - Terms of Reference

Good afternoon,

The Marten Falls First Nation Community Access Road is getting ready to distribute copies of the Terms of Reference. Can you please confirm that we have the correct mailing address for hard copy and email addresses for digital copies?

Nibinamik First Nation	Sheldon Oskineegish, Chief Lias Yellowhead	General Delivery, via [redacted]	[redacted]	[redacted]

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

Vacation Alert: September 17 - 22

[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, November 2, 2020 8:47 AM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Oskineegish,

I'm following up to confirm that Nibinamik First Nation received the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. I haven't been able to reach you or Lias by telephone last week and our tracking shows that a notice was left with instructions on how / where to pick up the mailed documents.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I've attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the following Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

If possible, we also recommend the printed ToR document be placed in an accessible location in the community (like the Band Office). The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks.

Please let me know if you have received the ToR, and do not hesitate to reach out if you have any questions or concerns.

Sincerely,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, November 9, 2020 12:01 PM
To: [redacted]
Subject: RE: [EXTERNAL] Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Hi Lias,

I'm sorry to hear about your mom – that sounds like a very difficult situation to deal with.

Were you able to ask Chief and Council if they had any questions about the MFFN Community Access Road ToR last week or issues with accessing hard copy or electronic copies? I know you have a lot going on right now, in addition to the family situation and renovations at your office, so I understand that it may take some time to send back a response.

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Tuesday, November 24, 2020 10:40 AM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen
Subject: RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Good afternoon Chief Oskineegish and Lias,

I'm following up to confirm that Nibinamik First Nation received the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. Our tracking shows that a notice was left with instructions on how and where to pick up the mailed documents, but that the documents haven't been picked up yet. Have you had any issues with the hard copy pick-up location or accessing the files online?

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I've attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

We would like to confirm that the Community received the following Proposed ToR documents:

- Notice of Submission mailed out October 14, 2020
- Proposed ToR Packages mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

If possible, we also recommend the printed ToR document be placed in an accessible location in the community (like the Band Office). The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks.

Please let me know if you have received the ToR, and do not hesitate to reach out if you have any questions or concerns.

Sincerely,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Wednesday, December 9, 2020 3:44 PM
To: [redacted]
Cc: lias yellowhead; [redacted]; Qasim Saddique; [redacted]; Larissa Mikkelsen; Beaney, Jessalyn
Subject: Marten Falls All-Season Community Access Road ToR Review

Dear Chief Oskineegish,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Nibinamik First Nation that you have received the Proposed ToR materials—electronic versions are also available here. Our tracking does show that materials were delivered to the community. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Proposed ToR.

I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**. If Nibinamik First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Kathryn Ross
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, December 14, 2020 2:30 PM
To: [redacted]
Cc: [redacted]; Qasim Saddique; [redacted] Larissa Mikkelsen; Beaney, Jessalyn
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Dear Chief Oskineegish,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If Nibinamik First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email [redacted]

We look forward to your input and value your feedback.

Kind regards,

Kathryn
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

[redacted]
www.aecom.com

From: Cloutis, Geneva
Sent: Monday, February 8, 2021 1:54 PM
To: [redacted]
Cc: [redacted] Bob Baxter; [redacted] Larissa Mikkelsen; Jennifer Bruin; Qasim Saddique; [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Nibinamik First Nation.pdf

Good afternoon Chief Oskineegish,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see attached letter regarding next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If Nibinamik First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

February 8, 2021

Nibinamik First Nation
[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Sheldon Oskineegish,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Nibinamik First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Nibinamik First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Lias Yellowhead, Nibinamik First Nation
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Geneva Cloutis, MFFN Project Consultant

From: Cloutis, Geneva
Sent: Monday, February 22, 2021 2:25 PM
To: [redacted]
Cc: [redacted]Bob Baxter; [redacted] Larissa Mikkelsen; Jennifer Bruin; Qasim Saddique;[redacted]
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Good afternoon Lias,

Thank you so much for speaking with me this afternoon about the additional comment period for the Proposed Terms of Reference for the Marten Falls First Nation Community Access Road Project. As you mentioned on the phone, you have received the letter, but your community has not had the opportunity to meet to discuss the new comment period deadline of March 31, 2021 because of some recent passings in the community and the ongoing COVID-19 restrictions that are limiting in person gatherings.

If and when you are able to confirm whether Nibinamik First Nation is planning to submit any comments on the Proposed ToR, please let me know so we can reach out to the Ministry of the Environment, Conservation and Parks to make them aware of your intent to comment.

As I noted on the phone, if you have any comments or questions in the meantime, please don't hesitate to reach out to me either by phone or email (my contact information is provided below).

Thank you very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

From: Cloutis, Geneva
Sent: Thursday, March 11, 2021 12:40 PM
To: Chief Sheldon Oskineegish
Cc: [redacted]McLeod, Sasha (MECP); [redacted]Beaney, Jessalyn; [redacted]; Bob Baxter; [redacted] Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments

Hello Chief Oskineegish,

Thank you for speaking with me this morning about the Proposed Terms of Reference for the MFFN Community Access Road Project. You indicated that Nibinamik First Nation is planning to submit comments on the Terms of Reference. As a reminder, the deadline to submit comments to the Ministry of the Environment, Conservation and Parks is March 31, 2021. If you need to access a copy of the Terms of Reference, it can be found here on the Project website: http://www.martenfallsaccessroad.ca/tor/

These comments can be submitted directly to the MECP at the following address:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email [redacted]

Please don't hesitate to reach out if you have any questions about the comment submission process or the Project.

Thanks very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

From: Cloutis, Geneva
Sent: Thursday, May 13, 2021 10:08 AM
To: Chief Sheldon Oskineegish
Cc: [redacted]
Subject: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Good morning Chief Oskineegish,

I am emailing to follow up on the field notice which was sent to Nibinamik First Nation yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. I tried calling the Band Office this morning but was unable to speak to anyone or leave a voicemail, but we are looking for community insights to help inform the upcoming field program. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Nibinamik First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021. If you have any questions or comments about the program, please get in touch. If there is someone from Nibinamik First Nation who would be better suited to answer these questions, please let me know and I can follow up with them directly.

Thanks,

Geneva Cloutis
On behalf of the Marten Falls First Nation All-Season Community Access Road

[redacted]

From: Cloutis, Geneva
Sent: Thursday, July 22, 2021 9:27 AM
To: [redacted]
Cc: lias yellowhead; [redacted] Chief Sheldon Oskineegish
Subject: Marten Falls First Nation Community Access Road - Discussion Guides
Attachments: Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf; MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf

Hi Roger,

Thank you for speaking with me earlier this morning. As I mentioned on the phone, we currently have three field programs that are scheduled to be taking place in August for the Community Access Road. For each program, we have put together a discussion guide that provides a summary of the field work and provides some questions that we are looking for input on. We have PDF copies (which are attached to this email) as well as webpage versions that include a survey if you have any feedback to help inform the field programs.

Groundwater and Geochemistry Discussion Guide: link
Surface Water, Fish and Fish Habitat Discussion Guide: link
Vegetation, Physiography and Peatlands Discussion Guide: link

The date to provide feedback is next Saturday, July 31. If you have any questions, please feel free to give me a call at 204-955-9808, or reply to this email. As well, if you would like to be sent information directly about updates for the Project, please let me know and I can add your email address to our contact list.

Thank you,

Geneva Cloutis
On behalf of the Marten Falls First Nation Community Access Road Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner, IAP Canada
[redacted]

From: Cloutis, Geneva
Sent: Thursday, September 9, 2021 12:09 PM
To: Chief Sheldon Oskineegish
Cc: [redacted] lias yellowhead; [redacted] info@martenfallsaccessroad.ca
Subject: MFFN Community Access Road - Field Program Update

Good afternoon Chief Oskineegish,

I spoke to someone at the Nibinamik First Nation band office this morning about some information that we have recently distributed about the Marten Falls First Nation Community Access Road.

Recently, we have sent out two field notices on upcoming field work and we are reaching out to provide information and seek feedback and/or questions you may have. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - The field program is anticipated to take place from September 10 until 19, 2021

- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd

  The field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

I also wanted to remind you that Nibinamik First Nation still has an opportunity to comment on the MFFN CAR Terms of Reference (ToR) comment responses provided by MECP (sent by MECP on August 30, 2021) until Monday September 13, 2021.

If you have any questions or would like to set up a call to discuss, please don't hesitate to reach out.

Sincerely,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Community Engagement and Consultation Practitioner, IAP Canada
[redacted]

B17.2 Incoming Community Specific Correspondence

From: lias yellowhead <[redacted]>
Sent: Friday, November 06, 2020 12:15 PM
To: Ross, Kathryn <[redacted]>
Subject: [EXTERNAL] Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Good morning Kathryn,

I just want to inform you that I was away for half a month of September and I came home on October 4th, due to be with my family in Thunder Bay. My mom is very ill at the moment which she has a brain cancer. I'm planning to visit her again some this month. I have to isolate myself for 14 days when I got back and couldn't do any work due to distractions from my grand children.

My other issue is my office. They haven't complete the renovation yet and I went there a few times which there's no heat. I'm meeting my Chief and Council this afternoon at 1pm. I can ask about the MFFN Community Access Road Environmental Assessment TOR whether or not if they will provide their comments.

We'll let you know the outcomes from our meeting at the later date.

Be safe from Covid-19!

Thanks,

Lias

B17.3 ToR Comments Received / Responses



NIBINAMIK FIRST NATION
General Delivery
[redacted]

February 26, 2021

Kathleen O'Neill
Director, Environmental Assessment Branch,
Ministry of the Environment, Conservation and Parks
[redacted]

*****BY EMAIL*****

Dear Ms. O'Neill:

RE: Nibinamik First Nation's Preliminary Comments on the Webequie First Nation Supply Road, Marten Falls First Nation Access Road, and the Northern Road Link

As Chief of Nibinamik First Nation ("**Nibinamik**"), I am writing regarding Ontario's review of the Webequie supply road, the Marten Falls community access road, and the newly announced Northern Road Link (collectively the "**Proposed Projects**"). I am also writing to provide a preliminary response to Ontario's request for Nibinamik's comments on the Terms of Reference submitted by Webequie and Marten Falls for their respective road projects.

As further outlined below, Nibinamik is concerned about the lack of coordination between Ontario's review of the Proposed Projects. We are concerned that because of this lack of coordination / harmonization, impacts of the Proposed Projects will fall through the cracks between the provincial assessments and risk going unaddressed. These concerns are compounded by the recently announced Northern Road Link and the entire lack of clarity for how this new additional project—that substantially expands the scope of impacts associated with Webequie and Marten Falls projects—will be considered and assessed by Ontario.

Quite simply, the Proposed Projects are forever projects. They represent a first wave of an industrial revolution of the North that will have far reaching environmental, economic, and social impacts on Nibinamik and our Homelands. While in the past, Nibinamik participated in discussions with Ontario and other neighbouring First Nations under the Regional Framework Agreement, those processes were unilaterally terminated by Ontario in August of 2019. No alternative process to address cumulative or regional impacts has been established.

Ontario must put in place an environmental assessment process that is capable of evaluating the cumulative and regional impacts of these Proposed Projects, otherwise the entire environmental assessment regime becomes nothing but a sham and Ontario's duty to consult is at risk of not being fulfilled. As further outlined below, Nibinamik's preliminary review of the Terms of Reference for the Webequie and Marten Falls road projects lead us to make the following comments:

1) These Proposed Projects are forever projects;

2) A cumulative effects assessment is entirely inadequate to consider the scope and significance of the regional impacts in this situation; and

3) A coordinated, harmonized approach must be put in place by Ontario without delay.

Each of these points are briefly outlined in further detail below.

We want to emphasize that this letter is a preliminary response only. In particular, due to the ongoing state of emergency in Nibinamik First Nation and the COVID-19 pandemic, we have not been able to meet with community members or Elders to discuss their concerns and input on either Terms of Reference or other project documents. The health and wellbeing of our community members must come first.

Nibinamik anticipates providing further comments once it is safe for our community to meet. Also, as further outlined below, given the gaps in cumulative and regional effects assessment, it would be premature for us to provide detailed comments on the Terms of Reference documents until we know how those gaps will be addressed by the Crown. We trust that Ontario's assessment process and timelines will be flexible and that no final decisions regarding the Proposed Projects will be made until the state of emergency is lifted and meaningful consultation has been able to occur.

1) The Proposed Projects are forever projects

The Proposed Projects are the first permanent roads that will cut up and cross the otherwise pristine landscape of our Homelands. Ontario must structure an assessment process that can adequately consider the full scope of these forever impacts, including impacts on the region as a whole, as well as on our constitutionally protected rights, and our community members social, cultural, and spiritual well-being.

To be clear, Nibinamik is generally supportive of other First Nations working to connect to the provincial road systems so that they are no longer accessible only by air. As a remote First Nation ourselves, we recognize the important benefits, including access to healthcare and the economy, that flow from all-season road access. We are working together with our neighbouring First Nations to discuss their road projects, however our discussions together have also been impacted by COVID-19 and the need to prioritize the health of our community members. We

expect these discussions will continue, according to our own ways of sharing information and traditional protocols, when it is safe to do so.[1]

The Proposed Projects however, are not only about securing community access to the provincial road network. They are designed to generate further industrial development and literally pave the way for mining, forestry, and development that otherwise would not be possible without these roads. The first, but certainly not the last, of this development is the Ring of Fire, which in and of itself has untold environmental, social, and climate change impacts.

The function of these roads to usher in the Ring of Fire and initiate the industrialization of the North is not a hidden, secret agenda. It is plainly spelled out in the Project Descriptions for both road projects and the Terms of Reference documents.[2] The roads' industrialization purpose has also been acknowledged by the federal government.[3] The Ring of Fire development is therefore an entirely foreseeable—and even expressly planned—impact flowing directly from these Proposed Projects.

While the federal government has recognized the regional impacts of these proposed roads, the province is at serious risk of failing to ensure that the provincial Crown assessments—and any provincial approvals flowing from these assessments—are meaningful and appropriate for the level of change being proposed. Specifically, there is no reference in the respective Terms of Reference for the road projects for how these impacts—caused by a radical change to the pristine cultural and environmental landscape of the North—can be considered other than through the cumulative effects assessment for the individual road projects.[4] For the reasons outlined below, this siloed approach is misguided and wholly unacceptable.

2) A cumulative effects assessment is entirely inadequate to consider the scope of regional impacts in this situation

Cumulative effects assessment, as part of an individual assessment of the Proposed Projects, is patently inadequate to identify and assess impacts associated with the Ring of Fire development and the industrialization that will flow on the heels of these roads. The development of the Ring of Fire is unprecedented in Ontario's history. It has been referred to as the next oil sands in terms of size and scope of economic potential; its impacts are likewise significant and unprecedented.

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

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

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

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

Ontario cannot expect community-led projects to adequately identify the extensive and lasting regional impacts that will flow from these roads as part of advancing the Ring of Fire. Experienced proponents and well-resourced provincial and federal governments have struggled with this task. It is naïve to assume that small governments, First Nations' or otherwise, whose previous experience is limited to local infrastructure projects, can adequately undertake the sort of comprehensive regional impacts identification and assessment that is needed to accurately or completely consider impacts flowing from the Ring of Fire.

Among other things, impacts of the road projects as part of advancing the Ring of Fire development will undoubtedly extend beyond the four-square corners of the Proposed Projects' Project Development Areas. Both Webequie and Marten Falls have expressed concerns about their ability to identify or consider such impacts,[5] and the study areas identified in the Terms of Reference for both projects is significantly smaller than the area potentially impacted by large-scale industrial development such as the Ring of Fire.[6] In addition, the assessment process for the Northern Road Link is still largely unknown, even though it expressly changes the scope and scale of the First Nations road projects through linking them together.

To believe that these cumulative and regional impacts can be assessed as part of the individual reviews of the Proposed Projects is setting the First Nations up for failure. Moreover, it is turning a blind eye to the full scope of potential impacts and setting the provincial Crown up to breach its constitutional obligations to Nibinamik and other affected First Nations. As further outlined below, these are cumulative and regional impacts that require the Crown to put in place a process with a cumulative and regional scope to adequately identify and address them. Ontario cannot, in good faith, approve of the Terms of Reference for the individual projects without taking steps to fill this critical gap.

3) A coordinated, harmonized approach must be put in place by Ontario without delay

Ontario has a duty to consult with Indigenous communities—such as Nibinamik—when there is a proposed project or decision that has the potential to impact our constitutionally protected rights. It is abundantly clear that the Proposed Projects fall into this category and require a meaningful consultation process be put in place. As outlined below however, Ontario's siloed approach to consultation about the Proposed Project leaves significant gaps and unaddressed impacts that are fatal flaws in Ontario's consultation process.

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

[6] Marten Falls Community Access Road, Terms of Reference, section 7.1.1 (Preliminary Study Area); Webequie Supply Road, Terms of Reference, section 8.2 (Study Area Definitions) and also page 160 and 162 where the TOR repeatedly states that "a Regional Assessment is beyond the scope of this Project."

The duty to consult is grounded in the honour of the Crown and requires a process that is consistent with upholding the Crown's honour with regards to the situation in question.[7] It's illogical to believe that the Crown can turn a blind eye to regional or cumulative impacts of these Proposed Projects—particularly where Nibinamik has expressly put Ontario on notice about these gaps—and still have a sound consultation process. Where there are identified impacts, there must be a process in place that can address those impacts. Anything less would be inconsistent with the honour of the Crown and render Ontario's consultation process meaningless.

This is reflected in the duty to consult itself, since the scope of consultation is directly proportionate to the seriousness of the potential impacts at stake[8] and considering and addressing cumulative impacts is necessarily a part of meaningful consultation.[9] How then can there be a meaningful consultation process about the Proposed Projects where the full scope of impacts is not on the agenda? There can't be.

The answer to this situation lies in the honour of the Crown. The honour of the Crown cannot be delegated and, while Ontario may attempt to rely, to some extent, on the individual First Nation proponents, ultimately it is Ontario that is responsible for ensuring the duty to consult and accommodate is fulfilled prior to any provincial decisions about the Proposed Projects.[10] This means that Ontario must take steps to fill these gaps in the individual project assessments[11] and put in place a robust consultation process with the aim of addressing Nibinamik's concerns about regional and cumulative impacts.[12] This process should be put in place without further delay, and in any event prior to or concurrently with any provincial approval of the Terms of Reference for the proposed road projects to ensure that no impacts fall through the gaps.

We trust that this letter has provided further clarification of why Nibinamik believes that the Proposed Project assessments must be harmonized, as well as our preliminary comments on how the Terms of Reference for the Webequie and Marten Falls road projects are inadequate in this respect.[13] We want to emphasize that we are providing these comments to the Crown, as it is the Crown that must take steps to fill these gaps and address these regional and cumulative impacts, which would be entirely unfair and inappropriate to lay at the foot of the individual First Nations who are the proponents for their road projects.

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7 *Haida Nation v. British Columbia (Minister of Forests),* 2004 SCC 73 ["Haida"], at para 45.

8 *Haida*, at para 39.

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

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

11 *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40 ["*Clyde River*"], at para 22.

12 *Haida*, para 42.

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

We look forward to further working together to address Nibinamik's concerns related to the above. Nibinamik intends to participate in the Proposed Project assessments consistent with our traditional land use protocols and inherent rights and jurisdiction. To be clear, any proposed projects or development taking place on our Homelands requires deep partnership with us.

Please be in touch with us should you have any questions regarding this letter. In addition, please copy our legal counsel, Pape Salter Teillet LLP, on all correspondence with Nibinamik related to the Webequie supply road, the Marten Falls community access road, and the proposed Northern Road Link.

Respectfully,

[redacted]

c.c. Nibinamik First Nation Council

Alex Monem, Partner, Pape Salter Teillet LLP, [redacted]

Caitlin Cafaro, Project Analyst, Impact Assessment Agency, [redacted]

Sasha McLeod, Special Project Officer, Ministry of the Environment, Conservation and Parks, [redacted]

Shannon Gauthier, Special Project Officer, Ministry of the Environment, Conservation and Parks, [redacted]

Lori Churchill, Director, Consultation and Partnerships Branch, Ministry of Energy, Northern Development and Mines, [redacted]

Mary Hennessy, Director, Ring of Fire Policy Coordination Branch, Ministry of Energy, Northern Development and Mines, [redacted]

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Nibinamik First Nation – March 31, 2021 (Letter dated February 26, 2021)			
NibFN-1	As Chief of Nibinamik First Nation (**"Nibinamik"**), I am writing regarding Ontario's review of the Webequie supply road, the Marten Falls community access road, and the newly announced Northern Road Link (collectively the **"Proposed Projects"**). I am also writing to provide a preliminary response to Ontario's request for Nibinamik's comments on the Terms of Reference submitted by Webequie and Marten Falls for their respective road projects. As further outlined below, Nibinamik is concerned about the lack of coordination between Ontario's review of the Proposed Projects. We are concerned that because of this lack of coordination / harmonization, impacts of the Proposed Projects will fall through the cracks between the provincial assessments and risk going unaddressed. These concerns are compounded by the recently announced Northern Road Link and the entire lack of clarity for how this new additional project – that substantially expands the scope of impacts associated with Webequie and Marten Falls projects – will be considered and assessed by Ontario.	The environmental assessments (EAs) for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the Marten Falls First Nation (MFFN) Community Access Road (CAR), Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	N/A
NibFN-2	Quite simply, the Proposed Projects are forever projects. They represent a first wave of an industrial revolution of the North that will have far reaching environmental, economic, and social impacts on Nibinamik and our Homelands. While in the past, Nibinamik participated in discussions with Ontario and other neighbouring First Nations under the Regional Framework Agreement, those processes were unilaterally terminated by Ontario in August of 2019. No alternative process to address cumulative or regional impacts has been established.	The EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / Impact Statement (IS) Consultation and Engagement Plan appended to the Terms of Reference (ToR) identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Nibinamik First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment. The ToR recognizes that a Regional Assessment of the Ring of Fire region under the *Impact Assessment Act* is underway. This is an assessment independent of the EA for the CAR; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Impact Assessment Agency of Canada's (the Agency's) contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.	Section 7.2, pg. 65 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA
NibFN-3	Ontario must put in place an environmental assessment process that is capable of evaluating the cumulative and regional impacts of these Proposed Projects, otherwise the entire environmental assessment regime becomes nothing but a sham and Ontario's duty to consult is at risk of not being fulfilled. As further outlined below, Nibinamik's preliminary review of the Terms of Reference for the Webequie and Marten Falls road projects lead us to make the following comments: 1) These Proposed Projects are forever projects; 2) A cumulative effects assessment is entirely inadequate to consider the scope and significance of the regional impacts in this situation; and 3) A coordinated, harmonized approach must be put in place by Ontario without delay. Each of these points are briefly outlined in further detail below.	See response to NibFN-2 for the response to cumulative and regional effects and NibFN-5 for a response to concerns related to "forever projects". In April 2018, MFFN signed an agreement with the Ministry of Environment, Conservation and Parks (MECP) to prepare an EA pursuant to the Ontario *Environmental Assessment Act*. As part of this process the Crown has a Duty to Consult potentially impacted Indigenous communities on the Project. Ontario (MECP and the Ministry of Northern Development and Mines) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN will continue to discuss the Project with Nibinamik First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR and is available to discuss a community-specific consultation plan should Nibinamik First Nation wish to set one up for the Project. The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and	See response to NibFN-2 and NibFN-5 Appendix B Appendix D Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	
NibFN-4	We want to emphasize that this letter is a preliminary response only. In particular, due to the ongoing state of emergency in Nibinamik First Nation and the COVID-19 pandemic, we have not been able to meet with community members or Elders to discuss their concerns and input on either Terms of Reference or other project documents. The health and wellbeing of our community members must come first. Nibinamik anticipates providing further comments once it is safe for our community to meet. Also, as further outlined below, given the gap in cumulative and regional effects assessment, it would be premature for us to provide detailed comments on the Terms of Reference documents until we know how those gaps will be addressed by the Crown. We trust that Ontario's assessment process and timelines will be flexible and that no final decisions regarding the Proposed Projects will be made until the state of emergency is lifted and meaningful consultation has been able to occur.	Thank you for your comment. Your time in reviewing the information and providing a preliminary response is appreciated. MFFN and the Project Team look forward to working with Nibinamik First Nation to understand the community's concerns about the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. The MFFN Project Team sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. In addition to providing the opportunity to review the Draft ToR that was released well in advance of the pandemic, MFFN extended the ToR comment period from 30 to 60 days to provide all communities with sufficient time to review documentation and provide comments. An additional opportunity for Nibinamik First Nation to comment on the ToR was provided until March 31, 2021. This brings the total number of days allotted for review to 126 days. Throughout this process, MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Nibinamik First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA.	Appendix B, Section 4.1.7, pg. 22 to 24
NibFN-5	**1) The Proposed Projects are forever projects** The Proposed Projects are the first permanent roads that will cut up cross the otherwise pristine landscape of our Homelands. Ontario must structure an assessment process that can adequately consider the full scope of these forever impacts, including impact on the region as a whole, as well as on our constitutionally protected rights, and our community members social, cultural, and spiritual well-being. To be clear, Nibinamik is generally supportive of other First Nations working to connect to the provincial road systems so that they are no longer accessible only by air. As a remote First Nation ourselves, we recognize the important benefits, including access to healthcare and the economy, that flow from all-season road access. We are working together with our neighbouring First Nations to discuss their road projects, however our discussions together have also been impacted by COVID-19 and the need to prioritize the health of our community members. We expect these discussions will continue, according to our own ways of sharing information and traditional protocols, when it is safe to do so.[1] The Proposed Projects however, are not only about securing community access to the provincial road network. They are designed to generate further industrial development and literally pave the way for mining, forestry, and development that would otherwise not be possible without these roads. The first, but certainly not the last, of this development is the Ring of Fire, which in and of itself has untold environmental, social, and climate change impacts. The function of these roads to usher in the Ring of Fire and initiate the industrialization of the North is not a hidden, secret agenda. It is plainly spelled out in the Project Descriptions for both road projects in the Terms of Reference documents.[2] The roads' industrialization purpose has also been acknowledged by the federal government.[3] The Ring of Fire development is therefore an entirely foreseeable – and even expressly planned – impact flowing directly from these Proposed Projects. While the federal government has recognized the regional impacts of these proposed roads, the province is at serious risk of failing to ensure that the provincial Crown assessments – and any provincial approvals flowing from these assessments – are meaningful and appropriate for the level of change being proposed. Specifically, there is no reference in the respective Terms of Reference for the road projects or how these impacts – caused by a radical change to the pristine culture and environmental landscape of the North – can be considered other than through the cumulative effects	The MFFN Project Team sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. Your time in reviewing the information and providing a preliminary response is appreciated. MFFN and the Project Team look forward to working with Nibinamik First Nation as we move forward with the EA process. The approach to consultation and engagement on the Project is designed to provide flexibility and adaptability to evolving Project needs and may involve community-specific consultation and engagement plans. Nibinamik First Nation is encouraged to share their traditional protocols as part of discussions with MFFN for a community-specific consultation and engagement plan should Nibinamik First Nation wish to set one up for the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. See response to NibFN-2 for the further response to cumulative and regional effects. MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the other development, including the Northern Road Link, Webequie Supply Road or mines are constructed. Although the EA is for a multi-use road, the purpose is to provide all-season community access. The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	See response to NibFN-2 Commitment for the EA Section 5.1, pg. 14 to 15 Section 7.2, pg. 65 Appendix B, Section 4.1.5, pg. 19

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

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

[3] *Federal Government Announces Regional Assessment of the Ring of Fire Area.*

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	assessment for the individual road projects.[4] For the reasons outlined below, this siloed approach is misguided and wholly unacceptable.		
NibFN-6	**2) A cumulative effects assessment is entirely inadequate to consider the scope of regional impacts in this situation** Cumulative effects assessment, as part of an individual assessment of the Proposed Projects, is patently inadequate to identify and assess impacts associated with the Ring of Fire development and the industrialization that will flow on the heels of these roads. The development of the Ring of Fire is unprecedented in Ontario's history. It has been referred to as the next oil sands in terms of size and scope of economic potential; its impacts are likewise significant and unprecedented. Ontario cannot expect community-led projects to adequately identify the extensive and lasting regional impacts that will flow from these roads as part of advancing the Ring of Fire. Experienced proponents in well-resourced provincial and federal governments have struggled with this task. It is naive to assume that small governments, First Nations; or otherwise, whose previous experiences is limited to local infrastructure projects, can adequately undertake the sort of comprehensive regional impacts identification and assessment that is needed to accurately or completely consider impacts flowing from the Ring of Fire. Among other things, impacts of the road projects as part of advancing the Ring of Fire development will undoubtedly extend beyond the four-square corners of the Proposed Projects' Project Development Areas. Both Webequie and Marten Falls have expressed concerns about their ability to identify or consider such impacts,[5] and the study areas identified in the Terms of Reference for both projects is significantly smaller than the area potentially impacted by large-scale industrial development such as the Ring of Fire.[6] In addition, the assessment process for the northern Road Link is still largely unknown, even though it expressly changes the scope and scale of the First Nations road projects through linking them together. To believe that these cumulative and regional impacts can be assessed as part of the individual reviews of the Proposed Projects is setting the First Nations up for failure. Moreover, it is turning a blind eye to the full scope of potential impacts and setting the provincial Crown up to breach its constitutional obligations to Nibinamik and other affected First Nations. As further outlined below, these cumulative and regional impacts that require the Crown to put in place a process with cumulative and regional scope to adequately identify and address them. Ontario cannot, in good faith, approve the Terms of Reference for the individual projects without taking steps to fill this critical gap.	The EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. MFFN have engaged qualified experts and advisors to support them on the Project and undertaking the EA, including identifying and assessing potential cumulative effects of the Project with past, present and reasonably foreseeable projects. The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) to be refined during the EA, which includes the identification of a cumulative effects assessment study area. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Nibinamik First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment. The ToR recognizes that a Regional Assessment of the Ring of Fire region under the *Impact Assessment Act* is underway. This is an assessment independent of the EA for the CAR; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Agency's contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate. The Northern Road Link Project is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Section 7.1.1, pg. 27 Section 7.2, pg. 65
NibFN-7	**3) A coordinated, harmonized approach must be put in place by Ontario without delay** Ontario has a duty to consult with Indigenous communities – such as Nibinamik – when there is a proposed project or decision that has the potential to impact our constitutionally protected rights. It is abundantly clear that the Proposed Projects fall into this category and required a meaningful consultation process be put in place. As outlined below however, Ontario's siloed approach to consultation about the Proposed Project leaves significant gaps and unaddressed impacts that are fatal flaws in Ontario's consultation process. The duty to consult is grounded in the honour of the Crown and requires a process that is consistent with upholding the Crown's honour with regards to the situation in question.[7] It's illogical to believe that the Crown can turn a blind eye to regional or cumulative impacts of these Proposed Projects – particularly where Nibinamik has expressly put Ontario on notice about these gaps – and still have a sound consultation process. Where there are identified impacts, there must be a process in place that can address those impacts. Anything less would be inconsistent with the honour of the Crown	See response to NibFN-3 for the response the Ontario's Duty to Consult and the delegated procedural aspects to MFFN under the MOU for this shared responsibility. See response to NibFN-2 for the response to cumulative and regional effects. The ToR includes a Consultation and Engagement Plan (Appendix B) that outlines the approach to consultation throughout the EA. The Ontario-MFFN MOU informed the development of the Consultation and Engagement Plan. Additional opportunities to comment on the proposed approach will occur during the EA and is identified as part of the targeted input for the "Notice of Commencement" and "Effects Assessment Methods" consultation milestones. MFFN will also consult and engage on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". The comments requesting Ontario put in place a coordinated, harmonized approach and Ontario's Duty to Consult are outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your	See response to NibFN-2 See response to NibFN-3 Appendix B, Section 4.1.7, pg. 22 Appendix D

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

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

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

[7] *Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73 ["Haida"], at para 45.*

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	and render Ontario's consultation process meaningless. This is reflected in the duty to consult itself, since the scope of consultation is directly proportionate to the seriousness of the potential impacts at stake[8] and considering and addressing cumulative impacts is necessarily a part of meaningful consultation.[9] How then can there be a meaningful consultation process about the Proposed Project where the full scope of impacts is not on the agenda? There can't be. The answer to this situation lies in the honour of the Crown. The honour of the Crown cannot be delegated and, while Ontario may attempt to rely, to some extent, on the individual First Nation proponents, ultimately it is Ontario that is responsible for ensuring the duty to consult and accommodate is fulfilled prior to any provincial decisions about the Proposed Projects.[10] This means that Ontario must take steps to fill these gaps in the individual project assessments[11] and put in place a robust consultation process with the aim of addressing Nibinamik's concerns about regional and cumulative impacts.[12] This process should be put in place without further delay, and in any event prior to or concurrently with any provincial approval of the Terms of Reference for the proposed road projects to ensure that no impacts fall through the gaps.	comment to Ontario so they can respond to you directly on this matter.	
NibFN-8	We trust that this letter has provided further clarification of why Nibinamik believes that the Proposed Project assessment must be harmonized, as well as our preliminary comments on how the Terms of Reference for the Webequie and Marten Falls road projects are inadequate in this respect.[13] We want to emphasize that we are providing these comments to the Crown, as it is the Crown that must take steps to fill these gaps and address these regional and cumulative impacts, which would be entirely unfair and inappropriate to lay at the foot of the individual First Nations who are the proponents for their road projects.	Thank you for your comments. Your time in reviewing the information is appreciated. MFFN has responded to the concerns raised in your letter where appropriate and have deferred the comments to Ontario, where indicated.	N/A
NibFN-9	We look forward to further working together to address Nibinamik's concerns related to the above. Nibinamik intends to participate in the Proposed Project assessments consistent with our traditional land use protocols and inherent rights and jurisdiction. To be clear, any proposed projects or development taking place on our Homelands requires deep partnership with us.	MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN will continue to discuss the Project with Nibinamik First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR and is available to discuss a community-specific consultation plan should Nibinamik First Nation wish to set one up for the Project.	Commitment for EA
NibFN-10	Please be in touch with us should you have any questions regarding this letter. In addition, please copy our legal counsel, Pape Salter Teillet LLP, on all correspondence with Nibinamik related to the Webequie supply road, the Marten Falls community access road, and the proposed Northern Road Link.	Thank you for your comment. Nibinamik's legal counsel will be added to the Project Contact List.	Commitment for EA

[8] *Haida, at para 39.*
[9] *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc., 2017 SCC 41, at para 42; see also Prophet River First Nation v. Canada (Attorney General), 2017 FCA 15, at para 61.*
[10] *Haida, at para 53; see also: Clyde River, at para 22.*
[11] *Clyde River (Hamlet) v. Petroleum Geo-Services Inc., 2017 SCC 40 ["Clyde River"], at para 22.*
[12] *Haida, para 42.*
[13] *As outlined above, the COVID-19 global pandemic has impacted Nibinamik's ability to meet with community members to discuss the Terms of Reference for the proposed Marten Falls and Webequie road projects and therefore we may have further comments to provide once it is safe for our community to gather together again.*

References

Nibinamik First Nation Response References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

B18. Wapekeka First Nation

B18.1 Outgoing Community Specific Correspondence



B18.1 Outgoing Community Specific Correspondence

From: Ross, Kathryn
Sent: Monday, September 14, 2020 1:15 PM
To: b[redacted]
Subject: MFFN CAR - Terms of Reference

Good afternoon,

The Marten Falls First Nation Community Access Road is getting ready to distribute copies of the Terms of Reference. Can you please confirm that we have the correct mailing address for hard copy and email addresses for digital copies?

Wapekeka First Nation	Brennan Sainnawap, Chief Jonas Beardy Ananias Winter	[redacted]	[redacted]	[redacted]

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

Vacation Alert: September 17 - 22

AECOM
[redacted]
www.aecom.com

From: Cloutis, Geneva
Sent: Friday, October 30, 2020 11:31 AM
To: [redacted]
Cc: [redacted]; Jennifer Bruin; Qasim Saddique; Larissa Mikkelsen
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf; [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Sainnawap

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

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FORTUNE WORLD'S MOST ADMIRED COMPANIES 2020
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From: Cloutis, Geneva
Sent: Thursday, November 5, 2020 8:58 AM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Chief Sainnawap,

I just wanted to again follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Friday, November 13, 2020 4:00 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

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Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Thursday, November 19, 2020 8:34 AM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

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Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Tuesday, November 24, 2020 12:51 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Chief Sainnawap,

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Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Tuesday, November 24, 2020 12:58 PM
Cc: [redacted]
Subject: FW: [redacted]rten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference ; NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

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Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Wednesday, November 25, 2020 1:33 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; [redacted]
Subject: CONFIRMATION - Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Dear Chief Sainnawap,

I just called the band office and spoke to reception, who confirmed that the Proposed Terms of Reference (ToR) had been received. Thank you for confirming that Wapekaka First Nation has received the Proposed ToR Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road project.

As a reminder, the comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please don't hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Wednesday, December 9, 2020 1:45 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Chief Sainnawap,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Wapekaka First Nation has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If Wapekaka First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Monday, December 14, 2020 1:19 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Chief Sainnawap,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020.

If Wapekaka First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

We look forward to your input and value your feedback.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Friday, December 18, 2020 11:17 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; [redacted]
Subject: Confirmation - Marten Falls All-Season Community Access Road ToR Review Period

Chief Sainnawap,

Thank you for speaking with me this today and confirming that Wapekaka First Nation is aware that the comment period for the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road is closing at 5:00 p.m. EST on December 21, 2020.

I know that you indicated your community was not planning to submit any comments, but if that changes and / or if you would like to express your desire for an extension to the review period, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Jackman, Lindsay
Sent: Monday, February 8, 2021 2:30 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; lawrencebax; Bob Baxter; [redacted] Larissa Mikkelsen; Jennifer Bruin
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Wapekeka First Nation.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Chief Brennan Sainnawap,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. We understand that your community has indicated they will not be submitting comments on the Proposed Terms of Reference (ToR), however, MFFN would like to notify you about next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. Please see the attached email with more details. If Wapekeka First Nation decides to submit comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team.

Lindsay Jackman
On behalf of the MFFN Community Access Road Project Team

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

AECOM
[redacted]
aecom.com

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February 8, 2021

Wapekeka First Nation
[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Brennan Sainnawap,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. We understand that your community has indicated they will not be submitting comments on the Proposed Terms of Reference (ToR), however, MFFN would like to notify you that based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed ToR until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Wapekeka First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Wapekeka First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Ananias Winter, Deputy Chief, Wapekeka First Nation
Jonas Beardy, Land-use Planning, Wapekeka First Nation
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Lindsay Jackman, MFFN Project Consultant

From: Jackman, Lindsay
Sent: Monday, February 22, 2021 1:51 PM
To: [redacted]
Cc: [redacted] 'Qasim Saddique'; 'lawrencebax'; 'Bob Baxter'; [redacted] 'Larissa Mikkelsen'; 'Jennifer Bruin'
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Wapekeka First Nation.pdf

Good afternoon Chief Brennan Sainnawap,

This afternoon I spoke with Deputy Chief Stanley Anderson at the Band Office to confirm reciept of the letter sent on February 8th regarding additional opportunity to comment on the Marten Falls Community Access Road Proposed ToR until March 31, 2021 and whether Wapekeka First Nation is planning to submit comments during this additional opportunity. Deputy Chief Stanley Anderson was unable to confirm reciept of the letter or whether comments will be submitted but noted he would pass on the message once you are back in the community.

If you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team, please reply directly to this email.

Thanks,

Lindsay Jackman
On behalf of the MFFN Community Access Road Project Team

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

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[redacted]
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February 8, 2021

Wapekeka First Nation
[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Brennan Sainnawap,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. We understand that your community has indicated they will not be submitting comments on the Proposed Terms of Reference (ToR), however, MFFN would like to notify you that based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed ToR until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

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Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Ananias Winter, Deputy Chief, Wapekeka First Nation
Jonas Beardy, Land-use Planning, Wapekeka First Nation
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Lindsay Jackman, MFFN Project Consultant

From: Cloutis, Geneva
To: [redacted]
Cc: [redacted] Qasim Saddique; lawrencebax; Bob Baxter; [redacted] Larissa Mikkelsen; Jackman, Lindsay; Jennifer Bruin; McLeod, Sasha (MECP); [redacted]; Beaney, Jessalyn
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments
Date: Friday, March 12, 2021 9:08:10 AM

Good morning Chief Sainnawap,

Thank you for speaking with me this morning about the Proposed Terms of Reference for the MFFN Community Access Road Project. As you indicated on the phone, Wapekeka First Nation is NOT planning to submit any additional comments on the Terms of Reference for the Project.

If you have any questions about the Project or would like to schedule a meeting with the MFFN Project Team, please don't hesitate to reach out to either Lindsay or myself.

Thank you so much and have a lovely weekend,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]
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From: Jackman, Lindsay
Sent: Thursday, May 13, 2021 11:55 AM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road: Bat Acoustic Monitoring program

Good Afternoon Chief Sainnawap,

I am emailing to follow up on the field notice which was sent to Wapekeka First Nation yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. I called the Band Office this morning and it was noted that while there is no knowledge of bats being close by, further insight would be sought within the community. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Wapekeka First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021.

If you have any questions or comments about the program, please get in touch.

Thanks,

Lindsay Jackman
On behalf of the Marten Falls First Nation All-Season Community Access Road

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

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[redacted]
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Meyer, James

From: Meyer, James
Sent: September 9, 2021 12:26 PM
To: [redacted]
Cc: Jackman, Lindsay
Subject: MFFNCAR Project Check-in Call

Hi Jonas,

My name is James, I am from the Marten Falls First Nation Community Access Road Project Team. Just wanted to reach out and see if you had a few minutes for a phone call regarding some documents we sent to the community in the past couple weeks? If you don't have time please let me know and we can correspond over email. Below are the topics I would like to discuss:

1. Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th;
2. Vegetation Field Program, Bat ARU and Caribou Mortality Investigation field notice sent September 2nd;
3. What is the current COVID-19 status in Wapekeka First Nation?

Thank you,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

From: Jackman, Lindsay
Sent: Thursday, July 22, 2021 1:49 PM
To: [redacted]a
Cc: [redacted]
Subject: MFFN CAR - Field Programs & Discussion Guides
Attachments: MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf; Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf

Good Afternoon Chief Sainnawap,

I was unable to reach out at the band office today. I am following up on three Marten Falls First Nation Community Access Road Project Discussion Guides that were distributed earlier this month, also attached above. The Discussion Guides provide summaries of upcoming field work that will start in August, and highlights where we are looking for feedback to help inform the field studies. I want to provide a reminder that we are looking for feedback by July 31, 2021.

Virtual copies of the Discussion guide including surveys to provide direct feedback are found on the Project website here:

- Groundwater and Geochemistry Discussion Guide
- Surface Water, Fish and Fish Habitat Discussion Guide
- Vegetation, Physiography and Peatlands Discussion Guide

If Wapekeka First Nation has any questions, please don't hesitate to reach out directly to this email or I can be reached at +1 (204) 928-9230.

Thanks,
Lindsay

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

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[redacted]
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B19. Wawakapewin First Nation

B19.1 Outgoing Community Specific Correspondence

B19.1 Outgoing Community Specific Correspondence

From: info@martenfallsaccessroad.ca
Sent: September 22, 2020 4:27 PM
To: [redacted]
[redacted] Fwd: Re: IK Study Memo
Attachments: Re_ IK Study Memo.eml (3.25 MB); MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-SHP.zip; MFCAR_AboriginalTreatyRightsInterestStudyAreas_20200922-KMZ.zip; MFFN CAR - Preliminary Rights and Interests Study Areas Memo - Final (1) (1).pdf

Dear Chief Beardy,

We are writing to follow up on our August 25, 2020 email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We are seeking your review and comments by September 25, 2020.

Please find attached the Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo and the Geographical Information Systems (GIS) shapefiles and KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,

The Marten Falls First Nation Project Team

---------- Forwarded message ---------
From: <info@martenfallsaccessroad.ca>
Date: Tue, Sep 22, 2020 at 4:16 PM
Subject: Fwd: Re: IK Study Memo
To: <info@martenfallsaccessroad.ca>

From: info@martenfallsaccessroad.ca
Sent: Thursday, October 8, 2020 10:56 AM
To: info@martenfallsaccessroad.ca
Subject: [EXTERNAL] MFFN CAR - Field Program Notice
Attachments: NOTICE - 2020-10-07- Aquatics October Field Study - 60593122.pdf

Good Morning,

Please find attached a Notice for an upcoming aquatic field program for the Marten Falls All Season Community Access Road from October 14 - 25, 2020.

You may notice an increase in air traffic during this time as study areas will be accessed by helicopter between 7am and 7pm during this program.

If you have any questions or comments, please reply to this email.

Sincerely,

Marten Falls First Nation Community Access Road Project Team

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.

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.

On Thu, Oct 29, 2020 at 11:05 AM Lillyman, Kristin <[redacted]> wrote:

Dear Chief A[redacted],

I called the office and spoke with the reception yesterday afternoon. She let me know that you were traveling and to reach you by email.

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

[redacted]

Attachment:

Notice of Submission email sent on October 23, 2020

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

[redacted]
www.dillon.ca

Please consider the environment before printing this email

On Wed, Nov 4, 2020 at 10:25 AM Lillyman, Kristin [redacted] wrote:

Hello Chief B[redacted]

I called the office again today, and spoke with the reception. She let me know that you were not in the office and to reach you by email.

I just wanted to follow-up to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

Specifically we would like to confirm that the Community received the Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020.

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

[redacted]

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

[redacted]
www.dillon.ca

Please consider the environment before printing this email

--

From: info@martenfallsaccessroad.ca
Sent: November 6, 2020 2:45 PM
To: [redacted].ca
Subject: Marten Falls First Nation Community Access Road - IK Program Guidance Document
Attachments: MFFN CAR Project - IK Program Guidance Document (compiled) - Final Nov 2020.pdf

Good Afternoon Chief Beardy,

We hope this email finds you and your community well.

We would like to share some information about the Indigenous Knowledge
(IK) Program for the Marten Falls First Nation all-season Community Access Road (the Project). An important part of the assessment processes for the Project is collecting IK, community knowledge and information on Indigenous land and resource use (ILRU). This important and valuable information helps us to understand baseline (existing) conditions and the potential effects of the Project, and to determine appropriate impact management and monitoring measures.

A primary objective of the IK Program is to have communities identify areas where values could be impacted by the Project, understand community concerns about the potential negative impacts of the Project, and work to avoid or mitigate potential negative impacts and maximize positive effects. The IK Program strives to work with interested Indigenous communities and discuss how relevant IK and ILRU information will become part of the assessment processes and Project planning and design.
To assist communities who have expressed an interest in the IK Program and in completing Project-specific IK/ILRU Studies, we have prepared the attached IK Program Guidance Document. The IK Program Guidance Document provides information on the IK Program and includes resource materials to support identified communities in completing a Project-specific IK/ILRU Study. The IK Program Guidance Document was also developed to support the information requirements set out in the Tailored Impact Statement Guidelines issued by the Impact Assessment Agency of Canada for the Project.

If your community has any relevant IK/ILRU information that you would like to share to support the environmental assessment processes we encourage you to reach out so that we can further discuss the IK Program with you.
We are also available to answer any questions you may have on the IK Program or the content found within the IK Program Guidance Document.

Kind regards,

MFFN Project Team

On Wed, Nov 11, 2020 at 1:33 PM [redacted] wrote:

I called the office yesterday and spoke with the reception. She let me know that you were not in the office and to reach you by email.

I just wanted to follow-up to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

[redacted]

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

[redacted]
www.dillon.ca

Please consider the environment before printing this email

--

On Thu, Nov 19, 2020 at 2:59 PM Lillyman, Kristin [redacted] wrote:

Dear Chief [redacted]

I am following-up with you to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm if you have received the Terms of Reference documents.

Sincerely,

[redacted]

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

[redacted]
www.dillon.ca

Please consider the environment before printing this email

--

DILLON CONSULTING

[redacted]

From: [redacted]<[redacted]
Date: Thu, Nov 26, 2020 at 4:30 PM
Subject: Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
To: <annemarieb[redacted]
Cc: <[redacted]
[redacted], [redacted]<[redacted] J[redacted]

Dear Chief [redacted]

I am following-up with you to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm if you have received the Terms of Reference documents.

Sincerely,

[redacted]

[redacted]
[redacted]
[redacted] 800
Toronto, Ontario, M2J 4Y8
[redacted]
[redacted]
[redacted]
www.dillon.ca

Please consider the environment before printing this email

DILLON CONSULTING

[redacted]

Fwd: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

[redacted] Mon, Dec 7, 2020 at 10:38 AM

To: annemarieb[redacted]

[redacted]

Dear Chief [redacted]

I am following-up with you to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm if you have received the Terms of Reference documents.

Sincerely,

[redacted]

MFFN Project Consultant

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

[redacted]
800
Toronto, Ontario, M2J 4Y8
[redacted]
www.dillon.ca

Please consider the environment before printing this email

DILLON CONSULTING

[redacted]

Marten Falls All-Season Community Access Road ToR Review

1 message

Burnham, Stephanie <[redacted] Thu, Dec 10, 2020 at 6:18 PM
To: Chief Anne Marie Beardy <[redacted]
Cc: Ally Neg <[redacted] Jennifer Bruin [redacted] "Lillyman, Kristin" [redacted], Larissa Mikkelsen <[redacted] Qasim Saddique [redacted]
Bcc: "Beaney, Jessalyn" [redacted], info@martenfallsaccessroad.ca

Good Afternoon Chief B[redacted]

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have received email read receipts for Wawakepewin First Nation but have not yet received a formal confirmation from Wawakepewin First Nation that you have received the Proposed ToR materials —electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

Keeping in line with upcoming due dates, I would like to send a friendly reminder that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**. If Wawakepewin First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

[redacted]
On behalf of the Marten Falls First Nation Community Access Road Project Team

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

[redacted]
www.dillon.ca

Please consider the environment before printing this email

DILLON CONSULTING

Burnham, Stephanie [redacted]

MFFN CAR- IK Program

1 message

Burnham, Stephanie <[redacted] Fri, Jan 22, 2021 at 2:30 PM
To: [redacted], info@martenfallsaccessroad.ca

Good Morning/Good Afternoon Chief [redacted],

We hope this email finds you and your community well. We would like to share some additional information on the Indigenous Knowledge Program for the Marten Falls First Nation all-season Community Access Road Project.

I would also like to take this opportunity to introduce Christopher Johnson. Christopher will be your point of contact for the MFFN CAR moving forward. Please reach out to her with any questions.

Fact Sheets

Please find attached an Indigenous Knowledge (IK) Program Fact Sheet (translated in English, Ojibway, Oji-Cree and Cree). The fact sheets are also available on the Project website at: http://www.martenfallsaccessroad.ca/.

Aboriginal and Treaty Right and Interests Study Areas Update

The MFFN project Team shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August 2020. We have since received feedback on the preliminary study areas and updates have been made accordingly. Please find attached an update on the proposed Aboriginal and Treaty Rights and Interests Study Areas.

If your community has any relevant IK or information on Indigenous Land and Resource Use in the area of the Project that you would like to share to support the environmental assessment processes, we encourage you to reach out so that we can further discuss the IK Program with you. We are also available to answer any questions you may have on the IK Program or the materials provided here.

Kind regards,

MFFN Project Team

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Stephanie Burnham
[redacted]

Please consider the environment before printing this email

5 attachments

MFFN CAR Project - IK Program Fact Sheet - Cree Version - Final January 2021.pdf
1162K

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[redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

[redacted] Mon, Feb 8, 2021 at 7:29 PM
To: [redacted]
Cc: s[redacted], [redacted]

Hello C[redacted],

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see the attached letter regarding the next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If Wawakapewin First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
S[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Chris Johnson
On behalf of the MFFN Community Access Road Project Team

--

DILLON CONSULTING
CANADA BEST MANAGED COMPANIES
Platinum member
[redacted]
www.dillon.ca

Please consider the environment before printing this email

2021-02-08-MFFN Community Access Road ToR Letter (Wawa-FN).pdf
590K

February 8, 2021

Wawakapewin First Nation
[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Beardy,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Wawakapewin First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Wawakapewin First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC

Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Chris Johnson, MFFN Project Consultant

DILLON CONSULTING

Johnson, Christopher [redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

Johnson, Christopher [redacted] Mon, Feb 8, 2021 at 7:29 PM
To: [redacted]
Cc: [redacted]

Hello Chief Beardy,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see the attached letter regarding the next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If Wawakapewin First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]
Email: [redacted] and [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Chris Johnson
On behalf of the MFFN Community Access Road Project Team

--

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Christopher Johnson
Dillon Consulting Limited
235 Yorkland Boulevard Suite 800
Toronto, Ontario, M2J 4Y8
[redacted]
www.dillon.ca

Please consider the environment before printing this email

2021-02-08-MFFN Community Access Road ToR Letter (Wawa-FN).pdf
590K

February 8, 2021

Wawakapewin First Nation
[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Beardy,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Wawakapewin First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Wawakapewin First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC

Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Chris Johnson, MFFN Project Consultant

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Johnson, C[redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

Johnson, Christopher <[redacted] Mon, Feb 22, 2021 at 4:27 PM
To: [redacted]

[redacted]

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. I'm sending this email in follow up to a voicemail left on Feb. 22, 2021, regarding an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. Our team is interested in knowing whether you have received our letter sent on Feb. 8, 2021, and if you have any questions or comments you'd like to share with the project team. If so please feel free to contact us.

Have a great day,
[redacted]
On behalf of the MFFN Community Access Road Project Team
[Quoted text hidden]

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John [redacted]

Reminder: Terms of Reference Comment Period for Marten Falls Community Access Road Project - (Wawakapewin First Nation)

[redacted] Thu, Mar 11, 2021 at 3:54 PM
T[redacted]

Hello Chief [redacted],

I hope this email finds you well. I would like to share a reminder that the deadline to provide comments for the Terms of Reference is March 31, 2021. Apart from the deadline, the project team is always open to discussion or questions and if you are interested in meeting with the project team please don't hesitate to let us know.

Thank You,
C[redacted]

On behalf of the MFFN Community Access Road Project Team

--

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CANADA BEST MANAGED COMPANIES
Platinum member

[redacted]800
www.[redacted]

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[redacted]

Reminder: Terms of Reference Comment Period for Marten Falls Community Access Road Project - (Wawakapewin First Nation)

[redacted] Fri, Mar 26, 2021 at 11:30 AM
To: [redacted]
Cc: [redacted]

Hello Chief [redacted],

I would like to share a reminder that the deadline to provide comments for the Terms of Reference for the Marten Falls Access Road is March 31, 2021. Would you kindly let us know if your community is interested in sharing comments or questions about the ToR? We appreciate your time and interest in the project thus far.

Thank You,
[redacted]

On behalf of the MFFN Community Access Road Project Team

[Quoted text hidden]

B20. Webequie First Nation

B20.1 Outgoing Community Specific Correspondence

B20.2 Incoming Community Specific Correspondence

B20.3 Community Specific Meeting Materials



B20.1 Outgoing Community Specific Correspondence



From: Ross, Kathryn
Sent: Monday, September 14, 2020 12:45 PM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road Project

Good afternoon Clinton,

My name is Kathryn Ross and I'm a consultant on the Marten Falls First Nation Community Access Road Project. I was unable to attend the meeting with Webequie First Nation, but I wanted to follow-up and introduce myself as one of the points of contact for the MFFN Project.

MFFN is getting ready to distribute copies of the Terms of Reference. Can you please confirm that we have the correct mailing address for hard copy and email addresses for digital copies?

Webequie First Nation	Chief Cornelius Wabasse	[redacted]	[redacted]	[redacted]

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

Vacation Alert: September 17 - 22

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, September 28, 2020 9:36 AM
To: Clinton Shewaybick
Subject: RE: [EXTERNAL] Re: Re: FW: MFFN Community Access Road Project

Hi Clinton,

Thank you for the confirmation. A printed hard copy will be sent the mailing address below and addressed to Chief Wabasse, along with two USB sticks with an electronic copy. We will also be sending a website link to download files online.

Thanks,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Friday, October 2, 2020 2:54 PM
To: Clinton Shewaybick; s[redacted]
Cc: [redacted]
Subject: Webequie and Marten Falls First Nation Meeting Minutes
Attachments: MIN_2020-10-01-Webequie First Nation Draft Meeting Minutes - MFFN CAR.docx; PRES-2019-08-09-Webequie-Meeting Presentation-60593122.pdf

Good afternoon Clinton and Samson,

Please see attached meeting minutes from the August 17, 2020 meeting with Webequie First Nation and Marten Falls First Nation. Also attached is the requested presentation material from August 2019. An updated version of the slide deck will be forwarded to you when the Terms of Reference is released this Fall. I also added Clinton to the MFFN Master Contact List.

Please let me know if you have any comments or edits on the attached meeting minutes. They will become part of the Record of Consultation.

Thank you and have a nice weekend.

Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, October 26, 2020 2:34 PM
To: Clinton Shewaybick; info@martenfallsaccessroad.ca
Subject: RE: Martin Falls Community Access Road Environmental Assessment Term of Reference

Hi Clinton,

Thank you for your email. Can you provide more details about issues you're having with accessing the files online? You should be able to click either the complete Terms of Reference or the separate sections on this webpage: http://www.martenfallsaccessroad.ca/documents/#tor and then you can download the files directly to your computer. Please note that they are large files so best to open them on a computer instead of smart phone.

Please let me know if that still doesn't work.

Thanks,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: MFFN Community Access Road <info@martenfallsaccessroad.ca>
Sent: Thursday, October 29, 2020 4:25 PM
To: [redacted]
Subject: Re: Marten Falls First Nation Community Access Road Project - Terms of Reference

Hi Samson,

Thank you for your question. The 60-day review period ends on December 21, 2020. Please let us know if you have any other questions.

Sincerely,

Marten Falls First Nation Community Access Road Project Team

From: Ross, Kathryn
Sent: Monday, November 2, 2020 8:27 AM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Wabasse,

I'm following up to confirm that Webequie First Nation received the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. I haven't been able to reach you, Samson or Clinton by telephone last week.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I've attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the following Proposed ToR documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

If possible, we also recommend the printed ToR document be placed in an accessible location in the community (like the Band Office). The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks.

Please let me know if you have received the ToR, and do not hesitate to reach out if you have any questions or concerns.

Sincerely,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, November 30, 2020 4:04 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen
Subject: RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Good afternoon Chief Wabasse,

I hope this email finds you well.

I'm following up to confirm that Webequie First Nation received the Proposed Terms of Reference (ToR) and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. It looks like the hard copy documents have been delivered to the community.

A reminder that the ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. I've attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP). Please reach out if you have any questions or concerns.

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Wednesday, December 9, 2020 3:10 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen; Beaney, Jessalyn
Subject: Marten Falls All-Season Community Access Road ToR Review

Dear Chief Wabasse,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Webequie First Nation that you have received the Proposed ToR materials—electronic versions are also available here. Our tracking does show that materials were delivered to the community. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**. If Webequie First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Kathryn Ross
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Ross, Kathryn
Sent: Monday, December 14, 2020 2:29 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen; Beaney, Jessalyn
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Chief Wabasse,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If Webequie First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

We look forward to your input and value your feedback.

Kind regards,

Kathryn
On behalf of the Marten Falls First Nation Community Access Road Project Team

Kathryn Ross
Communication and Community Engagement Specialist
Environment
[redacted]

AECOM
[redacted]
www.aecom.com

From: Cloutis, Geneva
Sent: Monday, February 8, 2021 1:54 PM
To: [redacted]
Cc: [redacted] Bob Baxter; [redacted] Larissa Mikkelsen; Jennifer Bruin; Qasim Saddique; [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Webequie First Nation.pdf

Good afternoon Chief Wabasse,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see attached letter regarding next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If Webequie First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

February 8, 2021

Webequie First Nation
[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Cornelius Wabasse,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Webequie First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Webequie First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Samson Jacob, Local Consultation Lead, Webequie First Nation
Clinton Shewaybick, Project Information Officer, Webequie First Nation
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Geneva Cloutis, MFFN Project Consultant

From: Cloutis, Geneva
Sent: Monday, February 22, 2021 1:17 PM
To: [redacted]
Cc: [redacted] 'Bob Baxter'; [redacted] 'Larissa Mikkelsen'; 'Jennifer Bruin'; 'Qasim Saddique'; [redacted]
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Webequie First Nation.pdf

Good afternoon Chief Wabasse,

I called the Webequie Band Office this afternoon and left a voicemail about the additional opportunity to comment on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road Project. As indicated in the letter and email thread below, the new deadline to provide any comments on the ToR for the Project is March 31, 2021.

If you could please let me know that you have received this letter, that would be greatly appreciated. If you know at this time whether Webequie First Nation is planning to submit any comments on the Proposed ToR, please indicate that as well.

Do not hesitate to reach out if you have any questions or comments, or if your community would like to set up a meeting with the Marten Falls First Nation Community Access Road Project Team to discuss the Project.

Thank you very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

February 8, 2021

Webequie First Nation
[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Cornelius Wabasse,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Webequie First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Webequie First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Samson Jacob, Local Consultation Lead, Webequie First Nation
Clinton Shewaybick, Project Information Officer, Webequie First Nation
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Geneva Cloutis, MFFN Project Consultant

From: Cloutis, Geneva
Sent: Tuesday, March 2, 2021 1:04 PM
To: [redacted]
Cc: [redacted] Clinton Shewaybick; Bob Baxter; Larissa Mikkelsen; Qasim Saddique
Subject: MFFN Community Access Road - Indigenous Knowledge Sharing Agreement
Attachments: Template_ Confidential Information Sharing Agreement_2019 -2020 - Track Changes.docx; Template - Confidential Indigenous Knowledge Sharing Agreement - 2021.docx

Dear Chief Wabasse,

I hope this email finds you and your community well. I am following up with some additional information related to the Indigenous Knowledge (IK) Sharing Agreement, which was initially provided to Webequie First Nation in December 2019. There have been some revisions made to the IK Sharing Agreement since the original version. We have modified the original IK Sharing Agreement template to capture both the provincial and federal assessments (e.g. Environmental Assessment is now referenced as environmental/impact assessments) and "Preliminary Design" is now termed "Design".

Please find attached the original template agreement with track changes included to demonstrate where these edits were made, as well as a “clean” version of the IK Sharing Agreement template (2021).

If you could please review the document and let us know if Webequie First Nation has any questions on the IK Sharing Agreement and associated materials on the IK Program, that would be greatly appreciated. Alternatively, if you would like to set up a meeting to discuss the IK Program and the IK Sharing Agreement, please let me know and I would be happy to coordinate setting up a meeting with Webequie First Nation and the MFFN Project Team.

Please don’t hesitate to reach out if you have any questions or comments.

Kind regards,

Geneva Cloutis
On behalf of the Marten Falls First Nation Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
Pronouns: She/her
[redacted]

AECOM
99 Commerce Drive
[redacted]
aecom.com

INDIGENOUS KNOWLEDGE

INFORMATION SHARING AGREEMENT

Marten Falls First Nation

Community Access Road

CONFIDENTIAL INFORMATION

dated the _____ day of _____, 2021

As part of the environmental/impact assessment and design of the Marten Falls Community Access Road Project, (the "Project"), XXXXX hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include Indigenous Knowledge, traditional knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another amongst the people of XXXX. Confidential Information may also include beliefs, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to the people of XXXX. For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by XXXX is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how XXXX lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the environmental/impact assessments and design).

The Confidential Information may be used to better understand how XXXX community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities or external researchers without express written consent of XXXX.

The Recipients acknowledge and agree that the Confidential Information is the property of XXXX and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of XXXX.

On termination of this Agreement or on written notice by XXXX, the Recipients shall as directed by XXXX to either: promptly destroy or return to XXXX all Confidential Information and all copies thereof.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by XXXX is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of XXXX:

_____ _____

(Authorized representative) Date

Agreed to on behalf of the Recipients:

_____ _____

(Authorized representative) Date

INDIGENOUS KNOWLEDGE

INFORMATION SHARING AGREEMENT

Marten Falls First Nation

Community Access Road

CONFIDENTIAL INFORMATION

dated the _____ day of _____, 2021

As part of the environmental/impact assessment and design of the Marten Falls Community Access Road Project, (the "Project"), XXXXX hereby agrees to provide Confidential Information pertaining to traditional and contemporary land use. The Confidential Information may include Indigenous Knowledge, traditional knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another amongst the people of XXXX. Confidential Information may also include beliefs, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to the people of XXXX. For greater certainty, Confidential Information shall also include other information which, given the circumstances surrounding its disclosure and the context of the subject matter of discussions, would be considered confidential.

The Confidential Information provided by XXXX is provided to the Community Access Road Project Team and AECOM (the "Recipients"), to better understand how XXXX lands and resources may be affected by the Project. The Confidential Information can only be used for the Project (e.g. informing the environmental/impact assessment and design).

The Confidential Information may be used to better understand how XXXX community members are using the lands and resources and to consider adjustments such as to routing and to also potentially develop mitigation measures that may reduce the effect of the Project on the land and resources identified.

The Recipients of the Confidential Information will not use this Confidential Information for other purposes, such as informing other projects or for research purposes beyond those associated with the Project. The Recipients agree to protect and hold the Confidential Information in strict confidence. The Recipients maintain the right to disclose the Confidential Information as necessary to their employees and team members who will also be bound by the terms of this Agreement.

Except to the extent required by applicable law, Confidential Information will not be shared by the Recipient with other proponents, government agencies, other communities or external researchers without express written consent of XXXX.

The Recipients acknowledge and agree that the Confidential Information is the property of XXXX and nothing in this agreement transfers any ownership interest to the Recipients. All information provided will remain under the control of XXXX.

On termination of this Agreement or on written notice by XXXX, the Recipients shall as directed by XXXX to either: promptly destroy or return to XXXX all Confidential Information and all copies thereof.

The Recipients will take all prudent measures to ensure that the Confidential Information provided by XXXX is kept confidential. Data security measures and protocols will be implemented to maintain the security of the Confidential Information while in the custody of the Recipients. Data will be protected against such risks as unauthorized access, collection, use, disclosure or disposal.

Agreed to on behalf of XXXX:

_____ _____

(Authorized representative) Date

Agreed to on behalf of the Recipients:

_____ _____

(Authorized representative) Date

From: Cloutis, Geneva
Sent: Thursday, March 11, 2021 12:42 PM
To: [redacted]
Cc: [redacted] McLeod, Sasha (MECP); [redacted] Beaney, Jessalyn; [redacted] Bob Baxter; [redacted] Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: FULL_RPT_2020-09-09_Proposed-ToR_60593122_WEB-1.pdf

Hi Samson,

Thank you for speaking with me earlier about the comment period for the Proposed Terms of Reference for the Marten Falls Community Access Road Project. I know that you indicated on the phone that you were unsure at this time whether Webequie First Nation would be planning to submit additional comments on the Terms of Reference for the Project and would like to be provided with a copy of the Terms of Reference for the Project.

I've attached to this email the Terms of Reference. If you have any difficulties opening the file, please let me know and I can find another way to send you the file. You can also access the Terms of Reference on the Marten Falls Community Access Road Project website here: http://www.martenfallsaccessroad.ca/tor/

If Webequie First Nation does decide to submit any comments on the Terms of Reference, you can send them directly to the Ministry of Environment, Conservation and Parks. The deadline to submit comments is March 31, 2021. Their contact information is provided below:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please don't hesitate to reach out if you have any questions about the submission process or the Project.
Thanks very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

From: Cloutis, Geneva
Sent: Thursday, March 25, 2021 10:44 AM
To: [redacted]
Cc: [redacted] Beaney, Jessalyn; McLeod, Sasha (MECP); [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Bob Baxter; lawrencebax; [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference - Comment Period

Good morning Chief Wabasse,

I left a message at the Webequie First Nation Band Office to remind you that the comment period for the Proposed Terms of Reference for the Marten Falls First Nation Community Access Road Project is closing next Wednesday, March 31, 2021.

If Webequie First Nation is planning to submit any comments, they should be sent directly to the Ministry of Environment, Conservation and Parks:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

If you have any questions, please don't hesitate to reach out.

Thanks very much,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
aecom.com

From: Cloutis, Geneva
Sent: Thursday, May 13, 2021 10:07 AM
To: [redacted]
Cc: [redacted]
Subject: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Good morning Samson,

I am emailing to follow up to the voicemail I left this morning, regarding the Bat Acoustic Monitoring program field notice which was sent out to Webequie First Nation yesterday afternoon. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does Webequie First Nation have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021. If you have any questions or comments about the program, please get in touch. If there is someone from Webequie First Nation who would be better suited to answer these questions or provide some insight, please let me know and I can follow up with them directly.

Thanks,

Geneva Cloutis
On behalf of the Marten Falls First Nation All-Season Community Access Road

[redacted]

From: Cloutis, Geneva
Sent: Thursday, September 9, 2021 12:09 PM
To: [redacted]
Cc: [redacted] 'info@martenfallsaccessroad.ca'
Subject: MFFN Community Access Road - Field Program Update

Good afternoon Chief Wabasse,

I tried calling the Webequie First Nation Band Office this morning but was unable to get a hold of anyone. I am reaching out to follow up on a couple of pieces of information that we have distributed about the Marten Falls First Nation Community Access Road.

Recently, we have sent out two field notices on upcoming field work and we are reaching out to provide information and seek feedback and/or questions you may have. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - The field program is anticipated to take place from September 10 until 19, 2021

- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd

  The field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

If you have any questions or would like to set up a call to discuss, please don't hesitate to reach out.

Sincerely,

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Community Engagement and Consultation Practitioner, IAP Canada
[redacted]

B20.2 Incoming Community Specific Correspondence

From: Clinton Shewaybick <[redacted]>
Sent: Monday, September 28, 2020 9:32 AM
To: Ross, Kathryn
Subject: [EXTERNAL] Re: Re: FW: MFFN Community Access Road Project

Hey Kathryn,

We would like a printed hard copy along with an electronic copy.

Thanks,

Clinton

From: [redacted]
Sent: Tuesday, October 20, 2020 3:15 PM
To: info@martenfallsaccessroad.ca
Subject: RE: Marten Falls First Nation Community Access Road Project - Terms of Reference

Since it will start on the 23th of October and when those it end, what date to be exact?

4**Samson Jacob**

Lans and Resource Coordinator
Lands and Resources Department
[redacted]
Ontario,
[redacted]
www.webequie.ca
www.supplyroad.ca

***Do your part and keep everyone safe – Wash your hands, don't touch your face, keep your distance, and stay home if your not feeling well.**

From: Clinton Shewaybick <[redacted]>
Sent: Monday, October 26, 2020 3:14 PM
To: info@martenfallsaccessroad.ca
Subject: RE: Martin Falls Community Access Road Environmental Assessment Term of Reference

Good afternoon. I am having trouble accessing the Community Access Road Environmental Assessment Term of Reference through the Martin Falls' website. I was wondering if I could have a digital copy sent to my email at '[redacted]'. Thanks.

Clinton Shewaybick
Project Information Officer

B20.3 Community Specific Meeting Materials

Project Name:	Marten Falls First Nation All Season Community Access Road	Date of Meeting:	August 17, 2020
		Time:	2 pm to 3 pm EDT
		Project #:	60593122
Attendees:	Clinton Shewaybick (Coordinator, Webequie First Nation) Samson Jacob (Local Consultation Lead, Webequie First Nation) Michael Fox (Consultant, Webequie First Nation) Bob Baxter (MFFN Community Member Advisor) Lawrence Baxter (MFFN Community Member Advisor) Jennifer Bruin (MFFN Community EA Technical Advisor) Larissa Mikkelsen (MFFN Community Consultation Coordinator / Advisor) Glinis Buffalo (MFFN Project Consultant) Don McKinnon (MFFN Project Consultant) Jack Moonias (MFFN Community Member Advisor)	Location:	Microsoft Teams via Teleconference
Absent:	Kathryn Ross (MFFN Project Consultant)	Prepared By:	Kathryn Ross (MFFN Project Consultant)
Regarding:	Webequie Project Coordinator Overview		

Minutes of Meeting

	Action Items
➢ **Team Introductions** • MFFN Project Team provided an overview of the agenda and introduced attendees. • Webequie First Nation confirmed the following roles: o Samson Jacob is the Local Consultation Lead for the Webequie Supply Road (WSR) project and part of Webequie First Nation's Land Use Planning (LUP). o Michael Fox has two primary roles – Regional Consultation Lead and Project Facilitator on WSR project. o Clinton Shewaybick is the Project Information Officer. • Marten Falls First Nation (MFFN) Project Team confirmed the following roles:	• N/A

	Action Items
o Bob Baxter is a MFFN member and member of the Community Access Road (CAR) Project Team as Senior Community Member Advisor and also works on Indigenous Knowledge related to the Project. Bob also works with MFFN LUP. o Jennifer Bruin is the Community Environmental Assessment (EA) Technical Advisor and has been part of the Project since the Request for Proposal. Jennifer also supported MFFN with another Request for Proposal for baseline work. o Larissa Mikkelsen is a Consultation Coordinator. o Don McKinnon is a Project Consultant (from Dillon) and works in a number of areas including consultation and social economic assessment. o Glinis Buffalo is a Project Consultant (from AECOM) and is filling in today for Kathryn Ross. Kathryn, in addition to Larissa, will be Webequie First Nation's primary contact moving forward.	
➢ **Project Status Update** • Regarding the provincial EA, the MFFN Project Team noted that a Terms of Reference (ToR) review period will begin soon. The MFFN Project Team is considering any timing overlap with the MFFN ToR and Webequie First Nation's ToR review periods. There currently isn't significant overlap. • Regarding the federal Impact Assessment (IA) process, the MFFN Project Team is drafting study plans for baseline work and circulating study plans for regulatory review and feedback. Extensive baseline work has already taken place over the last year, however, the Tailored Impact Statement Guidelines issued by the Impact Assessment Agency of Canada (the Agency), included additional data requirements for certain technical studies. The MFFN Project Team is finalizing study plans before more baseline work takes place and is expecting to conduct additional baseline work starting in the fall (air quality work is planned to take place later in August). • The MFFN Project Team noted that the provincial EA will commence next year in 2021. Indigenous Knowledge (IK) collection and socio-economic baseline data collection work is being initiated. As well, the MFFN Project Team is working to advance different studies and the federal IA during this time.	• N/A

	Action Items
• Webequie First Nation asked if field programs are happening the rest of the summer and into the fall. o MFFN Project Team noted that air quality work is the only work currently taking place and are actively working on study plans. Some archaeology studies may take place in the fall and work for ungulates is planned for the winter. Wildlife studies are still being discussed, and the MFFN Project Team is aiming to proceed with this work during the current field season. Discussions and decisions related to the study plans are progressing slowly due to scheduling conflicts and long review periods requested by regulators.	
➢ **Team Structure** • MFFN is the Proponent of the Project. • The Ministry of the Environment, Conservation and Parks (MECP) is a provincial regulator. The Agency (IAAC) is a federal regulator. • MFFN leadership refers to Chief and Council. • MFFN Community Member Advisors are Lawrence Baxter, Bob Baxter and Jack Moonias. Qasim Saddique, Jennifer Bruin and Larissa Mikkelsen are part of the MFFN Project Team, along with consultants from AECOM, Dillon, Golder and KGS. • MFFN Project Team noted that Grace Baxter is now referred to as Vida Baxter. • Webequie First Nation asked who the primary first contact is for the MFFN Project. o Larissa is one of the primary contacts and Kathryn Ross is the second contact. Both Kathryn and Larissa will share correspondence from Webequie First Nation to the rest of the MFFN Project Team.	• N/A
➢ **Coordinator Role** • Webequie First Nation confirmed that there is a WSR Project Team of staff and Council that completed a lot of front-end work from previous studies, and continued momentum to educate community members about the WSR. • Samson was the Land Use Planner and was asked to help on WSR because Samson has working relationships with the same land users.	• Kathryn will send an introductory note to Clinton • MFFN Project Team to send 2019 presentation to Webequie First

	Action Items
Samson is still part of LUP; however, it was decided that someone new would be added to the team for the MFFN Project. • Webequie First Nation indicated that Clinton's involvement on the MFFN Project will mostly be related to sharing project information and connecting with Larissa and Kathryn. Part of the orientation that Webequie First Nation is providing for Clinton is related to the different phases of work – ToR, EA and IK – that he will be participating in. Clinton will be working with Samson on the LUP portion. Clinton will also help to: provide Webequie First Nation community members a better understanding of the MFFN Project; collect comments, issues or concerns for forwarding on to Larissa and Kathryn; understand how MECP and the Agency (IAAC) apply to the CAR and how Ontario is working with MFFN in terms of consultation; and keep track of finances. • The following tasks that Clinton wil be responsible for were confirmed, including: o Staying informed on Project activities, timelines, documents / reports, events and more; o Communicating CAR information to Webequie First Nation community members in a timely and effective manner; o Act as a liaison and provide coordination between the MFFN Project Team and Webequie First Nation community members both on and off-reserve as per community practices and in collaboration with Chief and Council; o Providing support for community engagement activities related to the EA (e.g., coordinating and arranging all logistics for meetings, workshops, events and school visits, including booking meeting rooms, refreshments), assisting with facilitation services, note taking, and coordinating translation services; o Arranging mail outs, posters, radio blitz and meeting notices in Webequie First Nation community; o Assisting in background research and collecting information related to the EA, including Socio-Economic and Land Use data; and o Assisting with logistics including truck and boat rentals, meals and accommodations as needed.	Nation, along with updated presentation deck • MFFN Project Team to add Clinton to the MFFN Master Contact List

	Action Items
• Webequie First Nation will consider how to engage off-reserve membership. • The MFFN Project Team will add Clinton as the main point of contact on the MFFN Master Contact List, and MFFN will continue to send documents to contacts that are already on the list. • Webequie First Nation asked if there is a presentation on the field work that has been done so far. Webequie First Nation would like to make sure that community members are updated about activities on the land to not conflict with the hunting season. Clinton can be provided with updates. o The MFFN Project Team confirmed that field study notices are sent out before baseline work is conducted. If there are dates MFFN should be mindful of, that communication would be helpful. MFFN will also give notice when there is expected field work. The current air quality work being conducted will not have a notice because it is happening in the community and is not on the land. • Webequie First Nation asked if there's been engagement on IK, and what the process is. • MFFN Project Team confirmed that an IK memo will be distributed soon and will include information about study areas (to be covered in the study plans). A follow-up guidance document will be distributed shortly after the memo and Clinton will receive a copy. • Webequie First Nation requested that the presentation from the last meeting regarding the CAR be forwarded so that Samson can review. • The MFFN Project Team confirmed that the last version of the presentation will be sent, along with an update presentation.	

Any errors or omissions please contact Kathryn Ross within 2 weeks of distribution. Finalized meeting minutes will be included in the public Record of Consultation.

MARTEN FALLS FIRST NATION

ALL SEASON COMMUNITY ACCESS ROAD



Presentation to Webequie First Nation ***August 9, 2019***

Welcome! Boozhoo!

We plan to talk about:

- **Topic 1 – Project Overview and Update:** Provide an overview and update to the Project and Environmental Assessment (EA) process we are following
- **Topic 2 – Environmental Assessment Process:** Review Provincial and Federal EA processes including the Draft Terms of Reference
- **Topic 3 – Route Selection:** Review the potential routes for the Community Access Road, and discuss our proposed approach for selecting viable routes for further study during the EA
- **Topic 4 – Engaging Other First Nations:** Review Marten Falls First Nation's plans for engagement and discuss how best to involve your Community

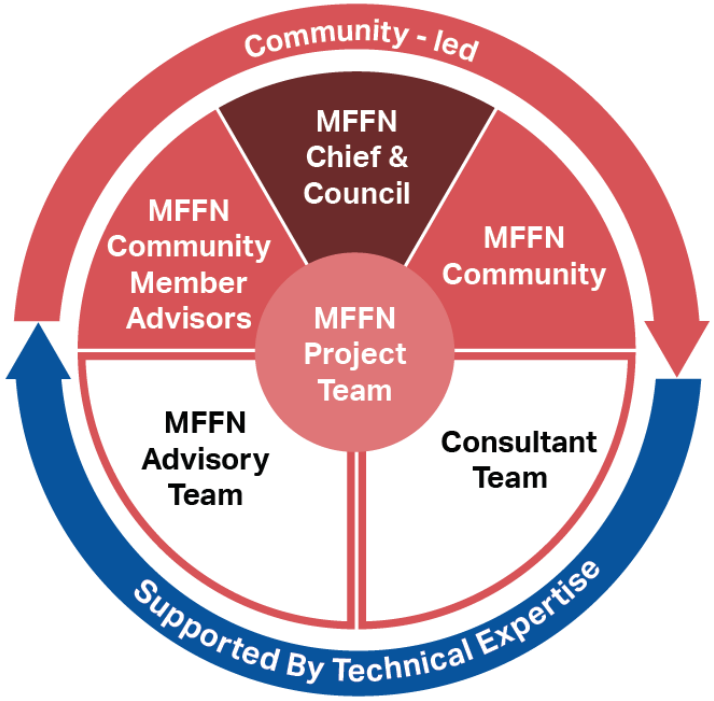
Your input is important to us.

Topic 1 – Project Overview



What's Happening?

- **Marten Falls First Nation** is initiating a community-led Provincial Environmental Assessment and Preliminary Design Study for an all season access road to the Community.
- Marten Falls First Nation has a winter access road, but its condition isn't reliable and makes transportation of goods and people difficult.
- The community access road may also support future industry in the region (e.g., mining).

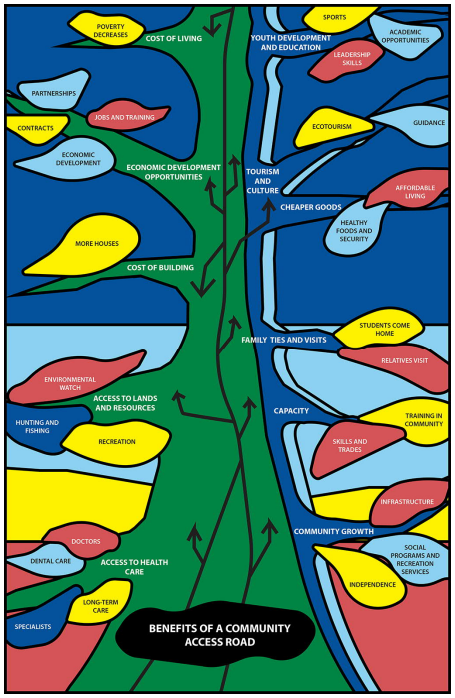


Why is a Community Access Road Needed?

Better access would allow increased opportunities for:

- Social interaction with other communities;
- Access to emergency, health and social services;
- Training and jobs during planning and construction; and
- Local economic development.

A Community Access Road would also reduce transportation costs for goods and services; meaning more affordable food, fuel and other vital supplies and services.



Components of the Community Access Road

The Community Access Road is currently at the conceptual stage and is anticipated to include the following features:

- Between 140 km to 250 km of all season, two-lane gravel road
- Bridge and/ or culverts (engineered ditches for river and stream crossings);
- Areas to obtain construction materials like aggregates; and
- Temporary construction access roads, work areas and camps.

Topic 2 – Environmental Assessment Process



Guiding Principles throughout the Environmental Assessment

What do you think about the Principles that are guiding the Community Access Road?

"The Anishinabek relationship to the land should be seen as a cultured landscape; also an area that is continuously being used by the Anishinabek as a habitation and as a resource."

"Kawininitojikateg nikan onajikewining ineke."

"Looking at it together. In numbers there is strength."

"Everything on our land and water is living and needs to be respected."

"Chi Mamow waban ji kateg emishiinonaniwang mashkawisiinaniwang"

"Kezhikanawabajikateg kaye ji tepwaaniwaang kekikinozhiwemakaang."

"Respect the natural and Anishnawbe customs and teachings at all times."

"Engage the Anishinabek on all issues that affect our shared and communal lands."

"Jih ishi kanawejikatey kakina kekon"

"Kakina ji wiinda mawa nowaht anishinabek ka onjiwatch."

First Step of a Provincial Environmental Assessment

- First step of a Provincial Individual Environmental Assessment is to prepare a **Terms of Reference**, which requires consultation with neighbouring Indigenous Communities.
- A Terms of Reference is a “roadmap” for EA planning and decision-making and outlines:
  - How the Environmental Assessment will be prepared;
  - What studies will be conducted;
  - The process to identify and assess effects; and
  - How people will be consulted.

Consultation is key to decision-making.

We encourage you to provide input on both the Draft and Final Terms of Reference.

What is a Federal Project Description?

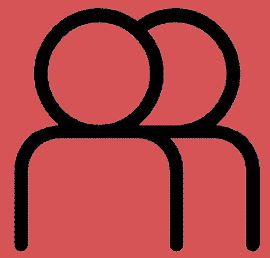
A Project Description is a requirement of the Federal government to determine if a Federal Environmental Assessment is required, and includes the following information to make that decision:

- Proposed Project Description (e.g., location, project activities including construction);
- Description of baseline conditions and sensitivities;
- Outline of potential environmental effects;
- Approach for engagement with Indigenous Communities; and
- Approach for engagement with other interested persons (e.g., the public, industry, non-government organizations and government agencies).

EA Status – August 2019

Engagement Activities

- Notice of Terms of Reference commencement published (March)
- On-going outreach to consult neighbouring Indigenous communities (22).
- Meetings in Marten Falls Community (March – June).
- Public Information Session #1 (Thunder Bay and Geraldton).
- Agency and key stakeholder meetings.
- Online consultation.



EA Status – August 2019

Environmental Assessment Documents

- Provincial Environmental Assessment Draft Terms of Reference (ToR) is drafted and to be released soon.
- Draft ToR summary document also to be released (including translated version).
- Federal Project Description has been submitted to CEA Agency.



EA Status – August 2019

Field Studies

- July to October 2019: Vegetation and Wildlife
- August to October 2019:
  - Fisheries and Surface Water
  - Cultural Heritage
  - Noise and Air
- August to December 2019**:** Geotechnical and Engineering

- Socio-economic and Indigenous Knowledge data collection activities to start

Topic 3 – Community Access Road Route Selection



Preliminary Routes for the Community Access Road

A key step in the Terms of Reference process is identifying the alternative routes for the proposed road.

Alternative routes were identified by Marten Falls First Nation using information gathered during previous studies and consultation, and updated this year to include the latest available information.

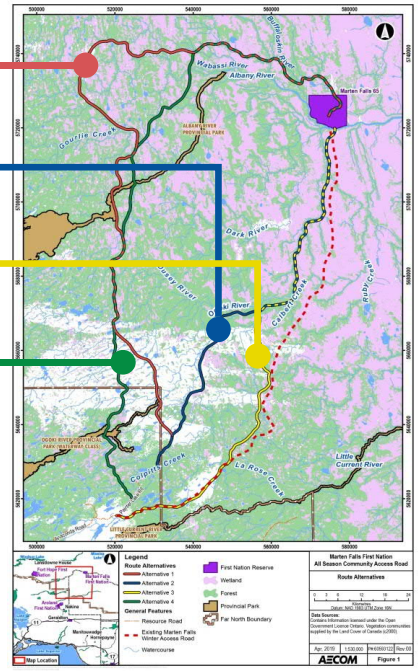
Four alternative routes were originally identified. Marten Falls First Nation has made a community decision to consider only the western routes in the EA (#1 and #4).

Alternative 1

Alternative 2

Alternative 3

Alternative 4



Is there anything we should know about the study area or potential routes?

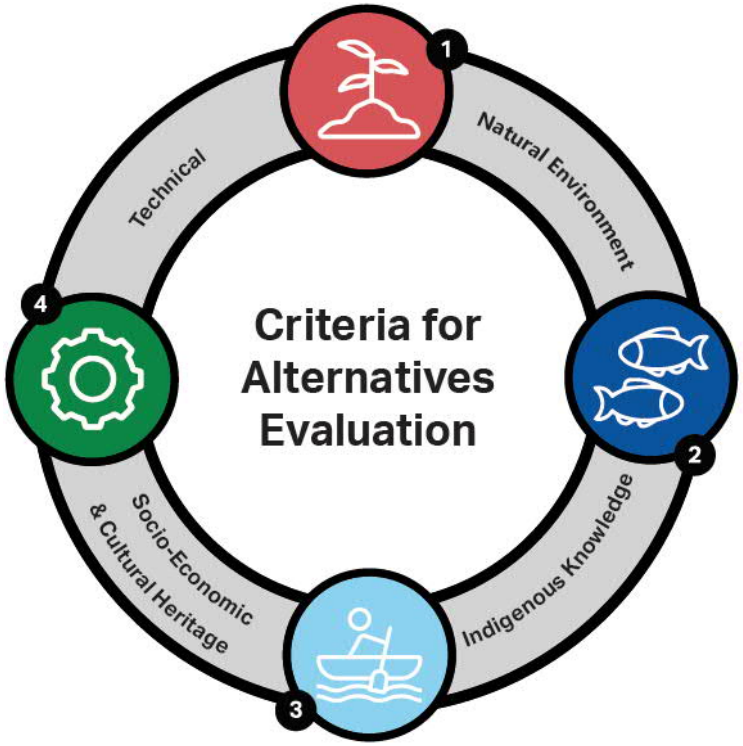
Do you have any comments, ideas or community values related to the potential alternative routes?

Respecting the Environment:

An evaluation will be completed in the Environmental Assessment to compare Alternative 1 and Alternative 4 against a set of criteria.

The outcome of the evaluation of alternative routes in the Environmental Assessment will identify the preferred route for the Community Access Road with the:

- Least potential for negative effects
- Greatest opportunity for mitigation negative effects
- Greatest community benefit



Are there values important to you that we should be considering?

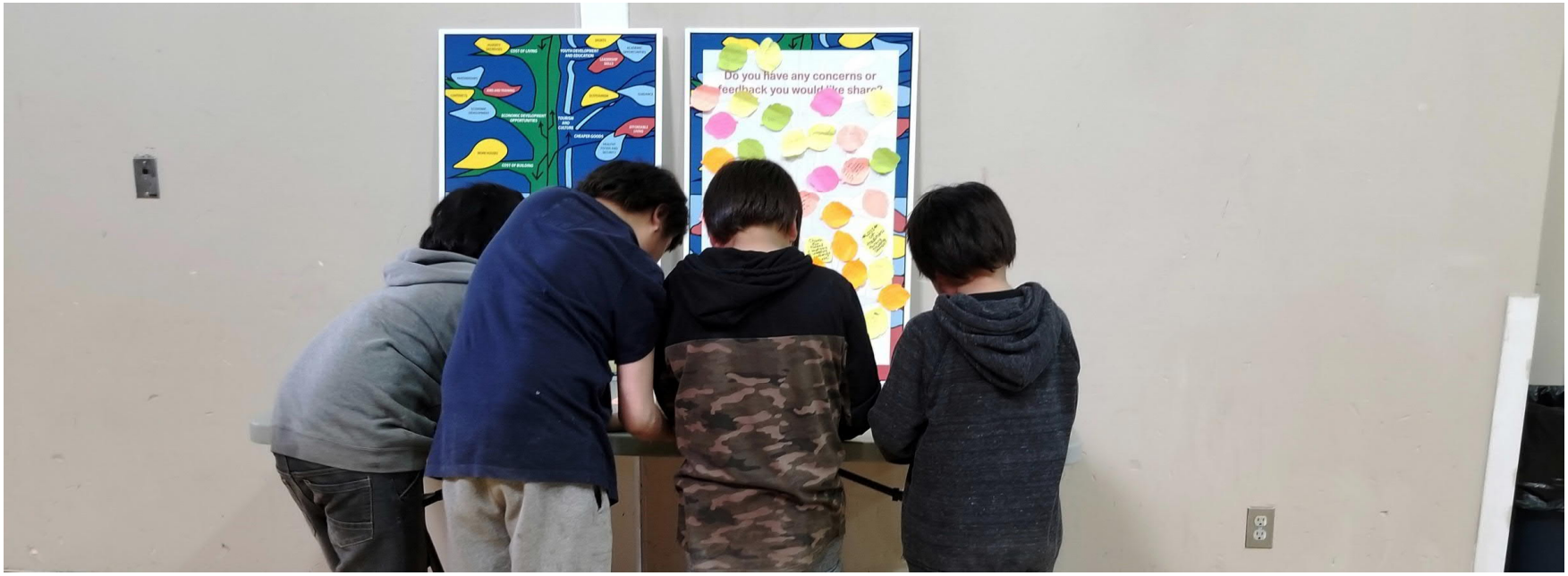
Do you see any impacts on Aboriginal or treaty rights?

The Importance of Indigenous Knowledge

- Indigenous Knowledge is important for the planning of the Community Access Road.
- Indigenous Knowledge is highly valuable and as such is treated confidentially.
- Indigenous Knowledge protocols for all Indigenous communities will be respected.
- Indigenous Knowledge Sharing Agreements will guide the use, collection and protection of Indigenous Knowledge for the Community Access Road.



Topic 4 – Engaging Indigenous Communities



Engaging Indigenous Communities

- Marten Falls First Nation and neighbouring Indigenous Communities have been discussing community access roads since mid-2017
- Marten Falls First Nation and the Province of Ontario are sharing the responsibility to engage with Indigenous Communities
- Marten Falls First Nation Project Team has sent notification letters and has attempted to contact neighbouring Indigenous communities to determine if they have an interest in the project / Environmental Assessment
- Discussions are ongoing with several communities



Proposed Consultation for the Environmental Assessment

Three rounds of consultation are proposed for the Environmental Assessment:

Winter 2019/2020	CONSULTATION ROUND 1	**Key Topics:** • Project need and rationale • Alternative routes • Evaluation criteria and approach to selecting a preferred route; • Approach to consultation through the EA; and • Next steps and schedule.
Spring 2020	CONSULTATION ROUND 2	**Key Topics:** • Preferred route and rationale for its selection; • Potential effects and impact management program; • Consultation and summary of input received to date; • Preliminary CAR design; and • Next steps and schedule.
Fall 2020	CONSULTATION ROUND 3	**Key Topics:** • Release of draft EA Report

Gathering Feedback through the Environmental Assessment

Consultation and Communication Activities for Indigenous Communities:

- Chief & Council and/ or Community Meetings
- Ongoing Notifications and Project Updates; in writing and online
- Community Member (e.g., Elder, Youth) Discussions
- Translated Project Updates

Consultation and Communication Activities for All Stakeholders:

- Ongoing Notifications and Project Updates; in writing and online
- Project Website
- Project Hotline/ Email Address
- Public Information Sessions
- Review of Environmental Assessment Documentation

How would you like to be consulted and kept informed during the Terms of Reference and Environmental Assessment?



Engaging with Webequie First Nation

Key items that Marten Falls First Nation and Webequie First Nation have discussed or exchanged letter about:

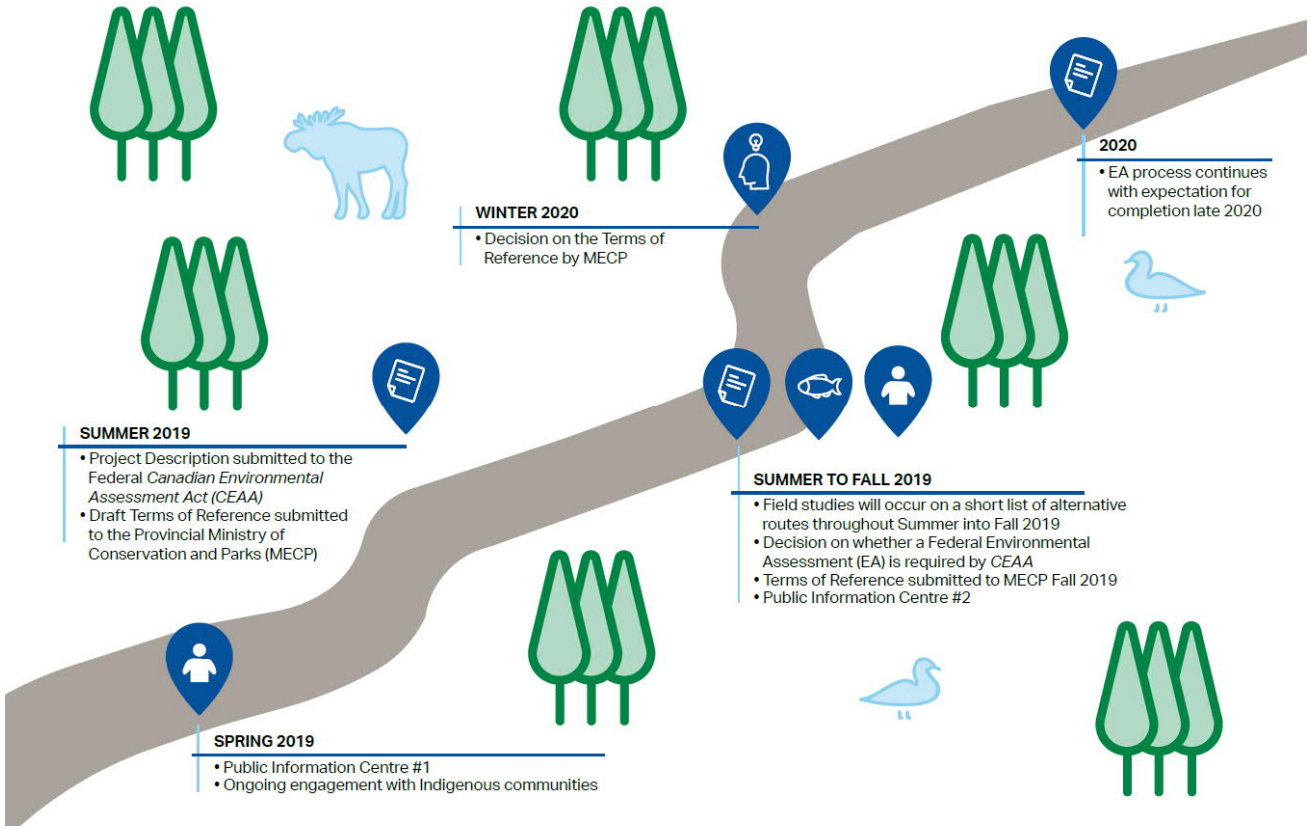
- General discussions on agreement to work together
- Baseline studies
- Updates in regards to Ministry of Energy, Northern Development and Mines discussions
- Project information exchanges (including Notice of Commencement, Field Study Notices and follow-up phone calls)

- Determining an Engagement Plan for your Community that respects your Consultation & Accommodation Protocol



Are there particular times when we should avoid consulting with the community (e.g., hunting or gathering seasons or celebrations)?

Proposed Timeline for the Terms of Reference and Environmental Assessment



Thank You for Joining Us! Meegwetch!

Stay Involved

- Email us at info@martenfallsaccessroad.ca
- Call us at 1-800-764-9114
- Visit our website: www.martenfallsaccessroad.ca



B21. Weenusk First Nation

B21.1 Outgoing Community Specific Correspondence

B21.1 Outgoing Community Specific Correspondence



From: Buffalo, Glinis
Sent: Tuesday, September 15, 2020 10:15 AM
To: [redacted]
Subject: Email Address for MFFN CAR Project

Tansi' Chief Abraham,

The proposed ToR will be coming your way very soon (hard copy and USB). I wanted to confirm your official email. I have on file is [redacted] as your preferred email, is this still current? Or is [redacted]? If you can please confirm, that would be great.

Feel free to call me on my mobile if you have any questions.

Ay hiy
Glinis

Glinis Buffalo, RPP, MCIP
Planning Lead, Impact and Assessment and Permitting, Western Canada
[redacted]
aecom.com

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From: Cloutis, Geneva
Sent: Friday, October 30, 2020 11:25 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf; [EXTERNAL] RE: Marten Falls First Nation Community Access Road Environmental Assessment Terms of Reference

Dear Chief Hunter,

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

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From: Cloutis, Geneva
Sent: Tuesday, November 3, 2020 9:42 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: CONFIRMATION - Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Dear Chief Hunter,

Thank you for confirming that Weenusk First Nation has received the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road project.

As a reminder, the comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please don't hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Wednesday, December 9, 2020 1:45 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Chief Hunter,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Weenusk First Nation has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If Weenusk First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Monday, December 14, 2020 1:20 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Chief Hunter,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020.

If Weenusk First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email [redacted]

We look forward to your input and value your feedback.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Friday, December 18, 2020 11:17 AM
To: [redacted]
Cc: Jennifer Bruin; Qasim Saddique; Larissa Mikkelsen
Subject: Confirmation - Marten Falls All-Season Community Access Road ToR Review Period

Chief Hunter,

Thank you so much for speaking with with me today and confirming that Weenusk First Nation is aware that the comment period for the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road is closing at 5:00 p.m. EST on December 21, 2020.

I know that you indicated your community was not planning to submit any comments at this time, but if that changes and / or if you would like to express your desire for an extension to the review period, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Crier, Sherina
Sent: Monday, February 22, 2021 1:16 PM
To: [redacted]
Cc: [redacted]
info@martenfallsaccessroad.ca
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Good afternoon Chief Abraham Hunter,

I hope that you are doing well. It's Sherina Crier with the Marten Falls First Nation Community Access Road Project Team. I am sending this email to notify you that I called your office and left a voice message at approximately 3:00 p.m. I was calling to inquire whether you received the email dated below on February 8, 2021, about the extension of the comment period for the Proposed Terms of Reference (ToR). We are interested in whether you and your community are planning to submit any comments to the Proposed Terms of Reference (ToR), or whether you are interested in meeting the Marten Falls First Nation Community Access Road Project Team. If you are interested, please reach out to me anytime. My contact number is [redacted]

Sincerely,

Sherina Crier
On behalf of the MFFN Community Access Road Project Team

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

[redacted]
aecom.com

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[redacted]

From: Crier, Sherina
Sent: Friday, March 26, 2021 10:56 AM
To: [redacted]
Cc: [redacted]
'info@martenfallsaccessroad.ca'; 'McLeod, Sasha (MECP)'; Moszynski, Dorothy (MECP)
Subject: RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Good morning Chief Hunter,

I left a message at the Weenusk First Nation Band Office to remind you that the comment period for the Proposed Terms of Reference for the Marten Falls First Nation Community Access Road Project is closing next **Wednesday, March 31, 2021**.

If Weenusk First Nation is planning to submit any comments, they should be sent directly to the Ministry of Environment, Conservation and Parks:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

If you have any questions, please don't hesitate to reach out.

Thanks very much,

Sherina Crier
On behalf of the MFFN Community Access Road Project Team

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]
aecom.com

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[redacted]

From: Crier, Sherina
Sent: Thursday, May 13, 2021 12:09 PM
To: [redacted]
Subject: MFFN Community Access Road - Questions for Bat Program

Good afternoon Chief Abraham Hunter,

I am emailing to follow up on the field notice which was sent to Weenusk First Nation yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. I called the Band Office today and wasn't able to leave a voicemail. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is also available on the website.

We have two questions for Weenusk First Nation community members before the bat program starts:

1. Does MFFN have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

Please provide any insights you may have on behalf of the Weenusk First Nation community by May 28, 2021.

If you have any questions or comments about the program, please get in touch, or if there is a more suitable contact for me to direct such inquiries, please let me kn

Sincerely,

Sherina
On behalf of the Marten Falls First Nation All-Season Community Access Road

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

aecom.com

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[redacted]

From: Crier, Sherina
Sent: Friday, July 23, 2021 9:44 AM
To: [redacted]
Cc: info@martenfallsaccessroad.ca
Subject: Phone call July 23 - Discussion guides and feedback inquiry from Weenusk First Nation
Attachments: Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf; MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf

Good day Chief Hunter,

This is Sherina Crier from AECOM, representing the MFFN CAR Project and your community representative on the Project. I called your admin office today and left a message (11:21 a.m. EST) regarding the distribution of 3 discussion guides that were recently distributed in advance of the upcoming field programs. The discussion guides are a tool in order to inform the community about the details of what the field programs are looking for/measuring. Additionally, an important component to the discussion guide is really to seek input from the Community as it is imperative the understanding the wider proposed project area and for planning. Lastly, the deadline for receipt of feedback is quickly approaching on Saturday July 31, 2021. I have attached to this email the three guides for reference and below I will break down each guide for a clearer understanding.

Groundwater and Geochemistry Discussion Guide - distributed on Friday, June 25th
- We will be drilling and installing monitoring wells to assess groundwater quality and quantity.
- We are looking for input on important groundwater sources in the study area, areas we should avoid for installing wells or clearing landing pads for the helicopters, and timing considerations for conducting field work between August and October
- Updated guide with new map coming soon – distribution date TBD

Surface Water, Fish and Fish Habitat Discussion Guide - distributed on Friday, July 19th
- We will be sampling surface water, fish and fish habitat at a subset of water crossings along both route alternatives to understand current conditions of the study area.
- We are looking for input on important water crossing and fishing sites in the study area, known spawning or overwintering locations of key fish species, drinking water sources or areas of water use in the study area, and areas we should avoid during our sampling

Vegetation, Physiography and Peatlands Discussion Guide - distributed on Friday, July 16th
- We will be surveying the study area on foot and helicopter to observe vegetation, as well as measuring soil conditions and geologic features.
- We are looking for input on culturally significant or traditional use plants in the study area, locations of drinking water, and areas that we should avoid during our sampling.

Please let me know if there are any questions, I'd also be happy to arrange a call to discuss. My number is 403-796-6948

Have a great day!

Ay hai,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

From: Crier, Sherina
Sent: Friday, September 10, 2021 9:47 AM
To: [redacted]
Cc: info@martenfallsaccessroad.ca
Subject: MFFN CAR: Field Studies and Check-In

Good Morning Chief Hunter,

I hope you and the Weenusk community are doing well. I called this morning and left a voicemail at the Band office. There's been some recent communications about the Community Access Road and I wanted to follow-up to see if you or Weenusk community members have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for Weenusk and re-opening plans you'd like to share.

I'm available via email and phone if you'd like to chat.

Take care,
Sherina

Sherina Crier, M.A. Env.
Socioeconomic Advisor, Environment
[redacted]

B22. Wunnumin Lake First Nation

B22.1 Outgoing Community Specific Correspondence

B22.1 Outgoing Community Specific Correspondence



DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFCAR Preliminary Rights and Interests Study Areas Memo Follow-up

1 message

Coppaway, Clayton <[redacted]> Tue, Sep 22, 2020 at 1:59 PM
To: [redacted]
Cc: Larissa Mikkelsen <[redacted]>, Bob Baxter <[redacted]>

Dear Chief Mamakwa,

We are writing to follow up on our August 25, 2020 email regarding the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo. We are seeking your review and comments by September 25, 2020.

Please find attached the Preliminary Aboriginal and Treaty Rights and Interests Local (LSA) and Regional Study Areas (RSA) memo and the Geographical Information Systems (GIS) shapefiles and KMZ files for your reference. The GIS and KMZ files can be opened and used to view these areas using a GIS program or using ArcGIS Earth (free download) developed by ESRI. In addition, we have included copies of the GIS files LSA and RSA in a KMZ format that can be viewed using Google Earth. This GIS information was used to create the map which was attached to the memo.

If you have any questions or comments about the memo or the GIS shapefiles, please do not hesitate to contact us.

Sincerely,
The Marten Falls First Nation Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

>

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton <[redacted]> Thu, Oct 29, 2020 at 4:49 PM
To: [redacted]
Cc: Qasim Saddique [redacted], Larissa Mikkelsen <[redacted]>, Jennifer Bruin <[redacted]>
Bcc: "Beaney, Jessalyn" <J[redacted], info@martenfallsaccessroad.ca

Dear Chief Mamakwa,

Thank you for taking the time to speak with me and to let me know that you had received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

---------- Forwarded message ----------
From: info@martenfallsaccessroad.ca
To: [redacted]
Cc: [redacted]
Bcc:
Date: Fri, 23 Oct 2020 12:16:34 -0400

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Martern Falls Community Access Road Terms of Reference Follow up

1 message

Coppaway, Clayton <[redacted]> Wed, Dec 9, 2020 at 4:47 PM
To: [redacted]
Cc: Qasim Saddique <[redacted]>, Jennifer Bruin <[redacted]>, Larissa Mikkelsen <[redacted]>
Bcc: info@martenfallsaccessroad.ca

Chief Mamakwa,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Wunnumin Lake First Nation has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at **5:00 p.m. EST on December 21, 2020**.

If Wunnumin Lake First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,
Clayton Coppaway
On behalf of the Marten Falls First Nation Community Access Road Project Team

DILLON CONSULTING
CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Re: Martern Falls Community Access Road Terms of Reference Follow up

1 message

Coppaway, Clayton <[redacted]> Mon, Dec 14, 2020 at 3:19 PM
To: [redacted]
Cc: Qasim Saddique <[redacted]>, Jennifer Bruin <[redacted]>, Larissa Mikkelsen <[redacted]>
Bcc: info@martenfallsaccessroad.ca

Chief Mamakwa,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at **5:00 p.m. EST on December 21, 2020**.

If Wunnumin Lake First Nation is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]a

We look forward to your input and value your feedback.

Kind regards,

Clayton Coppaway
On behalf of the Marten Falls First Nation Community Access Road Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
[redacted]
www.dillon.ca

Please consider the environment before printing this email

Coppaway, Clayton <c[redacted]>

MFFN CAR - IK Program Update

1 message

Coppaway, Clayton <[redacted]> Fri, Jan 22, 2021 at 11:34 AM
To: [redacted]
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted], Andrea Nokleby [redacted], Caroline Wrobel <[redacted]>, Christopher Johnson <[redacted]a>
Bcc: info@martenfallsaccessroad.ca

Good Morning Chief Mamakwa,

We hope this email finds you and your community well. We would like to share some additional information on the Indigenous Knowledge Program for the Marten Falls First Nation all-season Community Access Road Project.

Fact Sheets

Please find attached an Indigenous Knowledge (IK) Program Fact Sheet (translated in English, Ojibway, Oji-Cree and Cree). The fact sheets are also available on the Project website at: http://www.martenfallsaccessroad.ca/.

Aboriginal and Treaty Right and Interests Study Areas Update

The MFFN project Team shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August 2020. We have since received feedback on the preliminary study areas and updates have been made accordingly. Please find attached an update on the proposed Aboriginal and Treaty Rights and Interests Study Areas.

If your community has any relevant IK or information on Indigenous Land and Resource Use in the area of the Project that you would like to share to support the environmental assessment processes, we encourage you to reach out so that we can further discuss the IK Program with you. We are also available to answer any questions you may have on the IK Program or the materials provided here.

Going forward, please feel free to contact Christopher Johnson ([redacted]) should you have any questions, concerns, or are interested in meeting to discuss the Project.

Kind regards,

Clayton Coppaway and Christopher Johnson,

On behalf of the MFFN Project Team

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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5 attachments

MFFN CAR Project - IK Program Fact Sheet - Ojibway Version - Final January 2021.pdf
974K

MFFN CAR Project - IK Program Fact Sheet - OjiCree Version - Final January 2021.pdf
973K

[redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

Johnson, Christopher <[redacted]> Mon, Feb 8, 2021 at 7:05 PM
To: [redacted]
Cc: s[redacted]

Hello Chief Mamakwa,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see the attached letter regarding the next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If Wunnumin Lake First Nation is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

[redacted]
On behalf of the MFFN Community Access Road Project Team

--

[redacted]
Dillon Consulting Limited
2[redacted]
www.dillon.ca

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2021-02-08-MFFN Community Access Road ToR Letter WLFN.pdf
592K

February 8, 2021

Wunnumin Lake First Nation
[redacted]

Re: Comment Period Extension on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Chief Mamakwa,

Thank you for your ongoing interest in the Marten Falls First Nation (MFFN) Community Access Road. Based on requests from several communities, the Ministry of the Environment, Conservation and Parks (MECP) has offered an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. MECP distributed letters regarding this opportunity on Monday, January 25, 2021. This opportunity is in addition to the 60-day comment period already voluntarily offered by MFFN on the ToR; in consideration of community requests, a total of 126 days is being provided for review instead of the regulated 30 days. We hope this will provide your community with an additional opportunity to provide any comments on the ToR.

Over the next couple of months, the MECP and MFFN will be following up with Wunnumin Lake First Nation to make sure you are aware of the new comment period deadline and to understand whether your community plans to submit any comments on the ToR. MFFN will also follow up with Wunnumin Lake First Nation to see if there are any other questions about the ToR and to discuss your community's interest in meeting with MFFN about our proposed Community Access Road.

The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be additional opportunities throughout the environmental assessment stage to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for your community at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca. We look forward to receiving your ongoing feedback.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC

Sasha McLeod, Ministry of Environment Conservation and Parks Assessment Branch
Shannon Gauthier, Ontario Ministry of Environment Conservation and Parks Assessment Branch
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Chris Johnson, MFFN Project Consultant

DILLON CONSULTING

Johnson, Christopher <[redacted]>

MFFN Community Access Road Proposed Terms of Reference – Comments

Johnson, Christopher <[redacted] Mon, Feb 22, 2021 at 3:43 PM
To: S[redacted]
Cc: [redacted], [redacted] Larissa Mikkelsen <[redacted]>

Hello Chief Mamakwa,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. I'm sending this email in follow up to a voicemail left on Feb. 22, 2021, regarding an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. Our team is interested in knowing whether you have received our letter sent on Feb. 8, 2021, and if you have any questions or comments you'd like to share with the project team. If so please feel free to contact us.

Have a great day,

Chris Johnson
On behalf of the MFFN Community Access Road Project Team

On Mon, Feb 8, 2021 at 7:05 PM Johnson, Christopher <[redacted]> wrote:
[Quoted text hidden]
[Quoted text hidden]

DILLON CONSULTING

Johnson, Christopher <[redacted]>

Marten Falls Community Access Road Follow Up - March 11, 2021 (Wunnumin First Nation)

Johnson, Christopher <[redacted]> Thu, Mar 11, 2021 at 3:48 PM
To: [redacted]
Cc: "Beaney, Jessalyn" <J[redacted]>, d[redacted]
Bcc: info@martenfallsaccessroad.ca

Hello Chief Mamakwa,

I hope this email finds you well. Just following up on a message left for you at the Band Office, I would like to share a reminder that the deadline to provide comments for the Terms of Reference is March 31, 2021. Apart from the deadline, the project team is always open to discussion or questions and if you are interested in meeting with the project team please don't hesitate to let us know.

Thank You,
Chris Johnson

On behalf of the MFFN Community Access Road Project Team

--

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CANADA BEST MANAGED COMPANIES
Platinum member

Christopher Johnson
[redacted]
www.dillon.ca

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Johnson, Christopher <[redacted]>

Marten Falls Community Access Road Follow Up - March 11, 2021 (Wunnumin First Nation)

Johnson, Christopher <[redacted]> Fri, Mar 26, 2021 at 11:37 AM
To: [redacted]
Cc: [redacted]
Bcc: info@martenfallsaccessroad.ca

Hello Cheif Mamakwa,

I hope this email finds you well. I would like to share a reminder that the deadline to provide comments for the Terms of Reference for the Marten Falls Access Road is March 31, 2021. Would you kindly let us know if your community is interested in sharing any further comments or questions about the ToR? We appreciate your time and interest in the project thus far.

Thank you,
Chris Johnson
On behalf of the MFFN Community Access Road Project Team

[Quoted text hidden]

B23. Métis Nation of Ontario (MNO), Region 2 (Greenstone Métis Council)

B23.1 Outgoing Community Specific Correspondence
B23.2 Incoming Community Specific Correspondence

B23.1 Outgoing Community Specific Correspondence

From: Metuzals, Jessica [redacted]
Sent: September 11, 2020 4:04 PM
To: [redacted]
Subject: Marten Falls First Nation Community Access Road - Distribution Details Confirmation

Hi Jacqueline,

I hope all is well with you and your family.

We would like to confirm the distribution details for the circulation of the Terms of Reference for the Marten Falls First Nation Community Access Road Project. The address we currently have for MNO Region 2 is:

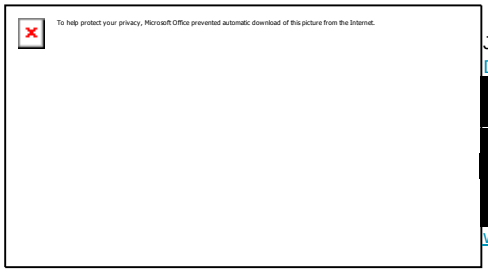
226 May Street South
Thunder Bay, ON
P7E 1B4

If you could confirm this mailing address and key contacts in addition to yourself that would be greatly appreciated.

Feel free to give me a call on my mobile if you have any questions.

Have a great weekend,

Jessica



Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: Metuzals, Jessica [redacted]
Sent: September 14, 2020 2:00 PM
To: Nicholas Richard
Subject: Re: Marten Falls First Nation Community Access Road - Distribution Details Confirmation

Hi Nick,

Thank you for your email and for confirming the mailing address and contact details. We will update accordingly.

Please let me know if you have a moment to connect today or tomorrow. You can reach me on my mobile ([redacted]).

Thanks so much,

Jessica

From: Metuzals, Jessica [redacted]
Sent: September 17, 2020 2:52 PM
To: Nicholas Richard
Subject: Marten Falls Community Access Road Project - Follow-up

Hi Nick,

Thank you so much for taking the time to connect with me earlier this week. We will send the Terms of Reference for the Marten Falls First Nation Community Access Road Project to the mailing address and emails you provided and confirmed.

Based on previous correspondence with Jacqueline Barry and our conversation this week, we understand that MNO Region 2 will not be engaging on the Project at this time. Our team will continue to circulate Project updates and materials.

Please let us know if MNO Region 2 is interested in having a conversation with the MFFN Project Team in the future.

Thanks so much,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From: M[redacted]
Sent: October 29, 2020 3:54 PM
To: [redacted]
Cc: [redacted]
Subject: Marten Falls First Nation Community Access Road Project – Proposed Terms of Reference Submission
Attachments: Marten Falls First Nation Community Access Road Environmental Assessm....eml (619 KB)

Dear President [redacted]n,

Thank you for taking the time to speak with me today and confirming receipt of the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor. Thank you for confirming you've received the following documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Jessica

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[redacted]
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Please consider the environment before printing this email

From:	Metuzals, Jessica [redacted]
Sent:	October 29, 2020 4:15 PM
To:	Nicholas Richard
Cc:	Larissa Mikkelsen; Jennifer Bruin; Qasim Saddique; [redacted]
Subject:	Marten Falls First Nation Community Access Road Project - Proposed Terms of Reference Submission
Attachments:	Marten Falls First Nation Community Access Road Environmental Assessm....eml (619 KB)

Hi Nicholas,

Thank you for taking the time to speak with me and confirming that MNO Region 2 has received the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor. Thank you for confirming the community received the following documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
    - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From:	Metuzals, Jessica [redacted]
Sent:	November 27, 2020 11:42 AM
To:	[redacted]
Cc:	Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Marten Falls First Nation Community Access Road Project - Proposed Terms of Reference
Attachments:	NOT_2020-10-08-NoticeOfSubmission-ToR_60593122 (4) (3) (1) (2).pdf

Good morning,

I am following up to confirm that the Métis Nation of Ontario (MNO) has received the Notice of Submission of Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road Project as well as the weblink to the Proposed ToR documents. We have confirmed receipt with both President William Gordon and Nicholas Richard. We are also hoping that you confirm receipt with MNO at this time.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission sent to you on October 23, 2020 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here: www.martenfallsaccessroad.ca/tor.

We look forward to your confirmation of receipt.

Kind Regards,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From: Metuzals, Jessica [redacted]
Sent: December 9, 2020 4:20 PM
To: [redacted]
Cc: Nicholas Richard; [redacted]; [redacted]
Subject: Marten Falls Community Access Road - Proposed ToR Review

President Gordon,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that MNO Greenstone Métis Council and MNO Region 2 have received the Proposed ToR materials— electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Jessica Metuzals
On behalf of the Marten Falls First Nation Community Access Road Project Team

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From: [redacted]
Sent: February 8, 2021 2:01 PM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter-MNO-Region-2.pdf

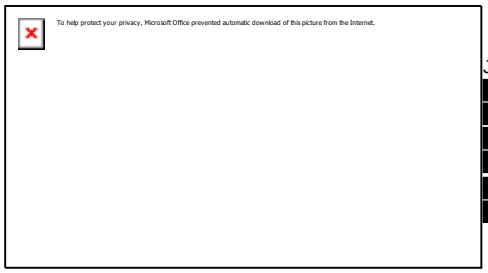
Good afternoon President [redacted],

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see attached letter regarding next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If MNO Greenstone Métis Council and MNO Region 2 are planning to submit additional comments on the Proposed ToR, please do so directly to:

[redacted]
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Jessica Metuzals
On behalf of the MFFN Community Access Road Project Team



J[redacted]

Please consider the environment before printing this email

From:	Metuzals, Jessica <j[redacted]
Sent:	February 16, 2021 4:38 PM
To:	[redacted]Nicholas Richard; [redacted]
Cc:	Qasim Saddique; Larissa Mikkelsen; Andrea Nokleby; Caroline Wrobel
Subject:	MFFN CAR - IK Program
Attachments:	MFFN CAR Project - IK Program Fact Sheet - OjiCree Version - Final January 2021 (2).pdf; MFFN CAR Project - IK Program Fact Sheet - Cree Version - Final January 2021 (2).pdf; MFFN CAR Project - IK Program Fact Sheet - Ojibway Version - Final January 2021 (2).pdf; MFFN CAR Project - IK Program Fact Sheet - English Version - Final January 2021 (2).pdf; MFCAR - Aboriginal and Treaty Rights and Interests Study Areas Update - January 2021 (3).pdf

Good Afternoon,

We hope this email finds you and your community well. We would like to share some additional information on the Indigenous Knowledge Program for the Marten Falls First Nation all-season Community Access Road Project.

Fact Sheets

Please find attached an Indigenous Knowledge (IK) Program Fact Sheet (translated in English, Ojibway, Oji-Cree and Cree). The fact sheets are also available on the Project website at: http://www.martenfallsaccessroad.ca/.

Aboriginal and Treaty Right and Interests Study Areas Update

The MFFN project Team shared the Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo in August 2020. We have since received feedback on the preliminary study areas and updates have been made accordingly. Please find attached an update on the proposed Aboriginal and Treaty Rights and Interests Study Areas.

If your community has any relevant IK or information on Indigenous Land and Resource Use in the area of the Project that you would like to share to support the environmental assessment processes, we encourage you to reach out so that we can further discuss the IK Program with you. We are also available to answer any questions you may have on the IK Program or the materials provided here.

Kind regards,

MFFN Project Team

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Je[redacted]

Please consider the environment before printing this email

From: [redacted]
Sent: February 22, 2021 2:09 PM
To: [redacted]
Cc: [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

Hi [redacted]

Thank you for taking my call this afternoon and confirming receipt of the letter sent on February 8, 2021 via email about the additional opportunity to comment on the Proposed Terms of Reference until March 31, 2021.

Please let us know if MNO Region 2 does intend to submit comments on the Proposed Terms of Reference. Also, if MNO Region 2 has any questions, comments or interest in meeting with the MFFN Project Team, please do not hesitate to contact me.

Thanks so much,

[redacted]

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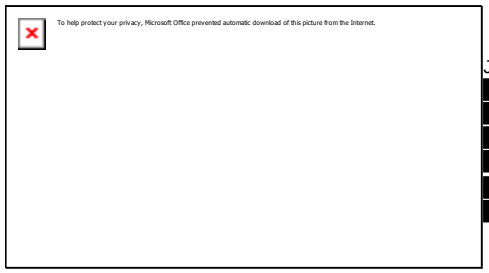


J[redacted]

Please consider the environment before printing this email

From: [redacted]
Sent: March 11, 2021 4:21 PM
To: [redacted]
Cc: [redacted]
Subject: Re: MFFN Community Access Road Proposed Terms of Reference – Comments

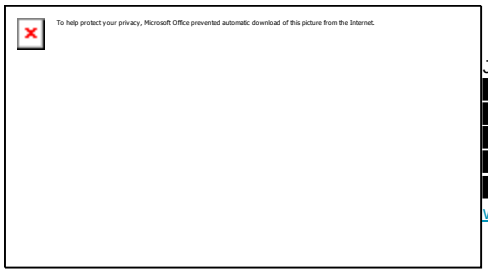
Hi [redacted],

Thank you for taking my call this afternoon and confirming that MNO Region 2 will not be submitting comments on the MFFN CAR Proposed Terms of Reference (ToR). We would however like to remind MNO Region 2 that the MFFN CAR Proposed ToR comment period has been extended until March 31, 2021.

As mentioned, if MNO Region 2 has any comments, questions, or interest in a meeting with the MFFN CAR Project Team, please do not hesitate to contact me.

Kind regards,

[redacted]
On Behalf of the MFFN CAR Project Team



J[redacted]
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: [redacted]
Sent: May 13, 2021 5:01 PM
To: [redacted]
Cc: [redacted]
Subject: Bat Acoustic Monitoring Program - Follow-up

Hi [redacted],

Thank you for taking the time to connect with me this morning. As discussed, we have two questions related to the Bat Acoustic Monitoring Program that we are looking for community insights:

1. Does MNO Region 2 have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021.

The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

If you have any questions or comments about the program, please get in touch.

Thanks,

[redacted]

On behalf of the Marten Falls First Nation All-Season Community Access Road Team

[redacted]
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From:	Metuzals, Jessica [redacted]
Sent:	July 23, 2021 10:26 AM
To:	Nicholas Richard
Cc:	[redacted]
Subject:	MFFN CAR: Summer Field Programs
Attachments:	Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25 (3).pdf; MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021 (1).pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf

Good morning Nick,

I hope you are well. I left you a voicemail yesterday regarding our summer field studies. Please find below some additional information.

The MFFN CAR Project has distributed discussion guides to Indigenous communities, tribal organizations, and PTOs regarding our summer field studies. These studies are anticipated to begin in August 2021. We have provided links and attached pdf copies of the discussion guides below.

If you would like to provide feedback on these field studies, we kindly request you do so by July 31, 2021. Please let us know if you have any questions or if you will be providing comments on these field studies.

These field programs include:

- Groundwater and Geochemistry Field Study - Groundwater and Geochemistry Summer Program Discussion Guide 2021 – (Distributed June 25, 2021)
- Surface water, fish and fish habitat Field Study - Surface Water, Fish and Fish Habitat Discussion Guide – (distributed Friday, July 9, 2021)
- Vegetation, Physiography and Peatlands Field Study - Vegetation, Physiography and Peatlands Discussion Guide – (distributed Friday, July 16, 2021)

If you have any questions, comments, or concerns, please do not hesitate to let us know.

Kind regards,

Jessica

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

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From: Metuzals, Jessica [redacted]
Sent: July 23, 2021 10:31 AM
To: Nicholas Richard
Cc: [redacted]
Subject: Re: MFFN CAR: Summer Field Programs

Hi Nick,

Please see below. I received a notice that this email did not go through. Please let me know if you have any questions.

Jessica

On Fri, Jul 23, 2021 at 10:25 AM Metuzals, Jessica [redacted] wrote:

> Good morning Nick,
>
> I hope you are well. I left you a voicemail yesterday regarding our summer field studies. Please find below some additional information.
>
> The MFFN CAR Project has distributed discussion guides to Indigenous communities, tribal organizations, and PTOs regarding our summer field studies. These studies are anticipated to begin in August 2021. We have provided links and attached pdf copies of the discussion guides below.
>
> If you would like to provide feedback on these field studies, we kindly request you do so by July 31, 2021. Please let us know if you have any questions or if you will be providing comments on these field studies.
>
> These field programs include:
> - Groundwater and Geochemistry Field Study - Groundwater and Geochemistry Summer Program Discussion Guide 2021 – (Distributed June 25, 2021)
> - Surface water, fish and fish habitat Field Study - Surface Water, Fish and Fish Habitat Discussion Guide – (distributed Friday, July 9, 2021)
> - Vegetation, Physiography and Peatlands Field Study - Vegetation, Physiography and Peatlands Discussion Guide – (distributed Friday, July 16, 2021)
>
> If you have any questions, comments, or concerns, please do not hesitate to let us know.
>
> Kind regards,
>
> Jessica

Jessica Metuzals
Dillon Consulting Limited
[redacted]
[redacted]dillon.ca

From: [redacted]
Sent: September 10, 2021 9:47 AM
To: [redacted]
Cc: [redacted] info@martenfallsaccessroad.ca
Subject: MFFN CAR: Field Studies and Check-in

Good morning [redacted],

I just wanted to follow-up on the voicemail I left this morning. There have been some recent communications about the MFFN Community Access Road, and I wanted to follow-up to see if you have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for MFFN and re-opening plans you'd like to share

I'm available via email and phone if you would like to connect.

Kind regards,

[redacted]

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

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[redacted]

MFFN CAR Project - New Project Contact

1 message

[redacted] Wed, Oct 13, 2021 at 1:15 PM
To: [redacted]

Good afternoon [redacted],

I hope this email finds you well. I would like to take this opportunity to introduce [redacted] will be your point of contact for the MFFN CAR Project moving forward. Please reach out to her with any comments or questions.

Kind regards,

[redacted]

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[redacted]
www.dillon.ca

B23.2 Incoming Community Specific Correspondence

On Mon, Sep 14, 2020 at 10:17 AM N[redacted]> wrote

Good morning J[redacted]

J[redacted] forwarded me your email. My name is [redacted]and I am the new Consultation Assessment Advisor for MNO Region 2, as J[redacted]has moved into a different position (Mineral Development Advisor).

In terms of the MNO Region 2 mailing address, you can send any communications to:

ATTN: Consultation Assessment Advisor

[redacted]

[redacted]

[redacted]

[redacted]

Via email, any consultation communications should be sent to:

[redacted]

Thank you!

[redacted]

[redacted](Nick | pronouns: he/him)

Consultation Assessment Advisor, Region 2

Lands, Resources and Consultations

Métis Nation of Ontario

[redacted]

[redacted]

From: Nicholas Richard [redacted]
Sent: October 28, 2020 3:43 PM
To: Metuzals, Jessica
Subject: William Gordon Number

Hi Jessica,

William got back to me with a phone number, seems like the one you have on file is close but not quite right. The number he gave me is [redacted]

Nick

Nicholas Richard (Nick | pronouns: he/him)
Consultation Assessment Advisor, Region 2
Lands, Resources and Consultations
Métis Nation of Ontario
[redacted]

Please note that as part of the effort to reduce the likelihood of workplace or community transmission of COVID-19, Métis Nation of Ontario employees will begin to offer limited client facing services in office beginning September 14, 2020 by appointment only. Other services that are being offered remotely will continue that way. Please check h[redacted]for updates.

If you have COVID-19 related concerns or need help accessing support, please contact us by phone at [redacted]or by email at [redacted]

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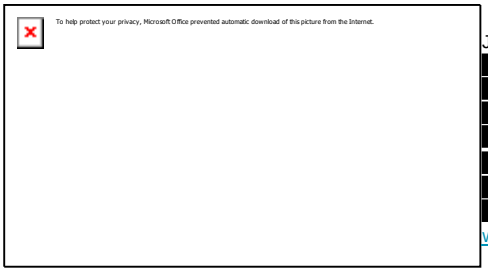
Please consider the environment before printing this e-mail.

From: [redacted]
Sent: October 29, 2020 10:26 AM
To: [redacted]
Subject: Re: [redacted] Number

Thank you!

--



J[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: [redacted]
Sent: July 23, 2021 10:37 AM
To: Metuzals, Jessica
Subject: RE: MFFN CAR: Summer Field Programs

Hi [redacted],

I didn't get that email but I did get this one as well as your voicemail! Sorry I wasn't able to take your call but I appreciate you keeping us in the loop. I don't believe we will have any comments on the field studies but if we do I'll be sure to pass those along by month's end.

[redacted]

[redacted] pronouns: he/him)
Consultation Assessment Advisor, Region 2
Lands, Resources and Consultations
Métis Nation of Ontario
[redacted]

If you have COVID-19 related concerns or need help accessing support, please contact us by phone at [redacted] or by email at [redacted]

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Please consider the environment before printing this e-mail.

B24. Red Sky Métis Independent Nation (RSMIN)

B24.1 Outgoing Community Specific Correspondence
B24.2 Incoming Community Specific Correspondence
B24.3 ToR Comments Received / Responses

B24.1 Outgoing Community Specific Correspondence



From: [redacted]
Sent: October 1, 2020 9:07 AM
To: Donelda DeLaRonde
Cc: [redacted]Troy DeLaRonde; Jessica Metuzals
Subject: Marten Falls First Nation Community Access Road Project - Response to RSMIN Question

Hello Donelda,

Thank you for your question on September 11, 2020. Please find below our response to how Bill 197 would impact the Marten Falls First Nation (MFFN) Community Access Road Project:

On July 21, 2020 the government enacted Bill 197, the COVID-19 Economic Recovery Act. Section 6 of Bill 197 identified amendments to the Environmental Assessment Act in order to modernize Ontario's environmental assessment program. MFFN is aware of these changes and understands that Bill 197 may result in new and / or different environmental assessment requirements for the Project than previously anticipated. MFFN will continue to follow Bill 197 as additional information and regulations become available. The Proposed Terms of Reference will identify the introduction of Bill 197 and state that MFFN will consult with government agencies throughout the EA process to confirm applicable requirements from the Environmental Assessment Act amendment.

Kind Regards,

The MFFN Project Team

From:	Metuzals, Jessica [redacted]
Sent:	October 29, 2020 4:05 PM
To:	Troy DeLaRonde
Cc:	[redacted]; Donelda DeLaRonde; Larissa Mikkelsen; Qasim Saddique; Jennifer Bruin
Subject:	Marten Falls First Nation Community Access Road Project - Proposed Terms of Reference Submission
Attachments:	Marten Falls First Nation Community Access Road Environmental Assessm....eml (617 KB)

Dear Chief DeLaRonde,

I spoke with Donelda DeLaRonde this morning. She confirmed that RSMIN has received the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor. Thank you for confirming the community received the following documents:

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
    - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From: Metuzals, Jessica [redacted]
Sent: December 9, 2020 4:33 PM
To: Donelda DeLaRonde; Troy DeLaRonde; [redacted]
Cc: Larissa Mikkelsen; Qasim Saddique; Jennifer Bruin
Subject: Marten Falls All Season Community Access Road - ToR Review

Chief DeLaRonde,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that RSMIN has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If RSMIN is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Jessica Metuzals
On behalf of the Marten Falls First Nation Community Access Road Project Team

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Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From:	Metuzals, Jessica [redacted]
Sent:	December 10, 2020 9:34 AM
To:	Donelda DeLaRonde; [redacted]; Troy DeLaRonde
Cc:	Stephanie Burnham; Jennifer Bruin; Larissa Mikkelsen; Qasim Saddique; Jackmoonias; Bob Baxter; lawrence baxter; Cinnamon, Christine; Beaney, Jessalyn; [redacted] McLeod, Sasha (MECP)
Subject:	Marten Falls First Nation Community Access Road Project - Response to RSMIN Comment on ToR
Attachments:	2020-12-09 RSMIN Comment Response (1).pdf

Good Morning Donelda,

Please find attached a response to the comment you provided on the Terms of Reference for the Marten Fall First Nation Community Access Road Project via phone on October 29, 2020.

Kind regards,

Jessica Metuzals

On behalf of the Marten Falls First Nation Community Access Road Project Team

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From: Metuzals, Jessica [redacted]
Sent: December 14, 2020 4:11 PM
To: Donelda DeLaRonde; Troy DeLaRonde; [redacted]
Cc: Larissa Mikkelsen; Qasim Saddique; Jennifer Bruin; Beaney, Jessalyn
Subject: Re: Marten Falls All Season Community Access Road - ToR Review

Chief DeLaRonde,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020.

If RSMIN is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]
[redacted]

We look forward to your input and value your feedback.

Kind regards,

Jessica Metuzals
On behalf of the Marten Falls First Nation Community Access Road Project Team

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Burnham, Stephanie [redacted]

MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie <[redacted]

Bcc: info@martenfallsaccessroad.ca

Good afternoon Chief Troy DeLaRonde,

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see attached letter regarding next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If RSMIN is planning to submit additional comments on the Proposed ToR, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Stephanie Burnham
On behalf of the MFFN Community Access Road Project Team
--

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Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
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2021-02-05-MFFN Community Access Road Proposed ToR RSMIN.pdf
592K

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Burnham, Stephanie

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie Tue, Feb 23, 2021 at 8:51 AM
To: Troy DeLaRonde Donelda DeLaRonde <
Cc

Greetings Chief DeLaRonde and Donelda,

I just wanted to send a follow up email to my conversation with Donelda this morning on behalf of the Marten Falls First Nation Community Access Road Project Team. I received confirmation from Donelda on receipt of the letter sent on February 9, 2021 about the additional opportunity to comment on the proposed TOR until March 31, 2021. I also inquired to see if RSMIN wishes to submit further comments or wishes to meet with the project team.

If you have any questions or comments please feel free to contact me and I am happy to assist in any way I can.

All the best and I look forward to hearing from you,

Stephanie Burnham
MFFN Project Consultant

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Stephanie Burnham
On behalf of the MFFN Community Access Road Project Team
--

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted] Thu, Mar 11, 2021 at 1:10 PM
To: Troy DeLaRonde [redacted] Donelda DeLaRonde [redacted]
Cc: b [redacted]

Good Afternoon Chief DeLaRonde and Donelda,

I wanted to follow-up to my phone calls this morning. Unfortunately, I was unable to leave a message. However, I am reaching out to you today, to confirm if RSMIN will be providing any further comments to the extended MFFN CAR Proposed ToR. As a friendly reminder, the extension period is until March 31, 2021.

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

I look forward to hearing from you,

Stephanie Burnham
On behalf of the MFFN Community Access Road Project Team

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton [redacted]> Fri, Mar 26, 2021 at 4:25 PM
To: [redacted]
Cc: [redacted]

Good Afternoon Donelda,

Thank you so much for taking the time to speak with me today. I appreciate you letting me know that RSMIN does not have any problems with the development of the MFFN Community Access Road. I also appreciated you highlighting your perspectives about the potential positive and negative implications of the project. These included:

- RSMIN does not have any problems with the development of the MFFN Community Access Road and believes there will be many benefits for the community but that there will also be potential negative impacts.
- RSMIN trys to look at development from a holistic way
- Positive benefits of the project:
  - better and safer access to the community
  - reduced travel costs
  - Youth have better access to services and education
  - Better access to medical service and care
  - tourism and ecotourism opportunities
- Potential Negative impacts
  - Cumulative effects with other development in the north (eg. mines)
  - Impacts on neighbouring communities (ie.RSMIN territory and communities like Thunderbay and Geraldton) on increased ease of access
  - increase and different types of crime in community and in neighbouring communities
  - impacts local and regional health care services.

Please let me know if I have missed anything or miss characterized anything. We will follow back up with you on these concerns and comments in the coming weeks.

In addition, please note that the Marten Falls First Nation (MFFN) Community Access Road (CAR) Project Environmental Assessment Terms of Reference (ToR) review period is still open until March 31, 2021. Should RSMIN like to submit additional comments on the MFFN CAR ToR you can do so directly to:

Sasha McLeod and Dorothy Moszynski
Special Project Officer and Special Project Officer (Acting)
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Sincerely,
Clayton Coppaway
On Behalf of the MFFN CAR Project Team

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Burnham, Stephanie[redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted] Wed, Mar 31, 2021 at 1:43 PM
To: "Coppaway, Clayton" [redacted]
Cc: Donelda DeLaRonde [redacted] Qasim Saddique [redacted] Larissa Mikkelsen [redacted], Bob Baxter [redacted], Lawrence Baxter < [redacted] Jackmoonias [redacted]

Greetings Donelda,

I wanted to thank you for your comments you shared with my colleague Clayton Coppaway on March 26, 2021 via phone call, and to let you know that your comments have been received.

In addition, we would like to clarify if the comments you submitted are considered a formal submission from RSMIN as part of the formal Proposed ToR process to be considered as part of the Minister's decision-making, or if these comments / questions can be considered as part of regular consultation?

Again, thank you and we look forward to hearing from you.

All the best,

Stephanie Burnham
On behalf of the MFFN CAR Project Team

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Burnham, Stephanie <[redacted]

Re: MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Burnham, Stephanie [redacted] Thu, Apr 8, 2021 at 2:54 PM
To: Donelda DeLaRonde <[redacted]
Cc: Qasim Saddique [redacted] Larissa Mikkelsen [redacted], Bob Baxter [redacted], Lawrence Baxter [redacted] Jackmoonias [redacted]

Good Afternoon Donelda,

I hope you are well during these challenging times.

I just wanted to send an email as a follow up to the voicemail I left this afternoon. Again, I wanted to thank you for taking the time to connect with my colleague and share your comments regarding the Marten Falls First Nation Community Access Road project.

I am wondering if you could clarify if the comments you submitted are considered a formal submission from RSMIN as part of the formal Proposed ToR process to be considered as part of the Minister's decision-making, or if these comments / questions can be considered as part of regular consultation?

Again, thank you and we look forward to hearing from you.

All the best,

Stephanie Burnham
On behalf of the MFFN CAR Project Team

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Burnham, Stephanie <[redacted]>

MFFN Community Access Road - Questions for Bat Program

1 message

Burnham, Stephanie <[redacted] Fri, May 14, 2021 at 2:19 PM
To: Donelda DeLaRonde <[redacted]>, Troy DeLaRonde <[redacted]>, [redacted]

Good Afternoon Donelda,

Thank you for the call today. I was glad I had a chance to connect with you and for you to share your appreciation for the project and the details on the study Red Sky has done for the Ring of Fire.

As mentioned I am emailing to send along the questions on the field notice which was sent to MFFN on May 12 about the upcoming Bat Acoustic Monitoring Program. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is also available on the website.

We have two questions for MFFN community members before the bat program starts:

1. Does MFFN have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

Please provide any insights you may have on behalf of the MFFN community by May 28, 2021. I have attached the information for your convenience.

If you have any questions or comments about the program, please get in touch.

Sincerely,
Stephanie Burnham
MFFN Project Consultant
--

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Platinum member

Stephanie Burnham
Dillon Consulting Limited
111 Farquhar St, suite 301
Guelph, Ontario, N1H 3N4
[redacted]
www.dillon.ca

2 attachments

Marten-Falls-First-Nation-Field-Stuty-Notice-Bat-Acoustic-Monitoring-2021-05-12 (1).pdf
761K

Marten-Falls-First-Nation-Field-Stuty-Notice-Bat-Acoustic-Monitoring-2021-05-12.pdf
761K

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Burnham, Stephanie [redacted]

MFFN CAR - Field Studies and Discussion Guides Comments

1 message

Burnham, Stephanie [redacted] Thu, Jul 22, 2021 at 1:01 PM
To: Donelda DeLaRon [redacted], Troy DeLaRonde <[redacted]
Cc: [redacted]

Good Afternoon Donelda,

I hope you are doing well and the members of RSMIN are staying safe. I left a voicemail to follow-up on the information for the upcoming field programs and discussion guides that were sent out. As part of our ongoing efforts to share project related information with communities and to avoid sensitive areas, I have provided a summary of the Discussion Guides below for your convenience.

- Groundwater and Geochemistry Discussion Guide - distributed to communities on Friday, June 25th
  - We will be drilling and installing monitoring wells to assess groundwater quality and quantity.
  - We are looking for input on important groundwater sources in the study area, areas we should avoid for installing wells or clearing landing pads for the helicopters, and timing considerations for conducting field work between August and October
  - Web version of discussion guide and survey
  - PDF copy attached
  - **Updated guide with new map coming soon – distribution date TBD**
- Surface Water, Fish and Fish Habitat Discussion Guide - distributed on Friday, July 16th
  - We will be sampling surface water, fish and fish habitat at a subset of water crossings along both route alternatives to understand current conditions of the study area.
  - We are looking for input on important water crossing and fishing sites in the study area, known spawning or overwintering locations of key fish species, drinking water sources or areas of water use in the study area, and areas we should avoid during our sampling
  - Web version of discussion guide and survey
  - PDF copy attached
- Vegetation, Physiography and Peatlands Discussion Guide - distributed on Friday, July 16th
  - We will be surveying the study area on foot and helicopter to observe vegetation, as well as measuring soil conditions and geologic features.
  - We are looking for input on culturally significant or traditional use plants in the study area, locations of drinking water, and areas that we should avoid during our sampling.
  - Web version of discussion guide and survey
  - PDF copy attached.

For all 3 programs, the **deadline to provide feedback is Saturday, July 31, 2021.** The field programs are anticipated to start in the second half of August, and field notices will be issued once field dates are confirmed.

Please do not hesitate to let me know if there are RSMIN team members you would like us to communicate this information to directly.

I look forward to hearing from you!

Stephanie Burnham
MFFN Project Consultant

Burnham, Stephanie <[redacted]

Response to Field Program Questions

Johnson, Christopher [redacted] Fri, Aug 20, 2021 at 11:10 AM
To: [redacted]
Cc: "McKinnon, Don" [redacted], Andrea Nokleby [redacted], Larissa Mikkelsen [redacted], Stephanie Burnham <[redacted]ob Baxter [redacted]

Hello Chief Troy and Donelda,

I will be assisting my colleague Stephanie Burnham until August 27, 2020, while she is away. Based on previous emails Red Sky Metis Independent Nation had inquired about the MFFN CAR Field Program. Attached to this email is a document containing formal responses from our project team. I hope the enclosed satisfies your request, if not please let me know and we will be happy to do our best to ensure you have the info you need.

Thank You,
Chris Johnson

--

Christopher Johnson
Dillon Consulting Limited
[redacted]
www.dillon.ca

E-RSMIN-2021-07-28-OG-Response to Field Program Questions - Draft.docx
3652K

July 28, 2021

RE: MFFN CAR Field Programs and Discussion Guides Follow Up

Good Afternoon Donelda,

I hope that you are doing well and the members of RSMIN are enjoying the summer. I want to thank you for taking the time to chat with me on Friday July 23, 2021 regarding the MFFN CAR Field Programs and Discussion Guides. You posed some interesting questions in regards to wetlands, climate change and the future of water quality.

I have attached a copy of the responses to your questions that you proposed. In our discussion, we decided that upon a review of the Project website information and responses to the questions you have asked, that we would determine if RSMIN requires a MFFN CAR Project update meeting. Please do not hesitate to contact me should RSMIN wishes to move forward with a meeting with the Project Team.

I look forward to hearing from you,

Regards,

Stephanie Burnham

MFFN Project Consultant.

Table 1: MFFN Responses to Neskantaga First Nations Comments

Item #	RSMIN Comment	MFFN Response
July 23, 2021 Phone Call		
1. Water Quality	1. Where are we putting the wells?	1. The discussion guide, available online, provides a site specific map.
	2. Why are the wells only being monitored for 2 years?	2. The two-year duration of the groundwater field study tasks will allow for determination of baseline groundwater levels, hydraulic gradients, groundwater flow directions, groundwater flow velocities and groundwater quality. These data are required to adequately monitor and assess potential Project effects adjacent to and downgradient of the proposed CAR and associated development activities.
	3. With the traffic going up the road would the monitoring not continue for 5 to 10 years to test the quality of water?	3. A follow-up program to verify the accuracy of the effects assessment has not yet been developed since the information needed to determine environmental monitoring requirements is dependent on the baseline proposed for collection, outcome of the effects assessment and consultation with Indigenous communities, agencies and interested persons. The IS / EA Report will identify the compliance and effects

Item #	RSMIN Comment	MFFN Response
		monitoring activities to be undertaken during the construction and operation phases of the Project, as required.
2. Wetlands	1. How much of the wetlands will be destroyed?	1. Wetlands are known to be expansive in the Hudson Bay Lowlands area, with the vast majority being peatlands (i.e. bogs and fens). Wetlands are complex ecosystems that provide numerous benefits to the landscape. MFFN will identify and assess potential effects of the Project on wetlands (e.g., peatlands). Information about the atmospheric, climate change, physiography, geology, terrain and soils, surface water, groundwater, vegetation, Indigenous and social disciplines will be used to characterize peatlands by their type, classification, hydrology, quantification of carbon storage and gas exchange rates. This will be based on a combination of desktop information and the results of field-based studies completed in support of the Project. Field data will be largely collected within the Local Study Area and will be supplemented with desktop information across the Regional Study Area. Baseline studies will be completed to gather detailed information on the size and composition of the area of wetlands potentially affected. Once these studies are completed, MFFN will have a better understanding of the potential effects of the Project on peatlands (e.g. how much wetland area will be affected) and recommend appropriate impact management measures.
	We are connected by water and the wetlands purify the water.	

Item #	RSMIN Comment	MFFN Response
	2. How will this road impact the bigger picture with global warming? With the forest fires now and the removal of wetlands, this will have a greater impact.	2. Furthermore, the EA will assess potential effects of the Project on peatland availability, distribution, composition, and function (e.g., as habitat and carbon sink). This effects assessment will consider both direct and indirect effects to capture both local and regional changes that may occur as a result of the Project.
	3. How much area are wetlands? Donelda understands that there are only a few places that can be developed for the road.	3. See response to #1.
	4. Are there trees in the area that will be removed? Is there a remediation program? The winds are getting stronger and the trees help.	4. Section 5.2.2 of the ToR indicates that Project activities will include removal of timber and grubbing. Usable timber will be segregated and collected for reuse. While the EA will identify and assess areas of vegetation loss, the quality and quantity of tree removals will be refined during detail design and at the time of construction planning. The EA will recommend impact management measures to avoid or minimize potential effects of the Project on the environment. Once the CAR is constructed, temporary infrastructure used to facilitate construction will be demobilized, decommissioned and restored, or blocked to discourage public use but facilitate access for ongoing road maintenance.
	5. In reference to the Marten Falls Community Access Road website,	5. Yes (if referencing the photo below).

Item #	RSMIN Comment	MFFN Response
	are the flowers on the "When" page, relevant to the area?	
3. Maps of the MFFN CAR Project area	1. Alternate 1 why destroy the land when you can use alternate 4? Alternate 4 would be less intrusive to the lands. Why would they want to go all the way around like that?	1. While Alternative 1 has a longer route length than Alternative 4, it is being considered due to the fact that it avoids crossing the Ogoki Provincial Park at the southern end of the route, and the northern portion of the route is aligned along higher ground and sources of aggregate around an area of large mineral claims before connecting east-west to MFFN. Note: the above text is from Section 6.3.1 of the ToR.
	2. The area is very interesting. It is a good idea that is this road goes in up there, but we have to make sure that when they are doing it that they are replacing the trees to keep the balance. And, making sure the cumulative effects are	2. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be

Item #	RSMIN Comment	MFFN Response
	being looked at. Ie. Climate Change. The forest fires are bad right now. There has been no rain, no hay for the cattle in Fort Francis is non-existent. MFFN Project Consultant suggested that RSMIN review the website materials and would follow up to see if a meeting is required to answer questions about the cumulative effects.	available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The potential effect of the environment (i.e., climate change) on the undertaking will be addressed in the EA through a climate change risk assessment of the preferred alternative, based on the principles of the Engineers' Canada Public Infrastructure Engineering Vulnerability Committee protocol and International Standards Organization 31000 and Ontario's Guide for Considering Climate Change in the Environmental Assessment Process (MOECC 2017). Current conditions and future conditions will feed into a climate change risk assessment of the preferred alternative. Indigenous Knowledge compiled through the Indigenous Knowledge Program will be used to guide and inform the climate change risk assessment.

DILLON CONSULTING

Burnham, Stephanie <[redacted]

MFFN CAR: Field Studies and Check-In

1 message

Burnham, Stephanie [redacted] Fri, Sep 10, 2021 at 5:43 PM
To: Donelda DeLaRonde [redacted], Troy DeLaRonde [redacted]

Good afternoon Chief DeLaRonde and Donelda,

I hope you and the RSMIN members are doing well. I called this afternoon and was not able to leave a voicemail and apologize for the late correspondence as I was having some technical difficulties.

There's been some recent communications about the Community Access Road and I wanted to follow-up to see if you or RSMIN members have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for RSMIN and re-opening plans you'd like to share

I'm available via email and phone if you'd like to chat.

Take care,

Stephanie Burnham

MFFN CAR Project Consultant

--

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Stephanie Burnham
[redacted]
www.dillon.ca

[redacted]

B24.2 Incoming Community Specific Correspondence



Subject: RE: IK Study Memo

[redacted]
to info

You are viewing an attached message. Dillon Consulting Limited Mail can't verify the authentic

Hi;

RSMIN hope this finds your communities Safe and well.
There was no attached memo in this email?

Salute et Meegwetch

Donelda DeLaRonde
Executive Director - Red Sky Métis Independent Nation
Indigenous Métis First Families of Upper Canada
[redacted]
[redacted]

B24.3 ToR Comments Received / Responses



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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Red Sky Métis Independent Nation – March 26, 2021 (Phone)			
RSMIN-2	RSMIN does not have any problems with the development of the MFFN Community Access Road and believes there will be many benefits for the community but that there will also be potential negative impacts.	Marten Falls First Nation (MFFN) appreciates your time in reviewing the information and your continued interest in the Project. The Environmental Assessment (EA) will include an assessment of potential positive and negative effects of the Project as well as impact management measures to avoid or minimize potential negative effects and enhance benefits.	Section 7.2, pg. 63 and 65
RSMIN-3	RSMIN tries to look at development from a holistic way	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A
RSMIN-4	Positive benefits of the project: ▪ Better and safer access to the community ▪ Reduced travel costs ▪ Youth have better access to services and education ▪ Better access to medical service and care Tourism and ecotourism opportunities	MFFN agrees that the Project will result in many benefits including, but not limited to those which have been outlined in the comment. A preliminary list of potential benefits of the Project is provided in Section 7.2.10 of the ToR. MFFN will consider the potential benefits identified by Red Sky Métis Independent Nation when undertaking the assessment of potential benefits from the Project.	Section 7.2, pg. 63 Section 7.2.10, pg. 71 Commitment for EA
RSMIN-5	Negative impacts: ▪ Cumulative effects with other development in the north (e.g., mines) ▪ Impacts on neighbouring communities (i.e., RSMIN territory and communities like Thunder Bay and Geraldton) on increased ease of access ▪ Increase and different types of crime in community and in neighbouring communities Impacts local and regional health care services	The Terms of Reference identifies preliminary effects of the Project in Section 7.2 and commits to developing impact management measures to avoid or minimize potential negative effects and enhance benefits, including those potential negative effects outlined in the comment: • Cumulative effects: Section 7.2 (pg. 65); • Increased access: Section 7.2.1 (pg. 65-66), Section 7.2.7 (pg. 68), Section 7.2.8 (pg. 69), Section 7.2.9 (pg. 69 to 70) and 7.2.10 (pg. 70); • Public safety, such as crime: Section 7.2.10 (pg. 70); and • Public services, such as health care: Section 7.2.10 (pg. 70). The Project is currently in the early planning phase; therefore, specifics such as the full extent of Project effects that will be assessed in the EA and the impact management measures that will be recommended have not yet been determined. MFFN will consider the potential negative effects identified during the EA when undertaking the assessment of potential effects of the Project.	Section 7.2, pg. 63 to 71 Commitment for EA

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

ID #	Comment Received	Response to Comment
Indigenous Communities		
Red Sky Métis Independent Nation – October 29, 2020 (Phone)		
RSMIN-1	Concerned about the potential regional social and health effects (e.g. increased number of transport truck-related accidents, increased drug use, etc.) related to the proposed MFFN CAR and hopes that the MFFN Project Team will consider the social effects holistically.	These potential effects will be considered in the social impact assessment holistically. Changes in community well-being will consider changes in socio-economic structures and changes in community cohesion. The assessment of these changes will incorporate other socio-economic criteria and indicators to provide a holistic assessment of potential effect on community well-being.

B25. Chiefs of Ontario

B25.1 Outgoing Community Specific Correspondence
B25.2 Incoming Community Specific Correspondence



B25.1 Outgoing Community Specific Correspondence

From: Metuzals, Jessica [redacted]
Sent: September 18, 2020 3:22 PM
To: [redacted]
Subject: Marten Falls First Nation Community Access Road Project - Terms of Reference Distribution Details

Hello Robin,

I'm writing on behalf of the Marten Falls First Nation Community Access Road (MFFN CAR) Project Team. I am reaching out to confirm details related to the distribution of the Terms of Reference for the MFFN CAR Project.

Previously, we sent the Draft Terms of Reference for the MFFN CAR Project to this email for distribution to Ontario Regional Chief RoseAnne Archibald. Could you please confirm that this is the correct email address and appropriate method of distribution for the Terms of Reference?

Thanks so much,

Jessica

[redacted]
Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From:	Metuzals, Jessica [redacted]
Sent:	September 21, 2020 10:18 AM
To:	Executive Assistant to the Ontario Regional Chief
Subject:	Re: Marten Falls First Nation Community Access Road Project - Terms of Reference Distribution Details
Attachments:	E-2019-11-29 - Marten Falls Community Access Road - Project Update (PTO).pdf

Good Morning Shelley,

Thank you for confirming the email address. We will revise our distribution list accordingly.

The Notice for Draft Terms of Reference for the MFFN CAR was sent to Robin Beauclair's email address on November 29, 2019 at 9:14pm EST. In addition, the email provided a link to the Project website for more information on the Project and to view the Draft Terms of Reference. See attached for a PDF of the email.

For your reference, here is a link to the "documents" page on the MFFN CAR website. The Draft Terms of Reference can be found here:

- http://www.martenfallsaccessroad.ca/documents/

Please let me know if you have any additional questions.

Kind Regards,

Jessica

From: Cloutis, Geneva
Sent: Friday, October 30, 2020 10:28 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Ontario Regional Chief Archibald,

I just wanted to follow-up with you about Chiefs of Ontario receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that you have received the October 23, 2020 email with the ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

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[redacted]

From: Cloutis, Geneva
Sent: Tuesday, November 24, 2020 12:48 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Response Requested: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Ontario Regional Chief Archibald,

I just wanted to follow-up with you about Chiefs of Ontario receiving the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that you have received the October 23, 2020 email with the ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

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[redacted]

From: Cloutis, Geneva
Sent: Wednesday, December 9, 2020 2:50 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Regional Ontario Chief Archibald,

I hope this email finds you well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Chiefs of Ontario has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If Chiefs of Ontario is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Monday, December 14, 2020 1:20 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: RE: Marten Falls All-Season Community Access Road ToR Review

Regional Ontario Chief Archibald,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020.

If Chiefs of Ontario is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email [redacted]

We look forward to your input and value your feedback.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Jackman, Lindsay
Sent: Thursday, May 13, 2021 11:57 AM
To: [redacted]
Subject: MFFN Community Access Road: Bat Acoustic Monitoring program

Good Afternoon Ontario Regional Chief Archibald,

I am emailing to follow up on the field notice which was sent to the Chiefs of Ontario yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. I called this morning but was unable to leave a voicemail. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does the Chiefs of Ontario have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021.

If you have any questions or comments about the program, please get in touch.

Thanks,
Lindsay Jackman
On behalf of the Marten Falls First Nation All-Season Community Access Road

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]
aecom.com

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From: Meyer, James
Sent: July 22, 2021 10:46 AM
To: [redacted]
Subject: MFFN Community Access Road Discussion Guides

Good morning Shelley,

My name is James, I am from AECOM, hope you are well! I am just looking to get in contact with Regional Chief Hare about the three discussion guides we sent off in June/July regarding some of the field programs we will be doing for the Marten Falls Community Access Road Project. We are just looking for some general feedback about the activities and to see if he has any input about the work happening. I can be reached at anytime at the number below.

Thank you for your help!

Best,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

Meyer, James

From: Meyer, James
Sent: September 9, 2021 12:59 PM
To: [redacted]
Cc: Jackman, Lindsay
Subject: MFFNCAR Project Check-in Call

Hi Julie,

This is James from the Marten Falls First Nation Community Access Road Project Team. Just wanted to reach out and see if you had a few minutes for a phone call regarding some documents we sent to the COO in the past couple weeks? We would love to hear if Regional Chief Glen Hare had any comments. Below are the topics I would like to discuss:

1. Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th;
2. Vegetation Field Program, Bat ARU and Caribou Mortality Investigation field notice sent September 2nd;

Thank you,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

From: Meyer, James
Sent: September 13, 2021 9:28 AM
To: Julie Hill
Cc: Jackman, Lindsay
Subject: RE: MFFNCAR Project Check-in Call

Good Morning Julie,

No worries, congratulations on the new position! Please see the documents below and let me know if there is any questions or comments:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)

Have a great day,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Thursday, September 23, 2021 1:37 PM
To: Sally Gaikezheyongai
Subject: Re: seeking permission 2

Importance: High

Hi Sally,

Thank you for your email and the opportunity to have our Project included in your Environment Newsletter. That sounds like a great idea. If possible, we would like to see the draft before it is published. Let us know if you need anything to help with the article, including content or graphics.

Also, please let us know if you would like to be added to our Project mailing list to stay up to date. We currently only have [redacted] on our mailing list.

Sincerely,

The MFFN Community Access Road Project Team

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Friday, October 1, 2021 9:21 AM
To: Sally Gaikezheyongai
Subject: Re: seeking permission 2

Importance: High

Hi Sally,

We noticed that the September, October and November 2021 newsletter was issued. Are you still interested in featuring the Marten Falls First Nation Community Access Road videos in the next issue?

Sincerely,

The MFFN Community Access Road Project Team

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Friday, October 1, 2021 11:04 AM
To: Stephanie Allen
Cc: Sally Gaikezheyongai; [redacted]
Subject: Re: seeking permission 2

Hi Stephanie and Sally,

Thank you for your response. Kathryn Ross is cc'd on this email - she can help coordinate with the team for the workshops.

Thanks,
The MFFN Community Access Road Project Team

Sally Gaikezheyongai (she/her)

Coordinator – Environment Sector

B25.2 Incoming Community Specific Correspondence



From: Executive Assistant to the Ontario Regional Chief [redacted]
Sent: September 18, 2020 3:27 PM
To: Metuzals, Jessica
Subject: RE: Marten Falls First Nation Community Access Road Project - Terms of Reference Distribution Details

Hi Jessica,

This is Shelley Stacey. I am Regional Chief's EA since June. This is the correct email to contact ORC Archibald. I don't recall receiving anything previously related to MFFN CAR Project. Can you advise when you may have sent it as it may have been received by someone else. Also, can you resend the email and Draft Terms of Reference to me.

In Kindness,
Shelley

[redacted]
Office of the Ontario Regional Chief
Chiefs of Ontario
[redacted]

From: Executive Assistant to the Ontario Regional Chief [redacted]
Sent: Tuesday, November 24, 2020 1:50 PM
To: Cloutis, Geneva
Subject: [EXTERNAL] RE: Response Requested: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Hello Geneva,

I can confirm on behalf of Ontario Regional Chief Archibald that she did receive the October 23rd email with the Terms of Reference documents.

In Kindness,
Shelley

[redacted] | Executive Assistant
Office of the Ontario Regional Chief
Chiefs of Ontario
[redacted]

From: Julie Hill [redacted]
Sent: September 13, 2021 8:32 AM
To: Meyer, James
Cc: Jackman, Lindsay
Subject: [EXTERNAL] RE: MFFNCAR Project Check-in Call

Good morning James,

Apologies for the delay in responding. I am actually new to the position, starting last week. Is it possible to resend the documents and I can follow up on my end if movement has been made?

Thank you,
Julie

From: Julie Hill [redacted]
Sent: September 13, 2021 8:32 AM
To: Meyer, James
Cc: Jackman, Lindsay
Subject: [EXTERNAL] RE: MFFNCAR Project Check-in Call

Good morning James,

Apologies for the delay in responding. I am actually new to the position, starting last week. Is it possible to resend the documents and I can follow up on my end if movement has been made?

Thank you,
Julie

From: Sally Gaikezheyongai <[redacted]
Sent: Wednesday, September 22, 2021 7:58 AM
To: info@martenfallsaccessroad.ca
Subject: seeking permission 2

Importance: High

Further to the email I sent earlier.
One of our team will review the videos and provide commentary on them as an article on your projects – with your permission.
We would run the news item by you before we include it in our newsletter – with your permission.

Please let us know if we receive your approval ASAP.

Sally Gaikezheyongai (she/her)
Coordinator – Environment Sector
Chiefs of Ontario
[redacted]

Like and follow us online!
www.Chiefs-of-Ontario.org
www.ChiefsMeeting.com
Twitter, Facebook, Instagram and YouTube @ChiefsofOntario

From: Sally Gaikezheyongai [redacted]
Sent: Wednesday, September 22, 2021 7:45 AM
To: info@martenfallsaccessroad.ca
Subject: seeking permission

To the Marten Falls First Nation Community Access Road Team

The environment team at the Chiefs of Ontario would like to include an article about your videos in our upcoming issue of our Environment newsletter including the link to the videos as indicated in your email. Please let us know if this is possible. We would add it in our "Good News" section highlighting the successes of First Nations communities in Ontario. Is there someone on your team who could provide a quick summary of the project?

Please let us know as soon as possible as we hope to release the newsletter by the end of September.

Thank you for your consideration.

Sally Gaikezheyongai (she/her)
Coordinator – Environment Sector
Chiefs of Ontario
[redacted]

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www.ChiefsMeeting.com
Twitter, Facebook, Instagram and YouTube @ChiefsofOntario

B26. Métis Nation of Ontario (MNO)

B26.1 Outgoing Community Specific Correspondence
B26.2 Incoming Community Specific Correspondence



B26.1 Outgoing Community Specific Correspondence



From: [redacted]
Sent: September 21, 2020 9:47 AM
To: [redacted]
Subject: Marten Falls First Nation Community Access Road - Terms of Reference Distribution Details

Good Morning [redacted],

I'm writing on behalf of the Marten Falls First Nation Community Access Road (MFFN CAR) Project Team. I left a voicemail on your cellphone on Friday. I am reaching out to confirm details related to the distribution of the Terms of Reference for the MFFN CAR Project.

Can you confirm that this is the appropriate email for electronic distribution? We will also be sending it to [redacted]

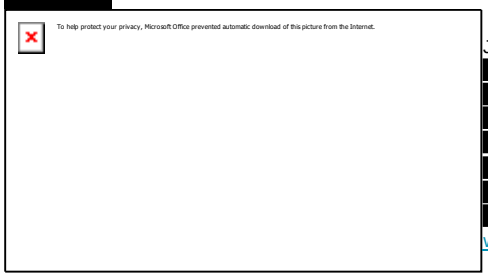
In addition, we have the following address listed for hard-copy and USB mail distribution:

[redacted]

If you could confirm the above details that would be greatly appreciated. Please let us know if there are any changes to these details.

Thanks so much,

[redacted]



J[redacted]

www.dillon.ca

Please consider the environment before printing this email

From:	Metuzals, Jessica [redacted]
Sent:	November 27, 2020 11:42 AM
To:	[redacted]
Cc:	Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Marten Falls First Nation Community Access Road Project - Proposed Terms of Reference
Attachments:	NOT_2020-10-08-NoticeOfSubmission-ToR_60593122 (4) (3) (1) (2).pdf

Good morning,

I am following up to confirm that the Métis Nation of Ontario (MNO) has received the Notice of Submission of Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road Project as well as the weblink to the Proposed ToR documents. We have confirmed receipt with both President William Gordon and Nicholas Richard. We are also hoping that you confirm receipt with MNO at this time.

The ToR was submitted on October 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission sent to you on October 23, 2020 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here: www.martenfallsaccessroad.ca/tor.

We look forward to your confirmation of receipt.

Kind Regards,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From: Metuzals, Jessica [redacted]
Sent: December 9, 2020 4:20 PM
To: [redacted]
Cc: Nicholas Richard; [redacted]; [redacted]
Subject: Marten Falls Community Access Road - Proposed ToR Review

President Gordon,

I hope this email finds you and your community well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that MNO Greenstone Métis Council and MNO Region 2 have received the Proposed ToR materials— electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Jessica Metuzals
On behalf of the Marten Falls First Nation Community Access Road Project Team

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]

Please consider the environment before printing this email

From: [redacted]
Sent: February 8, 2021 2:01 PM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter-MNO-Region-2.pdf

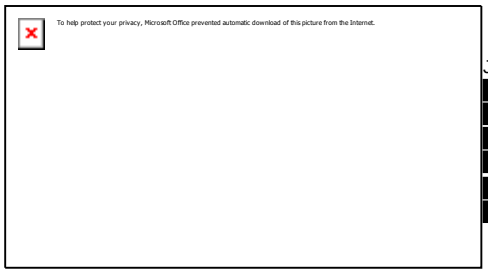
Good afternoon President [redacted],

Thank you for your ongoing interest in the Marten Falls First Nation Community Access Road. Please see attached letter regarding next steps and an additional opportunity to comment on the Proposed Terms of Reference (ToR) until March 31, 2021. If MNO Greenstone Métis Council and MNO Region 2 are planning to submit additional comments on the Proposed ToR, please do so directly to:

[redacted]
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team. We look forward to receiving your input.

Jessica Metuzals
On behalf of the MFFN Community Access Road Project Team



J[redacted]

Please consider the environment before printing this email

B26.2 Incoming Community Specific Correspondence

From: [redacted]
Sent: September 21, 2020 11:24 AM
To: [redacted]
Subject: RE: Marten Falls First Nation Community Access Road - Terms of Reference Distribution Details

Thank you, [redacted]

Please send the materials to [redacted]
According to MNO's protocols, consultation with the MNO is with the MNO Regional Consultation Committee, not the President.

From the consultations email inbox, our staff will forward the information to the appropriate MNO Regional Consultation Committee.

Thank you,
[redacted]

Li[redacted]
Director
Lands, Resources and Consultations
Métis Nation of Ontario
[redacted]

Please note that as part of the effort to reduce the likelihood of workplace or community transmission of COVID-19, Métis Nation of Ontario employees will begin to offer limited client facing services in office beginning September 14, 2020 by appointment only. Other services that are being offered remotely will continue that way. Please check [redacted] for updates.

If you have COVID-19 related concerns or need help accessing support, please contact us by phone at [redacted] or by email at [redacted].

This email is intended only for the named recipient(s) and may contain information that is CONFIDENTIAL. No waiver of privilege, confidence or otherwise is intended by virtue of this email. Any unauthorized copying is strictly prohibited. If you have received this email in error, or are not the named recipient, please immediately notify the sender and destroy all copies of this email. Thank you.

Please consider the environment before printing this e-mail.

[redacted]

From: [redacted]
Sent: June 23, 2021 1:09 PM
To: MFFN Community Access Road Project Team
Subject: RE: MFFN Community Access Road June E-Blast

Please remove my name from this mailing list.

LRC Manager [redacted] is responsible for this file at the MNO. Please ensure the email address [redacted] is on this list.

Thank you,

[redacted]

[redacted]
Director
Lands, Resources and Consultations
Métis Nation of Ontario
[redacted]

If you have COVID-19 related concerns or need help accessing support, please contact us by phone at [redacted] or by email at [redacted]

This email is intended only for the named recipient(s) and may contain information that is CONFIDENTIAL. No waiver of privilege, confidence or otherwise is intended by virtue of this email. Any unauthorized copying is strictly prohibited. If you have received this email in error, or are not the named recipient, please immediately notify the sender and destroy all copies of this email. Thank you.

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B27. Nishnawbe-Aski Nation

B27.1 Outgoing Community Specific Correspondence



B27.1 Outgoing Community Specific Correspondence



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Burnham, Stephanie <[redacted]>

Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Lillyman, Kristin <[redacted]> Wed, Nov 4, 2020 at 10:30 AM
To: [redacted]
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]>, Jennifer Bruin <[redacted]>, Stephanie Burnham <[redacted]>

Good morning Chief Fiddler,

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Kristin

--

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Platinum member

Kristin Lillyman
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

NOT_2020-10-08-NoticeOfSubmission-ToR_60593122 (4).pdf
388K

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Burnham, Stephanie <[redacted]

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Lillyman, Kristin <[redacted] Wed, Nov 11, 2020 at 1:36 PM
To: [redacted]
Cc: Qasim Saddique [redacted], Larissa Mikkelsen <l[redacted]>, Jennifer Bruin [redacted], Stephanie Burnham [redacted]

Good afternoon Chief Fiddler,

I just wanted to follow-up with you to confirm that you received the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Kristin

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Lillyman, Kristin <[redacted] Thu, Nov 19, 2020 at 3:00 PM
To: [redacted] Qasim Saddique <[redacted], Larissa Mikkelsen <l[redacted]>, Jennifer Bruin [redacted], Stephanie Burnham <[redacted]

Dear Chief Fiddler,

I am following-up with you to confirm that you received the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Please confirm if you have received the Terms of Reference documents.

Sincerely,

Kristin

MFFN CAR: Upcoming Field Programs and Discussion Guides - Follow-Up

1 message

Burnham, Stephanie <[redacted]> Thu, Jul 22, 2021 at 4:17 PM
To: [redacted]

Good Afternoon Chief Fiddler,

I hope you are doing well and NAN communities are staying safe. I left a voicemail to follow-up on the information for the upcoming field programs and discussion guides that were sent out. As part of our ongoing efforts to share project related information with communities and to avoid sensitive areas, I have provided a summary of the Discussion Guides below for your comment.

- Groundwater and Geochemistry Discussion Guide - distributed to communities on Friday, June 25th
  - We will be drilling and installing monitoring wells to assess groundwater quality and quantity.
  - We are looking for input on important groundwater sources in the study area, areas we should avoid for installing wells or clearing landing pads for the helicopters, and timing considerations for conducting field work between August and October
  - Web version of discussion guide and survey
  - PDF copy attached
  - **Updated guide with new map coming soon – distribution date TBD**
- Surface Water, Fish and Fish Habitat Discussion Guide - distributed on Friday, July 19th
  - We will be sampling surface water, fish and fish habitat at a subset of water crossings along both route alternatives to understand current conditions of the study area.
  - We are looking for input on important water crossing and fishing sites in the study area, known spawning or overwintering locations of key fish species, drinking water sources or areas of water use in the study area, and areas we should avoid during our sampling
  - Web version of discussion guide and survey
  - PDF copy attached
- Vegetation, Physiography and Peatlands Discussion Guide - distributed on Friday, July 16th
  - We will be surveying the study area on foot and helicopter to observe vegetation, as well as measuring soil conditions and geologic features.
  - We are looking for input on culturally significant or traditional use plants in the study area, locations of drinking water, and areas that we should avoid during our sampling.
  - Web version of discussion guide and survey
  - PDF copy attached.

For all 3 programs, the **deadline to provide feedback is Saturday, July 31, 2021.** The field programs are anticipated to start in the second half of August, and field notices will be issued once field dates are confirmed.

Please do not hesitate to let me know if there are NAN team members you would like us to communicate this information to directly. If you wish to give me a call or set up a meeting to discuss the Field Programs, please feel free to contact me at [redacted]

I look forward to hearing from you!

Stephanie Burnham
MFFN Project Consultant

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Burnham, Stephanie [redacted]

MFFN CAR: Field Notices and Check-In

1 message

Burnham, Stephanie <[redacted] Fri, Sep 10, 2021 at 6:32 PM
To: [redacted]

Good afternoon Grand Chief Fox,

Firstly, I would like to congratulate you on your recent win for Grand Chief and hope you and the NAN communities are doing well. I called this afternoon and left a voicemail. I apologize for the late correspondence as I was having some technical difficulties. There's been some recent communications about the Community Access Road and I wanted to follow-up to see if you have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for NAN and re-opening plans you'd like to share

I'm available via email and phone if you'd like to chat.

Take care,

Stephanie Burnham

MFFN CAR Project Consultant

--

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Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
www.dillon.ca

[redacted]

B28. Union of Ontario Indians

B28.1 Outgoing Community Specific Correspondence
B28.2 Incoming Community Specific Correspondence



B28.1 Outgoing Community Specific Correspondence



From: Metuzals, Jessica [redacted]
Sent: September 18, 2020 3:26 PM
To: [redacted]
Subject: Marten Falls First Nation Community Access Road - Terms of Reference Distribution Details

Hello Lynn,

I'm writing on behalf of the Marten Falls First Nation Community Access Road (MFFN CAR) Project Team. I am reaching out to confirm details related to the distribution of the Terms of Reference for the MFFN CAR Project.

Previously, we sent the Draft Terms of Reference for the MFFN CAR Project to this email for distribution to Grand Council Chief Glen Hare. Could you please confirm that this is the correct email address and appropriate method of distribution for the Terms of Reference?

Thanks so much,

Jessica

[redacted]
Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: Cloutis, Geneva
Sent: Wednesday, October 28, 2020 2:31 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Grand Council Chief Hare,

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that you received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020
- Proposed ToR Packages were mailed October 14, 2020, which included;
  - Hard Copies of the ToR, USB (electronic copies), and Factsheets
- Email with the web link to Proposed ToR documents on our website was sent October 23, 2020 (attached to this email).

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Thursday, November 5, 2020 9:06 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Grand Council Chief Hare,

I just wanted to follow-up with you again about the Union of Ontario Indians receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that you received the October 23, 2020 email with the Proposed ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Thursday, November 12, 2020 9:27 AM
To: [redacted]
Cc: Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Grand Council Chief Hare,

I just wanted to follow-up with you again about the Union of Ontario Indians receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that you received the October 23, 2020 email with the Proposed ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Thursday, November 19, 2020 8:37 AM
To: [redacted]
Cc: Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Grand Council Chief Hare,

I just wanted to follow-up with you again about the Union of Ontario Indians receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that you received the October 23, 2020 email with the Proposed ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Tuesday, November 24, 2020 12:48 PM
To: [redacted]
Cc: 'Qasim Saddique'; 'Larissa Mikkelsen'; 'Jennifer Bruin'
Subject: Response Requested: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Grand Council Chief Hare,

I just wanted to follow-up with you again about the Union of Ontario Indians receiving the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that you received the October 23, 2020 email with the Proposed ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Thursday, December 3, 2020 10:34 AM
To: [redacted]
Cc: 'Qasim Saddique'; 'Larissa Mikkelsen'; 'Jennifer Bruin'
Subject: Response Requested: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Grand Council Chief Hare,

I just wanted to follow-up with you again about the Union of Ontario Indians receiving the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that you received the October 23, 2020 email with the Proposed ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

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[redacted]

From: Cloutis, Geneva
Sent: Wednesday, December 9, 2020 2:51 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Grand Council Chief Hare,

I hope this email finds you well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Union of Ontario Indians that you have received the Proposed ToR documents, sent to you via email on October 23, 2020—electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Proposed ToR.

I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020. If Union of Ontario Indians is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Monday, December 14, 2020 1:21 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Grand Council Chief Hare,

I hope this email finds you well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have not yet received a confirmation from Union of Ontario Indians that you have received the Proposed ToR materials, sent to you via email on October 23, 2020—electronic versions are also available here. Please be in touch at your earliest convenience to confirm receipt. We value your input and want to ensure you have an opportunity to review the Propose ToR.

I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020. If Union of Ontario Indians is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Jackman, Lindsay
Sent: Thursday, May 13, 2021 11:57 AM
To: [redacted]
Subject: MFFN Community Access Road: Bat Acoustic Monitoring program

Good Afternoon Ms. Bowerman,

I am emailing to follow up on the field notice which was sent to the Union of Ontario Indians yesterday on May 12 about the upcoming Bat Acoustic Monitoring Program. I called this morning and was advised to reach out via email. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for community insights:

1. Does the Union of Ontario Indians have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021.

If you have any questions or comments about the program, please get in touch.

Thanks,
Lindsay Jackman
On behalf of the Marten Falls First Nation All-Season Community Access Road

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

AECOM
[redacted]
aecom.com

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From: Meyer, James
Sent: July 22, 2021 11:13 AM
To: [redacted]
Cc: [redacted]
Subject: Communication with Grand Chief

Good Morning Sara and Nikki,

My name is James, I am with AECOM, hope you are doing well! I am trying to setup a short call with Grand Chief regarding the discussion guides we sent out in June and July regarding Field Programs on the Marten Falls Community Access Road Project. We are looking for some feedback on the programs or any input he has regarding the work being done.

For reference I was given your contact via Karen Commanda as our old contact Lynn Bowernman no longer works for you. Please let me know if this is the correct channel to setup a call! I can be reached at the number below for any questions if need be.

Thank you,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

From: Meyer, James
Sent: July 22, 2021 11:18 AM
To: Nikki van Oirschot
Cc: [redacted]
Subject: RE: Communication with Grand Chief
Attachments: Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf; MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf; MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf

Hey Nikki,

Thanks for the quick reply! Definitely, please see attached. Let me know if you have any questions.

Best,
James

B28.2 Incoming Community Specific Correspondence

From: Nikki van Oirschot [redacted]
Sent: July 22, 2021 11:15 AM
To: Meyer, James
Cc: [redacted]
Subject: [EXTERNAL] Re: Communication with Grand Chief

Good morning,

Thank you for reaching out. Are you able to send me the documents? I will discuss with GCC and be in touch.

Miigwech,
Nikki

Sent from my iPhone

B29. Independent First Nations Alliance

B29.1 Outgoing Community Specific Correspondence
B29.2 Incoming Community Specific Correspondence



B29.1 Outgoing Community Specific Correspondence

From: Metuzals, Jessica [redacted]
Sent: September 18, 2020 3:40 PM
To: [redacted]
Subject: Marten Falls First Nation Community Access Road - Terms of Reference Distribution Details

Hello Matthew,

I'm writing on behalf of the Marten Falls First Nation Community Access Road (MFFN CAR) Project Team. I am reaching out to confirm details related to the distribution of the Terms of Reference for the MFFN CAR Project.

Previously, we sent the Draft Terms of Reference for the MFFN CAR Project to this email for distribution to Independent First Nations Alliance. Could you please confirm that this is the correct email address and appropriate method of distribution for the Terms of Reference?

Thanks so much,

Jessica

[redacted]
Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: Metuzals, Jessica [redacted]
Sent: September 21, 2020 10:29 AM
To: Mathew Hoppe
Cc: [redacted]
Subject: Re: Marten Falls First Nation Community Access Road - Terms of Reference Distribution Details

Thank you, Mathew.

Good Morning Kristin and Jonathan,

Here is the link to the Marten Falls First Nation Community Access Road (MFFN CAR) Project website "documents" page with the Draft Terms of Reference and other Project Updates:

- http://www.martenfallsaccessroad.ca/documents/

We will include you both on our distribution list for the Terms of Reference for the MFFN CAR.

Thanks so much,

Jessica

[redacted]

From: Cloutis, Geneva
Sent: Wednesday, October 28, 2020 2:27 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; [redacted]
Subject: CONFIRMATION - Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Dear Matthew,

Thank you for chatting with me earlier and confirming that Independent First Nations Alliance has received the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road project.

As a reminder, the comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please don't hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]

AECOM
[redacted]
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[redacted]

From: Cloutis, Geneva
Sent: Wednesday, December 9, 2020 2:50 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Dear Mr. Hoppe,

I hope this email finds you well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Independent First Nations Alliance has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If Independent First Nations Alliance is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Monday, December 14, 2020 1:20 PM
To: [redacted]
Cc: [redacted] Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls All-Season Community Access Road ToR Review

Mr. Hoppe,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020.

If Independent First Nations Alliance is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

We look forward to your input and value your feedback.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Wednesday, February 24, 2021 11:10 AM
To: [redacted]
Subject: Re: Marten Falls Community Access Road - Caribou Field Program Update

Hello Kristin,

Thank you for your inquiry. This notice has been distributed to all 23 Indigenous communities identified by the Ministry of the Environment, Conservation and Parks and the Impact Assessment Agency of Canada. Out of the five communities that are part of the Independent First Nations Alliance, Kitchenuhmaykoosib Inninuwug First Nation is one of these Indigenous communities, and the caribou field notice and update has been shared directly with Chief Donald Morris, the Lands and Environment Unit and the Band secretary.

If you have any further questions or comments, please let us know.

Sincerely,
Marten Falls First Nation Community Access Road Project Team

From: Jackman, Lindsay
Sent: Thursday, May 13, 2021 1:50 PM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road: Bat Acoustic Monitoring program
Attachments: Marten Falls First Nation Field Stuty Notice Bat Acoustic Monitoring 2021-05-12.pdf

Good Afternoon Mr. Hoppe and Ms. Cawley,

I am emailing to follow up on the field notice which was sent to the Independent First Nations Alliance yesterday on May 12, also attached above, about the upcoming Bat Acoustic Monitoring Program. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map. I called and spoke Jonathan this afternoon and was advised that, though information related to the Study Area is not anticipated, Kristin would be the appropriate IFNA contact to direct the following inquiry.

We have two questions that we are looking for community insights:

1. Does the Independent First Nations Alliance have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for your insights by May 28, 2021.

If you have any questions or comments about the program, please get in touch.

Thanks,
Lindsay Jackman
On behalf of the Marten Falls First Nation All-Season Community Access Road

Lindsay Jackman, M.Sc.
Environmental Planner, Environment
[redacted]

AECOM
[redacted]
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From: Meyer, James
Sent: July 22, 2021 2:12 PM
To: [redacted]
Subject: MFFN CAR Discussion Guide Feedback

Good afternoon Kristin,

My name is James, I am with AECOM, hope you are well! Just wanted to reach out and see if you had some time this week or early next week to chat about the Marten Falls First Nation Community Access Road Project Field Program discussion guides we sent out in June/July? Would like to know your input on them and take any feedback you have regarding the activities.

Please let me know a time that works for you!

Best,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

AECOM
[redacted]
aecom.com

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From: Meyer, James
Sent: July 22, 2021 10:24 AM
To: [redacted]
Subject: Kristin Cawley Contact Info

Hi Matt,

This is James from AECOM, we just spoke on the phone. Just looking to get the most recent phone number for Kristin Cawley, the current one we have [redacted] is not in service.

Appreciate the help!

Best,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

Meyer, James

From: Meyer, James
Sent: September 9, 2021 12:45 PM
To: [redacted]
Cc: Jackman, Lindsay
Subject: MFFNCAR Project Check-in Call

Hi Kristin,

This is James from the Marten Falls First Nation Community Access Road Project Team. Just wanted to reach out and see if you had a few minutes for a phone call regarding some documents we sent to the IFNA in the past couple weeks? If you don't have time please let me know and we can correspond over email. Below are the topics I would like to discuss:

1. Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th;
2. Vegetation Field Program, Bat ARU and Caribou Mortality Investigation field notice sent September 2nd;

Thank you,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

From: Meyer, James
Sent: September 13, 2021 10:29 AM
To: Kristin Cawley
Cc: Jackman, Lindsay
Subject: RE: MFFNCAR Project Check-in Call

Good Morning Kristin,

Hope you had a great weekend! Just for your reference, please see the documents I am referring too. Let me know if you have any questions or comments!

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)

Best,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

B29.2 Incoming Community Specific Correspondence

From: Kristin Cawley [redacted]
Sent: September 10, 2021 10:08 AM
To: Meyer, James
Cc: Jackman, Lindsay
Subject: [EXTERNAL] RE: MFFNCAR Project Check-in Call

Good morning James,

Thank you for your email, could we please correspond through email.

Thank you,
Kristin Cawley
Technical Services Advisor/Water and Wastewater Hub Administrator

Thunder Bay Office
[redacted]

INDEPENDENT FIRST NATIONS ALLIANCE
LAC SEUL | WHITESAND | KITCHENUHMAYKOOSIB INNINUWUG | PIKANGIKUM | MUSKRAT DAM

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Wednesday, February 24, 2021 11:10 AM
To: Kristin Cawley
Subject: Re: Marten Falls Community Access Road - Caribou Field Program Update

Hello Kristin,

Thank you for your inquiry. This notice has been distributed to all 23 Indigenous communities identified by the Ministry of the Environment, Conservation and Parks and the Impact Assessment Agency of Canada. Out of the five communities that are part of the Independent First Nations Alliance, Kitchenuhmaykoosib Inninuwug First Nation is one of these Indigenous communities, and the caribou field notice and update has been shared directly with Chief Donald Morris, the Lands and Environment Unit and the Band secretary.

If you have any further questions or comments, please let us know.

Sincerely,
Marten Falls First Nation Community Access Road Project Team

From: Mathew Hoppe [redacted]
Sent: September 18, 2020 5:02 PM
To: Metuzals, Jessica
Cc: [redacted]
Subject: RE: Marten Falls First Nation Community Access Road - Terms of Reference Distribution Details

Hi Jessica,
Please forward the past and upcoming information to Kristin Cawley, IFNA Environmental Services Advisor and Jonathan is her supervisor.
Thank you for reaching out.

Mathew Hoppe
CEO - IFNA

Sioux Lookout Office
[redacted]
| www.ifna.ca

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B30. Matawa First Nations Management

B30.1 Outgoing Community Specific Correspondence
B30.2 Incoming Community Specific Correspondence
B30.3 ToR Comments Received / Responses



B30.1 Outgoing Community Specific Correspondence



From: Cloutis, Geneva
Sent: Friday, October 30, 2020 8:56 AM
To: [redacted]
Cc: Larissa Mikkelsen; Qasim Saddique; Jennifer Bruin; [redacted]
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear David Paul Achneepineskum,

I just wanted to follow-up with you about Matawa First Nations Management Inc. receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that you have received the October 23, 2020 email with the ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

The phone number we have on file for Matawa First Nations Management Inc. is [redacted], but it appears this number is no longer in service. Is there a new phone number we can put on file as the best way to reach you?
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
[redacted]
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[redacted]

From: Cloutis, Geneva
Sent: Friday, October 30, 2020 9:08 AM
To: Paul Capon
Subject: RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Hi Paul,

Yes, the documents are all available as PDFs, so you should not need any particular app on your computer to open the files. This website link will take you to all of the documents:
http://www.martenfallsaccessroad.ca/tor/

Some of the documents are quite large in size, particularly if you try and open the full Terms of Reference. If you scroll down to the lower half of the website, you can access different sections of the Terms of Reference which are smaller file sizes. IF you are still having difficulty opening the files, please let me know and we can find some alternate ways to ensure that you're able to open the files.

Thanks,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
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[redacted]

From: Cloutis, Geneva
Sent: Friday, October 30, 2020 12:49 PM
To: Paul Capon
Subject: Marten Falls Community Road Access Project - Proposed Terms of Reference Submission

Hi Paul,

As discussed on the phone, I just sent you a secure link to download the complete Terms of Reference (the email should be coming soon via WeTransfer). Hopefully you are able to open the document that way. If not, I fear that you will need to get your PDF viewer on your computer looked at by IT.

Let me know if the link works, and if there is anything else I can help with.
Thanks,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
[redacted]
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[redacted]

From: Cloutis, Geneva
Sent: Friday, October 30, 2020 10:34 AM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear Suzanne John-George,

I just wanted to follow-up with you about Matawa Tribal Council receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that you have received the October 23, 2020 email with the ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
[redacted]
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[redacted]

From: Cloutis, Geneva
Sent: Thursday, November 5, 2020 9:06 AM
To: [redacted]
Cc: 'Qasim Saddique'; 'Larissa Mikkelsen'; 'Jennifer Bruin'
Subject: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission
Attachments: NOT_2020-10-08-NoticeOfSubmission-ToR_60593122.pdf

Dear David Paul Achneepineskum,

I just wanted to follow-up with you again about Matawa First Nations Management Inc. receiving the Proposed Terms of Reference (TOR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.
Specifically we would like to confirm that you have received the October 23, 2020 email with the ToR documents?

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent to directly to the Ministry of the Environment, Conservation and Parks (MECP).
Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.
Sincerely,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
[redacted]
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[redacted]

From: Cloutis, Geneva
Sent: Monday, November 23, 2020 11:44 AM
To: [redacted]
Subject: Marten Falls Community Access Road - Confirmation of Proposed Terms of Reference for Matawa

Hi Kimberly,

I am reaching out on behalf of the Marten Falls Community Access Road project in regards to the Proposed Terms of Reference (ToR). We are in the process of following up with Tribal Council and organizations to confirm that they have received the Proposed ToR email notification and are aware of the comment period.

I understand that you are affiliated with Matawa First Nations Management and might be able to provide some insight as to the most appropriate process for confirming receipt of the ToR. On our records, we have two separate organizations listed:

Matawa First Nations Management Inc.
Matawa Tribal Council

I've received confirmation from Matawa First Nations Management Inc. that they have received the ToR, but have not been able to get in touch with the contact we have for Matawa Tribal Council.

I was wondering if you had an alternate contact for Matawa Tribal Council I could reach out to confirm their receipt of the ToR.
Let me know if you have any questions! Any insight on reaching out to Matawa would be greatly appreciated.
Thanks,

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
[redacted]
aecom.com

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[redacted]

From: Cloutis, Geneva
Sent: Wednesday, December 9, 2020 2:51 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin; Paul Capon; [redacted]
Subject: Marten Falls All-Season Community Access Road ToR Review

Dear Mr. Achneepineskum,

I hope this email finds you well. I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

We have confirmation that Matawa First Nations Management has received the Proposed ToR materials—electronic versions are also available here. I'd like to remind you that the 60-day comment period ends in less than two weeks at 5:00 p.m. EST on December 21, 2020.

If Matawa First Nations Management is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the proposed ToR with the Project Team. We look forward to receiving your input.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Monday, December 14, 2020 1:21 PM
To: [redacted]
Cc: 'Qasim Saddique'; 'Larissa Mikkelsen'; 'Jennifer Bruin'; 'Paul Capon'; [redacted]
Subject: Marten Falls All-Season Community Access Road ToR Review

Mr. Achneepineskum,

I'm following up regarding the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road.

As mentioned in the email below, I'd like to remind you that the 60-day comment period ends in one week at 5:00 p.m. EST on December 21, 2020.

If Matawa First Nations Management is planning to submit comments on the Proposed ToR and / or if you would like to express your desire for an extension to the review period, should you require one, please do so directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

We look forward to your input and value your feedback.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Friday, December 18, 2020 2:17 PM
To: [redacted]
Cc: Paul Capon; [redacted]; Qasim Saddique; Jennifer Bruin; Larissa Mikkelsen
Subject: Confirmation - Marten Falls All-Season Community Access Road ToR Review Period

Hi David,

Thank you very much for returning my phone call from earlier and confirming that Matawa First Nations Management is aware that the comment period for the Proposed Terms of Reference (ToR) for the Marten Falls First Nation All-Season Community Access Road is closing at 5:00 p.m. EST on December 21, 2020.

You indicated that Matawa First Nations Management is planning to submit comments on Monday. Just as a friendly reminder, comments on the Proposed ToR should be submitted directly to:

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch
[redacted]
Tel: [redacted]
Email: [redacted]

If you have any comments or questions when submitting comments on Monday please don't hesitate to reach out.

Kind regards,

Geneva Cloutis

On behalf of the Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Monday, February 8, 2021 1:53 PM
To: [redacted]
Cc: Cinnamon, Christine; Qasim Saddique; [redacted] Bob Baxter; [redacted]; Jennifer Bruin; Larissa Mikkelsen; McLeod, Sasha (MECP); Gauthier, Shannon (MECP); [redacted]; Paul Capon; [redacted]
Subject: MFFN Community Access Road Proposed Terms of Reference – Comments
Attachments: 2021-02-08-MFFN Community Access Road Proposed ToR Letter Matawa.pdf

Good afternoon David Paul Achneepineskum,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that Matawa First Nations Management has taken to provide feedback. Please see the attached letter for next steps in the process.

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team.

Geneva Cloutis
On behalf of the MFFN Community Access Road Project Team

Geneva Cloutis, MES
Junior Community Engagement and Consultation Practitioner
Impact Assessment and Permitting, Canada West
Pronouns: She/her
[redacted]
[redacted]
aecom.com

February 8, 2021

Matawa First Nations Management
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference

Dear David Paul Achneepineskum,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that Matawa First Nations Management has taken to provide feedback.

The MFFN Project Team is in the process of drafting detailed responses to all comments received. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be ongoing opportunities throughout the environmental assessment to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for Matawa First Nations Management at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca.

Kindly confirm receipt of this letter when received.

Sincerely,

[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Sasha McLeod, Ontario Ministry of the Environment, Conservation and Parks, Environmental Assessment Branch
Shannon Gauthier, Ontario Ministry of the Environment, Conservation and Parks, Environmental Assessment Branch
Chief Bruce Achneepineskum, Marten Falls First Nation
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Christine Cinnamon, MFFN Project Consultant
Geneva Cloutis, MFFN Project Consultant

From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Friday, February 12, 2021 2:46 PM
To: info@martenfallsaccessroad.ca
Subject: Marten Falls Community Access Road - Caribou Field Program Update
Attachments: DOC-2021-02-03-MFFN-Ungulates Field Notice-60593122.pdf

Hello,

This is a follow up to the attached notice (distributed on February 3, 2021) for the upcoming Caribou Field Program. Dates have been confirmed and field crews will be conducting the caribou collaring and biological sampling field program starting as early as Tuesday, February 16 (note that exact dates are subject to weather). The program will run for approximately two weeks. An update will be sent out if there are any changes to the program end date.

If you are located in the study area, you may notice an increase in air traffic as the study area will be accessed by helicopter between 7am and 6pm during this program.

If you have any questions or comments, please reply to this email.

Sincerely,
Marten Falls First Nation Community Access Road Project Team

From: Cloutis, Geneva
Sent: Thursday, May 13, 2021 9:56 AM
To: [redacted]
Cc: Paul Capon; [redacted]
Subject: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Good morning Lindsey,

I am emailing to follow up to the voicemail I left on your cell phone this morning, regarding the Bat Acoustic Monitoring program field notice which was sent out yesterday afternoon. The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is available on the website and includes a study area map.

We have two questions that we are looking for insights to help inform the program:

1. Does Matawa First Nations Management have information or local knowledge on areas where bats migrate during their roosting season?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

We are looking for insights by May 28, 2021. If you have any questions or comments about the program, please get in touch by phone or email. If there is someone else from Matawa First Nations Management that would be better for me to get in touch with regarding this request, please let me know and I can follow up with them directly.

Thanks,

Geneva Cloutis
On behalf of the Marten Falls First Nation All-Season Community Access Road

[redacted]

From: Cloutis, Geneva
Sent: Friday, May 14, 2021 9:08 AM
To: Kimberly Jorgenson
Cc: Sarah Cockerton; Lindsey Jupp
Subject: RE: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Categories: Comms

Hi Kim,

Thank you so much for the information. I'll be sure to pass this along to our technical wildlife team. If they have any follow-up questions, I will be in touch!

Have a lovely weekend,

Geneva

From: Meyer, James
Sent: July 22, 2021 12:03 PM
To: [redacted]
Subject: Discussion Guide Feed Back

Good Afternoon Paul,

My name is James, I am with AECOM, hope you are well! Just wanting to see if you had sometime this week to chat about the discussion guides we sent off back in June/July regarding the field programs being done on the Marten Falls First Nation Community Access Road Project? Were looking for any feedback or input you have regarding the work being done later this summer/fall.

Please let me know a time that works for you and I can set something up!

Best,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]
aecom.com

Delivering a better world

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From: Meyer, James
Sent: July 22, 2021 12:21 PM
To: Paul Capon
Subject: RE: Discussion Guide Feed Back

Hey Paul,

Appreciate the quick reply, looking forward to our chat! I'd love to hear and input you have and what you think can be improved.

Talk soon,

James

From: Meyer, James
Sent: July 22, 2021 12:37 PM
To: [redacted]
Subject: Call with David Paul

Hi Vivian,

My name is James, I am with AECOM, hope you are well! Just reaching out to see if David Paul had some time this week or next week to have a quick chat about the discussion guides we sent out in June/July regarding the field programs being conducted for the Marten Falls First Nation Community Access Road Project. I am just looking for any input or feedback he has on the work being done in the areas affected as this helps us improve the programs. Please let me know what works best for him and we can set something up!

All the best,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

Meyer, James

From: Meyer, James
Sent: September 9, 2021 12:34 PM
To: [redacted]
Cc: Jackman, Lindsay
Subject: MFFNCAR Project Check-in Call

Hi Lindsay,

This is James from the Marten Falls First Nation Community Access Road Project Team. Just wanted to reach out and see if you had a few minutes for a phone call regarding some documents we sent to Matawa in the past couple weeks? If you don't have time please let me know and we can correspond over email. Below are the topics I would like to discuss:

1. Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th;
2. Vegetation Field Program, Bat ARU and Caribou Mortality Investigation field notice sent September 2nd;

Thank you,

James Meyer, B.H.Ecol
Indigenous Engagement Specialist, IAP Canada
[redacted]

B30.2 Incoming Community Specific Correspondence

From: Kimberly Jorgenson <[redacted]>
Sent: October-20-20 12:44 PM
To: McLeod, Sasha (MECP) <[redacted]>; Gauthier, Shannon (MECP) <[redacted]
Cc: Sarah Cockerton <[redacted] info@martenfallsaccessroad.ca
Subject: MFCAR EA ToR - Public Viewing Location Concern

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Sasha and Shannon,

We received the hardcopy documents and notice regarding the formal submission of the final Terms of Reference for the Marten Falls Community Access Road Project Environmental Assessment. In the enclosed letter from the MOECP, we are requested to make the documents available for public review at the Matawa office [redacted] from October 23rd to December 21st.

The Matawa office is currently closed to the public (and most staff) due to pandemic restrictions, and does not anticipate reopening during the review period, thus we are unable to make the hardcopy documents available to the public. Please correct future communications regarding the availability of the documents at our location.

Kim

Kimberly Jorgenson ᑭᒪᐳᕐᓕ ᒍᕐᑭᓐᓴᓐ

From: Paul Capon [redacted]
Sent: Friday, October 30, 2020 9:03 AM
To: Cloutis, Geneva
Subject: [EXTERNAL] RE: Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

Hi Geneva: thanks for this information. I tried however to access the Terms of Reference from my computer, and there was a difficulty. Does it require a specific app? Is it in PDF? Thanks Paul Capon, Matrawa First Nations.

From: Paul Capon [redacted]
Sent: Friday, October 30, 2020 12:53 PM
To: Cloutis, Geneva
Subject: [EXTERNAL] RE: Marten Falls Community Road Access Project - Proposed Terms of Reference Submission

Hi Genova: I just received it and was able to open it. Thanks Paul

From: David Achneepineskum [redacted]
Sent: Thursday, May 13, 2021 10:37 AM
To: Cloutis, Geneva; [redacted]
Cc: Paul Capon; [redacted]
Subject: [EXTERNAL] Re: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Four Rivers Inc a subsidiary of Matawa might be able to help you out on this. I'm copying Sarah Cockerton who is our Manager

Gichi Miigwech

From: Sarah Cockerton [redacted]
Sent: Thursday, May 13, 2021 3:25 PM
To: David Achneepineskum; Cloutis, Geneva; [redacted]
Cc: Paul Capon
Subject: [EXTERNAL] RE: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Categories: Comms

Hello all,
Four Rivers has been doing some acoustic work with bats for the last few years. To my knowledge, our work has focused on advancement of new collection protocols and as focused mostly to the south end of the homelands. As such, I am not sure if we have data that can answer those questions – but I will inquire with our team.
Thank you,
Sarah

From: Lindsey Jupp [redacted]
Sent: Thursday, May 13, 2021 10:01 AM
To: Cloutis, Geneva
Cc: Paul Capon; David Achneepineskum; Kimberly Jorgenson
Subject: [EXTERNAL] RE: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Hi Geneva,

I have copied my colleague Kim Jorgenson from Four Rivers. She may be able to assist you.

Thank you kindly,
Lindsey

[redacted]

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From: Kimberly Jorgenson [redacted]
Sent: Friday, May 14, 2021 8:54 AM
To: Cloutis, Geneva
Cc: Sarah Cockerton; Lindsey Jupp
Subject: [EXTERNAL] RE: MFFN All Season Community Access Road - Inputs for Bat Acoustic Monitoring Program

Categories: Comms

Good morning Geneva,

Four Rivers has been supporting bat SAR research in the Matawa homelands for the past few years, based on community project interest and targets based on local knowledge. To-date, no data has been collected in the study area outlined on the project map, nor directly with Marten Falls First Nation. The nearest program we have embarked on is a recent project which launched ARU's for birds and bats in the homelands north of Aroland First Nation, which may enter the lower reaches of the Regional Study Area of the Marten Falls Road EA. Those units are still in the field however, with data processing/reporting anticipated no sooner than winter 2022. Any eventual data-sharing on that project would be at the discretion of Aroland First Nation.

I hope this information is helpful! Please feel free to reach out for further info, I'm in and out of the office over the next few weeks but will try my best to respond. Meegwetch!

Kim

Kimberly Jorgenson ᑭᒪᐳᖏᓂ ᒍᖏᓴᓴᓵ
Environmental Services Coordinator ᐊᐯ ᐱᒪᑎᓱᐞᐧᐣ ᐱᒍᐞᐢᑎᐊᓚᓵᓵᓵᐞ ᑲᓚᓚᑲᑎᑐᒃ
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Matawa First Nations Management Lᑕᐊᐧᐣᐊ ᑕᒧᑭᐞᐢᓚᓵᓵᓵᐞ ᐅᑭᒪᐞᐢᐞᐢ
[redacted]

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From: Paul Capon [redacted]
Sent: Friday, June 25, 2021 11:17 AM
To: MFFN Community Access Road Project Team
Cc: Sarah Cockerton
Subject: RE: MFFN Community Access Road: Groundwater and Geochemistry

Thanks for this information. This is a great teaching tool for people to learn more. Thanks Paul Capon

From: Paul Capon [redacted]
Sent: July 22, 2021 12:10 PM
To: Meyer, James
Subject: [EXTERNAL] RE: Discussion Guide Feed Back

Hi James: Thanks for this e-mail. I will give you a call. I have seen a number of information on the environmental monitoring and information gathering for the road. Looks very interesting and I am sure the community is very willing to learn and participate in this work. I hope there is enough money to employ everyone who want to do the work! This will help in the community capacity building a great deal.

I would however like to talk on some of the issues that are not within the EA, which as you may guess, are a bit of a barrier from making this project as fulsome as it could be. Thanks Paul Capon

From: Lindsey Jupp [redacted]
Sent: September 14, 2021 8:19 AM
To: Meyer, James
Cc: Jackman, Lindsay; Kimberly Jorgenson; Paul Capon; Sarah Cockerton; Vivian Ann Martin
Subject: [EXTERNAL] RE: MFFNCAR Project Check-in Call

Hi James,

I may or may not have. I haven't been asked to review any of the documents.

I'm not sure who has been requested to do this at Matawa, if anyone. I have copied a few individuals, maybe they know more.

Thank you kindly,
Lindsey

[redacted]

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B30.3 ToR Comments Recevied / Responses

Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
Attn: Sasha McLeod and Shannon Gauthier
[redacted]

December 21, 2020

RE: PRELIMINARY REVIEW OF PROPOSED TERMS OF REFERENCE FOR THE MARTEN FALLS COMMUNITY ACCESS ROAD ENVIRONMENTAL ASSESSMENT

Dear Ms. McLeod and Ms. Gauthier,

I am writing in response to the Notice of Submission of Terms of Reference dated October 23, 2020 regarding the Marten Falls First Nation Community Access Road Project Environmental Assessment (EA).

Matawa First Nations Management (MFNM) acknowledges the significant effort of the Marten Falls First Nation Chief and Council, Elders and community members have put towards the Community Access Road (CAR) Project and information materials. The *Proposed Terms of Reference* demonstrates the importance of the Project to the First Nation and MFNM supports the autonomous decision-making of each member First Nation with respect to its lands, economy and economic development.

In terms of the final Terms of Reference there are a few items that require further clarification for the benefit of all Matawa member First Nations:

1. **MATAWA FIRST NATIONS MANAGEMENT (MFNM) EXCLUDED FROM APPENDIX D – SCHEDULE A**
   Matawa First Nations Management (MFNM) has been excluded from Appendix D – Schedule A of the *Marten Falls – Ontario Memorandum of Understanding on Shared Consultation Responsibilities*. The collective rights and interests of the Matawa member First Nations must be considered in the scope of the assessments to be completed (federal and provincial processes inclusive). The exclusion of the Matawa Chiefs Council or MFNM (tribal council) is inconsistent with Ontario's decision to include the Metis Nation of Ontario – Region 2 and the Red Sky Metis Independent Nation. The Matawa member First Nations are the primary Indigenous group within the potentially impacted territory.
   a) While not an Indigenous rights holder, the Matawa First Nations Management provides collective services, supports and expertise to assist our member First Nations and advance the legitimate concerns of the 10,728 registered members of the communities. The representative interest of MFNM invested

in the Matawa Chiefs Council (MCC) and our service organizations greatly outweighs other stakeholders such as the Metis organizations, municipalities, and other interested persons. A formal written response from the Province of Ontario will be required. This issue may be discussed and considered by the MCC for a formal position and direction on this item.

b) Clarification will be required from the Proponent going forward in terms of the consultation records and activities being collected, retained and reported in the *Appendix C – Record of Consultation*. In order to protect the interests and maintain the fairness of procedures for all Matawa member First Nations, the issue of consultation activities being conducted within MCC meetings, or the Matawa Annual General Meetings forums, conferences and events hosted by MFNM and Matawa organizations will have to be addressed. [A copy of the *Record of Consultation* that includes Matawa First Nations references is attached to this letter for quick reference.]

c) In addition, MFNM raises a concern also regarding the precedent being set by the Proponent in the recognition of the two (2) Metis organizations within the James Bay Treaty No. 9 boundaries. While Ontario may have delegated procedural aspects of the duty to consult and accommodate to the Proponent, the recognition of Metis rights within the Treaty No. 9 boundaries impacts all Treaty No. 9 members and beneficiaries. Ontario must articulate and clarify a distinctions-based approach within this EA process and proposed consultation process. First Nations treaty rights and Metis 'rights' are not equal.

2. SPECIFIC CONCERNS RELATED TO ONTARIO'S *DRAFT GUIDELINES FOR MINISTRIES ON CONSULTATION WITH ABORIGINAL PEOPLES RELATED TO ABORIGINAL RIGHTS AND TREATY RIGHTS*, 2006

MFNM also is noting for the record that the Province of Ontario is proceeding with the delegation of procedural aspects of the Crown duty to consult and accommodate with the Proponent based upon '*Draft guidelines for Ministries'* that have remained stagnant since 2006. MFNM is concerned about the application of these draft guidelines and the liability that may be posed directly to the Proponent, Chief and Council and membership.

a) In addition to noting this general concern for fair and public consideration including the membership-at-large of Marten Falls First Nation, MFNM requests that the Marten Falls First Nation *Proposed Terms of Reference for the Marten Falls Community Access Road* include the copy of Ontario's duty to consult and accommodate policy it is implementing and accepting for the purpose of the Project and that a copy of the policy also be publicly displayed when 'consultation' activities are being hosted and conducted by the Proponent.

b) Written statement is also requested from the Province of Ontario related to the impacts of the new *Crown Liability and Proceedings Act*, 2019 on the *Draft guidelines for Ontario ministries for consultations with Aboriginal peoples related to Aboriginal rights and treaty rights*.

c) Written statement is also requested from the Province of Ontario as to the specific set of Ministry consultation policies that are being enforced within the *Marten Falls – Ontario Memorandum of Understanding on Shared Consultation*

Activities. There are the '*Draft guidelines'* for general ministry application – but Ontario ministries may prepare their own ministry guidelines or policies. MFNM is requesting the specific guidelines and policies to be stated.

d) To note, Ontario's refusal to update the *Draft guidelines* and ensure that the First Nations of Ontario are being consulted in the most fair and forthright manner to the honour of the Crown may result in investor and economic instability. It has been a consistent message of the MCC that First Nations are the 'investors of certainty' and require an equitable and partnership-based approach.
e) MFNM is also requesting the formal appointment of an Ontario Crown representative to whom First Nations may direct their concerns related to the 'duty to consult' and establish and maintain public oversight of the provincial government's consultation record and decisions (including negative decisions where the duty of consult is determined to not apply) in order to bring clarity to the process for all First Nations impacted. The Crown of Ontario and Ministers of the Crown (Indigenous Affairs, Energy, Northern Development and Mines, Natural Resources and Forestry, Environment Parks and Conservation) cannot hide behind the Proponent.

3. **OBJECT TO STATEMENT REGARDING THE STATUS OF THE LAND AND THE ABSENCE OF ANY CURRENT LAND CLAIMS**

The specific reference on p. 34 of the Proposed Terms of Reference:
"Ontario land claims consider land claims related to Indigenous communities' rights to land and to the use of the land. Claims can consider size and location of reserves or improper use of reserve lands by government (Government of Ontario 2019a). Currently, no land claims with the government of Ontario are occurring within the preliminary study area (government of Ontario 2019b). At the time of preparing the ToR, there are no additional comprehensive or specific federal land claims in the vicinity of the Project, beyond those mentioned in Table 7-2 under Ginoogaming First Nation and Eabametoong First Nation."

MFNM objects to this *carte blanche* statement regarding the status of the land and land claims on the preliminary study area. There are no land claims on this area of land due to its untouched, unencroached and remote location. This land in question may be the subject of future negotiations and/or land claims by the First Nations who will be impacted by development in the future. To use the sensitive status of the lands subject to James Bay Treaty No. 9 to clearly facilitate unimpeded access to the lands and resources is of First Nation concern.

4. CLARIFICATION ON THE ROLES AND AGREEMENTS BETWEEN CANADA AND ONTARIO IN ASSESSING THE CONSTITUTIONALLY PROTECTED RIGHTS OF THE PEOPLE OF JAMES BAY TREATY NO. 9 (1905-1906) AND (1929-1930)

MFNM is requesting a written statement from the Province of Ontario with respect to the role of the federal Crown of Canada with respect to the assessing the duty to consult and accommodate *and* the protection of the Inherent Aboriginal and Treaty Rights under Section 35 of the *Constitution Act,* 1982 on this Project. Canada and Ontario are the signatories to James Bay Treaty No. 9 which is a very unique situation across this province and distinguishes Treaty No. 9 from all other Ontario treaties.

A clear outline and process for updating the impacted First Nations on the roles, current and future negotiations and agreements between the Crowns of Canada and Ontario for this Project seem in order. This concern is in addition to the scope of the interactions between Canada and Ontario outlined in Section 3.3 Canada-Ontario Agreement on Environmental Assessment.

5. PROPOSED TERMS OF REFERENCE IS OUTDATED DUE TO SIGNFICANT LEGISLATIVE CHANGES BY ONTARIO

In light of the Province of Ontario's aggressive approach to revising legislation, policy and regulations in order to ease its access to the North and the 'Ring of Fire' Area, the *Proposed Terms of Reference* is outdated due to significant legislative changes. The *Proposed Terms of Reference* must be prepared in order to inform the impacted First Nations, the public and other interested organizations or persons with respect to the changes to the Ontario *Environmental Assessment Act* via Bill 197, including the deleting of the term '*undertaking'* from government legislation, the expiry of Section XIV of the *Mining Act* related to provisions for the Far North [section now removed], the changed nature of the Ontario Crown via the Ontario *Crown Liability and Proceedings Act*, 2019, and Ontario's proposals to revise the *Far North Act*, 2010 and 'renewal' of the Ontario trapping allocation policies. These are at a minimum a preliminary list of how the *Proposed Terms of Reference* has ignored the Ontario government tactics towards the Rights and interests of First Nations.

6. ARBITRARY EXCLUSION OF EABAMETOONG FIRST NATION FROM BEING IDENTIFIED AS A POPULATED AREA CLOSEST TO THE PROJECT ALONGSIDE MARTEN FALLS FIRST NATION AND AROLAND FIRST NATION

To be fair and objective to all Matawa member First Nations, MFNM raises a concern of the arbitrary exclusion of Eabametoong First Nation from being identified as a populated area near the Project alongside Marten Falls First Nation and Aroland First Nation (p. 57). The *Proposed Terms of Reference* relies heavily on this assumption for the strength of its Project and MFNM will defer to Eabametoong First Nation on its positions and direction regarding this issue. Further to this, "*The closest Indigenous communities to the Project are MFFN and*

Aroland First Nation. These communities are likely to have the most economic interest in the Project." (p. 58)

As First Nations are being relied upon for "*closest populated areas*" and potentially to be part of the wider assessment of the EA, MFNM requests written clarification on the roles and responsibilities of any First Nations that are identified as significantly factored into the Project in the *Proposed Terms of Reference*. It is important that we all understand how this may proceed. This clarification should also be included and outlined in the *Proposed Terms of Reference*.

MFNM also reserves the right for this issue to be clarified by the Matawa member First Nations and the positions of each First Nation to be articulated and respected.

7. TRUE SCOPE OF THE PROJECT TO PROVIDE ALL-SEASON ROAD ACCESS TO MINERAL CLAIMS AND EXPANDING MINING AND FORESTRY INDUSTRIES

As the *Proposed Terms of Reference* emphasizes the importance of the Project to address the high-cost of living for Marten Falls First Nation members, to which MFNM completely supports the initiatives and decisions made by member Frist Nations to address these important and long-standing needs. However, the *Proposed Terms of Reference* clearly states the dual purpose of the road for community purposes as well as the use of the road by industrial proponents such as mining and forestry (p. 13). As early as 2011, Marten Falls First Nation has been supported by the MNRF to upgrade the winter road *"…to provide the MFFN community with economic opportunities related to the mineral developments in MFFN territory or near the Project*" (p. 14). The Project will also provide all-season ground access to areas where multiple mining companies have a high number of mineral claims and no all-season ground access currently exists (p. 60)

The *Proposed Terms of Reference* clearly states that the scope of this EA is related to the Province's position that it *"…would provide funding to plan all-season road access to the Ring of Fire and that as part of this plan they would work with Indigenous communities, including MFFN, to build all-season access roads to communities"* (p.23).

And that

"The agreement with the Province was to prepare an Individual EA under the EAA and preliminary design of a CAR (Community Access Road) built to meet industrial use specification to accommodate multi-purpose use by MFFN community and industrial proponents" (p.24).

And that

"*The primary economic activities in the region include mining, forestry and resource-based tourism. Mining exploration and development is expanding"* (p. 58)

This is the true scope of the Project presented in this Proposed Terms of Reference. MFNM recommends that the true scope be addressed in order for all parties to be treated fairly and equitably in the events and developments of the North that will impact all members and beneficiaries of James Bay Treaty No. 9. To allow the presentation of the *Proposed Terms of Reference* and Project to First Nations and the Ontario public as anything less, is potentially the dishonour of the Crown of Ontario.

8. UNDETERMINED 'ROAD OWNERSHIP' IN DISCUSSION WITH THE PROVINCE

The *Proposed Terms of Reference* states and reiterates that the options for road ownership, maintenance activities and liability are being considered in discussion with the Province.

"…while options for road ownership, maintenance activities and liability are being considered in discussion with the Province" (p.3).

And

"Options for ultimate road ownership and access are being considered in discussion with the Province" (p.5).

And

"Options for road ownership, operations and maintenance activities, and liability are being considered in discussion with the Province" (p.15).

MFNM will be deferring to the Matawa Chiefs Council and member First Nations on this issue.

9. THE MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS PROCEEDING WITH PROCESS DURING COVID-19 GLOBAL PANDEMIC

MFNM also states for the public record that this process by the Ministry of the Environment, Conservation and Parks has proceeded during the COVID-19 global pandemic as First Nations are maintaining the priority of preparing and protecting their communities from this dangerous health hazard.

In closing, these are preliminary review comments with respect to the Marten Falls First Nation Community Access Road Project Environmental Assessment (EA). MFNM reserves the right to reassess the points contained in this letter, as well as the positions stated as directed by the Matawa Chiefs Council.

Sincerely**,**
MATAWA FIRST NATIONS MANAGEMENT

[redacted]

Attachments:
Schedule C – Record of Consultation – Matawa First Nations

cc: Chief Bruce Achneepineskum ([redacted])
Qasim Saddique ([redacted])
Christine Cinnamon ([redacted])
Matawa member First Nation Chiefs

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Matawa First Nations Management – December 21, 2020			
MFNM-1	Matawa First Nations Management (MFNM) acknowledges the significant effort of the Marten Falls First Nation Chief and Council, Elders and community members have put towards the Community Access Road (CAR) Project and information materials. The Proposed Terms of Reference demonstrates the importance of the Project to the First Nation and MFNM supports the autonomous decision-making of each member First Nation with respect to its lands, economy and economic development.	Marten Falls First Nation (MFFN) appreciates your time in reviewing the information and your continued interest in the Project.	N/A
MFNM-2	MATAWA FIRST NATIONS MANAGEMENT (MFNM) EXCLUDED FROM APPENDIX D – SCHEDULE A Matawa First Nations Management (MFNM) has been excluded from Appendix D – Schedule A of the *Marten Falls – Ontario Memorandum of Understanding on Shared Consultation Responsibilities*. The collective rights and interests of the Matawa member First Nations must be considered in the scope of the assessments to be completed (federal and provincial processes inclusive). The exclusion of the Matawa Chiefs Council or MFNM (tribal council) is inconsistent with Ontario's decision to include the Metis Nation of Ontario – Region 2 and the Red Sky Metis Independent Nation. The Matawa member First Nations are the primary Indigenous group within the potentially impacted territory. a) While not an Indigenous rights holder, the Matawa First Nations Management provides collective services, supports and expertise to assist our member First Nations and advance the legitimate concerns of the 10,728 registered members of the communities. The representative interest of MFNM invested in the Matawa Chiefs Council (MCC) and our service organizations greatly outweighs other stakeholders such as the Metis organizations, municipalities, and other interested persons. A formal written response from the Province of Ontario will be required. This issue may be discussed and considered by the MCC for a formal position and direction on this item. b) Clarification will be required from the Proponent going forward in terms of the consultation records and activities being collected, retained and reported in the *Appendix C – Record of Consultation*. In order to protect the interests and maintain the fairness of procedures for all Matawa member First Nations, the issue of consultation activities being conducted within MCC meetings, or the Matawa Annual General Meetings forums, conferences and events hosted by MFNM and Matawa organizations will have to be addressed. [A copy of the *Record of Consultation* that includes Matawa First Nations references is attached to this letter for quick reference.] c) In addition, MFNM raises a concern also regarding the precedent being set by the Proponent in the recognition of the two (2) Metis organizations within the James Bay Treaty No. 9 boundaries. While Ontario may have delegated procedural aspects of the duty to consult and accommodate to the Proponent, the recognition of Metis rights within the Treaty No. 9 boundaries impacts all Treaty No. 9 members and beneficiaries. Ontario must articulate and clarify a distinctions-based approach within this EA process and proposed consultation process. First Nations treaty rights and Metis 'rights' are not equal.	We have referred your comment about the Marten Falls-Ontario Memorandum of Understanding (MOU) on Shared Consultation to Ontario so they can respond to you directly on this matter. Thank you for sharing your concerns regarding the sharing of Project information during meetings for Matawa First Nations. MFFN will meet with Matawa First Nation Management to provide clarification on the consultation records for activities with Matawa First Nations Management and to confirm what Project information sharing / consultation activities are considered appropriate for future meetings. It has been brought to our attention that mapping within the Terms of Reference (ToR) was unclear in terms of displaying Métis organizations within the James Bay Treaty No. 9 boundaries. The clarified information has been noted so that, moving forward, it will be mapped accurately in Project documentation (e.g., the Environmental Assessment [EA] Report). The depiction on Figure 7-2 of the ToR was not provided with proper context and Métis will be shown on their own map in the EA to avoid any misunderstanding.	Section 10.2.1, pg. 82 Commitment for EA
MFNM-3	SPECIFIC CONCERNS RELATED TO ONTARIO'S DRAFT GUIDELINES FOR MINISTRIES ON CONSULTATION WITH ABORIGINAL PEOPLES RELATED TO ABORIGINAL RIGHTS AND TREATY RIGHTS, 2006 MFNM also is noting for the record that the Province of Ontario is proceeding with the delegation of procedural aspects of the Crown duty to consult and accommodate with the Proponent based upon '*Draft guidelines for Ministries'* that have remained stagnant since 2006. MFNM is concerned about the application of these draft guidelines and the liability that may be posed directly to the Proponent, Chief and Council and membership. a) In addition to noting this general concern for fair and public consideration including the membership-at-large of Marten Falls First Nation, MFNM requests that the Marten Falls First Nation *Proposed Terms of Reference for the Marten Falls Community Access Road* include the copy of Ontario's duty to consult and accommodate policy it is implementing and accepting for the purpose of the Project and that a copy of the policy also be publicly displayed when 'consultation' activities are being hosted and conducted by the Proponent. b) Written statement is also requested from the Province of Ontario related to the impacts of the new *Crown Liability and Proceedings Act, 2019* on the *Draft guidelines for Ontario ministries for consultations with Aboriginal peoples related to Aboriginal rights and treaty rights*. c) Written statement is also requested from the Province of Ontario as to the specific set of Ministry consultation policies that are being enforced within the *Marten Falls – Ontario Memorandum of Understanding on Shared Consultation Activities*. There are the '*Draft guidelines*' for general ministry application – but Ontario ministries may prepare their own ministry guidelines or policies. MFNM is requesting the specific guidelines and policies to be stated. d) To note, Ontario's refusal to update the *Draft guidelines* and ensure that the First Nations of Ontario are being consulted in the most fair and forthright manner to the honour of the Crown may result in investor and economic instability. It has been a consistent message of the MCC that First Nations are the 'investors of certainty' and require an equitable and partnership-based approach.	The approach for consultation and engagement throughout the EA is guided by the EA / Impact Statement (IS) Consultation and Engagement Plan provided as Appendix B of the ToR. The EA / IS Consultation and Engagement Plan outlines the option to develop community-specific consultation protocols during the EA. This plan, which was reviewed by Ontario, has been designed to meet consultation requirements outlined in section 5.1 of the Ontario *Environmental Assessment Act*, the Code of Practice for Consultation in Ontario's Environmental Assessment Process (MECP 2014a) and Code of Practice on Preparing and Reviewing Environmental Assessments in Ontario (MECP 2014b). It is also designed to meet the Agency's requirements as outlined in the Tailored Impact Statement Guidelines (IAAC 2020) issued for this Project. The Draft Guidelines for Consultation with Indigenous Peoples related to Aboriginal Rights and Treaty Rights (Government of Ontario 2019) and the Nishnawbe Aski Nation Handbook on Consultation in Natural Resource Development (Nishnawbe Aski Nation 2007) were also used for guidance where appropriate. Furthermore, MFFN and Ontario have entered into an MOU on Shared Consultation Responsibilities that defines the responsibilities of MFFN and Ontario with respect to the consultation activities for the Project. Both the EA / IS Consultation and Engagement Plan and the MFFN-Ontario MOU on Shared Consultation Responsibilities are available on the Project website (www.martenfallsaccessroad.ca), and will also be made available at in-person consultation and engagement events throughout the EA. Portions b) to e) of this comment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	Appendix B Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
	e) MFNM is also requesting the formal appointment of an Ontario Crown representative to whom First Nations may direct their concerns related to the 'duty to consult' and establish and maintain public oversight of the provincial government's consultation record and decisions (including negative decisions where the duty of consult is determined to not apply) in order to bring clarity to the process for all First Nations impacted. The Crown of Ontario and Ministers of the Crown (Indigenous Affairs, Energy, Northern Development and Mines, Natural Resources and Forestry, Environment Parks and Conservation) cannot hide behind the Proponent.		
MFNM-4	OBJECT TO STATEMENT REGARDING THE STATUS OF THE LAND AND THE ABSENCE OF ANY CURRENT LAND CLAIMS The specific reference on p. 34 of the Proposed Terms of Reference: "*Ontario land claims consider land claims related to Indigenous communities' rights to land and to the use of the land. Claims can consider size and location of reserves or improper use of reserve lands by government (Government of Ontario 2019a). Currently, no land claims with the government of Ontario are occurring within the preliminary study area (government of Ontario 2019b). At the time of preparing the ToR, there are no additional comprehensive or specific federal land claims in the vicinity of the Project, beyond those mentioned in Table 7-2 under Ginoogaming First Nation and Eabametoong First Nation*." MFNM objects to this carte blanche statement regarding the status of the land and land claims on the preliminary study area. There are no land claims on this area of land due to its untouched, unencroached and remote location. This land in question may be the subject of future negotiations and/or land claims by the First Nations who will be impacted by development in the future. To use the sensitive status of the lands subject to James Bay Treaty No. 9 to clearly facilitate unimpeded access to the lands and resources is of First Nation concern.	MFFN acknowledges the concerns of Matawa First Nations Management with respect to the status of the land and land claims. MFFN has been working with the provincial and federal agencies to identify any relevant land claims. As noted in Section 7.1.4.1 of the ToR, there are several outstanding federal land claims relevant to Ginoogaming and Eabametoong First Nations, and these have been identified in Table 7-2 of the ToR. At the time of preparing the ToR, there were no additional comprehensive or specific federal land claims in the vicinity of the Project. There were also no identified land claims with the Government of Ontario occurring in the preliminary study area (i.e., within 2.5 km of each side of the centreline of each alternative route). MFFN will continue to communicate with both provincial and federal agencies throughout the EA to identify any emerging land claims that may need to be considered (Section 9.1.1 of the ToR). In addition, MFFN requests that Matawa First Nations Management share any information on potential future land claims relevant to the Project that becomes available as the EA proceeds.	Section 7.1.4.1, pg. 34 Section 7.1.4.1, Table 7-2, pg. 36 to 37 Section 9.1.1, pg. 77
MFNM-5	CLARIFICATION ON THE ROLES AND AGREEMENTS BETWEEN CANADA AND ONTARIO IN ASSESSING THE CONSTITUTIONALLY PROTECTED RIGHTS OF THE PEOPLE OF JAMES BAY TREATY NO. 9 (1905-1906) AND (1929-1930) MFNM is requesting a written statement from the Province of Ontario with respect to the role of the federal Crown of Canada with respect to the assessing the duty to consult and accommodate and the protection of the Inherent Aboriginal and Treaty Rights under Section 35 of the *Constitution Act, 1982* on this Project. Canada and Ontario are the signatories to James Bay Treaty No. 9 which is a very unique situation across this province and distinguishes Treaty No. 9 from all other Ontario treaties. A clear outline and process for updating the impacted First Nations on the roles, current and future negotiations and agreements between the Crowns of Canada and Ontario for this Project seem in order. This concern is in addition to the scope of the interactions between Canada and Ontario outlined in Section 3.3 Canada-Ontario Agreement on Environmental Assessment.	This comment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	N/A
MFNM-6	PROPOSED TERMS OF REFERENCE IS OUTDATED DUE TO SIGNFICANT LEGISLATIVE CHANGES BY ONTARIO In light of the Province of Ontario's aggressive approach to revising legislation, policy and regulations in order to ease its access to the North and the 'Ring of Fire' Area, the *Proposed Terms of Reference* is outdated due to significant legislative changes. The *Proposed Terms of Reference* must be prepared in order to inform the impacted First Nations, the public and other interested organizations or persons with respect to the changes to the Ontario *Environmental Assessment Act* via Bill 197, including the deleting of the term '*undertaking*' from government legislation, the expiry of Section XIV of the *Mining Act* related to provisions for the Far North [section now removed], the changed nature of the Ontario Crown via the Ontario *Crown Liability and Proceedings Act*, 2019, and Ontario's proposals to revise the *Far North Act*, 2010 and 'renewal' of the Ontario trapping allocation policies. These are at a minimum a preliminary list of how the *Proposed Terms of Reference* has ignored the Ontario government tactics towards the Rights and interests of First Nations.	Section 3.1 of the ToR recognizes that the Ontario *Environmental Assessment Act* was amended in July 2020. MFFN is also aware of changes to other legislation, policies and regulations that have been proposed by the province. The changes identified in the comment have been noted so that, moving forward, MFFN can track proposed changes and reflect any updated legislation within future documentation (i.e., EA Report) current at that time. MFFN will consult with government agencies throughout the EA process to understand changes and to confirm the requirements applicable to the Project. The Project will meet the requirements of legislation in place at the time of completing the EA based on consultation with government agencies, and identify any grandfather exemptions applied to the Project should they occur.	Section 3.1, pg. 5 Commitment for EA
MFNM-7	ARBITRARY EXCLUSION OF EABAMETOONG FIRST NATION FROM BEING IDENTIFIED AS A POPULATED AREA CLOSEST TO THE PROJECT ALONGSIDE MARTEN FALLS FIRST NATION AND AROLAND FIRST NATION To be fair and objective to all Matawa member First Nations, MFNM raises a concern of the arbitrary exclusion of Eabametoong First Nation from being identified as a populated area near the Project alongside Marten Falls First Nation and Aroland First Nation (p. 57). The *Proposed Terms of Reference* relies heavily on this assumption for the strength of its Project and MFNM will defer to Eabametoong First Nation on its positions and direction regarding this issue. Further to this, "*The closest Indigenous communities to the Project are MFFN and Aroland First Nation. These communities are likely to have the most economic interest in the Project.*" (p. 58) As First Nations are being relied upon for "*closest populated areas*" and potentially to be part of the wider assessment of the EA, MFNM requests written clarification on the roles and responsibilities of any First Nations that are identified as significantly factored into the Project in the *Proposed Terms of Reference*. It is important that we all understand how this may proceed. This clarification should also be included and outlined in the *Proposed Terms of Reference*.	The EA will examine the potential for effects on traditional and non-traditional economies of communities potentially affected by the Project. The statement on pg. 58 pf the ToR regarding MFFN and Aroland First Nation as the communities to have the most economic interest in the Project reflects that these are the only two communities that would directly connect with the Community Access Road (CAR). The statement is not to imply that these are the only communities that may experience economic effects from the Project. The economic interests that are referenced in this section are further defined in Appendix A through the indicator "Traditional Economies" under the Regional Economy criterion. Therefore, as committed to in Section 9.1.1 of the ToR, MFFN will assess potential effects of the Project on the traditional / subsistence economies in the EA. This will consider the traditional economies of Indigenous communities that demonstrate use of land that may be potentially affected by the Project. Information on Indigenous land and resource use can be collected and / or shared through the Project Indigenous Knowledge Program. Further information on the Indigenous Knowledge Program is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on	Section 3.4.2, pg. 9 to 12 Section 9.1.1, pg. 77 Appendix A, pg. 6

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
	MFNM also reserves the right for this issue to be clarified by the Matawa member First Nations and the positions of each First Nation to be articulated and respected.	the Project website.	
MFNM-8	TRUE SCOPE OF THE PROJECT TO PROVIDE ALL-SEASON ROAD ACCESS TO MINERAL CLAIMS AND EXPANDING MINING AND FORESTRY INDUSTRIES As the *Proposed Terms of Reference* emphasizes the importance of the Project to address the high-cost of living for Marten Falls First Nation members, to which MFNM completely supports the initiatives and decisions made by member Frist Nations to address these important and long-standing needs. However, the *Proposed Terms of Reference* clearly states the dual purpose of the road for community purposes as well as the use of the road by industrial proponents such as mining and forestry (p. 13). As early as 2011, Marten Falls First Nation has been supported by the MNRF to upgrade the winter road *"…to provide the MFFN community with economic opportunities related to the mineral developments in MFFN territory or near the Project*" (p. 14). The Project will also provide all-season ground access to areas where multiple mining companies have a high number of mineral claims and no all-season ground access currently exists (p. 60) The *Proposed Terms of Reference* clearly states that the scope of this EA is related to the Province's position that it "*…would provide funding to plan all-season road access to the Ring of Fire and that as part of this plan they would work with Indigenous communities, including MFFN, to build all-season access roads to communities*" (p.23). And that "*The agreement with the Province was to prepare an Individual EA under the EAA and preliminary design of a CAR (Community Access Road) built to meet industrial use specification to accommodate multi-purpose use by MFFN community and industrial proponents*" (p.24). And that "*The primary economic activities in the region include mining, forestry and resource-based tourism. Mining exploration and development is expanding*" (p. 58) **This is the true scope of the Project presented in this *Proposed Terms of Reference***. MFNM recommends that the true scope be addressed in order for all parties to be treated fairly and equitably in the events and developments of the North that will impact all members and beneficiaries of James Bay Treaty No. 9. To allow the presentation of the *Proposed Terms of Reference* and Project to First Nations and the Ontario public as anything less, is potentially the dishonour of the Crown of Ontario.	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed or industry uses the road. For this reason, the purpose of the Project remains unchanged. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.	Section 7.2, pg. 65 Section 7.2.10, pg. 70
MFNM-9	UNDETERMINED 'ROAD OWNERSHIP' IN DISCUSSION WITH THE PROVINCE The *Proposed Terms of Reference* states and reiterates that the options for road ownership, maintenance activities and liability are being considered in discussion with the Province. "*…while options for road ownership, maintenance activities and liability are being considered in discussion with the Province*" (p.3). And "*Options for ultimate road ownership and access are being considered in discussion with the Province*" (p.5). And "*Options for road ownership, operations and maintenance activities, and liability are being considered in discussion with the Province*" (p.15). **MFNM will be deferring to the Matawa Chiefs Council and member First Nations on this issue.**	MFFN appreciates your time in reviewing the information and your continued interest in the Project. Decisions regarding road ownership, maintenance and liability have not yet been determined. Conversations with the Province are ongoing and updates will be provided as they are available.	Section 9.1.1, pg. 76
MFNM-10	THE MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS PROCEEDING WITH PROCESS DURING COVID-19 GLOBAL PANDEMIC MFNM also states for the public record that this process by the Ministry of the Environment, Conservation and Parks has proceeded during the COVID-19 global pandemic as First Nations are maintaining the priority of preparing and protecting their communities from this dangerous health hazard.	MFFN sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. The period of time allotted for interested parties (including the general public, Indigenous communities and government agencies) to review a ToR is set by the Ministry of the Environment, Conservation and Parks. The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the review period for interested parties (including the general public, Indigenous communities and government agencies) from the minimum required 30 days to 60 days. Indigenous communities identified by Ontario have also been provided with an additional opportunity to comment on the ToR until March 31, 2021. This brings the total number of days allotted for review to 126 days.	Section 11.6, pg. 108
MFNM-11	In closing, these are preliminary review comments with respect to the Marten Falls First Nation Community Access Road Project Environmental Assessment (EA). MFNM reserves the right to reassess the points contained in this letter, as well as the positions stated as directed by the Matawa Chiefs Council.	MFFN appreciates your time in reviewing the information and your continued interest in the Project.	N/A

References

Matawa First Nation Management Response References

Canadian Environmental Assessment Agency. 2018a:
Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

Government of Ontario, 2019:
Draft Guidelines for ministries on consultation with Aboriginal peoples related to Aboriginal rights and Treaty rights. https://www.ontario.ca/page/draft-guidelines-ministries-consultation-aboriginal-peoplesrelated-aboriginal-rights-and-treaty

Impact Assessment Agency of Canada (IAAC), 2020:
Marten Falls Community Access Road Project Tailored Impact Statement Guidelines. https://iaac-aeic.gc.ca/050/documents/p80184/133937E.pdf

Ministry of the Environment, Conservation and Parks (MECP), 2014a:
Code of Practice for Consultation in Ontario's Environmental Assessment Process. https://www.ontario.ca/page/consultation-ontarios-environmental-assessment-process#section-5

Ministry of the Environment, Conservation and Parks (MECP), 2014b:
Code of Practice on Preparing and Reviewing Environmental Assessments in Ontario. https://www.ontario.ca/document/preparing-and-reviewing-environmental-assessments-ontario-0

Nishnawbe Aski Nation, 2007:
Handbook on Consultation in Natural Resource Development. http://www.nan.on.ca/upload/documents/pub---nan-handbook-on-consultation---3rd.pdf

B31. Mushkegowuk Council

B31.1 Outgoing Community Specific Correspondence
B31.2 Incoming Community Specific Correspondence
B31.3 ToR Comments Received / Responses

B31.1 Outgoing Community Specific Correspondence

Coppaway, Clayton <[redacted]>

Marten Falls Community Access Road Project – Proposed Terms of Reference Submission

1 message

Coppaway, Clayton <[redacted]> Wed, Oct 28, 2020 at 5:09 PM
To: [redacted]
Cc: Qasim Saddique <[redacted]>, Larissa Mikkelsen <[redacted]>, Jennifer Bruin <[redacted]>
Bcc: "Beaney, Jessalyn" <J[redacted]>, info@martenfallsaccessroad.ca

Dear Grand Chief Solomon,

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (TOR) Notice for the Marten Falls First Nation All-Season Community Access Road Project. The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission email sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

Specifically we would like to confirm that the Community received the Proposed ToR documents?

- Notice of Submission were mailed out October 14, 2020

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,
Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

E-Mushkegowuk-Council-2020-10-23-ToR-Submission-Notice-60593122.pdf
76K

DILLON CONSULTING

Coppaway, Clayton <ccoppaway@dillon.ca>

Re: Terms of Reference

1 message

Coppaway, Clayton [redacted] > Thu, Oct 29, 2020 at 3:53 PM
To: [redacted]
Bcc: "info@martenfallsaccessroad.ca" <info@martenfallsaccessroad.ca>

Hi Vern,

My name is Clayton Coppaway and I am a Project Consultant for Marten Falls First Nation All-season Community Access Road Project. I am sorry to hear that you could not retrieve the Proposed ToR from our website, but I have attached the main Proposed ToR report here for your reference. There is also additional information that can also be downloaded from the project website. The files are fairly large so it can take some time for them to download.

The comment period for the Proposed ToR runs from October 23 until December 21, 2020 Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please do not hesitate to reach out to me if you have any questions or additional concerns.

Sincerely,
Clayton Coppaway

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
[redacted]
www.dillon.ca

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10/29/2020 Dillon Consulting Limited Mail - Re: Terms of Reference

[redacted]

FULL_RPT_2020-09-09_Proposed-ToR_60593122_WEB-1.pdf
13921K

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

MFFN Community Access Road Proposed Terms of Reference – Comments

1 message

Coppaway, Clayton <[redacted]> Mon, Feb 8, 2021 at 3:54 PM
To: [redacted]
Cc: [redacted], Qasim Saddique <[redacted]>, Lawrence Baxter <[redacted]>, Bob Baxter [redacted], Jackmoonias [redacted], Larissa Mikkelsen [redacted], Jennifer Bruin <[redacted]>, [redacted]
Bcc: info@martenfallsaccessroad.ca

Good Afternoon Vern Cheechoo,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road. We sincerely appreciate the time that the Mushkegowuk Council has taken to provide feedback. Please see the attached letter for next steps in the process.

Please reply directly to this email if you have any questions or would like to schedule a meeting to discuss the Proposed ToR with the Project Team.

Clayton Coppaway,
On behalf of the MFFN Community Access Road Project Team

DILLON CONSULTING

CANADA BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Dillon Consulting Limited
[redacted]
www.dillon.ca

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2021-02-05-MFFN Community Access Road Proposed ToR Letter Mushkegowuk Council.pdf
443K

February 8, 2021

Mushkegowuk Council
[redacted]

Re: Comments Received on the Marten Falls Community Access Road Proposed Terms of Reference

Dear Vern Cheechoo,

Thank you for submitting comments on the Proposed Terms of Reference (ToR) for the Marten Falls First Nation (MFFN) Community Access Road. We sincerely appreciate the time that the Mushkegowuk Council has taken to provide feedback.

The MFFN Project Team is in the process of drafting detailed responses to all comments received. Once finalized, responses will be provided to your community through the MECP. The ToR is the first step in the application for approval of the Project under the provincial environmental assessment process. If the ToR is approved, there will be ongoing opportunities throughout the environmental assessment to continue to provide additional feedback and input on the Project. We welcome any opportunity to understand the most acceptable methods of engagement for the Mushkegowuk Council at this time.

If you have any questions or would like to arrange a time to discuss the information provided, feel free to reach out to either Lawrence Baxter, MFFN Senior Community Member Advisor, or Qasim Saddique, Project Director, at info@martenfallsaccessroad.ca.

Kindly confirm receipt of this letter when received.

Sincerely,
[redacted]

Lawrence Baxter
MFFN Senior Community Member Advisor

[redacted]

Qasim Saddique
Project Director

CC Grand Chief Jonathan Solomon
Sasha McLeod, Special Project Officer, MECP
Shannon Gauthier, Project Officer, MECP
Bob Baxter, MFFN Community Member Advisor
Jack Moonias, MFFN Community Member Advisor
Larissa Mikkelsen, Community Consultation Coordinator / Advisor
Jennifer Bruin, Community EA Technical Advisor
Clayton Coppaway, MFFN Project Consultant

Coppaway, Clayton <[redacted]>

MFFN Community Access Road Project - 2021 Summer Field Program Discussion Guides

1 message

Coppaway, Clayton <[redacted]> Thu, Jul 22, 2021 at 10:12 AM
To: [redacted]
Cc: [redacted]

Mr. Vern Cheechoo,

I called and left a voicemail but also wanted to follow up with an email to you as well. I hope you are doing well and staying safe.

For your awareness and input, the MFFN CAR Project has distributed discussion guides to Indigenous communities, tribal organizations, and PTOs regarding our summer field studies. These studies are anticipated to begin in August 2021. We have provided links and attached pdf copies of the discussion guides below.

If you would like to provide feedback on these field studies, we kindly request you do so by July 31, 2021. Please let us know if you have any questions or if you will be providing comments on these field studies.

.

These field programs include:

- Groundwater and Geochemistry Field Study - Groundwater and Geochemistry Summer Program Discussion Guide 2021 – (Distributed June 25, 2021)
- Surface water, fish and fish habitat Field Study - Surface Water, Fish and Fish Habitat Discussion Guide – (distributed Friday, July 9, 2021)
- Vegetation, Physiography and Peatlands Field Study - Vegetation, Physiography and Peatlands Discussion Guide – (distributed Friday, July 16, 2021)

If you have any questions, comments, or concerns, please do not hesitate to let us know.

Sincerely,
Clayton Coppaway

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

****Vacation Alert*** July 22 - Aug 03, 2021*

3 attachments

Groundwater-and-Geochemistry-Summer-Program-Discussion-Guide-2021-06-25.pdf
3008K

MFFN-CAR-Vegetation-Physiography-Peatlands-Discussion-Guide-July-2021.pdf
4770K

MFFN-CAR-Surface-Water-Fish-and-Fish-Habitat-Discussion-Guide-July-2021.pdf

DILLON CONSULTING

Coppaway, Clayton <c[redacted]>

Letter from MFFN Chief Achneepineskum and WFN Chief Wabasse

1 message

Qasim Saddique <[redacted]> Wed, Jul 28, 2021 at 2:41 PM
To: [redacted]
Cc: [redacted]

Good afternoon Grand Chief Solomon,

On behalf of Chief Bruce Achneepineskum, Marten Falls First Nation and Chief Cornelius Wabasse, Webequie First Nation, please find a letter attached here.

Best wishes,
Qasim

Qasim Saddique MSc, MBA
Principal Consultant

[redacted]

2 attachments

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7K

2021-07-28 2 FNs Chiefs Response Letter to Mushkegowuk TC.pdf
251K

July 28, 2021

Dear Grand Chief Solomon,

Thank you for your letter dated June 15, 2021. Between our 2 communities, we are currently leading 3 Indigenous community led Environmental Assessment/Impact Assessment (EA/IA) processes for roads and we can speak to those here. These roads enable access to our communities as well as to the Ring of Fire. Your own council recently led studies to explore all season roads to Mushkegowuk communities, which we were not consulted on, so we believe you understand those vital social, economic, cultural, and human health reasons that drive our communities to develop roads in a timely manner.

We believe that it is our right to plan, study, and execute projects within our traditional territory that our communities choose, through a community led process to exercise our inherent rights and jurisdiction. We are undertaking current studies to meet EA/IA guidelines but we are more concerned with our community values, our knowledge, and the exercise of our rights and jurisdiction in this process. These lands have been occupied by our communities since time immemorial and we believe that the lens through which we view this development, with a community led process mandated by community membership and overseen by Chiefs and Councils, is the most holistic way to undertake any development. We encourage you and the communities you represent to speak directly with us about the concerns you have, so that we may consider them, address them, and mitigate them as best as possible.

We understand the Mushkegowuk concerns about development. Our two First Nations share concerns we have heard to date from some Mushkegowuk communities about land and water. Be assured that our land and our traditional areas are the lifeblood of our communities. Not only do we have a vested interest in sustainable development in our lands but also an obligation to our ancestors, elders and future generations to guard the lands to the best of our abilities. For this reason, we need to study the natural environment to consider and evaluate project impacts. This is why we volunteered to undertake an Individual EA, which is the most rigorous process available in the province, instead of class EAs. As part of that process, we are currently undertaking the most comprehensive set of studies that have ever taken place in the region. In addition to our community's knowledge, those results will guide our assessments.

We are also seeking input from some Mushkegowuk Council communities in the process and this will be the first time when a project in one of our territories has undergone consultation with the other. For example, the development of the Victor Mine or Five Nations Energy project continued without our involvement. We respected your right to lead development in your traditional territory and to lead a process that works for you.

We have also consulted with the Impact Assessment Agency of Canada (IAAC) on the matter of the Regional Assessment (RA) and it is our understanding that the goal of the regional assessment is to provide information and analysis regarding future developments in the Ring of Fire area and their potential effects in order to inform impact assessments and other planning processes, while creating opportunities for sustainable economic development. However, according to IAAC, the RA is not meant to be complete in advance of impact assessments and it is also not meant to pause, stop, or change IA timelines. We encourage your team to participate in the regional assessment.

Based on this, it our view that a moratorium is not required. Marten Falls First Nation and Webequie First Nation have just announced the commencement of the Northern Road Link's Terms of Reference for the Ontario environmental assessment process, which is an opportunity for Indigenous communities and public stakeholders to provide input into the future environmental assessment and impact assessment. Both the

Webequie Supply Road and the Marten Falls Community Access Road projects are still waiting for an approval from Ontario's Ministry of Environment, Conservation, and Parks for their respective Terms of Reference. The environmental assessment will only begin once a decision is received.

Both the provincial environmental assessment and the federal impact assessment are opportunities for Indigenous communities and the general public to provide input and participate through the various field surveys and Indigenous Knowledge studies. The purpose of the EA/IA is to determine negative and positive impacts so that Marten Falls First Nation and Webequie First Nation can make an informed decision. The communities consider these projects vital community infrastructure projects as they provide road access to our communities, in addition to economic opportunities associated with the Ring of Fire.

If you, your team, or your Chiefs would like an informative presentation on one or all three projects, we would be open to setting up a meeting with our teams. We also encourage you to contact IAAC directly to set up a meeting where they would be able to explain why ongoing Indigenous community led EAs should not be paused as a result of the Regional Assessment. You can contact Nitish Malhotra, Analyst, Indigenous Consultations, Strategic and Regional Environmental Assessments, Impact Assessment Agency of Canada by email at [redacted]

Sincerely,

Chief Bruce Achneepineskum Chief Cornelius Wabasse

[redacted]

cc. Matawa, Matawa Chiefs, NAN Grand Chief

Coppaway, Clayton [redacted]

MFFN Community Access Road (CAR) Project - Field Study Program Outreach

1 message

Coppaway, Clayton [redacted] Thu, Sep 9, 2021 at 12:42 PM
To: [redacted]
Cc: Qasim Saddique [redacted], [redacted] Larissa Mikkelsen [redacted] Don McKinnon [redacted], "Fisken, Avril" [redacted] "Baker, Nadia" [redacted]
Bcc: MFFN Community Access Road Project Team [redacted]

Mr. Cheechoo,

I just wanted to follow up my call and voicemail with an email to provide you with some additional information on the purpose of our call.

Recently, we have sent out some notices on our field study programs and we are reaching out to provide information and seek feedback and/or questions you may have about these important field study programs. These field study programs include:

- Surface Water, Fish and Fish Habitat Summer Field Program – link, sent out on Monday, August 30th
  - Field program is anticipated to take place from September 10 until 19, 2021
- Vegetation Field Program, Bat ARU Pickup and Caribou Mortality Investigation – link, sent out Thursday, September 2nd
  - Field program is anticipated to take place from September 18 to October 1, 2021.

In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website - link and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

We also wanted to remind you that the Mushkegowuk Council still has an opportunity to comment on the MFFN CAR Terms of Reference (ToR) comment responses provided by MECP (sent by MECP on August 30, 2021) until Monday September 13, 2021.

Sincerely,
Clayton Coppaway
On behalf of the MFFN CAR Project Team

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

From: Coppaway, Clayton [redacted]
Sent: September 9, 2021 11:45 AM
To: Lawrence Martin [redacted]
Cc: Qasim Saddique [redacted]; Grand Chief [redacted]; Larissa Mikkelsen [redacted] Don McKinnon [redacted] Fisken, Avril [redacted] Baker, Nadia [redacted]; Vern Cheechoo [redacted]
Subject: Re: MFFN Community Access Road (CAR) Project - Field Study Program Outreach

Hi Lawrence,

I understand that Mr. Cheechoo is currently on leave. Please see the email string below for information on our outreach to Mushkegowuk Council.

Please let me know if you have any questions or concerns.

Sincerely,

Clayton Coppaway

Clayton Coppaway
Associate
Dillon Consulting Limited
274 Sydney Street Suite 100
Saint John, New Brunswick, E2L 0A8
T - [redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton <[redacted]

Re: MFFN Community Access Road (CAR) Project - Field Study Program Outreach

1 me age

Coppaway, Clayton [redacted] Wed, Sep 15, 2021 at 12:18 PM
To: Vern Cheechoo [redacted]
Cc Qa im Saddique [redacted] Grand Chief [redacted] Lari a [redacted] [redacted] Don McKinnon [redacted] "Fisken, Avril" [redacted] "Baker, Nadia" [redacted]

Hi Vern,

Thanks so much for returning my email and your offer to meet. I am available to give you a call at 2:30 pm EDT on Friday Sept 17, 2021 if you are also available at that time.

Plea e let me know if you are available

Talk to you soon,

Clayton

DILLON CONSULTING

BEST MANAGED COMPANIES CANADA

Clayton Coppaway
Associate
Dillon Consulting Limited
[redacted]
www.dillon.ca

DILLON CONSULTING

Coppaway, Clayton [redacted]

MFCAR - Mushkegowuk Council - Follow up Email

1 message

Coppaway, Clayton [redacted] Tue, Sep 21, 2021 at 11:00 AM
To: Vern Cheechoo [redacted]
Cc: Qasim Saddique [redacted], Larissa Mikkelsen [redacted], Don McKinnon [redacted] "Fisken, Avril" [redacted] "Baker, Nadia" [redacted] Andrea Nokleby [redacted]
Bcc: MFFN Community Access Road Project Team [redacted]

Hi Vern,

It was a pleasure to speak with you on Friday. I appreciate you sharing your concerns and your offers to meet with me. I have provided a summary of our discussion points for your review. Please let me know if I have missed anything or categorized anything incorrectly.

- You noted that Mushkegowuk Council is very concerned with downstream impacts from the roads and mine development to the James Bay communities;
  - Undergoing the development of a Marine Protected Area along the James Bay and Hudson Bay coasts. This will involve aquatic and terrestrial studies and traditional knowledge studies as well.
- You explained that the connection to the land is a sacred relationship;
- You highlighted the differences in interpretation between written treaty and oral treaty, and that this territory and treaty is all of our [First Nations] land and we agreed to share not surrender;
- You noted that the area is a large wetland/peatlands which also is a huge carbon sink;
  - Mushkegowuk Council is part of study proposals to study these wetlands/peatlands in the near future.
  - Include impacts from Climate Change.
- You noted that the Mushkegowuk Council and the James Bay communities are working with IAAC on the Regional Assessment and want to be part of the decision-making process;
- You asked whether Aroland First Nation is currently upgrading the forest roads around Painter Lake, (which I was unable to answer) and let us know that you had met with Noronto development about what will be transported on these roads;
- You explained that the Mushkegowuk Council is not opposed to development, but that there needs to be a process for for doing this the right way;
- You highlighted that companies are waiting for the door to open [Treaty 9] and this could lead to the development of a town or city the size of Sudbury within the territory;
  - You also noted that the the impacts of this on culture and language will be significant;
- You offered some opportunities for the MFFN CAR Project Team to provide presentations and meeting with:
  - Mushkegowuk Council Communities at the Annual General Meeting - First Week of November 2021 in Sault St. Marie, ON.
  - Mushkegowuk Staff and Technical Staff - during their weekly Wednesday meetings from 1-3 pm eastern time.

Again it was a pleasure to speak with you and I look forward to speaking again in the future!

Sincerely,
Clayton Coppaway

DILLON CONSULTING

BEST MANAGED COMPANIES
Platinum member

Clayton Coppaway
Associate
Dillon Consulting Limited
274 Sydney Street Suite 100
Saint John, New Brunswick, E2L 0A8
T - [redacted]
www.dillon.ca

B31.2 Incoming Community Specific Correspondence

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

Fwd: Terms of Reference

1 message

info@martenfallsaccessroad.ca <info@martenfallsaccessroad.ca> Thu, Oct 29, 2020 at 3:07 PM
To: "Coppaway, Clayton" <[redacted]>

---------- Forwarded message ---------
From: **Vern Cheechoo** <[redacted]
Date: Thu, Oct 29, 2020 at 1:29 PM
Subject: Terms of Reference
To: info@martenfallsaccessroad.ca <info@martenfallsaccessroad.ca>

Good afternoon;

I tried to access the Terms of Reference through your website but could not retrieve it. Can you send to me directly so I can review, thank you,

Vern Cheechoo

Director/Lands & Resources/Mushkegowuk Council

[redacted]

[redacted]

DILLON CONSULTING

Coppaway, Clayton <[redacted]>

RE: MFFN Community Access Road Proposed Terms of Reference – Comments

Vern Cheechoo [redacted]> Mon, Feb 8, 2021 at 4:09 PM
To: "Coppaway, Clayton" <[redacted]>
Cc: Grand Chief [redacted]>, Qasim Saddique [redacted]>, Lawrence [redacted]>, Bob Baxter <[redacted]>, Jackmoonias <[redacted]>, Larissa Mikkelsen [redacted]>, Jennifer Bruin [redacted]>, "[redacted]" <[redacted]>, "[redacted]">

Thanks Clayton;

This is to confirm the receipt of the letter. Will get back to you on any questions we may have, thanks again.

MUSHKEGOWUK COUNCIL

[redacted]

June 15, 2021

Bruce Achneepineskum, Chief
Marten Falls First Nation
[redacted]

Cornelius Wabasse, Chief
Webequie First Nation
[redacted]

Dear Chief Moonias and Chief Wabasse

Re: Request for a Moratorium on Development

On behalf of the Mushkegowuk Council and with the greatest respect, I am asking that you consider a moratorium on development associated with the Ring of Fire, including the road projects for which you are proponents until the Regional Assessment is completed.

Please be aware that we would not ask for this moratorium if we were not concerned about how development will affect those of us who live downstream or "down muskeg" of the Ring of Fire. Please also note that we are not against development or against mining. We know, all too well, that remote First Nations do not have many alternatives to relieve the poverty that has been endured for too long.

Through the Regional Assessment process, impacted First Nations and Tribal Councils can engage in meaningful Nation-to-Nation dialogue with each other and with the Crown about how development can take place within our homelands. Once completed, the recommendations from the Regional Assessment can inform specific development projects.

We know we are asking much of both First Nations. We ask you to stand with us in solidarity as First Nations so we can figure out together the best paths forward for current and future generations.

Sincerely,

[redacted]
Grand Chief Jonathan Solomon

c.c. GC Matawa + Other Matawa Chiefs + GC NAN

DILLON CONSULTING

Coppaway, Clayton [redacted]

RE: MFFN Community Access Road (CAR) Project - Field Study Program Outreach

1 message

Lawrence Martin [redacted] Thu, Sep 9, 2021 at 1:42 PM
To: "Coppaway, Clayton" [redacted]
Cc: Qasim Saddique [redacted] Grand Chief [redacted], Larissa Mikkelsen [redacted], Don McKinnon [redacted] "Fisken, Avril" [redacted], "Baker, Nadia" [redacted], Vern Cheechoo [redacted]

Hi Clayton;

Thank you for reaching out to us.

We are the beginning stage of our Marine (National Marine Conservation Area) project – we signed the MOU with Parks Canada on August 9, 2021.

We are currently working on our contribution agreement with Canada.

Once that is established we will be performing our specific planning for all the activities to do with the Feasibility Assessment for the next 3 years on James Bay and Hudson Bay.

In the meantime, visit our new marine website for updates on all our activities: www.mushkegowukmarine.ca

Cheers

Lawrence Martin

DILLON CONSULTING

Coppaway, Clayton [redacted]

RE: MFFN Community Access Road (CAR) Project - Field Study Program Outreach

1 me age

Vern Cheechoo [redacted] Tue, Sep 14, 2021 at 4:12 PM
To: "Coppaway, Clayton" [redacted]
Cc: Qa im Saddique [redacted] Grand Chief [redacted] Lari a Mikkel er [redacted] Don McKinnon [redacted] "Fisken, Avril" [redacted] "Baker, Nadia" [redacted]

Hi Clayton;

I am back in the office now and received your phone message and reviewing my emails. Would like to have a call with you if you are available Friday at 1:30pm or another time that would work for you. I am busy today until Thursday with meeting

DILLON CONSULTING

Coppaway, Clayton [redacted]

RE: MFFN Community Access Road (CAR) Project - Field Study Program Outreach

1 me age

Vern Cheechoo [redacted] Tue, Sep 14, 2021 at 4:12 PM
To: "Coppaway, Clayton" [redacted]
Cc Qa im Saddique [redacted] Grand Chief [redacted] Lari a Mikkel en [redacted] Don McKinnon [redacted] "Fisken, Avril" [redacted] "Baker, Nadia" [redacted]

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---

From: Coppaway, Clayton [redacted]
Sent: September 9, 2021 11:42 AM
To Vern Cheechoo [redacted]
Cc: Qasim Saddique [redacted] Grand Chief [redacted] Larissa [redacted] Don McKinnon [redacted] Fisken, Avril [redacted] Baker, Nadia [redacted]
Subject MFFN Community Acce Road (CAR) Project Field Study Program Outreach

Mr Cheechoo,

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Recently, we have sent out some notices on our field study programs and we are reaching out to provide information and seek feedback and/or questions you may have about these important field study programs. These field study programs include:

- Surface Water, Fi h and Fi h Habitat Summer Field Program link, ent out on Monday, Augu t 30th
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In addition, we are also developing educational videos for these field study programs as well. Our Groundwater video is currently available on our website - link and we will post new videos as they become available. These videos are intended to provide an opportunity to learn more about what we're studying and why it's important for the IA/EA.

B31.3 ToR Comments Received / Responses

MUSHKEGOWUK COUNCIL

[redacted]

Sasha McLeod and Shannon Gauthier
Special Project Officer and Project Officer
Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor,
Toronto, ON M4V 1P5

December 16, 2020

Re: Mushkegowuk Council Comments on Marten Falls Community Access Road Environmental Assessment Draft Terms of Reference

On October 23, 2020, Marten Falls First Nation (MFFN) released for comment the Proposed Terms of Reference (ToR) for an Individual Environmental Assessment (EA) study under the Ontario Environmental Assessment Act for the proposed Marten Falls First Nation Community Access Road Project. This project would involve a proposed multipurpose all-season community access road approximately 190 km to 230 km in length that will connect the MFFN community to the Ontario provincial highway network. If approved, the ToR will serve as a framework for the preparation and review of the environmental assessment for the Project. As part of the submission process, the MFFN is seeking the input of Indigenous communities, government agencies and interested persons.

The table below summarizes Mushkegowuk Council's comments on the proposed Terms of Reference for this EA. We have several concerns and suggestions in an effort to help improve the ToR and ultimate the assessment process. We note that throughout the document there are many references to the Ring of Fire, which indicates that the proposed road is not just meant to provide year-round community access but will also be used to move supplies to and from a potential mining development in the Ring of Fire region. For example, the following is stated on page 23 of the proposed ToR:

> *"MFFN began investigating opportunities in 2007 to realign and improve the winter road for eventual upgrade and construction of an all-season road for community access. Around the same time (2009 – 2013), Cliffs Natural Resources was studying the development of a chromite deposit in the Ring of Fire, which included the construction and operation of an all-season road for the purpose of moving people, supplies and extracted resources north-south between the Ring of Fire and provincial highway network."*

The Mushkegowuk Council can appreciate and fully understand the desire to have a year-round access road to the community of Marten Falls. However, as the road is also intended for industrial purposes and will help facilitate mining development in the region, the Council believes strongly that the Marten Falls Road EA should not proceed until the Ring of Fire Regional Assessment (RA), which is slated to begin in 2021, is completed.

The RA has a stated goal of providing "information and analysis ***regarding future developments*** in the Ring of Fire area and their potential effects in order to inform and improve impact assessments and other planning and decision-making processes in a way that helps protect the environmental, health, cultural, social and economic conditions of the area while also creating opportunities for sustainable economic development" (emphasis added).[1] Thus there can be no doubt that the project-level environmental assessment of the Marten Falls Road would benefit enormously from the prior completion of the Regional Assessment. The RA will be better suited to address broader, regional issues that will not be considered at a project level.

The ToR acknowledges as much on page 65 when it is stated that "The Minister of Environment and Climate Change determined that a regional assessment of the Ring of Fire region will be conducted pursuant to the *Impact Assessment Act* (IAA) (IAAC 2020b). This is an assessment independent of the EA for the CAR (Community Access Road), however, *should information relevant to the cumulative effects assessment for the Project arise from the regional assessment of the Ring of Fire within an appropriate timeline it will be used*" (emphasis added). This statement indicates that the RA could well produce information that is relevant to the Marten Falls Road EA, but that it can only be considered if it arises "within an appropriate timeline." In other words, any information that arises from the regional assessment *after* the EA has been completed cannot, for obvious reasons, be considered, regardless of how relevant it might be to the Marten Falls project. This is illogical in our view and potentially undermines the credibility of the EA process. To fully benefit from the more holistic and comprehensive analysis that will be conducted through the Ring of Fire regional assessment, the Marten Falls EA should be postponed until the RA has been carried out.

For instance, construction of the Marten Falls Road and the Webequie Supply Road as well as the proposed Northern Link Road that is now under study, and other activities associated with mining development in the Ring of Fire will have cumulative impacts that are significant, long-lasting and widespread throughout the region. Cumulative effects assessments are often done poorly at the project-specific level, which is why it is so important that they are assessed at the regional level. A regional assessment is meant to take place at earlier stages of the decision-making cycle to inform project-level EAs within the region. The RA takes a broad level of analysis and focuses on cross-sector links and issues.[2] A project-level EA will likely not capture important and complex considerations such as how impacts from the Marten Falls road will be layered upon existing and expected cumulative effects in the region and how these can best be mitigated.

We would reiterate that, as we have downstream and down-muskeg communities, the combined effects of a significant increase in industrial activities and the effects of a changing climate could considerably impact our wildlife, waterways and wetlands, which we depend on for our way of life. In addition, the James Bay Lowlands sequester more than 12 megatons of carbon dioxide each year. (For comparison, Ontario's annual emissions are around 170 megatons.) Worldwide, peatlands store three times as much carbon as boreal and tropical forests combined and the high-density carbon of the Hudson Bay Lowland provides one-tenth of the cooling effects of the world's peatlands.[3]

In short, the Mushkegowuk Council believes the order of the two assessments needs to be reversed. It makes little sense to conduct a project-level EA immediately prior to a planned regional assessment and we feel strongly that a moratorium should be placed on any development activities in the region before the RA has been completed.

---

[1] https://iaac-aeic.gc.ca/050/documents/p80468/136708E.pdf

[2] International Centre for Environmental Management. 2014. *Introduction to Strategic Environmental Assessment: Purpose, Principles and Process.* https://www.slideshare.net/ICEM-Centre-Environmental-Management/sea-intoduction

[3] https://www.canadiangeographic.ca/article/whats-stake-ontarios-ring-fire

Mushkegowuk Council also recommends adding to the ToR the review and analysis of caribou crossing data with western science and traditional knowledge experts to determine appropriate mitigation measures such as sloping, grain size and top-dressing. The completed study is to be reviewed by all directly and indirectly impacted First Nations communities so that concerns can be addressed and taken into consideration for the road design.

Mushkegowuk proposes as well that a terrestrial advisory group comprised of local, downstream and down muskeg First Nations, harvesters, land users, regulatory officials and the proponent be established to review detailed design and construction phases so as to avoid or mitigate potential effects to Treaty lands and Aboriginal rights.

Finally, the ToR is silent on the complexity of the hydrology of the James Bay Lowlands, one of the world's largest wetlands and carbon sinks. According to western science, very little is known about the interconnectivity of the James Bay Lowlands hydrology, yet Mushkegowuk Cree Elders have cautioned that the Lowlands are deeply interconnected with underground rivers and streams not yet visible in aerial photos. Moreover, researchers with University of Waterloo have found that variations to water tables in the James Bay Lowlands either due to climate change and/or dewatering activities such as mining, road construction have a direct link to increased methylmercury levels. Therefore, Mushkegowuk is requesting an in-depth fulsome field Wetland Regional Study carried out by independent researchers as one of the critical baseline studies for this EA.

Thank you for the opportunity to provide our comments on the proposed Terms of Reference for the Marten Falls Community Access Road Environmental Assessment.

Sincerely,

 On behalf of Grand Chief Jonathan Solomon

Vern Cheechoo, Director Lands & Resources

Mushkegowuk Council

Mushkegowuk Council

Comments on Marten Falls Terms of Reference
All Season Road

December 16, 2020

Mushkegowuk Council's Requested Changes to Marten Falls First Nation's Proposed Terms of Reference for the Marten Falls Community Access Road (CAR)

#	Reference	Context	Requested Change	Rationale
1	Section 5.1 Rationale for the Proposed Undertaking	The section only includes the rationale for the construction of a community access road, whereas it is implicit throughout the ToR that the road will also be meant to facilitate mining and other industrial development in the Ring of Fire region.	Add an explanation so that it is clear that part of the rationale for this road is to facilitate mining development.	Acknowledging the industrial development purpose of the road is a critical component of the ToR and ultimately of the EA itself. This project needs to be explicitly connected to the Ring of Fire Regional Assessment as it should be viewed as a project that will lead to further development and impacts. It is not just a single project that can assessed in isolation.
2	Section 5.2.1.1 Road	The ToR states that "the number of anticipated vehicles to use the CAR is not known at this time."	Please provide a reasonable estimate of anticipated vehicles to use the CAR, broken down into personal vehicles and commercial vehicles, under a number of scenarios (including by season and with and without development of one or more major ore deposits within the Ring of Fire region).	Projected vehicle use is required to estimate potential impacts on a number of components, including, but not limited to, air quality, vegetation, wildlife and Indigenous land use. It is a critical consideration in this EA, as operational use of the road and direct, indirect, and induced effects of that operational use, are subject to this assessment.
3	Section 5.2.2 Project Activities	The ToR states that "the number of construction fronts	Please provide a reasonable estimate of the maximum number of construction fronts	An estimate of the maximum number of construction fronts is required to estimate

#	Reference	Context	Requested Change	Rationale
		will be determined as part of detailed design"	that will be utilized to build the CAR.	impacts associated with noise and the size of the workforce during the construction period.
4	Section 7.1.3 Description of the Environment	The ToR does not indicate how Indigenous knowledge will be incorporated into the description of existing environmental conditions. It only states that "Indigenous Knowledge shared by Indigenous communities" is planned to be used	Please indicate how Indigenous knowledge (and from what Nations) was incorporated into the description of existing environmental conditions and/or indicate how Indigenous knowledge will be collected and incorporated into the description of the existing environment in the environmental assessment.	Indigenous knowledge provides valuable information about the existing conditions of environmental components that have the potential to be impacted by the project.
5	Section 7.1.4.3 Acoustic Environment	Section 7.1.4.2 of the ToR states that "the Project will undertake a field program to better understand the existing local and regional ambient noise levels" (p. 43). However, the ToR does not indicate whether the field program will collect information on the current soundscape in relation to Indigenous values.	Please indicate how Indigenous values in relation to the current soundscape will be drawn on to inform the noise field study and effects assessment.	Ambient sounds are an indicator of biodiversity and comprise a meaningful aspect of the environment for Indigenous people, informing Indigenous knowledge and land use. Limiting baseline studies and effects assessment to "noise" levels is insufficient to capture effects on Indigenous people resulting from alterations in soundscape.
6	Section 7.1.4.4 Surface Water	The ToR states that "Surface water field surveys will be completed along an approximate 200 m section of the selected water body."	Please describe how Indigenous nations will be consulted with respect to the selection of such sites.	Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should

#	Reference	Context	Requested Change	Rationale
				guide the selection of waterways will be selected for ground-based field surveys.
7	Section 7.1.4.6 Vegetation	The ToR states that "a description of soil, plant species, relative abundance of plant species, and presence of invasive and Species at Risk (SAR) will be recorded for each survey plot… including applicable information obtained through the Indigenous." The ToR makes no mention of traditional use plants and medicinal plants.	Please indicate how traditional use plants and medicinal plants will be surveyed and with the involvement of which Indigenous groups, and what the status and schedule is for completing this work.	Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.
8	Section 7.1.4.10 Economy	Page 58: "A prohibitive factor to large development projects such as mining and forestry is transportation costs and infrastructure access."	This indicates that the road will be used for industrial development purposes and there be should a clear reference in the ToR that the road has a dual purpose (community access *and* mining development).	As noted above, the rationale for this project is incomplete and should include an explicit reference to the Ring of Fire mineral development.
9	Section 7.1.4.9 Fish and Fish Habitat	The ToR states that "the ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody	Please describe how the subset of water body crossings for ground-based field surveys will be determined and how (and which) Indigenous nations will be consulted with respect to the selection of such sites, including status and timelines for this work.	Particular waterways hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.

#	Reference	Context	Requested Change	Rationale
		crossings) to verify or augment the results and assumptions from the desktop analysis"		
10	Section 3.4.2 Indigenous Knowledge and Land Use	This section of the ToR does not provide information about existing historical and cumulative effects on Indigenous knowledge and land use.	Please provide information about existing historical and cumulative effects on Indigenous knowledge and land use or indicate how and on what timeline such information will be collected and incorporated into the effect's assessment.	A description of existing historical and cumulative effects on Indigenous knowledge and land use is required to accurately characterize baseline conditions and change over time to date. As an Indigenous group like Mushkegowuk First Nation that has seen many changes, MFFN is well aware that the traditional use and rights practice environment in which this CAR is proposed is not a pristine one, but rather one that has been subject to many high magnitude changes over time.
11	Section 7.1.4.10 Socio-Economic and Built Environment	The ToR states that "The closest populated areas to the Project are the Indigenous communities of MFFN and Aroland First Nation." The ToR does not provide information about other Indigenous nations potentially affected by the project.	Please indicate which Indigenous nations are anticipated to be employed by the project and provide a description of current socio-economic and built environment conditions for such Indigenous nations.	While some Indigenous nations may not be located close to the project, they may nevertheless be affected through pathways associated with employment as well as a series of other potential social, economic, cultural and health effects. These need to be properly characterized in MFFN filings.

#	Reference	Context	Requested Change	Rationale
12	Section 7.1.4.10 Socio-Economic and Built Environment – Visual Aesthetics	The ToR provides limited information about visual aesthetics in the area of the project.	Please provide information about any planned field programs to collect visual data at key locations and plans to consult with Indigenous nations in the collection of such data.	The visual environment comprises a meaningful component of the environment for Indigenous peoples, informing traditional knowledge and use. The project has the potential to adversely affect the visual landscape.
13	Section 7.2 Potential Environmental Effects	The ToR does not indicate how the preliminary identification of potential environmental effects was determined, including secondary sources of data that may be drawn on to inform the effects assessment.	Please provide identify secondary sources of information about the effects of all-season roads on remote communities and indicate how the review of such information has informed the preliminary identification of potential environmental effects.	There are number of predictable effects associated with the development of all-season access roads to remote communities that should inform the effects assessment, including with respect to methods, valued components and findings.
14	Section 7.2 Potential Environmental Effects	Page 65: "As part of the assessment, consideration will be given to confirming whether net effects of the undertaking could combine with effects of other past, present, and reasonably foreseeable projects (cumulative effects)."	Unless this EA is going to carry out a comprehensive cumulative effects' assessment, the ToR should defer to the Regional Assessment as the means by which such an assessment will be carried out.	Cumulative effects assessments are often done poorly at the site-specific level, which is why it is so important that they are assessed at the regional level. Any impacts from this project will be layered onto other potential activities in the region
15	Section 7.2 Potential Environmental Effects	This statement on page 65 is inaccurate: "The study area for the cumulative effects assessment and identification of projects (e.g., mining, other	Given the cumulative effects assessment are often done poorly at the project-level, the ToR needs to clarify exactly how a rigorous and comprehensive	The EA is not a suitable process to carry out a comprehensive effects' assessment. This is one of the main objectives of a regional

#	Reference	Context	Requested Change	Rationale
		linear infrastructure) that may act cumulatively with the Project will be determined in the EA.	cumulative effects assessment will be carried out during this EA. The ToR should also explain how the proponent will acquire the data, research and tools necessary to such an assessment before the Ring of Fire RA has been carried out.	assessment. The EA could identify other potential projects and impacts but properly assessing the combined effects is almost certainly beyond the scope of a project-level EA. We note that even Regional Assessments sometimes have difficulty conducting cumulative effects assessments (e.g. Newfoundland-Labrador Exploratory Drilling RA) due to the complexity of the issues involved.
16	Section 8. Assessment and Evaluation	This section of the ToR does not include consideration of potential induced effects from the Project.	Please include consideration of potential induced effects of the project, such as accelerated mineral exploration and development in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure.	Road development is likely to result in induced effects that need to be adequately assessed and mitigated.
17	Section 10.2 Summary of Consultation Activities on the ToR	The ToR states that "An overall introduction to the Project and the EA process was provided during initial conversations with interested persons." The ToR does not indicate if or how	Please indicate how early engagement with Indigenous nations influenced project design (e.g. selection of alternative route alignments) and/or future opportunities for such engagement. Please also	Meaningful consultation requires that engagement has the potential to result in concrete changes to project design and planning, particularly at an early stage in the planning process.

#	Reference	Context	Requested Change	Rationale
		such conversations informed project design or effects assessment methods.	identify how MFFN is planning to engage Mushkegowuk First Nation in consideration of alternative routing options.	
18	Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2	Wildlife criteria do not include any large mammals.	Please indicate how Indigenous nations will be consulted to refine the list of wildlife criteria (and other criteria).	The list of criteria presented in Appendix A may not capture all criteria of concern to Indigenous nations.

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

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
Indigenous Communities			
Mushkegowuk Council – December 16, 2020			
MkgwC-1	The Mushkegowuk Council can appreciate and fully understand the desire to have a year-round access road to the community of Marten Falls. However, as the road is also intended for industrial purposes and will help facilitate mining development in the region, the Council believes strongly that the Marten Falls Road EA should not proceed until the Ring of Fire Regional Assessment (RA), which is slated to begin in 2021, is completed. The RA has a stated goal of providing "information and analysis ***regarding future developments*** in the Ring of Fire area and their potential effects in order to inform and improve impact assessments and other planning and decision-making processes in a way that helps protect the environmental, health, cultural, social and economic conditions of the area while also creating opportunities for sustainable economic development" (emphasis added). Thus there can be no doubt that the project-level environmental assessment of the Marten Falls Road would benefit enormously from the prior completion of the Regional Assessment. The RA will be better suited to address broader, regional issues that will not be considered at a project level. The ToR acknowledges as much on page 65 when it is stated that "The Minister of Environment and Climate Change determined that a regional assessment of the Ring of Fire region will be conducted pursuant to the Impact Assessment Act (IAA) (IAAC 2020b). This is an assessment independent of the EA for the CAR (Community Access Road), however, *should information relevant to the cumulative effects assessment for the Project arise from the regional assessment of the Ring of Fire within an appropriate timeline it will be used*" (emphasis added). This statement indicates that the RA could well produce information that is relevant to the Marten Falls Road EA, but that it can only be considered if it arises "within an appropriate timeline." In other words, any information that arises from the regional assessment after the EA has been completed cannot, for obvious reasons, be considered, regardless of how relevant it might be to the Marten Falls project. This is illogical in our view and potentially undermines the credibility of the EA process. To fully benefit from the more holistic and comprehensive analysis that will be conducted through the Ring of Fire regional assessment, the Marten Falls EA should be postponed until the RA has been carried out. For instance, construction of the Marten Falls Road and the Webequie Supply Road as well as the proposed Northern Link Road that is now under study, and other activities associated with mining development in the Ring of Fire will have cumulative impacts that are significant, long-lasting and widespread throughout the region. Cumulative effects assessments are often done poorly at the project-specific level, which is why it is so important that they are assessed at the regional level. A regional assessment is meant to take place at earlier stages of the decision-making cycle to inform project-level EAs within the region. The RA takes a broad level of analysis and focuses on cross-sector links and issues. A project-level EA will likely not capture important and complex considerations such as how impacts from the Marten Falls road will be layered upon existing and expected cumulative effects in the region and how these can best be mitigated.	Based on feedback from the Impact Assessment Agency of Canada (the Agency), it is understood that the Regional Assessment of the Ring of Fire does not impact the timing of the Impact Assessment for the Project. The Terms of Reference (ToR) recognizes that a regional assessment of the Ring of Fire region under the *Impact Assessment Act* is underway. This is an assessment independent of the Environmental Assessment (EA) for the Community Access Road (CAR); however, should information from the regional assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. Marten Falls First Nation (MFFN) will maintain contact with the Agency's contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.	Section 7.2, pg. 65 Commitment for EA
MkgwC-2	We would reiterate that, as we have downstream and down-muskeg communities, the combined effects of a significant increase in industrial activities and the effects of a changing climate could considerably impact our wildlife, waterways and wetlands, which we depend on for our way of life. In addition, the James Bay Lowlands sequester more than 12 megatons of carbon dioxide each year. (For comparison, Ontario's annual emissions are around 170 megatons.) Worldwide, peatlands store three times as much carbon as boreal and tropical forests combined and the high-density carbon of the Hudson Bay Lowland provides one-tenth of the cooling effects of the world's peatlands	MFFN acknowledges the Council's concerns about the potential effects to wildlife, waterways, wetlands, including peatlands as a result of the Project. Potential effects of the Project on each will be assessed in the EA. In addition, the potential effects of the Project on climate change, and the potential effects of the environment (i.e., climate change) on the Project will be assessed as part of the EA. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, the climate change assessment will also be assessed per the requirements set out in Sections 15.5 and 23.2 of the Tailored Impact Statement Guidelines (TISG) developed by the Agency. The detailed method to assess these effects will be shared as they are developed during the EA.	Section 7.2, pg. 65 Section 7.2.5, pg. 67 Section 7.2.7, pg. 68 Section 7.2.8, pg. 69 Appendix B, Section 4.1.7, pg. 22
MkgwC-3	In short, the Mushkegowuk Council believes the order of the two assessments needs to be reversed. It makes little sense to conduct a project-level EA immediately prior to a planned regional assessment and we feel strongly that a moratorium should be placed on any development activities in the region before the RA has been completed.	MFFN appreciates your time in reviewing the information and your continued interest in the Project. A moratorium on development activities is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.	N/A
MkgwC-4	Mushkegowuk Council also recommends adding to the ToR the review and analysis of caribou crossing data with western science and traditional knowledge experts to determine appropriate mitigation measures such as sloping, grain size and top-dressing. The completed study is to be reviewed by all directly and indirectly impacted First Nations communities so that concerns can be addressed and taken into consideration for the road design.	MFFN is interested in discussing the results of baseline studies and the assessment of Project effects for caribou with Indigenous knowledge experts of interested Indigenous communities to obtain information and input on potential impact management measures to be recommended in the EA. Consultation on impact management measures is identified as part of the targeted input for the Effects Assessment Methods, Identification of Preferred Alternatives and Review of Draft EA / Impact Statement (IS) milestones in the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). It is important to note that the level of study proposed for the EA will look at potential effects to caribou as a result of the Project activities and recommend specific impact management measure approaches. Some of those impact management measures approaches, such as caribou crossings for example and if recommended in the EA, will be refined in greater detail as part of future permitting and detailed design.	Section 9.1.1, pg. 77 Appendix B, Section 4.1.7, pg. 21 to 24

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
MkgwC-5	Mushkegowuk proposes as well that a terrestrial advisory group comprised of local, downstream and down muskeg First Nations, harvesters, land users, regulatory officials and the proponent be established to review detailed design and construction phases so as to avoid or mitigate potential effects to Treaty lands and Aboriginal rights.	The EA will consider the suggestion for an advisory group to be established at the time of detailed design and construction. MFFN will consulted with Indigenous communities, agencies and interested persons on impact management measures, including those measures to avoid, mitigate and off-set the impact(s) to Aboriginal or Treaty Rights, during the Effects Assessment Methods, Identification of Preferred Alternatives and Review of Draft EA / IA milestones in Appendix B (EA / IS Consultation and Engagement Plan).	Appendix B, Section 4.1.7, pg. 22 to 23
MkgwC-6	Finally, the ToR is silent on the complexity of the hydrology of the James Bay Lowlands, one of the world's largest wetlands and carbon sinks. According to western science, very little is known about the interconnectivity of the James Bay Lowlands hydrology, yet Mushkegowuk Cree Elders have cautioned that the Lowlands are deeply interconnected with underground rivers and streams not yet visible in aerial photos. Moreover, researchers with University of Waterloo have found that variations to water tables in the James Bay Lowlands either due to climate change and/or dewatering activities such as mining, road construction have a direct link to increased methylmercury levels. Therefore, Mushkegowuk is requesting an in-depth fulsome field Wetland Regional Study carried out by independent researchers as one of the critical baseline studies for this EA.	MFFN will identify and assess potential effects of the Project on wetlands (e.g., peatlands). Information about the atmospheric, climate change, physiography, geology, terrain and soils, surface water, groundwater, vegetation, Indigenous and social disciplines will be used to characterize peatlands by their type, classification, hydrology, quantification of carbon storage and gas exchange rates. This will be based on a combination of desktop information and the results of field-based studies completed in support of the Project. Field data will be largely collected within the Local Study Area and will be supplemented with desktop information across the Regional Study Area. Furthermore, the EA will assess potential effects of the Project on peatland availability, distribution, composition, and function (e.g., as habitat and carbon sink). This effects assessment will consider both direct and indirect effects to capture both local and regional changes that may occur as a result of the Project. At this time there are no anticipated Project components which would create exposure pathways for methyl-mercury formation or bioaccumulation. Should these be identified as part of the ongoing Project design, sampling programs will be conducted to establish baseline levels in select areas, and an effects assessment will be completed.	Section 7.2.5, pg. 67 Commitment for EA
MkgwC-7	No.1 **Reference**: Section 5.1 Rationale for the Proposed Undertaking **Context**: The section only includes the rationale for the construction of a community access road, whereas it is implicit throughout the ToR that the road will also be meant to facilitate mining and other industrial development in the Ring of Fire region. **Requested Change**: Add an explanation so that it is clear that part of the rationale for this road is to facilitate mining development. **Rationale**: Acknowledging the industrial development purpose of the road is a critical component of the ToR and ultimately of the EA itself. This project needs to be explicitly connected to the Ring of Fire Regional Assessment as it should be viewed as a project that will lead to further development and impacts. It is not just a single project that can assessed in isolation.	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed or industry uses the road. For this reason, the purpose of the Project remains unchanged. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.	Section 7.2.10, pg. 70
MkgwC-8	No.2 **Reference**: Section 5.2.1.1 Road **Context**: The ToR states that "the number of anticipated vehicles to use the CAR is not known at this time." **Requested Change**: Please provide a reasonable estimate of anticipated vehicles to use the CAR, broken down into personal vehicles and commercial vehicles, under a number of scenarios (including by season and with and without development of one or more major ore deposits within the Ring of Fire region). **Rationale**: Projected vehicle use is required to estimate potential impacts on a number of components, including, but not limited to, air quality, vegetation, wildlife and Indigenous land use. It is a critical consideration in this EA, as operational use of the road and direct, indirect, and induced effects of that operational use, are subject to this assessment.	The Project is currently in the early planning phase; therefore, specifics such as the number of vehicles that will use the CAR have not yet been determined. However, the number of vehicles will be determined during the EA and documented in the EA Report. The EA will also include any other anticipated vehicle use information that can be reasonably obtained.	Commitment for EA
MkgwC-9	No.3 **Reference**: Section 5.2.2 Project Activities **Context**: The ToR states that "the number of construction fronts will be determined as part of detailed design" **Requested Change**: Please provide a reasonable estimate of the maximum number of construction fronts that will be utilized to build the CAR. **Rationale**: An estimate of the maximum number of construction fronts is required to estimate impacts associated with noise and the size of the workforce during the construction period.	The Project is currently in the early planning phase; therefore, specifics such as the number of construction fronts have not yet been determined. The number of construction fronts will depend on several considerations, including site access, time of year and available funding. Therefore, where uncertainty exists, a precautionary approach will be applied generally, and specifically to the number of construction fronts assumed in the effects assessment. MFFN agrees with Mushkegowuk Council that the number of construction fronts could affect the prediction of potential Project effects and therefore will include a conservative estimate of construction fronts in the EA.	Commitment for EA
MkgwC-10	No.4 **Reference**: Section 7.1.3 Description of the Environment **Context**: The ToR does not indicate how Indigenous knowledge will be incorporated into the description of existing environmental conditions. It only states that "Indigenous Knowledge shared by Indigenous communities" is planned to be used	MFFN is currently working with Indigenous communities to develop community-specific Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA, including in the description of baseline conditions. Efforts to finalize the Sharing Agreements are ongoing, and as a result the Indigenous Knowledge currently available to inform existing conditions is limited to that from MFFN and community knowledge shared though consultation and engagement to date. However, it is anticipated that an Indigenous Knowledge Sharing Agreement will be established	Section 3.4.2, pg. 9 to 10 Section 7.1.4, pg. 31

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
	Requested Change: Please indicate how Indigenous knowledge (and from what Nations) was incorporated into the description of existing environmental conditions and/or indicate how Indigenous knowledge will be collected and incorporated into the description of the existing environment in the environmental assessment. **Rationale**: Indigenous knowledge provides valuable information about the existing conditions of environmental components that have the potential to be impacted by the project.	with each potentially affected Indigenous community with interest in sharing Indigenous Knowledge, which will enable the inclusion of Indigenous Knowledge in the characterization of baseline conditions. Further information on the Indigenous Knowledge Program and how Indigenous Knowledge shared will be used in the EA, including in the establishment of baseline conditions, is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. As stated in Sections 3.4.2 and 7.1.4 of the ToR, Indigenous Knowledge is an important information source that will contribute to the characterization of the existing environment and will be incorporated in the EA to inform baseline conditions.	
MkgwC-11	No.5 **Reference**: Section 7.1.4.3 Acoustic Environment **Context**: Section 7.1.4.2 of the ToR states that "the Project will undertake a field program to better understand the existing local and regional ambient noise levels" (p. 43). However, the ToR does not indicate whether the field program will collect information on the current soundscape in relation to Indigenous values. **Requested Change**: Please indicate how Indigenous values in relation to the current soundscape will be drawn on to inform the noise field study and effects assessment. **Rationale**: Ambient sounds are an indicator of biodiversity and comprise a meaningful aspect of the environment for Indigenous people, informing Indigenous knowledge and land use. Limiting baseline studies and effects assessment to "noise" levels is insufficient to capture effects on Indigenous people resulting from alterations in soundscape.	The ToR commits to incorporating information provided by Indigenous communities into both the baseline and effects assessment for each discipline, including the Acoustic Environment. With respect to the Acoustic Environment specifically, the ToR states: ▪ Section 7.1.4.3: "*In addition, the existing conditions of the acoustic environment will integrate applicable information obtained through the Indigenous Knowledge Program, where possible.*" ▪ Section 7.2.3: "*The location of receptor locations will be informed by input received through the Indigenous Knowledge and consultation programs, where applicable.*" Indigenous communities are encouraged to provide information and perspectives regarding the acoustic environment through the Consultation and Engagement and Indigenous Knowledge programs. Additionally, the EA will identify and asses the indirect effects of changes to the acoustic environment on Indigenous use of land and resources and Indigenous experience of being on the land. These indirect effects will be informed by input received through the Indigenous Knowledge and Consultation and Engagement programs. The MFFN Project Team will continue to engage with interested Indigenous communities to determine receptor locations for future noise assessment modelling work to be completed as part of the EA. MFFN will consult with the Mushkegowuk Council to better understand questions and concerns related to the Project and the noise assessment.	Section 7.1.4.3, pg. 43 Section 7.2.3, pg. 66 Commitment for EA
MkgwC-12	No.6 **Reference**: Section 7.1.4.4 Surface Water **Context**: The ToR states that "Surface water field surveys will be completed along an approximate 200 m section of the selected water body." **Requested Change**: Please describe how Indigenous nations will be consulted with respect to the selection of such sites. **Rationale**: Particular waterways may hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.	The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites. Cultural importance was also considered in site selection and was based on information provided by MFFN. It is acknowledged that particular waterways hold unique values and meaning to Indigenous peoples. MFFN will consult with Indigenous communities on the study approach for water crossings and to incorporate shared Indigenous Knowledge and values into the EA where appropriate. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail.	Section 3.4.2.1, pg. 11 to 12 Commitment for EA
MkgwC-13	No.7 **Reference**: Section 7.1.4.6 Vegetation **Context**: The ToR states that "a description of soil, plant species, relative abundance of plant species, and presence of invasive and Species at Risk (SAR) will be recorded for each survey plot… including applicable information obtained through the Indigenous." The ToR makes no mention of traditional use plants and medicinal plants. **Requested Change**: Please indicate how traditional use plants and medicinal plants will be surveyed and with the involvement of which Indigenous groups, and what the status and schedule is for completing this work. **Rationale**: Traditional use plants and medicinal plants are important components of the environment for Indigenous people and have the potential to be impacted by the project.	Section 7.1.4.7 of the ToR (Vegetation) indicates that the results of vegetation field investigations, combined with other data sources (e.g., MNRF 2019), including applicable information obtained through the Indigenous Knowledge Program where possible, will be used to describe and map the range of vegetation communities present in the study area." A preliminary list of plant species of importance to Indigenous communities based on available Indigenous Knowledge is provided in Section 7.1.4.7 of the ToR; these plant species will inform baseline studies and baseline conditions. Further, MFFN makes a commitment in Section 7.2.7 of the ToR to identify and assess potential effects on vegetation and ecological communities, which will include changes to community diversity (including community loss), changes to wetland quantity and function, and changes to species diversity, including SAR and traditional use plants. Indigenous communities are encouraged to share information on the locations, species, and uses of plants of traditional, medicinal, technological, and / or cultural or spiritual importance through the Indigenous knowledge Program. This information will be used to inform the characterization of baseline conditions as well as the effects assessment, and the identification of impact management measures. Further information on the Indigenous Knowledge Program is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. Members of MFFN participated in field programs in 2019 and will continue to be included in the future programs. MFFN will notify Indigenous communities of opportunities to participate in baseline studies for the Project. However, the COVID-	Section 7.1.4.7, pg. 48 Section 7.2.7, pg. 68

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		19 pandemic and associated protocols of social distancing have limited the opportunities for field monitor positions. Furthermore, given the location of the Project and logistical constraints to accessibility of the area, limited Indigenous monitor positions are anticipated to be available. A commitment has been made to MFFN community that Indigenous monitor positions for field work in support of the Project would first be filled by MFFN. In circumstances when MFFN is not available to participate in a baseline study, MFFN will contact neighbouring Indigenous communities for interest in participating in the program.	
MkgwC-14	No.8 **Reference**: Section 7.1.4.10 Economy **Context**: Page 58: "A prohibitive factor to large development projects such as mining and forestry is transportation costs and infrastructure access." **Requested Change**: This indicates that the road will be used for industrial development purposes and there be should a clear reference in the ToR that the road has a dual purpose (community access and mining development). **Rationale**: As noted above, the rationale for this project is incomplete and should include an explicit reference to the Ring of Fire mineral development.	MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed or industry uses the road. For this reason, the purpose of the Project remains unchanged. MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.	Section 7.2.10, pg. 70
MkgwC-15	No.9 **Reference**: Section 7.1.4.9 Fish and Fish Habitat **Context**: The ToR states that "the ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings) to verify or augment the results and assumptions from the desktop analysis" **Requested Change**: Please describe how the subset of water body crossings for ground-based field surveys will be determined and how (and which) Indigenous nations will be consulted with respect to the selection of such sites, including status and timelines for this work. **Rationale**: Particular waterways hold unique values and meanings for Indigenous peoples. Indigenous knowledge and values should guide the selection of waterways will be selected for ground-based field surveys.	The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites. Cultural importance was also considered in site selection and was based on information provided by MFFN. It is acknowledged that particular waterways hold unique values and meaning to Indigenous peoples. MFFN will consult with Indigenous communities on the study approach for water crossings and to incorporate shared Indigenous Knowledge and values into the EA where appropriate. In addition, the Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail.	Section 3.4.2.1, pg. 11 to 12 Commitment for EA
MkgwC-16	No.10 **Reference**: Section 3.4.2 Indigenous Knowledge and Land Use **Context**: This section of the ToR does not provide information about existing historical and cumulative effects on Indigenous knowledge and land use. **Requested Change**: Please provide information about existing historical and cumulative effects on Indigenous knowledge and land use or indicate how and on what timeline such information will be collected and incorporated into the effect's assessment. **Rationale**: A description of existing historical and cumulative effects on Indigenous knowledge and land use is required to accurately characterize baseline conditions and change over time to date. As an Indigenous group like Mushkegowuk First Nation that has seen many changes, MFFN is well aware that the traditional use and rights practice environment in which this CAR is proposed is not a pristine one, but rather one that has been subject to many high magnitude changes over time.	MFFN recognizes that historical activities have changed the conditions of the environment observed today. Therefore, MFFN has committed to identifying how Indigenous land use has changed as a result of cumulative effects. The last bullet in Section 9.1.1 of the ToR states: *"MFFN will identify how Indigenous land use has changed as a result of cumulative effects. This will be informed by information received through the Indigenous Knowledge Program, where applicable."* MFFN will solicit information on Indigenous land and resource use including past and present use as part of the Indigenous Knowledge Program. This will include information on historical Indigenous land and resource use and associated changes as a result of cumulative effects (subject to available information). The Indigenous Knowledge Program serves as an important avenue for sharing this type of information, and specific questions to solicit this type of information have been included in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020.	Section 9.1.1, pg. 76
MkgwC-17	No.11 **Reference**: Section 7.1.4.10 Socio-Economic and Built Environment **Context**: The ToR states that "The closest populated areas to the Project are the Indigenous communities of MFFN and Aroland First Nation." The ToR does not provide information about other Indigenous nations potentially affected by the project. **Requested Change**: Please indicate which Indigenous nations are anticipated to be employed by the project and provide a description of current socio-economic and built environment conditions for such Indigenous nations. **Rationale**: While some Indigenous nations may not be located close to the project, they may nevertheless be affected through pathways associated with employment as well as a series of other potential social, economic, cultural and health effects. These need to be properly characterized in MFFN filings.	Each of the Indigenous communities identified in Table 10-1 of the ToR will be profiled in in the EA Report. Detailed socio-community profiles will be developed for communities located within the local study area (LSA) of the social environment and will be informed by primary data collection. The regional study area (RSA) for the social environment will be profiled in less detail based on secondary data sources plus information obtained from general engagement activities. Statistics collected on the RSA for the social environment will focus on larger regional areas such as unorganized regional districts. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal *Impact Assessment Act* and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the TISG developed by the Agency. Study areas will be informed by feedback received from Indigenous communities and interested persons. Consultation on discipline-specific study areas	Section 7.2.10, pg. 71 Section 10, Table 10-1, pg. 83 Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		will be undertaken during the Effects Assessment Methods milestone of the EA / IS Consultation and Engagement Plan (Appendix B of the ToR). Information on the socio-economic data collection program will also be consulted on during the Effects Assessment Methods milestone. The MFFN Project Team is interested in maximizing economic benefits to communities in the region. It is not known at this time which communities may have community members involved in Project construction. Project construction, operations and maintenance are anticipated to generate direct and indirect employment, which is anticipated to include employment and procurement opportunities for Indigenous people and other local community members. The EA will assess potential positive and negative effects of the Project on the Social, Economic and Built Environment, and include impact management measures where applicable.	
MkgwC-18	No.12 **Reference**: Section 7.1.4.10 Socio-Economic and Built Environment – Visual Aesthetics **Context**: The ToR provides limited information about visual aesthetics in the area of the project. **Requested Change**: Please provide information about any planned field programs to collect visual data at key locations and plans to consult with Indigenous nations in the collection of such data. **Rationale**: The visual environment comprises a meaningful component of the environment for Indigenous peoples, informing traditional knowledge and use. The project has the potential to adversely affect the visual landscape.	MFFN acknowledges the importance of the visual environment to Indigenous communities. MFFN will consult with Indigenous communities, on baseline and effects assessment methods of the Project, which includes visual aesthetics, per the EA / IS Consultation and Engagement Plan appended to the ToR. Consultation will be conducted to better understand Indigenous communities' concerns and obtain feedback and input on the proposed methods. If of interest, this could include receiving input on the visual assessment including determining locations of potential visual sensitivity.	Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA
MkgwC-19	No.13 **Reference**: Section 7.2 Potential Environmental Effects **Context**: The ToR does not indicate how the preliminary identification of potential environmental effects was determined, including secondary sources of data that may be drawn on to inform the effects assessment. **Requested Change**: Please provide identify secondary sources of information about the effects of all-season roads on remote communities and indicate how the review of such information has informed the preliminary identification of potential environmental effects. **Rationale**: There are number of predictable effects associated with the development of all-season access roads to remote communities that should inform the effects assessment, including with respect to methods, valued components and findings.	The EA will include a list of relevant studies, including other EAs, reviewed to inform the potential effects as a result of the CAR. Where existing studies have been used to inform information in the EA, they will be appropriately referenced such that the content in the EA and the connection to the existing study is transparent. Other related projects and studies that were examined to inform the potential for effects identified in Section 7.2 of the ToR included: ▪ Wataynikaneyap Power Phase 1 New Transmission Line to Pickle Lake Project; ▪ Nextbridge Infrastructure L.P. East-West Tie Transmission Project; ▪ Cliffs Natural Resources Inc. Cliffs Chromite Project; ▪ Shoal Lake No. 40 First Nation Freedom Road Project; ▪ Webequie First Nation Webequie Supply Road; and ▪ East Side Road Authority PR 304 to Berens River All-Season Road.	Commitment for EA
MkgwC-20	No.14 **Reference**: Section 7.2 Potential Environmental Effects **Context**: Page 65: "As part of the assessment, consideration will be given to confirming whether net effects of the undertaking could combine with effects of other past, present, and reasonably foreseeable projects (cumulative effects)." **Requested Change**: Unless this EA is going to carry out a comprehensive cumulative effects' assessment, the ToR should defer to the Regional Assessment as the means by which such an assessment will be carried out. **Rationale**: Cumulative effects assessments are often done poorly at the site-specific level, which is why it is so important that they are assessed at the regional level. Any impacts from this project will be layered onto other potential activities in the region	MFFN is currently developing the proposed approach to the cumulative effects assessment and in doing so is considering provincial and federal requirements, as well as comments received from Indigenous communities, government agencies and interested persons on the Project related to cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Mushkegowuk Council to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment. As identified in Section 7.2 of the ToR, the regional assessment of the Ring of Fire region is an assessment independent of the EA for the CAR, however, should information from the regional assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the cumulative effects assessment for the Project. Based on feedback from the Agency, it is understood that the Regional Assessment of the Ring of Fire does not	Section 7.2, pg. 65 Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		impact the timing of the impact assessment for the Project. MFFN will maintain contact with the Agency's contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.	
MkgwC-21	No.15 **Reference**: Section 7.2 Potential Environmental Effects **Context**: This statement on page 65 is inaccurate: "The study area for the cumulative effects assessment and identification of projects (e.g., mining, other linear infrastructure) that may act cumulatively with the Project will be determined in the EA. **Requested Change**: Given the cumulative effects assessment are often done poorly at the project-level, the ToR needs to clarify exactly how a rigorous and comprehensive cumulative effects assessment will be carried out during this EA. The ToR should also explain how the proponent will acquire the data, research and tools necessary to such an assessment before the Ring of Fire RA has been carried out. **Rationale**: The EA is not a suitable process to carry out a comprehensive effects' assessment. This is one of the main objectives of a regional assessment. The EA could identify other potential projects and impacts but properly assessing the combined effects is almost certainly beyond the scope of a project-level EA. We note that even Regional Assessments sometimes have difficulty conducting cumulative effects assessments (e.g. Newfoundland-Labrador Exploratory Drilling RA) due to the complexity of the issues involved.	MFFN is currently developing the proposed approach to the cumulative effects assessment and in doing so is considering provincial and federal requirements, as well as comments received from Indigenous communities, government agencies and interested persons on the Project related to cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Mushkegowuk Council to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment. MFFN is aware that a regional assessment of the Ring of Fire area was announced by the federal government, and that information from the regional assessment process may be relevant to the Project including the assessment of cumulative effects. Should information relevant to the cumulative effects assessment for the Project become available from the regional assessment of the Ring of Fire area during preparation of the EA, it will be used to inform the Project assessment as appropriate. Based on feedback from the Agency, it is understood that the Regional Assessment of the Ring of Fire does not impact the timing of the impact assessment for the Project. MFFN will maintain contact with the Agency's contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.	Section 7.2, pg. 65 Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 21 to 24 Commitment for EA
MkgwC-22	No.16 **Reference**: Section 8. Assessment and Evaluation **Context**: This section of the ToR does not include consideration of potential induced effects from the Project. **Requested Change**: Please include consideration of potential induced effects of the project, such as accelerated mineral exploration and development in the Ring of Fire, increased forestry activities, increased non-Indigenous access and use of and development of the area, and increased hunting pressure. **Rationale**: Road development is likely to result in induced effects that need to be adequately assessed and mitigated.	MFFN acknowledges that increased access and future development opportunities may arise in the future if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to: ▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. ▪ Changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's	Section 7.2, pg. 65 Section 7.2.1, pg. 66 Section 7.2.10, pg. 70

ID #	Comment Received	Response to Comment	Reference ToR Section and Page #
		Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment.	
MkgwC-23	No.17 **Reference**: Section 10.2 Summary of Consultation Activities on the ToR **Context**: The ToR states that "An overall introduction to the Project and the EA process was provided during initial conversations with interested persons." The ToR does not indicate if or how such conversations informed project design or effects assessment methods. **Requested Change**: Please indicate how early engagement with Indigenous nations influenced project design (e.g. selection of alternative route alignments) and/or future opportunities for such engagement. Please also identify how MFFN is planning to engage Mushkegowuk First Nation in consideration of alternative routing options. **Rationale**: Meaningful consultation requires that engagement has the potential to result in concrete changes to project design and planning, particularly at an early stage in the planning process.	The Record of Consultation (appended to the ToR) includes a "Summary of Feedback Received and Response / Action" for Indigenous communities, government agencies and interested persons. These tables highlight questions, comments and concerns provided, the response and if applicable where the feedback has been addressed in the ToR or will be considered in the EA. Table 10-3 in Section 10 of the ToR also outlines this information. Section 10.2.5 of the ToR provides a high-level summary of the changes made to the ToR based on the issues raised and comments received through review of the Draft ToR. Mushkegowuk Council has been part of the Master Contact List and received communications since the beginning of the Project. These touchpoints included opportunities to review materials and provide feedback on the proposed route alternatives. During the EA, Mushkegowuk Council will continue to receive Project information and will have opportunities to provide feedback on Alternative 1 and Alternative 4 that are continuing to be assessed and evaluated during the EA. Feedback received during the EA will influence the selection of the preferred alignment.	Section 10.2.2.2, Table 10-3, pg. 90 to 96 Section 10.2.5, pg. 101 Appendix C
MkgwC-24	No.18 **Reference**: Appendix A Draft Criteria & Indicators for Alternatives Evaluation p. 2 **Context**: Wildlife criteria do not include any large mammals. **Requested Change**: Please indicate how Indigenous nations will be consulted to refine the list of wildlife criteria (and other criteria). **Rationale**: The list of criteria presented in Appendix A may not capture all criteria of concern to Indigenous nations.	The criteria and indicators listed in Appendix A of the ToR are preliminary, and have been provided for the purposes of gathering feedback for refinement in the EA. The criteria "Fur Bearers" and "Caribou" are considered representative of large mammals in the area of the Project. The final list of criteria and indicators to be used in the EA will be based on information that arises throughout the study process and incorporate comments received through consultation and engagement. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, agencies and interested person to obtain feedback and input on the criteria and indicators during the consultation milestone "Effects Assessment Methods". Possible consultation activities that may be used to gather input and feedback are identified in Table 11-1 of the ToR.	Section 11.6, pg. 106 Appendix B, Section 4.1.7, pg. 22

References

Mushkegowuk Council References

Canadian Environmental Assessment Agency. 2018a:

Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html

B32. Nokiiwin First Nations Council

B32.1 Outgoing Community Specific Correspondence
B32.2 Incoming Community Specific Correspondence



B32.1 Outgoing Community Specific Correspondence



From:	Metuzals, Jessica <[redacted]>
Sent:	November 12, 2020 2:58 PM
To:	[redacted]
Cc:	Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject:	Marten Falls Community Access Road - Proposed Terms of Reference
Attachments:	NOT_2020-10-08-NoticeOfSubmission-ToR_60593122 (4) (3) (1).pdf

Good Afternoon Tara,

I just wanted to follow-up with you about receiving the Proposed Terms of Reference (ToR) Notice and ToR documents for the Marten Falls First Nation All-Season Community Access Road Project. I left you a voicemail this morning.

The ToR was submitted on Oct 23, 2020 and will be available for review for 60 days between October 23 and December 21, 2020. We have attached the Notice of Submission sent to you on October 23 from the MFFN Project email. For your convenience, the Proposed ToR Documents can be found here www.martenfallsaccessroad.ca/tor.

The comment period for the Proposed ToR runs from October 23 until December 21, 2020. Comments can be sent directly to the Ministry of the Environment, Conservation and Parks (MECP).

Please let us know if you have received the Terms of Reference, and do not hesitate to reach out to me if you have any questions or concerns.

Sincerely,

Jessica

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

Jessica Metuzals
Dillon Consulting Limited
[redacted]
www.dillon.ca

Please consider the environment before printing this email

From: Metuzals, Jessica <[redacted]>
Sent: November 17, 2020 2:08 PM
To: [redacted]
Cc: Qasim Saddique; Larissa Mikkelsen; Jennifer Bruin
Subject: Re: Marten Falls Community Access Road - Proposed Terms of Reference

Hi Tara,

It was nice speaking with you last week. Thank you for confirming receipt of the Proposed Terms of Reference (ToR) Notice of Submission and the weblink to the Proposed ToR documents for the Marten Falls First Nation Community Access Road Project. As previously mentioned, the comment period for the Proposed ToR runs from October 23, 2020 until December 21, 2020. Comments can be sent directly to the Ministry of Environment, Conservation and Parks.

Please do not hesitate to reach out to me if you have any questions.

Kind regards,

Jessica

DILLON CONSULTING

Burnham, Stephanie [redacted]

MFFN Community Access Road - Questions for Bat Program

1 message

Burnham, Stephanie <[redacted]> Fri, May 14, 2021 at 3:30 PM
To: [redacted]

Good afternoon Tara,

I am emailing to follow up on the field notice which was sent to Nokiiwin Tribal Council on May 12 about the upcoming Bat Acoustic Monitoring Program. I called the Band Office today and wasn't able to leave a voicemail.

The purpose of the Bat Acoustic Monitoring program is to gather information about bat species presence, abundance and distribution in the study area for the Marten Falls First Nation All-Season Community Access Road Project. The notice that was sent is also available on the website.

We have two questions for Nokiiwin Tribal Council before the bat program starts:

1. Does Nokiiwin Tribal Council have information or local knowledge on areas where bats migrate during their roosting season that they are willing to share?
2. Are there areas in the study area that we should avoid such as culturally important areas, and if so, specific timing to avoid these areas?

Please provide any insights you may have on behalf of the Nokiiwin Tribal Council by May 28, 2021. I have attached a copy of the program information for your convenience.

If you have any questions or comments about the program, please get in touch.

Sincerely,

Stephanie Burnham
MFFN Project Consultant
--

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Platinum member

Stephanie Burnham
Dillon Consulting Limited
[redacted]
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Burnham, Stephanie <[redacted]>

Re: MFFN Community Access Road - Questions for Bat Program

1 message

Burnham, Stephanie <[redacted]> Mon, May 17, 2021 at 10:51 AM
To: Don Tront <[redacted]>

Nia:weh/ Thank you for the response and the update Don.

I am wondering, going forward, will this be the new contact information for Nokiiwin in regards to the MFFN CAR project?

I hope to hear from you soon,

Stephanie

DILLON CONSULTING

Burnham, Stephanie <[redacted]

Re: MFFN Community Access Road - Questions for Bat Program

1 message

Burnham, Stephanie <[redacted]> Mon, May 17, 2021 at 3:17 PM
To: Don Tront <[redacted]>

Thanks Don,

I will be sure to edit the list.

Thank you
Stephanie

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Burnham, Stephanie [redacted]

MFFN CAR: Upcoming Field Programs and Discussion Guides - Follow up.

1 message

Burnham, Stephanie [redacted] Thu, Jul 22, 2021 at 4:31 PM
To: Don Tront [redacted]

Good Afternoon Don,

I hope you are doing well and staying safe. I wanted to follow-up on the information for the upcoming field programs and discussion guides that were sent out. As part of our ongoing efforts to share project related information with communities and to avoid sensitive areas, I have provided a summary of the Discussion Guides below for your comment.

- Groundwater and Geochemistry Discussion Guide - distributed to communities on Friday, June 25th
  - We will be drilling and installing monitoring wells to assess groundwater quality and quantity.
  - We are looking for input on important groundwater sources in the study area, areas we should avoid for installing wells or clearing landing pads for the helicopters, and timing considerations for conducting field work between August and October
  - Web version of discussion guide and survey
  - PDF copy attached
  - **Updated guide with new map coming soon – distribution date TBD**
- Surface Water, Fish and Fish Habitat Discussion Guide - distributed on Friday, July 19th
  - We will be sampling surface water, fish and fish habitat at a subset of water crossings along both route alternatives to understand current conditions of the study area.
  - We are looking for input on important water crossing and fishing sites in the study area, known spawning or overwintering locations of key fish species, drinking water sources or areas of water use in the study area, and areas we should avoid during our sampling
  - Web version of discussion guide and survey
  - PDF copy attached
- Vegetation, Physiography and Peatlands Discussion Guide - distributed on Friday, July 16th
  - We will be surveying the study area on foot and helicopter to observe vegetation, as well as measuring soil conditions and geologic features.
  - We are looking for input on culturally significant or traditional use plants in the study area, locations of drinking water, and areas that we should avoid during our sampling.
  - Web version of discussion guide and survey
  - PDF copy attached.

For all 3 programs, the **deadline to provide feedback is Saturday, July 31, 2021.** The field programs are anticipated to start in the second half of August, and field notices will be issued once field dates are confirmed.

Please do not hesitate to let me know if there are Nokiiwin Tribal Council team members you would like us to communicate this information to directly. If you wish to give me a call or set up a meeting to discuss the Field Programs, please feel free to contact me at [redacted].

I look forward to hearing from you!

Stephanie Burnham
MFFN Project Consultant

Burnham, Stephanie <[redacted]

MFFN CAR: Field Studies and Check-In

1 message

Burnham, Stephanie <[redacted] Fri, Sep 10, 2021 at 6:40 PM
To: Don Tront [redacted]

Good afternoon Don,

I hope you and the Nokiiwin Tribal Council members are doing well. I called this afternoon and left a message with reception. I apologize for the late correspondence as I was having some technical difficulties. There's been some recent communications about the Community Access Road and I wanted to follow-up to see if you or Nokiiwin Tribal Council members have any questions, comments or feedback. Here is a summary of some of the recent topics:

- Surface Water and Fish and Fish Habitat Study Program field notice sent August 30th. The program is happening September 10 – 19.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/08/MFFN-CAR-Field-Notice-Surface-Water-Fish-and-Fish-Habitat.pdf
- Vegetation Field Program, Bat Acoustic Recording Unit and Caribou Mortality Investigation field notice sent September 2. The program is happening September 18 – October 1.
  - Here is the notice: http://www.martenfallsaccessroad.ca/wp-content/uploads/2021/09/MFFN-CAR-Field-Notice-Vegetation-Bats-Ungulates-2021-09-02.pdf
- A video about groundwater is available on our website, including what we are studying and why. You can watch it here: http://www.martenfallsaccessroad.ca/groundwater/
  - More videos will be coming soon (surface water, fish and fish habitat, vegetation)
- If you have any updates about current COVID-19 status for Nokiiwin Tribal Council and re-opening plans you'd like to share

I'm available via email and phone if you'd like to chat.

Take care,

Stephanie Burnham

MFFN CAR Project Consultant

--

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Platinum member

Stephanie Burnham
[redacted]
www.dillon.ca

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Burnham, Stephanie [redacted]

MFFN CAR - Follow up to Sept. 23, 2021 call

1 message

Burnham, Stephanie <[redacted] Fri, Sep 24, 2021 at 2:26 PM
To: Don Tront [redacted]
Cc: Qasim Saddique <[redacted]

Good Morning Don,

It was great to connect with you yesterday and provide you with some high-level information on the MFFN CAR Project. I just wanted to send you a quick follow-up to our call for your records.

MFFN CAR Overview

- MFFN is developing an access road which is 1 amongst 3 other road developments that are currently happening.
- MFFN CAR is currently in the Terms of Reference stage. The Province is reviewing the ToR.
- MFFN CAR is in the beginning stages of the Environmental Assessment process. The Field Studies that are currently taking place are to collect the baseline data.
- 3 different environmental and impact assessment processes will be taking place.
- The Consultation process was identified by the Federal and Provincial government. Nokiiwin was a part of this because AZA was a community that was included that may have Rights and interests in this area.
- For general information, Nokiiwin is seeking to develop a role within the organization that would focus on lands and the environment.
- Nokiiwin Tribal Council can support in providing information to the MFFN CAR Project.
- Capacity is an issue for many communities and organizations at this time.
- The MFFN CAR website provides a lot of information and current updates.
- The Project Team and myself, are available to answer any questions as needed.
- Provided an overview of the project map, demonstrating the alternative routes for considerations. http://www.martenfallsaccessroad.ca/the-project.

Thank you again Don, and if there is anything that I missed as part of our discussion please do not hesitate to let me know.

All the best,

Stephanie
MMFN Project Consultant

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Platinum member

Stephanie Burnham
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[redacted]
www.dillon.ca

B32.2 Incoming Community Specific Correspondence

DILLON CONSULTING

Burnham, Stephanie <[redacted]>

Re: MFFN Community Access Road - Questions for Bat Program

1 message

Don Tront <[redacted]> Mon, May 17, 2021 at 10:48 AM
To: "Burnham, Stephanie" <[redacted]>

Stephanie, my name is Don Tront and I was the supervisor of this position at Nokiiwin. The position has been eliminated and Tara is no longer with our organization. I wish we could help answer your question but I don't believe we have any information you are seeking, sorry.

Don

Don Tront
Nokiiwin Tribal Council | Community Development Manager
[redacted]

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: MFFN Community Access Road - Questions for Bat Program

1 message

Don Tront <[redacted] Mon, May 17, 2021 at 11:50 AM
To: "Burnham, Stephanie" <[redacted]>

you can leave it as this for now. I may designate another staff member later.

Don

Don Tront
Nokiiwin Tribal Council | Community Development Manager
[redacted]

DILLON CONSULTING

Burnham, Stephanie [redacted]

Re: MFFN CAR: Field Studies and Check-In

1 message

Don Tront [redacted] Mon, Sep 13, 2021 at 8:53 AM
To: "Burnham, Stephanie" [redacted]

Good morning Stephanie, sorry I missed your call.

No updates to share about Covid here at NTC. We are still closed to the public and staff are working remotely except for Management.

I will check out the groundwater video, share the references with NTC members and ask they contact you directly with any comments they may have. Thanks.

Don

Don Tront
Nokiiwin Tribal Council | Community Development Manager
[redacted]
P: ([redacted]
[redacted]

DILLON CONSULTING

Burnham, Stephanie [redacted]

MFFN CAR - Follow up to Sept. 23, 2021 call

Don Tront [redacted] Mon, Sep 27, 2021 at 10:07 AM
To: "Burnham, Stephanie" [redacted]

very good Stephanie.

Don

Don Tront
Nokiiwin Tribal Council | Community Development Manager
[redacted]