



DRAFT

Interim Record of Consultation and Engagement Report

August 1, 2020 to October 28, 2021

October 2022



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Acronyms

ATRI.....	Aboriginal and Treaty Rights and Interests
AZA.....	Animbiigoo Zaagi'igan Anishinaabek First Nation
CAR	Community Access Road
CBLUP	Community Based Land Use Planning
CCC	Community Consultation Co-ordinator
CCLO	Community Communications Liaison Officer
CEAA	Canadian Environmental Assessment Agency
DFO	Department of Fisheries and Oceans Canada
EA	Environmental Assessment
EAA.....	Environmental Assessment Act
ECCC	Environment and Climate Change Canada
ENDM.....	Ministry of Energy, Northern Development and Mines
GANRAC.....	Geraldton Area Natural Resource Advisory Committee
GRT	Government Review Team
IA.....	Impact Assessment
IAA	Impact Assessment Act
IK.....	Indigenous Knowledge
IKSA.....	Indigenous Knowledge Sharing Agreement
IS.....	Impact Statement
LSA	Local Study Area
MECP	Ministry of the Environment, Conservation and Parks
MFFN	Marten Falls First Nation
MHSTCI	Ministry of Heritage, Sport, Tourism and Culture Industries
MNO	Métis Nation of Ontario
MNRF.....	Ministry of Natural Resources and Forestry
MOU.....	Memorandum of Understanding
MTCS	Ministry of Tourism, Culture and Sport
MTO	Ministry of Transportation
NDMNRF.....	Ministry of Northern Development, Mines, Natural Resources and Forestry
NoC	Notice of Commencement
NRL.....	Northern Road Link
OPP	Ontario Provincial Police
PIC	Public Information Centre
RoCE.....	Record of Consultation and Engagement
RSA.....	Regional Study Area
RSMIN.....	Red Sky Métis Independent Nation
SAR.....	Species at Risk
The Agency	Impact Assessment Agency of Canada
TISG.....	Tailored Impact Statement Guidelines
ToR	Terms of Reference
WSR.....	Webequie Supply Road

1. Introduction

For successful completion of the Environmental Assessment (EA) and Impact Assessment (IA), it is essential that the consultation and engagement process be documented to appropriately categorize, and address feedback received. This Interim Record of Consultation and Engagement (RoCE) has been developed to track all incoming and outgoing discussions, correspondence and meetings between the submission of the Terms of Reference (ToR) and Ontario's Minister of the Environment, Conservation and Parks approval with amendments of the ToR (August 1, 2020 to October 28, 2021). This Interim RoCE includes notes on how questions and concerns may have been addressed in the ToR or will be considered in the EA / IA.

This Interim RoCE provides a detailed account of all communication exchanged with Marten Falls First Nation (MFFN), neighbouring Indigenous communities, government agencies and interested persons¹ from August 1, 2020 to October 28, 2021. A similar RoCE will be prepared that documents consultation and engagement undertaken during the EA.

Although this Interim RoCE documents correspondence up to October 28, 2021, there has been ongoing Project-related correspondence occurring after this date, including outgoing letters, outgoing emails and follow-up related to outstanding issues or comments. Correspondence occurring after October 28, 2021 will be formally recorded in the RoCE for the EA.

The first section of this Interim RoCE provides an overview of the Project and outline of the approach to consultation and engagement, the second section describes the consultation and engagement activities undertaken during this interim time period, and the third section summarizes activities and discussions that occurred with MFFN, neighbouring Indigenous communities, government agencies and interested persons.

1.1 Overview of the Project

MFFN is a remote First Nation community in northern Ontario, approximately 430 kilometres (km) from Thunder Bay, Ontario, located at the junction of the Albany and Ogoki rivers. The MFFN community is proposing an all-season Community Access Road (CAR or the Project) that will connect the MFFN community to the Ontario provincial highway network. The Project includes construction and operation of a multi-purpose all-season access road consisting of:

- approximately 190 km to 230 km of two-lane gravel all-season road on a new right-of-way;
- approximately 100 metre (m) wide right-of-way cleared to a width of 60 m; and
- proposed designated speed limit of 80 km / hr.

The MFFN community is currently accessible year-round by air transportation out of Thunder Bay and Nakina, and by a winter access road constructed on an annual basis, if conditions permit. Since the 1990s, MFFN has received provincial funding to maintain 140 km of winter road to the community. However, the North² is noted as vulnerable to the effects of climate change in *Building Better Lives: Ontario's Long-term Infrastructure Plan* (MOI 2018). Therefore, interests and concerns of the community have identified a desire for improved all-season community access to the provincial highway network in the south, near Painter Lake. MFFN's winter road system is not reliable and is typically operational about six to eight weeks annually between the months of February and March. Due to the limited availability of the winter road, the MFFN community is reliant on air-transportation of the goods needed to sustain people living in the community, and have limited access to basic social, health, education and wellness services. This

1. Interested persons is used to describe individuals and groups (e.g., associations, non-government organizations, industry and academia) who could have an interest in the Project, including but not limited to communities in the region, those with commercial interests (e.g., forestry, trappers, outfitters, other mineral tenure holders in the area) and recreational users or those with recreational interest (e.g., campers, hunters and environmental groups).

2. Northern Ontario is a geographic and administrative region of Ontario referred to as "the North".

has resulted in high costs to ship goods and materials, food and fuel to the community, as well as affecting basic quality of life of MFFN community members.

In 2009, MFFN was successful in acquiring funds from the Northern Ontario Heritage Fund Corporation to complete the *2011 MFFN Winter Road Realignment / All Weather Road Project, Feasibility Analysis and Business Plan Report* (W. L. Lees & Associates and Marten Falls Logistics-LP. 2011, MFFN 2017). This report built on previous studies and was used by MFFN to guide discussions with government, industry and adjacent First Nations on improving community access to MFFN. In 2016, the Ministry of Northern Development and Mines (now the Ministry of Northern Development, Mines, Natural Resources and Forestry [NDMNRF]) confirmed financial support for permitting the Project (MFFN 2017) and Indigenous and Northern Affairs Canada (now Indigenous Services Canada, and Crown-Indigenous Relations and Northern Affairs Canada [CIRNAC]) provided financial support under the Building Canada Fund for work related to realignment of the winter road to higher ground.

In April 2018, MFFN signed an agreement with the Ministry of the Environment, Conservation and Parks (MECP) to prepare an Individual EA. The Impact Assessment Act Agency of Canada (the Agency) determined that the Project is also subject to the federal review under the *Impact Assessment Act* (IAA).

The Project is community-led, meaning MFFN community membership will develop solutions and advance decisions on the Project. MFFN, as the Proponent of the Project, has formed a MFFN CAR Project Team that includes MFFN community members. The MFFN CAR Project Team acts with guidance, direction and input from MFFN Chief and Council, MFFN Community Member Advisors and MFFN community membership to:

- Manage the Project so as to meet the requirements of the provincial and federal assessment processes;
- Keep MFFN community membership, as the Proponent, up-to-date of plans and progress, and to gather direction and input to enable decisions by MFFN Chief and Council related to the Project; and
- Consult and engage members of MFFN and neighbouring Indigenous communities.

MFFN community membership have two distinct roles: 1) involvement in the community-led process as Proponent of the Project, and 2) an Indigenous community potentially affected by the Project. Although not every MFFN community member is part of the MFFN CAR Project Team, input from community members, in addition to direction from MFFN Chief and MFFN Council and Community Member Advisors, helps guide the Project.

Through preparation of the ToR, MFFN has commenced a community-led EA process for the Project. The ToR set out the framework MFFN must follow during preparation of the Individual EA. The ToR has been prepared in accordance with the *Environmental Assessment Act* (EAA) and the *Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario* (MECP 2020) and was submitted to the MECP for review and decision. The ToR was approved by the Minister with amendments and MFFN will proceed with preparation of the Individual EA in accordance with the Minister-approved ToR and the EAA.

Ontario (MECP and ENDM³) and MFFN entered 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. The Marten Falls-Ontario MOU on Shared Consultation Responsibilities was signed on January 7, 2020 and defines the roles and responsibilities of both parties as they pertain to the consultation of Indigenous communities whose Aboriginal or Treaty Rights may be adversely affected by the Project and other interested persons. A copy of the Marten Falls-Ontario MOU on Shared Consultation Responsibilities is provided in **Appendix D of the ToR**.

3. At the time of this report date, ENDM changed names to MNDMNRF, however, they were ENDM at the time of the MOU development.

1.2 About the Interim Record of Consultation and Engagement

This Interim RoCE provides an overview of consultation and engagement carried out between the submission of the ToR and the Minister's approval with amendments of the ToR (August 1, 2020 to October 28, 2021). In accordance with the MECP Code of Practice, the Interim RoCE has been prepared to:

- Identify all persons consulted during this time period and how they were identified (confidential information will not be provided);
- Describe the consultation and engagement activities that took place including methods, schedule of events, notification that was given about the activity and materials used;
- Describe how interested Indigenous communities were identified and how they were consulted;
- Clearly and accurately summarize the comments made by all Indigenous communities, government agencies and interested persons during this time period;
- Describe the Proponent's response and how concerns were considered in the ToR and / or will be addressed in the EA;
- Describe any outstanding concerns;
- Include appendix reference to minutes of any meetings held;
- Include copies of written comments received from interested persons; and
- Include copies of ToR comment and responses in appendix.

Logistical correspondence (e.g., scheduling a meeting) has not been included in the appendices to the Interim RoCE but have been tracked separately. The only instance when logistical correspondence has been included as an appendix to the Interim RoCE is when a meeting was not scheduled or was postponed; this information is included to show level of effort.

1.3 Interim RoCE Approach

The MFFN CAR Project Team has been actively consulting and engaging MFFN community members, Indigenous communities, government agencies and interested persons (including Indigenous Peoples) on the Project since 2017.

The Interim RoCE main consultation and engagement activities were generally organized around the following:

- **Proposed Terms of Reference Review (October 2020 submission)**
In October 2020, the Proposed ToR was submitted to the MECP for an approval decision. As part of this process, the availability of the Proposed ToR for review and comment was publicly advertised through notifications (e.g., newspapers, radio, email and hard copy letters) and distribution of the Proposed ToR document to Indigenous communities and public review locations. The comment period was extended and ongoing follow-up via email and phone calls were made to seek interest in the additional opportunity to provide feedback, including efforts to set up meetings to answer any questions. The Proposed ToR was approved with amendments on October 28, 2021. The proposed ToR will be the roadmap for planning and decision-making during the EA and it outlines how the EA will be prepared, including what studies will be conducted, the process to identify and assess effects and how people will be consulted and engaged.
- **Pivoting to Virtual Consultation and Engagement During COVID-19**
Some Indigenous communities expressed challenges engaging on the Project during COVID-19 and also experienced various States of Emergencies. Additional time was requested to allow for safe in-person

engagement to discuss the Project. MFFN voluntarily offered the ToR to be available for an extended period (60-day review period instead of the legislatively mandated 30-day comment period) and accepted comments past the 60-day deadline. MFFN also committed to working with each Indigenous community to understand how they would like to be engaged if traditional formats couldn't take place due to COVID-19, and collaborated with communities to determine a path forward. During this reporting time period, some communities also expressed challenges in gathering Elders and Knowledge Holders to review Project-related information as a result of COVID-19. MFFN made effort to offer online meetings or conference calls to safely conduct engagement activities during the pandemic. In addition, significant efforts were made to make educational materials (Discussion Guides, Value Component videos) and feedback-gathering activities (surveys) available online (see **Field Studies and Education, Consultation and Engagement on Valued Components below**).

- **Introduction of Community Consultation Co-ordinators (CCC)**

To support the EA consultation and engagement program, and data gathering activities, as well as assist with in-person and virtual / social distanced in-community engagement and consultation, the Community Consultation Co-ordinators Program was introduced and offered to individual Indigenous communities as a paid position to support the Project.

- **Aboriginal and Treaty Rights and Interests and Indigenous Knowledge (IK) Program**

An important part of the assessment process is collecting IK and information on Indigenous land and resource use to help understand baseline (existing) conditions, predict the potential effects of the Project, and determine appropriate impact management and monitoring measures. The IK Program was developed with an aim to collect IK relevant to the Project and information on Indigenous land and resource use in the vicinity of the Project area. The IK Program strives to collaborate with interested Indigenous communities and to discuss how relevant information will become part of the assessment processes and Project planning and design. During this reporting time period, an IK Program Fact Sheet and Guidance Document were circulated to Indigenous communities, along with a Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo, including GIS shapefiles, to seek feedback on information provided. The Memo was then revised based on information provided and recirculated.

- **Field Studies and Education, Consultation and Engagement on Valued Components**

Several field programs took place during this reporting time period. To help Indigenous communities, government agencies and interested persons better understand the field studies related to valued components, Discussion Guides were distributed with plain language information about what the Project is studying, why it's important and questions to solicit feedback before the studies take place. Educational videos on valued components were also shared online.

The Interim RoCE does not include comments / responses from the Agency's Comment Registry; those comments are managed through another parallel process.

The following sections describe the main consultation and engagement activities undertaken during preparation of the Interim RoCE. Issues received through consultation and engagement activities during this time are included in **Sections 3 to 5**.

1.4 Project Notifications and Information Releases

In October 2020, the Notice of Submission of the Proposed ToR was circulated to the MFFN community, neighbouring Indigenous communities, government agencies, and interested persons which includes individuals or groups that are potentially affected by the Project and / or have an interest in the Project including, but not limited to the, following:

- Residents of the Municipalities of Greenstone and Thunder Bay;
- Those with recreational interest (e.g., hikers, campers, hunters and environmental groups);
- Camp operators and outfitters;
- Resource users (e.g., forestry, trappers, outfitters, mining and mineral tenure holders in the area);
- Interested businesses; and
- Community and public interest groups.

While this list is not intended to be an exhaustive list of potentially interested persons, it is intended to provide an initial understanding of groups that are in proximity to the Project, or of people and organizations who may have an interest in the potential effects associated with the Project. The Project Contact List will be continually updated as the EA process continues.

The Notice of Submission of the Proposed ToR was provided in English and French.

To support the circulation of the Notice of Submission of the Proposed ToR, notices were distributed via mail and email to people identified on the Project Contact List and advertisements were placed on Wawatay Radio and CFNO Radio on October 23, 2020 (in English, Cree and Oji-Cree). The MFFN CAR Project Team worked with MECP to finalize a circulation list that provided geographic coverage in a variety of mediums (e.g., mail, fax, email, newspapers and radio) for potentially interested Indigenous communities and Indigenous Peoples. A copy of the Notice and other Project-related information was posted on the Project website. The Notice is included in **Appendix A** and was published in the following newspapers:

- Geraldton Times Star;
- Chronicle Journal;
- Thunder Bay Source;
- Wawatay News;
- TBNewsWatch;
- Northern Ontario Business;
- Windspeaker; and
- Anishinabek News.

The Project website (www.martenfallsaccessroad.ca) was periodically updated with Project information including all relevant Project notices (e.g., Notice of Submission, Discussion Guides, videos, monthly E-Blasts) and other Project-related materials such as mapping. A unique Proposed ToR webpage was developed with plain language videos, in both English and Ojibway, to explain the changes introduced since release of the Draft TOR and an updated fact sheet (in English, Ojibway, Oji-Cree and Cree).

The Proposed ToR was also provided in print and / or on a USB drive to Indigenous communities, members of the EA Government Review Team. Copies were also made available at the following public viewing locations, however, this was at the height of COVID-19 and some locations were closed due to restrictions and not many people visited the open locations to view materials:

- MECP Environmental Assessment and Permissions Branch (Toronto);
- MECP Thunder Bay District Office;
- Greenstone Public Library – Geraldton Branch;
- Greenstone Public Library – Long Lac Branch;
- Matawa First Nations Office;
- Thunder Bay Public Library – Waverley Resource Library;
- Sioux Lookout Public Library; and
- Timmins Public Library.

1.5 Summary of Indigenous Community and Organization Consultation

Listed below in **Table 1-1** are, according to the MECP (in a letter dated December 19, 2018), the neighbouring Indigenous communities to be consulted and engaged on the basis that they have (or may have) constitutionally protected Aboriginal or Treaty Rights that may be adversely affected by the Project and / or who may be interested in the Project. Mishkeegogamang First Nation was added to the list of neighbouring Indigenous communities to be consulted on the Project based on the Agency's 'Preliminary List of Indigenous Communities for Proponent Engagement on the Marten Falls Access Road'. Therefore 23 Indigenous communities have been identified for engagement. Although Mishkeegogamang First Nation has not yet expressed interest in the Project, they are being provided information in conjunction with the neighbouring Indigenous communities who might be affected by or have an interest in the Project.

Table 1-1: Identified Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations

Tribal Council Affiliation	Community or Organization
Matawa First Nations Management (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ■ Marten Falls First Nation (Proponent and potentially affected Indigenous community) ■ Aroland First Nation ■ Constance Lake First Nation ■ Eabametoong First Nation (Fort Hope) ■ Ginoogaming First Nation ■ Neskantaga First Nation ■ Nibinamik First Nation ■ Webequie First Nation
Matawa First Nation and the Union of Ontario Indians (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ■ Long Lake #58 First Nation**
Mushkegowuk Council (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ■ Attawapiskat First Nation ■ Fort Albany First Nation ■ Kashechewan First Nation
Shibogama First Nations Council (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ■ Kasabonika Lake First Nation ■ Kingfisher Lake First Nation ■ Wapekeda First Nation ■ Wawakapewin First Nation ■ Wunnumin Lake First Nation
Independent First Nations Alliance	<ul style="list-style-type: none"> ■ Kitchenuhmaykoosib Inninuwug First Nation
Independent First Nations (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ■ Mishkeegogamang First Nation*** ■ Weenusk First Nation
Nokiiwin Tribal Council	<ul style="list-style-type: none"> ■ Animbigoo Zaagi'igan Anishinaabek First Nation (AZA)*
Métis Nation of Ontario (MNO)	<ul style="list-style-type: none"> ■ Métis Nation of Ontario (MNO), Region 2*
Independent Métis Nation	<ul style="list-style-type: none"> ■ Red Sky Métis Independent Nation (RSMIN)*

Notes: * Indigenous communities or organizations identified by MECP who should be consulted on the basis that they may be interested in the Project.

** MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based.

*** On September 9, 2019, the Agency identified Mishkeegogamang First Nation in the Preliminary List of Indigenous Groups for Proponent Engagement on the Marten Falls Community Access Road Project

As of October 28, 2021, 17 of these communities have expressed an interest in the Project, including meeting to understand more. Those communities MFFN has met with (primarily virtually due to COVID-19 restrictions) during the Interim RoCE period are indicated with an asterisk below (*):

- Marten Falls First Nation*;
- Aroland First Nation*;
- Attawapiskat First Nation*;

- Constance Lake First Nation*;
- Eabametoong First Nation (Fort Hope);
- Fort Albany First Nation*;
- Ginoogaming First Nation*;
- Kasabonika Lake First Nation;
- Kashechewan First Nation*;
- Kingfisher Lake First Nation'
- Long Lake #58 First Nation*;
- Neskantaga First Nation;
- Nibinamik First Nation;
- Webequie First Nation;
- RSMIN;
- Animiigoo Zaagi'igan Anishinaabek; and
- Kitchenuhmaykoosib Inninuwug First Nation.

The remaining six communities have expressed interest in receiving Project materials and may contact MFFN if they would like to meet in the future. MFFN continues outreach on an ongoing basis to these communities; providing the same milestone information (e.g., Discussion Guides, monthly E-blasts, field notices) offered to each of the 23 Indigenous communities being engaged. These communities include:

- Wunnumin Lake First Nation;
- Wapekeka First Nation;
- Wawakapewin First Nation;
- Weenusk First Nation;
- Mishkeegogamang First Nation; and
- Métis Nation of Ontario, Region 2.

Those Tribal Councils, Nations and Alliances listed in the table above, as well as the Chiefs of Ontario and Union of Ontario Indians, have been identified as potentially interested in the Project, and have been provided with information and options to meet with MFFN throughout the EA process. Mushkegowuk Council and Nokiiwin Tribal Council both held virtual meetings with MFFN during this reporting time period.

All 23 identified Indigenous communities have been contacted regularly by the MFFN CAR Project Team with conversations ranging from: follow-up on field study / valued component information (e.g., educational videos) and surveys (via Discussion Guides); regular Project email updates, including monthly E-Blasts; in-person outreach (via telephone and email); Proposed ToR comment period; the IK Program, Aboriginal and Treaty Rights and Interests Study Areas Memo; and offers to meet (e.g., Chief and Council meetings followed by meetings with the broader community). Comments, issues and questions received from Indigenous communities that can be shared publicly are included in the Interim RoCE.

From September 2020 to March 2021, follow-up calls and emails were made to the Indigenous communities to confirm that the Proposed ToR package was received, and during the comment timeline extension, to determine whether there were any questions or interest to meet to have a discussion about the Proposed ToR.

Comments on the Proposed ToR were received from the following 16 Indigenous communities / organizations / groups:

- Aroland First Nation;
- Attawapiskat First Nation;
- Constance Lake First Nation
- Fort Albany First Nation;

- Ginoogaming First Nation;
- Kasabonika Lake First Nation;
- Kitchenuhmaykoosib Inninuwug First Nation;
- Long Lake #58 First Nation;
- Marten Falls First Nation;
- Neskantaga First Nation;
- Nibinamik First Nation;
- Webequie First Nation;
- Matawa First Nations Management;
- Mushkegowuk Council;
- One member of Matawa First Nations; and
- Red Sky Métis Independent Nation;

Outreach efforts and correspondence with the Indigenous communities continued regarding their interest in the Project and the potential to meet / discuss the Project. Due to the continuation of the COVID-19 pandemic in late 2020 and into 2021, plans for in-person meetings with Indigenous communities were put on hold. MFFN, however, continued to share information on the Project, including field study notices, educational videos, and a monthly electronic news blast (E-Blast). Opportunities to consult and engage on field studies for valued components were also offered.

Ten communities, including MFFN, have expressed interest in participating in the IK Program to support the EA. An IK Program Fact Sheet and Guidance Document were circulated to Indigenous communities, along with a Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo, including GIS shapefiles, to seek feedback on information provided. The Memo was then revised based on information provided and recirculated.

In summary, the MFFN CAR Project Team has provided / offered many opportunities to consult and engage identified Indigenous communities, including:

- Submission of Project notifications, including Notice of Submission of ToR and the ToR;
- Opportunity to review / comment on the ToR, including extended opportunity to comment;
- Ongoing follow-up via phone calls and emails to confirm receipt of notifications and other distributed materials;
- Circulation of Project updates, including two newsletters and seven E-Blasts;
- Emails and phone calls to confirm interest in being consulted on the Project (for communities that had not yet expressed interest);
- Holding conference calls with community representatives and / or community meetings with nine communities, including Meetings with MFFN Chief and Council and broader community to provide an overview of the ToR in advance of public release and distribution and other Project update meetings;
- Distribution of Field Study Discussion Guides (including surveys for feedback) and Field Notices regarding specific programs;
- Distribution of plain language videos showcasing different valued components and supporting content in Field Study Discussion Guide and Notices;
- Ongoing follow-up regarding interest in the participation of Indigenous Knowledge Program to support the EA and circulation of Indigenous Knowledge Fact Sheet and Guidance Document;
- Distribution of preliminary and revised versions of the Aboriginal and Treaty Rights and Interests Study Areas Memo, including circulation of GIS shapefiles of Aboriginal and Treaty Rights and Interests Study Areas;
- Offers to meet / discuss the ToR;
- Receipt of ToR comments from 16 communities;
- Distribution of ToR comment responses via MECP;
- Receipt of comments and questions from Indigenous communities as documented in the RoCE;

Responses to comments on the Proposed ToR were provided by MECP to Indigenous communities between November 2020 and September 2021. These comments are responses are available in community-specific appendices in **Appendix B**.

MFFN members were also offered employment opportunities as Field Study Support Staff to assist with field programs. As of October 2021, 36 Field Study Support Staff opportunities have been filled by 15 MFFN community members. 13 additional MFFN community members provided vehicles, accommodation and food services in support of field study programs.

A detailed record of the efforts made to consult and engage with each of the 23 Indigenous communities and correspondence received and responses provided from the communities from August 1, 2020 to October 28, 2021 is provided in **Appendix B**. The following sections summarize key consultation activities and issues received through consultation and engagement activities during this time period. Further details regarding these events and how the issues have been addressed in the ToR, or will be considered in the EA, are provided in **Appendix B**.

1.6 Summary of Interested Persons Consultation

Interested persons are individuals and groups (e.g., associations, non-governmental organizations, industry and academia) who could have an interest in the Project, including but not limited to communities in the region, those with commercial interests (e.g., forestry, trappers, outfitters, other mineral tenure holders in the area) and recreational users or those with recreational interest (e.g., campers, hunters and environmental groups).

Between the submission of the ToR and the Minister's approval with amendments of the ToR (August 1, 2020 to October 28, 2021), there has been ongoing communication, engagement and consultation with interested persons regarding the Project. Key activities to highlight include:

- Notice of Submission of the Proposed ToR;
- Request for comments on the Proposed ToR during the review and extended review time period;
- One newsletter and six-monthly E-Blasts; and
- Distribution of educational videos.

During this interim reporting period, 11 comments were submitted directly to the MFFN CAR Project Team via email and telephone from interested persons on the following topics:

- Sampling for mercury or other metals such as chromium during the field studies / water monitoring;
- Hiring dump trucks or open tenders;
- Effects on outpost and wilderness camps from construction of the road and any plans to purchase businesses affected;
- Questions about the IK Program and IK Sharing Agreements;
- Brook Trout spawning habitat near Dusey Lake and the potential alternative road crossing of Dusey River;
- The need to consider heritage, hereditary and Traditional lands;
- Whether there will be revenue sharing;
- Whether there is a Land Use Agreement between MFFN, Ontario and Noront; and
- United Nations Declaration on the Rights of Indigenous Peoples and the Project.

Responses were provided to these questions / comments and are summarized in Section 4 with supporting documents in **Appendix C**.

In addition to comments submitted directly, four groups within the interested persons category submitted comments on the Proposed ToR:

- Twin Lakes (October 29, 2020)
- Leuenberger Air (December 19, 2020)
- Noront Resources (December 21, 2020)
- Wildlife Conservation Society (December 21, 2020)

Responses to comments on the Proposed ToR were provided by MECP February 8, 2021 to interested persons. These comments are responses are available in **Appendix E**.

1.7 Summary of Crown Government Consultation

During the course of the EA / IA development from August 1, 2020 to October 28, 2021, MFFN has discussed the Project with municipal, provincial and federal government representatives and agencies during meetings on various aspects of the EA / IA including comments received on the ToR as well as the timing for the ToR decision, technical review of discipline study plans, permitting requirements, and consultation and engagement activities, particularly as they relate to Indigenous communities.

MFFN has met with the MECP, the NDMNRF⁴, Ministry of Heritage, Sport, Tourism, and Cultural Industries (MHSTCI), the Ministry of Transportation (MTO), the Ministry of Indigenous Affairs Ontario, the Agency, CIRNAC, Health Canada, and Environment and Climate Change Canada (ECCC) during the EA / IA development from August 1, 2020 to October 28, 2021 to seek input and guidance on specific aspects of the EA / IA. Meeting summaries are provided in **Appendix D**.

The City of Thunder Bay and the Municipality of Greenstone are the closest municipalities in proximity to the Project and therefore have been included in the Project Contact List. The Municipality of Sioux Lookout and the Corporation for the Municipality of Timmins have also been added to the Project Contact List as municipalities that may have an interest in the Project.

Consultation with government agencies regarding discipline study plans also occurred between July 2020 and October 2021. Comments on discipline-specific draft study plans were received from both provincial and federal review teams between July and September 2020 with technical meetings to discuss the draft study plans occurring between September and November 2020. Final study plans were submitted on May 28 and June 11, 2021. Comments from provincial and federal agencies on the final study plans were received between July and October 2021. Discipline Work Plans for some disciplines were also submitted to government agencies for review between August 1, 2020 and October 28, 2021.

The Notice of Submission of the Proposed ToR was sent to municipal, provincial and federal agencies on October 23, 2020 including a link to the Project website and location of the Proposed ToR (AECOM 2029). In advance of the Notice of Submission, some agencies were also mailed USB's and hard copies of the Proposed ToR based on their individual preferences on October 14, 2020.

In response to the Notice of Submission of the Proposed ToR, seven government agencies submitted comments on the Proposed ToR:

- MECP (December 23, 2020);
- ENDM (December 21, 2020);

4. As of June 18, 2021, the Ministry of Energy, Northern Development and Mines (ENDM) and the Ministry of Natural Resources and Forestry (MNRF) merged to form the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)

- MNRF (December 22, 2020);
- MHSTCI (December 22, 2020);
- IAO (December 18, 2020);
- HC (November 16, 2020); and
- The Agency (December 21, 2020).

Two government agencies indicated that they did not have any comments on the Proposed ToR:

- MTO; and
- Ministry of Economic Development, Job Creation and Trade.

Responses to government agency (includes municipal, provincial and federal government representatives and agencies) comments were provided by the MFFN CAR Project Team on February 8, 2021.

Government agency comments on the Proposed ToR were related to their area of jurisdiction. The government agency comments received during the period of August 1, 2020 to October 28, 2021, including comments on the Proposed ToR, responses, and how the issues raised have been addressed in the ToR or will be considered in the EA / IS are provided in **Appendix D**.

The ToR was approved with amendments on October 8, 2021 and the Notice of Commencement of the EA for the Project was posted on October 28, 2021.

2. Consultation Snapshot

The table below provides an overview of consultation and engagement activities between submission of the ToR and Minister's approval of the ToR. Further detailed information related to outreach and consultation is provided in **Section 3, 4 and 5** of this report (neighbouring Indigenous communities, government agencies and interested persons).

Table 2-1: Consultation Snapshot – From August 1, 2020 to October 28, 2021

Project Phase:	Between Submission of ToR and Minister's Approval of ToR		
	Audience		
Activity	Indigenous Communities	Interested Persons	Agencies & Government Bodies
Individual Project Meetings			
Follow-up letters, emails, and phone calls to Indigenous communities regarding the Project.	✓		
Distribution of five notices / invites for MFFN Community Meetings.	✓		
Hosted ten meetings with MFFN community members and / or Chief and Council and / or Community Member Advisors: <ul style="list-style-type: none"> – September 25, 2020 – November 10, 2020 – May 13, 2021 – May 18, 2021 – May 31, 2021 – June 17, 2021 – July 23, 2021 – August 24, 2021 – September 10, 2021 – October 27, 2021 	✓		
Response letters to Indigenous communities regarding the Project and key issues (communities and dates of letters received: Aroland First Nation (October 20, 2020, March 26, April 23, July 30 and September 3, 2021), Attawapiskat First Nation (September 14 and November 19, 2020), Fort Albany First Nation (September 24 and October 1, 2020, May 28, July 23 and July 31, 2021), Kitchenuhmaykoosib Inninuwug First Nation (September 10, 2020), Neskantaga First Nation (September 23, 24 and 25, 2020) and Mushkegowuk Council (June 15, 2021) .	✓		
Hosted virtual meetings with: Aroland First Nation (June 22, 2021), Constance Lake First Nation (October 27, 2020), Fort Albany First Nation* (November 19, 2020), Ginoogaming First Nation (October 29, 2020), Kasabonika Lake First Nation (September 28, 2020), Long Lake #58 First Nation (October 26, 2020), Nokiiwin Tribal Council (September 23, 2021) and Webequie First Nation (August 17, 2020). See IK Program section below for IK-focused meetings.	✓		
* The MFFN CAR Project Team presented at a virtual meeting hosted by Fort Albany First Nation.			
Proposed ToR			
September 2020 - Follow-up phone calls and emails to confirm contacts for the planned Proposed ToR distribution in fall 2020.	✓	✓	✓
October 23, 2020 - Circulated Proposed ToR for review and comment including electronic and hard copy ToR and supporting documents, hard copy Project	✓	✓	✓

Project Phase:	Between Submission of ToR and Minister's Approval of ToR		
	Audience		
Activity	Indigenous Communities	Interested Persons	Agencies & Government Bodies
Fact Sheet and ToR-specific Fact Sheet (English, Oji-Cree, Ojibway and Cree) and two USBs with electronic versions of the ToR documents.			
■ September 2020 – Online-based communications and engagement activities to support the ToR distribution, including informational videos and opportunities to submit questions and comments.	✓	✓	✓
■ October to December 2020 – Ongoing follow-up to confirm receipt of Proposed ToR documents and plans to submit comments to MECP.	✓		
■ February 2021 – Circulated letters to specific Indigenous communities and groups regarding Proposed ToR comments submitted and opportunity to submit additional comments until March 31, 2021, as applicable.	✓		
■ February to March 2021 - Ongoing follow-up to confirm receipt of ToR documents and plans to submit comments to MECP during additional opportunity to comment, as applicable.	✓		
■ February to October 2021 - Ongoing conversations with Indigenous communities regarding comments on the ToR, as needed.	✓		
■ 2021 - MECP forwarded Proponent responses to Indigenous communities to the comments submitted to MECP on the Proposed ToR: <ul style="list-style-type: none"> – November 2020: Neskantaga First Nation – March 2021: Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kasabonika Lake, Kitchenuhmaykoosib Inninuwug First Nation, Long Lake #58 First Nation, Neskantaga First Nation, Matawa First Nations Management, Mushkegowuk Council, Marten Falls First Nation – May 2021: Aroland First Nation, Neskantaga First Nation, Nibinamik First Nation, RSMIN – June 2021: Fort Albany First Nation – July 2021: Constance Lake First Nation 	✓	✓	✓
■ MECP forwarded Proponent responses to government agencies and interested persons on February 8, 2021.			
Other Notices / Newsletters			
■ Circulated Air Monitoring Field Study Notice electronically to MFFN members (October 08, 2020)*.	✓*		
■ Circulated Air Monitoring Field Program Update via Facebook to MFFN members only*: <ul style="list-style-type: none"> – March 09, 2021 – May 13, 2021 	✓*		
■ MFFN Field Study Support Staff Job Posting distributed to MFFN members only*: <ul style="list-style-type: none"> – Air Monitor Job Posting (Mar 09, 2021) – Field Study Support Staff (May 26, 2021) 	✓*		
■ Circulated Project Update Newsletter (April 09, 2021) and shared September 2020 Newsletter with Proposed ToR documents online. *Select government agency recipients received this newsletter.	✓	✓	✓*
■ Circulated Monthly Project Update Email Blast (referred to as E-Blast) <ul style="list-style-type: none"> – May 2021 – June 2021 – July 2021 – August 2021 – September 2021 – October 2021 	✓	✓	✓

Project Phase:	Between Submission of ToR and Minister's Approval of ToR		
	Audience		
Activity	Indigenous Communities	Interested Persons	Agencies & Government Bodies
<ul style="list-style-type: none"> ■ Circulated Field Study Notices & Field Program Related Discussion Guides, including surveys. *Specific government agency staff received all field notices, with plans to expand the recipient list to including all agencies on the Project contact list after this reporting period. <ul style="list-style-type: none"> – Aquatics Field Study Notice (Oct 08 / 15, 2020) – Caribou Field Study Notice (Feb 03 and 12, 2021) – Bat Acoustic Monitoring Program Advanced Notice (May 12-13, 2021) – Remote Camera Discussion Guide and Survey (May 13, 2021) – Bat Acoustic Monitoring Program and Remote Camera Program Notices (June 04, 2021) – Groundwater and Geochemistry Field Program Discussion Guide and Survey (June 25, 2021) – Surface Water, Fish and Fish Habitat Discussion Guide (July 09, 2021) – Vegetation, Physiography and Peatlands Discussion Guide (July 16, 2021) – Aerial Waterfowl Field Study Discussion Guides (August 20, 2021) – Surface Water, Fish and Fish Habitat Notice (August 30, 2021) – Vegetation, Bat ARU and Ungulate Mortality Investigation Notice (September 02, 2021) – Groundwater and Geochemistry, and Remote Camera Check (October 05, 2021) 	✓		✓*
<ul style="list-style-type: none"> ■ Circulation of educational videos: <ul style="list-style-type: none"> – Groundwater and Geochemistry (Aug 26, 2021) – Surface Water, Fish and Fish Habitat (Sep 13, 2021) – Vegetation (Sep 20, 2021) 	✓	✓	✓
Stand Alone Consultation Activities			
<ul style="list-style-type: none"> ■ Meetings with MFFN Community Member Advisors to discuss and collect feedback on field programs: <ul style="list-style-type: none"> – Ungulate Remote Camera and Bat Acoustic Monitoring Field Programs (May 13 and 18, 2021) – Bird field programs (May 31, 2021) – Groundwater and Geochemistry Field Program (July 23, 2021) – Surface Water, Fish and Fish Habitat & Vegetation, Physiography, and Peatlands Field Programs (August 24, 2021) 	✓		
IK Program			
<ul style="list-style-type: none"> ■ August 2020 to October 2021 – Ongoing follow-up with the 10 communities that have expressed an interest in the IK Program to establish Memorandums of Understanding and data sharing agreements (Marten Falls First Nation, Fort Albany First Nation, Long Lake #58 First Nation, Neskantaga First Nation, Aroland First Nation, Constance Lake First Nation, Eabametoong First Nation, Attawapiskat First Nation, Ginoogaming First Nation and Kasabonika Lake First Nation). 	✓		
<ul style="list-style-type: none"> ■ August 2020 – Circulated the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo to Indigenous communities as part of the IK Program. 	✓		
<ul style="list-style-type: none"> ■ September 2020 – Circulated the Preliminary Aboriginal and Treaty Rights and Interests Study Areas GIS Shapefiles to Indigenous communities as part of the IK Program. 	✓		
<ul style="list-style-type: none"> ■ Teleconferences to discuss the IK Program and participation with: <ul style="list-style-type: none"> – Constance Lake First Nation (October 27, 2020) – Ginoogaming First Nation (October 29, 2020) 	✓		

Project Phase:	Between Submission of ToR and Minister's Approval of ToR		
	Audience		
Activity	Indigenous Communities	Interested Persons	Agencies & Government Bodies
– Long Lake #58 First Nation (October 26, 2020) – Kasabonika Lake First Nation (September 28, 2020)			
■ November 2020 – Circulated IK Guidance Document to Indigenous communities as part of the IK Program.	✓		
■ January 2021 – Circulated revised Aboriginal and Treaty Rights and Interests Study Areas Memo and IK Program Fact Sheet, updated IK Program Guidance Document and IK Program Geodatabase as part of the IK Program.	✓		
■ March 2021 – Circulated IK Program update and updated IK Sharing Agreement template for review as part of the IK Program to select Indigenous communities.	✓		
■ July to September 2021 – Continuing to solicit existing IK from Indigenous communities via other Project-related correspondence.	✓		



MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

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